

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 18 December 2018**

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

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Midlothian Council 13 November 2018	3 - 20
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## **2 Minutes of Meetings submitted for Consideration**

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

Police and Fire and Rescue Board 27 August 2018	21 - 24
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General Purposes Committee 9 October 2018	25 - 26
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Planning Committee 9 October 2018	27 - 44
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Cabinet 16 October 2018	45 - 52
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Local Review Body 16 October 2018	53 - 60
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## **3 Minutes of Meetings submitted for Information**

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

Midlothian Intefration Joint Board 11 November 2018	61 - 70
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# Minute of Meeting



## Midlothian Council

Date	Time	Venue
13 November 2018	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

### In attendance:

Dr. Grace Vickers, Chief Executive	Kevin Anderson, Acting Director, Resources
Allister Short, Joint Director, Health and Social Care	Mary Smith, Director, Education, Communities and Economy
Gary Fairley, Head of Finance and Integrated Service Support	Ricky Moffat, Head of Commercial Operations
Garry Sheret, Head of Property and Facilities Management	Mike Broadway, Democratic Services Officer
William Venters, Depute Monitoring Officer	Verona MacDonald, Democratic Services Team Leader
Stephen Clark, Group Manager, Housing Services	

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

Mrs E. Morton	Mr V. Bourne
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## 1. Welcome, Introductions and Apology

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1.1 The Council acknowledged the gift of a picture from Dalkeith Arts presented prior to the start of the meeting and displayed on a wall in the Council Chamber. Reference was made to the decision of Council on 2 October 2018, following a Motion by Councillor Cassidy, to accept the picture depicting a portrait by the artist John Singer Sargent entitled "Gassed". Members extended a vote of thanks to the artists by way of a round of applause.

1.2 The Clerk intimated an apology on behalf of Councillor Milligan.

## 2. Order of Business

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The order of business was confirmed by the Clerk as that which was outlined in the agenda circulated with the exception that report numbered 7.18 on the agenda would, following a request to the Provost, be taken before report numbered 7.1.

## 3. Declarations of interest

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

## 4. Deputations

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

## 5. Minutes of Previous Meetings

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5.1 The Minute of the meeting of Midlothian Council which took place on 2 October 2018 was submitted for approval. The Council approved the Minute as a correct record so moved by Councillor Muirhead and seconded by Councillor Cassidy. The Provost was authorised to sign the Minute as a true record of the meeting.

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

Meeting	Date of Meeting
Special Audit Committee	18 June 2018
Audit Committee	19 June 2018
General Purposes Committee	28 August 2018
Special Audit Committee	28 August 2018
Planning Committee	28 August 2018
Cabinet	4 September 2018
Local Review Body	4 September 2018
Performance, Review and Scrutiny Committee	18 September 2018

## 6. Questions to the Leader of the Council

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

## 7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.1</b>	<b>Charter against Modern Slavery</b>	<b>Councillor Imrie</b>	<b>Councillor Russell</b>
<b>Motion:</b>			
<p><i>"That Midlothian Council pledges to:-</i></p> <ol style="list-style-type: none"> <li><i>1. Train our corporate procurement team to understand modern slavery through the CIPS course on Ethical Procurement and Supply;</i></li> <li><i>2. Require its contractors to comply fully with the Human Trafficking and Exploitation (Scotland) Act 2015 and the Modern Slavery Act 2015 wherever they apply, with contract termination as a potential sanction for non-compliance;</i></li> <li><i>3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery;</i></li> <li><i>4. Highlight to suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one;</i></li> <li><i>5. Publicise our whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery;</i></li> <li><i>6. Require tendered contractors to adopt a whistle-blowing policy which enables staff to blow the whistle on any suspected examples of modern slavery;</i></li> <li><i>7. Review contractual spending regularly to identify any potential issues with modern slavery;</i></li> <li><i>8. Highlight for our suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed;</i></li> <li><i>9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery;</i></li> <li><i>10. Report publicly on the implementation of this policy annually".</i></li> </ol>			
<b>Summary of discussion</b>			
<p>The Council heard from Councillor Imrie who moved the motion and from Councillor Russell who seconded the Motion.</p> <p>Councillor Johnstone, by way of an addition to the Motion, moved that a briefing be held for Elected Members and staff, particularly those who were out and about in the communities to highlight the relevant issues relating to modern slavery and to assist them in being able to identify potential signs. This addition was seconded by Councillor Parry who suggested that there may also be merit in compiling a written briefing paper on the matter for use by staff and Elected Members.</p>			
<b>Decision</b>			
<p>The Council unanimously supported the terms of both the original Motion and the additional Motion narrated above.</p>			

Action
Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>6.2</b>	<b>Substitute Member for the Midlothian Integration Joint Board (MIJB)</b>	<b>Councillor Baird</b>	<b>Councillor Cassidy</b>
<b>Motion:</b>			
<i>“Midlothian Council agrees that, with immediate effect, Councillor Joe Wallace replace Councillor Kenneth Baird as substitute member on the Midlothian Integration Joint Board and instructs the Director, Resources to update membership records and notify the Joint Board”.</i>			
<b>Summary of discussion</b>			
William Venters, Depute Monitoring Officer, by way of a reminder, advised that in terms of Standing Order 4.1 the Motion would require 10 Members to support it because it was seeking to replace one Member with another Member. The Council heard from Councillor Baird who formally moved the motion and provided his reason for doing so and from Councillor Cassidy who seconded the Motion.			
<b>Decision</b>			
The Council unanimously approved the Motion.			
<b>Action</b>			
Director, Resources			

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>6.3</b>	<b>Talkin’ Cap</b>	<b>Councillor Parry</b>	<b>Councillor Alexander</b>
<b>Motion:</b>			
<i>“That Midlothian Council condemns the remarks made by Michelle Ballantyne MSP in the Scottish Parliament on 24 October 2018 that [“it is fair that people on benefits cannot have as many children as they like while people who work and pay their way and do not claim benefits have to make decisions about the number of children they can have”].</i> <i>This Council considers this statement appalling and ignorant of the reality facing families living in Midlothian, and South East Scotland, and recognises that people may find themselves in the situation of having more than two children for a range of reasons, including accidental pregnancy and/or an abusive or coercive partner.</i> <i>Council considers that Ballantyne’s remarks are ill-informed, Dickensian and pompous and exposes the stance of the Conservative Party and the UK Government on welfare; and reaffirms this Council’s belief that the so-called rape clause is indefensible.</i> <i>This Council demands an apology for her comments on behalf of Midlothian residents and further calls for her resignation from her frontbench role as the Conservative Spokesperson for Social Security in the Scottish Parliament”.</i>			
<b>Summary of discussion</b>			
Councillor Parry moved the terms of the Motion which was seconded by Councillor Alexander. In response Councillor Lay-Douglas, on behalf of the Conservative Group of Councillors advised that Group members would not be			

voting on the Motion because it was not relevant to Midlothian and that the SNP Group should instead concentrate on local issues.
<b>Decision</b>
With no Members voting against, the Motion was approved.
<b>Action</b>
Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>6.4</b>	<b>M-PACT Building Services Limited</b>	<b>Councillor Winchester</b>	<b>Councillor Lay-Douglas</b>
<b>Motion:</b>			
<p><i>"That Midlothian Council -</i></p> <ul style="list-style-type: none"> <li><i>• congratulates M-PACT Building Services Limited based at Loanhead for being chosen by SELECT, Scotland's largest trade association, as the Best Large Contractor. This inaugural category was hotly contested by SELECT's largest firms. In recognising the achievements of M-PACT, representatives for SELECT commented that the company focuses on the skills and behaviour of its workforce to make sure it delivers the best possible service on every job it undertakes; is widely recognised in the industry as a business which delivers quality projects on time and on budget and; takes great pride in the work it does with its employees to ensure their physical and mental wellbeing.</i></li> <li><i>and;</i></li> <li><i>• asks the Leader of the Council to write to M-PACT in suitable terms".</i></li> </ul>			
<b>Summary of discussion</b>			
Councillor Winchester moved the terms of the Motion which was seconded by Councillor Lay-Douglas.			
<b>Decision</b>			
The Council unanimously approved the Motion.			
<b>Action</b>			
Director, Resources			

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>6.5</b>	<b>Kinship Carers</b>	<b>Councillor McCall</b>	<b>Councillor Wallace</b>
<b>Motion:</b>			
<p><i>"That Council recognises the vital role that kinship carers play in our community; notes that kinship carers take on huge responsibilities when they find themselves looking after children who, through no fault of their own, can no longer be cared for by the own parents; realises that undertaking these responsibilities brings personal hardship, great challenges and self-sacrifice to kinship carers. Council congratulates Grandparents Parenting again and Kinship Carers (Midlothian) on being awarded Volunteer Midlothian Team of the Year; Council deplores the Conservative Government over the ongoing two child rule for tax credits and their failure to adhere to the High Court ruling in April 2018 that all children looked after by family members under kinship care agreements, who are claiming tax credits or universal credits, will not be taken into account for the purposes of the two child limit. Council is appalled by the actions of the Conservative Government and instructs the Leader of the Council to write to Esther McVey MP, Secretary of State for Works and</i></p>			

*Pensions to demand that the High Court ruling is implemented in full, in order that Midlothian Kinship Carers get the money and recognition that they are so deserving of”.*

#### Summary of discussion

Councillor McCall moved the terms of the Motion which was seconded by Councillor Wallace.

#### Decision

The Council unanimously approved the Motion.

#### Action

Leader of the Council and Director, Resources

## 7. Reports

Agenda No.	Report Title	Presented by:
<b>7.18</b>	<b>Breastfeeding Support for Employees</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Director, Education, Communities and Economy spoke to the terms of a report which responded to a Motion approved by the Council on 26 June 2018.</p> <p>Thereafter, Councillor Parry advised that she would like the Council to explore further the progress being made in making facilities available across Midlothian and requested an updated report in this regard in a few months' time. After further discussion it was agreed that the timescale for bringing back an updated report to Council would be agreed following discussion between Councillor Parry and the Director.</p>		
<b>Decision</b>		
<p>The Council agreed to:</p> <p>(a) note the good work which has been undertaken to-date and the continued commitment to help support the increase of breastfeeding rates and to work with partners and local businesses to promote breast feeding friendly premises and;</p> <p>(b) request an update report for consideration at a future meeting, the timescale for which to be determined following discussion between Councillor Parry and the Director, Education, Communities and Economy</p>		
<b>Action</b>		
Director, Education, Communities and Economy		

Report No.	Report Title	Presented by:
<b>7.1</b>	<b>Scheme of Administration Audit Committee Quorum</b>	<b>Acting Director, Resources</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Acting Director, Resources who presented a report which invited Council to consider an amendment to the Scheme of Administration, relative to Standing Order 7, with regard to the quorum for the Audit Committee.</p> <p>In response to a question from Councillor Parry with regard to who would chair the meeting should the independent chair be unable to attend, the Acting</p>		

Director, Resources advised that this was a matter for members to determine but that in his experience it had been an elected member.

#### Decision

The Council agreed to:

- (a) approve the amendment to the Scheme of Administration in terms of paragraph 2.4 of the report and;
- (b) instruct the Director, Resources to make the necessary arrangements for the amendment to the Scheme of Administration in terms of Standing Order 7.

#### Action

Director, Resources

Report No.	Report Title	Presented by:
<b>7.2</b>	<b>Cross Cutting Services Reviews Working Group – Remit</b>	<b>Acting Director, Resources</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Acting Director Resources who spoke to the terms of a report which requested Council to consider and approve the remit of the Working Group.</p> <p>Thereafter, Councillor Muirhead emphasised that the Working Group required to have the ability to branch out to other areas which may be identified as a result of looking into the agreed areas of review.</p>		
<b>Decision</b>		
<p>The Council, having acknowledged the importance of the Working Group having the flexibility referred to by Councillor Muirhead, agreed to approve the remit as per Appendix 1 to the report.</p>		
<b>Action</b>		
Director, Resources		

Report No.	Report Title	Presented by:
<b>7.3</b>	<b>Cross Party Working Group – Parking in Midlothian</b>	<b>Acting Director, Resources</b>
<b>Outline of report and summary of discussion</b>		
<p>The Acting Director, Resources spoke to the terms of a report which sought to approve the appointment of the Elected Members who would serve on the Working Group and the business remit of the Group.</p>		
<b>Decision</b>		
<p>The Council agreed to approve the:</p> <ul style="list-style-type: none"> <li>(a) appointment of Councillors Alexander, Hackett and Lay-Douglas to serve on the Working Group and;</li> <li>(b) Terms of Reference of the Working Group as per Appendix 1 to the report.</li> </ul>		
<b>Action</b>		
Director, Resources		

Report No.	Report Title	Presented by:
<b>7.4</b>	<b>Education Advisory Group Update 2018</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Director, Education, Communities and Economy, who spoke to the terms of a report providing an update on the outcome of the cross party agreement to ensure that all parties are involved in educational discussions at the earliest possible state of development. She noted that the report invited Council to disband the Education Advisory Group and set-up a cross party working group.</p> <p>Councillors Muirhead and Baird spoke in favour of the terms of the report whereby it was suggested that a review of how the cross party working group was working in practice would be undertaken with an update report to Council within 4 committee cycles. Councillor Muirhead also undertook to raise with the working group the possibility of the religious representatives appointed to the Cabinet being present at the meetings.</p>		
<b>Decision</b>		
<p>The Council agreed that:</p> <p>(a) the former Education Advisory Group be disbanded;</p> <p>(b) a Cross Party Education Working Group be formed consisting of Education Portfolio holders and whereas the Group will not have a statutory function it will ensure that all Elected Members have information on developments within Education services;</p> <p>(c) an update report, being a review of how the working group is working in practice, be submitted to Council for consideration within 4 committee cycles.</p>		
<b>Action</b>		
Directors Resources; and Education, Communities and Economy		

Report No.	Report Title	Presented by:
<b>7.5</b>	<b>Achievement and Attainment 2018</b>	<b>Director, Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Director, Education, Communities and Economy who presented a report which provided an overview of attainment and aspects of achievement for session 2017-18 for Midlothian schools.</p> <p>Councillor Muirhead congratulated pupils and staff on the achievements listed in the report. The Provost thanked Councillors for attending the openings of Roslin and Newbattle schools.</p>		
<b>Decision</b>		
<p>The Council agreed to:</p> <p>(a) note the improvements in performance outlined in the report, some of which were significant;</p> <p>(b) endorse the areas for continuous improvement outlined in the report;</p> <p>(c) congratulate pupils, parents and staff on the improvements in attainment and achievement during session 2017-18 highlighted in the report and;</p>		

(d) note that a Seminar including Secondary Head Teachers was planned for 4 December 2018 to allow further discussion on attainment and achievement in Midlothian secondary schools.

**Action**

Acting Head of Education

Report No.	Report Title	Presented by:
<b>7.6</b>	<b>Financial Monitoring 2018-19</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with information on performance against revenue budget in 2018/19 and details of the material variances. He advised that the projected budget performance figures shown in Appendix 1 attached to the report resulted in a small net overspend of £0.298m for the year which was 0.14% of the revised budget. He further advised that although a small net overspend was reported, the Chief Executive was clear in her message that to overspend overall is an unacceptable position and that she had instructed Directors and Heads of Service to deliver within their set directorate budgets and requested that an update on the 2018/19 position be reported in the next Financial Strategy report which would be before Council on 18 December 2018.</p> <p>Councillor Muirhead whilst welcoming the steps taken to reduce the projected overspend commented that the revised projected overspend was still a significant sum of money and that the Council could not afford to reduce reserves to avoid an overspend. He stressed that overspends had to be off-set within the directorate they occur.</p>		
<b>Decision</b>		
<p>Having considered the terms of the financial position contained within the report, the Council unanimously agreed to:</p> <p>(a) note that work was continuing to secure further improvement in the financial position and that the non-essential vacancy freeze and the moratorium on non-essential spend remained in place;</p> <p>(b) note that the Chief Executive had instructed Directors and Heads of Service to deliver within their set Directorate budgets and;</p> <p>(c) otherwise note the content of the report.</p>		
<b>Action</b>		
Chief Executive, Directors and Heads of Service		

Report No.	Report Title	Presented by:
<b>7.7</b>	<b>Financial Strategy 2019-20 to 2022-23</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report by way of an update on the Financial Strategy encompassing the years 2019-20 to 2022-23 to enable the Council to determine Council Tax and set a balanced budget for 2019-20 by 11 March</p>		

2019 in accordance with Section 93 of the Local Government Finance Act 1992 (as amended). He noted that the report included:-

- (a) an updated assessment of the 2019-20 and future years Scottish Government grant prospects;
- (b) updated budget projections for 2019-20 to 2022-23;
- (c) a sensitivity analysis reflecting the potential impact of different pay and grant settlement scenarios;
- (d) an update on the arrangements for the delegation of resources to Midlothian Integration Joint Board;
- (e) an update on the change programme impact on the projected budget shortfalls;
- (f) the governance arrangements and remaining timetable for the 2019-20 budget and;
- (g) an update on General Fund reserves.

Thereafter, Councillor Parry questioned the engagement which would take place with Midlothian residents and advised she felt the public struggle to understand reports. Councillor Muirhead advised that together with the Leader of the Council, he had attended every public consultation meeting held during the budget process last year and answered queries which were almost all specific to areas of a service provided by the Council. He advised that engagement meetings were planned for early December and he felt staff working in the Finance Service had done very well coming up with best estimates for public sector finance settlements. He continued by noting that the Council needed to consider whether it could afford to continue to provide preventative services. He also highlighted the need to recognise other risks which may affect finances such as pay awards and increases in school rolls as a result of the predicted population increase in the district.

#### Decision

The Council agreed to:

- (a) note the position in respect of the Scottish Government grant settlement as set out in section 2 of the report and in particular the continued central planning assumption of a 2% per annum reduction in grant settlements at a national level;
- (b) note the current projected cost of services, key assumptions and resultant budget shortfalls as set out in section 5 of the report;
- (c) note the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in section 6 of the report;
- (d) note the requirement to delegate resources to the Midlothian Integrated Joint Board (IJB) and the ongoing work to support the development of the IJB's own financial plans;
- (e) note the updated projected impact of the Change Programme and projected future years Council Tax increases and the impact on the Financial Strategy as set out in table 9;
- (f) note that the projections at this time indicate that a remaining budget gap of £3.536 million for 2019/20 rising to £20.332 million by 2021/21, though these are heavily dependent on the assumptions detailed in the report;
- (g) note that given the level of available contingent reserves it is still not considered prudent for Council to meet additional spending pressures from the contingent reserve or to use the contingent reserve as part of the strategy to secure a balanced budget for 2019/20;
- (h) note the acute financial pressures and also the risks as set out in section 12.2 and;
- (i) otherwise note the contents of the report.

Action
Chief Executive; Directors and Heads of Service

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

Report No.	Report Title	Presented by:
<b>7.8</b>	<b>Capital Investment Strategy</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report seeking the adoption of the Council's first Capital Investment Strategy which will support Midlothian Single Plan and the Midlothian Local Development Plan.</p> <p>Thereafter the Provost questioned whether the Council could sustain the large sums of money being borrowed and whether this would feature in the Best Value Audit during 2019. Mr Fairley advised that, in the short terms, it was not a problem, however, as mentioned by Councillor Muirhead earlier in the meeting, the Council needed to address the overspend without an erosion of reserves. He further confirmed that the Best Value Audit together with the external auditors would look at this area.</p>		
<b>Decision</b>		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> <li>(a) adopt the Capital Investment Strategy attached as Appendix 1 to the report;</li> <li>(b) note that the draft Strategy incorporates projects with an estimated total value of £868 million, £602 million for General Fund, as summarised in Appendix 2 of the report and £266 million for HRA, as summarised in Appendix 3 of the report;</li> <li>(c) note that, upon adoption of the Capital Investment Strategy, the existing rolling 5 year General Services and HRA capital plans will be updated to reflect the priority projects set out for the earlier years of the Capital Investment Strategy;</li> <li>(d) note that there remains an affordability gap for general fund services over the 10 year life of the plan and that work will continue to find ways to address this. This work will be led by the Capital Plan and Asset Management Board with proposed changes reflected in the annual refresh of the Strategy;</li> <li>(e) note that it is difficult to fully anticipate the local authority environment over such a long period so the later years of the Strategy represent aspiration and expectation rather than certainty particularly given the affordability gap for the projects currently identified and costed;</li> <li>(f) approve the Capital Strategy Guidance Supplement set out in Appendix 3 and;</li> <li>(g) otherwise note the report.</li> </ul>		
<b>Action</b>		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
<b>7.9</b>	<b>Midlothian Strategic Housing Investment Plan 2019-20 – 2023-24</b>	<b>Joint Director, Health and Social Care</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Joint Director, Health and Social Care who presented a report summarising the key points set out in the Strategic Housing Investment Plan 2019-20 – 2023-24 which detailed the priorities for the investment in new affordable housing in Midlothian.</p> <p>Councillor Johnstone stated that more needed to be done for existing tenants as a result of their changing needs. Stephen Clark, Group Manager, Housing Services responded by advising that the Strategy related to new housing but that a report would be before Council in the near future which would address some of the issues Councillor Johnstone was referring to. Councillor Hardie commented that there was a danger that the county was becoming an area where people can buy only an average house whilst others are trapped in the rental sector. In response, Stephen Clark advised that quite a few tenants had benefitted from schemes such as Help to Buy and Shared Equity. Councillor Parry enquired about changes to the housing waiting list whereby persons in private housing who have received notices to quit cannot be considered for homeless accommodation. Mr Clark advised that he was unaware of any significant changes to the allocation policy but would look into this when compiling the report he mentioned previously. Thereafter, Councillors Hardie, Johnstone and Imrie posed other associated questions which were subsequently answered by Mr Clark.</p>		
<b>Decision</b>		
The Council agreed to approve the submission of the Strategic Housing Investment Plan 2019-20 – 2023-24 to the Scottish Government.		
<b>Action</b>		
Head of Customer and Housing Services and Director, Resources		

Report No.	Report Title	Presented by:
<b>7.10</b>	<b>Housing Revenue Account – Revenue Budget and Capital Plan 2018-19</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report being a summary of expenditure and income to 29 September 2018 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2018-19.</p> <p>With regards to concerns regarding the impact of arrears on the Council's investment programme, the Acting Director, Resources advised that this would be addressed as part of this year's Annual Report.</p>		
<b>Decision</b>		
The Council noted the content of the report.		
<b>Action</b>		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
<b>7.11</b>	<b>General Services Capital Plan 2018-19 Quarter 2 Monitoring</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with:-</p> <p>(a) an update of the General Service Capital Plan to incorporate new projects approved since the previous report to Council on 21 August 2018 and recommended further adjustments to expenditure and income budgets for projects already in the Capital Plan (Section 2 of the report);</p> <p>(b) information on rephrasing of project expenditure and funding in 2018-19 (Section 3.1 of the report);</p> <p>(c) information on the projected performance against budget for 2018-19 (Sections 3.2 and 3.3 of the report) and;</p> <p>(d) an update on the projected Capital Fund balance at 31 March 2019.</p>		
<b>Decision</b>		
<p>The Council unanimously:-</p> <p>(a) approved the adjustments to the expenditure and income budgets, as outlined in Section 2.2 of the report in respect of (i) transport and environmental projects in the Penicuik area; (ii) digital services asset management programme and (iii) online payments and services;</p> <p>(b) approved the addition to the General Services Capital Plan of the Lawfield Primary School class extension project as outlined in Section 2.3 of the report and;</p> <p>(c) noted the General Services Capital Plan Quarter 2 monitoring position for 2018-19</p>		
<b>Action</b>		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
<b>7.12</b>	<b>Treasury Management Mid-Year Review Report 2018-19</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report informing of the treasury management activity undertaken during the first half of 2018-19, the forecast activity for the second half of 2018-19, an update to the treasury and prudential indicators for 2018-19 and the link to the Council's Capital Investment Strategy.</p> <p>Councillor Muirhead noted concerns raised in the recent past by Members in relation to the security of investments made by the Council. In response, Mr Fairley advised that the Council works with an external company to achieve security of return of capital and some financial institutes where it was not considered right to invest with have been rejected. He further advised that the treasury management activity had brought £1.2m towards the overspend. The Provost advised that there was an additional risk to the Council insofar as the funds invested were not insured.</p>		

Decision
<p>The Council agreed to:</p> <p>(a) note the report and treasury activity undertaken in the period to 30 September 2018 as outlined in Section 4 of the report;</p> <p>(b) note the forecast activity during the second half of the year as outlined in Section 5 and;</p> <p>(c) approve the revisions to the prudential indicators outlined in Section 6 of the report.</p>
Action
Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
<b>7.13</b>	<b>Garden Waste Charging: Implementation and Impact Mitigation Measures</b>	<b>Head of Commercial Operations</b>
Outline of report and summary of discussion		
<p>The Council heard from the Head of Commercial Operations who presented a report detailing the plan for the introduction of a charge for the kerbside collection of garden waste and proposed measures to off-set the impact of garden waste diversion to household waste recycling centres. He further advised that it was intended that the charges levied would be reviewed in a year's time.</p> <p>Thereafter, Councillor Alexander advised she was against the proposal to charge for the collection of garden waste and, as an amendment to the terms of the report, moved that no charges be levied for the service. Councillor Hackett advised that it was regrettable that the report was before the Council but that it was a budget choice and that the proposal had been included in the budget plans proposed by the SNP Group for the current financial year. He advised it was a choice between charging for this service or cutting care plans. Councillor Parry indicated that she was against the proposal to charge and subsequently seconded Councillor Alexander's Motion.</p> <p>Councillor Muirhead stated that it was easier to justify charging for this service which was not a mandatory service the Council had to provide rather than cutting other services. Councillor Johnstone enquired as to whether the Administration Group was now opening the door to charging for all non-mandatory services provided by the Council and Councillor Muirhead advised that was not planned.</p> <p>The Head of Finance and Integrated Service Support advised that the financial figures placed before the Council earlier in the meeting included provision for the income from charging for this service.</p> <p>Councillor Hackett moved the terms of the report and his Motion was seconded by Councillor Muirhead. Councillor Parry requested, in terms of Standing Order 11.5 (i) that a vote be taken by way of a Roll Call and this was unanimously agreed by the Council.</p> <p>On a vote being taken by way of a Roll Call, Members voted as follows:-</p>		

<b>Councillor</b>	<b>For Motion</b>	<b>For Amendment</b>
Councillor Alexander		√
Councillor Baird		√
Councillor Cassidy		√
Councillor Curran	√	
Councillor Hackett	√	
Councillor Hardie	√	
Councillor Imrie	√	
Councillor Johnstone		√
Councillor Lay-Douglas	√	
Councillor McCall		√
Councillor Muirhead	√	
Councillor Parry		√
Councillor Russell	√	
Councillor Smaill	√	
Councillor Winchester	√	
Councillor Wallace		√
<b>TOTAL</b>	<b>9</b>	<b>7</b>
<b>Decision</b>		
The Council agreed to:		
(a) note the expected income from a successful garden waste charging scheme;		
(b) approve the plan as outlined in the report;		
(c) approve the proposals to mitigate against the impact of garden waste diversion to recycling centres;		
(d) approve the proposal to recruit an additional dedicated delivery driver and;		
(e) note there would be a review of the charges in a year's time.		
<b>Action</b>		
Head of Commercial Operations		

<b>Report No.</b>	<b>Report Title</b>	<b>Presented by:</b>
<b>7.14</b>	<b>Service Delivery Framework</b>	<b>Head of Finance and Integrated Service Support</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Finance and Integrated Service Support who presented a report providing an update to the existing Service Delivery Framework for consideration.		
<b>Decision</b>		
The Council agreed to approve the Service Delivery Framework.		
<b>Action</b>		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
<b>7.15</b>	<b>Council House Building Programme Phases 2, 3 and 4 – Progress Update November 2018</b>	<b>Head of Property and Facilities Management</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who presented a report providing an update on the status of the approved sites and proposed new sites for the Council building programme.		
<b>Decision</b>		
The Council agreed to:		
(a) use a 2 stage tender process with a design and build procurement method for Site 116 Newmills Road and Site 130 the former Newbattle High School; (b) use the full extended site area of the former Dalkeith High School for social housing and extra care housing; (c) note the content of the report together with the appended report and the progress made on Phases 1, 2 and 3; (d) note the new sites proposed to complete Phase 3 and commence Phase 4 and; (e) note the proposals to acquire houses from private developers.		
<b>Action</b>		
Head of Property and Facilities Management		

Report No.	Report Title	Presented by:
<b>7.16</b>	<b>Position Statement on Commercial Sexual Exploitation</b>	<b>Joint Director, Health and Social Care</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Joint Director, Health and Social Care who presented a report which proposed the adoption of a Position Statement on Commercial Sexual Exploitation and the associated briefing paper as requested by the East Lothian and Midlothian Critical Services Oversight Group.		
<b>Decision</b>		
The Council agreed to adopt the Commercial Sexual Exploitation Position Statement and briefing paper which includes recommended action.		
<b>Action</b>		
Joint Director, Health and Social Care		

Report No.	Report Title	Presented by:
<b>7.17</b>	<b>#Generation Equal Pledge</b>	<b>Acting Director, Resources</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Acting Director, Resources who presented a report which advised that the National Advisory Council on Women and Girls (NACWG) had requested the support of local government as well as other organisations in their reach and engagement around work to tackle gender inequality.		
<b>Decision</b>		

The Council:

- (a) noted that COSLA had signed the public pledge in support of the work of the First Minister's National Advisory Council on Women and Girls on behalf of local government and;
- (b) agreed to participate in the Spotlight Wee Circles project locally in Midlothian.

**Action**

Director, Resources

The meeting concluded at 1.35 pm



# Minute of Meeting



## Police and Fire and Rescue Board

Date	Time	Venue
27 August 2018	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Curran (Chair)	Councillor Smail
Councillor McCall	
Councillor Muirhead	

### In attendance:

<b>Midlothian Council</b>	
Kevin Anderson, Head of Customer and Housing Services	Margaret Brewer, Service Manager, Community Justice
Gordon Aitken	Democratic Services Officer
<b>Police Scotland</b>	
Chief Superintendent Lesley Clark	Chief Inspector Kenny Simpson
<b>Scottish Fire and Rescue Service</b>	
Stephen Gourlay, Area Manager	David Ward, Station Manager

## 1. Welcome, Introductions and Apologies

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

## 2. Order of Business

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The Clerk advised that the Chair had agreed that Item No 5.3 “Let’s Rock Scotland Event – Feedback” be taken as the first item of business following consideration of the Previous Minute.

## 3. Declarations of interest

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No declarations of interest were intimated.

## 4. Minute of Previous Meeting

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The Minute of Meeting of 4 June 2018 was submitted and approved as a correct record.

## 5. Public Reports

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Agenda No.	Report Title	Submitted by
<b>5.3</b>	<b>Let’s Rock Scotland Event – Feedback</b>	<b>Head of Commercial Operations</b>
<b>Outline of report and summary of discussion</b>		
<p>The report dated 12 July 2018 was presented by the Head of Commercial Operations advising the Board that on the weekend of Saturday 23 and Sunday 24 June 2018 the ‘Lets Rock Scotland’ brand held two music events in Dalkeith Country Park. The attendance of approximately 20,000 and 10,000 respectively constituted two of the biggest attended events held in Midlothian. Up to 3,000 campers were provided for on the night of Saturday 23 June 2018.</p> <p>The report also provided initial feedback from the Safety Advisory Group Members following the two events and advised that Lets Rock Scotland had been invited to a de-brief meeting of that Group on Friday 28 September 2018. Ricky Moffat was heard in amplification of the report during which he answered questions from elected Members.</p>		
<b>Decision</b>		
<p>The Board noted the feedback in relation to the Lets Rock Scotland events held on the weekend of 23/24 June 2018</p>		

## 5.1 Scottish Fire and Rescue Service

Report No.	Report Title	Submitted by:
<b>5.1.1</b>	<b>Scottish Fire and Rescue Board – Local Plan Performance for Quarter 1 April – 30 June 2018</b>	<b>Scottish Fire and Rescue Board</b>
<b>Outline of report and summary of discussion</b>		
<p>Stephen Gourlay introduced the report and advised that Ash Denham MSP had recently been appointed as Minister for Community Safety, with responsibility for Police and Fire.</p> <p>David Ward then took Members through a summary of the Quarter 1 report noting the performances within the 5 objectives making up the main focus for local service delivery in the Local Fire and Rescue Plan for Midlothian 2014-2017, namely, (1) Reduction of Accidental Dwelling Fires; (2) Reduction in Fire Casualties and Fatalities; (3) Reduction of Deliberate Fire Setting; (4) Reduction in Road Traffic Collisions; (5) Reduction of Unwanted Fire Alarm Signals together with the Fire Safety Enforcement Audits and Home Fire Safety Visits delivered in Midlothian.</p> <p>Thereafter both he and Stephen Gourlay provided more detailed information in relation to questions raised by Members on these specific areas of concern.</p>		
<b>Decision</b>		
The Board noted the content of the Report.		

## 5.2 POLICE SCOTLAND

Agenda No.	Report Title	Submitted by:
<b>5.2.1</b>	<b>Police Scotland Scrutiny Report – 1 April – 30 June 2018</b>	<b>Police Scotland</b>
<b>Outline of report and summary of discussion</b>		
<p>Chief Superintendent Clark firstly advised the Board of the recent appointment of Iain Livingstone as Chief Constable of Police Scotland and the likelihood of further personnel changes as a result of this.</p> <p>Chief Inspector Simpson, spoke to the terms of the report during which he highlighted some of the key points contained therein. He continued through the report providing a summary of each section making reference to the performance indicators listed.</p> <p>Board Members then went through a few of the matters listed within the report, requesting further information/clarification on them which was provided by Chief Inspector Simpson.</p>		
<b>Decision</b>		
The Board noted the terms of the Report.		

Agenda No.	Report Title	Submitted by
<b>5.2.2</b>	<b>Community Policing Team Midlothian – Activity summary April – June 2018</b>	<b>Police Scotland</b>
<b>Outline of report and summary of discussion</b>		
<p>Chief Inspector Simpson spoke to the terms of the Report which summarised the activities of the Community Policing Team during the quarter April to June 2018. Thereafter, he responded to questions raised by Members of the Board on specific issues raised by them.</p>		
<b>Decision</b>		
The Board noted the terms of the Report.		

The meeting terminated at 12.20pm.

# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
9 October 2018	11.00 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

### In attendance:

Verona MacDonald	Democratic Services Team Leader
Paul Aitken	Solicitor
Inspector Ewan Smith	Police, Scotland

## **1. Apologies**

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

## **2. Order of Business**

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

## **3. Declarations of interest**

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Councillor Curran indicated that he would be declaring an interest in the application on the agenda relating to a private hire car driver application on the basis of his business interests in the taxi trade.

## **4. Minute of Meeting**

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The Minute of Meeting of 28 August 2018 was considered and unanimously approved. The Chair was thereafter authorised to sign the Minute as an accurate record of the meeting.

## **5. Public Reports**

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No public reports

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

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

6.1 Application for a Private Hire Car Driver's Licence – J. Downie

The Meeting terminated at 11.26 am

# Minute of Meeting



## Planning Committee

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

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor McCall
Councillor Muirhead	Councillor Munro
Councillor Parry (by video link)	Councillor Russell
Councillor Smail	Councillor Winchester

## 1. Apologies

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Apologies received from Councillor Johnstone, Lay-Douglas and Milligan.

## 2. Order of Business

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

## 3. Declarations of interest

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Councillors Smaill, Munro, Winchester and Hardie (non-pecuniary) all declared an interest in agenda item 5.3 - Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage – on the grounds that they all knew the occupant, who was a former Conservative Party candidate, of one of the application sites.

Councillors Hackett (non-pecuniary) and Baird (business) both declared an interest in agenda item 5.8 - Application for Planning Permission for the Erection of two Drive-Through Restaurants; Formation of Access and Car Parking; and Associated Works at Land South West of Tesco Superstore, Dalkeith (18/00181/DPP). Councillor Hackett on the grounds that he knew socially someone who was an employee of one of the companies that were prospective occupants of the units and Councillor Baird on the grounds that the application related to the food and drink industry.

Councillor Cassidy (non-pecuniary) declared an interest in agenda item 5.7 - Application for Planning Permission for the Erection of Residential Care Home and Associated Works at Land to Rear of 41 Newmills Road, Dalkeith (18/00430/DPP) – on the grounds that a family member was one of the objectors.

## 4. Minutes of Previous Meetings

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The Minutes of Meeting of 15 May 2018 were submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Supplementary Guidance: Special Landscape Areas	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 3 April 2018, there was submitted report, dated 2 October 2018, by the Head of Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Special Landscape Areas' and seeking agreement to the adoption of the Special Landscape Areas Supplementary Guidance.		

The report explained that the consultation period had run for six weeks from 24 April to 7 June 2018 with discussions with interested parties continuing after the specified period. Responses had been received from a wide spread of consultees including, community councils, individual members of the public, community organisations, third sector groups and Government agencies. In total 17 different parties had raised a range of separate points for consideration. A summary of the consultation responses, together with details of the Council's proposed response and a track change copy of the draft Supplementary Guidance document showing proposed deletions and additions (shown in red) to the document arising from the consultation had been lodged in the Member's Library.

#### Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the comments received as a result of the public consultation on the proposed Supplementary Guidance.

#### Decision

After further discussion, the Committee agreed:-

- a) to adopt the Special Landscape Areas Supplementary Guidance (as amended following the consultation process);
- b) that the Special Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- c) to instruct the Head of Communities and Economy to undertake the required notification/advertisement advising that the Special Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) to instruct the Head of Communities and Economy to notify the Scottish Ministers of the Council's intention to adopt the Special Landscape Areas Network Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

#### Action

Head of Communities and Economy/Planning Manager

Agenda No	Report Title	Presented by:
5.2	Supplementary Guidance: Housing Development in the Countryside and Green Belt	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 2 October 2018, by the Head of Communities and Economy, seeking the Committee's agreement to undertake a formal consultation on its proposed 'Housing Development in the Countryside and Green Belt' supplementary guidance; a copy of which was appended to the report.

The report explained that the Midlothian Local Development Plan 2017 (MLDP), which had been adopted by the Council at its meeting on 7 November 2017, had included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance was required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needed further detail was Food and Drink and Other Non-retail Uses in Town Centres.

The supplementary guidance set out the Council's position with regard residential development in rural locations, including:-

- details of what constitutes a housing group under policy RD1;
- guidance on identifying the most appropriate location for new dwellings at existing housing groups;
- guidance on when non-residential buildings can be redeveloped and the appropriate scale and design for replacement development; and
- details on what constitutes an acceptable steading conversion..

### Summary of Discussion

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

### Decision

After further discussion, the Committee agreed to:-

- (a) approve the draft Development in the Countryside and Green Belt Supplementary Guidance for consultation;
- (b) instruct officers to screen the draft guidance for a Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA); and
- (c) consider a further report on the Development in the Countryside and Green Belt Supplementary Guidance following the proposed consultation.

### Action

Head of Communities and Economy/Planning Manager

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

Executive Summary of Report
<p>There was submitted report, dated 2 October 2018, by the Head of 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 the Appendices to the report.</p>
Decision
<p>The Committee, having heard from the Planning Manager, agreed:-</p> <p>(a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018 and 2019; and</p> <p>(b) To note the updates for each of the applications.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Appeal and Local Review Body Decisions	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 2 October 2018, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in September 2018, and advising that there were no appeals determined by Scottish Ministers to report.</p>		
Decision		
<p>The Committee noted the decisions made by the Local Review Body at its meeting on 4 September 2018.</p>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation: Proposed Erection of Community Facility incorporating Secondary and Primary School; Early Years Provision and Family Learning; Library, Leisure and Healthcare Facilities, Sports Pitches and Associated Works at Former Site of Monktonhall Colliery, Monktonhall Colliery Road, Newton, Danderhall (18/00558/PAC)	Peter Arnsdorf

Executive Summary of Report
<p>There was submitted report, dated 16 August 2018, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed Erection of Community Facility incorporating Secondary and Primary School; Early Years Provision and Family Learning; Library, Leisure and Healthcare Facilities, Sports Pitches and Associated Works at Former Site of Monktonhall Colliery, Monktonhall Colliery Road, Newton, Danderhall (18/00558/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>
Summary of Discussion
<p>The Committee, having heard from the Planning Manager, acknowledged that any potential steps which could be taken to promote road safety, particularly in the vicinity of the A6106, would be welcomed.</p>
Decision
<p>(a) To note the provisional planning position set out in the report;</p> <p>(b) To note the comments made by Members; and</p> <p>(c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>
Action
<p>Head of Communities and Economy</p>

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission in Principle for the Storage of Soil (Top Soil and Sub Soil) for a Temporary Period of 5 years at Shawfair Site F, Monktonhall Colliery Road, Dalkeith (18/00155/DPP).	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.4 of the Minutes of 20 February 2018, there was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.</p>		

## Summary of Discussion

Having heard from the Planning Manager, the Committee welcomed the measures intended to promote road safety.

## Decision

Thereafter, the Committee agreed that planning permission be granted for the following reason:

*The proposed development site is an integral part of a committed development site as allocated in the Midlothian Local Development Plan 2017 and the proposed temporary use is an operational requirement to facilitate the wider development of Shawfair which has a grant of planning permission. The distance of the site from existing dwellinghouses, the nature and scale of the proposed development, the use and operations on the site and the temporary nature of the use means the development would not give rise to an unacceptable impact on amenity. The proposed development does not conflict with adopted policies STRAT1, ENV7, ENV11, ENV17, ENV18 and IMP3 of the Midlothian Local Development Plan 2017.*

subject to the following conditions:

1. Planning permission for the storage of topsoil and subsoil on the site is granted for a temporary period of 5 years from the date of the grant of this planning permission. The use shall cease and any stored material on the land shall be removed by 10th October 2023.

**Reason:** *The temporary use is only acceptable on the site as it will facilitate the implementation of committed development sites at Shawfair including established strategic housing site h43 (Shawfair) of which the site lies within.*

2. No stockpile of topsoil shall exceed 3 metres in height above existing ground levels.
3. No stockpile of subsoil shall exceed 8 metres in height above existing ground levels.

**Reason for 2 & 3:** *In the interests of safeguarding the landscape character and visual amenity of the area.*

4. Development shall not commence until the four recorded mine entries located on the site are located, secured and fenced off in accordance with details to be submitted to and approved in writing by the planning authority.

**Reason:** *In the interest of safety.*

5. The development shall not commence until details of a formal wheel washing facility and/or other measures to be taken to minimise loose material being carried onto the public road have been submitted to and approved in writing by the planning authority. The approved wheel washing facility/other measures shall be in place prior to the operation first coming

into use and shall remain in place, remaining operational, for the duration of the use hereby approved.

**Reason:** *In the interests of road safety.*

6. The development shall not commence until details of measures to control the flow of surface water run-off from the site have been submitted to and approved in writing by the planning authority. The approved mitigation measures shall be in place prior to the operation first coming into use and shall remain in place/remain operational for the duration of the use hereby approved.

**Reason:** *In the interests of road safety.*

#### Action

Head of Communities and Economy

#### Sederunt

With reference to item 3 above, Councillor Cassidy, having declared an interest in the following item of business, left the meeting at 2.18 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of Residential Care Home and Associated Works at Land to Rear of 41 Newmills Road, Dalkeith (18/00430/DPP).	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.

#### Summary of Discussion

The Committee, having heard from the Planning Manager who responded to Members' questions and comments, discussed the access arrangements, in particular whether or not there was scope to secure improvements/upgrades to the existing walkways and network of footpaths in the area. The Planning Manager in explaining the current position, offered to raise the matter with the applicants and report back directly to the local Members and the Chair.

#### Decision

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

*The proposed development accords with the Midlothian Local Development Plan (2017). The application site is located within the built-up area of Dalkeith on previously developed land where there is a presumption in favour of development.*

*The layout, design, form and scale will not result in a detrimental impact upon the character or amenity of the area. The presumption for development is not outweighed by any other material consideration.*

subject to the following conditions:

1. The buildings which are the subject of this permission shall be used only as a residential home with care for adults over the age of 65 and no other use notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding, amending or revoking this order).

***Reason:*** *For sake of clarity. The use of the development proposal has been assessed on the basis of the buildings being used as a residential home with 24-hour care. Developer contributions would be required for other uses within Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding or revoking this order).*

2. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a deskbased/archive assessment. The written scheme of investigation shall be approved in writing by the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

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

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

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

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

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

4. The design and installation of any plant, machinery or equipment being such that any associated noise complies with standard NR 25 when measured within any nearby living apartment.

**Reason:** *To minimise disturbance to nearby residential properties from the construction of the development.*

5. Construction and engineering operations (including deliveries) shall only take place during the specified times, and shall not take place outwith the specified times:

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

Sunday and Public Bank Holidays - No working or deliveries

**Reason:** *To minimise disturbance to nearby residential properties from the construction of the development.*

6. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport;
- vii proposed car parking arrangements; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

8. Prior to the commencement on development, the following details shall be submitted to the planning authority for prior written approval:
- i. Details of the proposed design/construction of the foundations; and
  - ii. A construction method statement demonstrating how the proposed foundations are to be constructed in relation to the existing adit and in a way that limits incursion into the root protection areas of adjoining trees.

The foundations shall be designed so as to address any potential ground movement derived from any future collapse of the adit.

**Reason:** To ensure that the foundations are suitable for development given the previous coal workings in the area, so as to address any potential ground movement derived from any future collapse of the adit and to limit the impact of the development on existing trees.

9. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** In the interest of protecting the character and appearance of the area so as to comply with DEV2 of the adopted Midlothian Local Development Plan 2017.

10. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;

- iii proposed new planting including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the development being occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff and mitigate flood risk.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV7 and ENV8 of the adopted 2017 Midlothian Local Development Plan 2017 and national planning guidance and advice.*

11. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policy ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

#### Action

Head of Communities and Economy

#### Sederunt

Councillor Cassidy re-joined the meeting at the conclusion of the foregoing item of business at 2.28 pm.

With reference to item 3 above, Councillor Baird, having declared an interest in the following item of business, left the meeting at 2.28 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the Erection of two Drive Through Restaurants; Formation of Access and Car Parking; and Associated Works at Land South West of Tesco Superstore, Dalkeith (18/00181/DPP).	Peter Arnsdorf
<b>Executive summary of report</b>		
There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.		
<b>Summary of Discussion</b>		
<p>Having heard from the Planning Manager, who advised in response to a question from Councillor Hackett that it was intended to bring a report on the responses received to the public consultation on the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres' which closed on the 10 October to the November meeting, the Committee gave consideration to a possible continuation. The possibility of the applicants appealing to the Scottish Minister on the ground of non-determination was acknowledged as a potential possibility. The Planning Manager indicated the procedures that would be followed in the event that this occurred.</p> <p>After further discussion, Councillor Hackett, seconded by Councillor Smail, moved that consideration of the matter be continued in order to allow the application to come forward and be considered in conjunction with the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres'.</p> <p>In terms of Standing Order 11.3 (vii), the Chair directed that a vote be taken for and against the motion to continue consideration of the matter and if this was carried that would be the end of the matter. If however it fell then he would open the matter up for more detailed discussion.</p> <p>Thereafter, on a vote being taken, five Members voted against the motion and 6 for, which accordingly became the decision of the meeting.</p>		
<b>Decision</b>		
The Committee agreed to continue consideration of the application in order to allow it to come forward and be considered in conjunction with the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres' at the November meeting.		
<b>Action</b>		
Head of Communities and Economy/Democratic Services		
<b>Sederunt</b>		
Councillor Baird re-joined the meeting at the conclusion of the foregoing item of business at 2.44 pm.		

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission for the Erection of 79 Residential Units; Formation of Access Roads, Car Parking and Associated Works at Land South West of Newbattle Community High School, Newtongrange (18/00308/DPP)	Peter Arnsdorf
<b>Executive summary of report</b>		
There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.		
<b>Decision</b>		
<p>The Committee, having heard from the Planning Manager, agreed to grant the planning permission for the following reasons:</p> <p><i>The proposed development site is within the built-up area as defined 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> <ul style="list-style-type: none"> <li>i) securing developer contributions towards education provision, children's play provision, Mayfield Town Centre Improvements and Borders Rail; and</li> <li>ii) the following conditions: <ul style="list-style-type: none"> <li>1. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used in the area of improved quality which shall comprise no less than 20% of the number of dwellings on the site and not any of the affordable units. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.</li> <li><b>Reason:</b> <i>To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.</i></li> <li>2. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:</li> </ul> </li> </ul>		

- i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii a woodland management plan for existing area of woodland to be trained;
- viii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- ix proposed car park configuration and surfacing;
- x proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xi details of existing and proposed services; water, gas, electric and telephone

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

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

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

- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
- vii proposed car parking arrangements; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

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

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report

shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

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

6. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a deskbased/archive assessment. The written scheme of investigation shall be approved in writing by the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

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

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

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

8. The recommendations made within the Preliminary Ecological Appraisal Report dated February 2018 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the planning authority.

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

9. The design and installation of any plant, machinery or equipment being such that any associated noise complies with standard NR 25 when measured within any nearby living apartment.

**Reason:** *To minimise disturbance to nearby residential properties from the construction of the development.*

10. Construction and engineering operations (including deliveries) shall only take place during the specified times, and shall not take place outwith the specified times:

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

Sunday and Public Bank Holidays - No working or deliveries

**Reason:** *To minimise disturbance to nearby residential properties from the construction of the development.*

**Action**

Head of Communities and Economy

## 6. Private Reports

### Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Planning Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 13 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973

Report No.	Report Title	Presented by:
6.1	Enforcement Report: Loanhead.	Peter Arnsdorf
<b>Decision</b>		
To approve the recommendations contained in the report.		

The meeting terminated at 3.03pm.

# Minute of Meeting



## Cabinet

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

### Present:

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

### Religious Representatives:

Mr Vic Bourne	
Mrs Elizabeth Morton	

## 1 Apologies

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Apologies were received from Councillor Hackett

## 2 Order of Business

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The Clerk advised that the Convener had agreed to accept an additional Item of Business with regard to “Temporary appointment of Acting Head of Customer and Housing Services – Report by Joint Director, Health and Social Care” as dealt with as Item No 6.1 below.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of the Cabinet held on 4 September 2018 were submitted and approved as a correct record.

## 5. Reports

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Agenda No.	Report Title	Presented by:
5.1	<b>Use and Impact of Pupil Equity Funding in Session 2017/18</b>	<b>Acting Head of Education</b>
<b>Outline of report and summary of discussion</b>		
<p>The report advised that the Pupil Equity Funding (PEF) was additional funding from the Scottish Government’s £750 million Attainment Scotland Fund, allocated directly to schools and targeted at closing the poverty related attainment gap. This funding was to be spent at the discretion of Head Teachers working in partnership with each other and their local authority. In 2017/18, Scotland’s schools received a share of over £120 million, and in 2018/19 this had increased to over £122 million.</p> <p>The report highlighted that In primary schools, for those learners living in SIMD 1 and 2, all measures had increased from last session with the exception of P7 Listening and Talking which had decreased by 4%. The report further highlighted the wide range of interventions adopted and progress made as well as the barriers to spending PEF. The Acting Head of Education was heard in amplification of the report.</p>		
<b>Decision</b>		
<p>(a) To acknowledge and congratulate school staff and managers for the improvements in attainment of Curriculum for Excellence levels for those pupils in SIMD 1&amp;2;</p> <p>(b) To note the wide range of interventions adopted and progress made by schools with their use of the Pupil Equity Fund;</p> <p>(c) To acknowledge the barriers faced by schools in spending their Pupil Equity Funding;</p> <p>(d) To note that schools would incorporate future PEF plans into their School Improvement Plans and publish them on their school websites as required by the Scottish Government; and</p>		

(e) To request a further update on progress via the Quarterly reporting cycle.
<b>Action</b>
Acting Head of Education

Agenda No.	Report Title	Presented by:
<b>5.2</b>	<b>Child Poverty Act (Scotland) 2017 and Council's Approach</b>	<b>Director Education, Communities and Economy</b>
<b>Outline of report and summary of discussion</b>		
<p>The purpose of the report was to inform Cabinet of the Council's reporting obligations in the Child Poverty (Scotland) Act 2017 and provide an update on the Council's approach to reducing the impact of child poverty. Under the Act Scottish Ministers were required to produce, and report on, their child poverty delivery plan. The Act placed a duty on local authorities and health boards to report annually on the activity they were taking, and would take, to reduce child poverty.</p> <p>In July 2018 the Child Poverty Action Report Statutory Guidance was published which required local authorities to prepare and publish Local Action Reports ,the first covering the period 2018/19 which had to be submitted by June 2019 including:</p> <ul style="list-style-type: none"> <li>• Actions taken during the reporting year.</li> <li>• Measures planned.</li> <li>• Specific reference to support for pregnant women and families on information, advice and assistance in accessing financial support.</li> <li>• Specific focus on families whose income is adversely affected because of a protected characteristic.</li> </ul> <p>The report also advised that The Child Poverty Plan was overseen by the Child Poverty Working Group and reported to the Improving Opportunities Midlothian Community Planning Group. The Child Poverty Measurement Framework captured the key proxy measures for child poverty reduction and that highlighted the number of positive and developing areas of practice in Midlothian. The Director Education, Communities and Economy was heard in amplification of the report.</p>		
<b>Decision</b>		
<p>(a)To note the new reporting requirements of the Child Poverty (Scotland) Act that a child poverty Local Action Plan report must be submitted by June 2019;</p> <p>(b)To note the good practice that already existed in Midlothian;</p> <p>(c)To support the Child Poverty Working Group to work across the authority and with other relevant agencies to develop a new Local Action Plan; and</p> <p>(d) To pass the report to the Performance, Review and Scrutiny Committee for their consideration.</p>		
<b>Action</b>		
Director Education, Communities and Economy		

Agenda No.	Report Title	Presented by:
<b>5.3</b>	<b>Annual Complaints Performance Analysis for the year 2017/18.</b>	<b>Head of Adult and Social Care</b>
<b>Outline of report and summary of discussion</b>		
<p>The report advised that changes to social work complaints handling had been brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland )Order 2016. These changes included provision for the Ombudsman to consider the merits of social work decisions as part of the Scottish Public Service Ombudsman's (SPSO) independent investigation of complaints.</p> <p>The purpose of the Social Work Complaints Handling Procedure (SWCHP) was to provide a standardised approach to handling customer complaints about social work services, whether they were provided by local authorities (LAs) or by health and social care partnerships (HSCPs). In particular, the aim was to implement a consistent process to follow which made it simpler to complain, ensured staff and customer confidence in complaints handling, and encouraged identification of, and making best use of lessons from complaints.</p> <p>An Appendix to the report presented Midlothian Council's first Social Work Annual Complaints Performance Analysis for 2017/18. The report informed how Midlothian had performed during year one of the new procedure. There was no comparative detail since this was the inaugural year of the procedure. Year one's statistical data, however would be used as a benchmark for forthcoming reports, where the year on year social work complaints data for Midlothian Council would be presented. These future reports would also detail comparative data to the established Local Government Benchmarking Framework (LGBF) family groups; and similarly to all Scottish Local Authority Social Work services when norms were established. This data was determined and then collated by members of the sub-groups of the Local Authority Complaint Handlers Network (LACHN). The Joint Director, Health and Social Care was heard in amplification of the report.</p>		
<b>Decision</b>		
<p>(a)To note the content of the Social Work Annual Complaints Performance Analysis as detailed within an appendix to the report;</p> <p>(b)To note that this was being processed for publication; and</p> <p>(c)To forward the report to Performance Review and Scrutiny Committee for their consideration</p>		
<b>Action</b>		
Head of Adult and Social Care		

Agenda No.	Report Title	Presented by:
<b>5.4</b>	<b>Inspection of Support service in Cherry Road Resource Centre</b>	<b>Head of Adult Health and Social Care</b>
<b>Outline of report and summary of discussion</b>		
<p>The report outlined the outcome of the inspection carried out by the Care Inspectorate at the Council's resource centre for individuals with learning disabilities.</p>		

Following inspection, the evaluations for Support services in Cherry Road Resource Centre were:

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

The previous inspection grades (16th July 2015) had been:

- Care and support 4 – Good
- Environment 4 – Good
- Staffing 5 - Very good
- Management and leadership 5 - Very good.

The report noted the following strengths:

- People using the service were extremely pleased with the support they received
- Staff supported people well to maximise their enjoyment and fulfilment with utilising the service
- Excellent outcomes were being achieved
- Staff were very aware of peoples' needs and planned support

There were no recommendations from the Care Inspectorate, however the report identified two areas where the service could do better; recording of staff supervision and management oversight and communication within one of the groups run by the service. Action had been taken to address these areas. The Joint Director, Health and Social Care was heard in amplification of the report.

#### Decision

- (a) To note the content and recommendation in the inspection report; and
- (b) To forward the report to Performance Review and Scrutiny Committee for their consideration.

#### Action

**Head of Adult Health and Social Care**

Agenda No.	Report Title	Presented by:
<b>5.5</b>	<b>Inspection of Midlothian Council Health &amp; Social Care SVQ Assessment Centre</b>	<b>Head of Adult Health and Social Care</b>
<b>Outline of report and summary of discussion</b>		
The report provided information about the Scottish Qualifications Authority (SQA) Inspections of Midlothian Council's Approved Health & Social Care SVQ Assessment Centre in 2018.		
The report advised that The Health & Social Care SVQ Assessment Centre had been inspected on two occasions in March and June 2018.		
On March 22 2018 all SVQ Programmes relating to care work for Adult & Social Care Services were inspected.		

These were:

- SVQ Social Services & Healthcare SCQF Level 6
- SVQ Social Services & Healthcare SCQF Level 7
- SVQ Social Services & Healthcare SCQF Level 9/10

On June 19 2018 all SVQ Programmes relating to care work for Children & Families Services were inspected. These were:

- SVQ Social Services Children & Young People SCQF Level 6
- SVQ Social Services Children & Young People SCQF Level 7
- SVQ Social Services Children & Young People SCQF Level 9/10

For both Inspection visits the SVQ Assessment Centre received ALL GREEN for all compliance criteria for all areas in each of the qualifications delivered. The Joint Director, Health and Social Care was heard in amplification of the report.

#### Decision

- (a) To recognise the positive SQA Inspection reports on the work achieved by the Health & Social Care SVQ Assessment Centre in delivering high quality qualifications to Midlothian Council staff
- (b) To recognise the hard work of the Health & Social Care SVQ Assessment Centre, in particular Carol McKay, SVQ Coordinator; and
- (c) To forward the report to Performance Review and Scrutiny Committee for their consideration.

#### Action

**Head of Adult Health and Social Care**

Agenda No.	Report Title	Presented by:
5.6	Inspection of Midlothian Residential Service for Young People Report	Head of Children's Services
Outline of report and summary of discussion		
<p>The report outlined the outcome of the unannounced inspection of Midlothian Residential Service for Young People as carried out by the Care Inspectorate in July 2018. Based on the findings of this Inspection the Care Inspectorate awarded the following grades:</p>		
Quality of care and support		Grade 4 Good
Quality of Management and Leadership		Grade 4 Good
Quality of Environment		Not Assessed
Quality of Staffing		Not Assessed
<p>The Inspectors reported that the service's performance across both themes (care and support and management and leadership) was good and demonstrated important strengths.</p>		

In particular, the Inspection Team noted the following strengths:

- The service had continued to develop and improve since the last inspection. The Inspectors felt that the team was working more cohesively and that good leadership was supporting the improvement journey.
- Care plans showed good understanding of the current needs of young people and the measures required to promote progress. Plans were written sensitively and conveyed positive regard for the young people. Young people's interests and choices were evident within plans and were used to motivate and encourage. Outcome focused assessment planning was used positively to encourage progression.
- Risk assessments were in place and reviewed regularly. Staff supervision was occurring regularly and records showed positive access to training opportunities.
- There was a clear service development plan in place. The plan was actively reviewed during team meetings, enabling staff to have a good understanding of progress achieved to date and further actions required to support improvement.
- Placing social workers commented favourably about the close working relationships they had with the service and described some of the positive outcomes that had been achieved by and for the young people.

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

- The service had experienced some staffing fluctuation over the past year especially at senior level, and whilst necessary, the Inspector felt that there could have been more planning and support to young people to prepare for and understand transitions to promote their sense of safety and security.
- The number of locum staff used since the last inspection had increased placing additional pressure on core staff in managing the needs of complex young people.
- A need to further promote an anti-bullying ethos as there were some incidences of young people being bullied by their peers. Whilst staff were aware of these issues and had tried to support young people, there was a recommendation that more could be done.
- Practice arrangements for medication storage, administration and recording needed to improve and follow procedures and current guidance.
- Notification of incidents to the Care Inspectorate required further training and development. Progress in this area would be considered at the next inspection.

Decision
<p>(a)To note the content of the Inspection report;</p> <p>(b)To pass the report to the Performance, Review and Scrutiny Committee for consideration;</p> <p>(c)To submit the report to November Council for noting purpose;</p> <p>(d)To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People.</p>
Action
<b>Head of Children's Services</b>

### Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title	Presented by:
6.1	<b>Temporary appointment of Acting Head of Customer and Housing Services</b>	<b>Joint Director, Health and Social Care</b>
Decision		
Cabinet approved the recommendation as detailed in the report.		

The meeting terminated at 11.40am.

# Minute of Meeting



## Local Review Body

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

### Present:

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

## 1 Apologies

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Apologies for absence were received from Councillor Muirhead

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 4 September 2018 was submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land South East of the Old School House, Lasswade [18/00180/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
With reference to paragraph 5.6 of the Minutes of 4 September 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr Stuart Armstrong, 19 Polton Terrace, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (18/00180/DPP, refused on 24 May 2018) for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade and granting planning permission subject to conditions.		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 15 Pendreich Terrace, Bonnyrigg [18/00312/DPP].	Peter Arnsdorf

## Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 4 September 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr and Mrs J Millar, Bowling Green Cottage, Murderdean Road, Newtongrange seeking a review of the decision of the Planning Authority to refuse planning permission (18/00312/DPP, refused on 26 June 2018) for the erection of a two storey extension at 15 Pendreich Terrace, Bonnyrigg and granting planning permission.

## Decision

To note the LRB decision notice.

## Eligibility to Participate in Debate

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

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

## Order of Business

At the invitation of the Chair, the Planning Advisor explained that whilst there were two review requests before today's LRB meeting relating to two different planning applications, they were both by the same applicant, related to properties that were geographically very close to each other and dealt with similar issues relating to change of use. Under the circumstances it might be that in conducting the Hearing for the first Review, Members may find that the similarity in issues meant that rather than go through the process of hearing the same arguments twice, they might wish to dispense with the formality of a second Hearing.

The Chair thanked the Planning Advisor for clarifying the position and suggested that the Committee might want to come to a view on this once they had dealt with the first review.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00369/DPP] – Determination Report by Head of Communities and Economy	Peter Arnsdorf

## Executive Summary of Report

There was submitted report dated 9 October 2018 by the Head of Communities and Economy regarding an application from Mrs Janice Paterson, Premier Pilates and Fitness Studio Ltd, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00369/DPP, refused on 25 July 2018) for the change of use from office/light industry (class 4) to a fitness studio (class 11) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith

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

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

## Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from the applicant Janice Paterson, and then from Duncan Robertson, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed change of use, in particular the potential impact it would have in terms of the loss of an office/light industry (class 4) unit. Whilst it was acknowledged that there were already a wide range of differing uses evident within the Business Park, concerns were expressed regarding the loss of an office/light industry (class 4) unit, given the current levels of demand for such units and also regarding issues of precedent, with the difficulties this could potentially create if other applications for similar changes of use were received. Notwithstanding these issues, this was an established local business that was looking to remain in the area and to expand.

After further discussion, Councillor Baird, seconded by Councillor Cassidy, moved that on balance given the particular circumstance involved in this case, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Head of Communities and Economy's report.

As an amendment, Councillor Milligan, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

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

## Decision

The LRB agreed to grant planning permission for the following reason:

*The proposed Class 11 use is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.*

subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

**Reason:** *To ensure a satisfactory standard of amenity in nearby residential properties.*

2. The use of the site shall be as a fitness studio and beauty salon only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

**Reason:** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00402/DPP] – Determination Report by Head of Communities and Economy	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report dated 9 October 2018 by the Head of Communities and Economy regarding an application from Mrs Janice Paterson, Mind Body and Beauty Ltd, Hardengreen Business Park, 7 Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00402/DPP, refused on 25 July 2018) for the change of use from office (class		

4) to a mixed use of fitness studio (class 11) and beauty salon (class 2) at Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith.  
Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

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

### Summary of Discussion

In accordance with the procedures for the Local Review Body, consideration was given to advice received from the Planning Advisor earlier, it being agreed that in view of the similarities between this and the previous Review to dispense with the need for a Hearing and move straight to a decision.

Thereafter, Councillor Baird, seconded by Councillor Cassidy, moved that on balance given the particular circumstance involved in this case, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Head of Communities and Economy's report.

As an amendment, Councillor Milligan, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

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

### Decision

The LRB agreed to grant planning permission for the following reason:

*The proposed mixed use (Class 11 and Class 2) is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.*

subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

**Reason:** *To ensure a satisfactory standard of amenity in nearby residential properties.*

2. The use of the site shall be as a fitness studio and beauty salon only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use

within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

***Reason:*** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

The meeting terminated at 2.27 pm.



# Minute of Meeting



## Midlothian Integration Joint Board

Date	Time	Venue
Thursday 11 <sup>th</sup> October 2018	2.00pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

### Present (voting members):

Angus McCann (Chair)	Cllr Jim Muirhead
Tracey Gilles	Cllr Margot Russell (substitute for Cllr Derek Milligan)

### Present (non voting members):

Allister Short (Chief Officer)	Alison White (Chief Social Work Officer)
Claire Flanagan (Chief Finance 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)	Ewan Aitken (Third Sector)

### In attendance:

Craig Marriott (Deputy Director of Finance)	Gary Fairley (Head of Finance and Integrated Service Support)
Morag Barrow (Head of Primary Care and Older Peoples Services)	Margaret Brewer (Service Manager, Community Justice)
Sandra Bagnall (Assistant Strategic Programme Manager)	Jill Stacey (Chief Internal Auditor)
Chris	Mike Broadway (Clerk)

### Apologies:

Cllr Derek Milligan	Cllr Catherine Johnstone
Cllr Pauline Winchester	Cllr Janet Lay-Douglas (substitute for Cllr Pauline Winchester)
Alex Joyce	Alison McCallum
Nik Hirani (Medical Practitioner)	Aileen Currie (Staff side representative)

# Midlothian Integration Joint Board

Thursday 11 October 2018

## 1. Welcome and introductions

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

## 2. Order of Business

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The order of business was confirmed as outlined in the agenda that had been previously circulated, with the exception of an additional report 'Chief Officer's Report' which had been circulated under separate cover, having been ruled as urgent by the Chair. It was agreed to take this item after the Financial Outlook and Strategy 2019-20 to 2022-23 (item no 5.4) and before the Transformation Programme (item no 5.5)

## 3. Declarations of interest

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No declarations of interest were received.

## 4. Minutes of Previous Meetings

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- 4.1 The Minutes of (i) Meeting of the Midlothian Integration Joint Board held on 23 August 2018 and (ii) Special Meeting of the Midlothian Integration Joint Board held on 13 September 2018 were submitted and approved as correct record.
- 4.2 The Minutes of Meeting of the MIJB Audit and Risk Committee held on 20 June 2018 were submitted and noted.
- 4.3 A Rolling Action Log – October 2018 was submitted.

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

- (a) to close the action relating to the 2018-19 Delivery Plan for Health and Social Care on the basis that updates would be submitted as and when required;
- (b) to ask the Chief Finance Officer to review the wording of the Royal Edinburgh Hospital and Update on 2018/19 Financial Assurance actions; and
- (c) to note that an update on the remaining outstanding action – Workforce Planning would be circulated to Members directly.

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

# Midlothian Integration Joint Board

Thursday 11 October 2018

## 5. Public Reports

Report No.	Report Title	Presented by:
5.1	Criminal Justice Presentation	Margaret Brewer

### Executive Summary of Report

The Board received a presentation from Margaret Brewer (Service Manager, Community Justice) on Criminal Justice Social Work. She explained the role of the Criminal Justice Team, which included –

- Preparation of all Court reports, using a national template
- Supervising all orders made by the Court
- Supervising the Parole, Non-Parole, Life Licence or Order of Lifelong Restriction of anyone sentenced to more than 4 years when they were released from prison.

As a key focus was on assessing/reducing the risk of reoffending, she provided some statistical information on reoffending and also the work that was undertaken to challenge behaviour and reduce the risk of reoffending. Margaret concluded her presentation by explaining some of the reasons why Criminal Justice was part of the IJB and showing some examples of the recycling projects undertaken by individuals on unpaid work.

### Summary of discussion

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

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

- The challenges presented in trying to help offenders make the successful transition back in ordinary life and the role of the voluntary sector in this process
- How robust reoffending rates were as a measure of the success of the excellent work undertaken by the CJT
- The misconceptions that persisted about this type of work.
- The need for a holistic approach to tackling such issues and the importance of good communication and joined up working.

### Decision

**The Board, after further discussion:**

- **Noted the presentation and thanked Margaret; and**
- **Agreed that copies of the presentation be circulated to Members.**

# Midlothian Integration Joint Board

Thursday 11 October 2018

## Action

Service Manager, Community Justice/Clerk

Report No.	Report Title	Presented by:
5.2	Report of the Chief Social Work Officer 2017-18	Alison White

## Executive Summary of Report

The purpose of this report was to provide the MIJB with the Annual Report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on Midlothian Councils' behalf. It also provided an overview of regulation and inspection, workforce issues and significant social policy themes over the past year.

## Summary of discussion

The Committee, having heard from Alison White (Chief Social Work Officer), who responded to Members question and comments, welcomed the Chief Social Work Officer's Annual Report and discussed a number of issues, including –

- The involvement of user/cares and the use of feedback
- Self-directed Support

## Decision

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

- **the Chief Social Work Officer's Annual Report for 2017-18; and**
- **that a copy of the Annual Report would be placed on the Council website.**

## Action

Chief Social Work Officer

Report No.	Report Title	Presented by:
5.3	Measuring Performance Under Integration	Morag Barrow

## Executive Summary of Report

With reference to paragraph 5.5 of the Meeting of 20 April 2017, 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 that the Ministerial Strategic Group for Health and Community Care had agreed in December 2016.

# Midlothian Integration Joint Board

Thursday 11 October 2018

## Summary of discussion

Having heard from Morag Barrow (Head of Primary Care and Older Peoples Services), who responded to Members' questions and comments, the Board in discussing the data acknowledged that in terms of the improvement goals set by the MIJB the indicators showed mixed results. The Board did however welcome the revised format for the presentation of performance information.

## Decision

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

- **Noted the performance across the improvement goals; and**
- **Noted the further information about Emergency Department attendances and HSCP actions in response.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.7	Midlothian Integration Joint Board Records Management Plan	Sandra Bagnall

## Executive Summary of Report

The purpose of this report was to introduce the MIJB's Records Management Plan (RMP) and to seek the MIJB's approval for its content as well as onward submission to the Keeper of the Records of Scotland for agreement.

The report explained that IJBs were required to submit a Records Management Plan (RMP) to the Keeper of the Records of Scotland. The RMP sets out how Midlothian IJB's records would be created and managed in line with national policy. This was a responsibility which all public bodies must fulfil. The RMP required to be submitted for agreement by the Keeper of the Records of Scotland under Section 1 of the Public Records (Scotland) Act 2011 by 2 November 2018 and would thereafter be reviewed annually by Midlothian IJB.

## Summary of discussion

The Board, having heard from Sandra Bagnall (Assistant Strategic Programme Manager), discussed the importance of having a Records Management Plan.

## Decision

**The Board:**

- **Noted the considerable work which had gone into developing the RMP and accompanying Memorandum of Understanding;**

# Midlothian Integration Joint Board

Thursday 11 October 2018

- Approved the content of the RMP and accompanying Memorandum of Understanding; copies of which were appended to the report; and
- Approve their formal submission to the Keeper of the Records of Scotland for agreement

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.4	Financial Outlook and Strategy 2019-20 to 2022-23	Gary Fairley/Craig Marriott

## Executive Summary of Report

Gary Fairley, Head of Finance and Integrated Service Support, Midlothian Council and Craig Marriott, Deputy Director of Finance, NHS Lothian, provided the Board with overviews of the respective financial positions of Midlothian Council and NHS Lothian, highlighting in particular the financial challenges faced by each organisation, and the knock on impact this was likely to have on the Midlothian IJB. Thereafter, they replied to Members questions and comments.

## Summary of discussion

The Board acknowledged that the challenging financial landscape simply sought to give additional emphasis, if that were needed, to the importance of the ongoing work aimed at affecting positive shifts in models of service delivery. Additionally, it was difficult to maintain a holistic approach in the mist of mixed messages and competing pressure to shift the balance of care/increased investment in Acute Services. Efforts to change funding models whilst welcome presented other challenges; as money ring fenced for specific purposes wasn't always helpful.

## Decision

After further discussion, the Board:

- Expressed its thanks to both Gary and Craig for their respective presentations and for answering Members questions ; and
- Otherwise, noted the report.

## Action

Chief Officer

# Midlothian Integration Joint Board

Thursday 11 October 2018

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

## Executive Summary of Report

This report provided a summary of the key issues which had arisen over the past month in health and social care, highlighting in particular key activities, as well as future key developments.

## Summary of discussion

The Board, having heard from Allister Short (Chief Officer), who responded to Members' questions, discussed the difficulties being experienced in recruiting the number of MSK Advanced Practitioner Physiotherapists and Pharmacists to meet the requirements of the HSCP and practices. It was acknowledged that this was an unanticipated Lothian wide issue and that measures were being put in place to address it.

## Decision

**After further discussion, the Board noted the issues and updates raised in the report.**

## Action

Chief Officer

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

## Executive Summary of Report

The purpose of this report was to update Midlothian IJB on the progress being made to deliver the agreed transformation programme previously approved by the IJB. The report provided a note of progress in achieving financial balance, noting the key challenges faced within care at home and the need to review options for in-year delivery.

## Summary of discussion

The Board, having heard from the Chief Officer, Allister Short who responded to Members' questions/comments, discussed the impact of pressures within care at home not just in financial terms but also in terms of the delivery of planned changes, with concerns being expressed about the knock on effect on unpaid carers.

## Decision

**After further discussion, the Board:**

# Midlothian Integration Joint Board

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- **Noted the progress being made to deliver on the Transformation Programme within Midlothian; and**
- **Agreed the actions being progressed to achieve financial balance by 31 March 2019.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.6	Royal Edinburgh Hospital	Alison White

## Executive Summary of Report

With reference to paragraph 5.1 of the Minutes of 3 May 2018, there was submitted a report seeking the support of Midlothian Integration Joint Board (MIJB) for the bed numbers and financial assumptions for Phase 2 of the Royal Edinburgh Hospital (REH) re-provision thereby allowing the Outline Business Case (OBC) to progress. A report covering these issues was first brought to the MIJB in May 2018, this report confirmed the numbers and costs following further review of all of the information available.

## Summary of discussion

Having heard from Chief Social Work Officer, Alison White, who responded to Members questions and comments, the Board in considering the proposals acknowledged that the REH development supported the overall policy drive to shift the balance of care from institutional settings to community settings. Concerns were however expressed regarding the potential long term impact of the overall planned reduction in bed numbers and the ability of the system to accommodate someone needing hospital care in the event that all the available beds were taken.

## Decision

**After further discussion, the Board:**

- **Agreed to confirm the proposed Midlothian bed numbers in Phase 2.**
- **Agreed in principle to a bed risk share model with other IJBs in order to progress the business case and ensure Midlothian patients have continued access to specialist services.**
- **Agreed that the financial model would be revisited as part of the work towards the new IJB NRAC financial allocation model and that the final financial model for the OBC should be presented to the IJB.**

# Midlothian Integration Joint Board

Thursday 11 October 2018

## Action

Chief Officer/Chief Finance Officer

Report No.	Report Title	Presented by:
5.8	National Involvement Network - Charter for Involvement	Alison White

## Executive Summary of Report

The purpose of this report was to inform the Midlothian IJB of the Charter for Involvement and respond to the request from the National Involvement Network to sign up to the Charter.

The report explained that the Charter for Involvement, published in January 2015, was a series of 12 statements that show how people who use support services want to be involved in the services they use, in the organisations that provide their services, and in the wider community. It was written by the National Involvement Network and was unique to Scotland in that it had been written and developed by people who use services for service providers to make involvement better for everyone. Members of the network are approaching organisations to sign up to the charter and promote it amongst their staff. They attended the Midlothian Learning Disability Joint Planning Group and requested that both the Planning Group and Midlothian Health and Social Care sign up to the Charter.

## Summary of discussion

The Board, having heard from the Alison White (Chief Social Work Officer), considered the charter to be a positive step however there was some question regarding how performance levels would be measured.

## Decision

### The Board:

- **Noted and endorsed signing up to the National Involvement Network Charter for Involvement.**

## Action

Chief Officer

## 6. Private Reports

No private business to be discussed at this meeting.

# Midlothian Integration Joint Board

Thursday 11 October 2018

## 7. Any other business

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No additional business had been notified to the Chair in advance

## 8. Date of next meeting

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

- Thursday 15<sup>th</sup> November 2018    2pm    Development Workshop
- Thursday 13<sup>th</sup> December 2018    2pm    Midlothian Integration Joint Board

The meeting terminated at 4.09 pm.