

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 25 June 2019**

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

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Midlothian Council 7 May 2019	3 - 18
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## **2 Minutes of Meetings submitted for Consideration**

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

Performance, Review and Scrutiny Committee 11 December 2018	19 - 26
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Community Asset Transfer Committee 21 January 2019	27 - 28
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Police and Fire and Rescue Board 18 February 2019	29 - 32
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Business Transformation Steering Group 11 March 2019	
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Audit Committee 12 March 2019	33 - 38
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Business Transformation Steering Group 1 April 2019	
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General Purposes Committee 2 April 2019	39 - 42
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Planning Committee 2 April 2019	43 - 52
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Cabinet 9 April 2019	53 - 60
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Business Transformation Steering Group 29 April 2019	
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## **3 Minutes of Meetings submitted for Information**

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

Midlothian Integration Joint Board 11 April 2019	61 - 68
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### **Short Life Working Group**

Dalkeith Town Centre 28 February 2019	
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# Minute of Meeting



## Midlothian Council

Date	Time	Venue
7 May 2019	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

### In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Acting 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	Garry Sheret, Head of Property and Facilities Management
Alan Turpie, Legal Services Manager and Monitoring Officer	Verona MacDonald, Democratic Services Team Leader
Mike Broadway, Democratic Services Officer	Magnus Inglis, Resource Officer, Education (for item No. 8.3)
Annette Lang, Strategic Service Redesign Manager (for item No. 8.5)	

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

Mr V. Bourne	Mrs E. Morton
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## 1. Apologies for Absence

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The Clerk intimated apologies on behalf of Councillors Curran, Johnstone, Milligan and Winchester.

## 2. Order of Business

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The Clerk advised that a Question to the Leader, timeously lodged by Councillor Hackett, would be considered under Item 6 and the report marked “to follow” and numbered 9.5 on the agenda, which had subsequently been circulated had been renumbered Item 8.6 because it had not been necessary to mark it not for publication. Therefore it could be considered in the public part of the meeting.

## 3. Declarations of interest

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None intimated.

## 4. Deputations

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

## 5. Minutes of Previous Meetings

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5.1 The Minute of the meeting of Midlothian Council which took place on 26 March 2019 was submitted and unanimously approved as a correct record. The Provost was authorised to sign the Minute as a true record of the meeting.

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

Meeting	Date of Meeting
Petitions Committee	18 September 2018
Appeals Committee	17 December 2018
General Purposes Committee	22 January 2019
Planning Committee	19 February 2019
Cabinet	26 February 2019
Local Review Body	5 March 2019
Midlothian Integration Joint Board	14 February 2019
Special Midlothian Integration Joint Board	14 March 2019

## 6. Question to the Leader of the Council

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It was noted that a question by Councillor Hackett to the Acting Leader of the Council had been circulated separately from the agenda and was in the following terms:-

“Colin Beattie MSP, Christine Graham MSP and the Midlothian SNP Group have made recent public statements claiming the Scottish Government's Revenue Support Grant to Midlothian Council for 2019/20 increased by 5.98% or £10.35 million.

Can the Acting Leader please confirm -

- the final Revenue Grant Settlement from the Scottish Government to Midlothian Council;
- what additional responsibilities the Scottish Government placed on Midlothian Council as part of the Revenue Support Grant;
- what are the actual costs of these responsibilities compared to the money allocated to the Council;
- what inflationary costs the Council expect to face in the coming financial year;
- that the information regarding Midlothian Council's financial position was communicated to our local MSPs prior to their final vote on the Scottish Government Budget”

Councillor Wallace, by way of a point of order, stated that Standing Orders required a Question to the Leader to be lodged timeously whereas the question had only been circulated to Members on Friday. He suggested it should be removed from the agenda and placed on the agenda for the June meeting. This view was seconded by Councillor Cassidy. The Provost sought advice from the Monitoring Officer who advised that the Question had been received timeously and therefore was competent. Councillor Wallace then enquired why the Council had Standing Orders when they could be dismissed and the opposition do not get an opportunity to respond to a response by the Leader.

Thereafter, the Acting Leader, Councillor Muirhead, advised that the response was his responsibility and not for the opposition to then respond to. He advised officers had confirmed the Question had been lodged in compliance with Standing Orders.

Councillor Wallace, by way of a Motion, seconded by Councillor Cassidy, moved that Standing Orders be suspended, because the Question was not urgent and by deferring it to the June meeting, this would give the SNP Group an opportunity to consider and respond. The Monitoring Officer advised that given 14 Elected Members were in attendance, suspension of Standing Orders would require 9 to vote in favour of Councillor Wallace's Motion. On a vote being taken by way of a show of hands, 6 votes were cast for the Motion and 4 against. On the basis that the required number of votes had not been achieved the Motion was considered to be not effective.

Councillor Parry by way of a point of order advised that the person who speaks to the Question should not be the submitter but the Acting Leader as the person responsible for responding to it. Councillor Hackett spoke briefly with regard to the Question he had submitted and the Acting Leader summarised his response,

and noted that written copies of the <sup>4</sup> full response had been circulated prior to the meeting commencing (Appendix 1 hereto)

## 7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	<b>The International Fair Trade Charter</b>	<b>Councillor Muirhead</b>	<b>Councillor Russell</b>
<b>Motion:</b>			
<p>The Motion was in the following terms:-</p> <p><i>“The International Fair Trade Charter is a comprehensive document which lays out the purpose and aims of fair trade, as agreed by the World Fair Trade Organisation and Fairtrade International, 2 of the biggest global fair trade organisations.</i></p> <p><i>The objectives of the Charter are:-</i></p> <ol style="list-style-type: none"><li><i>1. To support the work of fair trade organisations in raising awareness among consumers and citizens of the importance and impact of fair trade, so that more people will be inspired to join and support it.</i></li><li><i>2. To facilitate collaboration among fair trade organisations by connecting their specific missions and strategies with the common philosophy of the movement, and to promote collaboration with the solidarity economy, organic agriculture movements and others that fight for similar goals to the fair trade movement.</i></li><li><i>3. To enable others who work with fair trade organisations (in government, academia or the private sector) to recognise the values and approaches that unite the global movement.</i></li></ol> <p><i>Signing up to the Charter allows organisations to strengthen support for the principles of fair trade in the local area, whilst strengthening the role of the Charter itself.</i></p> <p><i>That Midlothian Council;</i></p> <p><i>agrees in principle to support the aims and objectives of the Charter and instructs that officers bring a report to the August Council meeting detailing any possible implications there may be, financial or otherwise, prior to Midlothian Council formally adopting the charter”.</i></p>			
<b>Summary of discussion</b>			
<p>The Council heard from Councillor Muirhead who formally moved the Motion, which was seconded by Councillor Russell.</p>			
<b>Decision</b>			
<p>The Council unanimously supported the Motion.</p>			

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.2</b>	<b>Construction Charter</b>	<b>Councillor Imrie</b>	<b>Councillor Wallace</b>
<b>Motion:</b>			
<p>The Motion was in the following terms:-</p> <p><i>“As a Local Authority we are responsible for the procurement of a multitude of construction projects. It is therefore appropriate that we, as a responsible client, enter into this agreement and commit to working with the appropriate trade unions, in order to achieve the highest standards in respect of; direct employment status, health &amp; safety, standard of work, apprenticeship training and the implementation of appropriate nationally agreed terms and conditions of employment.</i></p> <p><i>The following shall be a requirement for all contractors and their supply chain engaged by this authority:-</i></p> <ol style="list-style-type: none"> <li><i>1. All parties recognise that the highest level of compliance with current HMRC regulations must be achieved where public funds are utilised. It is therefore a contractual requirement that all operatives are directly employed on a PAYE basis under a contract of employment. Furthermore the use of an intermediary pay roll company will be prohibited on all contacts.</i></li> <li><i>2. Health and safety of workers on all our construction projects is paramount. It is therefore a requirement that all contractors rigorously implement and adhere to our minimum standards for health and safety, as set out in our procurement documents. In addition we require all contractors to provide quality welfare facilities fit for purpose in accordance with the Construction Design and Management Regulation of 2015.</i></li> <li><i>3. It is a recognised fact that the presence of trade union safety representatives significantly improves safety in the workplace. Contractors and their supply chain are required to work collaboratively with the appropriate trade unions to identify and implement reasonable real-world initiatives.</i></li> <li><i>4. The Authority requires all projects to be completed to the highest standard, so as to meet the aspirations of the residents of this Authority. In order to achieve this it is recognised that it is necessary that all workers are competent and have the appropriate level of skill to carry out the work they are employed to do. To assist in the achievement of this goal the Authority’s contractors and their supply chain will ensure they retain documented evidence that all workers are competent to carry out the work they have been employed to do. They will ensure that such evidence is retained in a way as to allow the Authority, or its nominees, to audit the documentation. Possession of the recognised industry skills/grade card such as JIB or CSCS will be considered acceptable evidence.</i></li> <li><i>5. The Authority is mindful of the industry skills shortage and the need to address this through appropriate apprenticeships, including adult training in up skilling. The Authority’s contractors and supply chain will, in consultation with the Authority and other interested parties, develop and implement a programme that addresses the skills shortage and provides training opportunities to local residents.</i></li> <li><i>6. The Authority recognises the right of all construction workers to be employed under and to be protected by the appropriate national industry collective agreement. The Authority requires full compliance with all appropriate national agreements applicable to the construction industry.</i></li> <li><i>7. All contractors and their supply chain will accept the right of any trade union that is a signatory to an appropriate national agreement, to appoint shop</i></li> </ol>			

stewards, workplace health and safety representatives and union learning reps. All trade union accredited representatives will be granted appropriate time and facilities to carry out their responsibilities.

8. The Authority, its contractors and their supply chain are committed to a fair and transparent recruitment policy. All contractors and their supply chain will actively ensure that the engagement of labour is based on the individual's ability to meet the needs of the project and the specific tasks for which they are recruited to undertake.
9. The Authority, its contractors and their supply chain, agree it's not acceptable for anyone to use or make reference to any form of blacklist.
10. The Authority recognises the benefit trade unions bring to the workplace and the rights of workers to hear from trade union representative. The Authority's contractors and their supply chain are required to allow access to nominated trade union officer from trade unions that are signatories to the appropriate national agreements. Access shall mean access to welfare facilities during working times so as to allow them to consult with their members and potential members.
11. All relevant construction contracts will be required to comply with the Sustainable Buying Standard for Highways and Construction Materials, which requires structural steel and other relevant materials to be covered by BES 6001 Responsible Sourcing of Construction Product certification, or equivalent.
12. The Scottish Future Trust's Non Profit Distributing (NPD) programme alternatively known as HUBCOs, was developed to deliver infrastructure projects for the Scottish Government. As such they must include proper local community benefits, in particular local jobs and apprenticeships and help local SMEs develop the capacity to take on those infrastructure projects. The Scottish Government should work with Local Authority to produce strong and clear guidelines on Community Benefit Clauses for externally awarded contracts through HUBCOs and that those contracts uphold the working practices contained herein. Employment and skills,

We, therefore, call on Midlothian Council to agree to adopt the Construction Charter”.

#### Summary of discussion

The Council heard from Councillor Imrie who formally moved the Motion, which was seconded by Councillor Wallace.

Councillor Hardie, whilst acknowledging the terms of the Motion, expressed his concern that by passing it, the Council were restricting the choice of workers in these trades a large number of whom are self-employed and therefore in turn restricting their ability to get work. He also advised that by implementing the terms of the Motion, the Council would be adding to its costs whilst doing nothing to improve safety. He referred to the part of the Motion relating to PAYE and stated that this therefore limits the pool of people available to the Council and reiterated that it would affect people's ability to choose how they are employed.

Councillor Hackett advised that evidence suggests where there are qualified trade unions and health and safety representatives, workplaces are safer. He suggested the Motion recognised trade union representation in the workplace and with the huge amount of building work going on in Midlothian, this was a positive measure.

The Provost asked Councillor Imrie whether the Motion related to all contractors even small companies and Councillor Imrie confirmed it related to

all. Councillor Wallace advised that the Motion was trying to ensure that when someone goes to work they came home again at night.

On a vote being taken by way of a show of hands, 12 votes were cast for the Motion and none against. The Motion was therefore approved.

**Decision**

The Motion was approved.

**Action**

Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
7.3	<b>Glyphosate Weed Killers</b>	<b>Councillor Cassidy</b>	<b>Councillor Alexander</b>
<b>Motion:</b>			
The Motion was in the following terms:-  <i>“Glyphosate weed killers are being widely used by our Land and Countryside Services at Midlothian Council. This is a herbicide that has a very controversial history so much so it has been banned from use in France due to safety concerns. Recently I have had complaints about our Council spraying Dandelions in the Midlothian area. Dandelions are the first food that bees feed on at the beginning of spring, we as a Council have a responsibility to ensure the continuation of our wildlife and natural habitats. I would therefore urge elected members to support a ban on the use of these chemicals by Midlothian Council”.</i>			
<b>Summary of discussion</b>			
The Council heard from Councillor Cassidy who formally moved the Motion, which was seconded by Councillor Alexander.  Councillor Hackett advised that he was concerned about the operational impact to the Council. He moved an amendment to the Motion – that prior to further consideration of its terms, a report be obtained on the implications to the Council of proceeding. He further reminded Members that they had passed a budget less than 6 months ago and queried whether this Motion if passed could be implemented due to the need to change the budget.  Mr Turpie, the Monitoring Officer, in response to the query by Councillor Hackett, advised that the Motion was un-costed at the moment and anything which required additional finance would either need to have an additional report or the Motion would need to be cost neutral.  Councillor Wallace moved a further amendment to the Motion – that the words “to take immediate effect” be added to the final sentence of the Motion. This amendment was accepted by the proposer Councillor Cassidy, and his seconder, Councillor Alexander.  The Acting Leader queried why, if these chemicals had been used for many years, the Government had not issued guidance. He suggested that the way forward was to obtain a report. He moved an amendment that additional information be sought about the use of the chemicals with officers providing a report for consideration to a future meeting. His amendment was seconded by Councillor Munro.			

Councillor Cassidy, stated the chemical had been banned in France and States in the US. Councillor Hackett stated that at the moment the Council managed its land and verges and non-spraying would mean no more weed management and complaints would flood in from constituents.

Councillor Hardie suggested an amendment to the original Motion whereby, implementation of its terms would be delayed for a cycle (6 weeks) to allow officers to produce a report but in the meantime there would be a moratorium on the use of these chemicals. This amendment was accepted by the Proposer, and his Secunder.

On a vote being taken by way of a show of hands the amended Motion was unanimously approved.

#### Decision

The Council unanimously supported the amended Motion – a moratorium to cease using Glyphosate chemicals meantime, with a decision in relation to the terms of the substantive Motion being delayed for 6 weeks to allow officers to provide a full report for consideration at the next meeting of the Council.

#### Action

Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.4</b>	<b>Section 75 Agreements</b>	<b>Councillor Hardie</b>	<b>Councillor Smail</b>
<b>Motion:</b>			
<p>The Motion was in the following terms:-</p> <p><i>“That Midlothian Council recognises that it is essential to maintain elected member involvement in significant decision making, as a way of implementing effective community input within the planning framework.</i></p> <p><i>As such, the Council believes that councillors should have a greater input over the application of developer contributions. Communities in Midlothian are faced with growing numbers of housing developments and it is essential that Councillors are able to fully represent their electorates as to potential for community benefit, and ensure that the interests of ward members are represented at the setting of developer contributions.</i></p> <p><i>It is therefore appropriate that Midlothian, as is the practice in some other Councils, should consider establishing a committee to consider and set developer contributions. Council recognised the 5 tests that are used as the basis for acceptable developer contributions and that this committee would act within those 5 tests and in the interests of local residents.</i></p> <p><i>Council resolves to:</i></p> <ul style="list-style-type: none"> <li><i>To investigate creating a Developer Contributions Committee and;</i></li> <li><i>Instructs the Director, Resources to bring forward a paper to Council before the summer recess 2019 with proposals and options for a Section 75 Developer Contributions Committee”.</i></li> </ul>			
<b>Summary of discussion</b>			
<p>The Council heard from Councillor Hardie who formally moved the Motion, which was seconded by Councillor Smail.</p>			

In response Councillor Imrie proposed an amendment to the first bullet point above to read “to investigate creating a Developer Contributions Committee refer this to the Planning Committee” and circulated copies of the amendment which was seconded by Councillor Hackett. Councillor Hardie, as proposer and Councillor Smaill, as seconder, advised that they were happy to accept the terms of the amendment.

Councillor Cassidy welcomed that Councillor Hardie’s Motion was trying to give elected members a bit more say in the Section 75 process and gave an example of some of his frustrations in this regard.

Thereafter, the Provost confirmed that the report mentioned in the second bullet point of the Motion would come before both the Planning Committee and Council before the summer recess. Members thereafter unanimously approved the terms of the amended Motion.

#### Decision

The amended Motion was unanimously approved

#### Action

Director, Resouces/Director, Education, Communities and Economy/Legal Services Manager

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.5</b>	<b>Community Enforcement</b>	<b>Councillor Munro</b>	<b>Councillor Hardie</b>
<b>Motion:</b>			
<p>The Motion was in the following terms:-</p> <p><i>“Midlothian Council recognises the concerns of local residents due to litter, dog fouling and problem parking. The council further understands the limited resources in order to tackle these issues. While the council has limited resources to tackle these issues, it is important to adopt a flexible and smart approach to tackling problems.</i></p> <p><i>The Council resolves that officers should investigate merging the functions of parking wardens and litter/dog fouling wardens into a new role of Community Enforcement Officer with responsibilities and powers to issues fines for Littering, illegal parking and dog fouling.</i></p> <p><i>Council resolves to:</i></p> <ul style="list-style-type: none"> <li><i>• Investigate the feasibility and cost implication of merging the roles of Parking Warden, Dog Fouling Warden to create a new Community Enforcement Officer role; as is the case in some other councils.</i></li> <li><i>• Investigate giving the Community Enforcement Officers powers to issue on the spot fines for parking infractions, littering, dog fouling</i></li> <li><i>• Instructs the Director, Resources to report to Council after the summer recess with a paper detailing the potential proposals.</i></li> </ul>			

<ul style="list-style-type: none"> <li><i>Instructs officers to investigate further functions which could be mandated to Community Enforcement Officers”.</i></li> </ul>
<b>Summary of discussion</b>
<p>Councillor Munro formally moved the Motion, which was seconded by Councillor Hardie. Councillor Hackett expressed some concern with regard to the proposal due to parking enforcement being carried out under contract by a neighbouring Council, however he assumed this would be addressed as part of the further report.</p> <p>On a vote being taken by way of a show of hands, the Motion was unanimously approved.</p>
<b>Decision</b>
The Council unanimously supported the Motion.
<b>Action</b>
Director, Resources

## 8. Reports

Agenda No.	Report Title	Presented by:
<b>8.1</b>	<b>School Session Dates for the Academic Year 2020/21 – Report by Acting Head of Education</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of the report which having been approved by the Cabinet was for noting. She further advised that 2 additional session dates would be added once known. Councillor Hackett requested that the information be circulated to all interested parties because he had received feedback that not all persons with an interest had been notified.</p>		
<b>Decision</b>		
The Council noted the terms of the report and that it had been agreed by the Cabinet on 9 April 2019.		
<b>Action</b>		
Acting Head of Education		

Report No.	Report Title	Presented by:
<b>8.2</b>	<b>Early Learning and Childcare Expansion Update and Admission Policy – Report by Director, Education, Communities and Economy</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Director, Education, Communities and Economy who advised that the report was before Council for noting having been approved by the Cabinet on 9 April 2019.</p> <p>The Acting Leader of the Council advised that this was not as well funded as it should be. Councillor Parry queried the hybrid start date changes and sought</p>		

clarification in relation to children who had birthdays between January and March where their parents decide to defer for a year. In response, Magnus Inglis confirmed that the only change was to the start date not the policy and children in the scenario described by Councillor Parry would not suffer any detriment. Councillor Lay-Douglas with reference to Page 25 additional expenditure asked how this would affect the Council's budget position. The Head of Finance and Integrated Service Support advised that the Scottish Government made provision by way of a ring-fenced grant and this was still a live issue which may require to come back to Council should a shortfall be anticipated.

#### Decision

The Council noted the terms of the report approved by Cabinet on 9 April 2019.

#### Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.3</b>	<b>Learning Estate Strategy Update – Report by Director, Education, Communities and Economy</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of the report which provided an update on the work which had been undertaken in further developing the Learning Estate Strategy including an assessment of the costs and funding gap associated with its implementation.</p> <p>Councillor Parry advised of her opposition to the closure of Glencorse Primary School. The Acting Leader advised that the overriding factor was the educational welfare of pupils and that any changes would be made out of necessity. Members were aware of the difficulties that the Council had experienced in recruiting staff for some schools which included attracting senior staff. He advised 4 schools were now being managed by 2 head teachers because of the problem.</p> <p>Mr Bourne commented that consultation was important to ensure people went with the Council but that the Council had to implement policies. He said he was happy about the detail relating to Shawfair but noted there was no denominational primary school provision in the area.</p>		
<b>Decision</b>		
The Council agreed to note the content of the report and endorsed the work officers were undertaking to develop a strategic solution to funding the Learning Estate Strategy.		
<b>Action</b>		
Director, Education, Communities and Economy		

Report No.	Report Title	Presented by:
<b>8.4</b>	<b>Idox Uniform Upgrade to Hosted Platform – Report by Head of Finance and Integrated Service Support</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>Prior to presentation of the report, the Provost sought guidance from the Monitoring Officer regarding whether the implementation of the terms of the report would affect the budget and/or reserves position. Mr Turpie advised that by implementing the recommendations of the report the budget position would be affected, however this was not information which was known when the budget was approved.</p> <p>Mr Fairley then spoke to the terms of the report which set out the rationale for upgrading the Idox Uniform system and moving it to a hosted platform.</p> <p>The Acting Leader commented that it was unfortunate the Council did not know about this during the budget setting process. He further advised that previously this expenditure was capital. Councillor Hardie commented that the Council had to look at more ways to share services with other local authorities.</p>		
<b>Decision</b>		
<p>The Council unanimously agreed to:-</p> <p>(a) note the assessment carried out and that Idox Uniform hosted SaaS is considered to represent the best value solution and;</p> <p>(b) support a supplementary estimate, funded from reserves in 2019/20, of £142,000 and note that future year budgetary impacts would be amended as part of the budget development process for the year in question.</p>		
<b>Action</b>		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
<b>8.5</b>	<b>Volunteering in Midlothian – Report by Strategic Service Redesign Manager (Services with Communities)</b>	<b>Annette Lang</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Strategic Service Redesign Manager who introduced the report which noted the adoption of the Volunteering with Midlothian Council Policy which forms one of the foundation stones of Services with Communities and sought a nomination for the position of Volunteers Champion.</p> <p>The Provost commended the level of volunteering activity in Midlothian. Councillor Parry advised that it was Volunteers week early in June and she hoped plans were afoot to celebrate this. She subsequently nominated Councillor McCall for the position of Volunteers Champion. This was seconded by Councillor Wallace. Councillor Hardie commented that it was worthwhile highlighting the very high level of volunteering which delivered fantastic results across the district. He then nominated Councillor Munro for the position of Volunteers Champion, which was seconded by Councillor Lay-Douglas.</p>		

The Provost suggested that the Council formerly support the commitment for action in terms of Appendix 1 to the report and on a vote being taken by way of a show of hands for the appointment of the Volunteers Champion, 9 votes were cast for Councillor McCall and 3 for Councillor Munro.

Thereafter, Councillor McCall, having thanked the Council for appointing her as Volunteers Champion, reminded Members about The Big Thank you on 4 June and asked them to join in and celebrate with volunteers.

#### Decision

The Council agreed to:

- Note the new Volunteering for Midlothian Council Policy.
- Appoint Councillor McCall as Champion for Volunteering.
- Support the Commitment for Action (Appendix 1 of the volunteer policy)

#### Action

Chief Executive; Strategic Services Redesign Manager

**Sederunt:** Prior to consideration of the following items, Mrs Morton and Mr Bourne left the meeting

Report No.	Report Title	Presented by:
8.6	<b>Proposed Affordable Housing Provision from External Developer – Report by Head of Property and Facilities Management</b>	<b>Gary Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who spoke to the terms of a report marked “to follow” on the agenda but subsequently circulated which provided information on the proposed acquisition of new sites from external developers for the Council building programme.		
The Provost noted that each house would cost approximately £115k which was approximately £10k below what it would cost the Council to build.		
<b>Decision</b>		
The Council unanimously agreed to acquire houses from private developers as set out in the report.		
<b>Action</b>		
Head of Property and Facilities Management		

## 9 Exclusion of Members of the Public

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

9.1 Destination Hillend: Proposed Redevelopment of Midlothian Snowsports Centre – Report by Head of Property and Facilities Management

9.2 Acquisition of Land in Shawfair Town Centre from Network Rail – Report by Head of Property and Facilities Management

9.3 Revenue Budget: Millerhill Low Carbon District Heating Project – Report by Head of Property and Facilities Management

9.4 Rosewell Community Hub Update – Report by Director, Resources

The meeting concluded at 1.35 pm

### Response to Question to Leader from Councillor Hackett.

Colin Beattie MSP, Christine Grahame MSP and the Midlothian SNP Group have made recent public statements claiming the Scottish Government's Revenue Support Grant to Midlothian Council for 2019/20 increased by 5.98% or £10.35 million.

Can the Acting leader please confirm:-

- **The final Revenue Grant Settlement from the Scottish Government to Midlothian Council?**

*The final Revenue Grant Settlement for 2019/20, which reflects the Local Government Finance (Scotland) Order 2019 and is set out in Scottish Government Finance circular 2/2019, was £165.705m.*

- **What additional responsibilities the Scottish Government placed on Midlothian Council as part of the Revenue Support Grant?**

*The Scottish Government have placed significant additional responsibilities on Midlothian Council as part of the 2019/20 settlement. The most significant of which, together with the funding earmarked for them as part of the £165.705 million, includes:-*

- *An additional £6.158 million revenue support the expansion in funded Early Learning and Childcare (ELC) entitlement to 1,140 hours by 2020;*
- *£1.605 million for additional investment in integration, including delivery of the Living Wage and uprating free personal care, and £192,000 for school counselling services, both of which are delegated to the Midlothian Integrated Joint Board ;*
- *A further £474,000 to support expansion of Free Personal and Nursing Care for under 65s, as set out in the Programme for Government*
- *£149,000 for the implementation of the Carers Act.*

*These additional responsibilities total £8.578m. It should be noted that this is not an exhaustive list of the additional responsibilities, but the main ones detailed in the Scottish Government's settlement document*

*In addition, the settlement requires Council to commit to maintain the pupil teacher ratio nationally and secure places for all probationers who require one under the teacher induction scheme.*

*If we add the amount provided for the additional responsibilities to the value of last year's settlement, we would have expected a settlement in the amount of £167.183 and that's is just to maintain our grant at last year's levels.*

*However, as can be seen from the table in appendix 1, the Grant Settlement from Scottish Government was £165.705m, a reduction therefore in our core funding of at least £1.478m*

- **What are the actual costs of these responsibilities compared to the money allocated to the Council?**

*The actual costs of these new responsibilities will only become apparent as the year progresses. However, as an example, Scottish Government indicated in May 2018 that Midlothian would receive £7.327m to fund early year's expansion for the year 2019/20. This was less than Midlothian had indicated it would require based on extensive modelling. However when the final grant settlement was received this had been reduced to £6.928m, some £400k less, with no explanation given as to why. We are pursuing this with Scottish Government at the moment, but this serves as an example of the resources provided not meeting the proven local needs.*

- **What inflationary costs the Council expect to face in the coming financial year?**

*The supplementary financial strategy report to Council on 12 February 2019 provided an analysis of the additional costs that the Council needed to provide for in 2019/20. In terms of inflationary pressures pay inflation alone amounts to £5.8 million. This is in addition to increases in costs for energy, food and other essential day-to-day spending.*

- **That the information regarding Midlothian Council's financial position was communicated to our local MSPs prior to their final vote on the Scottish Government Budget?**

*I can confirm that Councillor Milligan provided information regarding Midlothian Council's financial position to both our local MSP's prior to their final vote on the Scottish Government Budget. He also met with Colin Beattie MSP. Christine Grahame MSP declined to attend.*

### **Councillor Jim Muirhead**

### **Appendix**

	<b>Scottish Government Grant</b>
	£m
<b>Scottish Government Grant 2018/19</b>	<b>158.605</b>
<b>New Responsibilities for 2019/20</b>	
· Early Years	6.158
· Integration	1.605
· School Counselling	0.192
· Frank's Law	0.474
· Carers Act	0.149
<b>Total for New Responsibilities</b>	<b>8.578</b>
<b>Last Year's Grant, Plus New Responsibilities</b>	<b>167.183</b>
<b>Scottish Government Grant 2019/20</b>	<b>165.705</b>
<b>Shortfall (Reduction in core grant)</b>	<b>1.478</b> <b>(-0.89%)</b>

# Minute of Meeting



## Performance, Review and Scrutiny Committee

Date	Time	Venue
11 December 2018	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

### Also in Attendance:

Grace Vickers	Chief Executive
Mary Smith	Director Education, Communities and Economy
Alison White	Head of Adult Health and Social Care
Joan Tranent	Head of Children's Services
Gary Fairley	Head of Finance and Integrated Service Support
Garry Sheret	Head of Property and Facilities Management
Ricky Moffat	Head of Commercial Operations
Morag Barrow	Head of Health and Older People's Services
Janet Ritchie	Democratic Services Officer

## 1 Apologies

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- 1.1 Apologies were received from Councillors Parry, Johnstone and Wallace.
- 1.2 In the absence of the Chair, Councillor McCall was appointed by the Committee and took the Chair.

## 2 Order of Business

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The order of Business was amended as set below.

## 3 Declarations of Interest

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No declarations of interest were intimated.

## 4 Minutes of Previous Meetings

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- 4.1 The minute of the meeting of 30 October 2018 was submitted and approved as a correct record.

## 5 Public Reports

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Agenda No	Title	Submitted by:
5.1	<b>Report for Scottish Ministers on Compliance with Climate Change Duties for 2017/18</b>	<b>Director Education, Communities and Economy</b>
<b>Outline and summary of item</b>		
<p>The purpose of this report which was approved at Cabinet on 27 November 2018 was to inform the Committee of the Council's statement of Compliance with Climate Change Duties for 2017/18 which was submitted to Scottish Government by the due date of 30 November 2018.</p> <p>The Political leadership and responsibility for Council climate change action lies with its Cabinet. The Cabinet Spokesperson for Communities and Economy is the climate change lead within the Cabinet. A cross-divisional Climate Change &amp; Sustainable Development Group (CCSDG) of officers reports to the Corporate Management Team and to Cabinet in turn. The Performance Review and Scrutiny Committee (PRSC) is responsible for reviewing performance against policy objectives and commenting on decisions and policies and their impact.</p> <p>The Director Education, Communities and Economy presented this report to the Committee highlighting the main sections contained within the report.</p> <p>Councillor Smaill raised a concern regarding a discrepancy in the figures relating to the workforce within this document compared to a previous figure he had been given and asked for clarity on the total of number of the workforce. The Chief Executive explained that there will be a presentation at the Audit Committee on Data Analytics which will answer questions on the accuracy of providing live time reporting.</p> <p>The Chief Executive also advised Councillor Smaill that she would follow up the discrepancy in the workforce figure and would provide him feedback.</p>		

<b>Decision</b>
The Performance Review and Scrutiny Committee noted the attached report as the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2017/18 which was submitted to the Scottish Ministers by the required date of 30 November 2018.
<b>Action</b>
Chief Executive

Agenda No	Title	Submitted by:
<b>5.9</b>	<b>Property and Facilities Management</b>	<b>Head of Property and Facilities Management</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Property and Facilities Management was presented by the Head of Property and Facilities Management highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Head of Property and Facilities Management responded to questions and comments raised by Members of the Committee.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.2</b>	<b>Adult and Social Care Q2 Performance Report</b>	<b>Head of Adult and Social Care and Head of Health and Older People's Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Adult Social Care was presented by the Head of Adult and Social Care and the Head of Health and Older People's Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter both Heads of Service responded to questions and comments raised by the members of the Committee.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.3</b>	<b>Customer and Housing Services Q2 Performance Report</b>	<b>Head of Customer and Housing</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Customer and Housing Services was presented by The Head of Adult and Social Care highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Acting Director Resources responded to questions raised by members of the Committee.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.4</b>	<b>Children's Services Q2 Performance Report</b>	<b>Head of Children's Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Children's Services was presented by the Head of Children's Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Head of Children's Services responded to questions and comments raised by members of the Committee.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.5</b>	<b>Education</b>	<b>Head of Education</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Education was presented by the Director Education, Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.6</b>	<b>Communities and Economy</b>	<b>Head of Communities and Economy</b>
<b>Outline and summary of item</b>		
The Quarter 2 Performance Report 2017/18 for Communities and Economy was presented by the Head of Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.7</b>	<b>Commercial Operations</b>	<b>Head of Commercial Operations</b>
<b>Outline and summary of item</b>		
The Quarter 2 Performance Report 2017/18 for Commercial Operations was presented by the Head of Commercial Operations highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the Report.		
Thereafter the Head of Commercial Operations responded questions raised by members of the Committee.		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.8</b>	<b>Finance and Integrated Service Support</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline and summary of item</b>		
The Quarter 2 Performance Report 2017/18 for Finance and Integrated Service Support was presented by the Head of Finance and Integrated Service Support highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
Thereafter the Head of Finance and Integrated Service Support responded to comments and questions raised by the Committee.		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.10</b>	<b>Midlothian Council including SMP update</b>	<b>Chief Executive</b>
<b>Outline and summary of item</b>		
<p>The Chief Executive presented the Midlothian Council Quarter 2 Performance report detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Chief Executive advised the Committee that the purpose of this report was to collate all the individual Q2 Performance reports and provide the overview summary for the Council.</p> <p>The Chief Executive advised the Committee of some of the highlights since the Q1 Midlothian Council report which included:</p> <ul style="list-style-type: none"> <li>• The Financial Recovery Plans in place which had been presented to Council and the commitment to robust financial monitoring to achieve an underspend by the end of the financial year.</li> <li>• The launch of the 'making a difference ideas' campaign and the first 11 excellent ideas received from staff will be taken forward.</li> <li>• The 19/20 Budget consultation process was also launched with public meetings taking place last week.</li> <li>• The appointment of Annette Lang to the seconded post approved by the Business Transformation Board to take forward the strategic service redesign across the Council.</li> <li>• The plans to take forward automation and data analytics.</li> </ul> <p>Thereafter the Chief Executive responded to questions and comments raised by the Committee.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
<b>5.11</b>	<b>Balanced Scorecard Indicators 2018/19 Half Year Report</b>	<b>Chief Executive</b>
<b>Outline and summary of item</b>		
<p>The Chief Executive presented the Balanced Scorecard Indicators 2018/19 half year report highlighting the 4 perspectives and key areas of focus and briefly provided an overview of the content of this report.</p>		
<b>Decision</b>		
The Performance Review and Scrutiny Committee noted the report.		

## **6 Private Reports**

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No private reports were submitted for discussion.

## **7 Date of Next Meeting**

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The next meeting will be held on Tuesday 5 February 2019 at 11 am.

The meeting terminated at 12.40 pm



# Minute of Meeting



## Community Asset Transfer Committee

Date	Time	Venue
21 January 2019	12.30 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Muirhead (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Hackett
Councillor Hardie	Councillor Winchester

### In attendance:

Kevin Anderson, Acting Director, Resources	William Venters, Principal Solicitor
Jane McLeish, Solicitor	Stephen Bermingham, Senior Communities Officer
Verona MacDonald, Democratic Services Team Leader	

## 1. Apology

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None

## 2. Order of Business

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

## 3. Declarations of interest

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None

## 4. Minute of Previous Meeting

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The Minute of Meeting held on 11 December 2018 was submitted and unanimously approved. The Chair was thereafter authorised to sign the Minute as an accurate record.

## 5. Report

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Report No.	Report Title	Presented by:
<b>5.1</b>	<b>Application from Loanhead After School Club (LASC) continued from Meeting held on 11 December 2018</b>	<b>Acting Director, Resources</b>
<b>Outline of report and summary of discussion</b>		
<p>The Acting Director, Resources spoke to the terms of the updated report circulated with the agenda. He noted that the applicants had confirmed access and use of the land by others would not be restricted should the application be granted. He drew attention to the conditions, narrated within the report, which the Committee could consider attaching should they be minded to approve the application.</p> <p>Questions were put by Members to officers and subsequently answered.</p> <p>Thereafter, Councillor Cassidy, seconded by Councillor Winchester, moved grant of the application subject to the conditions narrated within the report. No other Member was otherwise minded and therefore this became the decision of the Committee.</p>		
<b>Decision</b>		
<p>The application to lease the community garden outlined in the map (Appendix 1 to the report) was granted subject to the following conditions being attached:-</p> <p>(a) the garden will continue to be overseen by LASC but will be open to other community groups to access at any time, free of charge;</p> <p>(b) the garden will remain open to the public free of charge and no new fencing or locks will be installed;</p> <p>(c) community volunteers can continue to work in the garden whilst organised outdoor learning is happening</p>		
<b>Action</b>		
Director, Resources		

The meeting terminated at 12.45 pm

# Minute of Meeting



## Police and Fire and Rescue Board

Date	Time	Venue
18 February 2019	11.04am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Curran (Chair)	Councillor McCall
Councillor Muirhead	Councillor Munro
Councillor Small	

### In attendance:

<b>Midlothian Council</b> Verona MacDonald, Democratic Services Team Leader	Margaret Brewer, Service Manager, Criminal Justice
<b>Police Scotland</b> Chief Superintendent Lesley Clark	Chief Inspector Kenneth Simpson
Chief Inspector Arron Clinkscales	
<b>Scottish Fire and Rescue Service</b> Stephen Gourlay, Area Manager	Dean Mack, Group Manager

## 1. Welcome, Introductions and Apologies

The Chair welcomed all to the meeting.

## 2. Order of Business

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

## 3. Declarations of interest

No declarations of interest were intimated.

## 4. Minute of Previous Meeting

The Minute of Meeting of 19 November 2018 was unanimously approved and the Chair was authorised to sign it as a correct record of the meeting. The Chair advised that, by way of a follow-up, he had made contact with the relevant Head of Service within the Council regarding fire home safety visits.

Prior to consideration of the following reports the Chair on behalf of the Board took the opportunity to thank Chief Inspector Simpson for his commitment to the Board since its inception and for the quality of verbal and written reports presented by him. He wished him well with his career move which would see him leave Midlothian.

## 5. Public Reports

Agenda No.	Report Title	Presented by:
5.1.1	<b>Scottish Fire and Rescue Service – Midlothian Local Performance Report – Quarter 3, 1 October to 31 December 2018</b>	<b>Scottish Fire and Rescue Service</b>
<b>Outline of report and summary of discussion</b>		
<p>Stephen Gourlay by way of an update advised of a few matters worthy of noting:-</p> <ul style="list-style-type: none"> <li>(i) a new Chief Fire Officer for Scotland had been appointed and had been in post for approximately 4 weeks. He would take the Service forward in terms of transformation;</li> <li>(ii) 2 temporary Depute Chief Officers were also now in place;</li> <li>(iii) the training centre at Newbridge was progressing well and he expected Board Members to receive invites to the opening ceremony around May;</li> <li>(iv) a Scottish Government consultation on the way fireworks are licensed and sold was underway and he would pass on a note of the closing date to Members in due course.</li> </ul> <p>Dean Mack then provided the Board with a summary of the Quarter 3 report. He advised that it was a good report with 5 of the 6 outcomes showing as green/on target. He noted that there had been a significant decrease of over 200 incidents during the course of the year and that the Service continued to work with partners to benefit communities. He then went through each of the outcomes. He advised that fire safety endorsement audits were slightly below the target but the Service expected to be on target by the end of the reporting year and fire safety visits were slightly above.</p>		

Councillor Muirhead, with regard to house fires, enquired whether there was a pattern. Mr Mack advised that a couple related to gas fires and dishwashers. He suggested that people tend not to maintain household appliances and often leave them switched on when not in use. He explained that in today's disposable society the quality of these goods is not the same as once was but that the public are now more reliant on electric appliances. Mr Gourlay commented that the Service does now engage with manufacturers of electrical goods and that this has led to the withdrawal of some appliances from the market.

Councillor Smaill, with regard to the decrease in deliberate fires wondered if this was as a result of the work undertaken by the Service in schools. Mr Mack advised that this outcome was in effect "peaks and troughs" and whereas there was a great deal of contact with schools and he would like to say yes that he believed the figure would increase again in the near future.

#### Decision

The Board noted the terms of the Quarter 3 report.

Report No.	Report Title	Presented by:
<b>5.2.1</b>	<b>Police Scotland Midlothian Scrutiny Report October to December 2018</b>	<b>Police Scotland</b>
<b>Outline of report and summary of discussion</b>		
<p>Chief Superintendent Clark in response to the words by the Chair about Chief Inspector Simpson, paid her own personal tribute to the Chief Inspector. She then introduced Chief Inspector Arron Clinkstones who has taken over from Chief Inspector Simpson. She then provided an update on ongoing and relevant police matters:-</p> <ul style="list-style-type: none"> <li>(i) 2 new Superintendents were now in place in her team;</li> <li>(ii) she was pleased to note that the 100 day mental health challenge which was very Midlothian focused, saw officers working closely with the Council's Joint Director, Health and Social Care who took the lead and;</li> <li>(iii) the out of office urgent care hub was continuing to be assessed across the Lothians to ensure the appropriate level of care is provided to individuals with mental health issues, particularly over weekends.</li> </ul> <p>Prior to handing over to Chief Inspector Simpson she noted that the quarterly scrutiny report showed a significant increase in domestic incidents but that there was also an increase in detection which was positive.</p> <p>Chief Inspector Simpson spoke to the terms of the quarterly scrutiny report. He advised that, on the whole, the report was positive but noted the increases in drugs cases and housebreaking.</p> <p>The Chair noted that the Board were aware of the issues experienced by developers of new house sites whereby some houses were been targeted once new boilers and other electrical equipment was installed. Councillor Muirhead enquired as to whether the detection rate for domestic abuse cases was the same as the conviction rate. Chief Inspector Simpson advised that the conviction rate was outwith the control of the Police Service and therefore different from the detection rate but the increase in detection was due to evidence being available to</p>		

the officers to enable them to charge and report matters to the Procurator Fiscal Service. Councillor Muirhead, in relation to housebreaking, enquired whether there was evidence that there had been a “spate” of these. The Chief Inspector advised that there was a real mixture and it was a continual challenge for the Police. Often houses were broken into to steal high cost vehicles and sometimes an individual would go on a spree to feed a habit. He said that the vehicle thefts were the most challenging for officers but that this was a problem across central Scotland.

Questions were then put by other Board Members and subsequently answered by the Chief Inspector.

#### Decision

Thereafter, the Board noted the content of the report.

Agenda No.	Report Title	Presented by:
<b>5.2.2</b>	<b>Community Action Team Report – October to December 2018</b>	<b>Police Scotland</b>
<b>Outline of report and summary of discussion</b>		
Chief Inspector Simpson spoke to the terms of the Report which summarised the activities of the Community Policing Team during the quarter and drew attention to the positive impact the Council funded teams were having within the communities they serve.		
<b>Decision</b>		
The Board noted the terms of the Report.		

Before the meeting concluded, Chief Inspector Simpson thanked the Chair for his kind words at the beginning of the meeting and said it had been a real privilege to work in Midlothian. He believed that the partnership working now in place was a real positive aspect for the area moving forward. He paid tribute to his staff. In response the Chair also thanked the staff for the hard work they do on behalf of Midlothian residents.

The meeting terminated at 11.55 am.

# Minute of Meeting



## Audit Committee

Date	Time	Venue
Tuesday 12 March 2019	10.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

### Present:

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

### In attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Acting Director Resources
Gary Fairley	Head of Finance and Integrated Service Support
Stephen Reid	Ernst and Young
Chris Lawson	Risk Manager
Jill Stacey	Chief Internal Auditor
Elaine Greaves	Principal Auditor
Mike Broadway	Democratic Services Officer

## 1. Welcome and Apologies

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The Chair, Mike Ramsay welcomed everyone to the meeting, following which there was a round of introductions. There were no apologies.

## 2. Order of Business

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

## 3. Declarations of interest

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No declarations of interest were received.

## 4. Minutes of Previous Meetings

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- 4.1 The minutes of the meeting of 29 January 2019 were submitted and approved as a correct record having been proposed by Councillor Muirhead and seconded by Councillor Smaill.
- 4.2 The Action log was submitted and the following agreed:
- 1) 'Annual Governance Statement 2017/18' - To note the completion date for this was June 2019.
  - 2) 'Treasury Management and Investment Strategy 2019/20' - To note that the issue of further briefings on this and any other subject would be picked up as part of the self-assessment training needs analysis.
  - 3) 'Delivering Excellence – Governance Arrangements' - To note this would be addressed through the BTSG and reported back to the Audit Committee, as required.

## 5. Public Reports

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Report No.	Report Title	Submitted by:
5.1	Risk Management Q3 Update for 1 October 2018 – 31 December 2018	Risk Manager
<b>Outline of report and summary of discussion</b>		
<p>There was submitted report, dated 21 February 2019 by the Risk Manager providing the Committee with the 2018/19 Quarter 3 strategic risk management update, covering the period 1 October 2018 – 30 December 2018. The Strategic Risk Profile sought to provide a strategic look at the current issues, future risk and opportunities facing the Council.</p> <p>Thereafter Officers responded to questions and comments raised by members, which included:</p> <ul style="list-style-type: none"><li>• Shawfair.</li><li>• Developer Contributions.</li></ul>		

- Schools Learning Estate Strategy.
- Lothian Buses Pension Fund.

With regards to the Lothian Buses Pension Fund it was felt that a further report addressing the potential risks and any possible future financial implications to the Council would be useful. Consideration may also require to be given to adding it to the risk register.

#### Decision

The Audit Committee agreed to –

- seek a further report on Lothian Buses Pension Fund; and
- otherwise note the current response to the issues, risks and opportunities highlighted in the Quarter 3 2018/19 Strategic Risk Profile.

#### Action

Legal Manager/Head of Finance and Integrated Services Support/Risk Manager

Report No.	Report Title	Submitted by:
5.2	External Audit Annual Plan 2018/19 for Midlothian Council	Stephen Reid, EY, External Auditors
<b>Outline of report and summary of discussion</b>		
<p>There was submitted the Midlothian Council Annual External Audit Plan 2018/19. Stephen Reid, External Auditor presented the Plan to the Committee explaining this Annual Audit Plan was prepared for the benefit of the Council and Audit Committee and provided Members with a summary and update on the planned audit approach for the audit of the financial year ending 31 March 2019. He went on to explain that their responsibilities fell into two main areas, one in respect of the financial statements and the other in respect of their responsibility around the wider-scope public sector audit dimensions and highlighted some key sections from the Report.</p> <p>Thereafter the External Auditor responded to questions and comments raised by members of the Committee.</p>		
<b>Decision</b>		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.3	Final Internal Audit Report – Workforce Strategy and Planning	Chief Internal Auditor
<b>Outline of report and summary of discussion</b>		
<p>A report dated 22 February 2019 was presented by the Chief Internal Auditor. The purpose of this audit was to review the approach to workforce development in alignment with business and financial planning processes to provide skills, knowledge and competency requirements for service delivery to meet the Council's objectives.</p>		

Thereafter the Chief Internal Auditor in responding to questions and comments raised by Members emphasised that the audit had focused on examining and evaluating the Framework and Governance arrangements rather than the specifics of the Policy itself, which were picked up elsewhere.

#### Decision

The Audit Committee noted the content of the report.

Report No.	Report Title	Submitted by:
5.4	Final Internal Audit Report – Information Governance Framework and GDPR	Chief Internal Auditor

#### Outline of report and summary of discussion

A report dated 22 February 2019 was presented by the Chief Internal Auditor. The purpose of this audit was to review the Council's Information Governance Framework including roles and responsibilities, policy development, and implementation. This included a review of the Council's compliance with the requirements of the General Data Protection Regulations (GDPR).

Thereafter a discussion took place regarding the take-up of the GDPR training module and the monitoring of data breaches. It was highlighted that the low completion level for Elected Members would be reviewed and if required additional follow up would be taken to encourage completion. It was further reported that key areas where data breaches may occur – letters/email being sent to the wrong person - were being targeted, with control/monitoring be undertaken by the Information Management Group (IMG) and Corporate Management Team (CMT). It was also acknowledged that a dedicated Data Protection Officer (DPO) appointment had now been made.

#### Decision

The Audit Committee noted the content of the report.

Report No.	Report Title	Submitted by:
5.5	Internal Audit Strategy and Annual Plan 2019/20	Chief Internal Auditor

#### Outline of report and summary of discussion

There was a report submitted dated 12 February 2019 presented by the Chief Internal Auditor for approval to the proposed Internal Audit Strategy and Annual Plan 2019/20 to enable the Chief Internal Auditor to prepare annual opinions on the adequacy of the overall control environment of Midlothian Council, and Midlothian Health and Social Care Integration Joint Board.

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

The Internal Audit Annual Plan 2019/20 developed by the Shared Chief Internal Auditor is presented at Appendix 2. The proposed reviews have been grouped into key themes as set out in the Internal Audit Strategy at Appendix 1.

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

#### **Decision**

The Audit Committee approved the Audit Strategy and Annual Plan 2018/19.

#### **Action**

Chief Internal Auditor

### **6. Private Reports**

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No private business was discussed.

### **7. Date of Next Meeting**

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The next meeting will be held on Tuesday 28 May 2019.

The meeting terminated at 11.42 am



# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
2 April 2019	10.03 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Smaill (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Imrie
Councillor Lay-Douglas	Councillor Muirhead
Councillor McCall	Councillor Munro
Councillor Russell	Councillor Wallace

### In attendance:

Verona MacDonald	Democratic Services Team Leader
Alan Turpie	Legal Services Manager
Inspector John Dryden	Police, Scotland
Sergeant John Fortune	Police, Scotland
Inspector Kevin Smith	Police, Scotland
Steven Thomson	Trading Standards Manager
Edel Ryan	Group Manager, Environmental Health

## 1. Apologies

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The Clerk intimated apologies for absence on behalf of Councillors Johnstone, Parry and Winchester.

## 2. Order of Business

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

## 3. Declarations of interest

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Councillor Curran indicated he would be declaring an interest in the applications on the agenda relating to private hire and taxis on the basis of his business interests in the taxi trade. He further advised that with regard to the Taxi Driver application he also personally knew the applicant. Councillor Muirhead declared an interest in the Private Hire Car Driver application.

## 4. Minute of Meeting

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The Minute of Meeting of 22 January 2019 was considered and approved. The Chair was thereafter authorised to sign the Minute as an accurate record of the meeting.

## 5. Public Reports

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Report No.	Title	Presented by:
5.1	Caravan Sites and Control of Development Act 1960 (as amended) – Procedure for Determination of Applications etc regarding the Licensing of Permanent Residential Caravan Sites – Report by Director, Education, Communities and Economy	Group Manager, Environmental Health
<b>Outline of report and summary of discussion</b>		
<p>The Committee heard from Edel Ryan, Group Manager, Environmental Health who spoke to the terms of a report which sought approval for the arrangements to dispose of licensing applications made in relation to permanent residential caravan sites including checking on the fit and proper person status of an individual making an application. She advised that all existing caravan sites must apply for a new 5 year renewable licence by 1 May 2019 and that the local authority must determine an application within 3 months of receipt failing which the application was automatically approved. She continued by advising of the legislative requirements regarding the fit and proper person test.</p> <p>Following initial discussion of the terms of the report, the Chair decided that the remainder of the Committee's deliberations would be held in private. The reason for this was to allow Members to have a fuller conversation regarding the implications for the Council of the introduction of the amended legislation and this may include mention of individual sites and was therefore exempt in terms of Paragraphs 2, 3 and 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973.</p>		

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

**In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 2, 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 5.1 Caravan Sites and Control of Development Act 1960 (as amended) – Procedure for Determination of Applications etc regarding the Licensing of Permanent Residential Caravan Sites
- 6.1 Application for a Second Hand Car Dealer Licence – J. Caruana
- 6.2 Application for a Private Hire Car Driver Licence – G. Flanagan
- 6.3 Application for a Taxi Driver Licence – W. Mack

The Meeting terminated at 11.45 am



# Minute of Meeting



## Planning Committee

Date	Time	Venue
2 April 2019	1.00 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 Lay-Douglas
Councillor McCall	Councillor Muirhead
Councillor Munro	Councillor Russell
Councillor Smail	Councillor Wallace

### In Attendance:

Mary Smith, Director, Education, Communities and Economy	Peter Arnsdorf, Planning Manager
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Mike Broadway, Democratic Services Officer	

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillors Johnstone, Milligan, Parry and Winchester.

## 2. Order of Business

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

## 3. Declarations of interest

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No declarations of interest were received

## 4. Minutes of Previous Meetings

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The Minute of Meeting of the Committee which took place on 19 February 2019 was submitted for approval. The Committee unanimously approved the Minute and the Chair was authorised to sign it as a true record of the meeting.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Development Plan Scheme for Midlothian Number 11	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy seeking approval for the Development Plan Scheme for Midlothian No. 11 (DPSM11) which was required to be published annually to satisfy legislative requirements. Each year local planning authorities were required to prepare and submit a Development Plan Scheme (DPS) to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for its area over the coming twelve months.		
Decision		
The Committee, having heard from the Planning Manager:  (a) Approved the Development Plan Scheme for Midlothian No.11 (DPSM11); a copy of which was appended to the report; and  (b) Agreed to the publication of the DPSM11, copies to be placed in all public libraries and to formally submit a copy to Scottish Ministers.		
Action		
Director, Education, Communities and Economy/Planning Manager		

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

Outline of report and summary of discussion
<p>There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in Appendices A and B attached to this report.</p>
Decision
The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2019 and the updates for each of the applications.
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in March 2019 and two appeal decisions received from Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> <li>Dated 12 March 2019, upholding an appeal by Midlothian Developments against refusal of planning permission for the erection of one dwellinghouses at Land adjoining Airybank House, Quarrybank/Kilns Road, Cousland (18/00592/DPP) and granting planning permission, subject to conditions; and</li> <li>Dated 12 March 2018, upholding an appeal by Midlothian Developments against refusal of planning permission for the erection of three dwellinghouses at Land adjoining Airybank House, Quarrybank/Kilns Road, Cousland (18/00593/DPP) and granting planning permission, subject to conditions, and a legal agreement.</li> </ul>		
Decision		
<p>The Committee:</p> <p>(a) the decisions made by the Local Review Body at its meetings on 5 March 2019; and</p> <p>(b) the outcome of the appeals determined by Scottish Ministers</p>		
Action		
Planning Manager		

<b>Sederunt</b>
Councillor Hackett joined the meeting during consideration of the foregoing item of business, at 1.03 pm.

Agenda No	Report Title	Presented by:
5.4	Supplementary Guidance: Resource Extraction	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 22 January 2019, there was submitted report, dated 22 March 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Resource Extraction Supplementary Guidance.

The report explained in particular that –

- the required public notification/advertisement advising that the Resource Extraction Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 31 January 2019; and
- Scottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 19 February 2019 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance

#### Decision

The Committee, having heard from the Planning Manager, noted the update on adoption of the Special Landscape Areas Supplementary Guidance.

#### Action

Planning Manager

Agenda No	Report Title	Presented by:
5.5	Supplementary Guidance: Food and Drink and Other Non-Retail Uses in Town Centres	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.1 of the Minutes of 20 November 2018, there was submitted report, dated 22 March 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance.

The report explained in particular that –

- the required public notification/advertisement advising that the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 28 February 2019; and

<ul style="list-style-type: none"> <li>Scottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 4 March 2019 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance</li> </ul>
<b>Decision</b>
The Committee, having heard from the Planning Manager, noted the update on adoption of the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance.
<b>Action</b>
Planning Manager

Agenda No	Report Title	Presented by:
5.6	Tree Preservation Order for Trees at the Former Wellington School Site and on Land to the South and East of Ard Craig, Penicuik	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>With reference to paragraph 6.1 of the addendum of the Minutes of 28 August 2018, there was submitted report, dated 22 March 2019 by the Director, Education, Communities and Economy, concerning the Tree Preservation Order made to protect the trees and groups of trees on land at the former Wellington School and on land to the south and east of Ard Craig. Penicuik (residential property off the A701) between the A701 and the Lead Burn.</p> <p>The report explained that the TPO which had come into effect on 5 December 2018 would remain in effect for six months, unless the Local Planning Authority 'confirmed' the TPO. To 'confirm' the Order the Local Planning Authority must register the TPO in the Land Register of Scotland, place a copy on its own TPO register and notify the Forestry Commission, interested persons and any person who has made a representation</p> <p>The Committee, having heard from the Planning Manager, acknowledged that protecting trees with a preservation order did not prevent the owners from carrying out necessary work to the trees or to improve the land, it simply ensured that such works were carried out in accordance with an appropriate management plan which has to be agreed with the Council in advance.</p>		
<b>Decision</b>		
The Committee agreed to confirm the TPO to protect the trees and groups of trees on land at the former Wellington School and on land to the south and east of Ard Craig. Penicuik (residential property off the A701) between the A701 and the Lead Burn.		
<b>Action</b>		
Planning Manager/Legal Services Manager		

Sederunt		
<p>With reference to item 3 above, Councillor Hackett declared a non-pecuniary interest in the following item of business, on the grounds that not long after being elected as a Councillor he had naively offered a view making reference to this particular application. He withdrew from the meeting at 1.08 pm, taking no part in the consideration thereof.</p>		
Agenda No	Report Title	Presented by:
5.7	Proposed erection of 64 Dwellinghouses; Car Parking and Associated Works at Land South East of Tynewater Primary School, Crichton Road, Pathhead (19/00076/PAC)	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 22 March 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding the proposed erection of 64 dwellinghouses; car parking and associated works at land south east of Tynewater Primary School, Crichton Road, Pathhead (19/00076/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>		
Summary of Discussion		
<p>The Committee, having heard from the Planning Manager, discussed the potential for the developers to enter into dialogue with the A68 Group, who themselves were in discussion with Transport Scotland, as trunk roads authority, regarding road safety in Pathhead. Concerns having been raised about the fact that the development site was on the opposite side of the A68 to many facilities.</p>		
Decision		
<p>The Committee noted:</p> <ul style="list-style-type: none"> <li>(a) The provisional planning position set out in the report;</li> <li>(b) The comments made by Members; and</li> <li>(c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul>		
Action		
Director, Education, Communities and Economy; Planning Manager		

<b>Sederunt</b>
Councillor Hackett rejoined the meeting at the conclusion of the foregoing item of business at 1.12 pm.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the Erection of a Community Facility incorporating Primary School; Early Years Provision; Library and Leisure Facilities at Land at Danderhall Primary School and Danderhall Recreation Ground, Edmonstone Road, Danderhall (18/00735/DPP).	Peter Arnsdorf

#### Outline of report and summary of discussion

There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, acknowledged the importance to the local community of delivering on the proposals to mitigate the loss of the informal open space through access to facilities being made available out of hours.

#### Decision

The Committee agreed to grant the planning permission for the following reasons

*The site is located within the settlement boundary of Danderhall and on a site with an established educational and community use and as such there is presumption in favour of an appropriate educational and community use development. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies. The presumption for development is not outweighed by any other material considerations.*

subject to the detailed conditions set out in the report.

#### Action

Planning Manager

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission in Principle for Residential Development and Associated Works at Site HS19 Land to the Northwest of Moat View, Roslin (18/00535/PPP).	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.		

Having heard from the Planning Manager, the Committee considered the potential use of developer contributions towards Roslin Country Park, the provision for affordable housing; and the likely impact of the proposal to link the spine road within the proposed development site to the spine road within the neighbouring Chapel Lawns development to the west on Core Path 29, which was the subject of a 450 signature online and paper petition.

#### Decision

The Committee, after further discussion, agreed to grant the planning permission for the following reason:

*The proposed development site is identified as being part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed residential development. This presumption in favour of development is not outweighed by any other material considerations.*

subject to:

- i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, the A701 Relief Road, community facilities/space and the maintenance of children's play areas/open space.

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

- ii) the detailed conditions as set out in the report.

#### Action

Planning Manager

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the erection of 43 dwellinghouses and 8 flatted dwellings; the formation of associated access road; and a sustainable urban drainage system (SUDS) on land 65m west of Rosslyn Bowling Club, Main Street, Roslin (18/00703/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>The Committee, having heard from the Planning Manager, discussed seeking developer contributions from this and other proposed developments along the A701 corridor towards improved public transport links.</p>		

Decision
<p>The Committee agreed to grant the planning permission for the following reason:</p> <p><i>The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions. There would be no significant harm to the amenity of any neighbouring property. The presumption for development is not outweighed by any other material considerations.</i></p> <p>subject to:</p> <ul style="list-style-type: none"> <li>i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, the A701 Relief Road, community facilities/space, the maintenance of children's play areas/open space and public transport.</li> </ul> <p>The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.</p> <ul style="list-style-type: none"> <li>ii) the conditions as set out in the report.</li> </ul>
Action
Planning Manager

## 6. Private Reports

No private business was discussed.

## 7. Date of Next Meeting

The next meeting will be held on Tuesday 14 May 2019.

The meeting terminated at 1.42 pm



# Minute of Meeting



## Cabinet

Date	Time	Venue
9 April 2019	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Muirhead – Depute Convener	
Councillor Imrie	
Councillor Curran	
Councillor Hackett	

### Religious Representatives:

Mr Vic Bourne	
Mrs Elizabeth Morton	

## 1 Apologies

Apologies were received on behalf of Councillor Milligan (Convenor)

## 2 Order of Business

The Clerk advised that the Depute Convener had agreed to consider Item No 6.2 "Irrecoverable Debt Write-Off - Report by Acting Head of Customer and Housing Services" as the first item of business to be considered due to the attendance of Fiona Law, City of Edinburgh Council to provide information on this matter to the Cabinet. As this was a Private report the Cabinet agreed to immediately proceed to private session in order to consider this matter as well as the other private business on the Agenda.

## 3 Declarations of interest

No declarations of interest were received.

## 4 Minutes of Previous Meetings

The Minutes of Meeting of the Cabinet held on 26 February 2019 were submitted and approved as a correct record.

## 5. Reports

Agenda No.	Report Title	Presented by:
5.1	Inspection of Hawthorn Family Learning Centre	Head of Children's Services
<b>Outline of report and summary of discussion</b>		
The report outlined the outcome of the above unannounced inspection as carried out by the Care Inspectorate in November 2018.		
Based on the findings of this inspection the Care Inspectorate awarded the following grades:		
Quality of Care and Support		Grade 6 – Excellent
Quality of Environment		Grade 5 – Very Good
Quality of Staffing		Not assessed
Quality of Management and Leadership		Not assessed
The Inspection Team noted the following strengths:		
<ul style="list-style-type: none"><li>A considerable strength of the experienced and well qualified staff team was their ability to work together sharing the joint goals of supporting children to reach their potential and of empowering families.</li><li>Well established links with support services together with confident staff who were experienced in identifying when children would benefit from additional support, led to timeous referrals.</li><li>Staff had built strong positive attachments with children and care was taken to ensure that when children moved into and on from the service this was done with full regard to their specific needs and was not rushed, contributing to children feeling secure and confident.</li></ul>		

- Staff respected children and supported their independence by reviewing the layout of the playrooms so that children could move around freely.
- Staff were kind and caring in all of their interactions with children which helped the very young children to experience a sense of achievement and self-worth.

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

- The manager and staff should continue to make the changes identified to the environment ensuring that it meets the needs of the younger age group. This statement was around the 2 year olds moving into a bigger at the time of the Inspection, and there were a few finishing touches still required to be done to the room. These have now been completed.

The Care Inspectorate concluded that Hawthorn Family Learning Centre continues to maintain the excellent level of care and learning opportunities offered to all children and families.

The Head of Children's Services was heard in amplification of this report during which she paid tribute to Head Teacher Evelyn Brownright who would be retiring from her post after 30 years' service.

Councillor Muirhead also took the opportunity to praise the outstanding service and contribution of Ms Brownright and expressed on behalf of the Cabinet their appreciation of this work and wished her a very happy retirement.

#### 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 congratulate the Head Teacher, the management and staff connected with Hawthorn Family Learning Centre on the excellent work being carried out at the Centre.

#### Action

Director, Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.2	School Session Dates for the Academic Year 2020/21	Acting Head of Education
Outline of report and summary of discussion		
<p>The report advised that the authority was required to set school session dates each year with regard to statutory attendance. The purpose of this report was to obtain the agreement of Cabinet for the proposed session dates for the 2020/21 academic year. The Acting Head of Education was heard in amplification of this report during which she confirmed that the school session dates proposed for 2020/21 coincided with both Edinburgh and East Lothian on the timing of the return to school in August and on the timing of the October, Christmas, February and Easter breaks. The last day of the school session would be Thursday 1 July 2021 in Midlothian compared with Friday 2 July in Edinburgh and East Lothian.</p>		

Decision
To agree the school session dates for 2020/21 as detailed as an appendix to the report.
Action
Acting Head of Education

Agenda No	Report Title	Presented by:
5.3	Early Learning and Childcare Expansion Update and Admission Policy	Acting Head of Education
Outline of report and summary of discussion		
<p>The purpose of the report was to provide an update on progress with the expansion in early learning and childcare (ELC) to 1140 hours, advise of an increase in the hourly rate paid to funded providers, advise of the council becoming a signatory to the national position statement on outdoor learning and recommend a change in the council's admission policy with effect from academic year 2019/20 so that children born between March and August become entitled to a place from August.</p> <p>The Acting Head of Education was heard in amplification of the report after which there was a general discussion on these matters.</p>		
Decision		
<p>(a)To note the progress towards implementation of the expansion to 1140 hours of early learning and childcare;</p> <p>(b)To note the increase in hourly rate for 3 and 4 year old 600 hour places at funded provider settings and childminders to £4.50 from August 2019;</p> <p>(c)To revise the admission policy to the hybrid model with effect from academic year 2019/20, whereby children who turn three between March and August become entitled to an early learning and childcare place from August and children born in the remaining months (with the exception of November, who start in January) become entitled from the month following their birthday;</p> <p>(d)To note that Midlothian Council had become a signatory to Scotland's Outdoor Play &amp; Learning Coalition Position Statement; and</p> <p>(e)To pass this report to Council for noting.</p>		
Action		
Acting Head of Education		

Agenda No	Report Title	Presented by:
5.4	Procurement and Commercial Improvement Programme	Head of Finance and Integrated Service Support

## Outline of report and summary of discussion

The PCIP replaced the Procurement Capability Assessment (PCA) model previously used by the Scottish Government to promote the sharing of best practice and continuous improvement in procurement across the Scottish Public Sector. The new regime would continue to assess public sector organisations by reviewing and auditing evidence on how the organisation has delivered its procurement.

Some key changes between the PCIP and the PCA were:

- Organisation can submit some key evidence 6 weeks in advance of their PCIP assessment date;
- The PCIP has a new question set and is scored in bands from F1-F11 (the highest score being F1);
- Individual percentage scores will be given to each organisation but these will not be shared with other organisations;
- There are three models of the PCIP; Full, Medium and Lite assessments; and
- The model that the organisation will be assessed against is dependent on spend and number of contracts delivered.

The Scottish Government have been clear that the PCIP is not comparable to the PCA and that previous scores from the PCA should not be used as a target for the 2019 assessment. The question set is more demanding and challenges organisations at the top level of procurement delivery.

The PCIP encompassed four key areas of review which were as follows:

- Procurement leadership and governance
- Procurement development and tender;
- Contracting processes; and
- Purchase processes.

The Acting Director, Resources was heard in amplification of the report after which there was a general discussion on this matter.

## Decision

- (a) To note the Council's PCIP assessment outcome for the 2018 assessment;
- (b) To refer this report to Audit Committee for its interest; and
- (c) To refer this report to the PRS Committee for its interest

## Action

Head of Finance and Integrated Service Support

Agenda No	Report Title	Presented by:								
5.5	New Build Council Housing – Local Letting Initiative	Joint Director, Health and Social Care								
Outline of report and summary of discussion										
<p>The report proposed a Local Letting Initiative (LLI) to be used for the allocation of housing at Woodburn Terrace, Dalkeith.</p> <p>The report advised that the total housing mix of the development was as shown below:</p> <p><b>Table 1: Housing Mix at Woodburn Terrace, Dalkeith</b></p> <table><tr><th>Property Type</th><th>Number of Properties</th></tr><tr><td>1 Bed, 2 Person Tenement Flat</td><td>6</td></tr><tr><td>2 Bed, 3 Person Cottage Flat</td><td>4</td></tr><tr><td><b>Total</b></td><td><b>10</b></td></tr></table> <p>In order to allocate these units in a way that ensured a balanced and sustainable community it was recommended that the following criteria were used to allocate the first let of these units. The Housing Services team will allocate properties in the following order of priority until all properties have been allocated:</p> <ul style="list-style-type: none"><li>• Allocate to existing council housing tenants who are on the General Needs List and are resident in the Dalkeith area.</li><li>• Allocate to Homeless and General Needs List Applicants who have chosen Dalkeith as one of their area choices whilst ensuring that, of the total allocations for this development, a target of 60% of the homes at this development are allocated to households who were resident in Dalkeith as of March 2019.</li></ul> <p>To ensure sustainability of tenancies, properties would be allocated to households on the Housing List who do not have a history of anti-social behaviour.</p> <p>The Joint Director, Health and Social Care was heard in amplification of the report after which there was a general discussion on this matter.</p>			Property Type	Number of Properties	1 Bed, 2 Person Tenement Flat	6	2 Bed, 3 Person Cottage Flat	4	<b>Total</b>	<b>10</b>
Property Type	Number of Properties									
1 Bed, 2 Person Tenement Flat	6									
2 Bed, 3 Person Cottage Flat	4									
<b>Total</b>	<b>10</b>									
Decision										
<p>To approve a Local Letting Initiative as detailed within the report for the allocation of housing at Woodburn Terrace, Dalkeith to ensure the creation of a sustainable, balanced community.</p>										
Action										
<p>Joint Director, Health and Social Care</p>										

Agenda No	Report Title	Presented by:
5.6	Midlothian Active Travel Strategy	Acting Director, Resources

### Outline of report and summary of discussion

The purpose of the report was to seek agreement for the adoption of the Midlothian Active Travel Strategy.

The report advised that increasing the number of journeys made by foot or by bicycle helped achieve many local and national outcomes and aligned well with policy objectives for improving health, creating better places for people, tackling congestion and pollution, and increasing access to jobs and services. National, regional and local plans provide a framework to work towards achieving these outcomes and increasing active travel levels. These include the National Walking Strategy and Cycling Action Plan for Scotland (CAPS), as well as the Single Midlothian Plan and the Midlothian Local Development Plan, all of which this strategy aimed to support.

Two rounds of public and stakeholder consultation which shaped the development of the strategy were held. The nature of responses received included:

- Support for the action plan set in the strategy and the proposed and aspirational routes.
- Comments regarding the need for more segregated cycling infrastructure and the need to improve particular junctions.
- Review of speed limits, specifically the introduction of 20mph in town centres.
- Segregated cycling infrastructure should be in place along main roads as opposed to advisory cycle lanes.
- Working collaboratively with neighbouring local authorities especially City of Edinburgh Council on improving cross-county routes.
- The need to maintain active travel routes regularly, especially in autumn and winter months.
- The need for active travel paths to be fully accessible by mobility scooters, wheelchairs and buggies.
- Many comments about the need for segregated cycling infrastructure along the A701, A702, A703 and improvements to the Hillend and Straiton junctions.
- The need for segregated active travel routes in the vicinity of Sheriffhall roundabout.
- Eskbank Toll regarded as a barrier to cycling and the call for active travel infrastructure along the A7.
- Safe cycling routes from Gorebridge, Newtongrange to Dalkeith, Bonnyrigg and Edinburgh.

Acting Director, Resources was heard in amplification of the report after which there was a general discussion on this matter.

### Decision

To adopt the Midlothian Active Travel Strategy.

### Action

Acting Director, Resources

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

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In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 1, 6 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

6.1 Minutes of Meeting of the Midlothian Joint Consultative Group of 5 February 2019 – Noted.

6.2 Irrecoverable Debt Write-Off – Agreed Recommendations contained within the report.

The meeting terminated at 12noon.

# Minute of Meeting



## Midlothian Integration Joint Board

Date	Time	Venue
Thursday 11 <sup>th</sup> April 2019	2.00pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

### Present (voting members):

Angus McCann (Chair)	Cllr Jim Muirhead
Tricia Donald	Cllr Margot Russell (substitute for Cllr Derek Milligan)
Carolyn Hirst	
Alex Joyce	

### Present (non-voting members):

Allister Short (Chief Officer)	Claire Flanagan (Chief Finance Officer)
Alison White (Chief Social Work Officer)	Fiona Huffer (Head of Dietetics)
Nik Hirani (Medical Practitioner)	Wanda Fairgrieve (Staff side representative)
Keith Chapman (User/Carer)	Pam Russell (User/Carer)
Jane Crawford (Third Sector) (substitute for Ewan Aitken)	

### In attendance:

Morag Barrow (Head of Primary Care and Older Peoples Services)	Jamie Megaw (Strategic Programme Manager)
Mairi Simpson (Public Health Practitioner)	Aileen Murray (Occupational Therapy Team Leader)
Val Holmes (Care Inspectorate)	Mike Broadway (Clerk)

### Apologies:

Cllr Pauline Winchester	Cllr Catherine Johnstone
Cllr Janet Lay-Douglas (substitute for Cllr Pauline Winchester)	Cllr Joe Wallace (substitute for Cllr Catherine Johnstone)
Hamish Reid (GP/Clinical Director)	Caroline Myles (Chief Nurse)
Ewan Aitken (Third Sector)	Aileen Currie (Staff side representative)

# Midlothian Integration Joint Board

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## 1. Welcome and introductions

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The Chair, Angus McCann, welcomed everyone to this meeting of the Midlothian Integration Joint Board, following which there was a round of introductions.

## 2. Order of Business

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

## 3. Declarations of interest

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No declarations of interest were received.

## 4. Minutes of Previous Meetings

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- 4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on 14 February 2019 were submitted and approved as a correct record.
- 4.2 The Minutes of Special Meeting of the Midlothian Integration Joint Board held on 14 March 2019 were submitted and approved as a correct record.
- 4.3 The Minutes of Meeting of the MIJB Audit and Risk Committee held on 6 December 2018 were submitted and noted.
- 4.4 A Rolling Action Log – April 2019 was submitted.

Thereafter, the Board, having received updates on the various action points detailed therein, agreed to close off all completed actions with the exception of the following:-

- (a) to note that a more detailed update on the Royal Edinburgh Hospital would be brought forward in due course and to adjust the expected completion date in the action log to July/August;
- (b) to note that a more detailed update on Midlothian Rapid Rehousing Transition Plan would be brought forward following receipt of feedback from Scottish Government;
- (c) to note that an update on the formal budget offer from NHS Lothian was on today's agenda – item no 5.4 refers;
- (d) to note that a briefing note on spending on the new social care responsibilities would be sent to Members and any specific points arising could be picked up at a future meeting. The possibility of it being picked up as a potential future Development Session topic would be addressed as part of consideration of the 2019/20 programme;

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- (e) to note that it was hoped to include a presentation on the Wellbeing Service on the agenda for the June Board meeting;
- (f) to note that a review of the set aside (Acute Hospital) position was being picked up through the Integrated Care Forum; and
- (g) to note that the action log would be updated accordingly following the meeting and that completion dates would be added where applicable.

**(Action: Chief Officer/Chief Finance Officer/Clerk)**

## 5. Public Reports

Report No.	Report Title	Presented by:
5.1	Occupational Therapy, Housing and Adaptations - Presentation	Aileen Murray

### Executive Summary of Report

Aileen Murray, Occupational Therapy Team Leader, provided the Board with a presentation on Occupational Therapy and Major Adaptations. She started by explaining what Occupational Therapy was and how through the use of the Occupational Therapy Guidelines decisions were taken on the provision of equipment and adaptations. She then went on to outline how the assessment process worked and to highlight some of the factors that were taken into account as part of this process. Examples of the cost of some of the more popular adaptations were given along with the different ways in which their provision could be funded. The role of the Occupational Therapy Panel was explained, together with details of the partnership working with housing. Aileen concluded by remarking on the challenging nature of the role, emphasising that 'no' was often a difficult word for people to say or hear but there were occasions it was necessary in order to secure a better outcome for the client.

### Summary of discussion

The Chair thanked Aileen for her presentation and invited questions/comments from Members of the Board.

Arising from Members questions and comments, the following issues were discussed by the Board:-

- The timescales likely to be involved in dealing with requests and the process for this
- Managing the expectations both of clients and family members
- Opportunities to adopt a more holistic joined up approach through involvement of other service

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## Decision

**The Board, after further discussion, thanked Aileen and noted the presentation.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.2	IJB Improvement Goals Progress	Jamie Megaw

## Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 14 February 2019, there was submitted a report updating the Board on performance and improvement towards achieving the Local Improvement Goals set by the MIJB based on the indicators recommended by the Ministerial Strategic Group for Health and Community Care.

## Summary of discussion

Having heard from Jamie Megaw (Strategic Programme Manager), who responded to Members' questions and comments, the Board in discussing the current progress against the local improvement goals acknowledged that results remained mixed and that there were a broad range of factors that had contributed to this. The Board welcome the change to using data provided and validated by the Health and Social Care team at ISD Scotland and expressed support for the indicators taking account of demographic pressures if at all possible. The focus on reducing unscheduled hospital and institutional care whilst useful did not necessarily offer a complete picture however, and it was considered equally important that regard was given to pressures elsewhere in the system, possibly as a consequence of actions to target improvement toward these improvement goals.

## Decision

**After further discussion, the Board noted the current performance across the improvement goals.**

## Action

Chief Officer/ Strategic Programme Manager

Report No.	Report Title	Presented by:
5.3	Risk Management Q3 Update	Allister Short

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## Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of MIJB Audit and Risk Committee held on 7 March 2019, there was submitted a report setting out the current version of the MIJB's Strategic Risk Profile and highlighting current issues, future risks and opportunities of note to the Board.

## Summary of discussion

Having heard from Chief Officer, Allister Short, who responded to Members' questions and comments, the Board took the opportunity to review, and comment on the contents of the current Strategic Risk Profile, which it was felt provided a good reflection of the issues/risks/opportunities currently facing the MIJB.

## Decision

**The Board, after further discussion, agreed:-**

- **to confirmed that the risks contained in the Strategic Risk Profile reflected the current issues/risks/opportunities facing the MIJB; and**
- **to, otherwise, note the report.**

## Action

Risk Manager/Chief Officer

Report No.	Report Title	Presented by:
5.4	NHS Lothian Formal Budget Offer to the IJB for 2019/20	Claire Flanagan

## Executive Summary of Report

The Board received an aural update from Allister Short (Chief Officer) and Claire Flanagan (Chief Finance Officer) on the budget offer from NHS Lothian. They advised that although a formal offer letter had yet to be received it was anticipated that it would reflect the indicative position reported at the previous meeting.

## Decision

**After a brief discussion and questions to the Officers, the Board:**

- **Noted the current position in relation to the formal MIJB budget offer from NHS Lothian; and**
- **Agreed that in the event of the formal offer from NHS Lothian being received prior to the Development Workshop session planned for 16 May 2019 a short Special Board meeting be convened to consider it, otherwise it would be dealt with at the next Board meeting in June.**

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## Action

Chief Finance Officer/Chief Officer/Clerk

Report No.	Report Title	Presented by:
5.5	Midlothian IJB Directions 2019-20	Allister Short

## Executive Summary of Report

The purpose of this report was to advise the Board of the proposed Directions to be issued by Midlothian IJB to Midlothian Council and NHS Lothian for 2019-20.

The report set out the areas of focus to be addressed over the coming year and identified the key changes that needed to be progressed to support the delivery of health and care services in Midlothian. The Directions were aligned to the Strategic Commissioning Plan 2019-22 and would be supported by a local Delivery Plan for 2019-20.

## Summary of discussion

The Board, heard from Allister Short (Chief Officer), who explained that due to the requirement to submit the Directions by 31 March 2019 and the date of the Midlothian IJB meeting, the Directions had been issued in draft form to the Chief Executives' of Midlothian Council and NHS Lothian. He also reassured the Board that as further plans were developed during 2019-20, new or revised Directions could be issued as required.

## Decision

**The Board, after discussion and questions to Officers, agreed:**

- To approve the Midlothian IJB Directions for 2019-20; and
- To receive a 6 month and 12 month update on progress against delivery.

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.6	Chief Officer Report	Allister Short

## Executive Summary of Report

This report provided a summary of the key service pressures and service developments which had occurred during the previous month in health and social care, highlighting in particular a number of key activities, as well as looking ahead at future developments.

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## Summary of discussion

The Board heard from Allister Short (Chief Officer), who highlighted in particular the following –

- Updated Integration Scheme had been submitted to Scottish Government, follow approval by Midlothian Council and NHS Lothian Board.
- MIJB Audit & Risk Committee were seeking approval to progress arrangements to seek a replacement Independent Member through an open recruitment process; Jane Cuthbert, the current Independent Member, having indicated that she was looking to step down.
- Tom Welsh had retired from Midlothian Council and following an open recruitment process, Mairi Simpson (currently the Public Health Practitioner with Midlothian H&SCP) had been appointed as the new Integration Manager and would take up post on 13 May.
- There was an open invitation for Board members to attend a Housing First Planning Event which had been arranged for 30 April 2019; more details to follow.
- An update on the year end budget position would be reported to the next Board meeting.
- Arrangements were being put in place to ensure the smooth rotation of the Chairmanship of the Board in August.

## Decision

**After discussion and questions to the Chief Officer, the Board:-**

- **Noted the issues and updates raised in the report.**
- **Record an expression of thanks and appreciation to Jane Cuthbert for her contributions to the work of the Midlothian IJB Audit & Risk Committee.**
- **Agree to progress with the replacement of the Independent Member of the Midlothian IJB Audit & Risk Committee through an open recruitment process.**
- **Acknowledge and thank Tom Welsh for his contributions to Midlothian IJB in his role as Integration Manager**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.7	Transformation Programme	Allister Short

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## Executive Summary of Report

The purpose of this report was to provide further details to Midlothian IJB on the proposed transformation programme that would support delivery of financial balance and sustainability within the IJB. It recognised the alignment of this work to the Directions of the IJB and also noted the risk to delivery in the context of rising costs, rising demands and rising expectations. It also noted the governance and oversight that was in place through the Realistic Care Realistic Medicine Programme Board.

## Summary of discussion

Allister Short, Chief Officer, in introducing the report highlighted that in addition to the specific workstreams within the wider Transformation Programme, there were continuing actions in terms of operational efficiencies that services would continue to review and deliver. These included a continued commitment to further reduce agency spend, reduce sickness absence and ensuring ongoing scrutiny of discretionary spend across all service areas.

Thereafter, Morag Barrow and Alison White took the Board through the key strands to the transformation programme within Midlothian for 2019-20 as set out in the report.

The Board, in discussing the report, acknowledged the challenges facing the HSCP in delivering these transformational savings against a backdrop of rising demands, rising expectation and rising costs. The ongoing engagement and involvement with service users and patients across each of the workstreams either through the relevant planning groups or directly with communities was considered vitally important, as was dialogue with voluntary sector and other partners.

## Decision

**The Board, after further discussion and questions to Officers, agreed:**

- **To approve the transformation programmes as set out in the report to support delivery of financial balance; and**
- **To receive quarterly updates on progress against delivery**

## Action

Chief Officer

## 6. Date of next meeting

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

- Thursday 16<sup>th</sup> May 2019    2pm    Development Workshop  
(Special Midlothian Integration Joint Board – tbc)
- Thursday 13<sup>th</sup> June 2019    2pm    Midlothian Integration Joint Board

**(Action: All Members to Note)**

The meeting terminated at 4.18 pm.