

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 17 December 2019**

1 Minutes of Meetings submitted for Approval

| | |
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| Midlothian Council 12 November 2019 | 3 - 18 |
|-------------------------------------|--------|

2 Minutes of Meetings submitted for Consideration

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

| | |
|--|---------|
| Police and Fire and Rescue Board 26 August 2019 | 19 - 22 |
| Cabinet 3 September 2019 | 23 - 40 |
| Community Asset Transfer Committee 17 September 2019 | 41 - 44 |
| Audit Committee 24 September 2019 | 45 - 52 |
| Business Transformation Steering Group 30 September 2019 | |
| General Purposes Committee 8 October 2019 | 53 - 56 |
| Planning Committee 8 October 2019 | 57 - 64 |
| Local Review Body 22 October 2019 | 65 - 68 |
| Business Transformation Steering Group 11 November 2019 | |

3 Minutes of Meetings submitted for Information

Approved Minutes of Outside Organisations to which Council appoints representatives

| | |
|--|---------|
| Midlothian Integration Joint Board 10 October 2019 | 69 - 78 |
|--|---------|

Minute of Meeting



Midlothian Council

| Date | Time | Venue |
|------------------|------|--|
| 12 November 2019 | 11am | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|--------------------------------------|---|
| Provost Smaill (Chair) | Depute Provost Russell |
| Councillor Milligan – Council Leader | Councillor Muirhead – Depute Council Leader |
| Councillor Alexander | Councillor Baird (up to and including Item No. 8.6) |
| Councillor Cassidy | Councillor Curran |
| Councillor Hackett | Councillor Hardie |
| Councillor Imrie | Councillor Johnstone (up to and including Item No. 8.8) |
| Councillor McCall | Councillor Munro (up to and including Item No. 8.12) |
| Councillor Parry | Councillor Winchester |

In attendance:

| | |
|--|---|
| Dr Grace Vickers, Chief Executive | Kevin Anderson, Executive Director: Place |
| Morag Barrow, Joint Director, Health and Social Care | Mary Smith, Director, Education, Communities and Economy |
| Gary Fairley, Head of Finance and Integrated Service Support | Alan Turpie, Monitoring Officer |
| Mike Broadway, Democratic Services Officer | Verona MacDonald, Democratic Services Team Leader |
| Ian Johnson, Head of Major Projects (for Item 8.3 only) | Magnus Inglis, Resource Officer, Education (for Item 8.11 only) |
| Simon Bain, Housing Services Manager (for Item 8.12 only) | |

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

| | |
|--------------|---------------|
| Mr V. Bourne | Mrs E. Morton |
|--------------|---------------|

1. Apologies for Absence

The Clerk intimated apologies on behalf of Councillors Lay-Douglas and Wallace

2. Order of Business

The order of business was confirmed as per the agenda circulated.

3. Declarations of interest

None intimated.

4. Deputations

None received.

5. Minutes of Previous Meetings

5.1 The Minutes of meetings of Midlothian Council which took place on 1 October and Special Council of 22 October 2019 were submitted and unanimously approved. The Provost was authorised to sign them as a true record of the meeting.

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

| Meeting | Date of Meeting |
|--|------------------------|
| Audit Committee | 24 June 2019 |
| General Purposes Committee | 27 August 2019 |
| Planning Committee | 27 August 2019 |
| General Purposes Sub-Committee | 3 September 2019 |
| Local Review Body | 10 September 2019 |
| Planning Committee | 18 June 2019 |
| Business Transformation Steering Group | 16 September 2019 |
| Appointments Committee | 4 October 2019 |
| Appointments Committee | 15 October 2019 |
| Appointments Committee | 17 October 2019 |
| Appointments Committee | 22 October 2019 |
| Appointments Committee | 28 October 2019 |
| Midlothian Integration Joint Board | 22 August 2019 |
| Special Midlothian Integration Joint Board | 12 September 2019 |
| Cross Cutting Service Review – Sport and Leisure | 3 April 2019 |

6. Question to the Leader of the Council

None received.

7. Notices of Motions

| Motion No. | Motion Title | Proposed by: | Seconded by: |
|--|--|-------------------------|--------------------------|
| 7.1 | 16 Days of Activism to End Violence Against Women and Girls | Councillor Parry | Councillor Curran |
| Motion: | | | |
| <p>The Motion was in the following terms:-</p> <p><i>“Midlothian Council welcomes the global 16 Days of Activism against Gender-based Violence and 2019’s theme “Orange the World: #HearMeToo; commends the many activists and organisations, both in Midlothian and across the world, that are providing frontline support for survivors, raising awareness of this important issue and working tirelessly to challenge the underlying attitudes and inequalities that perpetuate violence against women and girls;</i></p> <p><i>This Council also reaffirms its support for Equally Safe: Scotland’s strategy to prevent and eradicate all forms of violence against women and girls; reflects on the advancements made as a participant of the Equally Safe at Work Accreditation Scheme; and agrees to promote its participation to employees as widely as possible.</i></p> <p><i>The Council also notes that Violence against Women is a societal issue and calls on communities everywhere to stand shoulder to shoulder in sending a clear message that violence against women and girls is never acceptable, and urges everyone in Midlothian to continue to challenge harassment and abuse, hold perpetrators to account for their behaviour and work together to build a Scotland where everyone can live equally safe.”</i></p> | | | |
| Summary of discussion | | | |
| Councillor Parry spoke to the terms of the Motion which was seconded by Councillor Curran. | | | |
| Decision | | | |
| The Motion was unanimously approved. | | | |

| Motion No. | Motion Title | Proposed by: | Seconded by: |
|---|---|-------------------------|---------------------------|
| 7.2 | Gold Award for Commitment to the Defence Community | Councillor Smail | Councillor Russell |
| Motion: | | | |
| <p>The Motion was in the following terms:-</p> <p><i>“Today, 12 November 2019, officers of Midlothian Council, will receive from the Secretary of State for Defence, Rt. Hon Ben Wallace MP, a Gold Award which publicly recognises the Council’s commitment to the defence community.</i></p> <p><i>The award recognises our activity under the Armed Forces Community Covenant in supporting forces personnel, veterans and reservists, defining Midlothian as an exemplar employer supporting defence.</i></p> <p><i>Midlothian Council in turn congratulates all our officers and staff who in the course of their duties continue to support the defence community as an integral and valued part of society, and have made this Award well earned.”</i></p> | | | |

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| Summary of discussion |
| Councillor Smaill spoke to the terms of the Motion. The Depute Provost was heard in support of the Motion. |
| Decision |
| The Motion was unanimously approved. |

| Motion No. | Motion Title | Proposed by: | Seconded by: |
|---|---------------------------------|---------------------------|-----------------------------|
| 7.3 | Show Racism the Red Card | Councillor Cassidy | Councillor Alexander |
| Motion: | | | |
| The Motion was in the following terms:- <i>“Midlothian Council’s leader will confirm in writing to ‘Show Racism the Red Card’ endorsing our support for this important campaign; and request a report back to Council explaining how this can be introduced to our learning community.</i> <i>Many thousands of people from all over the world come to Scotland to live whether through choice or persecution and all are welcome. We should and need to stand together as a county and Council to ensure this diversity is always welcome to all who settle in Scotland and Midlothian ensuring they are free from racism and sectarianism.”</i> | | | |
| Summary of discussion | | | |
| Councillor Cassidy spoke to the terms of the Motion which was seconded by Councillor Alexander. Councillor Hackett also spoke in favour of the Motion. | | | |
| Decision | | | |
| The Motion was unanimously approved. | | | |
| Action | | | |
| Council Leader; Chief Executive and Chief Officers | | | |

8. Reports

| Agenda No. | Report Title | Presented by: |
|---|---|----------------------------------|
| 8.1 | Proposed Changes to Scheduled Meetings of the Audit Committee from December 2019 – December 2020 | Executive Director: Place |
| The Council heard from the Executive Director: Place who spoke to the terms of a report seeking approval for amendments to the scheduled meetings of the Audit Committee from December 2019 to December 2020. | | |
| Decision | | |
| The Council unanimously agreed to:- (a) rearrange the Audit Committee meeting scheduled for Tuesday 25 August 2020 to Monday 22 June 2020 at 11 am to consider the unaudited accounts 2019/20 and; | | |

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| (b) change the meeting time for all future scheduled Audit Committee meetings from 10 am to 11 am to accommodate informal sessions prior to each meeting. |
| Action |
| Executive Director: Place |

| Report No. | Report Title | Presented by: |
|---|--|----------------------------------|
| 8.2 | Revision of the Council's Standing Orders and Associated Documents – Short Life Elected Members Working Group | Executive Director: Place |
| Outline of report and summary of discussion | | |
| The Council heard from the Executive Director: Place who spoke to the terms of a report which provided an update following the first meeting of the Elected Member Working Group established to consider, review and report back with regard to Standing Orders. | | |
| Decision | | |
| The Council agreed to amend the remit of the Short Life Elected Member Working Group on the Review of Standing Orders to include the approved review of the composition of the Council, its Committees and Sub-Committees and once complete, report back on its findings. | | |
| Action | | |
| Executive Director: Place | | |

| Report No. | Report Title | Presented by: |
|--|--|-------------------------------|
| 8.3 | Edinburgh and South East Scotland City Region Deal Update | Head of Major Projects |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Head of Major Projects who spoke to the terms of a report which provided a further update on progress towards implementation of the Edinburgh and South East Scotland City Region Deal with particular reference to the annual report and annual conversation, as well as the early stages of preparation of a regional growth framework. The report further provided an update of City Deal projects with direct impact on Midlothian.</p> <p>Councillor Imrie noted that the proposed changes at Sheriffhall roundabout included in City Deal had no end date and this was causing frustration because the project had to be delivered and should therefore have a target completion date. He further noted that he felt there was a lack of information being cascaded by City Deal. The Provost enquired whether the points made by Councillor Imrie could be passed back to the Joint Committee. In response, Mr Johnson advised of the “annual conversation” between the 2 Governments and regional partners where there was an acceptance that the nature of communication to communities needed to improve and the communications group are taking this forward. He further advised Transport Scotland had been requested to indicate a completion date for the work at Sheriffhall.</p> | | |
| Decision | | |
| The Council:- | | |

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| <p>(a) noted the overall progress in the early stages of implementation of the Edinburgh and South East Scotland City Region Deal;</p> <p>(b) noted the decision of the Edinburgh and South East Scotland City Region Deal Joint Committee on 3 September 2019 to approve a project brief for the production of a regional growth framework and;</p> <p>(c) requested further regular update reports on the progress of the City Deal and preparation of the regional growth framework, and on projects that are particularly relevant to Midlothian.</p> |
| Action |
| Chief Executive |

| Report No. | Report Title | Presented by: |
|---|--|---|
| 8.4 | Financial Monitoring 2019/20 – General Fund Revenue | Head of Finance and Integrated Service Support |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided information against revenue budget in 2019/20, details of the material variances and a projection of the General Fund balance.</p> <p>The Leader, Councillor Milligan, noted the improvements made regarding the budget position and reiterated that keeping a tight control on spending was critical.</p> <p>The Provost noted the rate appeal success and enquired whether there was an opportunity to go back even further. In response, Mr Fairley advised that any further successes in relation to rate appeals would be reflected in the financial monitoring reports. He further advised of the proposed change to the non-domestic rates legislation whereby the right of appeal by local authorities would be removed. He advised this was currently with the Scottish Government and COSLA had made submissions on behalf of Councils.</p> <p>Questions were then put by Councillors Parry in relation to music tuition and the entitlement by children who receive free school meals to also receive free music tuition; Councillor Hardie in relation to whether costs relating to transformation could be met from capital and; Councillor Alexander in relation to whether the reduction shown under LLE was having an adverse effect on attainment and the poorest people. She also noted there appeared to be more insurance claims. Responses to the questions were provided by the Director, Education, Communities and Economy, the Head of Finance and Integrated Service Support and the Executive Director: Place.</p> <p>Councillor Winchester enquired as to the provision of insurance cover. The Head of Finance and Integrated Service Support advised that risks were identified and insurance was purchased for the desired levels of cover. He further advised that figures within the report related to areas of self-insurance where the full costs were borne by the Council. Councillor Cassidy commented that he had receive complaints from constituents about how the insurance claim process worked and in particular about the process for filling potholes whereby constituents had been advised that the Council would not pay out for</p> | | |

a subsequent claim. The Executive Director: Place advised claims received were processed by external claims handlers who determine whether the Council had a legal liability to pay a claim. He gave a brief overview of how the process worked in practice. He further accepted the Council had a duty to follow-up on temporary repairs to potholes.

Councillor Johnstone with reference to the slippage of capital projects, asked about the homeless savings target at Page 46 of the report and asked if it was as a result of the late completion of the Jarnac Court project. The Executive Director: Place advised the project had to be cost effective and the process for change of use from office space to housing and the additional costs which would be required relating to the concrete on the outside of the building were still being considered. By way of a follow-up question, Councillor Johnstone noted that it very much looked like the Council had started a project without thinking about the consequences and asked how much had been spent to-date. It was thereafter agreed that the costs to-date of the project would be included within the Minute and that the Executive Director: Place would bring a report to the December meeting by way of an update.

Decision

The Council:

- (a) noted work is in place to secure further improvement in the financial position and that the non-essential vacancy freeze and the moratorium on non-essential spend remain in place and otherwise noted the content of the report;
- (b) requested an update report on Jarnac Court for consideration at the December 2019 meeting and;
- (c) agreed the cost to-date of the Jarnac Court project be included in the Minute of the meeting. (NOTE: This was subsequently provided by the Head of Finance and Integrated Service Support as £32,675)

Action

Head of Finance and Integrated Service Support

| Report No. | Report Title | Presented by: |
|---|--|---|
| 8.5 | Housing Revenue Account – Revenue Budget and Capital Plan 2019/20 | Head of Finance and Integrated Service Support |
| Outline of report and summary of discussion | | |
| The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided a summary of expenditure and income to 6 October 2019 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2019/20. | | |
| The Council Leader noted that the strategy adopted by the Council's Finance team of borrowing whilst rates of interest are low was clearly a good idea. | | |
| Decision | | |
| The Council noted the content of the report. | | |
| Action | | |
| Head of Finance and Integrated Service Support | | |

| Report No. | Report Title | Presented by: |
|--|---|---|
| 8.6 | General Services Capital Plan 2019/20 Quarter 2 Monitoring | Head of Finance and Integrated Service Support |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided an update of the General Services Capital Plan to incorporate new projects approved since the previous report to Council on 20 August 2018 and recommended further adjustments to expenditure and income budgets for projects already in the Capital Plan; information on rephrasing of project expenditure and funding in 2019.20; information on the projected performance against budget for 2019/20 and an update on the projected Capital Fund balance at 31 March 2020.</p> <p>The Provost asked whether the capital receipt flexibility was being utilised with regard to severance costs. Mr Fairley confirmed it was and also for costs relating to transformation. Councillor Alexander enquired whether the Destination Hillend project could be brought forward and in response the Executive Director: Place advised there had been delays with regard to planning but the hotel part of the project was being brought forward. He mentioned the update report considered by the Council in May and that a further report by way of update would be before either the December or February meeting. Councillor Johnstone, with regard to Page 62 of the document pack, Gorebridge Connected, enquired as to when a report would be before the Council. The Director, Education, Communities and Economy advised this would be at the December Council meeting. Councillor Parry enquired about variances and asked for a further breakdown. It was thereafter agreed the breakdown would be included within the Minute of the meeting.</p> | | |
| Decision | | |
| <p>The Council unanimously agreed to:-</p> <ul style="list-style-type: none"> (a) approve the adjustments to the expenditure and income budgets for the following projects as outlined in Section 2.1 (a) Early Years Projects, (b) Penicuik THI, (c) Lawfield Primary School Extension and (d) Contaminated Land and Public Sector Housing Grants; (b) approve the following projects for inclusion in the General Services Capital Plan as outlined in Section 2.2 (a) Gorebridge Community Cares, (b) Tynewater Primary School and (c) Burnbrae Primary School; (c) approve in principle subject to Capital Plan and Asset Management Board scrutiny and final approval, the 3 class and activity hall extension to Woodburn Primary School as outlined in Section 2.3; (d) noted the General Services Capital Plan Quarter 2 monitoring position for 2019/20 and; (e) request that a further breakdown relating to variances be included within the Minute of the meeting. (NOTE: this was subsequently provided by the Head of Finance and Integrated Service Support and is contained in Appendix 1 to this Minute) | | |
| Action | | |
| Head of Finance and Integrated Service Support | | |

Sederunt: Prior to the following item, Councillor Baird left the meeting and did not return

| Report No. | Report Title | Presented by: |
|---|---|---|
| 8.7 | Treasury Management Mid-Year Review Report 2019/20 | Head of Finance and Integrated Service Support |
| Outline of report and summary of discussion | | |
| The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report on the treasury management activity undertaken during the first half of 2019/20, the forecast activity for the second half of 2019/20; an update to the treasury and prudential indicators for 2019/20 and the link to the Capital Investment Strategy. | | |
| Decision | | |
| The Council unanimously:- | | |
| <ul style="list-style-type: none"> (a) noted the Treasury Management Mid-Year report 2019/20 will be scrutinised by the Audit Committee on 3 December 2019 and any comments arising from the Audit Committee's consideration will be reported to the Council either by way of a separate report or as part of the Minute of the Audit Committee in order to fulfil its role on scrutiny of treasury management and subject to the above; (b) noted the report and the treasury activity undertaken in the period to 30 September 2019 as outlined in Section 4 of the report; (c) noted the forecast activity during the second-half of the year as outlined in Section 5 and; (d) approved the revisions to the prudential indicators in Section 6 of the report | | |
| Action | | |
| Head of Finance and Integrated Service Support | | |

| Report No. | Report Title | Presented by: |
|--|--|----------------------------------|
| 8.8 | Garden Waste Charging: review of implementation | Executive Director: Place |
| Outline of report and summary of discussion | | |
| The Council heard from the Executive Director: Place who spoke to the terms of a report which reviewed the steps taken to introduce a charge for the kerbside collection of garden waste, the challenges experienced, the operational implications and financial results. He noted it was proposed that the chargeable service continues in 2020 with a charge of £35.00 per bin. | | |
| Councillor Hackett commended the work done by staff working in Waste Services, IT, Libraries and Customer Services to implement the scheme. He advised the alternative to not introducing the scheme was to either remove the service or pay for it from other service budgets. He further thanked the residents who have supported the scheme. Councillor Parry whilst agreeing with the comments made by Councillor Hackett regarding the efforts made by Council staff, stated her disappointment that other avenues of providing the service were not investigated. She noted other Councils had done it differently by combining garden waste with food waste. She further raised concerns regarding the financial model which did not provide for concessionary rates which in her opinion may increase the take-up rate for the service. Councillor | | |

Cassidy was heard in support of Councillor Parry and added that the Council had to look at ways of facilitating the work done by voluntary groups who collect waste but use their own bins. Councillor Muirhead advised that clean-ups undertaken in Gorebridge were facilitated by the Council who picked up the litter collected and therefore the Council were already facilitating litter and waste pick-ups undertaken in communities. Councillor Alexander enquired as to whether paying monthly was an option and Councillor McCall advised that for a small number of residents the only viable option was to pay by post and cheque because they were unable to visit libraries.

The points raised above were subsequently addressed by Mr Anderson who advised he was happy to look at the matters raised by the Elected Members. However he reiterated that when the scheme was introduced it was only possible to do so using existing methods for the processing of financial transactions meaning that the principal method for full upfront payment was online. He referred to the terms of the report with regard to the procurement of a new system which would integrate a number of different systems within the Council. He confirmed that for a small number of people who were unable to pay using the methods available, postal payments could be processed but that this could not be offered to the majority.

Councillor Parry stated she was not comfortable passing the recommendations contained in the report and suggested it would be better continuing until December for the points raised to be addressed, however as this did not appear to be an option, she intended voting against the recommendations.

Thereafter, Councillor Milligan, seconded by Councillor Hackett moved the recommendations contained in the report.

On a vote being taken by way of a show of hands, 5 votes were cast against and 9 votes were cast for the Motion by Councillor Milligan.

Decision

The Council:-

- (a) noted the project to design and implement the service by multi-disciplinary teams working holistically across the Council;
- (b) noted the project was the first instance of a large scale online payment service implemented successfully by the Council;
- (c) noted the income achieved from the successful introduction of a garden waste charging scheme;
- (d) noted the complaints received and the mitigation measures taken;
- (e) agreed to retain the charge of £35.00 per bin in 2020 and to add this to the Fees and Charges register;
- (f) agreed, in line with the Council's "Digital by Design" vision, the principal method of full upfront payment remains online and
- (g) agreed to appoint a dedicated collector/driver with responsibility for all bin deliveries and repairs.

Action

Executive Director: Place

Sederunt: Prior to the following item, Councillor Johnstone left the meeting and did not return

| Report No. | Report Title | Presented by: |
|---|--|---|
| 8.9 | Creating and World Class Education System – Attainment and Achievement 2019 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report which provided an overview of attainment and aspects of achievement for session 2018 – 2019 including what was being done to continue to improve.</p> <p>Councillor Muirhead commented that the report provides examples of improvements by pupils including continuous improvement and congratulated the pupils and staff. He noted the future challenges relating to growth of the local authority area. Councillor Alexander concurred with his comments and noted the significant progress in bandings but that the higher performers appeared to be doing better whereas she would usually expect to see the highest jump in the lowest performers.</p> <p>The Schools Group Manager, Andrew Sheridan, then provided further information regarding the statistics within the report. He advised that the Council was measured against a virtual comparator but the virtual comparator had changed which was the main reason for the difference in the bandings. He advised further information which would give a better understanding of this would be provided to Elected Members at the Seminar scheduled for 11 December.</p> <p>Thereafter, and with reference to the Seminar scheduled for 11 December, the Director, enquired whether Members wished to continue with plans for the Seminar on this date or to cancel and reschedule it for a suitable date in January.</p> | | |
| Decision | | |
| <p>The Council unanimously agreed to:-</p> <ul style="list-style-type: none"> (a) note the improvements in performance outlined in the report, some of which were significant; (b) endorse the areas for continuous improvement outlined in the report; (c) congratulate pupils, parents and staff on the improvements in attainment and achievement during session 2018- 19 as highlighted in the report and; (d) cancel the Seminar scheduled for 11 December 2019 and reschedule it for a suitable date in January. | | |
| Action | | |
| Director, Education, Communities and Economy | | |

| Report No. | Report Title | Presented by: |
|--|--|---|
| 8.10 | School Estate Capacity and Pupil Intake Limits – School Session 2020 – 2021 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report which provided an update on the school estate capacity, confirmed the requirement for additional school capacity to be provided by August 2020 and informed of the pupil intake limits required for the school session starting in August 2020 and the implications for pupil placement.</p> <p>Councillor Muirhead noted the considerable task for officers to ensure there is capacity in the schools due to the rapid growth of Midlothian. He further advised there was a need to press forward with measures such as the extension to Woodburn Primary School but to a considerable extent much of the work done is on the basis of trying to guess which school parents will send their children to and the unfortunate by-product of this was the setting of pupil intake limits.</p> | | |
| Decision | | |
| <p>The Council unanimously agreed to:</p> <ul style="list-style-type: none"> (a) approve the provision of an extension to Woodburn Primary School as detailed in paragraphs 5.4 and 5.5 of the report; (b) note the intake limits for primary schools in Section 3, tables 1 and 2 of the report; (c) note the intake limits for secondary schools in Section 3, table 3; (d) note progress with the works underway to meet the school capacity required in 2020/21 and the importance of these being delivered on time and; (e) note the updated policy guidelines on admission to primary and secondary schools | | |
| Action | | |
| Director, Education, Communities and Economy | | |

| Report No. | Report Title | Presented by: |
|--|---|---|
| 8.11 | Early Learning and Childcare Expansion Updated November 2019 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| <p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report which provided an update on progress with the expansion in early learning and childcare to 1140 hours and advised of the allocation of the capital funding received from the Scottish Government to deliver the additional capacity required.</p> <p>Councillor Muirhead expressed his concerns regarding the funding of the expansion scheme primarily in relation to how the calculation is undertaken by the Scottish Government. He commented it was sensible to request the Scottish Government to extend the period. Councillor Cassidy paid tribute to the outdoor nursery opened at Vogrie. Councillor Hackett enquired about transport for children attending Vogrie and in response Magnus Inglis,</p> | | |

Resource Officer, Education, advised that it was important to get the Vogrie facility up and running and most parents had been able to arrange their own transport, however a service is now in place from Woodburn Primary School and Education hope to extend this in the future to ensure transport is not a barrier to attending facilities such as Vogrie.

Decision

The Council unanimously agreed to:-

- (a) note progress towards implementation of the expansion to 1140 hours of early learning and childcare;
- (b) instruct officers to request permission from the Scottish Government to retain expansion capital funding for specified projects beyond 31 March 2022 where this is necessary to deliver the best long term solution for Midlothian communities and
- (c) instruct officers to complete planning in relation to revenue expenditure and funding and provide an update to Council.

Action

Director, Education, Communities and Economy

| Report No. | Report Title | Presented by: |
|---|---|---------------------------------|
| 8.12 | Scottish Housing Regulator – Assurance Statement | Housing Services Manager |
| Outline of report and summary of discussion | | |
| The Council heard from the Simon Bain, Housing Services Manager who spoke to the terms of a report which sought approval for the submission of the first Annual Assurance Statement as requested by the Scottish Housing Regulator. | | |
| Decision | | |
| The Council unanimously agreed to the submission of the Assurance Statement to the Scottish Housing Regulator and the publication of the Statement. | | |
| Action | | |
| Joint Director, Health and Social Care | | |

Sederunt: Prior to the following item, Councillor Munro left the meeting and did not return

| Report No. | Report Title | Presented by: |
|---|---|----------------------------------|
| 8.13 | A Consultation on Scotland's National Transport Strategy | Executive Director: Place |
| Outline of report and summary of discussion | | |
| The Council heard from the Executive Director: Place who spoke to the terms of a report which sought approval for a response to a consultation on Scotland's National Transport Strategy. He noted that, due to the available timescale – the consultation period having been 31 July to 23 October 2019 - the response attached to the report had been submitted to Transport Scotland with a caveat that it is "subject to Council approval". | | |
| Councillor Hardie suggested that the response be changed slightly to include reference to western Europe instead of Europe. This was subsequently noted by Mr Anderson. | | |

Councillor Imrie welcomed the aspirations of the proposed Strategy, however expressed support for the reservations regarding funding, support for public transport and the capacity to match fund, given the current financial climate.

Decision

The Council unanimously approved the proposed consultation response.

Action

Executive Director: Place

9 Exclusion of Members of the Public

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

9.1 Senior Leadership Review – Report by Chief Executive

The meeting concluded at 1.15 pm.

| | A | B | C | D |
|----|---|------------------------|------------------------|---------------------|
| 1 | Project | Budget Q1 £000's | Budget Q2 £000's | Rephasing £000's |
| 2 | Participatory Budgets | 100 | 90 | - 10 |
| 3 | EWiM - Buccleuch House Ground Floor | 17 | - | - 17 |
| 4 | Mayfield Town Centre Regeneration | 40 | 20 | - 20 |
| 5 | Contaminated Land | 100 | 77 | - 23 |
| 6 | Borders Rail - Economic Development Programme | 63 | 20 | - 43 |
| 7 | Roads Asset Management Plan - Temple Ground Stabilisation | 62 | - | - 62 |
| 8 | Early Years Projects | 1,634 | 1,661 | 27 |
| 9 | A701 & A702 Works | 310 | 121 | - 189 |
| 10 | Total | 2,326 | 1,989 | - 337 |



Police and Fire and Rescue Board

| Date | Time | Venue |
|----------------|----------|--|
| 26 August 2019 | 11.00 am | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|---------------------------|-------------------|
| Councillor Curran (Chair) | Councillor McCall |
| Councillor Muirhead | Councillor Munro |
| Councillor Parry | |

In attendance:

| | |
|--|--------------------------------------|
| Midlothian Council Verona MacDonald, Democratic Services Team Leader | Alison White, Head of Adult Services |
| Police Scotland Chief Superintendent John McKenzie | Chief Inspector Aaron Clinkscales |
| Scottish Fire and Rescue Service Stephen Gourlay, Area Manager | Dean Mack, Group Manager |

1. Welcome, Introduction and Apologies

The Chair welcomed all to the meeting and intimated an apology on behalf of Councillor Smaill.

2. Order of Business

The Clerk advised 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 3 June 2019 was unanimously approved and the Chair was authorised to sign it as a correct record.

5. Public Reports

| Agenda No. | Report Title | Presented by: |
|---|--|---|
| 5.1.1 | Fire and Rescue Service – Local Plan Performance Report for Quarter 1 | Scottish Fire and Rescue Service |
| Outline of report and summary of discussion | | |
| <p>Stephen Gourlay by way of an update advised of a few matters worthy of noting:-</p> <ul style="list-style-type: none"> (i) negotiations regarding pay and conditions – he was fairly confident there would be more clarity regarding this in the next 3 – 4 weeks; (ii) the training centre at Newbridge – close to completion with staff now moving in; (iii) business case to get some additional resources which would support, amongst others, the Penicuik station – bid had been successful and would provide support to the retained officers. The post would be filled during January 2020; (iv) Dalkeith Fire Station – part of the building has been isolated due to structural issues <p>Mr Gourlay also advised Dean Mack would be retiring from the Service towards the end of October and therefore this would be his last time at the Board. He paid tribute to the work undertaken by Dean. In response, the Chair, on behalf of the Board, thanked Mr Mack and wished him well in retirement.</p> <p>Dean Mack then provided a summary of the Quarter 1 report. Referring to Page 4 of the report, he advised the figures showed a slight increase but were still below the average for the east area and nationally. He advised 60% of accidental fires related to cooking and listed contributing factors for this being age and persons living alone. He further advised only 11 of the properties where fires had occurred had smoke detectors fitted but the Service continues to undertake fire safety visits. With regard to deliberate fires, he noted the increase and the work undertaken with Council colleagues in terms of educating young persons. He further advised this was an increasing trend across Scotland. He noted the decrease from last year in false alarms and advised the majority of these were due to human error but the figure was still below the east of Scotland average.</p> | | |

Finally, in terms of Page 19 of the report, he advised fire safety enforcement audits were off target due to a change in personnel but would be back on target shortly. He noted home safety visits were on target.

Questions were then put by Members. Councillor Munro enquired about the use of dedicated fire pits the purpose of which was to facilitate safe areas for fires. Mr Gourlay advised he was personally not supportive of this because many of the incidents the Service were called to happen as a result of alcohol being consumed and were often malicious fire-raising such as wheelie bins being set alight where there is a cost and danger to nearby buildings. He did not consider dedicated fire pits would stop malicious fire-raising.

Councillor McCall stated she was disappointed in the referral numbers and asked what the Council could do and also had the Citizens Advice Bureau been approached. Mr Gourlay advised the local Area Liaison Officer will be providing training to Council officers about the referral system and he will also ask the Liaison Officer to contact CAB. Alison White advised the Liaison Officer had visited staff and there was a big push to learn from a recent incident in East Lothian. Councillor McCall commented Council property staff visited houses every year and wondered whether they were aware of the referral system. Alison White advised she would check this with Property Services.

The Chair noted the Board would not meet again until after bonfire night and asked Mr Gourlay if there was anything which needed to be done. Mr Gourlay advised it was planned at national level and waste amnesties played a big part with waste being removed before the day. He further noted considerable partnership working went into planning for the day.

Decision

Noted

| Report No. | Report Title | Presented by: |
|--|---|------------------------|
| 5.2.1 | Police Scotland Midlothian Area Command Quarter 1 report 2019 - 2020 | Police Scotland |
| Outline of report and summary of discussion | | |
| <p>Chief Superintendent McKenzie addressed the Board. He referred to his advice at the June meeting, whereby he undertook to provide additional information within his report to the Board. He advised the report style and content had been revised with specific information being provided in terms of crime type with multi-ward data being available shortly. He advised of the various summer events which impacted upon the Police service and the work being undertaken with regard to contingency for Brexit. He further advised, in comparison to the previous year, solvency rates had increased, that overall crime figures were down but violence related crime had increased. He highlighted 2 specific areas of work (a) mobile working – mobile data would be introduced during Quarter 3 which would allow officers to use handheld devices meaning they would not have to go back to a station to check information and (b) analysing how calls are graded which had reduced call demand by 20% when introduced at national level. Commenting on the dedicated Community Action Team, he advised crime has reduced due to the work undertaken by CAT officers in communities across Midlothian. He then handed over to Chief Inspector Clinkscales who went through the terms of the quarter 1 report.</p> <p>Chief Inspector Clinkscales advised the figures were positive with a total decrease in crime of 10.3%. He then went through each individual category in the report. He advised there continued to be high demand levels with mental health and missing persons being given priority. He noted a dramatic fall in</p> | | |

crimes of dishonesty whilst also noting detection rates remained low. He advised of daily meetings between officers in the east regarding known criminals released from prison. He advised the increase in lewd and libidinous crimes may be linked to the Scottish Child Abuse Enquiry. He commented alcohol played a big part in many violent crimes and with that in mind the Pubwatch scheme is being relaunched. He advised the largest capacity premises in the area is Woodburn Miners Club and officers encountered significant problems relating to the dispersal of persons at closing time where the key to dispersal was to get taxis into the area to take people home. He noted the figure for road casualties had reduced by 42.5% and advised national campaigns for drink driving and the “close pass” initiative had contributed to the reduction. Finally, with regard to the CAT, he noted officers had dealt with 836 incidents during the quarter.

The Chair acknowledged the change in format and content of the report and thanked the officers for the additional information and breakdowns provided.

Councillor Parry, with regard to the figures relating to domestic abuse, commented that Midlothian did not appear to fair well when compared to national figures. She drew attention to the 120% increase in sexual crimes and commented that even if historic cases were not included this still equated to a considerable increase. She further noted the Board would not meet again until after the proposed date for the United Kingdom to leave the European Union and asked what plans are in place locally for this.

Chief Superintendent McKenzie, with regard to domestic abuse, acknowledged the figures were not good. He further advised that between 50 to 80% of cases are underreported. He confirmed he could look at doing more by way of a breakdown of the figures to allow further scrutiny in the future. With regard to sexual crimes, he advised regardless of the figure no-one should be satisfied; that historic cases amounted to about 40% of the increase and it is often the case an investigation into one case led to further crimes being detected. In relation to Brexit, he advised this was dealt with on a national level by a Brexit Resilience Task Force but to-date he had not seen anything which suggests there would be a significant number of issues.

Decision

Thereafter, the Board noted the content of the report.

| Agenda No. | Report Title | Presented by: |
|--|---|---------------|
| 5.2.2 | Strategic Police Priorities – Consultation | Chair |
| Outline of report and summary of discussion | | |
| The Chair drew attention to the terms of an email dated 16 July 2019 regarding the Scottish Government consultation on a new set of Strategic Police Priorities to set a high level strategic direction for policing in Scotland. He further advised that a second consultation was underway relating to human trafficking. In noting the deadlines for responses was prior to the next meeting of the Board, he suggested Board members feed into the process by way of forwarding any comments they have to Alison White who, in consultation with him, will finalised and submit responses prior to the deadline dates set. | | |
| Decision | | |
| Members agreed to proceed on the basis suggested by the Chair | | |

The meeting terminated at 12.10 pm.

Minute of Meeting



Cabinet

| Date | Time | Venue |
|------------------|----------|--|
| 3 September 2019 | 11.00 am | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

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

Religious Representatives:

| | |
|----------------------|--|
| Mr Vic Bourne | |
| Mrs Elizabeth Morton | |

1 Apologies

No apologies had been received.

2 Order of Business

The Clerk advised of the following amendments to the Order of Business as detailed within the Agenda circulated:

- (i) A replacement paper had been circulated in relation to Item No 5.10 with regard to “Flytipping in Midlothian”
- (ii) The Private “To Follow” report Item No 6.5 entitled “Senior Leadership Review”, including a replacement Appendix B had been circulated
- (iii) An Additional Report entitled “Proposal Report on Allowing Senior Pupils to Strike on Climate Change” which the Convener had ruled as urgent due to the need to make an early decision had been circulated and would be considered as Item No 5.20
- (iv) An Additional Private Report entitled “Appointment of Joint Director, Health and Social Care” which the Convener had ruled as urgent due to the need to make an early decision had been circulated and would be considered as Item No 6.6.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Note of the Inquorate Special Meeting of the Cabinet held on 24 June 2019 was submitted and approved as a correct record subject to Councillor Curran being recorded as being in attendance and Councillor Hackett having submitted his apologies for absence.

The Minute of the Special Meeting of the Cabinet held on 25 June 2019 was submitted and approved as a correct record.

5. Reports

| Agenda No. | Report Title | Presented by: |
|---|--|--|
| 5.1 | Inspection of Midlothian Council Cowan Court Extra Care Housing Facility | Joint Director, Health and Social Care |
| Outline of report and summary of discussion | | |
| <p>The report provided an overview of the recent Care Inspection report on Cowan Court Extra Care Housing facility inspection. The report was published on 22 April 2019 and was in the process of being distributed to all Elected Members of the Cabinet for their information. The inspection covered two key areas of the National Care Standards attributed to care home services. These included:</p> <ul style="list-style-type: none">• Quality of Care and Support• Quality of staffing | | |

The inspection report graded the areas of inspection from 1 (Unsatisfactory), to 6 (Excellent). This inspection report graded the two areas as follows:

Quality of care and support 5 Very good

Quality of staffing 5 Very good

The Care Inspectorate outlined at the beginning of the inspection report that they were not asking services to submit a self-assessment for this inspection year. Instead, they would ask services for their improvement or development plan and discuss any improvements they may have made or intend to make since the last inspection. The Inspector met with residents, their relatives and stakeholders who “praised the quality of the service and the compassion shown by the care staff, supported by a very effective management oversight of the service”.

On visiting the service the Care Inspectorate reported that the care plans were of a high standard and were actively involved in their compiling their care and support plan. It was also acknowledged that tenants had access to a range of activities and were well connected to the local community. The Head of Adult Services was heard in amplification of the report.

Decision

(a) To note the content of the inspection report; and

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

Action

Head of Adult Services

| Agenda No. | Report Title | Presented by: |
|--|--|--------------------------|
| 5.2 | A summary of the Care Inspectorate and Education Scotland Inspections of Early learning and Childcare, November 2018-June 2019 | Acting Head of Education |
| Outline of report and summary of discussion | | |
| <p>The report provided a summary of the outcomes of the inspections in Early Learning and Childcare settings for three and four year olds as carried out by the Care Inspectorate and Education Scotland in the Nov 2018-June 2019 and follows on from the report to Cabinet in January 2019.</p> <p>A total of 16 inspections took place in the time period from 23 November 2018 to 29th June 2019. Four of these inspections were carried out by Education Scotland. The reports were published in that time period and had been distributed to all Elected Members and Church Representatives on the Cabinet for their information.</p> <p>During the inspections, the Care Inspectorate gathered evaluations of 4 core Quality Indicators to keep track of how well all Scottish Early Learning and Childcare settings were doing, these were:</p> <ul style="list-style-type: none"> • Quality of Care and Support • Quality of Environment • Quality of Staffing • Quality of Leadership and Management | | |

During inspection, a setting may be inspected on two or more indicators. A six-point scale was used to describe the quality of the setting with either inspection:

| | | |
|---|----------------|--|
| 6 | Excellent | Outstanding or sector leading |
| 5 | Very good | Major strengths |
| 4 | Good | Important strengths, with some areas for improvement |
| 3 | Adequate | Strengths just outweigh weaknesses |
| 2 | Weak | Important weaknesses – priority action required |
| 1 | Unsatisfactory | Major weaknesses – urgent remedial action required |

A summary of inspection grades are shown within the table below:

| | Total no. of settings inspected on this indicator | Adequate | Good | Very Good | Excellent |
|---------------------------|---|----------|------|-----------|-----------|
| Care and Support | 13 | 3 | 3 | 6 | 1 |
| Environment | 10 | 1 | 4 | 5 | 0 |
| Staffing | 5 | 3 | 2 | 0 | 0 |
| Leadership and Management | 9 | 5 | 2 | 2 | 0 |

The following common key strengths were indicated by the inspection teams:

- (i) Practitioners knew children very well and are nurturing, responsive and respectful to their individual needs and interests.
- (ii) Practitioners are involved in constant self-evaluation of the service. This results in improvements to the service and outcomes for children and their families.
- (iii) Practitioners promote outdoor play and are aware of the benefits for children's health and wellbeing. Balancing between challenge and safety enabling children to make decisions to learn the skills needed to keep themselves safe.
- (iv) Practitioners are skilled in extending children's learning. They support them to have ownership of their environment which has a positive impact on the outcomes and experiences.
- (v) Practitioners encourage children to be independent.

The following areas were highlighted for improvement:

- (i) Practitioners being consistent in their approach to meeting individual children's needs and ensure the focus is on the development of learning for all children.
- (ii) Providers and practitioners must adhere to the policies and procedures required of them.

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

| Decision |
|--|
| <p>(a)To note the content of the summary of the inspection reports;</p> <p>(b)To congratulate the pupils, parents and staff connected with these reports; and</p> <p>(c)To pass this report to the Performance, Review and Scrutiny Committee for its consideration.</p> |
| Action |
| Director, Education, Communities and Economy |

| Agenda No | Report Title | Presented by: |
|---|--|--------------------------|
| 5.3 | Further Inspection (Record of Visit ROV) of Hawthornden Primary School | Acting Head of Education |
| Outline of report and summary of discussion | | |
| <p>The report outlined the outcome of the above further inspection as carried out by Education Scotland which was communicated in their letter dated 16 June 2019. Hawthornden Primary School was inspected in May 2019. The report was published on 16 June and a copy was included in an appendix to the report.</p> <p>During the school's inspection in June 2017, Education Scotland identified a number of areas for improvement which were agreed with the school and Council Officers. As they were not sufficiently confident at that time about the school's capacity to continue to improve, they visited the school again in May 2019.</p> <p>The main point for action from the original inspection in June 2017, which formed the focus of the further visit was <i>"Staff should improve the quality of learning, teaching and assessment across the school to ensure all children are making the best possible progress in their learning"</i>.</p> <p>The report detailed the findings of the Inspection Team during their further visit in May 2019 which concluded by outlining in the inspection letter that Education Scotland was confident that the school had the capacity to continue to improve and as a result would not return to the school with regard to this particular inspection.</p> <p>The Director, Education, Communities and Economy was heard in amplification of the report after which both she and Caroline Elsey, Head Teacher responded to questions from Elected Members.</p> | | |
| Decision | | |
| <p>(a)To note the content of the inspection report and congratulate the staff, pupils and parents on the very positive outcome of this further Education Scotland visit.</p> <p>(b)To note the key strengths and progress outlined in the report.</p> <p>(c)To note the areas for improvement outlined in the report.</p> <p>(d)To note that Education Scotland would not return to the school with regard to this particular inspection.</p> <p>(e)To pass this report to the Performance, Review and Scrutiny Committee.</p> | | |
| Action | | |
| Director, Education, Communities and Economy | | |

| Agenda No | Report Title | Presented by: |
|--|---|-----------------------------|
| 5.4 | Midlothian Residential Service for Young People | Head of Children's Services |
| Outline of report and summary of discussion | | |
| <p>The report outlined the outcome of the unannounced Inspection carried out by the Care Inspectorate in June 2019. Based on the findings of this Inspection the Care Inspectorate awarded the following grades on the two areas it inspected:</p> <p>Quality of Care and Support – Grade 3 – Adequate Quality of staffing - Grade 4 - Good</p> <p>The Inspection Team noted the following strengths with regard to the quality of Care and Support:</p> <ul style="list-style-type: none"> •For some young people who used the service over the past year we could see improvements in their wellbeing related to physical health, being active, feeling nurtured and employment opportunities. •Positive experience of care and support was reflected in most of the feedback. They particularly reflected on the relationships they have with key staff, the opportunities they have to be active and quite specific support to 'feel safe'. •There was good evidence of efforts to involve and include young people in day-to-day and bigger decision from individual care issues and recruitment of staff to moving house. •What we observed during the inspection was genuine warmth and respect between staff and young people. We also observed and read about patience and respect in more challenging encounters. <p>The Inspection Team reported that the authority could do better in the following area with regard to the quality of Care and Support:</p> <ul style="list-style-type: none"> •There is a need to improve knowledge and practice in relation to risk and vulnerability in young people and how this is managed in group living environments. •There is a specific issue around the implementation of 'continuing care' in the service. The emphasis of a procedural, skills development approach is having an impact on both the experience of young people and the understanding of staff. •The Inspection Team advised that there was an over emphasis on timetables, education and independence with less reflection on the importance of relationships and understanding stages of development. <p>The Inspection Team reported the following strengths in relation to Quality of Staffing:</p> <ul style="list-style-type: none"> •A key improvement over the past year is the consistency in clear teams of staff employed within each house, this has improved the sense of working together and improve the support experienced by staff. | | |

- Supervision and team meetings re working well and provide formal support for staff. There was good evidence of debriefing following incidents.

The Inspection Team reported that the authority could do better in relation to Quality of Staffing:

- There were limited opportunities for practitioners and managers to improve their knowledge around residential care and learn from research.

- There has been loss of key staff which impacts on relationships with the young people as well as a loss of experience.

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

Decision

(a)To note the content of the report.

(b)To forward the report to Performance, Review & Scrutiny

Action

Director, Education, Communities and Economy

| Agenda No | Report Title | Presented by: |
|-----------|---|--------------------------|
| 5.5 | Inspection Report on the External Review of Training in Modern Apprenticeships in Social Services | Acting Head of Education |

Outline of report and summary of discussion

The report outlined the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of July 2019. This inspection was an external review and was part of a national sample. A copy of the Inspection report was included in an appendix to the report. The Grades were awarded in the following areas:

| | |
|---|------------------|
| Outcomes and Impact | |
| How well are apprentices progressing and achieving relevant high quality outcomes? | Good |
| How well do we meet the needs of our apprentices and stakeholders? | Good |
| Delivery of Training | |
| How good is our delivery of training? | Very Good |
| How good is our management of training delivery? | Very Good |
| Leadership and Quality Culture | |
| How good is our strategic leadership? | Good |

The report advised that Education Scotland had concluded that the Modern Apprentice Workforce Development Team working with the SVQ team and LLE have a strong capacity to improve and enhance provision and service delivery. The Director, Education, Communities and Economy was heard in amplification of the report.

| Decision |
|---|
| <p>(a)To note the content of the inspection report which will be part of a national report.</p> <p>(b)To pass this report to the Performance, Review and Scrutiny Committee for its consideration; and</p> <p>(c)To congratulate the Workforce Development team, SVQ team and LLE on the key strengths and areas for improvement highlighted in the report.</p> |
| Action |
| Director, Education, Communities and Economy |

| Agenda No | Report Title | Presented by: |
|-----------|---|--|
| 5.6 | Amendment to School Session Dates for the Academic Year 2019/20 | Director, Education, Communities and Economy |

Outline of report and summary of discussion

The purpose of the report was to inform Cabinet of a change that had been made to the school session dates for the academic year 2019/20.

The School session dates for the academic year 2019/20 were approved by Cabinet on 10 April 2018. In the last few weeks of the last term of 2018/19 the Scottish Government advised that they and the Westminster Government had agreed that the 2020 May Day Bank Holiday on Monday 4 May should move to Friday 8 May to coincide with the 75th anniversary of VE Day. They requested that Scottish Local Authorities would reflect this, if possible, in their 2019/2020 school session dates.

By the time the Council received the request there was insufficient time to carry out consultation or to obtain approval from Cabinet or Council prior to informing schools and parents. We checked with City of Edinburgh Council, with whom we seek to align our school session dates, that they were making this change and they confirmed that they had agreed to this. So with the support of the Council Leader and Provost, it was decided to make the change and to inform Cabinet subsequently. The revised school dates for the academic year 2019/20 were appendix to the report. The Director, Education, Communities and Economy was heard in amplification of the report.

| Decision |
|--|
| <p>(a)To note the revised school session dates for 2019/20; and</p> <p>(b)To endorse that Officers issue a FAQ to unions and staff to explain the decision and also to give guidance on any issues arising from this change of date.</p> |
| Action |
| Director, Education, Communities and Economy |

| Agenda No | Report Title | Presented by: |
|---|----------------------------|-----------------------------|
| 5.7 | Prevent Peer Review Report | Head of Children's Services |
| Outline of report and summary of discussion | | |
| <p>The purpose of the report was to report to Cabinet the findings from the Prevent Peer Review team who visited Midlothian Council on the 8th and 9th May 2019.</p> <p>The peer review hosted by Midlothian Council was the fifth such review held in Scotland after a successful pilot exercise in February 2018. As such, the overall aims of the review were twofold; firstly to support the council through identifying good practice and making suggestions for improvement; and secondly, continuing to develop the process to ensure its effectiveness and relevance for Scottish local authorities.</p> <p>The review consisted of six stages and required the completion of the self-assessment tool. The self-assessment framework forms the basis of Prevent peer reviews. It includes statutory obligations from the Prevent Duty, along with good practice and aspects relating to the multi-agency support mechanism provided to vulnerable individuals. The framework comprised of 14 aspects where evidence was provided to the review team. The review team presented their findings to a group of senior leaders including the Chief Executive and Cllr Muirhead on the 9th May 2019. Overall this was a positive review of the Council's systems and leadership in relation to our Prevent duties. The report highlighted suggested areas for improvement which would be progressed by the SPOC through the Prevent group. The Director, Education, Communities and Economy was heard in amplification of the report.</p> | | |
| Decision | | |
| <p>(a) To consider and note the attached peer review report and action plan.</p> <p>(b) To thank those who participated in this review.</p> <p>(c) To pass this report to the Performance, Review and Scrutiny Committee for its consideration</p> | | |
| Action | | |
| Director, Education, Communities and Economy | | |

| Agenda No | Report Title | Presented by: |
|---|--|--|
| 5.8 | 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 Castlelaw Crescent, Bilston.</p> <p>The following table provides the total housing mix of the development. It shows that 8 properties were being built on this site which was estimated to be completed in October/November 2019.</p> | | |

| Property Type | Number of Properties |
|------------------------------|----------------------|
| 1 Bed, 2 Person Cottage Flat | 8 |
| Total | 8 |

In order to allocate these units in a way that ensured a balanced and sustainable community it was recommended that the following criteria be used to allocate the first let of these units. The Housing Services team would allocate properties in the following order of priority until all properties have been allocated:

- (i) Allocate to existing council housing tenants who are on the General Needs List and are resident in Bilston.
- (ii) Allocate to existing council housing tenants who are on the General Needs List and are resident in Roslin.
- (iii) Allocate to existing council housing tenants who are on the General Needs List and are resident in Loanhead.
- (iv) Allocate to existing council housing tenants who are on the General Needs List and are resident in Auchendinny.
- (v) Allocate to Housing List Applicants who have chosen Bilston as one of their area choices whilst ensuring that at least 6 out of 8 lets (75% of lets) are made to households who are currently resident in the Bilston, Roslin, Loanhead or Auchendinny area as of August 2019 and have chosen this area as one of their area choices.

To ensure sustainability of tenancies, properties would be allocated to households on the Housing List who did not have a history of anti-social behaviour.

Decision

To approve a Local Letting Initiative outlined in Section 2.5 of this Report for the allocation of housing at Castlelaw Crescent, Bilston to ensure the creation of a sustainable, balanced community.

Action

Housing Planning and Performance Manager

| Agenda No | Report Title | Presented by: |
|-----------|------------------------------------|--|
| 5.9 | Mayfield Homeless Families Project | Joint Director, Health and Social Care |

Outline of report and summary of discussion

The report sought approval to use an existing council-owned building for use as temporary accommodation for homeless families in Midlothian.

The report advised that officers had identified specific accommodation which would be suitable for use as emergency homeless accommodation specifically for homeless families. There were blocks of maisonettes on Blackcot Road, Mayfield which were grouped as a block of 8 maisonettes in one building. This was unusual in Midlothian as most council properties accessed via a common stair were blocks of 6 flats or less. It was not intended that families would stay in these properties for prolonged periods and that most families would stay in the building for less than four weeks before being matched with longer term temporary accommodation.

The report advised that in October 2018, Midlothian Council agreed to the refurbishment of the upper two floors of Jarnac Court in Dalkeith for use as a House in Multiple Occupation for homeless households. This project was still being progressed but there was a delay in progress due to the need to undertake some additional works to repair the external fabric of the building. The building was now planned to open for use as temporary accommodation in August 2020.

Officers had identified specific accommodation which would be suitable for use as emergency homeless accommodation specifically for homeless families. There was blocks of maisonettes on Blackcot Road, Mayfield which were grouped as a block of 8 maisonettes in one building. This was unusual in Midlothian as most council properties accessed via a common stair were blocks of 6 flats or less. It was not intended that families would stay in these properties for prolonged periods, it would be intended that most families would stay in the building for less than four weeks before being matched with longer term temporary accommodation.

Decision

(a) To approve the conversion of 7 out of 8 properties at 39 Blackcot Road for use as homeless temporary accommodation for families.

(b) To approve the policy for rehousing existing residents.

(c) To note the revised timescale for the refurbishment of the upper floors of Jarnac Court for use as homeless accommodation.

Action

Housing Planning and Performance Manager

| Agenda No | Report Title | Presented by: |
|-----------|--------------------------|--|
| 5.10 | Flytipping in Midlothian | Director, Education, Communities and Economy |

Outline of report and summary of discussion

The purpose of the report was to inform Cabinet of the enforcement powers available regards flytipping under the Environmental Protection Act 1990 (as amended) and to advise on the measures that were available to a variety of agencies including Midlothian Council, Police Scotland and Scottish Environment Protection Agency (SEPA) under that Act. The report highlighted the number of Flytipping cases reported to Midlothian Council as shown in the table below.

| Period | Cases reported to the LA | Cases investigated | Enforcement Action |
|-----------------------|--------------------------|--------------------|--|
| 2016 | 447 (March to December) | 289 [full year] | 16 fixed penalties 29 warning letters |
| 2017 | 651 | 195 | 8 fixed penalties 24 warning letters |
| 2018 | 503 | 94 | 8 fixed penalties 18 warning letters |
| 2019 (up to 15.08.09) | 381 | 56 | 5 fixed penalties 7 warning letters |

Incidents may be dealt with in a variety of ways depending on the level of evidence available including;

- by issue of a £200 fixed penalty notice (FPN),
- in more serious cases referral to the Crown Office Procurator Fiscal Service with a view to prosecution.
- writing to the individual(s) requiring them to explain why material with their name on it has been found. This may result in either a FPN being issued or alternatively the local authority requiring the individual to collect and remove the flytipped material and deliver it to a civic amenity site; thereby providing an opportunity for education, and removing the direct cost to the Local Authority for clearance.

The Local Authority has a responsibility to undertake the removal of flytipped material from public ground.

The Council was developing a programme with regards to flytipping that would seek to reinforce and inform Midlothian residents and visitors that flytipping in Midlothian was unacceptable and that all possible steps would be taken to identify and deal with offenders. Information includes:

- i) enforcement action will be taken where there is sufficient evidence,
- ii) the need for householders to ensure that anyone engaged to remove waste is a licensed carrier and that full company details and a written receipt are obtained,
- iii) the fact that deposited waste which can be traced back to an individual will be held as their responsibility unless they can provide full evidence of who they transferred this waste to,
- iv) the erection and / or replacement of signage at identified problem hot spots,
- v) investigation of the wider use of CCTV in hot spots to deter and subsequently identify and prosecute perpetrators,
- vi) the solutions for waste disposal that exist in Midlothian; civic amenity sites / bulky uplifts,
- vii) informing the public, regards how to report witnessed incidents of flytipping,
- viii) seeking to identify any underlying causes of increased dumping and thereafter put any available steps in place to mitigate illegal behaviour, and
- ix) ensuring landowners and occupiers are aware of their legal responsibilities.

The Director, Education, Communities and Economy was heard in amplification of the report after which she and Edel Ryan responded to questions from Elected Members.

Decision

- (a)To note the legislative powers available to Midlothian Council, Police Scotland and SEPA regards flytipping,
- (b)To note the current programme to reduce the impact of flytipping, and ensure limited resources were effectively used to target the most serious cases; and
- (c)That a further update be provided at the next meeting of the Cabonet.

Acton

Director, Education, Communities and Economy

| Agenda No | Report Title | Presented by: |
|--|--|------------------------|
| 5.11 | Adult Social Care Quarter 1 Performance Report 2019/20 | Head of Adult Services |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Adult Social Care was submitted. The Head of Adult Services highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|--|--|
| 5.12 | Children's Services Quarter 1 Performance Report 2019/20 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| The Quarter 1 2019/20 Performance Report for Children's Services was submitted. The Director, Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report. Thereafter she answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |
| Action | | |
| Director, Education, Communities and Economy | | |

| Agenda No | Report Title | Presented by: |
|---|--|--|
| 5.13 | Customer and Housing Services Quarter 1 Performance Report 2019/20 | Housing Planning and Performance Manager |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Customer and Housing Services was submitted. The Housing Planning and Performance Manager highlighted progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|--|--|
| 5.14 | Communities and Economy Quarter 1 Performance Report 2019/20 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Communities and Economy was submitted. The Director, Education, Communities and Economy highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|--|
| 5.15 | Education Q1 Performance Report 2019/20 | Director, Education, Communities and Economy |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Education was submitted. The report highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report. | | |
| Thereafter the Director, Education, Communities and Economy responded to questions and comments raised by members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------------------|
| 5.16 | Commercial Operations Q1 Performance Report 2019/20 | Acting Director, Resources |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Commercial Operations was submitted. The Acting Director, Resources highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|--|---|----------------------------|
| 5.17 | Finance and Integrated Service Support Quarter 1 Performance Report 2019/20 | Acting Director, Resources |
| Outline of report and summary of discussion | | |
| The Quarter1 Performance Report 2019/20 for Finance and Integrated Service Support was submitted. The Acting Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------------------|
| 5.18 | Property and Facilities Management Quarter 1 Performance Report 2019/2020 | Acting Director, Resources |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Properties and Facilities Management was submitted. The Acting Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. | | |
| Thereafter the Acting Director Resources responded to questions and comments raised by members of the Cabinet. | | |
| Decision | | |
| To note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|-----------------|
| 5.19 | Midlothian Council Quarter 1 Performance Report 2019/20 | Chief Executive |
| Outline of report and summary of discussion | | |
| The Quarter 1 Performance Report 2019/20 for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. | | |
| The Chief Executive highlighted the progress made to date and that a report on the Council's preparation for the UK withdrawal from the EU would be submitted to the October Council meeting thereafter answered questions raised by elected Members. | | |
| Decision | | |
| (a) To note that a report on the Council's preparation for the UK withdrawal from the EU would be submitted to the October Council meeting; and | | |
| (b) To otherwise note the content of the report. | | |

| Agenda No | Report Title | Presented by: |
|---|--|-----------------------|
| 5.20 | Allowing Senior Pupils to Strike on Climate Change | Schools Group Manager |
| Outline of report and summary of discussion | | |
| <p>The purpose of the report was to propose that Midlothian Council falls in line with other Local authorities allowing pupils from the senior phase in Secondary Schools, the option to attend one strike action day per academic session.</p> <p>The report advised that the next strike action on climate change was proposed to take place on 20 September 2019. Edinburgh City Council had already agreed that this day would be the best option for the authorised pupil engagement in strike action and there were no conflicts with exams or academic submissions. On 25 August, one Midlothian pupil from S4 wrote a letter expressing her concern for the impact of climate change, and that she was surprised that Midlothian Council had not issued a position as Edinburgh Council had. The letter showed that young people take this issue incredibly seriously.</p> <p>The proposal would allow senior phase pupils the option to take part in planned strike action for climate change on 20 September 2019, with secondary schools recording this as authorised absence. Letters would be issued to every senior phase pupil stating that if they wished to opt into strike action then their parents / carers must contact the school prior to the event, to give consent for their child to attend then this would be recorded as authorised absence.</p> <p>Parents would also agree to assume responsibility for the child's safety on the day of the strike action, and that no transport would be put in place from Midlothian Council. In addition if a pupil opted into any subsequent attendance at a climate strike event, then parents / carers must inform the school, however this would be recorded as unauthorised absence.</p> <p>The Director, Education, Communities and Economy was heard in amplification of the report after which there was a general discussion on this matter.</p> | | |
| Decision | | |
| <p>(a) To agree that senior phase pupils across Midlothian Secondary Schools were given the option to opt into one day of planned strike action on climate change; and</p> <p>(b) That one day per academic year could be recorded as authorised absence.</p> | | |
| Action | | |
| Director, Education, Communities and Economy | | |

Exclusion of Members of the Public

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

| Agenda No | Report Title | Presented by: |
|---|--|----------------------------|
| 6.1 | Minute of Education Appointment Committee of 29 May 2019 – Depute Head Teacher, Beeslack High School | Acting Director, Resources |
| Decision | | |
| Cabinet noted the appointment of L McGlade as detailed in the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------------------|
| 6.2 | Minute of Education Appointment Committee of 26 June 2019 – Depute Head Teacher St David's R.C. High School | Acting Director, Resources |
| Decision | | |
| Cabinet noted the appointment of C Brown as detailed in the report. | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------------------|
| 6.3 | Minute of Education Appointment Committee of 20 June 2019 – Depute Head Teacher (Excellence, Engagement and Equity), Lasswade High School | Acting Director, Resources |
| Decision | | |
| Cabinet noted the appointment of C Jackson as detailed in the report. | | |

| Agenda No | Report Title | Presented by: |
|--|------------------------------|--|
| 6.4 | Irrecoverable Debt Write-Off | Acting Head of Customer & Housing Services |
| Decision | | |
| Authorise write-off for the irrecoverable debts as detailed within the report. | | |
| Action | | |
| Head of Finance and Integrated Service Support | | |

| Agenda No | Report Title | Presented by: |
|--|--------------------------|-----------------|
| 6.5 | Senior Leadership Review | Chief Executive |
| Decision | | |
| Approve the recommendations contained within the report. | | |
| Action | | |
| Chief Executive | | |

The meeting terminated at 1.15pm.

Minute of Meeting



Community Asset Transfer Committee

| Date | Time | Venue |
|-------------------|--------|--|
| 17 September 2019 | 9.30am | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|-----------------------------|----------------------|
| Councillor Muirhead (Chair) | Councillor Alexander |
| Councillor Cassidy | Councillor Hackett |
| Councillor Winchester | |

In attendance:

| | |
|--|------------------------------------|
| Kevin Anderson, Acting Director, Resources | Gordon Aitken, Democratic Services |
|--|------------------------------------|

1. Apology

No apologies for absence were received.

2. Order of Business

It was noted that the order of business was as per the agenda circulated.

3. Declarations of interest

Councillor Winchester declared a non-pecuniary interest in Item No 5.1 on the Agenda "Application by Loanhead After School Club" and therefore advised that she would therefore leave the meeting during consideration of this item of business.

4. Minute of Previous Meeting

The Minute of Meeting held on 19 June 2019 was submitted and approved. The Chair was thereafter authorised to sign the Minute as an accurate record.

(Action: Director, Resources)

5. Reports

| Report No. | Report Title | Presented by: |
|--|---|-----------------------|
| 5.1 | Community Asset Transfer Request: Loanhead After School Club Childcare Services | Kevin Anderson |
| Outline of report and summary of discussion | | |
| <p>The purpose of the report was for elected members to consider the Community Asset Transfer (CAT) application from Loanhead After School Club Childcare Services (LASC) for Rosewell Pavilion and land to the rear of the property.</p> <p>The report advised that LASC had requested a 50 year lease of Rosewell Pavilion together with land to the rear of the building. The proposal was to use the building and land for the provision of child care services and a community sports facility for benefit of Rosewell and the surrounding area. LASC proposed to manage the use of the community sports part of the building through a letting system.</p> <p>The application had been received on 12 November 2018 and after the due diligence checks there was a request for further information which had since been received.</p> <p>The application had been published on the council's website and details were sent to elected members and Rosewell and District Community Council (RDCC). The notice of CAT was displayed at the site, requesting comments by 1 February 2019. There was one recorded comment from Rosewell Development Trust (RDT).</p> <p>In response to the concerns raised by RDT, LASC, supported by Social Enterprise Action Midlothian (SEAM), met with RDT representatives on 18 February 2019 to address the concerns. The agreed actions were:</p> | | |

- LASC will amend their business plan to clarify that they will work collaboratively with RDT and will not duplicate any activities/facilities that will be available in The Steading.
- LASC will ask their architect to revise the drawings for the pavilion to retain the showers and changing/flexible use room.

The RDT Board considered these changes at its meeting in March 2019. The Council had not received any further written submission by RDT subsequently to confirm whether or not they have withdrawn their concerns.

The report advised that the assessment process scored 54 out of a possible 70 point score (77%) which demonstrated that the proposal was likely to achieve best value. Consequently, the application was recommended for approval subject to certain conditions.

At the invitation of the Chair, Irene Hogg, CEO of Loanhead After School Club Childcare Services was heard in support of the application after which she responded to questions from Elected Members.

Decision

The Committee agreed to grant the application subject to:-

(a)LASC entering into a formal lease of the property in accordance with the Heads of Terms outlined within the report

(b)LASC obtaining appropriate planning permission and building warrant consents within 12 months of the date of the Decision Notice of the CAT decision being issued.

(c)LASC paying any legal costs associated with the Council nominating an area at open space in Gorton Road, Rosewell for designation as a protected "Field" under the Fields in Trust scheme in compensation for the loss of ground in Rosewell Park; and

(d)Subject to such other reasonable terms and conditions as the Director, Resources may consider necessary in order to protect the interests of the Council.

Action

Acting Director, Resources

The meeting terminated at 9.45am

Minute of Meeting



Audit Committee

| Date | Time | Venue |
|---------------------------|---------|--|
| Tuesday 24 September 2019 | 10.00am | Council Chambers, Midlothian House, Dalkeith, EH22 1DN |

Present:

| |
|------------------------------------|
| Mike Ramsay (Independent Chair) |
| Councillor Hardie |
| Councillor Milligan |
| Councillor Muirhead |
| Councillor Smail |
| Councillor Alexander (Substitute) |
| Councillor Cassidy (Substitute) |
| Peter de Vink (Independent Member) |

In attendance:

| | |
|----------------|---|
| Grace Vickers | Chief Executive |
| Allister Short | Joint Director Health and Social Care |
| Kevin Anderson | Acting Director Resources |
| Joan Tranent | Head of Children's Services |
| David Gladwin | Financial Services Manager |
| Alan Turpie | Legal Services Manager/Monitoring Officer |
| Stephen Reid | External Auditor, Ernst and Young |
| Grace Scanlin | External Auditor, Ernst and Young |
| Jill Stacey | Chief Internal Auditor |
| Chris Lawson | Waste, Risk and Resilience Manager |
| Myra Forsyth | Quality and Scrutiny Manager |
| Gary Thomson | Senior Accountant Projects & Treasury |
| Mike Broadway | Democratic Services Officer |

1. Welcome and Apologies

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

It was noted that Councillors Cassidy and Alexander were substituting for Councillors Baird and Parry, from whom apologies had been received.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

4.1 The minute of the meeting of 24 June 2019 was submitted and approved as a correct record having been proposed by Councillor Muirhead, seconded by Councillor Hardie.

4.2 The Action log was submitted and the following agreed:

- 1) 'Delivering Excellence – Governance Arrangements' – As these actions related to the programme of work agreed as part of last years' Internal Audit Annual Plan it was agreed that it was appropriate to close them off and pick up any outstanding issues as part of this years' Plan - close.
- 2) 'Risk Register – Lothian Buses Pension Fund – Included on the Agenda – Item No: 5.3 – close.
- 3) 'Final Internal Audit Report Follow up Review of Developer Contributions – Training Session on Planning has now been scheduled for Tuesday 3 December 2019 at 1.30 pm - close.
- 4) 'Treasury Management Training Session' – This Training Session has been scheduled for Tuesday 5 November 2019 at 10.00 am.
- 5) 'Annual Accounts 2018/19' – Included on the Agenda – Item No. 5.2 – close.
- 6) 'Audit Committee Performance Self-Assessment' – Noted that this had been presented to Council on 20 August 2019 - close.
- 7) 'Report on "Where does a Councillor go if they lose faith in Senior Officers?" – This report will be included in the Agenda for the Audit Committee meeting on 3 December 2019.

5. Public Reports

| Report No. | Report Title | Presented by: |
|---|--|-------------------------------------|
| 5.1 | Midlothian Council Annual Audit Report to Members and the Controller of Audit for the Financial Year ended 31 March 2019 | Stephen Reid, EY, External Auditors |
| Outline of report and summary of discussion | | |
| <p>Stephen Reid on behalf of External Auditors, Ernst & Young LLP presented the draft Annual Audit Report to Members and the Controller of Audit for the Financial Year ended 31 March 2019.</p> <p>The report advised, inter alia, that the external auditors intended to issue an unqualified opinion on the financial statements for the financial year ended 31 March 2019. In addition, the report provided detailed information on: Financial management; Financial sustainability; Governance and Transparency; and Value for Money.</p> | | |
| Summary of discussion | | |
| <p>Having heard from the External Auditors who responded to Members questions and comments, the Committee discussed a number of issues arising therefrom, viz:- the level of reserves; the current position regarding the Council's legal action relating to the Newbyres housing development; the Medium Term Financial Strategy; and the challenges around Financial Sustainability.</p> <p>The Council Leader, Councillor Milligan, broadly welcomed the terms of the report and advised it was prudent to allow the new management structure to take place and await the budget settlement announcement. He further commented he was disappointed that with regard to some aspects the Council was still rated red as he felt it did not recognise all the hard work undertaken by staff but understood this was because of economic uncertainty and that every other Council in Scotland was in the same position. Mr Reid in response explained that the rating reflected the need for the Council sustain and build on the undoubted progress which had been made.</p> <p>After further discussion, the Chair thanked Mr Reid for his presentation and the work undertaken by EY on behalf of the Council.</p> | | |
| Decision | | |
| <p>The Audit Committee agreed –</p> <ul style="list-style-type: none"> (a) To note and approve the Annual Audit Report; (b) To note that the wording of the section relating to Newbyres would be updated in light of the discussions at today's meeting; (c) To record the Committee's appreciation of the work undertaken by the Finance Team in assisting the External Auditors in the preparation of the report; (d) To record the Committee's thanks to Ernst & Young LLP; and (e) To refer the Annual Audit Report on to the full Council for its interest. | | |
| Action | | |
| EY/Acting Director, Resources/ Democratic Services | | |

| Report No. | Report Title | Presented by: |
|---|---|---|
| 5.2 | Financial Statements for the year ended 31 March 2019 | David Gladwin, Financial Services Manager |
| Outline of report and summary of discussion | | |
| <p>The purpose of this report dated 11 September 2019 was to present the Council's draft audited Financial Statements for 2018/19 to the Audit Committee and to provide a brief overview of the changes made during the audit process. The Council submitted its unaudited Annual Accounts to the External Auditor by the required date of 30th June 2019 and they were examined in detail at a special Audit Committee on Monday 24th June 2019.</p> <p>Having heard from the Financial Services Manager, who responded to Member's questions and comments, the Committee discussed the increase in the value of the Pension Liability as a consequence of recent legal judgements and enhancements made to both the Management Commentary and the Annual Governance Statement during the Audit.</p> | | |
| Decision | | |
| The Audit Committee approved the 2018/19 Accounts for signature having regard to the appointed Auditor's report for 2018/19. | | |
| Action | | |
| Head of Finance and Integrated Service Support | | |

| Report No. | Report Title | Presented by: |
|---|----------------------------|-------------------------------------|
| 5.3 | Lothian Buses Pension Fund | Alan Turpie, Legal Services Manager |
| Outline of presentation and summary of discussion | | |
| <p>With reference to paragraph 5.1 of the Minutes of 12 March 2019, there was submitted report, dated 10 September 2019, the purpose of which was to advise Members of the Audit Committee of the effect of the assimilation of the Lothian Buses Pension Fund into the general Lothian Pension Fund.</p> <p>The Legal Services Manager in presenting the report highlighted the main sections contained within the report and the concerns raised on the effect of entering into the Deed of Guarantor on the Council. The concerns raised with the Lothian Pension Fund and the responses received from the Fund were outlined in Appendix 1 to this report.</p> <p>In discussing the risks to the Council associated with the Deed of Guarantor, it was felt that this was an area that would require to be carefully monitored.</p> | | |
| Decision | | |
| The Audit Committee noted the report and agreed that an appropriately worded entry be added to the risk register to allow the position to be monitored. | | |
| Action | | |
| Legal Services Manager/ Waste, Risk and Resilience Manager | | |

| Report No. | Report Title | Presented by: |
|--|--|--|
| 5.4 | Risk Management Update for 1 April 2019 – 30 June 2019 | Chris Lawson, Waste, Risk and Resilience Manager |
| Outline of presentation and summary of discussion | | |
| <p>The Risk Manager presented a report dated 12 September 2019 providing the Audit Committee with the 2019/20 quarter 1 strategic risk management update, covering the period 1 April 2019 to 30 June 2019. The Audit Committee had previously requested regular reports on the Council's Strategic Risks. The Strategic Risk Profile sought to provide a strategic look at the current issues and future risks and opportunities facing the Council.</p> <p>The Risk Manager highlighted the main sections contained within the report and thereafter responded to questions and comments raised by Members of the Committee.</p> | | |
| Decision | | |
| The Audit Committee, having considered the current response to the issues, risks and opportunities, noted the quarter 1 2019/20 Strategic Risk Profile report. | | |
| Action | | |
| Risk Manager | | |

| Report No. | Report Title | Presented by: |
|--|--|-------------------------------------|
| 5.5 | Audit Scotland Fraud and Irregularity update 2018/19 | Jill Stacey, Chief Internal Auditor |
| Outline of presentation and summary of discussion | | |
| <p>The Chief Internal Auditor introduced an Audit Scotland report entitled 'Fraud and Irregularity Update 2018/19', which aimed to share information about cases where internal control weaknesses in public bodies have led to fraud and irregularities, to help prevent similar circumstances happening again.</p> <p>The key messages contained in the report were that</p> <ul style="list-style-type: none"> • External auditors have reported a variety of fraud and irregular activities across a range of Scottish public bodies during 2018/19. • During 2018/19, external auditors reported 17 cases of frauds and irregularities valued at almost £674,000. The value of reported fraud and irregularity is small compared to Scottish public sector expenditure. • Common control weaknesses have contributed to the fraudulent and irregular activity reported during 2018/19. | | |
| Decision | | |
| <p>After discussion, the Audit Committee expressed support for the recommendations arising from the report, which were that:</p> <ul style="list-style-type: none"> • Public bodies should consider whether the weaknesses in internal control that facilitated the cases identified in this report may also exist in their own organisations and take the required corrective action; and | | |

| |
|--|
| <ul style="list-style-type: none"> Auditors should confirm whether internal controls at their audit clients are sufficiently strong to prevent the types of frauds and errors highlighted in this report. |
| Action |
| Internal Audit |

| Report No. | Report Title | Submitted by: |
|--|---|--------------------------------|
| 5.6 | Proposed Change to the Scheduled Meeting Dates from December 2019 – December 2020 | Mike Ramsay, Independent Chair |
| Outline of presentation and summary of discussion | | |
| <p>There was a report submitted dated 31 July 2019 by the Independent Chair inviting the Committee to consider amendments to the scheduled meetings of the Audit Committee from December 2019 – December 2020 and to recommend to Council to approve these amendments. The details of the recommended amendments were:</p> <ul style="list-style-type: none"> To rearrange the scheduled meeting on 25 August 2020 to Monday 22 June 2020 at 11 am to consider the unaudited Accounts 2019/20. To change the meeting times for the Audit Committee meetings scheduled from December 2019 – December 2020 from 10 am to 11 am to accommodate the Informal Sessions prior to each meeting. | | |
| Decision | | |
| The Audit Committee agreed to recommend to Council to approve the amendments to the scheduled meeting dates for December 2019 – December 2020 as outlined within the report. | | |
| Action | | |
| Democratic Services | | |

| Report No. | Report Title | Submitted by: |
|---|---|-------------------------------------|
| 5.7 | Internal Audit Follow-Up of Completed Recommendations | Jill Stacey, Chief Internal Auditor |
| Outline of presentation and summary of discussion | | |
| <p>There was a report submitted by the Chief Internal Auditor dated 12 September 2019 providing an update on the status of the implementation by Management of the audit recommendations made and agreed in Internal Audit Reports in previous years to improve internal controls and governance. It was noted that the review highlighted that of the 60 recommendations tested, 51 (85%) were found to have been completed satisfactorily, and 9 (15%) were identified as requiring further work. A further follow-up audit of the 9 recommendations shown as incomplete indicated that all are now completed with robust evidence to show that these were actually implemented and that the resulting controls were operating effectively.</p> | | |

| Decision |
|--|
| <p>The Audit Committee, having heard from the Chief Internal Auditor:</p> <ul style="list-style-type: none"> Acknowledged the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks. Where satisfied having considered the progress made that no further action was required, at this time. |
| Action |
| Internal Audit |

| Report No. | Report Title | Submitted by: |
|---|------------------------------------|-------------------------------------|
| 5.8 | Internal Audit Work to August 2019 | Jill Stacey, Chief Internal Auditor |
| Outline of presentation and summary of discussion | | |
| <p>There was a report submitted by the Chief Internal Auditor dated 12 September 2019 providing details of the recent work carried out by Internal Audit and the findings and recommended actions agreed by Management to improve internal controls and governance arrangements.</p> <p>The Chief Internal Auditor outlined the main sections contained within the report and responded to questions and comments raised by Members of the Committee.</p> | | |
| Decision | | |
| <p>The Audit Committee:</p> <ul style="list-style-type: none"> Noted the final assurance reports issued in the period from 1 April to 30 August 2019 associated with the delivery of the approved Internal Audit Annual Plan 2019/20 Acknowledged the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work. | | |
| Action | | |
| Internal Audit | | |

6. Private Reports

No private reports were submitted.

7. Date of Next Meeting

The next meeting will be held on 3 December 2019 at 11 am

The meeting terminated at 11.47 am

Minute of Meeting



General Purposes Committee

| Date | Time | Venue |
|----------------|----------|---|
| 8 October 2019 | 10.05 am | Council Chamber, Midlothian House, Buccleuch Street, Dalkeith |

Present:

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

In attendance:

| | |
|-------------------------------------|---|
| Alan Turpie, Legal Services Manager | Verona MacDonald, Democratic Services Team Leader |
| Inspector E. Smith, Police Scotland | |

1. Apologies

Apologies for absence were received for Councillors Baird, McCall, Parry, Wallace and Winchester.

2. Order of Business

The order of business was as set out on the Agenda together with an additional item raised under Item 5.

3. Declarations of interest

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.

4. Minutes of Meetings

Following consideration, the full Minutes of Meetings held on 27 August and 2 September 2019 were unanimously approved and the Chair was authorised to sign them as correct records of the meetings.

Sederunt: Councillor Curran, having previously intimated a declaration of interest, left the meeting at 10.07 am and did not return.

5. Public Reports

Private Hire Cars – Passenger Capacity – Report by Legal Services Manager

The Chair advised he had acceded to a request from the Legal Services Manager for a report not included on the agenda circulated to be considered by the Committee. He further referred Members to the report entitled “Private Hire Cars – Passenger Capacity” circulated separately. The Legal Services Manager spoke to the terms of the report which advised of a change at the Taxi Examination Centre regarding the calculation of passenger capacity numbers for private hire cars. He suggested the Committee may wish to invite the Taxi Examiner to meet them to discuss the matter further.

Councillor Milligan advised that as a result of the change imposed by the Taxi Examiner, Private Hire Association members had experienced newer models of the same vehicle failing the capacity test whereas older models passed. He also mentioned other changes which he understood had been implemented at the Taxi Examination Centre without consultation and/or approval by the Council. He stated that prior to any change being implemented which affected the standard conditions attached to licences, a report required to be considered by the Committee and subsequently approved.

Inspector Smith in noting the standard conditions were often silent with regard to matters relating to vehicle testing, advised the Taxi Examiner would adhere to the conditions in City of Edinburgh and West Lothian which were more specific. He stated that the Committee was aware the standard conditions applicable to vehicles licensed by Midlothian required to be updated.

Thereafter, it was unanimously agreed to invite the Taxi Examiner to attend the next meeting of the Committee.

The Legal Services Manager, with regard to progress in relation to revising the standard conditions, advised he hoped to bring drafts before the next meeting of the Committee. Following a short discussion, it was unanimously agreed to meet with the Taxi Examiner prior to considering and reviewing the standard conditions.

Exclusion of Members of the Public

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

- 6.1 Application for a Private Hire Car Driver Licence – G. Black
- 6.2 Application for a Private Hire Car Driver Licence – J. Kay
- 6.3 Application for a Private Hire Car Driver Licence – E. Reynolds

The meeting terminated at 11.00 am

Minute of Meeting



Planning Committee

| Date | Time | Venue |
|----------------|---------|--|
| 8 October 2019 | 1.00 pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|--------------------------|-----------------------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Cassidy | Councillor Curran |
| Councillor Hackett | Councillor Hardie |
| Councillor Johnstone | Councillor Lay-Douglas |
| Councillor Milligan | Councillor Muirhead |
| Councillor Munro | Councillor Parry (via video link) |
| Councillor Russell | Councillor Smail |

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

Apologies for absence were intimated on behalf of Councillors Baird, McCall, Wallace and Winchester.

2. Order of Business

The order of business was as outlined in the agenda.

3. Declarations of interest

Councillor Alexander (non-pecuniary) declared an interest in agenda item 5.3 - Pre-Application Consultation on Proposed Holiday Resort Development at Land at Drummond Moor Landfill Site, Rosewell (19/00626/PAC) – on the grounds that the proposed development could potentially impact on her property and for this reason, she intended not to take part in consideration of the application and would withdraw from the meeting.

4. Minutes of Previous Meetings

The Minute of Meeting of 27 August 2019 were submitted and approved as a correct record.

5. Reports

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.1 | 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 1 October 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 | | |
| <p>The Committee, having heard from the Planning Manager who responded to Members questions, noted the major planning application proposals which were likely to be considered by the Committee in 2019/20 and the updates for each of the applications.</p> | | |
| Action | | |
| Planning Manager | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------|
| 5.2 | Appeals and Local Review Body Decisions | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| There was submitted a report dated 1 October 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 September 2019 and advising that there were no appeals determined by Scottish Ministers to report. | | |
| Decision | | |
| The Committee noted the decisions made by the Local Review Body at its meetings on 10 September 2019. | | |
| Action | | |
| Planning Manager | | |

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| Sederunt |
| With reference to item 3 above, Councillor Alexander, having declared a non-pecuniary interest in the following item of business, left the meeting at 1.04 pm, taking no part in the consideration thereof. |

| Agenda No | Report Title | Presented by: |
|---|---|----------------|
| 5.3 | Pre-Application Consultation on Proposed Holiday Resort Development at Land at Drummond Moor Landfill Site, Rosewell (19/00626/PAC) | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| <p>There was submitted report, dated 1 October 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding a proposal for a holiday resort at Drummond Moor Landfill Site, Rosewell. (19/00626/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> | | |
| Decision | | |
| <p>The Committee, having heard from the Planning Manager, noted:</p> <p>(a) The provisional planning position set out in the report;</p> | | |

| |
|---|
| <p>(b) That the potential for developer contributions arising from this proposed development would be explored as part of the formal assessment process once an application was received; and</p> <p>(c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p> |
| Action |
| Planning Manager |

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| Sederunt |
| Councillor Alexander re-joined left the meeting follow conclusion of the foregoing item of business at 1.07 pm. |

| Agenda No | Report Title | Presented by: |
|--|---|----------------|
| 5.4 | Pre-Application Consultation on Proposed Residential Development with Associated Infrastructure at Land North of Seafield Road, Bilston (part of Site HS16) (19/00641/PAC). | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| <p>There was submitted report, dated 1 October 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development with associated engineering works, open space and landscaping at land north of Seafield Road, Bilston (19/00641/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> | | |
| Decision | | |
| <p>The Committee, having heard from the Planning Manager, noted:</p> <p>(a) The provisional planning position set out in the report; and</p> <p>(b) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p> | | |
| Action | | |
| Planning Manager | | |

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.5 | Application for Planning Permission for the Erection of 91 Dwellinghouses; Formation of Access Roads; SUDS Feature and Associated Works (Amendment to Development Layout, House Numbers and House Types Approved in terms of planning permission 17/00068/DPP) at Land between Deanburn and Mauricewood Road, Penicuik (19/00727/DPP). | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| <p>There was submitted report, dated 1 October 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>Having heard from the Planning Manager, the Committee in discussing the proposed development, noted that the relevant development plan policies as set out in the Midlothian Local Development Plan 2017 relating to affordable housing had been met, albeit as part of the overall development of the area.</p> | | |
| Decision | | |
| <p>The Committee agreed to grant planning permission for the following reason:</p> <p><i>The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the development plan. The currently proposed detailed scheme of development in terms of its layout, form, design and landscaping is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.</i></p> <p>subject to</p> <p>(i) The completion of a modification application to the existing planning obligation to ensure that:</p> <ul style="list-style-type: none"> • The 'original' 74 units contained within this application are bound by that agreement; and • The additional affordable housing requirement (5 units) generated by the additional houses contained within this application is secured. <p>(ii) The completion of a legal agreement in respect of the 17 'additional' dwellings to secure financial contributions towards:</p> <ul style="list-style-type: none"> • a financial contribution towards education provision; • a financial contribution towards Penicuik Town Centre improvements; and • a financial contribution towards the A701 Relief Road <p>(iii) the detailed conditions set out in the report.</p> | | |
| Action | | |
| Planning Manager | | |

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.6 | Application for Planning Permission for the Erection of 100 Dwellinghouses, Formation of Access Roads, SUDS Feature, Car Parking and Associated Works at Land between Rosewell Road and Carnethie Street, Rosewell (18/00403/DPP). | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| <p>There was submitted report, dated 7 June 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>The Committee, having heard from the Planning Manager, discussed the proposed development, giving particular consideration to both the relevant planning policies, and also the representations and consultation responses that had been received; details of which were contained in the report. Whilst it was acknowledged that this was an allocated housing site, the proposed development had attracted a sizeable body of representations, and there was some debate as to whether concerns regarding the impact of vehicular traffic, provision for education and the impact of the development had been adequately addressed.</p> <p>After further discussion, Councillor Parry, seconded by Councillor Milligan, moved that in light of the concerns regarding the potentially detrimental impact of the proposed development on road safety; the amenity of the existing residents; and also education provision that planning permission be refused for these reasons.</p> <p>As an amendment, Councillor Hardie, seconded by Councillor Hackett, moved that planning permission be granted for the reasons, and subject to the conditions, detailed in the Director's report.</p> <p>Thereafter, on a vote being taken, two Members voted for the motion and eleven for the amendment, which accordingly became the decision of the meeting.</p> | | |
| Decision | | |
| <p>The Committee agreed to grant 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. The presumption for development is not outweighed by any other material considerations.</i></p> <p>subject to:</p> <p>(i) the prior signing of a legal agreement to secure:</p> <ul style="list-style-type: none"> the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site HS14 as a whole; a financial contribution towards education provision; a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches); a financial contribution towards public transport/Borders Rail; and | | |

- maintenance of children's play/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 set out in the report.

Action

Planning Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting will be held on Tuesday 19 November 2019.

The meeting terminated at 1.34 pm

Minute of Meeting



Local Review Body

| Date | Time | Venue |
|-------------------------|--------|--|
| Tuesday 22 October 2019 | 1.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|----------------------------------|----------------------------|
| Councillor Russell Imrie (Chair) | Councillor Diane Alexander |
| Councillor Colin Cassidy | Councillor Stephen Curran |
| Councillor Jim Muirhead | Councillor Keiran Munro |
| Councillor Peter Smail | |

1 Apologies

Apologies for absence were received from Councillors Lay-Douglas and Councillor Milligan.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minute of Meeting of 10 September 2019 was submitted and approved as a correct record.

5 Public Reports

| Agenda No | Report Title | Presented by: |
|---|-----------------------------|----------------|
| 5.1 | Local Review Body Decisions | Peter Arnsdorf |
| Outline of report and summary of discussion | | |
| <p>There was a report submitted by the Director Education, Communities and Economy to present the formal decision notices issued following the decisions taken by the Local Review Body (LRB) at its meeting in September 2019.</p> <p>The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse an application or to impose conditions on a grant of planning permission. The decision of the Local Review Body on any review is final, and can only be challenged through the Courts on procedural grounds.</p> <p>At its meeting on 10 September 2019 the following decisions were made and are detailed in the Decision Notices:</p> <ul style="list-style-type: none">• 18/00756/DPP: Middleton Limeworks, Gorebridge – dismissal of review.• 18/00759/S42: Land at Wester Cowden Farm, Wester Cowden, Dalkeith – dismissal of review.• 19/00159/DPP: 26 Mavisbank, Loanhead – dismissal of review.• 19/00326/DPP: 17 Tipperwell Way, Howgate, Penicuik – dismissal of review.• 19/00336/DPP - Land at 1A Kirkhill Terrace, Gorebridge – dismissal of review. | | |

| Decision |
|-----------------------------------|
| To note the LRB decision notices. |

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.2 | Notice of Review Request Considered for the First Time – 16 Lady Brae, Gorebridge – Determination Report (18/00759/S42) | Peter Arnsdorf |

Outline of report and summary of discussion

There was submitted a report dated 10 October 2019 by the Director Education, Communities and Economy regarding the above application. The purpose of this report was to provide a framework for the Local Review Body to consider a 'Notice of Review' for the erection of a temporary building at 16 Lady Brae, Gorebridge.

The Planning Authority on 31 May 2019 refused planning permission for the erection of a temporary building at 16 Lady Brae, Gorebridge (19/00247/DPP). Appended to the report was the Notice of Review Form and supporting statement, a copy of the case officer's report and a copy of the decision notice.

The Local Review Body had made an accompanied visit to the site on Tuesday 22 October 2019.

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review Hearing procedures and outlined the background to the case. Thereafter, oral representation was received firstly from the applicant, Mr Mark Skinner, City Access Scaffolding Ltd, then from Mhairi-Anne Cowie, the Local Authority Planning Officer.

The Committee gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular consideration was given to the impact this would have on neighbouring properties as well as recognising the needs of the business for this temporary structure.

After a detailed discussion during which the Committee agreed the principle of a temporary structure being in place, the period of time required before erecting a permanent structure was debated.

Councillor Cassidy seconded by Councillor Munro moved that the temporary structure remained in place for 2 years.

As an amendment Councillor Muirhead, seconded by Councillor Smaill moved that the temporary structure remained in place for 1 year.

On a vote being taken 3 members voted for the Motion and 4 for the Amendment which accordingly became the decision of the Committee.

| Decision |
|--|
| <p>To uphold the Review Request and approve planning permission for the erection of a temporary building at 16 Lady Brae, Gorebridge (19/00247/DPP) .</p> <p>Subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The building hereby approved is permitted for a temporary period only and shall be removed within one year of the date of this permission (by 22 October 2020) and the land returned to its condition prior to the development commencing within one month of the building being removed. <p>Reason: <i>The retention of the building for longer than one year would have a significant detrimental impact on the character and appearance of the surrounding area, as well as the amenity of neighbouring residents; however the material considerations of the application mean a temporary building is considered acceptable.</i></p> |
| Action |
| Planning Manager |

6 Private Reports

No private business to be discussed.

7 Date of Next Meeting

The next meeting will be held on Monday 2 December 2019 at 1.00 pm.

The meeting terminated at 1.35 pm.

Minute of Meeting



Midlothian Integration Joint Board

| Date | Time | Venue |
|--------------------------|--------|--|
| Thursday 10 October 2019 | 2.00pm | Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ. |

Present (voting members):

| | |
|----------------------------------|--|
| Cllr Catherine Johnstone (Chair) | Carolyn Hirst (Vice Chair) |
| Cllr Jim Muirhead | Mike Ash (substitute for Angus McCann) |
| Cllr Derek Milligan | |

Present (non-voting members):

| | |
|--|---|
| Morag Barrow (Chief Officer) | Claire Flanagan (Chief Finance Officer) |
| Alison White (Chief Social Work Officer) | Hamish Reid (GP/Clinical Director) |
| Caroline Myles (Chief Nurse) | Fiona Huffer (Head of Dietetics) |
| Wanda Fairgrieve (Staff side representative) | Keith Chapman (User/Carer) |
| Pam Russell (User/Carer) | Jane Crawford (Third Sector) (substitute for Ewan Aitken) |

In attendance:

| | |
|--------------------------------------|--|
| Jill Stacey (Chief Internal Auditor) | Mairi Simpson (Integration Manager) |
| Mike Broadway (Clerk) | Clare Cartwright (NHSL Strategic Planning) |
| Bhav Joshi (NHSL Strategic Planning) | Chris Myers (NHSL Acute) |

Apologies:

| | |
|---|---|
| Cllr Pauline Winchester | Angus McCann |
| Tricia Donald | Alex Joyce |
| Cllr Janet Lay-Douglas (substitute for Cllr Pauline Winchester) | Ewan Aitken (Third Sector) |
| Jamie Megaw (Strategic Programme Manager) | Tom Welsh (Integration Manager (Acute)) |

Midlothian Integration Joint Board

Thursday 10 October 2019

1. Welcome and introductions

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

2. Order of Business

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

It was agreed to take agenda item 5.3 - Royal Infirmary of Edinburgh Front Door Redesign as the first item of public business in order to allow colleagues from NHSL Strategic Planning who were in attendance to present the item, the opportunity to leave at its conclusion.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on 22 August 2019 were submitted and approved as a correct record, subject to the addition of Wanda Fairgrieve to the list of those present.
- 4.2 The Minutes of Special Meeting of the Midlothian Integration Joint Board held on 12 September 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 June 2019 were submitted and noted.
- 4.4 A Rolling Action Log – October 2019 was submitted.

Thereafter, the Board, having received updates on the various action points detailed therein, agreed:-

- (a) to close off completed actions with the exception of those actions whose expected completion date had not yet passed;
- (b) to note that reports on the review of the Strategic Planning Group and a further paper on Midlothian Community Hospital were included on today's agenda; and
- (c) to note that the 6 monthly update on progress against delivery of the Midlothian IJB Directions 2019-20 would be included as part of the December Board agenda.

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

Midlothian Integration Joint Board

Thursday 10 October 2019

5. Public Reports

| Report No. | Report Title | Presented by: |
|--|--|--|
| 5.3 | Royal Infirmary of Edinburgh Front Door Redesign | Clare Cartwright/ Bhav Joshi (NHSL Strategic Planning) |
| Executive Summary of Report | | |
| <p>The purpose of this paper was to set out the responsibilities of the IJB with regard to unscheduled care in acute hospitals, communicate the need for change in RIE Front Door services, and seek support in principle from the Board to take work forward to redesign the RIE front door to meet future demand, up to 2033.</p> <p>The report explained that the front door comprises the entry points to acute hospital unscheduled care and includes the Emergency Department, Minor Injuries, Ambulatory Emergency Care and Surgical Receiving. Front Door services have been under continual and growing pressure for a number of years and this is projected to increase in line with the changing population in Lothian over the next 14 years.</p> <p>The case was made for further investment in the service to cope with this changing demand. This included a significant capital investment to address overcrowding as well as increased staffing in the longer term.</p> <p>As Unscheduled Care was a delegated function under the Public Bodies Act 2014 (integration legislation), the responsibility for revenue costs rested with the four Lothian Integration Joint Boards. This report seeks the agreement in principle of Midlothian IJB to the Initial Agreement seeking capital funding through NHS Lothian. This report also describes the potential opportunities to reduce demand within the Emergency Department through the development of community based services.</p> | | |
| Summary of discussion | | |
| <p>The Board, having heard from Clare Cartwright and Bhav Joshi, NHS Lothian Strategic Planning, who responded to Members' questions and comments, discussed the proposals and acknowledged the importance of delivering changes that ensured people got the right support at the right time by the right service, both in the community and in acute hospital settings.</p> <p>In response to concerns regarding the potential implications, Morag Barrow, Chief Officer, sought to reassure Members by explaining that this tied into the currently ongoing work on unscheduled care, and whilst it was acknowledged that there was a role for community based services, acute services would also be required and it was vitally important they too remained fit for purpose. This was the start of a process and there would be on-going dialogue with the IJBs as the proposals progressed and developed.</p> | | |
| Decision | | |
| <p>The Board, after further discussion and questions to Officers, agreed:</p> <ul style="list-style-type: none"> • To support, in principle, the "Initial Agreement" application for capital investment in the RIE Front Door; and | | |

Midlothian Integration Joint Board

Thursday 10 October 2019

- To approve the proposal that Midlothian HSCP undertakes a programme of work to assess whether there were viable and cost-effective community based alternatives to acute hospital care.

Action

Chief Officer/Chief Finance Officer

| Report No. | Report Title | Presented by: |
|------------|----------------------|---------------|
| 5.1 | Chief Officer Report | Morag Barrow |

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.

Summary of discussion

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

- Update on the progress being made on the delivery of the NHS Lothian Recovery Plan, following the decision by Scottish Government to place NHS Lothian on Level 3 of Performance Escalation matrix.
- Midlothian Intermediate Care Clinical model redesign was being progressed by the clinical team, focusing initially on a 12 week short term plan for winter, before progressing to a longer term model redesign.
- A separate report on Winter Planning was included on the agenda (item 5.5 refers) seeking the MIJB support to agree Midlothian HSCP contribution to NHS Lothian plan.
- An update on the Workforce in particular the arrangements for the recruitment of the new Head of Service for Older People and Primary Care
- Midlothian Health and Social Care Partnership were managing BREXIT risks through both NHS Lothian Strategic BREXIT Management Group, and Midlothian Council EU Exit Group.
- The 2018/19 Annual Performance Report event which had been held on 17 September 2019 had been well received and plans were being put in place to build on this approach in 2020 and support more service users to be part of any event.
- The refurbishment of Primrose Lodge would allow it to be used for people with a Learning Disability and complex physical disability to be supported in their community.

On a more general issue the role of the IJB in the Development and Strategic Planning processes; its links into Community Planning and how it interacted with other agencies was discussed, concerns having been raised that opportunities to influence/input into decision making that might also impact on delivery of services in the future may be being missed. In response, Alison White, Chief Social Work Officer and Head of Adult and Social Care suggested that this would be best addressed by way of a further report.

Midlothian Integration Joint Board

Thursday 10 October 2019

Decision

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

- **Noted the issues and updates raised in the report.**
- **Acknowledged the importance of the Brexit ready message in reassuring the public;**
- **Noted the progress being made in the recruitment to the Head of Service for Older People and Primary Care position; and**
- **Agreed to seek a further report on the role of the IJB in the Development and Strategic Planning processes; its links into Community Planning and how it interacted with other agencies.**

Action

Chief Officer

| Report No. | Report Title | Presented by: |
|------------|--------------------------------|---------------|
| 5.2 | IJB Improvement Goals Progress | Alison White |

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

The Board having heard from Alison White, Head of Adult and Social Care, who responded to Members' questions and comments, considering the current progress against the local improvement goals. The inclusion of information about performance in Midlothian against the Core Suite of Indicators was welcomed as it allowed performance to be compared against other IJBs in Scotland.

Decision

After further discussion, the Board:-

- **Noted the current performance across the improvement goals.**
- **Noted the inclusion of further information about performance in Midlothian against the Core Suite of Indicators.**

Action

Chief Officer/Strategic Programme Manager

| Report No. | Report Title | Presented by: |
|------------|--|---------------|
| 5.4 | Planning for the future development at Midlothian Community Hospital | Morag Barrow |

Midlothian Integration Joint Board

Thursday 10 October 2019

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 13 June 2019 and to the Development Workshop session held on 12 September 2019 at Midlothian Community Hospital, there was submitted a report sharing with the Board the comments from IJB members regarding what developments they would like to see at Midlothian Community Hospital in the future arising from the development session and seeking agreement on an approach to future planning.

The report suggested holding a further Development Workshop session in November as a way of maintaining momentum, in order to allow for a future Business case to be developed early in 2020.

Summary of discussion

Having heard from Chief Officer, Morag Barrow who responded to Members' questions and comments, the Board in considering the suggested approach to future planning discussed possible issues for inclusion in the deliberations, it being acknowledged that whatever was finally agreed the question of funding would be a critical factor in being able to progress matters.

Decision

After further discussion, the Board agreed to:

- **noted the report; and**
- **approve the suggested methodology and timescales to develop a robust future plan for Midlothian Community Hospital.**

Action

Chief Officer

| Report No. | Report Title | Presented by: |
|------------|-----------------|---------------|
| 5.5 | Winter Planning | Morag Barrow |

Executive Summary of Report

The report explained that Health and Social Care Services came under increased pressure over the winter months as a result of a greater incidence of ill-health and the impact of adverse weather conditions. This can lead to particularly severe pressure in acute hospitals with the consequent cancellation of planned operations.

This report outlined the work being undertaken locally to prepare for these winter pressures and to ensure Midlothian HSCP took all possible steps to assist in controlling the pressures on Acute Hospitals during the winter months through effective forward planning and the provision of additional capacity in key services, including proposals to use short term funding made available by Scottish Government

Midlothian Integration Joint Board

Thursday 10 October 2019

| Summary of discussion |
|---|
| The Board, having heard from Morag Barrow, Chief Officer, who responded to Members questions and comments, discussed the winter plans that were being developed locally, giving particular consideration to opportunities for the voluntary sector to contribute to the planning process, flu vaccinations and the importance of protecting frontline staff and carers. |
| Decision |
| <p>The Board, after further discussion:</p> <ul style="list-style-type: none"> • Noted the work being taken forward to make preparations for coping with additional pressures which are likely to arise during the winter months; and • Delegated the responsibility for signing off the Lothian Winter Plan on behalf of Midlothian IJB to the Chief Officer. |
| Action |
| Chief Officer |

| Report No. | Report Title | Presented by: |
|------------|-------------------------------------|---------------|
| 5.6 | Midlothian Strategic Planning Group | Mairi Simpson |

| Executive Summary of Report |
|---|
| <p>With reference to paragraph 4.3 of the Minutes of 14 March 2019, there was submitted a report updating the Board on recent developments regarding the Strategic Planning Group, including the recommended appointment of a new Chair and Terms of Reference, approved by the Group on 15 July 2019.</p> <p>The report advised that the Scheme of Integration requires Integration Joint Boards (IJBs) to establish a Strategic Planning Group (SPG). The Group plays a critical role in ensuring the development and implementation of the Partnership's Strategic Plan, ensuring that the integration delivery principles are met and adhered to.</p> |
| Summary of discussion |
| Having heard from Integration Manager, Mairi Simpson who responded to Members' questions and comments, the Board welcomed the proposals, particularly moves to strengthen the links to the MIJB. |
| Decision |
| <p>After further discussion, the Board agreed to approve</p> <ul style="list-style-type: none"> • the Terms of Reference for the Strategic Planning Group • the appointment of Carolyn Hirst as the new Chair for the Strategic Planning Group. <p>In addition, it was also noted that the minutes of the Strategic Planning Group would in future be shared with the Board.</p> |

Midlothian Integration Joint Board

Thursday 10 October 2019

| Action |
|---------------|
| Chief Officer |

| Report No. | Report Title | Presented by: |
|------------|-------------------------------|-----------------|
| 5.7 | Review of IJB Reserves Policy | Claire Flanagan |

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 9 February 2017, there was submitted a report providing the Board with an opportunity to review its Reserves Policy, which laid out what reserves would be held and how these would be reported.

The report explained that because governance of the IJB was under the local authority regulations, the IJB was permitted to hold a reserve. Put simply a reserve was a mechanism to carry forward from one financial year to another a balance of unused funds. These funds may be specifically earmarked for a particular purpose(s) or just held as a general financial buffer against unforeseen in year events or as part of a longer term financial plan.

Summary of discussion

Having heard from Claire Flanagan, Chief Finance Officer, who responded to Members' questions and comments, the Board in reviewing the Reserves Policy acknowledged the role of its partners, Midlothian Council and NHS Lothian in this process.

Decision

After further discussion, the Board:

- **Noted the review of the IJB reserves policy; and**
- **Agreed to the continuation of this reserves policy.**

Action

Chief Finance Officer

| Report No. | Report Title | Presented by: |
|------------|--|---------------|
| 5.8 | Midlothian Health and Social Care Integration Joint Board Audit and Risk Committee Annual Report 2018/19 | Jill Stacey |

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of the MIJB Audit and Risk Committee of 5 September 2019, there was submitted a report presenting the Board with the inaugural MIJB Audit and Risk Committee Annual Report 2018/19 which sets out how it is performing against its remit and incorporates its annual self-assessment using the CIPFA Audit Committees Guidance.

Midlothian Integration Joint Board

Thursday 10 October 2019

| Summary of discussion |
|---|
| Having heard from Chief Internal Auditor, Jill Stacey, who responded to Members' questions and comments, the Board welcomed the Annual Report. |
| Decision |
| <p>After further discussion, the Board agreed to approve</p> <ul style="list-style-type: none"> the MIJB Audit and Risk Committee Annual Report 2018/19 (Appendix 1) which sets out how it is performing against its remit. the proposed amendment to the Terms of Reference of the MIJB Audit and Risk Committee as detailed in Appendix 1 and in paragraph 3.6. |
| Action |
| Chief Officer |

5. Date of next meeting

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

- Thursday 14 November 2019* 2pm Development Workshop
- Thursday 12 December 2019 2pm Midlothian Integration Joint Board

(NB – * the venue for the November Development Workshop would be Midlothian Community Hospital, 70 Eskbank Rd, Bonnyrigg. Detailed arrangements would be given nearer the time.)

(Action: All Members to Note)

The meeting terminated at 3.35 pm.

