

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 21 August 2018**

1 Minutes of Meetings submitted for Approval

Midlothian Council 8 May 2018	3 - 14
Midlothian Council 26 June 2018	15 - 38

2 Minutes of Meetings submitted for Consideration

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

General Purposes Committee 3 April 2018	39 - 40
Planning Committee 3 April 2018	41 - 50
Local Review Body 10 April 2018	51 - 62
Audit Committee 1 May 2018	63 - 66
Planning Committee 15 May 2018	67 - 72
Special Audit Committee 15 May 2018	73 - 78
Education Appointment Committee 28 June 2018	

3 Minutes of Meetings submitted for Information

Approved Minutes of Outside Organisations to which Council appoints representatives

No Minutes submitted for information

Minute of Meeting



Midlothian Council

Date	Time	Venue
8 May 2018	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor/Provost Smaill (Chair from Item 8.2)	Depute Provost Russell (Chair to Item No. 8.1)
Councillor Milligan – Council Leader	Councillor Muirhead – Depute Council Leader
Councillor Alexander	Councillor Baird
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Munro	Councillor Wallace
Councillor Winchester	

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

Mr V. Bourne	
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In attendance:

Kenneth Lawrie, Chief Executive	John Blair, Director, Resources
Mary Smith, Director, Education, Communities and Economy	Allister Short, Joint Director, Health and Social Care
Gary Fairley, Head of Finance and Integrated Service Support	Garry Sheret, Head of Property and Facilities Management
Grace Vickers, Head of Education	Alan Turpie, Legal Services Manager and Monitoring Officer
William Venters, Principal Solicitor and Depute Monitoring Officer	Verona MacDonald, Democratic Services Team Leader
Mike Broadway, Democratic Services Officer	

1. Apologies

An apology for absence was intimated by Councillor Johnstone on behalf of Councillor Parry.

2. Order of Business

The order of business was confirmed by the Clerk as that which was outlined in the agenda circulated. The Clerk drew attention to the requirement for Standing Orders to be suspended prior to consideration of the reports numbered 8.11 and 8.13 on the agenda.

3. Declarations of interest

No declarations of interest were made.

4. Deputations

No deputations had been received.

5. Minutes of Previous Meetings

5.1 The Minute of the meeting of Midlothian Council which took place on 27 March 2018 was submitted for approval. The Council unanimously approved the Minute as a correct record.

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

Meeting	Date of Meeting
Cabinet	27 February 2018
Planning Committee	20 February 2018
General Purposes	9 January 2018
Local Review Body	27 February 2018
Performance, Review and Scrutiny	13 March 2018
Audit Committee	13 March 2018
Midlothian Integration Joint Board	11 January 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

It was noted that no Motions had been received.

8. Reports

Report No.	Report Title	Presented by:
8.1	Appointment of Provost – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
<p>The Council heard from the Director, Resources, who presented a report which invited Council to fill a vacancy in the role of Provost. The Depute Provost then invited nominations to the position.</p> <p>Councillor Winchester, seconded by Councillor Lay-Douglas, nominated Councillor Smaill. Councillor Johnstone, seconded by Councillor Baird, nominated Councillor Wallace. There being no other nominations, a vote was then taken by way of a show of hands. 7 votes were cast for Councillor Smaill and 5 for Councillor Wallace.</p>		
Decision		
<p>Councillor Smaill was elected Provost of Midlothian. The Chief Executive presented him with the chain of office. Councillor Smaill thanked everyone and stated it was a great honour to be elected to the historic position of Provost of Midlothian. He paid tribute to the former Provost the late Councillor Adam Montgomery, remarking that although from very different political backgrounds, he had learned a great deal from the former Provost, and would endeavour to continue to stimulate debate both within and outwith the Chambers as Adam would have done.</p>		
Action		
Chief Executive and Directors		

Report No.	Report Title	Presented by:
8.2	Committee and Related appointments – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
<p>The Director, Resources spoke to the terms of the report which invited the Council to fill the current Committee vacancies and related appointments to outside organisations.</p> <p>The Provost called for nominations to the vacant positions.</p> <p>Councillor Hackett, seconded by Councillor Imrie, moved the following “block” nominations:- Local Review Body – Councillor Curran Appeals Committee – Councillor Milligan All other vacancies which were previously held by the Provost – Provost Smaill</p> <p>Thereafter, as an amendment, Councillor Johnstone, seconded by Councillor Baird, moved that the vacancy in the Appeals Committee be filled by Councillor Alexander.</p> <p>No other nominations were made.</p>		

On a vote being taken by a show of hands, 11 votes were cast for the Motion by Councillor Hackett and 6 votes were cast for the amendment by Councillor Johnstone.

Decision

The following appointments were made to Committees and Outside Organisations:-

(a) Committees –

Local Review Body – Councillor Curran;

Appeals Committee – Councillor Milligan;

(b) Outside Organisations –

Councillor Smaill as Provost appointed to –

Edinburgh and Lothian Area Tourism Partnership;

Edinburgh, Leith and District Battalion of the Boys' Brigade;

Lothian Mineworkers Convalescent Home Trust;

Lowland Reserve Forces and Cadets Association;

Midlothian Access Forum Core Group;

Midlothian Voluntary Action;

Scout Association (Midlothian area);

Midlothian Council Veterans' Champion;

Scottish Provosts' Association

Action

Director, Resources

Report No.	Report Title	Presented by:
8.3	Post of Chief Executive – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
<p>The Director, Resources spoke to the terms of a report which advised of the formal resignation of Mr Kenneth Lawrie, as Chief Executive of Midlothian Council; sought governance on the steps to be taken to fill the resultant vacancy; and set out proposals for the recruitment process.</p> <p>Councillor Imrie, having congratulated Mr Lawrie on his appointment to Falkirk Council, moved suspension of Standing Orders to allow the Council to consider and if considered appropriate change the membership of the Appointment Panel to one which was more representative of the current political make up of the Council. The Motion was seconded by Councillor Johnstone. On a vote being taken by a show of hands it was unanimously agreed to suspend Standing Orders.</p>		

Councillor Imrie, seconded by Councillor Curran, then moved that instead of the Cabinet being the Appointments Committee that an Appointments Committee to consist of the Leader and Depute Leader of each of the 3 political parties represented on the Council be formed for the purposes of appointing a new Chief Executive and otherwise the recommendations contained within the report be adopted. On a vote being taken by a show of hands, 16 votes were cast for the Motion and one against.

Decision

The Council agreed that:-

- (a) an Appointments Panel to consist of the Leader and Depute Leader of each of the 3 political parties represented on the Council be formed for the purposes of appointing a new Chief Executive;
- (b) the recruitment process as outlined in the report by the Director, Resources be adopted.

Action

Chief Executive; Director, Resources

Report No.	Report Title	Presented by:
8.4	Governance Framework for Midlothian Community Planning Partnership – Report by Chief Executive	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive spoke to the terms of the report which invited Council to approve the proposed new governance arrangements for the Community Planning Partnership Board following the passage of the Community Empowerment (Scotland) Act 2015. He noted that the recommendations set out in the report had been approved by the Board, subject to the agreement of the partners own governance structures.</p> <p>He further advised that following a report to Council in August 2017 on the draft governance arrangements it had been agreed that 3 Elected Members, namely the Leader or Depute Leader and a representative of each of the other political groups would sit on the Board. It was further proposed that the Council nominate an Elected Member to join each of the thematic partnership groups, namely, the Getting it right for every Midlothian Child Board; the Improving Opportunities Midlothian partnership and; the Sustainable Growth Midlothian partnership. He invited nominations to the 3 thematic groups.</p> <p>Thereafter, Councillor Hackett moved that Councillor Muirhead be nominated to the Getting it right for every Midlothian Child Board; Councillor Baird be nominated to the Improving Opportunities Midlothian partnership and Councillor Imrie be nominated to the Sustainable Growth Midlothian partnership. Councillor Baird declined the nomination and Councillor Hackett subsequently withdrew the nomination. Councillor Johnstone then nominated Councillor Cassidy and Councillor Hackett confirmed he was happy to amend his motion to include Councillor Cassidy in place of Councillor Baird. Councillor Wallace seconded Councillor Hackett's amended motion.</p>		

Councillor Winchester, as an amendment, seconded by Councillor Hardie, nominated Councillor Munro to the Improving Opportunities Midlothian partnership whilst supporting the other 2 nominations.

On a vote being taken by a show of hands, 4 votes were cast for the amendment and 11 for the motion which therefore became the decision.

Decision

The Council:-

- (a) agreed to the governance arrangements as set out in the paper attached to the report;
- (b) agreed the representation at the Community Planning Partnership Board, namely the Leader or Depute Leader together with a representative from each of the other 2 political groups and;
- (c) nominated (i) Councillor Muirhead to the Getting it Right for Every Midlothian Child Board; (ii) Councillor Cassidy to the Improving Opportunities Midlothian partnership and; (iii) Councillor Imrie to the Sustainable Growth Midlothian partnership.

Action

Chief Executive

Report No.	Report Title	Presented by:
8.5	Single Midlothian Plan 2018-19 – Report by Chief Executive	Chief Executive
Outline of report and summary of discussion		
The Chief Executive spoke to the terms of the report which sought formal endorsement of the plan attached to the report, outcome and indicators and their adoption as the strategic plan for Midlothian Council under which the Service Plans for Council services would operate. He noted that a report in respect of the Service Plans was a separate item later on the agenda.		
Decision		
The Council:- <ul style="list-style-type: none"> (a) noted the legal requirements of the Community Empowerment Act as set out in Appendix 1 to the report and; (b) approved and endorsed the Single Midlothian Plan 2018-19 (Appendix 2 to the report) as the strategic document for Council service planning. 		
Action		
Chief Executive; Directors; Heads of Service		

Report No.	Report Title	Presented by:
8.6	Service Plans 2018-19 – Report by Chief Executive	Chief Executive

Outline of report and summary of discussion	
<p>The Chief Executive spoke to the terms of the report and reminded Members that the matter had been carried forward from the meeting on 27 March 2018 to allow Members additional time to consider the Plans.</p> <p>He noted that the Council has a statutory duty introduced by the Local Government (Scotland) Act 2003 to make arrangements to secure best value. The legislation states that the Council is obliged to (i) work with its partners to identify a clear set of priorities that respond to the needs of the local community and be organised to deliver those priorities; (ii) meet and clearly demonstrate that it is meeting the community's needs and (iii) operate in a way that drives continuous improvement in all of its activities. The Council delivers its priorities through the Community Planning Partnership and the Single Midlothian Plan, which is separately reported on the Council agenda.</p>	
Decision	
The Council approved the 2018/19 Service Plans	
Action	
Chief Executive; Directors; Heads of Service	

Report No.	Report Title	Presented by:
8.7	Local Scrutiny Plan 2018-19 – Report by Chief Executive	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive spoke to the terms of the report which informed Council of the Local Scrutiny Plan 2018-19 produced by Audit Scotland; a copy of which was appended to the report. The Local Scrutiny Plan (LSP) focused on key risks previously identified and also identified potential new risks. The conclusion of the shared risk assessment for 2018/19, was that there were no significant risks for the Council that would require specific scrutiny. However, routine, scheduled audit and inspection work would be carried out through the annual audit process and the ongoing inspection of school and care establishments by Education Scotland and the Care Inspectorate respectively. In addition a Best Value Assurance Report (BVAR) for Midlothian Council was due for publication in 2019.</p> <p>Following comments from a number of Members, specific questions put by Councillors Hardie and Johnstone were answered by the Chief Executive.</p>		
Decision		
Council noted the Local Scrutiny Plan 2018-19.		
Action		
Chief Executive; Directors		

Report No.	Report Title	Presented by:
8.8	Gender Based Violence Policy – Report by Chief Executive	Chief Executive

Outline of report and summary of discussion	
<p>The Chief Executive spoke to the terms of the report which sought approval for the new joint Midlothian and East Lothian Gender Based Violence (GBV) Policy. GBV was an umbrella term that encompassed a wide spectrum of abuse experienced disproportionately by women and perpetrated predominantly by men. This Policy covered all such forms of abuse and eradicating this violence should be seen as a priority for all both within and out with the workplace.</p> <p>Councillors Winchester enquired whether it was possible to change the title of the Policy from Violence to Abuse. The Chief Executive advised that because the Policy had been jointly developed with East Lothian Council, this would need to form part of further discussion with them.</p>	
Decision	
The Council unanimously approved the Gender Based Violence Policy.	
Action	
Chief Executive; Directors	

Report No.	Report Title	Presented by:
8.9	Creating a World-Class Education System through Excellence and Equity – Report by Head of Education	Grace Vickers
Outline of report and summary of discussion		
<p>Grace Vickers, Head of Education spoke to the terms of the report the purpose of which was to provide an overview of the national measures for secondary school examination attainment in session 2016-17 using the senior phase national benchmarking attainment measures, called “Insight”. The report also provided an updated on progress through the Broad General Education (P1-S3) including Curriculum for Excellence levels and Standardised Assessment date. It also celebrated a number of wider achievements across the Council’s Education Service.</p> <p>Councillors Muirhead, Hardie and Baird were then all heard in support of the excellent work that was being undertaken to assist pupils in Midlothian to realise their potential whatever that maybe, and also the importance of the next steps highlighted in the report in maintaining and building on this success.</p> <p>Mr Bourne expressed his agreement and asked about what steps were being taken to encourage pupils into higher/further education. The Head of Education in response made reference to a new partnership with Edinburgh University tied into the new Centre for Digital Excellence, and to the broader measures being taken to better equip pupils to make that transition.</p>		
Decision		
<p>The Council unanimously agreed to:-</p> <ol style="list-style-type: none"> 1. Congratulate Pupils, Staff, Parents, Carers and Guardians on the significant improvements in performance outlined in this report. 2. Note the next steps for improvement. 		

Action
Head of Education

Report No.	Report Title	Presented by:
8.10	Voluntary Severance Early Retirement Policy and Update on 2017 VSER Scheme – Report by Head of Finance and Integrated Service Support	Gary Fairley

Outline of report and summary of discussion

Gary Fairley, Head of Finance and Integrated Service Support spoke to the terms of the report which sought approval of a revised Voluntary Severance / Early Retirement (VS/ER) Policy and also provided an update on the VSER scheme approved by Council on 26 September 2017.

In considering the revised Policy, clarification was sought on a number of issues, namely:-

- The impact of the reduction in the payback period from 5 to 2 years:
- The possibility of increasing the restriction on re-employment by the Council from 6 to 12 months:
- The timing of offers:
- The impact of the loss of experienced staff/use of agency staff.

The Head of Finance and Integrated Service Support in response advised that the main impact of the reduced payback period was in terms of pension costs. It was up to the Council to determine if they wished to change the terms of the Policy in this regard, however, any change would require to be discussed with Union colleagues. The issue of the timing of offers would be looked into further and the Workforce Strategy sought to address the issue of any impacts caused by the loss of experienced staff and the use of agency workers. With regards the current scheme the Head of Finance and Integrated Service Support indicated he was happy to bring back a further detailed report once the current scheme concluded. He added that it would also be picked up in the financial statement report that would be going to the June Council meeting.

After further discussion, Councillor Winchester, seconded by Councillor Hardie moved that subject to further consultation with the Unions the restriction on re-employment by the Council be increased from 6 to 12 months.

On a vote being taken by a show of hands, 10 votes were cast for the motion and 6 against.

Decision

The Council agreed:-

- To approve the revised Voluntary Severance / Early Retirement Policy appended to this report;
- To note the update on the operation of the VSER scheme approved on 26 September 2017;
- To note that a further detailed report would be brought forward to Council once the current scheme concluded; and

d)	That, subject to further consultation with the Unions, the restriction on re-employment by the Council be increased from 6 to 12 months.
Action	
Head of Finance and Integrated Service Support	

Report No.	Report Title	Presented by:
8.11	Review of Burial Charges – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
The Council unanimously agreed to suspend Standing Orders in order to allow this matter to be considered.		
The Director, Resources spoke to the terms of a report which invited Council to consider waiving the burial charges for children aged 17 or below. The proposed waiving of the children's burial fees would have minimal financial impact and would bring the Council into line with the vast majority of other Local Authorities in not charging for children's burials.		
Decision		
After discussion, the Council unanimously agreed that the charges for child burials be waived for all families		
Action		
Director, Resources		

Report No.	Report Title	Presented by:
8.12	Automatic Public Conveniences – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
The Council heard from the Director, Resources who presented a report inviting Council to further consider the options of installing automatic public conveniences across a range of sites in Midlothian following a consultation with Midlothian Residents as agreed by Council at its meeting on 26 September 2017.		
Councillor Hackett, seconded by Councillor Johnstone, moved no action.		
As an amendment, Councillor Hardie, seconded by Councillor Winchester, moved recommendations (a), (b) and (c) in the report.		
On a vote was then taken by way of a show of hands. 13 votes were cast for the motion and 4 votes were cast for the amendment.		
Decision		
The Council agreed to take no action		
Action		
Director, Resources		

Report No.	Report Title	Presented by:
8.13	Review of Rights and Advice Services – Report by Director, Education, Communities and Economy	Mary Smith
Outline of report and summary of discussion		
<p>The Council unanimously agreed to suspend Standing Orders in order to allow this matter to be considered.</p> <p>The Director, Education Communities and Economy spoke to the terms of a report which present the findings of an external review of welfare rights and advice services funded by Midlothian Council and invited the Council to consider the following recommendations as a way forward:-</p> <ul style="list-style-type: none"> • Commission current providers of CAB delivered advice services funded by the Council to deliver through a single contract. • Cease externally commissioning 'specialised client group advice services. • Improve internal referral and joint client centred mechanisms for agencies / staff working with specific service user groups to the Council Welfare Rights Team ('One stop shop' model). • Establish appropriate IT systems support to facilitate internal personal data transfer. <p>The Council in discussing the proposals were in general agreement with the Director that doing nothing was not an option. There was a feeling, however, that the Council was not in a position to dictate to the CABs how to run their services in Midlothian and that they still had an important role to play independent of the Council albeit they should be asked to jointly agree and sign a single service level agreement which sets out targets and outcomes that can be measured and ensure accountability. This could also include an agreed savings target to reflect the current difficult financial position in the public sector.</p> <p>The "one stop shop" approach also drew favourable comments, although it was acknowledged that it would not be appropriate to include the CABs for the reasons outline above. Instead all the other services should be delivered from a "one stop shop" which should ideally be located within one of the 3 priority areas. The possibility of a more flexible approach to locating the service in a fixed location was discussed. It being felt that in order to make the "one stop shop" service more accessible it might be better to offer it through more than one location, utilising local facilities such as libraries, for example.</p>		
Decision		
<p>After further discussion and questions to the Director, the Council:-</p> <ul style="list-style-type: none"> • Noted the recommendations of the external evaluation report. • Agreed the relevant Council staff work together with procurement staff to establish an agreed contract specification to re-commission existing CAB delivered grant aided services. Commencing April 2019 when the extension to current grant aid comes to an end. 		

<ul style="list-style-type: none"> • Cease externally commissioning 'specialised client group advice services', as standalone services or elements of wider external services that include "advice", as each such contract comes up for renewal , noting that housing and revenues elements have already been included in the wider budget proposals as savings. • Create a "one stop shop" including staff working with specific service user groups and the Council Welfare Rights Team. In doing so transfer sufficient resources from the commissioning budgets to support the service. • Establish appropriate IT systems support to facilitate internal personal data transfer between Mosaic (the current welfare rights system is embedded in this social work database to assist referrals) and equivalent data bases across Council. This will require data transfer arrangements compliant with GDPR.
Action
Director, Education Communities and Economy

The meeting concluded at 12.45 pm.

9. Exclusion of Members of the Public

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

- 9.1 New Primary Schools in Dalkeith and Easthouses – Report by Director, Education, Communities and Economy

Minute of Meeting



Midlothian Council

Date	Time	Venue
26 June 2018	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

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

Mr V. Bourne

In attendance:

Kenneth Lawrie, Chief Executive	John Blair, Director, Resources
Mary Smith, Director, Education, Communities and Economy	Gary Fairley, Head of Finance and Integrated Service Support
Garry Sheret, Head of Property and Facilities Management	Grace Vickers, Head of Education
Kevin Anderson, Head of Customer and Housing Services	Ian Johnson, Head of Communities and Economy

1. Apologies

No apologies were received.

2. Order of Business

The Clerk advised that, following a request from Councillor Parry, the Provost had agreed to amend the Order of Business under Section 7 – Notices of Motions, whereby Item No. 7.5 would be taken first. The Clerk further advised that Item No. 7.7 would require suspension of Standing Orders.

The Provost thereafter advised that he received a request to accept a late Motion and if the Council wished to consider its terms, Standing Orders would need to be suspended. Councillor Milligan, seconded by Councillor Cassidy moved suspension of Standing Orders and on a vote being taken 16 Elected Members voted in favour of accepting the late Motion with none being against. Copies of the Motion were distributed to Members with the Provost advising it would be numbered Item 7.8.

3. Declarations of interest

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

4. Deputations

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

5. Minutes of Previous Meetings

5.1 The Minute of the meeting of Midlothian Council which took place on 8 May 2018 was submitted for approval. Councillor Johnstone advised that there was a sentence missing from the decision narrated at 8.11 – Review of Burial Charges. After a short discussion, it was agreed that Councillors Johnstone and Hackett would agree the additional wording and the Minute would be changed to reflect this position and re-submitted for approval to the next meeting of Council.

5.2 The following minutes were previously circulated to Members and subsequently noted and/or the recommendations contained therein approved:-

Meeting	Date of Meeting
Cabinet	10 April 2018
Performance, Review and Scrutiny Committee	24 April 2018
Police and Fire and Rescue Board	19 February 2018
Appointments Committee	29 May 2018
Appointments Committee	14 June 2018
Education Appointments Committee	30 May 2018

Education Appointments Committee (3)	15 June 2018
Midlothian Integration Joint Board	29 March 2018

6. Question to the Leader of the Council

It was noted that copies had previously been circulated of a Question by Councillor Alexander to the Leader of the Council. The Question enquired as to the contingencies put in place to secure alternative funding which comes to Midlothian to support industry, science, tourism and the voluntary sector from the EU after Brexit and what was being put in place to ensure the collaboration, sharing and free movement of students between the science sectors in Midlothian continues with those of the EU. The Leader advised a copy of his response had been distributed to Members and any resultant queries should be raised with him or the officer listed in the response.

7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.5	Breastfeeding	Councillor Parry	Councillor Alexander
Motion:			
<p><i>“That this Council recognises the benefits of breastfeeding to both mother and baby, as well as wider benefits on reducing health inequalities across Midlothian.</i></p> <p><i>This Council also recognises that its breastfeeding rates are poor in comparison to the rest of Scotland, and the UK, and recognises that Midlothian’s breastfeeding rates are significantly poorer in Midlothian’s most deprived area.</i></p> <p><i>This Council recognises the support from NHS Lothian already in place but also recognises that additional support to breastfeeding mothers, and influence on the wider community could be improved. This Council also recognises that peer influence has a large part to play and agrees to implement a breastfeeding friendly scheme in all public Council facilities, as well as encouraging other business to opt in.</i></p> <p><i>This Council resolves to:</i></p> <p><i>Report back to Council on measures already in place, and look to best practice across Scotland, and in areas of Midlothian with higher success rates as well as investigating barriers in least successful areas;</i></p> <p><i>Launch a Breastfeeding Friendly Scheme, to advertise this scheme widely and investigate all possible options for engaging the business community that directly facilitate the public”.</i></p>			
Summary of discussion			
<p>The Council heard from Councillor Parry who presented the motion. Councillor Alexander seconded the Motion. Thereafter, Councillor Curran in supporting the Motion noted the facilities already provided by the Council in libraries and in Midlothian House.</p>			

Decision
The Council unanimously supported the Motion.
Action
Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	COSLA	Councillor Johnstone	Councillor Baird
Motion:			
<p><i>SNP Midlothian Group propose they should represent Midlothian Council and its residents at CoSLA with immediate effect.</i></p> <p><i>Midlothian Labour Administration have demonstrated little appetite to work with CoSLA on important committees, which strive to make a positive difference to life in Scotland and most importantly shape policy which affects Midlothian residents and workers. Further, this Administration shows no leadership in filling the four vacancies available to Midlothian Council namely community justice subgroup, resources and capacity executive group and two places on sport, art and culture working group).</i></p> <p><i>Midlothian Labour councillors are purporting to represent the local electorate whilst in fact they are shirking that very responsibility since assuming control of Midlothian Council with a minority of councillors”.</i></p>			
Summary of discussion			
<p>The Council heard from Councillor Johnstone who formally moved the motion. Councillor Baird seconded the Motion. Councillor Imrie by way of an amendment, moved that no action be taken and explained that the Committee structure listed in the Motion no longer exists within COSLA. On a vote being taken by a show of hands 6 votes were cast for the Motion and 10 for the amendment.</p>			
Decision			
Motion failed.			
Action			
None			

Prior to the following Motion, the Provost handed the meeting over to the Depute Provost

Motion No.	Motion Title	Proposed by:	Seconded by:
7.2	Roads	Councillor Smail	Councillor Lay-Douglas
Motion:			
<p><i>“Midlothian Council, by way of a Motion passed by Council on 27 March 2018, recognised the efforts of its staff in rising to the challenge of the exceptional weather conditions of March 2018, and agreed to seek a further report on the engagement with community groups and others in order to review</i></p>			

preparedness for the future. One of the lessons learned from the experiences of the severe and damaging weather conditions is the highly damaging consequential impact it had on the Midlothian road network.

The Council notes with concern that access to the Bellwin Scheme and associated support for road repairs, a requirement estimated to be worth £50m to local authorities across Scotland, has been in practice been avoided by the Scottish Government in favour of an arbitrary £10m ad-hoc compensation package. In our case a £149,000 contribution has been received compared to a £686,000 adverse variance on winter maintenance alone for last year.

Midlothian Council further notes:

- the need for substantially higher payments than implied by the substitute arrangement, particularly for the Councils worst affected by heavy snowfalls*
- the subsequent pothole pandemic, in which further financial support is vital to avert persistently degraded roads, leading to vehicle damage and serious risk to pedal and motorcyclists;*
- the desirability of funding longer-term road reconstruction as constituting better taxpayer value*

Midlothian Council calls on the Scottish Government to revisit the £10m settlement, provide a more realistic sum, and enter into dialogue so as to support our citizens' reasonable expectations for the maintenance of our road network; and to confirm the important principle of appropriate support being provided to local authorities in the event of severe weather conditions."

Summary of discussion

The Council heard from Councillor Smaill who formally moved the motion. Councillor Lay-Douglas seconded the Motion. Following discussion, the Depute Provost asked for a show of hands in favour of the Motion. 11 votes were cast for the Motion with none against.

Decision

The Motion was passed and it was agreed that the Leader would write to the Scottish Government in appropriate terms.

Action

Leader of the Council

Motion No.	Motion Title	Proposed by:	Seconded by:
7.3	Newbattle Campus	Councillor Baird	Councillor Cassidy
Motion:			
<p><i>"Midlothian Council records the gratitude and thanks to all staff, contractors, consultants involved in the design, building and delivery of the Newbattle Community Campus which opened to the public on 26 May 2018 and to school pupils on 5 June 2018. The dedication hard work including extensive consultation ensured this Community facility is a class leader in the Schools for the Future Programme.</i></p> <p><i>The Council also recognises the potential spin off benefits for the Communities of Mayfield, Easthouses Newtongrange, Gorebridge and beyond arising from</i></p>			

the establishment of a world class Education and Community Digital Centre of Excellence facility in the area”.

Summary of discussion

The Council heard from Councillor Baird who formally moved the motion. Councillor Cassidy seconded it. Thereafter, Councillor Muirhead suggested an amendment to include congratulating the pupils and parents including carers. Councillor Baird advised he was happy to include this within the Motion and also wished to record a thank you to the Council's Information Technology staff who had worked hard to get the building equipped.

Decision

The Council unanimously supported the amended Motion.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.4	Nuclear Convoys	Councillor Alexander	Councillor McCall
Motion:			
<i>“Midlothian Council commits to writing to the Minister for Defence to ask what measures have been put in place by his department to safeguard the people of Midlothian should the convoys carrying nuclear weapons, fuel and waste, through Midlothian be involved in an emergency incident which would endanger local people”.</i>			
Summary of discussion			
<p>The Council heard from Councillor Alexander who formally moved the motion. Councillor McCall seconded it. Councillor Wallace enquired if a risk assessment had been carried out by the Council. In response the Director, Resources advised that the Council works to Ministry of Defence guidance however he would clarify the position as to the extent of the risk assessments. He advised that he would check this and report back to Council in due course.</p> <p>On a vote being taken by a show of hands 17 Councillors voted in favour of the Motion with none against.</p>			
Decision			
The Motion was passed and it was agreed that the Leader would write to the Minister for Defence in appropriate terms			
Action			
Leader of the Council and Director, Resources			

Motion No.	Motion Title	Proposed by:	Seconded by:
7.6	Cornbank Primary School	Councillor McCall	Councillor Wallace
Motion:			
<i>“Midlothian Council congratulates Cornbank Primary School, Penicuik on achieving the Eco-Schools Green Flag Award for the sixth time, the first school in Midlothian to do so; notes the huge amount of work undertaken by the pupils, teachers and staff; and encourages other schools to follow suit”.</i>			

Summary of discussion
The Council heard from Councillor McCall who formally moved the motion which was seconded by Councillor Wallace.
Decision
The Council unanimously supported the Motion and it was agreed that the Leader would write to the Head Teacher of the school in appropriate terms.
Action
Leader of the Council

Motion No.	Motion Title	Proposed by:	Seconded by:
7.7	Grass Cutting	Councillor Milligan	Councillor Muirhead
Motion: <i>"While Council rejected officer proposals for a further reduction in grass cutting standards during this year's 2018/19 budget deliberations, Council recognises that cumulative reductions in previous years are having a significant detrimental effect on our parks and open spaces in our towns and villages.</i> <i>Recognising that we need to prioritise Council spending to areas of greatest need it would not be appropriate to simply reinstate cuts in budgets to this service. However, we are aware that the Land and Countryside team have been successful in attracting significant income from the provision of external services over £90K in 2016/17 and £100K in 2017/18.</i> <i>To ensure that our parks are maintained to as high a standard as possible, Council agrees that the first £50k of any income generated in this year's budget 2018/19 by the Land and Countryside be re-invested in the service in order to improve grass cutting and general maintenance standards within our parks and open spaces".</i>			
Summary of discussion			
<p>The Provost indicated that prior to discussing the Motion, Council would require to decide whether to suspend Standing Orders. He explained that this was due to the Motion being linked to a decision in the budget setting process at the February 2018 meeting of the Council thus meaning that it was within the 6 month period of a decision having been made. He asked that those who were in favour of suspending Standing Orders vote by way of a show of hands. 11 Councillors indicated their support. Thereafter, Councillor Wallace, by way of a point of order asked the Provost to confirm that two thirds of the Elected Members present, being 12, would need to vote to suspend Standing Orders. The Provost confirmed that Councillor Wallace was correct and therefore the Council could not proceed to consider the terms of the Motion.</p>			
Decision			
Motion not considered			

Motion No.	Motion Title	Proposed by:	Seconded by:
7.8	Lifelong Learning Agenda	Councillor Hackett	Councillor Johnstone
Motion:			
<p><i>“Midlothian Council have been at the forefront in Scotland for supporting the Lifelong Learning agenda both within our community and for Council staff. Midlothian Council congratulates Officers and Trade Union Representatives for the work done so far and for the establishment of the Lifelong Learning Committee.</i></p> <p><i>Midlothian Council faces unprecedented challenges in delivering services to communities at a time of restrained budgets and increasing demand. The Council’s staff play a central role in meeting these challenges and as such would benefit from additional support through learning, training and personal development.</i></p> <p><i>To that end Council agrees to:-</i></p> <ul style="list-style-type: none"> <i>• Allocate additional funding of £10,000 from the £200,000 identified for staff training in 2018/19 budget to the Lifelong Learning Committee to be used for the delivery of Lifelong Learning courses supporting employee’s personal development.</i> <i>• Instructs the Director, Resources to prepare a report for Council showing the Service training budgets and what has been delivered during the years 2017/18 and 2016/17.</i> <i>• Instructs the Director, Resources to carry out a skills audit across the Council, identifying staff skills that can be shared through formal and informal training opportunities”.</i> 			
Summary of discussion			
The Council heard from Councillor Hackett who formally moved the motion, copies of which had previously been distributed to Members. Councillor Johnstone seconded the Motion.			
Decision			
The Council unanimously supported the Motion.			
Action			
Director, Resources			

Sederunt – 11.48 am Councillor Parry left the meeting and did not return

8. Reports

Agenda No.	Report Title	Presented by:
8.1	Appointment of Chief Executive	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive spoke to the terms of the revised report which had been previously circulated to Council. The report noted the shortlisting and interview of candidates for the post of Chief Executive and invited Council to approve the recommendation of the Appointments Committee, under Standing Order 17, in relation to the interview panel’s preferred candidate. The report further dealt with</p>		

the resultant vacancy in the position of Head of Education and requested that a temporary internal appointment to the post be made pending a permanent appointment following external advertisement.

Decision

The Council unanimously agreed:

- a) In terms of Standing Order 17, to approve the recommendation of the Appointments Committee that Dr Grace Vickers is appointed to the post of Chief Executive subject to the agreed conditions of service and satisfactory completion of pre-employment checks; and
- b) As a consequence of a) above, to suspend Standing Order 17.2 to allow for the appointment of the Head of Education on a temporary basis. The Director, Education, Communities and Economy after discussion with the Cabinet Portfolio Holder for Education, failing whom the Leader of the Council, will have authority to approve the appointment as Head of Education on a temporary basis pending a permanent appointment to the post following external advertisement. The Director will provide a report to the next available full Council meeting to inform the Council of such decision.

Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
8.2	Creating a World Class Education System Update on Digital Centre of Excellence at Newbattle Community High School – Report by Head of Education	Grace Vickers
Outline of report and summary of discussion		
<p>Prior to considering the terms of the report, the Council viewed and enjoyed a video presentation made by the pupils of the recently opened school showing some of the facilities which included commentary from pupils and teachers regarding the range of facilities and how this will enhance their learning experiences.</p> <p>Thereafter, the Head of Education spoke to the terms of the report which provided an update on progress towards the new Digital Centre of Excellence and sought approval for further capital funding.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> • Note that the Council has signed the Heads of Terms in partnership with the University of Edinburgh; • Approve the addition of £180,000 to the General Services Capital Plan in 2018/19 to fund the proposed investment met from the Capital Fund, in the absence of any external funding and; • Note the ongoing work to support the development of Newbattle Digital Centre of Excellence. 		
Action		
Director, Resources; Head of Education		

Report No.	Report Title	Presented by:
8.3	Edinburgh and South East Scotland Region City Deal – Report by Chief Executive	Chief Executive
Outline of report and summary of discussion		
<p>The Council heard from the Chief Executive who spoke to the terms of the report which sought approval of the final City Deal proposal documents to go forward for formal signing by the Council together with the other regional partner organisations and the UK and Scottish Governments, thereby confirming the formal establishment of the Edinburgh and South East Scotland City Region Deal. The Chief Executive thereafter requested that in addition to the recommendations contained within the report, Council consider an additional recommendation – that authority be delegated to the Chief Executive in consultation with the Leader of the Council to make and agree any further minor changes.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) approve the content of the Edinburgh and South East Scotland City Region Deal documentation including the summary of projects and the governance framework for delivery; to allow the deal to be signed by regional partners, Scottish Government and UK Government; b) receive regular update reports on the progress and performance of the City Deal, particularly as it relates to Midlothian and; c) delegate authority to the Chief Executive in consultation with the Leader of the Council to make and agree any further minor changes to the Deal. 		
Action		
Chief Executive and/or Head of Communities and Economy		

Report No.	Report Title	Presented by:
8.4	Bottom-up Cross Cutting Service Reviews – Report by Chief Executive	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive spoke to the terms of the report which provided an update of the proposed remit and initial review programme for the cross party working group which will progress Bottom-up/Cross cutting Service Reviews as approved by the Council on 13 February 2018.</p> <p>Thereafter, Councillor Milligan, seconded by Councillor Hackett, nominated Councillor Muirhead as the Labour Group's representative on the cross party working group. In doing so Councillor Milligan advised that the review of the repairs service should be inclusive of all repairs and not just housing repairs and it was important that the reviews take a long term view to bring stability to the workforce. Councillor Johnstone, seconded by Councillor Cassidy, nominated Councillor Baird as the SNP Group's representative on the working</p>		

group. In doing so Councillor Johnstone advised it was important to ensure there was no duplication between the group and the work of the Business Transformation Steering Group. Councillor Hardie, seconded by Councillor Munro, nominated Councillor Smaill as the Conservative Group's representative.

The Chief Executive was then heard in response to the query raised by Councillor Johnstone. He advised that the diagram contained within the report demonstrated there would be no duplication or overlap and the work undertaken by the working group should complement the other work.

Decision

The Council agreed:

- a) the proposed governance route and approach to the Bottom-up Service Reviews as set out in section 3 of the report and supporting appendices and;
- b) Councillors Muirhead, Baird and Smaill serve on the cross party working group.

Action

Chief Executive

Report No.	Report Title	Presented by:
8.5	Financial Monitoring 2017-18 General Fund Revenue – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of the report which provided information on performance against revenue budget in 2017/18 and material variances.</p> <p>The Provost asked for clarification regarding a figure under Transformation on page 43 of the report and the Head of Finance and Integrated Service Support advised he was happy to have a separate conversation with the Provost with regard to this.</p>		
Decision		
The Council agreed to note the contents of the report and the financial position in the context of the Financial Strategy for 2018/19 to 2022/23.		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.6	Housing Revenue Account – Revenue and Capital Final Outturn and Capital Plan – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided the final outturn position for 2017/18 for both the Housing Revenue Account (HRA) Capital Plan and the Revenue Account and a revised capital plan for 2018/19 to 2022/23 reflecting the carry forwards from 2017/18.</p> <p>Councillor Johnstone expressed her concern with regard to the effect changes to the benefit system as a result of the introduction of Universal Credit would have to rent arrears. She enquired whether this would inhibit the Council's ability to carry out house building. The Head of Customer and Housing Services advised that there was an additional bad debt provision and that debt had increased by just over 9%. However, the increase was not over the amount already projected in the report.</p>		
Decision		
The Council agreed to note the contents of the report.		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.7	Draft Capital Investment Strategy – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which introduced a draft of the Council's first Capital Investment Strategy.</p> <p>Councillor Russell commented that the plan was very ambitious but that she noted the proposed regeneration scheme for Dalkeith was not included. She moved an additional recommendation that a Short-life Working Group, to consist of the 3 Dalkeith Elected Members, be created to look at the regeneration of Dalkeith which would report to the proposed Seminar. Councillor Milligan was heard in support of the Motion.</p>		
Decision		
<p>The Council unanimously agreed to:</p> <ul style="list-style-type: none"> a) Welcome the draft Capital Investment Strategy attached to the report; b) Note the affordability gap for General Fund services; c) Set-up a Short-life Working Group, to consist of the 3 Dalkeith Elected Members and relevant officers, to look at the regeneration of Dalkeith and report to the proposed Seminar and; 		

d) A Seminar be held to consider more fully the strategy before it is finalised and presented to Council on 2 October 2018 for approval.
Action
Directors Resources and Education, Communities and Economy; Head of Finance and Integrated Service Support

Prior to consideration of the following item, the meeting adjourned for a period of 15 minutes for a comfort break, and resumed at 12.47 pm.

Report No.	Report Title	Presented by:
8.8	Annual Treasury Management Report 2017/18 and revisions to TMS – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which informed of the Treasury Management activity undertaken in 2017/18, the year-end position and recommendations to amend the TMS.</p> <p>Thereafter, Councillor Milligan mentioned concerns expressed at the Audit Committee and sought an assurance that Council investments were safe. In response, The Head of Finance and Integrated Service Support advised that security, liquidity and return were the 3 strands looked at when considering where to invest. He advised that the absolute lowest investment risk was with the Government but the return was very minimal and to take the lowest set of returns would inevitably create a different set of risks insofar as the lack of interest generated would affect Council finances.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) Note the Treasury Management Annual Report for 2017/19 and; b) Approve the changes to the Treasury Management and Investment Strategy for the statutory repayment of loans fund advances as set out in Section 3 of the report. 		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.9	General Services Capital Plan 2017/18 Final Outturn – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided the final outturn for 2017/18 on the General Services Capital Plan and an update on future years.		
Decision		
The Council agreed to:		
<p>(a) Note the General Services Capital Plan outturn position for 2017/18 and</p> <p>(b) Approve the additions to the General Services Capital Plan as set out in Section 3.2 and 3.3 of the report.</p>		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.10	Financial Strategy 2019/20 to 2022/23 – Report by Head of Finance and Integrated Service Support	Gary Fairley
Outline of report and summary of discussion		
<p>The Head of Finance and Integrated Service Support presented the first in a series of reports providing 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 2019 in accordance with Section 93 of the Local Government Finance Act 1992 (as amended). It included:-</p> <ul style="list-style-type: none"> • As assessment of the 2019/20 and future years Scottish Government Grant prospects; • Updated budget projections for 2019/20 to 2021/22 and the initial projections for 2022/23; • A sensitivity analysis reflecting the potential impact on different pay and grant settlement scenarios; • An update on the arrangements for the delegation of resources to the Midlothian Integration Joint Board; • An update on the Change Programme which will be the means to address the projected budget shortfalls; • The proposed governance arrangements and timetable for the 2019/20 budget; • An update on General Fund Reserves <p>Councillors Hackett and Milligan, both remarked on the severity of the challenge being faced by the Council as a result of the budget gap and the potential impact that it was likely to have on both services and jobs.</p>		

Decision

The Council unanimously agreed to note:

- a) the position in respect of the Scottish Government Grant Settlement as set out in Section 2 of the report and endorse the central planning assumption of a 2% per annum reduction in grant settlements at a national level;
- b) the current projected costs of services, key assumptions and resultant budget shortfalls as set out in Section 3 of the report and endorse the key assumptions on which the budget projections are based;
- c) the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in Section 6 of the report;
- d) the requirement to delegate resources to the Midlothian Integrated Joint Board and the ongoing work to support the development of the IJB's own financial plans;
- e) the impact of the Change Programme and projected future years Council Tax increases and the impact on the Financial Strategy as set out in table 8 in the report;
- f) the governance arrangements set out in Section 9 of the report and approve the proposed timetable set out in table 9 in the report;
- g) that the projections at this time indicate a remaining budget gap of £5.054 million for 2019/20 rising to £23.002 million by 2021/22, though these are heavily dependent on the assumptions detailed in the report;
- h) that the Strategic Leadership Group is engaged in developing budget options which are intended to be presented to Council on 2 October 2018, with budget decisions being made early 2019;
- i) that given the level of available contingent reserves it would not be considered prudent 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;
- j) the severity of the financial challenge and also the risk as set out in Section 12.2 of the report and;
- k) otherwise the content of the report.

Action

Chief Executive; Directors and Heads of Service

Report No.	Report Title	Presented by:
8.11	Financial Statements for the year ended 31 March 2018 – Report by Head of Finance and Integrated Service Support	Gary Fairley
Page 29 of 78		

Outline of report and summary of discussion	
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided a brief overview of the Financial Statements for 2017/18. He noted that the unaudited accounts had been circulated to Members and require to be signed off by 30 June 2018. He advised that a Special meeting of the Audit Committee would be held on 28 August 2018 to approve the Financial Statements and the final audited accounts would be complete by the end of September 2018.</p>	
Decision	
<p>The Council agreed to note the content of the report.</p>	
Action	
<p>Head of Finance and Integrated Service Support</p>	

Report No.	Report Title	Presented by:
8.12	Report on demographic growth and the increase in the percentage of pupils with additional support for learning (ASL) needs and complex needs (CN) in Midlothian – Report by Head of Education	Grace Vickers
Outline of report and summary of discussion		
<p>The Council heard from the Head of Education who presented a report which highlighted the significant increase in additional support for learning needs and complex needs within Midlothian and requested an increase in funding in the 2018/19 budget to reflect the 7.93% increase in recorded additional support for learning needs.</p> <p>Councillor Muirhead was heard in support of the request for an increase in funding. He advised that there had been a fundamental change in circumstances given that the increase in need could not have been identified when the budget was agreed. Councillor Lay-Douglas suggested that, given other Councils would be experiencing the same issue, should the Council not be speaking to the Scottish Government. Councillor Milligan commented that the Council had just passed a paper which cautioned about using reserves but the Council were now having to consider using reserves to meet the increase in additional support for learning needs and complex needs.</p> <p>The Head of Finance and Integrated Service Support advised that the resultant impact on reserves would take them below the £4 million mark which he had cautioned against previously. The Director, Education, Communities and Economy advised that if the Council cannot meet the increased needs from within the district, it would cost substantially more if provided from outwith. The Head of Education confirmed that discussions were ongoing regarding the possibility of additional funding.</p>		
Decision		

The Council unanimously agreed to:-

- (a) note the content of the report;
- (b) note the rate and type of demographic growth in Midlothian;
- (c) note that planning will now commence to open a minimum of one primary and one secondary complex needs provision to meet the statutory duty to provide education to pupils with complex needs and that a further report would be brought to Council;
- (d) increase the 2018/19 budget allocation for additional support for learning to reflect the 7.93% increase in additional support for learning needs - 478 hours per week based on 6031 hours allocated this session at a cost of £288,712;
- (e) increase complex needs staffing by 1 FTE class teacher and 60 learning assistant hours per week for session 2018/19, at a cost of £48,095 for the class teacher and £36,240 for the learning assistants and;
- (f) instruct that the additional support for learning budget allocated each year should increase to reflect the percentage additional support for learning need identified for that year

Action

Heads of Finance and Integrated Service Support and Education

Report No.	Report Title	Presented by:
8.13	2020 Vision for Early Years, Early Learning and Childcare Expansion Plan – Head of Education	Grace Vickers
Outline of report and summary of discussion		
<p>The Council heard from the Head of Education who presented a report which provided:-</p> <ul style="list-style-type: none"> (a) an update on the submission of the revised financial template on the Early Learning and Childcare expansion plan to the Scottish Government; (b) an update on the Council's submission to the Scottish Government for support in developing outdoor learning in early learning and childcare; (c) details of the multi-year funding for expansion announced by the Scottish Government; (d) details of the proposed expansion activities for the current financial year (e) a request to increase spend in 2018/19 above that supported by specific revenue grant funding from the Scottish Government which would be recouped from grant funding in financial year 2019/20 if the Scottish Government do not change the grant payment profile and; (f) a proposal to grant fund partner provider nurseries to enable expansion of capacity for 1140 hours. <p>Councillor Baird commented that it was essential the cost of providing the additional hours was met by the Scottish Government. Councillor Muirhead spoke in support of the report and advised it was imperative to press ahead to ensure compliance with the deadline. Councillor Muirhead revised it was essential to have</p>		

partner providers as the Council could not deliver the increase in early learning and childcare in-house. By way of an amendment to the recommendations contained in the report, he suggested that prior to the Council agreeing to transfer a surplus building to a community group, Education be consulted to find out whether the Council or its partner providers had a need for the building in terms of delivering the 1140 hour provision. His motion was seconded by Councillor Baird.

Decision

The Council unanimously agreed to:

- (a) note the submission of the revised financial template on the Early Learning and Childcare expansion plan to the Scottish Government;
- (b) note that the Council was successful in its application to the Scottish Government for support in developing outdoor learning in early learning and childcare;
- (c) note the details of the multi-year funding for expansion announced by the Scottish Government;
- (d) note the proposed expansion activities for financial year 2018/19;
- (e) note that officers will approach the Scottish Government to seek to have an element of the specific revenue grant payable in 2019/20 brought forward for payment in 2018/19. Failing which authority is given to utilise £898k of Council reserves to facilitate the forward funding in 2018/19 with reserves being replenished from the specific revenue grant payment in 2019/20 with Scottish Government consent being sought for the approach;
- (f) authorise officers to devise and implement a scheme for grant funding partner providers to enable expansion of capacity for 1140 hours and;
- (g) ensure that prior to a Council facility or building being declared surplus and/or considered for transfer to a community group, Education be consulted to find out whether the Council or its partner providers had a need for the facility in terms of delivering the 1140 hour provision

Action

Director, Resources; Heads of Finance and Integrated Service Support and Education

Report No.	Report Title	Presented by:
8.14	Early Learning and Childcare Service Model for 2020 Consultation – Report by Head of Education	Grace Vickers
Outline of report and summary of discussion		
<p>The Council heard from the Head of Education who presented a report which provided Council with:-</p> <ul style="list-style-type: none"> (a) information on the consultation currently being undertaken by the Scottish Government on the Early Learning and Childcare Service Model for 2020; (b) an update on the feedback from the Council's consultation with parents, carers, staff and stakeholders on the Scottish Government's consultation and; (c) the proposed Midlothian response to the Scottish Government 		
Decision		
<p>The Council unanimously agreed to:</p> <ul style="list-style-type: none"> (a) note the consultation currently being undertaken by the Scottish Government on the Early Learning and Childcare Service Model for 2020; (b) note the update on the feedback from the Council's consultation with parents, carers, staff and stakeholders on the Scottish Government's consultation and; (c) confirm Midlothian's response to the Scottish Government. 		
Action		
Head of Education		

Report No.	Report Title	Presented by:
8.15	Implementing the Learning Estate Strategy (update on Cuiken and Sacred Heart Primary Schools) – Report by Director, Education, Communities and Economy	Mary Smith
Outline of report and summary of discussion		
<p>The Council heard from the Director, Education, Communities and Economy who presented a report which sought to obtain governance to progress with the extension to Cuiken Primary School and the extension and refurbishment of Sacred Heart Primary School, including expansion of early years places at Sacred Heart.</p>		
Decision		

The Council unanimously agreed to:

- (a) approve capital expenditure budgets in the General Services Capital Plan of £2.094 million for the extension of Cuiken Primary School and £4.084 million for the extension and refurbishment of Sacred Heart Primary School, including the expansion of early years provision at Sacred Heart, replacing the current £0.200 million provision in the General Services Capital Plan for these projects;
- (b) note the utilisation of early years grant funding of £0.624 million towards the project, funding the construction costs associated with expanding the early years provision at Sacred Heart Primary School to 64 places;
- (c) note the estimated developer contributions of £3.260 million which can be applied to part fund the capital expenditure of the projects;
- (d) note the additional net borrowing requirement of £2.294 million and;
- (e) instruct the Director, Resources to progress both projects to the construction phase

Action

Director, Resources

Report No.	Report Title	Presented by:
8.16	Environmental Health Food Service Plans 2018/19 – Report by Head of Communities and Economy	Ian Johnson
Outline of report and summary of discussion		
<p>The Council heard from the Head of Communities and Economy who presented a report advising Council of the Environmental Health Food Service Plans for 2018/2019 and recommended approval of the Food Service Plan 2018/19 and the review of the 2017/18 Plan; Food Sampling Plan and Food Enforcement Policy.</p> <p>In response to Members' concerns and comments, the Head of Communities and Economy confirm that these would be addressed as part of the service review.</p>		
Decision		
<p>The Council unanimously agreed to:</p> <ul style="list-style-type: none"> (a) note the review of performance of the Food Service 2017/18 and (b) approve the Environmental Health Food Service Plan 2018/19; the revised Food Enforcement Policy and; the revised Food Sampling Policy 		
Action		
Head of Communities and Economy		

Report No.	Report Title	Presented by:
8.17	Gorebridge Connected – Report by Head of Communities and Economy	Ian Johnson
Outline of report and summary of discussion		
<p>The Council heard from the Head of Communities and Economy who presented a report informing of the proposals for the Gorebridge Connected project which recommended approval of elements of the funding arrangements and related matters.</p> <p>Questions were then put by Councillors Johnstone and Muirhead and subsequently answered by the Head of Communities and Economy, who indicated that he was happy to provide a more detailed briefing for the 3 local Ward Members.</p>		
Decision		
<p>The Council unanimously agreed to:</p> <ul style="list-style-type: none"> (a) revise the current £1.188 million expenditure budget in the General Services Capital Plan for the Gorebridge Connected project to £1.663 million; (b) approve the following funding arrangements for the project – <ul style="list-style-type: none"> i. £1.368 million of external grants for the project, comprising £1.038 million from Scottish Government Borders Rail Blueprint Fund, £0.200 million from LEADER and £0.130 million from the Railway Heritage Trust; ii. £0.125 million from the existing £0.250 million General Services Capital Plan budget for 'Borders Rail – Economic Development Projects'; iii. £0.170 million of developer contributions (including the £0.020 million previously committed to the Gorebridge Conservation Area Regeneration Scheme (CARS) projects) (c) Instruct officers to develop heads of terms with (i) Network Rail for a long term lease on the former Gorebridge train station building and (ii) the sublease of the building to the Gorebridge Community Development Trust; (d) Prior to agreeing final heads of terms and entering into any lease agreement with Network Rail and/or the Gorebridge Community Development Trust, require officers to report back to Council on the final details of the leases for Council approval and; (e) In the event that there is an underspend in the identified access improvements budget of The Link Project component of Gorebridge Connected, agree to use any remaining Scottish Government Borders Railway Blueprint grant money for a building enhancement scheme on Main Street, Gorebridge. 		
Action		
<p>Head of Communities and Economy</p> <p style="text-align: right;">Page 35 of 78</p>		

Report No.	Report Title	Presented by:
8.18	Edinburgh Schools – Midlothian Council Position – Report by Head of Property and Facilities Management	Garry Sheret
Outline of report and summary of discussion		
The Council heard from the Head of Property and Facilities Management who presented a report setting out Midlothian Council's position with regard to the recommendations contained in the Cole Report published following the Edinburgh Schools Inquiry relating to the closure of Edinburgh Schools as a result of the collapse of a masonry wall at Oxfangs Primary School in Edinburgh.		
Decision		
The Council noted and approved the responses made to the Audit Scotland Report on Edinburgh Schools		
Action		
Head of Property and Facilities Management		

Report No.	Report Title	Presented by:
8.19	National Minimum School Clothing Grant – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
The Council heard from the Director, Resources who presented a report advising Council that on 11 June 2018, the Chief Executive, after discussion with the Leader of the Council, authorised an increase in school clothing grant payment to £100. He explained that this was necessary to allow payments to be made from 18 June 2018 as previously intimated to parents and carers. He advised that the action taken was to ensure the prompt and effective implementation of the joint agreement reached between the Scottish Government and COSLA on the establishment of a national minimum school clothing grant for the 2018/19 academic term.		
Decision		

The Council agreed to note:

- (a) that the Scottish Government and COSLA leaders have reached a joint agreement on the establishment of a national minimum school clothing grant;
- (b) the minimum grant level has been agreed at £100 with effect from the start of 2018/19 academic year;
- (c) Midlothian Council's allocation of £121,000 and;
- (d) that on 11 June 2018 the Chief Executive, after discussion with the Leader of the Council, authorised an increase of school clothing grant payments to £100 to allow payments to be made from 18 June 2018 as previously intimated to parents and carers.

Action

Director, Resources

Report No.	Report Title	Presented by:
8.20	Education Appointments Committee – Delegation of decisions to be made on 28 June 2018 – Report by Director, Resources	John Blair
Outline of report and summary of discussion		
<p>The Council heard from the Director, Resources who presented a report requesting that consideration be given to suspending Standing Orders insofar as they relate to the remit of the Education Appointments Committee and authorise the Chief Executive, in consultation with the Leader of the Council and the Director, Education, Communities and Economy to approve the decision of the Education Appointments Committee, scheduled to be held on Thursday 28 June 2018 to consider the appointment to the Post of Head Teacher, Sacred Heart R.C. Primary School. There being a need to formally approve this appointment as soon as practicably possible, the next scheduled meeting of the Cabinet not being due to be held until Tuesday 4 September 2018.</p> <p>In response to Members comments, the Director, Resources undertook to investigate future arrangements for the approval of such appointments.</p>		
Decision		
<p>The Council approved the suspension of Standing Orders insofar as they relate to the remit of the Education Appointments Committee and agreed to authorise the Chief Executive, in consultation with the Leader of the Council and the Director, Education, Communities and Economy to approve the decision of the Education Appointments Committee, scheduled to be held on Thursday 28 June 2018 to consider the appointment to the Post of Head Teacher, Sacred Heart R.C. Primary School.</p>		
Action		
<p>Chief Executive, in consultation with the Leader of the Council and the Director, Education, Communities and Economy, Director, Resources</p>		

9. Exclusion of Members of the Public

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

- 9.1 Newbyres Crescent Update – Report by Head of Property and Facilities Management
- 9.2 Destination Hillend Note of Seminar held on 5 June 2018
- 9.3 Energy Projects Non-Domestic Energy Efficiency – Report by Head of Property and Facilities Management
- 9.4 Asset Management Rationalisation – Ewim Phase 3 Resource Facility – Report by Head of Property and Facilities Management
- 9.5 Highbank Intermediate Care Reprovision – Report by Joint Director, Health and Social Care
- 9.6 Buccleuch Street Development – Report by Head of Property and Facilities Management

The meeting concluded at 2.56 pm

Minute of Meeting



General Purposes Committee

Date	Time	Venue
3 April 2018	11.00 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

In attendance:

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

1. Apologies

Apologies for absence were intimated on behalf of Councillors Alexander, Curran and Parry.

2. Order of Business

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

3. Declarations of interest

None

4. Minute of Meeting

The Minute of Meeting of 9 January 2018 was considered and approved. The Chair was thereafter authorised to sign the Minute as an accurate record of the meeting.

5. Public Reports

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 – S. Bunce
- 6.2 Application for a Private Hire Car Driver's Licence – E. Reynolds
- 6.3 Application for a Private Hire Car Driver's Licence – F. O'Brien

The Meeting terminated at 11.52 am

Minute of Meeting



Planning Committee

Date	Time	Venue
3 April 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1. Apologies

No apologies were received

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

With regards to the minutes of 20 February 2018, Councillor Smaill raised a question regarding the decision of Agenda item 5.5 Application for Planning Permission in Principle for the Erection of a Retail Unit at Soutra Mains Farm, Pathhead (17/00951/PPP) and it was clarified that the minute was an accurate reflection of the conclusion of the discussion, however, it was confirmed that additional requirements could be secured by a planning condition and this was accepted by the Committee.

Thereafter the Minutes of Meeting of 20 February was approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	The Planning (Scotland) Bill on Reforms to the Planning System	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 2018 by the Head of Communities and Economy, updating the Committee with regard to the reforms to the Planning System proposed through the Planning (Scotland) Bill.</p> <p>The Planning Manager presented the report to the Committee providing the background on the review of the Scottish Planning System and the introduction of the Planning (Scotland) Bill to the Scottish Parliament on 4 December 2017. The report detailed the current stage of the Planning Bill and a summary of the main changes proposed by the Planning Bill were detailed in Appendix A to the Report.</p> <p>Thereafter the Planning Manager responded to questions raised by Members with regards to Development Plans and the issues around infrastructure and developer's contributions. It was agreed that after stage 1 of the Planning Bill a Member's Briefing would be arranged.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none">(a) Agreed that a Briefing would be arranged for Members once stage 1 of the Planning Bill was completed.(b) To otherwise note the contents of the Report.		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.2	Development Plan Scheme for Midlothian Number 10 -	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 2018 by the Head of Communities and Economy seeking approval for the Development Plan Scheme for Midlothian No. 10 (DPSM10) which was required to be published annually to satisfy legislative requirements. Each year local planning authorities were required to prepare and submit a Development Plan Scheme (DPS) to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for its area over the coming twelve months.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none"> (a) Approved the Development Plan Scheme for Midlothian No.10 (DPSM10) (appended to this report). (b) Agreed to the publication of the DPSM10, copies to be placed in all public libraries and to formally submit a copy to Scottish Ministers. 		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.3	Supplementary Guidance: Special Landscape Areas	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 2018 by the Head of Communities and Economy seeking the Committee's agreement to undertake a formal consultation on its proposed 'Special Landscape Areas' supplementary guidance. At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP) which included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas including special landscape areas.</p> <p>The draft guidance would be made publically available on the Council's website for period of no less than 28 days. The Community Councils, the Scottish Environment Protection Agency (SEPA), Scottish Wildlife Trust, Scottish Water, the Forestry Commission and Scottish Natural Heritage would be notified of the draft guidance and invited to make comment.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none"> (a) Approved the draft Special Landscape Areas Supplementary Guidance for consultation. (b) Considered a further report on the Special Landscape Areas Supplementary Guidance following the proposed consultation. 		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.4	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 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 Appendices A and B attached to this report.</p>		
Decision		
<p>The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2018 and the updates for each of the applications.</p>		

Agenda No	Report Title	Presented by:
5.5	Appeals and Local Review Body Decisions	
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 2018 by the Head of Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in February 2018 and two appeal decisions received from Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> Dated 20 February 2018, an appeal against a refusal to issue a High Hedge Notice regarding a hedge at 41 Newmills Road, Dalkeith had been upheld and a High Hedge Notice had been issued requiring a reduction in the height of a section of hedge. Dated 27 February 2018, an appeal against non-determination of planning application for residential development on land north of Dalhousie Dairy, Bonnyrigg (allocated housing site Hs10) had been upheld subject to conditions. The Reporter appointed by the Scottish Ministers issued a decision advising the Council of the intention to grant planning permission subject to the conclusion of a legal agreement to secure developer contributions in October 2017. A copy of this decision was reported to the Committee at its meeting in October 2017. A decision had now been issued following the conclusion of the legal agreement securing developer contributions. <p>Councillor Milligan raised concerns with regards to the decision notice on the land North of Dalhousie Dairy, Bonnyrigg, Midlothian, EH19 3NZ and the wider ramifications of this, as well as the financial impact on the Council to provide Education. It was agreed that an urgent meeting would be set up with Education</p>		

and Planning to brief the 3 local Elected Members fully on the impact of this decision.

Decision

The Committee:

- (c) Agreed that an urgent meeting would be arranged for the 3 local Elected Members with Education and Planning.
- (d) To otherwise note the decision made by the Local Review Body at its meeting in February 2018 and the appeal decisions by Scottish Ministers.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Proposed Residential Development Comprising 79 Dwellings at Land South West of Newbattle Community High School, Morris Road, Newtongrange (18/00102/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 27 March 2018 by the Head of Communities and Economy advising that a pre-application consultation had been submitted regarding residential development comprising of 79 dwellings at land south west of Newbattle Community High School, Morris Road, Newtongrange.</p> <p>The pre-application consultation had been reported to Committee to enable Councillors to express a provisional 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.</p> <p>The Planning Manager highlighted the main sections as detailed in the Report and responded to a question raised by Councillor Johnstone with regards to the two storey and three storey flats and the entrance to the site. The Planning Manager confirmed he would report back to the applicant on the issues raised.</p>		
Decision		
<p>The Committee noted:</p> <ul style="list-style-type: none"> (a) The provisional planning position set out in this report (b) That any comments made by Members would form part of the minute of the Committee meeting. (c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application. (d) The Planning Manager would raise the Committee's concerns with the Applicant. 		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of Dwelling house; Garage and Stable Block; Formation of Access; Areas of Hard Standing and Associated Works on Land North Of Crichton Village Pathhead (17/00939/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 5.7 of the Minutes of 20 February 2018 the Committee having heard from the Chair, agreed to continue consideration of the application to allow for a site inspection visit to take place. Following a site visit on 2 April 2018, the report dated 8 February was re-submitted by the Head of Communities and Economy concerning the above application.</p> <p>The Planning Manager presented the report to the Committee highlighting the main sections from within the report and the recommendation to grant planning permission subject to conditions.</p> <p>Councillor Smaill declared an interest as being directly and indirectly interested in 25 acres within the conservation area mostly in Borthwick area, a Trustee of Crichton Kirk and a Trustee of Scottish Civic Trust which was engaged in place making and also supporting conservation areas.</p> <p>Thereafter a lengthy discussion followed with regards to the proposed modern dwelling house within a Conservation area and various Members highlighted their reasons for and against this new build.</p> <p>Councillor Smaill, seconded by Councillor Milligan moved that the planning application be refused on the grounds of this being a modern dwelling house within a conservation area.</p> <p>As an amendment Councillor Cassidy, seconded by Councillor Baird moved that planning permission be granted for the reasons detailed in the report.</p> <p>On a vote being taken, five Members voted for the Motion and 10 Members voted for the amendment which accordingly became the decision of the meeting.</p>		
Decision		
The Committee agreed that planning permission was granted for the reasons and conditions as detailed in the recommendation within the report.		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the Erection of Two Storey Drive Through Restaurant; Alterations to Existing Car Park and Access Roads at Land At Tesco Car Park, Hardengreen, Dalkeith (17/00944/DPP).	Peter Arnsdorf

Outline of report and summary of discussion

With reference to paragraph 5.6 of the Minutes of 20 February 2018 the Committee deferred consideration of the application to enable the applicant to provide additional information. The applicant was asked to provide to additional information on the measures taken to minimise litter; the frequency with which litter picks will occur; the areas that will be covered by the litter picks; what litter will be picked; and the location of any litter bins that will be provided. Additional information was also requested to demonstrate that the development would not create queuing on Eskbank Roundabout or the approaches to the roundabout (including the internal road network within the Tesco site).

There was a report submitted dated 27 March 2018 by the Head of Communities and Economy updating the Committee on the additional information provided. The Planning Manager presented the report to the Committee summarising the application, highlighting the additional information provided by the applicant and the consultation responses and representations received.

Thereafter the Planning Manager responded to questions and comments raised by Members regarding the additional information provided and various Members raised concerns for and against granting planning permission.

Councillor Milligan, seconded by Councillor Russell moved to refuse the planning application on the grounds that applications of this nature i.e. restaurant should be located in Town Centres.

As an amendment Councillor Hackett, seconded by Councillor Hardie moved that planning permission be granted for the reasons detailed in the report.

On a vote being taken, five Members voted for the motion and 9 Members voted for the amendment which accordingly became the decision of the meeting.

Decision

The Committee agreed that planning permission was granted for the reasons and conditions as detailed in the recommendation within the report.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.9	Section 42 Application to Amend Condition 4, to change the Process by which The Masterplan can be Amended, imposed on a Grant of Outline Planning Permission (02/00660/OUT) for Residential, Industrial and Commercial Floor Space, Community Facilities (including New Primary Schools), Associated Landscaping with the Provision for Sport and Recreation and New Transport Facilities at Land Bounded by A720, Old Dalkeith Road And The Wisp, Millerhill (17/00650/S42).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 27 March 2018 by the Head of Communities and Economy detailing a Section 42 Application as detailed above. The Planning Manager presented the report to the Committee explaining how the Section 42 is implemented.

The masterplan setting out the development strategy for Shawfair was approved as part of the outline application and the supplementary guidance. The current application made under Section 42 of the Planning Act was to change the process by which the Shawfair masterplan could be amended. The applicant was seeking a means in which the masterplan could be amended by a matters specified in condition application rather than a planning application. This meant that the applicant could make changes to the masterplan without going through the 12 week public consultation process every time a change regardless of the scale was required as part of the development over the next 15 – 20 years.

A Section 42 application, was in itself a planning application - a particular kind of planning application for development without complying with a condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 resulted in an entirely new planning permission which would supersede the original permission if implemented. The principle, layout and form of development were not subject to assessment, however as a new planning application it should be subject to a new/amended legal agreement to secure developer contributions. The recommendation was to grant planning permission subject to developer's contributions and conditions.

Councillor Curran with agreement of the Chair distributed a letter of objection received and asked for clarification on the concerns within the letter and confirmation that in approving this application it would not remove significant planning control from Midlothian Council. The Planning Manager confirmed in approving this application it approved a change to the process in removing the 12 week pre consultation process when a change to the Masterplan was required but did not remove the level of scrutiny and assessment the Council had and any changes to the Masterplan would still require a formal planning application.

Thereafter the Planning Manager responded to various questions raised by Members providing further assurances that this did not remove the control and scrutiny from Midlothian Council and there was no financial risk to the Council. It was agreed that a presentation on the Shawfair Masterplan would be provided to update Members on this development.

Decision

The Committee agreed:

- (a) That a presentation would be arranged to update Members on the Shawfair Masterplan.
- (b) To grant the planning permission for the reasons as set out in the report.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.10	Application for Planning Permission for the Erection of 155 Dwelling houses and 36 Flatted Dwellings, Formation of Access Roads, SUDS and Car Parking and Associated Works at Land 470 metres West of Corby Craig Terrace, Bilston (17/00968/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report, dated 3 April 2018 by the Head of Communities and Economy advising that an application had been submitted for the erection of 155 dwelling houses and 36 flatted dwellings, formation of access roads, suds and car parking and associated works at land 470 metres west of Corby Craig Terrace, Bilston. The Planning Manager presented the report highlighting the main sections from within the report.</p> <p>The application was accompanied by an indicative masterplan for the whole of site HS16. It illustrated how the proposed 'block' layout for the site fitted with the wider area. It was stated that there had been 11 representations received objecting to the application and consultation responses from Scottish Environment Protection Agency (SEPA), The Coal Authority, Transport Scotland, Damhead and District Community Council, Council's Archaeology Adviser; Policy and Road Safety Manager; Land Resources Manager; Housing Strategy and Performance Group Manager; Head of Education and Environmental Health Manager. Details of the consultations and objections were contained within section 5 and 6 of the report. The recommendation was to grant planning permission subject to conditions and prior signing of a legal agreement within 6 months to secure developer's contributions.</p> <p>Thereafter the Chair and the Planning Manager responded to a question raised by Councillor Hackett with regards to the objections to the application received from the Community Council. The processes in place to engage with Community Councils and the public was confirmed and further discussion took place regarding the issues around Community Council boundaries.</p>		
Decision		
The Committee agreed to grant the planning permission for the reasons as set out in the report.		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.11	Application For Planning Permission for the Erection of Screening Fencing; Erection of Shed and Re Painting of Existing Fencing (Part Retrospective) at Dalkeith Tennis Club, 5 Cemetery Road, Dalkeith (17/00747/DPP).	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 27 March 2018 by the Head of Communities and Economy advising that an application had been submitted for the erection of windbreak netting on existing chain link fences; the re-painting of a corrugated steel fence; the erection of a timber storage shed; the erection of a timber lean-to store; and the installation of a gate at Dalkeith Tennis Club, 5 Cemetery Road, Dalkeith.

The Planning Manager presented the report advising the Committee that there were 6 elements to the report and these were set out in section 3 in the report. There had been one representation objecting to the application and the details were set out in section 6 of the report. The recommendation was to grant planning permission subject to conditions.

The current application had been called in to Committee for determination by Councillor Russell. The reason for the call-in was that the views of the objector warrant deliberation and debate by the Committee. Thereafter Councillor Russell advised the Committee of her visit to the site and difference from the light green and dark green netting and the difference in the weave of the netting which makes a big difference in the sunlight coming through and this was the reasons for the call-in. Councillor Russell then went on to declare an interest as previously she had no preference but after visiting the site her opinion had changed.

Councillor Hackett declared an interest in knowing both the objectors in community organisations but confirmed he was confident in having an impartial view on this application.

Councillor Cassidy also declared an interest in knowing both the objectors.

Councillor Smaill also declared that he had also met the objectors in the context of the Community Council.

Thereafter the Planning Manager responded to various questions raised by members in providing some clarity on the reasons for granting the planning permission.

Following a lengthy discussion regarding the objections outlined in the report a motion was put forward by Councillor Smaill, seconded by Councillor Russell to accept the recommendation with a condition that the netting used was the light green semi-translucent netting and as no objections were received this accordingly became the decision of the Committee.

Decision

The Committee approved the recommendation to grant the planning permission with the reasons as set out in the report with an amendment to the condition that that the netting specified was light green semi-translucent netting.

Action

Head of Communities and Economy

The meeting terminated at 4.06 pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
10 April 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Muirhead	

1 Apologies

Apologies for absence were received from Councillors Lay-Douglas, Milligan, Munro and Smaill.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 27 February 2018 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land at Airybank, Quarrybank, Cousland [17/00649/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr A Bennie, Andrew Bennie Planning Ltd, 3 Abbott's Court, Dullatur seeking on behalf of their clients, Midlothian Developments Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00649/DPP, refused on 13 November 2017) for the erection of four dwellinghouses at Airybank, Quarrybank, Cousland and refusing planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 16 School Green, Lasswade [17/00672/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr T Thomas, APT Planning and Development Ltd, 6 High Street, East Linton seeking on behalf of their client Mr C McClung, a review of the decision of the Planning Authority to refuse planning permission (17/00672/DPP, refused on 23 October 2017) for the erection of a dwellinghouse at 16 School Green, Lasswade and granting planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 153 The Loan, Loanhead [17/00630/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their clients Owners Group, a review of the decision of the Planning Authority to refuse planning permission (17/00630/DPP, refused on 22 December 2017) for the change of use of office to form two dwellinghouses and associated external alterations at 153 The Loan, Loanhead and granting planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, all the LRB Members present had attended the site visits on Monday 9 April 2018 and therefore they all participated in the review process.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Land North West of Braidwood House, Penicuik [17/00872/PPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Kirsty Scott, Niall Young Architecture Ltd, 32-12 Harden Green Business Park, Dalhousie Road, Eskbank seeking on behalf of their client, Mr I Walsh a review of the decision of the Planning Authority to refuse planning permission (17/00872/PPP, refused on 22 December 2017) for planning permission in principle for the erection of a dwellinghouse at land north west of Braidwood House, Penicuik.

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

The Local Review Body had made an accompanied visit to the site on Monday 9 April 2018.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mr Ian Walsh (the applicant).

Thereafter, oral representations were received firstly from the applicant Mr Walsh, then from Mr King, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing. In discussing the proposed development, the vehicular access arrangements were debated at considerable length, with a number of question to the applicant about potential alternatives. Whilst the LRB were not opposed to the principle of the site being developed, some Members were concern about the potential creation of another access onto the trunk road.

After further discussion, Councillor Cassidy, seconded by Councillor Alexander, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report.

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

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

Decision

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

The proposed dwelling by means of its siting and its relationship to the existing properties at Braidwood House/Steading fits into the landscape and can be considered as part of the housing cluster in compliance with policy RD1 of the Midlothian Local Development Plan 2017.

subject to the following conditions:-

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
 - a. A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access and parking provision within the site and details of all walls and fences to be erected;
 - b. Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
 - c. Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
 - d. Details of all hard surfacing and kerbing;
 - e. Details of the proposed water supply;
 - f. Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
 - g. Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

Reason: *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouses and site access arrangements.*

2. Prior to occupation of the house the vehicular access referred to in Condition 1 (a) above shall be completed to the satisfaction of the Planning Authority and the Roads Authority. The vehicular access shall comply with the following details:
 - a. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced;
 - b. The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures

- shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road;
- c. Visibility Splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension;
 - d. The width of the access shall be at least 5.5 metres wide for a distance of 10 metres from the nearest edge of the trunk road carriageway; and
 - e. There shall be no drainage connections to the trunk road drainage system.

Unless otherwise approved in writing by the Planning Authority the above standards shall be adhered to for the duration of the vehicular access' use.

Reason: *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

- 3. Before the new house is occupied the installation of the means of water supply approved in terms of Condition 1(e) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure the appropriate supply of potable water to the development in, compliance with Midlothian Local Development Plan policy RD1, and to ensure that the addition of the new house has no adverse impact upon the quality or reliability of the water supply for existing residents in the area.*

- 4. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of Condition 1 (f) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

- 5. The scheme of landscaping approved in accordance with condition 1 (g) above shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any subsequent order amending or superseding it, no external alterations to or extensions to the dwellinghouse, nor the erection of any new buildings within the application boundary, shall be permitted without the prior written consent of the Planning Authority.

Reason: *In order that the visual impact of the development is controlled and that the concept of the development is not compromised by improper extensions or alterations, and that the quality and form of development remains to a high standard.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 10 Broomhill Avenue, Penicuik, [17/00801/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr P Alford, Peter Alford Architect, 19 Tipperwell Way, Howgate, Penicuik seeking on behalf of their clients Mr and Mrs A Hogg, a review of the decision of the Planning Authority to refuse planning permission (17/00801/DPP, refused on 31 January 2018) for the erection of two storey and single storey extension at 10 Broomhill Avenue, Penicuik.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 9 April 2018.</p>		
Summary of Discussion		
<p>Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. Whilst noting the reasons for refusal, the LRB discussed the proposed development at some length, in particular, consideration was given to the design of the proposed extensions and the potential impact that they might have. The debate amongst Members being whether the proposed development rather than detract from the character of the original building might actually prove beneficial. It was also suggested that if the roof height of the extension on the north side of the house could be lowered this might lessen its impact.</p>		

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

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

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

Decision

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

The proposed extensions by means of their design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring property at 8 Broomhill Avenue, Penicuik.

subject to the following condition:-

1. A revised set of elevations of the proposed extensions to accurately show the height and size of the roof of the single storey hipped roof extension on the north side of the house shall be submitted to the Planning Authority and no work shall start on the extensions until these details have been approved in writing by the Planning Authority.

Reason: *For the avoidance of doubt as to what is approved; there is a discrepancy between the height of the hipped roof extension as shown on the rear elevation as compared to the front and side elevations.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – 3 Bankmill View, Penicuik, [17/00734/DPP].	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr G McPherson, Bryant & Cairns Ltd, 2/3 Borthwick View, Pentland Industrial Estate, Loanhead seeking on behalf of their client Mr W Hall, for the removal of Conditions 1, 2 and 3 of planning permission 17/00734/DPP (granted on 10 November 2017) for the installation of replacement windows and doors at 3 Bankmill View, Penicuik.		

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

The Local Review Body had made an unaccompanied visit to the site on Monday 9 April 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development the LRB acknowledged that the removal of the stated conditions would effectively result in a grant of planning permission for the installation of white uPVC windows and a red uPVC front door in what was a Conservation Area. The LRB discussed the sample green uPVC provided by the applicant and the considerable advances made in uPVC in recent years. Whilst it was accepted that this colouring was more acceptable and in keeping with the Conservation Area, concerns were expressed that it would set a precedent contrary to existing Policy.

Decision

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

That because of the location of the property within a Conservation Area and because of the consistency of materials/colours used within the estate, in which the application site is situated, it is appropriate to retain the use of traditional materials (timber) for doors and windows on the front elevation of the dwellinghouse. Furthermore the colour of the doors and windows shall match those of the surrounding area to contribute the aesthetic quality of the estate.

subject to the following condition:-

1. Notwithstanding the plans hereby approved, the replacement windows within the front and side elevations are hereby not approved.

Reason: *The introduction of uPVC within the front and side elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

2. Notwithstanding the plans hereby approved, the replacement door within the front elevation is hereby not approved.

Reason: *The introduction of a red uPVC door within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

3. Notwithstanding the plans hereby approved, the replacement windows within the rear elevation shall be green uPVC as per the sample provided on the 31st of October 2017.

Reason: *The installation of white uPVC fenestration within the rear elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

The LRB in reaching this decision also suggested that Officers review the Policy position on replacement windows to ensure that it took cognisance of the advances in uPVC technology.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time – 75 Castlelaw Crescent, Bilston, [17/00828/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr L McCaskey, 18A Rothesay Place, Edinburgh seeking on behalf of their client Mr J Murphy, a review of the decision of the Planning Authority to refuse planning permission (17/00828/DPP, refused on 18 December 2017) for the erection of an extension at 75 Castlelaw Crescent, Bilston.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 9 April 2018.</p>		
Summary of Discussion		
<p>Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed extension would have as a result of its scale and location on the character and appearance of the existing dwellinghouse and the surrounding streetscape. The general feeling being that the proposed extension did not compliment the character of the existing building and would negatively impact on the streetscape as a result of its scale and prominent positioning.</p>		

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *The proposed extension does not reflect the roof design, form or character of the existing dwellinghouse and would result in a significant adverse impact upon the character and appearance of the dwellinghouse and streetscape.*
2. *The prominent siting and excessive scale of the extension detracts from the character of the application dwelling and attached neighbouring property (particularly as they form a symmetrical pair), and results in an adverse visual impact upon the character and appearance of the streetscape/locale.*
3. *For the above reasons the proposal is contrary to policies DEV2 of the adopted Midlothian Local Development Plan 2017. If the application was approved it would undermine the principals set out within DEV2, which seeks to ensure that development does not materially detract from the existing character or amenity of the area.*

Action

Head of Communities and Economy

The meeting terminated at 3.12 pm.

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 1 May 2018	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

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

In attendance:

Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Mary Smith	Director of Education, Communities and Economy
Gary Fairley	Head of Finance and Integrated Service Support
Ian Johnson	Head of Communities and Economy.
Stephen Reid	Ernst and Young, External Auditors
Sarah Croft	Ernst and Young, External Auditors
Jill Stacey	Chief Internal Auditor
Elaine Greaves	Principal Auditor
James Polanski	Internal Auditor
Amber Ahmed	Internal Auditor
Janet Ritchie	Democratic Services Officer

1. Welcome and Apologies

Apologies were received from Councillor Milligan.

2. Order of Business

The order of business was as set on the Agenda.

Peter de Vink advised the committee that unfortunately he would be unable to attend the Self-Assessment session due to another commitment and raised concerns that no financial papers were on this Agenda in particular the significant fraud investigation and the Budget Book which had been previously circulated to Members of the Audit Committee. The Chief Executive confirmed that a special meeting of the Audit Committee would be arranged to consider the matter of the fraud investigation. It was also confirmed that at the Self-Assessment session a discussion would take place around the financial information that the Audit Committee requires and the frequency of these reports.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

With regards to the minute of 12 December 2017 and the outstanding Item 5.8, Internal Audit Recommendations Progress Report. The Director of Education, Communities and Economy confirmed that they had the responsibility for the Controls operating over Pre-school Provision Partnership Providers and with regards to the two items outstanding, one is being developed at the moment and the other is already being undertaken by staff so is now closed off.

Thereafter minutes of the meeting of 12 December 2017 were approved as a correct record having been proposed by Councillor Hardie and seconded by Councillor Muirhead.

5. Public Reports

Report No.	Report Title	Submitted by:
5.1	Audit Scotland Report: Local Government in Scotland: Challenges and Performance 2018	Chief Executive
Outline of report and summary of discussion		
There was a report submitted to the Audit Committee by the Chief Executive providing the Audit Committee with a summary of the Audit Scotland report, 'Local Government in Scotland: Challenges and performance 2018' and the Council's position in relation to the report's findings. The Chief Executive presented the report to the Committee highlighting the main sections from within the report.		

The Chief Executive responded to questions raised by Members of the Committee which included:

- Shared Services and any impact on financial savings.
- The workforce and the benefits arising from the introduction of the Investing in our Workforce programme.

Decision

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

Report No.	Report Title	Submitted by:
5.2	Climate Change Reporting	Internal Audit
Outline of report and summary of discussion		
<p>A report dated 11 April 2018 was presented by the Internal Auditor. The objective of the audit was to provide assurance that information in the Midlothian Council Climate Change Duties 2017 report is accurate, compliant with the reporting requirements and reflects current practice. The scope of the audit also incorporated a review of the Midlothian Integration Joint Board (MIJB) Climate Change 2017 report.</p> <p>There was 2 high and 7 medium rating recommendations which are detailed within the report.</p> <p>Thereafter it was confirmed by the Chief Executive that the Carbon Management Plan was discussed at Corporate Management Team and that Climate change was high on the risk register and it was important to take this forward.</p> <p>The Chair raised a question regarding the format of reports and if this would be appropriate for the Carbon Management Plan.</p>		
Decision		
The Audit Committee noted the content of the report.		

Councillor Baird arrived at 11.38 am

Report No.	Report Title	Submitted by:
5.3	Purchasing Cards	Internal Audit
Outline of report and summary of discussion		
A report dated 17 April 2018 was presented by the Internal Auditor. The audit objective was to provide assurance on the adequacy of the internal controls in place for the Council's use of purchasing cards.		

There was 10 medium and 3 low rated recommendations which are detailed within the report.

Thereafter a discussion took place regarding the benefits of purchasing cards and the difference in spending with regards to the previous means of spending. It was highlighted that the purchasing cards provided a more effective audit trail and authorisation record when compared to the previous means of payment such as petty cash. The improvement in the payment of invoices as well as the reduced staff time required in processing of invoices was also highlighted.

The Chief Internal Auditor advised the Committee that the key message was that there is a demonstrated shift into a more efficient and effective method in the controls with regards to the administration processes around payments and that the improvement action which has been agreed will address any issues with regards to VAT reclaim.

Decision

The Audit Committee noted the content of the report.

6. Private Reports

No private business was discussed.

The Chief Executive highlighted to the Audit Committee that it was proposed that the next meeting scheduled for Tuesday 5 June 2018 would be rescheduled for 2 weeks later due to the timescale for reports and in addition to this there would also be a Special Meeting of the Audit Committee. The dates of these meetings would be confirmed in due course.

The meeting terminated at 11.51 am

Minute of Meeting



Planning Committee

Date	Time	Venue
15 May 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1. Apologies

Apologies were received from Councillors Hackett and Johnstone.

2. Order of Business

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

3. Declarations of interest

Councillor Baird declared a non-pecuniary interest in agenda item 5.6 - Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP) – on the grounds that his participation may lead to a future conflict of interest.

4. Minutes of Previous Meetings

The Minutes of Meeting of 3 April 2018 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Penicuik Heritage Regeneration Project	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 6.3 of the Minutes of the Cabinet of 30 August 2016, there was submitted report dated 8 May 2018 by the Head of Communities and Economy seeking the Committee's approval of a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p> <p>The report updated Members on current progress with the respective grant applications and explained that a requirement for securing grant funding from the Heritage Lottery Fund (HLF) was that the Council adopted a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018); a copy of the proposed Management Plan was appended to the report.</p>		
Decision		
<p>The Committee, having heard from the Planning Manager, approved the Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p>		
Action		
<p>Head of Communities and Economy</p>		

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

Outline of report and summary of discussion
<p>There was submitted a report dated 8 May 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:-</p> <p>(a) Noted the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and</p> <p>(b) Noted the updates for each of the applications.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 8 May 2018 by the Head of Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in February 2018 and two appeal decisions received from Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> Dated 29 March 2018, upholding an enforcement notice dated 29 November 2017 relating to an unauthorised building erected on land to the rear of 180 Main Street, Pathhead, Midlothian that required to be demolished or dismantled, including the foundations and various other items, within 3 months of the enforcement notice taking effect, but allow the appeal to the extent that the terms of section 5 of the notice were varied to provide clarity of what was required. Dated 29 March 2018, dismissing an appeal and upholding an enforcement notice dated 29 November 2017 relating to the cessation of the use of the land for storage purposes and the removal of the unauthorised vehicles, trailers, caravans and other ancillary items and parts thereof associated with the vehicles, building materials including stone, bricks and timber, building equipment including portable building, scaffold, ladders, tarpaulin, fencing and other ancillary building materials from the land. 		

Decision
<p>The Committee:</p> <p>(a) Noted the decisions made by the Local Review Body at its meeting on 10 April 2017; and</p> <p>(b) Noted the outcome of the Appeals determined by the Scottish Ministers.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Proposed Residential Development with Associated Access, Open Space and Associated Works at Land North-West of Moat View, Roslin. (18/00139/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 5.8 of the Minutes of 6 June 2017 there was submitted report dated 8 May 2018 by the Head of Communities and Economy advising that a pre-application consultation had been submitted regarding a proposed residential development with access roads, open space and associated works at land north-west of Moat View, Roslin</p> <p>The pre-application consultation had been reported to Committee to enable Members to express a provisional 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.</p>		
Decision		
<p>Having heard from the Planning Manager, the Committee:-</p> <p>(a) Noted the provisional planning position set out in the report; and</p> <p>(b) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.5	Section 42 Applications to Remove Condition 5 of Planning Permissions 201/83 and 590/83 which Restricts the Occupancy of 19a Damhead, Lothianburn (18/00150/S42 and 18/00151/S42).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above Section 42 Applications.		

Summary of Discussion
Having heard from the Planning Manager, the Committee discussed the continued need for a condition restricting occupancy of the property and also what the potential impact of removing it altogether might be. Whilst it was acknowledged that the lack of viability/profitability of the holding itself did not necessarily justify removal of the conditions, it was along with the clearer guidance now in place regarding occupancy restrictions, viewed as an important consideration.
Decision
After further discussion, the Committee agreed that planning permission be granted for the removal of Condition 5 of Planning Permissions 201/83 and 590/83 restricting occupancy of 19a Damhead, Lothianburn.
Action
Head of Communities and Economy

Sederunt
With reference to paragraph 3 above, Councillor Baird having declared an interest in the following item of business, left the meeting at 2.21 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed development was likely to have on the vitality and viability of both Dalkeith and Bonnyrigg town centres. Concerns were also expressed regarding the additional traffic movements likely to be generated by the proposed development and the potentially adverse impact that it may have on an already extremely busy road network in the area. Members also gave consideration to the Policy position; the site was allocated in the MLDP for Class 4 business uses, rather than the proposed mixed of Class 1 shop (retail) and Class 3 food and drink for consumption on the premises uses (cafe and restaurant) uses. Support was expressed by some Members for the petrol filling station element, which was felt to be badly needed, whilst other were supportive of the development as a result of the likely employment opportunities that it would bring.		

Thereafter Councillor Milligan, seconded by Councillor Russell moved that the planning application be refused for the reasons detailed in the report, which should be expanded to include a further reason regarding the impact on neighbouring town centres.

As an amendment Councillor Hardie, seconded by Councillor Winchester moved that planning permission be granted subject to appropriate conditions.

On a vote being taken, four Members voted for the amendment and 8 Members voted for the Motion which accordingly became the decision of the meeting.

Action

The Committee agreed that planning permission be refused for the following reasons:

1. The proposed land uses are not in accordance with the site's allocation for Class 4 business uses in the development plan and as such the development is contrary to policy 2 of the Strategic Development Plan for Edinburgh and the South-East Scotland (approved in 2013), policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
2. The proposed retail unit is of a significant size that it cannot be considered ancillary to the petrol filling station (they are composite uses) and as such when assessed against local and national planning policy with regard retail development it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
3. The proposed cafe and restaurant uses are outwith any identified settlement boundary, on a site allocated for Class 4 uses and within the green belt without a justification and as such are contrary to policy ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
4. The proposed mixed use development by means of its composite of uses, in particular the shop and cafe/restaurants, is detrimental to the town centres of Midlothian, in particular Dalkeith, Bonnyrigg and the proposed town centre at Shawfair and as such when assessed against local and national planning policy with regard town centres it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.

Decision

Head of Communities and Economy

The meeting terminated at 2.34 pm.

Minute of Meeting



Special Meeting of Audit Committee

Date	Time	Venue
Tuesday 15 May 2018	3.00 pm	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

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

In attendance:

Kenneth Lawrie	Chief Executive
Mary Smith	Director of Education, Communities and Economy
Gary Fairley	Head of Finance and Integrated Service Support
David Lister	Ernst and Young, External Auditors
Sarah Croft	Ernst and Young, External Auditors
Jill Stacey	Chief Internal Auditor
Elaine Greaves	Principal Auditor
Kevin Scott	Fraud and Audit Officer
Alan Turpie	Legal Services Manager
Janet Ritchie	Democratic Services Officer

1. Welcome and Apologies

Apologies were received from Councillor Parry

2. Order of Business

The order of business was as set on the Agenda.

3. Declarations of interest

No declarations of interest were received.

4. Public Reports

Report No.	Report Title	Submitted by:
4.1	Investigation of Roads Contract Management	Chief Executive
Outline of report and summary of discussion		
<p>There was a report submitted by the Chief Executive which updated the Members of the Audit Committee on the current position and planned next steps relating to the investigation of Roads Contract Management.</p> <p>The Chief Executive presented the report to the Committee highlighting the main points as detailed in the report regarding the allegations of impropriety within the Council relating to Roads Contract Management.</p> <p>It is clearly of great importance that the Council should investigate such allegations robustly and thoroughly for the following reasons:</p> <ol style="list-style-type: none">1) To ensure that any poor practice or impropriety is exposed and to take appropriate action as a result, including, where appropriate, referral to Police Scotland;2) To protect the public purse and ensure the integrity of the Council's use of public funds; and3) To send a clear message to employees, contractors and potential contractors, and the public, that the Council has a zero tolerance approach to poor practice and impropriety and will act robustly to tackle and resolve it. <p>It was discovered that payments had been made to a Contractor not on the Procurement Framework and this amounted to £2.1 million over a period of 7 years. No allegations were made relating to work not being carried out or subject to inflated invoices. A senior manager within roads services resigned during the course of the investigation. During employee interviews a number of additional allegations were made and these were also investigated.</p>		

Evidence was found to support a number of the allegations which were passed to Police Scotland and no evidence was found to substantiate others. One other allegation relates to an area out with the scope of the investigation but will be picked up in Phase 2. HR Management are also reviewing the report in relation to any staff issues.

A number of weaknesses in relation to internal processes and procedures were identified and the Chief Internal Auditor has recommended actions to address these weaknesses as a matter of urgency which are detailed in the report.

The Chief Executive went on to explain the next steps and that the Council's External Auditors, EY have been commissioned to perform Phase 2 in accordance with the overview of scope as detailed within the report. EY will be assisted by the Council's Internal Audit and Corporate Fraud team with the scope to include areas identified during the phase 1 investigation. The purpose of this wider piece of work is to investigate whether the failings found within the roads service were in any way systemic within the organisation.

A Confidential Report of the findings from the Internal Audit and Corporate Fraud team's Phase 1 work has been issued to Police Scotland. Due to the ongoing Police Investigation, this report will remain Confidential.

Officers and Members are reminded of the importance of maintaining confidentiality to preserve the Council's position going forward to enable the next steps to be concluded in a proper and thorough fashion through Internal Audit, EY and Police Scotland.

The Chair then asked Members if they had any comments or questions regarding this matter.

Councillor Milligan stated that having read the report presented today he felt frustrated that they could speak with no surety without having sight of the full Phase 1 report and could not understand that although he had asked on several occasions for this report he had been refused due to the ongoing police enquiry. He felt that he could not comment without having knowledge or details of the report and having no factual details could not comment if all issues had been covered in Phase 1 or if the conclusion drawn from Phase 1 was correct. He did, however, acknowledge that the Police have strongly recommended that this report is not passed to anyone who does not have an exact need to know but he would argue the point that the Administration does have such a need to know.

He emphasised that another report is required detailing the failings in Phase 1 and separating them from the criminality. It is important to know how and what failed internally. He then went on to ask the question why the systems in place allowed this to happen and how this had not been picked up by the various officers and services and how we can stop this happening in the future.

The Chief Executive advised that he could understand members' frustration at not seeing the report but he was clear he could not go against the strong Police advice that had been given to him. He stressed that the members were in a difficult position to make a judgement about the suitability of the actions

highlighted in the report and that is why the recommendations are not asking for approval but for the Committee to note the work that has been done.

Thereafter the Chief Executive and the Internal Audit team responded to several questions and concerns raised by members which included:

- Suppliers on the payment system but not in the procurement framework.
- The strict tendering process with regard to this situation.
- The processes and procedures which should have been followed were not and that the appropriate services did not pick up that the compliance process and diligent checks were not carried out.
- Whistleblowing process and the employees in the Council with regards to this matter did not have the confidence in this process.
- Whether the Council has ever considered using Safecall – a whistleblowing facility used by some other councils.
- The recommendations within the report detail identified weaknesses within the control environment.
- The question on what are the internal failings and the importance of a report highlighting what these internal failings were.
- Segregation and vulnerabilities in the system.
- Employee authorisation limits for purchasing goods and services and signing off invoices.

Discussion took place on the processes, the weaknesses identified, the actions recommended and the objectives of Phase 1 and Phase 2.

Councillors highlighted the importance of a report outlining the internal systematic failures to allow them to understand the recommendations laid out within the report.

Decision

The Audit Committee agreed:

- The next meeting of the Audit Committee would be held on Tuesday 19 June 2018 at 9am.
- A further private report on Phase 1 of the investigation providing details on the reasons for the recommendations as set out in this report be prepared and presented to the Committee within 4 weeks.
- A report on employees' authorisation limits for purchasing goods and services and signing off invoices also be prepared.

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| <ul style="list-style-type: none">• Thereafter a Special meeting of the Audit Committee to be arranged in order to consider this report (this meeting to be held in private in terms of Paragraph 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973) and• To otherwise note this report. |
| Action |
| Chief Executive, Chair Audit Committee, Democratic Services |

5.

No private business was discussed.

The meeting terminated at 4 pm

