

Notice of meeting and agenda



Midlothian Council

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 23 May 2017

Time: 10:00

John Blair
Director, Resources

Contact:

Clerk Name: Kyle Clark-Hay

Clerk Telephone: 0131 270 5796

Clerk Email: Kyle.Clark-Hay@midlothian.gov.uk

Further Information:

Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

Please note - the Chief Executive will assume the role of Chair until the Provost of the Council is elected.

This section of the meeting will include apologies for any absence from the meeting by Members.

2 Order of Business

Confirmation of the items to be included within the agenda for the meeting. Once elected, the Provost will confirm if there are further items of urgent business to be included in the agenda.

3 Public Reports

3.1	Election Return - Midlothian Local Government Election 2017 - Report by Chief Executive	5 - 8
3.2	Declaration of Acceptance of Office of Councillor - Report by Director, Resources	9 - 10
3.3	Election of Provost - Report by Director, Resources	11 - 12
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3.5	Election of Leader of the Council - Report by Director, Resources	15 - 18
3.6	Election of Depute Leader of the Council - Report by Director, Resources	19 - 20
3.7	Scheme of Administration and Schedule of Meeting Dates - Report by Director, Resources	21 - 26
3.8	Appointment of Members in Accordance with the Scheme of Administration - Report by Director, Resources	27 - 30
3.9	Appointment of Representatives to Joint Committees and Outside Bodies etc. - Report by Director, Resources	31 - 36
3.10	Election of Midlothian Licensing Board – report by Director, Resources	37 - 40
3.11	Midlothian Integration Joint Board – Appointment of Members - Report by Chief Officer of Midlothian Integration Joint Board	41 - 50

3.12	Midlothian Local Licensing Forum - Report by Director, Resources	51 - 54
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3.13	Scheme of Councillors Remuneration - Report by Director, Resources	55 - 58
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- 3.14** The following minutes are submitted for approval by the Council:
At its last meeting on 28 March 2017, the previous Council agreed to invoke Standing Order 7.13 in respect of all outstanding Minutes of Meetings which had not at that date been considered and approved by their respective Committees.

Meeting	Date of Meeting
Special Midlothian Council	28 March 2017
Midlothian Council	28 March 2017
Special Cabinet	28 February 2017
Cabinet	28 February 2017
Special Cabinet	14 March 2017
Planning Committee	28 February 2017
General Purposes Committee	31 January 2017
General Purposes Committee	28 March 2017
Appeals	9 March 2017
Local Review Body	7 March 2017
Performance, Review and Scrutiny Committee	7 March 2017
Special Performance, Review and Scrutiny Committee	8 March 2017
Special Performance, Review and Scrutiny Committee	8 March 2017
Audit	21 March 2017

- 3.15** Items to be considered as urgent business:

3.15.1	Midlothian Integration Joint Board - Delegation of Resources 2016-17 - Report by Joint Director, Health and Social Care	59 - 62
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3.15.2	Consideration of Motion - Director, Resources	63 - 64
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	Notice of motion moved by Councillor Muirhead and seconded by Councillor Montgomery	65 - 66
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5 May 2017

Proper Officer
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Dear Sir

**The Midlothian Council Elections – 4 May 2017
Return of Councillors**

In terms of Rule 56 of The Scottish Local Government Elections Order 2011
I herewith return the name of each Councillor elected to The Midlothian
Council as follows:-

No of Ward	Name of Ward	Name and Address of Elected Councillors
1	Penicuik	Andrew Hardie [REDACTED] Penicuik Debbi McCall [REDACTED] Penicuik Adam Montgomery [REDACTED] Penicuik
2	Bonnyrigg	Dianne Alexander [REDACTED] Rosewell Janet Lay-Douglas [REDACTED] Lasswade Derek Milligan [REDACTED] Bonnyrigg

No of Ward	Name of Ward	Name and Address of Elected Councillors
3	Dalkeith	<p data-bbox="906 360 1185 398">Colin John Cassidy</p> <p data-bbox="906 398 1161 436">[REDACTED]</p> <p data-bbox="906 436 1050 474">[REDACTED]</p> <p data-bbox="906 474 1023 512">Dalkeith</p> <p data-bbox="906 546 1134 584">Stephen Curran</p> <p data-bbox="906 584 1359 622">[REDACTED]</p> <p data-bbox="906 622 1023 660">Dalkeith</p> <p data-bbox="906 694 1118 732">Margot Russell</p> <p data-bbox="906 732 1150 770">[REDACTED]</p> <p data-bbox="906 770 1018 808">Dalkeith</p>
4	Midlothian West	<p data-bbox="900 875 1086 913">Russell Imrie</p> <p data-bbox="900 913 1198 952">[REDACTED]</p> <p data-bbox="900 952 1046 990">Glencorse</p> <p data-bbox="900 1023 1054 1061">Kelly Parry</p> <p data-bbox="900 1061 1166 1099">[REDACTED]</p> <p data-bbox="900 1099 1038 1137">Loanhead</p> <p data-bbox="900 1171 1174 1209">Pauline Winchester</p> <p data-bbox="900 1209 1142 1247">[REDACTED]</p> <p data-bbox="900 1247 1102 1285">Newtongrange</p>
5	Midlothian East	<p data-bbox="893 1352 1201 1391">Kenneth James Baird</p> <p data-bbox="893 1391 1174 1429">[REDACTED]</p> <p data-bbox="893 1429 1015 1467">Mayfield</p> <p data-bbox="893 1500 1082 1538">John Hackett</p> <p data-bbox="893 1538 1174 1576">[REDACTED]</p> <p data-bbox="893 1576 1007 1615">Dalkeith</p> <p data-bbox="893 1648 1066 1686">Peter Smail</p> <p data-bbox="893 1686 1174 1724">[REDACTED]</p> <p data-bbox="893 1724 1034 1762">[REDACTED]</p> <p data-bbox="893 1762 1050 1800">Gorebridge</p>

6

Midlothian South

Cath Johnstone

[REDACTED]
Newtongrange

Jim Muirhead

[REDACTED]
Gorebridge

Kieran Munro

[REDACTED]
Newtongrange

I confirm that I have given notice in writing of their election to the Councillors concerned.

Yours faithfully

[REDACTED]

Returning Officer

Declaration of Acceptance of Office of Councillor**Report by John Blair, Director, Resources****1 Introduction**

Under the terms of Section 33A of the Local Government (Scotland) Act 1973, introduced by the Local Government and Housing Act 1989, a person elected to Office as a Councillor of a Local Authority shall not, unless:-

- (a) he/she has made a Declaration of Acceptance of Office in a form prescribed by an Order made by Scottish Ministers; and
- (b) the Declaration has within two months from the day of the election been delivered to the Proper Office of the Local Authority,

act in the Office of Councillor except for the purpose of taking such a Declaration.

If such a Declaration is not made and delivered to the Proper Officer within the appointed time, the Office of the person elected shall at the expiration of that time become vacant.

The Declaration of Acceptance of Office, to be signed by each Elected Member, includes both a Declaration regarding fulfilment of duties and also an undertaking to meet the requirements of the Councillors' Code issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.

Details regarding the procedure for making the Declaration were provided to each Member separately.

2 Report Implications**2.1 Resource Implications**

There are no resource implications arising from this report.

2.2 Risk Implications

Failure by a sufficient number of Elected Members to make their Declaration could result in this Council meeting being inquorate.

2.3 Policy Implications**Strategy**

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

3 Conclusion

The Director, Resources will confirm at this meeting which Members have made their Declaration of Acceptance of Office of Councillor to a Proper Officer of the Council.

11 May 2017

Report Contact:

Kyle Clark-Hay Tel No 0131 270 5796

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Election of Provost

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite the Council to elect the Provost in terms of Standing Order 4.1(iv).

2 Background

Section 4(1) of the Local Government etc. (Scotland) Act 1994 (the 'Act') requires the Council of each local government area to elect a Convener from among the Councillors.

Whilst the title of this office was known as Convener during the shadow year of 1995/96, at the meeting of Midlothian Council on 2 April 1996, it was agreed that henceforth this office be known by the title of Provost.

Section 4(4) of the Act states that the election of the Provost shall be the first business transacted at the first meeting of the Council held after an ordinary election of councillors and at that meeting, until the Provost is elected, the Returning Officer, shall preside. Standing Orders 4.1(i) and (iv) reflect this. As this is a statutory requirement under the 1994 Act, nominations for this position cannot be part of a block proposal.

3 Standing Order Issues

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

"A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment."

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

"In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot."

This mirrors the legal requirement in paragraph 5(2) to Schedule 7 of the Local Government (Scotland) Act 1973

4 Report Implications

4.1 Resource

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered during the Statutory Meeting of the Council on 23 May 2017.

4.2 Risk

There is a statutory requirement for the Council to elect a Convener (Provost) in terms of the Local Government etc. (Scotland) Act 1994. Failure to do so would therefore contravene that Act. It would also breach Standing Order 4.1(iv).

4.3 Policy

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendation

The Council is invited to elect the Provost.

11 May 2017

Report Contact:

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Election of Depute Provost**Report by John Blair, Director, Resources****1 Purpose of Report**

The purpose of this report is to invite the Council to elect the Depute Provost in terms of Standing Order 4.1(v).

2 Background

Section 4(2) of the Local Government etc. (Scotland) Act 1994 states that the Council of each local government area may elect a member of the Council to be Depute Convener.

Whilst the title of this office was known as Depute Convener during the shadow year of 1995/96, at the meeting of the Council on 2 April 1996, it was agreed that henceforth this office be known by the title of Depute Provost.

Standing Order 4.1(v) requires that consideration be given to the election of the Depute Provost at this meeting.

3 Standing Order Issues

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

“A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment.”

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

“In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.”

4 Report Implications**4.1 Resource Implications**

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered at the Statutory Meeting of the Council on 23 May 2017 .

4.2 Risk Implications

Unlike the Convener (Provost), there is no statutory requirement for the Council to elect a Depute Convener (Depute Provost). There is however a requirement to make such an appointment in terms of Standing Order 4.1(v).

4.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendation

The Council is invited to elect the Depute Provost.

15 May 2017

Report Contact:

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Election of Leader of the Council

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite the Council to elect the Leader of the Council in terms of Standing Order 4.1(vi).

2 Background

In accordance with:-

- (a) Standing Order 4.1(vi), consideration requires to be given at this meeting to the election of the Leader of the Council;
- (b) Standing Order 1.1, the Leader of the Council shall be the Convener of the Cabinet;
- (c) the Scheme of Administration:-
 - (i) **Cabinet** - the Provost, the Depute Provost and the Chair of the Performance Review and Scrutiny Committee may not be appointed to the Cabinet (and may not therefore be the Leader of the Council);
 - (ii) **Performance, Review and Scrutiny Committee** - the members of the Performance, Review and Scrutiny Committee may not be appointed to the Cabinet (none of whom may therefore be the Leader of the Council).
- (d) In terms of Section 4(1) of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, there are to be four grades of Councillor in each local authority for the purposes of payment of remuneration, these being:-
 - "Leader of the Council" - that is, the convener where councils use that term instead of Leader (e.g. usually used by councils where the administration of the council is not linked to a particular political party) or such other councillor the authority decides should be termed as 'Leader of the Council' for remuneration purposes.
 - "Civic Head" - that is, the councillor who holds this title for remuneration purposes is at the Council's discretion. This is generally the Provost or Lord Provost. In some authorities this will be the depute convener, but in other authorities, the convener.

- "Senior Councillor" - that is, a councillor who holds a significant position of responsibility in the Council's political management structure, for example, a convener of a major committee, the leader of a significant opposition group etc.
 - "Councillor" - that is, a councillor who is likely to hold no significant position of responsibility in the council's political management structure and who will receive the basic salary.
- (e) Section 4(2) of the Regulations state that the Leader of the Council and the Civic Head cannot be the same person, for the purposes of payment of remuneration.

3 Standing Order Issues

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

"A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment."

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

"In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot."

4 Report Implications

4.1 Resource Implications

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered at the Statutory Meeting of the Council on 23 May 2017.

4.2 Risk Implications

The Leader of the Council is to be the Convener of the Cabinet and failure to make such an appointment would contravene Standing Orders.

4.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendation

Subject to the exclusions referred to above, the Council is invited to elect the Leader of the Council.

11 May 2017

Report Contact:

Kyle Clark-Hay

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Election of Depute Leader of the Council

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite the Council to elect the Depute Leader of the Council in terms of Standing Order 4.1(vii).

2 Background

In accordance with:-

- (a) Standing Order 4.1(vii), consideration requires to be given at this meeting to the election of the Depute Leader of the Council;
- (b) Standing Order 1.1, the Depute Leader of the Council shall be the Depute Convener of the Cabinet;
- (c) the Scheme of Administration:-
 - (i) **Cabinet** - the Provost, the Depute Provost and the Chair of the Performance Review and Scrutiny Committee may not be appointed to the Cabinet (and may not therefore be the Depute Leader of the Council);
 - (ii) **Performance, Review and Scrutiny Committee** - the members of the Performance, Review and Scrutiny Committee may not be appointed to the Cabinet (none of whom may therefore be the Depute Leader of the Council).

3 Standing Order Issues

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

“A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment.”

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

“In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.”

4 Report Implications

4.1 Resource Implications

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered at the Statutory Meeting of the Council on 23 May 2017.

4.2 Risk Implications

The Depute Leader of the Council is to be the Depute Convener of the Cabinet and failure to make such an appointment would contravene Standing Orders.

4.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendation

Subject to the exclusions referred to above, the Council is invited to elect the Depute Leader of the Council.

11 May 2017

Report Contact:

Kyle Clark-Hay

Tel No 0131 270 5796

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Determine Scheme of Administration and Schedule of Meeting Dates**Report by John Blair, Director, Resources****1 Purpose of Report**

This report is brought forward in terms of Standing Order 4.1 (viii), which requires the Council at its first meeting after the elections to determine the Scheme of Administration (SOA) and consider an associated schedule of meeting dates.

The SOA remains in force from the outgoing Council until such time as any changes are made.

2 Background

- 2.1** The SOA in essence sets out the decision-making structure of the Council (i.e. Committees, Sub-Committees, etc), but also incorporates certain other meetings, for example as required by statute.
- 2.2** Following the determination of the SOA, the Council is then asked to appoint Members to the various Committees etc identified within the Scheme.

3 Scheme of Administration

- 3.1** Midlothian Council has adopted Standing Orders to regulate its proceedings and the SOA appears as an appendix to Standing Order 7. The SOA sets out:-
- the composition of the Council and the various Committees, Sub-Committees and other bodies etc appointed ;
 - what each can do;
 - the arrangements for their meetings;
 - what the quorum is; and
 - what is to happen to their minutes.
- 3.2** Unless otherwise covered by statute or regulation, all bodies referred to in the Scheme of Administration must give effect to any instructions or decisions of the Council on matters of principle.
- 3.3** The current Scheme of Administration reflects the political make up of the Council prior to the Local Government Elections in May 2017. It is therefore recommended that the previous political party/independent composition split contained within the scheme of administration in respect of each committee make up should be rescinded to reflect the make up of the new Council. Section 15 of the Local Government and Housing Act 1989 requires Councils to reflect the membership of their Committees in line with the political balance of the Council. Therefore it is recommended that the membership of the Committees under the Scheme of Administration is made up as per the following table:

	Labour Group	SNP Group	Conservative Group
No. of Councillors	7	6	5
No of members in Committee:			
3	1	1	1
4	2	1	1
5	2	2	1
6	2	2	2
7	3	2	2
8	3	3	2
9	3	3	3
10	4	3	3
11	4	4	3
12	4	4	4
13	5	4	4
14	5	5	4
15	5	5	5

Members should note, that the above is not applicable to Cabinet or Performance, Review and Scrutiny Committee as these act together to provide a political balance whilst allowing for the executive function.

4 Schedule of Meeting Dates to End of December 2017

- 4.1** The Director, Resources, presented a report to the meeting of Midlothian Council on 7 February 2017, which invited the Council to consider approving a temporary schedule of meeting dates for the incoming Council after the May 2017 local government elections.
- 4.2** The report provided a proposed schedule of meetings until the end of December 2017 based on the existing SOA.
- 4.3** In respect of the report the Council agreed to:
- (a) Approve the temporary schedule of meetings dates for the incoming Council based on a six weekly cycle as per the report.
- 4.4** The agreed temporary schedule of meeting dates referred to at paragraph 4.3(a) above is attached at Appendix 1.
- 4.5** The new Council is not under an obligation to accept the temporary schedule referred to at paragraph 4.4 above, but if it does it will have to appoint Members to the various Committees identified in accordance with the SOA.
- 4.6** Council should note that there is also a requirement to convene an Education Appointments Committee during May/June 2017 due to urgent recruitment of Head Teacher appointments. Dates and times of these meetings will be confirmed following this meeting.
- 4.7** Council should further note that the Audit Committee meeting that was scheduled to take place on 19 September 2017 has been removed

from the schedule pending consideration of the most appropriate timing for this in line with the Audit cycle. The meeting will be rescheduled in due course.

5 Review of Standing Orders etc

- 5.1** The Standing Orders, Scheme of Administration and Schemes of Delegation were reviewed during 2016 with the previous Council approving the current arrangements at its meeting in September 2016. The review concluded that a further in depth review of the governance it was proposed that this should be the remit of the new Council.

6 Report Implications

6.1 Resource Implications

There are no resource implications arising from this report.

6.2 Risk Implications

The SOA provides a framework through which the Council can arrange the discharge of its various functions in an orderly manner.

The availability of the schedule of meeting dates contributes to the reduction of risk by:-

- facilitating planning for meetings;
- contributing to the framework which allows the Council to conduct its business; and
- providing a timetable to which officers can work to ensure that reports are submitted timeously.

6.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

7 Recommendations

The Council is recommended to:

- (a) Agree to the implementation of the current Scheme of Administration as agreed by the previous Council in September 2016 subject to recommendation (b) and (d) below;
- (b) Agree that the previous political party/independent composition split contained within the scheme of administration in respect of each committee make up should be rescinded to reflect the make up of the new Council as per paragraph 3.3;
- (c) Agree to the schedule of meetings as outlined at paragraph 4.4 of this report; and
- (d) Instruct the Director, Resources to initiate a full review of the governance arrangements for the Council with recommendations to be considered by the Council at its meeting in November 2017

11 May 2017

Report Contact:

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Appendix 1 –Schedule of Meeting Dates

May 2017

Tuesday 23	10.00	Midlothian Council
Tuesday 30	11.00	Police and Fire and Rescue Board

June 2017

w/c	Monday 5		Education Appeals Committee
	Tuesday 6	11.00	General Purposes
	Tuesday 6	14.00	Planning
	Monday 12	10.30	Business Transformation Steering Group
	Tuesday 13	11.00	Cabinet
	Tuesday 13	14.00	Local Review Body
	Tuesday 20	11.00	Performance, Review and Scrutiny
	Tuesday 20	14.00	Audit
	Wednesday 21	10.00	Midlothian Licensing Board
	Tuesday 27	10.00	Petitions
	Tuesday 27	11.00	Midlothian Council

July 2017

SUMMER RECESS

Note: Due to time restraints, this schedule does not make provision for meetings of Special Cabinet and Special Performance, Review and Scrutiny Committees. Business which will normally go to these Committees will be referred to the meetings of Cabinet on 13 June and the Performance, Review and Scrutiny Committee on 20 June.

August 2017

Tuesday 15	10.00	Midlothian Council
Monday 21	10.00	Police and Fire and Rescue Board
Tuesday 22	11.00	General Purposes
Tuesday 22	14.00	Planning
Monday 28	10.00	Business Transformation Steering Group
Tuesday 29	11.00	Cabinet
Tuesday 29	14.00	Local Review Body

September 2017

Tuesday 5	10.00	Petitions
Tuesday 5	11.00	Performance, Review and Scrutiny
Tuesday 26	10.00	Midlothian Council

October 2017

Tuesday 3	11.00	General Purposes
Tuesday 3	14.00	Planning
Monday 9	10.00	Business Transformation Steering Group
Tuesday 10	11.00	Cabinet
Tuesday 10	14.00	Local Review Body
Tuesday 17	10.00	Petitions
Tuesday 17	11.00	Performance, Review and Scrutiny

November 2017

Tuesday 7	10.00	Midlothian Council
Monday 13	10.00	Police and Fire and Rescue Board
Tuesday 14	11.00	General Purposes
Tuesday 14	14.00	Planning
Monday 20	10.00	Business Transformation Steering Group
Tuesday 21	11.00	Cabinet
Tuesday 21	14.00	Local Review Body
Tuesday 28	10.00	Petitions
Tuesday 28	11.00	Performance, Review and Scrutiny

December 2017

Tuesday 12	11.00	Audit
Tuesday 19	10.00	Midlothian Council

Note: Dates of meetings of Midlothian Licensing Board after the summer recess are not included

Appointment of Members in Accordance with the Scheme of Administration

Report by John Blair, Director, Resources

1 Purpose of Report

- 1.1** Under Standing Order 4.1(ix), consideration requires to be given at this meeting to the appointment of Members to the various Committees etc in accordance with the Scheme of Administration (SOA).

2 Appointments Required

- 2.1** On the basis of the SOA in place at the start of today's meeting and subject to the Council's decision in relation to the previous report, the undernoted Elected Member appointments will be required (or such other appointments as a result of any amendment to the SOA following consideration of the previous agenda item):-

Cabinet/Committee Name	Composition
Cabinet	5 Elected Members of the Council.
Performance Review and Scrutiny Committee	The 13 non-Cabinet Members of the Council.
Audit Committee	6 Elected Members of the Council.
Planning Committee	Will comprise of the 18 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.
Local Review Body	10 Elected Members of the Council.
General Purposes Committee	All 18 Elected Members of the Council.
Appeals Committee	9 Elected Members of the Council.
Standards Committee	6 Elected Members of the Council.
Petitions Committee	6 Elected Members of the Council.
Education Appeals Committee	3 Elected Members of the Council.
Education Appointment Committee	3 Elected Members of the Council.
Police and Fire and Rescue Board	6 Elected Members of the Council.
Midlothian Joint Consultative Group	4 Cabinet Members of the Council.
Welfare Reform Elected Members Working Group	6 Elected Members of the Council.
Business Transformation Steering Group	5 Elected Members of the Council.

3 Religious Representatives

3.1 Under Section 124 of the Local Government (Scotland) Act 1973, where an education authority (i.e. the Council) appoints a Committee whose purposes include either advising the authority or discharging on the authority's behalf education matters (i.e. the Cabinet), then that Committee (i.e. the Cabinet) must include three Religious Representatives as follows:-

- (1) one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of the Church (Note: The Church of Scotland has intimated that its nominee will continue to be Rev. Ruth Halley);
- (2) one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church (Note: The Roman Catholic Church has intimated that its nominee will continue to be Mr Victor H Bourne); and
- (3) one person (known generally as the "Third Religious Representative") in the selection of whom the authority shall have regard (taking account of the representation of churches at paragraphs (1) and (2) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted churches and other regularly appointed places of worship there.

The "Third Religious Representative" place has been advertised and a response received from Midlothian Muslim Community Centre in Bonnyrigg nominating Mr Matin Rashid Khan. A copy of the nomination is annexed hereto (Appendix 1).

3.2 It is recommended that Council agrees that the Religious Representatives sit at Council meetings and, at the invitation of the Provost, are able to speak in respect of education matters but have no voting rights.

4 Block Proposals

4.1 The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

"A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment. This Standing Order (11.3 (iii)) will not apply when block proposals are put forward to facilitate Council business."

4.2 The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

“In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.”

5 Report Implications

5.1 Resource Implications

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered at the Statutory Meeting of the Council on 23 May 2017.

5.2 Risk Implications

In accordance with Standing Order 4.1(ix), this report invites the Council to appoint Members to the various Committees etc under the Scheme of Administration. The exercise of the Council's various functions can then be undertaken through this political management structure.

Any delay in making the necessary appointments could therefore impede the discharge of Council business.

5.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

6 Recommendations

It is recommended that the Council:-

- (a) appoint Members to the various Committees etc as required under the Scheme of Administration (see paragraph 2 above);
- (b) consider the nomination of Rev. Ruth Halley, for the statutory place available to the Church of Scotland on the Cabinet;
- (c) consider the nomination of Mr Victor H Bourne, for the statutory place available to the Roman Catholic Church on the Cabinet;

- (d) consider the nomination of Mr Matin Rashid Khan for the “Third Religious Representative” place on the Cabinet; and
- (e) agree that the three Religious Representatives are able to sit at Council meetings and, at the invitation of the Provost, are able to speak in respect of education matters but have no voting rights.

11 May 2017

Report Contact:

Kyle Clark-Hay

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Appendix 1 – nomination from Midlothian Muslim Community Centre for the “Third Religious Representative” place on the Cabinet

Appointment of Representatives to Joint Committees, Joint Boards and Outside Bodies**Report by John Blair, Director, Resources****1 Purpose of Report**

In accordance with Standing Order 4.1(x), consideration requires to be given at this meeting to the appointment of representatives to Joint Committees, Outside Bodies and other partnership working.

2 Appointments Required

Appendix 1 is a list of the Outside Bodies, Joint Committees and other partnership working that requires Elected Member representation from Midlothian Council. The number of required representatives is indicated within Appendix 1.

Members are invited to consider their appointments to the bodies listed in Appendix 1.

The attention of the Council is however drawn to the following matters:-

3 Block Proposals

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

“A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment. This Standing Order (11.3 (iii)) will not apply when block proposals are put forward to facilitate Council business.”

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

“In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.”

4 Report Implications

4.1 Resource Implications

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered at the Statutory Meeting of the Council on 23 May 2017.

4.2 Risk Implications

In accordance with Standing Order 4.1(x), this report invites the Council to appoint Members to Joint Committees and Outside Bodies etc.

Any delay in making the necessary appointments could impede the discharge of business affecting both these bodies and the Council.

4.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendations

The Council is invited to:-

- (a) consider the appointment of representatives to serve on the various Joint Committees and Outside Bodies etc shown at **Appendix 1**;

11 May 2017

Report Contact:

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NAME OF ORGANISATION	Notes	MEMBER 1	MEMBER 2	MEMBER 3	MEMBER 4	MEMBER 5	MEMBER 6
Alliance (formerly the Coalfield Communities Campaign)		Voting Member -	Observer -	Substitute -	N/A	N/A	N/A
Association for Public Service Excellence (APSE) -	APSE have specifically requested political and gender balance in relation to individual Council representation			N/A	N/A	N/A	N/A
Borders Railway Stakeholder Group	Council Leader		N/A	N/A	N/A	N/A	N/A
Carer's Scotland			N/A	N/A	N/A	N/A	N/A
Community Safety and Justice Partnership Board	As per the 1989 Local Government and Housing Act (section 15), it is recommended that there should be two Members from each political party for this Board						
Corporate Parenting Board	This Board did not meet under the previous Council. 2 Elected Members together with the Chief Executive, Director Education, Communities and Economy; Head of Children's Services and Head of Housing and Customer			N/A	N/A	N/A	N/A
COSLA - Community Justice Sub Group	COSLA have specifically requested political and gender balance in relation to individual Council representation			N/A	N/A	N/A	N/A
COSLA - Community Wellbeing Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
COSLA - Leader's Group		Council Leader	N/A	N/A	N/A	N/A	N/A
COSLA - Convention	COSLA have specifically requested political and gender balance in relation to individual Council representation				N/A	N/A	N/A
COSLA - Development, Economy and Sustainability Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
COSLA - Education, Children and Young People Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
COSLA - Health and Wellbeing Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
COSLA - Resources and Capacity Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
COSLA - Sport, Art and Culture Working Group	COSLA have specifically requested political and gender balance in relation to individual Council representation			N/A	N/A	N/A	N/A
COSLA - Strategic HR Management Executive Group	COSLA have specifically requested political and gender balance in relation to individual Council representation		N/A	N/A	N/A	N/A	N/A
Dalkeith and District Citizen's Advice Bureau					N/A	N/A	N/A
Dalkeith Arts, Music and Events (DAME)					N/A	N/A	N/A
Dalkeith Business Renewal - 3 Members from Ward 3					N/A	N/A	N/A

NAME OF ORGANISATION	Notes	MEMBER 1	MEMBER 2	MEMBER 3	MEMBER 4	MEMBER 5	MEMBER 6
Dean Tavern Trust, Newtongrange			N/A	N/A	N/A	N/A	N/A
East of Scotland European Consortium			N/A	N/A	N/A	N/A	N/A
Easter Bush Development Board			Head of Communities and Economy	N/A	N/A	N/A	N/A
Edinburgh Airport Consultative Committee			N/A	N/A	N/A	N/A	N/A
Edinburgh and Lothian Area Tourism Partnership			N/A	N/A	N/A	N/A	N/A
Edinburgh and Lothian Racial Equality Council (Observer)			N/A	N/A	N/A	N/A	N/A
Edinburgh and Lothians Greenspace Trust				N/A	N/A	N/A	N/A
Edinburgh, Leith and District Battalion of the Boys' Brigade			N/A	N/A	N/A	N/A	N/A
Elected Member Joint Liaison Group - Shared Services with East Lothian Council	Leader and Depute Leader together with Chief Executive and Executive	Leader -	Depute Leader -	N/A	N/A	N/A	N/A
Family Reachout Project - Mayfield Management Committee (run by Midlothian)			N/A	N/A	N/A	N/A	N/A
Gladhouse Reservoir Advisory Committee			N/A	N/A	N/A	N/A	N/A
Gorebridge Conservation Area Regeneration Scheme (CARS)					N/A	N/A	N/A
Handicabs (Lothian)			N/A	N/A	N/A	N/A	N/A
Heriot-Watt University General Convocation				N/A	N/A	N/A	N/A
Lothian Buses plc (Authorised Council representative for General Meetings)		Head of Commercial Operat	N/A	N/A	N/A	N/A	N/A
Lothian Electoral Joint Committee				N/A	N/A	N/A	N/A
Lothian Mineworkers Convalescent Home				N/A	N/A	N/A	N/A
Lothian NHS Board			N/A	N/A	N/A	N/A	N/A
Lothian Valuation Joint Board				N/A	N/A	N/A	N/A
Lowland Reserve Forces and Cadets Association			N/A	N/A	N/A	N/A	N/A
Mavisbank Trust				N/A	N/A	N/A	N/A
Midlothian and East Lothian Chamber of Commerce			N/A	N/A	N/A	N/A	N/A
Midlothian Association of Play			N/A	N/A	N/A	N/A	N/A
Midlothian Access Forum Core Group				N/A	N/A	N/A	N/A
Midlothian Chamber of Commerce - Director			N/A	N/A	N/A	N/A	N/A
Midlothian Forum for Parents with Children who have Special Needs			N/A	N/A	N/A	N/A	N/A
Midlothian Indoor Bowling Club (Members from Ward 3)					N/A	N/A	N/A
Midlothian Twinning Association							
Midlothian Voluntary Action (Honorary President + one other)				N/A	N/A	N/A	N/A
Nuclear Free Local Authorities (Scotland) and Nuclear Free Local Authorities (NFLA)			N/A	N/A	N/A	N/A	N/A
Newbattle Abbey College			N/A	N/A	N/A	N/A	N/A
Penicuik and District YMCA/YWCA			N/A	N/A	N/A	N/A	N/A
Penicuik Citizens Advice Bureau			Plus a Trading Standards Officer	N/A	N/A	N/A	N/A
Pentland Hills Regional Park Advisory Group			N/A	N/A	N/A	N/A	N/A
Pentland Hills Regional Park Joint Committee (3 Members from Ward 4)					N/A	N/A	N/A
Project Penicuik			N/A	N/A	N/A	N/A	N/A

NAME OF ORGANISATION	Notes	MEMBER 1	MEMBER 2	MEMBER 3	MEMBER 4	MEMBER 5	MEMBER 6
Scotland Excel Joint Committee		Member -	Substitute -	N/A	N/A	N/A	N/A
Scottish Accident Prevention Council			N/A	N/A	N/A	N/A	N/A
Scottish Enterprise (East) Regional Advisory Board (appointment is rotational with 3 other			N/A	N/A	N/A	N/A	N/A
South East Scotland Area Support Team (Childrens Hearings Scotland)			N/A	N/A	N/A	N/A	N/A
South East of Scotland Transport Board (SEStran)	SEStran have requested that Council nominations reflect an equality in gender			N/A	N/A	N/A	N/A
South East Scotland Strategic Development Planning Authority (SESplan)				N/A	N/A	N/A	N/A
Strategic Development Planning Authority for Edinburgh & South-East Scotland Joint				N/A	N/A	N/A	N/A
Scottish Provosts' Association		Provost -	N/A	N/A	N/A	N/A	N/A
Scout Association (South East Scotland area)			N/A	N/A	N/A	N/A	N/A
Torness Local Liaison Committee			N/A	N/A	N/A	N/A	N/A
Tyne-Esk LEADER - Local Action Group			N/A	N/A	N/A	N/A	N/A
Veterans Champion			N/A	N/A	N/A	N/A	N/A
Zero Waste Edinburgh and Midlothian Strategic Forum			N/A	N/A	N/A	N/A	N/A

Election of Members of the Midlothian Licensing Board**Report by John Blair, Director, Resources****1 Purpose of Report**

In accordance with Standing Order 4.1(xi), consideration requires to be given at this meeting to the election of the Midlothian Licensing Board.

2 Background

- 2.1** In terms of the Licensing (Scotland) Act 2005 a Licensing Board, for the administration of licensing with respect to alcohol liquor, requires to be appointed for the Midlothian Council area. In addition to the function of administering liquor licensing, Licensing Boards also have functions in relation to the granting of permits and licences under the Gambling Act 2005.
- 2.2** The Board must consist of not less than five and not more than ten Members of the Council. The number of Board members, within these parameters, is a matter for the Council to decide upon.
- 2.3** The Convener will be appointed by the Board at its first meeting following the elections. This will be held in the Council Chambers at 10.00am on Wednesday 21 June 2017

3 Disqualification of Interested Persons

- 3.1** In terms of paragraph 3 of Schedule 1 to the Licensing (Scotland) Act 2005, a Councillor is disqualified from being a member of the Licensing Board if the Councillor is:
- A premises licence holder in terms of the Licensing (Scotland) Act 2005;
 - An employee of a premises licence holder and working in licensed premises;
 - Engaged, either alone or in partnership, in the business of producing or selling alcohol;
 - A director or other officer of a company engaged in the business of producing or selling alcohol; or
 - An employee of any person engaged in the business of producing or selling alcohol and working in that business.

4 Training

- 4.1** In terms of paragraph 11 of Schedule 1 to the Licensing (Scotland) Act 2005, Board members will require to undertake prescribed training within 3 months of their election to the Licensing Board. Board members will not be allowed to sit on the Board or to take part in any business until they have completed the training.
- 4.2** Alcohol Focus Scotland will be running a prescribed training session on 15 June 2017 from 9.00am to 5pm in the Council Chambers and all Councillors elected to the Board are invited to attend this session.

5 Report Implications

5.1 Resource

There are no resource implications arising directly from this report

5.2 Risk

Both Standing Orders and the Licensing (Scotland) Act 2005 require the Council to elect the Licensing Board members at the first meeting of the Council. Failure to do so would accordingly contravene Standing Orders and be in breach of the Licensing (Scotland) Act 2005.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

5.4 Key Priorities within the Single Midlothian Plan

Formation of the Licensing Board is a statutory responsibility which does not impact directly on the Single Midlothian Plan.

5.5 Impact on Performance and Outcomes

Formation of the Licensing Board is a statutory responsibility which does not impact directly on Performance and Outcomes.

5.6 Adopting a Preventative Approach

Formation of the Licensing Board is a statutory responsibility which does not impact directly on the Preventative Approach..

5.7 Involving Communities and Other Stakeholders

The Licensing Board will operate with the Licensing Forum which will involve Communities and Other Stakeholders.

5.8 Ensuring Equalities

There are no policy, service or budget changes affecting staff which would require an EqIA.

5.9 Supporting Sustainable Development

There are no Sustainability implications or other factors which would require a Strategic Environmental Assessment contained within this report.

5.10 IT Issues

There are no IT issues implications in this Report. Insert text here

6 Recommendations

The Council are invited to

- (a) determine the size of the Licensing Board; and
- (b) elect the members of the Licensing Board.

12 May 2017

Report Contact:

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Background Papers: None

Midlothian Integration Joint Board – Appointment of Voting Members and Vice-Chair**Report by Eibhlin McHugh, Chief Officer, Midlothian Integration Joint Board****1 Purpose of Report**

- 1.1** This report invites Council to nominate four Midlothian Councillors to serve as voting members on the Midlothian Integration Joint Board and to further nominate one of the four members to become the Vice-Chair.
- 1.2** The report also invites the Council to consider nominating a proxy or proxies to attend meetings of the Integration Joint Board or its Committees should any of the substantive nominees be unable to attend.

2 Background

- 2.1** Under the Public Bodies (Joint Working) (Scotland) Act 2014, and associated Regulations, Local Authorities and Health Boards were required to jointly submit Integration Schemes for Ministerial approval by 1 April 2015. Following preparation of, and consultation on, a proposed Midlothian Integration Scheme, on 24 March 2015, Midlothian Council authorised the submission of the Integration Scheme to the Scottish Government for approval. The NHS Lothian Board had agreed similarly at its meeting on 4 March 2015.
- 2.2** The Midlothian Integration Scheme was subsequently submitted to and approved by Scottish Ministers and The Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2015 laid before the Scottish Parliament on 29th May 2015, coming into force on 27th June 2015.
- 2.3** The inaugural meeting of the Midlothian Integration Joint Board was then held on 20th August 2015.

3 Membership of the Midlothian Integration Joint Board - Voting Members, Chair and Vice-Chair

- 3.1** The “Local Governance Arrangements” for the Midlothian Integration Joint Board are set out in the Midlothian Integration Scheme, an extract of which is shown at **Appendix 1** hereto. Under the Scheme Midlothian Council requires to nominate four Councillors, who will be voting members of the Integration Joint Board. There will also be four non-executive directors nominated by NHS Lothian who will likewise be voting members.

- 3.2** The Integration Joint Board will also comprise a number of non-voting Professional Advisors and Stakeholder members. The Chair and a Vice-Chair will however be appointed from amongst the voting members nominated by the Council and NHS Lothian.
- 3.3** The initial Chair was appointed by Midlothian Council and the initial Vice-Chair by NHS Lothian. They each served for two years from the date on which the Integration Joint Board was established until the second anniversary of that date. At the end of that period the Chair will fall to be appointed by NHS Lothian and the Vice-Chair by Midlothian Council. The appointments will continue to alternate on a two yearly basis thereafter between the parties.
- 3.4** The Council and NHS Lothian can change its appointee as Chair (or, as the case may be, Vice-Chair) at any time and it is entirely at the discretion of each of the appointing parties to decide who it shall appoint.
- 3.5** The second anniversary of the establishment of the Midlothian Integration Joint Board falls on 20th August 2017 and the Council is therefore invited to nominate a member to act initially as Chair until the second anniversary and thereafter as Vice-Chair until the fourth anniversary in 2019.

4 Term of Office of Integration Joint Board Members

- 4.1** Except as stated below, the term of office of a member of the Integration Joint Board is to be determined by the constituent authorities, but this is not to exceed three years. At the end of this period the member may be re-appointed for a further term of office.
- 4.2** The above is subject to Articles 9 (resignation of members) and 10 (removal of members) of The Public Bodies (Joint Working) (Integration Joint Boards)(Scotland) Order 2014.

5 Disqualifying Criteria

- 5.1** The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 also specifies that persons will be disqualified from being a member of an Integration Joint Board if they:-
- (a) have within the period of five years immediately preceding the proposed date of appointment been convicted of any criminal offence in respect of which they have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine);
 - (b) have been removed or dismissed for disciplinary reasons from any paid employment or office with a Health Board or local authority;
 - (c) are insolvent;

- (d) have been removed from a register maintained by a regulatory body, other than where the removal was voluntary; or
- (e) have been subject to a sanction under section 19(1)(b) to (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

5.2 A questionnaire has been prepared (**Appendix 2**) for completion by every proposed member of the Integration Joint Board (voting and non-voting) ideally before the appointment is made. The questionnaire will also have to be completed by any proxies (see below).

6 Proxies

6.1 If a nominated Councillor is unable to attend a meeting of the Integration Joint Board then the Council is to use its best endeavours to arrange for a suitably experienced proxy Councillor to attend the meeting in place of the voting member. Such proxies may vote on decisions put to that meeting.

6.2 In light of this the Council may wish to consider nominating four named Councillor proxies, i.e. one for each of the four substantive Councillor nominees, with the period of appointment of the proxies mirroring that of the substantive Councillor nominees;

7 Midlothian Integration Joint Board Meeting Schedule and Development Workshops

7.1 The schedule of Board meeting dates for 2017-18 is attached as **Appendix 3**. Members are asked to note in particular the introductory Development Workshop scheduled for Thursday 25 May 2017 at 2 pm.

8 Report Implications

8.1 Resource

There are no resource implications arising from this report.

8.2 Risk

Failure to nominate four Councillors and the Vice-Chair to the Midlothian Integration Joint Board would mean that the Council was not meeting its statutory obligations and this in turn would restrict the Board in fulfilling its statutory duties.

8.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

8.4 Key Priorities within the Single Midlothian Plan

One of the key objectives of the Integration Joint Board is to have a positive impact on healthy inequalities. This will entail collaborating closely with Community Planning Partners, particularly in targeted work in areas of deprivation.

8.5 Impact on Performance and Outcomes

The Integration Joint Board will have a duty to publish an annual performance report which measures progress against a suite of nationally agreed outcome indicators. Of critical importance will be those indicators which measure the shift in balance of care reducing delayed discharge and repeat emergency admissions.

8.6 Adopting a Preventative Approach

In keeping with the Christie Report on the future of public services the move towards integration of health and social care is driven by the recognition that the current model of service delivery will become unsustainable. Preventing ill health and enabling people to recover as far as possible from ill health, whether physical or mental, is a central theme of the strategic direction of the Integration Joint Board.

8.7 Involving Communities and Other Stakeholders

The regulations accompanying the Public Bodies (Joint Working) (Scotland) Act 2014 are quite unequivocal about the importance of working with localities and involving in a meaningful way all key stakeholders. This includes staff, users, family carers, voluntary sector, housing and independent providers of health and social care. Locally a Strategic Planning Group has been established in line with these regulations. Alongside this the Integration Joint Board has taken a particularly strong interest in developing effective mechanisms for communicating with users, carers and the general public.

8.8 Ensuring Equalities

An equalities impact assessment has not been considered necessary for this report.

8.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

8.10 IT Issues

There are no IT issues arising from this report.

9 Recommendations

The Council is invited:-

- (a) to nominate four Councillors to serve as voting members on the Midlothian Integration Joint Board, each for a term of up to three years;

- (b) to consider nominating four named Councillor proxies, i.e. one for each of the four substantive Councillor nominees, with the period of appointment of the proxies mirroring that of the substantive Councillor nominees;
- (c) to appoint a nominee to act initially as Chair - until the second anniversary of the establishment of the Integration Joint Board in August 2017 and thereafter as Vice-Chair until the fourth anniversary in August 2019;
- (d) to note that the Councillors nominated at (a) and any proxies at (b) above will be subject to vetting in terms of the questionnaire at Appendix 2;
- (e) to note the schedule of Board meeting dates for 2017-18 and in particular the introductory Development Workshop scheduled for Thursday 25 May 2017 at 2 pm; and
- (f) to otherwise note this report.

11 May 2017

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Extract from Midlothian Integration Scheme

3. Local Governance Arrangements

3.1 Membership

3.1.1 The IJB shall have the following voting members:

- a) 4 councillors nominated by the Council; and
- b) 4 non-executive directors nominated by NHS Lothian, in compliance with articles 3(4) and 3(5) of the Integration Joint Boards Order.

3.1.2 The Parties may determine their own respective processes for deciding who to nominate as voting members of the IJB.

3.1.3 Non-voting members of the IJB will be appointed in accordance with article 3 of the Integration Joint Boards Order.

3.1.4 The term of office of members shall be as prescribed by regulation 7 of the Integration Joint Boards Order.

3.2 Chairperson and Vice Chairperson

3.2.1 The IJB shall have a chairperson and vice-chairperson who will both be voting members of the IJB.

3.2.2 The term of office of the chairperson will be two years, with the Council appointing the first chairperson for the period from the date on which the IJB is established until the second anniversary of that date, and NHS Lothian appointing the second chairperson for the period from the second anniversary of the date on which the IJB is established until the fourth anniversary of that date.

3.2.3 As from the fourth anniversary of the date on which the IJB is established, the power to appoint the chairperson will continue to alternate between each of the Parties on a two-year cycle.

3.2.4 The term of office of the vice chairperson will be two years, with NHS Lothian appointing the first vice chairperson for the period from the date on which the IJB is established until the second anniversary of that date. The provisions set out above under which the power of appointment of the chairperson will alternate between the Parties on a two-year cycle will apply in relation to the power to appoint the vice chairperson, and on the basis that during any period when the power to appoint the chairperson is vested in one Party, the other Party shall have power to appoint the vice-chairperson.

- 3.2.5 The Parties may determine their own processes for deciding who to appoint as chairperson or vice-chairperson.
- 3.2.6 Each Party may change its appointment as chairperson (or, as the case may be, vice chairperson) at any time; and it is entirely at the discretion of the Party which is making the appointment to decide who it shall appoint.

Appendix 2

Questionnaire on Disqualification Criteria for IJB Members

Introduction

The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 sets out the rules for setting up integration joint boards. Within that there are some disqualifying criteria which prevent an individual from becoming a member of an integration joint board. This questionnaire should be completed by every proposed member of an integration joint board (voting and non-voting) before the appointment is made. If your answer to any of these questions is YES, then you are disqualified from being a member of the integration joint board.

Checklist

Proposed Date of Appointment of the Member to the Integration Joint Board	
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No	Question	YES	NO
1	Have you in the 5 years (preceding the proposed date of appointment*): <ul style="list-style-type: none"> • been convicted of any criminal offence that led to a prison sentence (whether suspended or not) of at least 3 months without the option of paying a fine. 		
2	Have you been removed or dismissed for disciplinary reasons from any paid employment or office with a Health Board or local authority?		
3	Are you insolvent*?		
4	Have you been removed from a register maintained by a regulatory body, other than where the removal was voluntary? Note: A voluntary removal includes removal by reason of retirement, or otherwise ceasing to practice as a regulated professional.		
5	Have you been subject to a sanction under section 19(1)(b) to (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000?		

Name of Proposed Member (PRINT)	
SIGNATURE	
DATE	

Please forward the completed form to _____

* The Order provides further detail as to how to interpret this criterion.

Midlothian Integration Joint Board Meeting Schedule and Development Workshops Dates 2017-18

MIJB Meetings

- Thursday 15th June 2017, 2pm
- Thursday 24th August 2017, 2 pm
- Thursday 5th October 2017, 2pm
- Thursday 7th December 2017, 2pm
- Thursday 11th January 2018, 2pm
- Thursday 1st March 2018, 2pm
- Thursday 3rd May 2018, 2pm

Development Workshops

- Thursday 25th May 2017, 2pm
- Thursday 14th September 2017, 2pm
- Thursday 16th November 2017, 2pm
- Thursday 8th February 2018, 2pm
- Thursday 5th April 2018, 2pm
- Thursday 7th June 2018, 2pm

Service Visits

Further service visits will be scheduled as required or at the request of members of the Midlothian Integration Joint Board.

MIJB Audit and Risk Committee Meetings

- Thursday 7th September 2017, 2pm
- Thursday 14th December 2017, 2pm
- Thursday 22nd March 2018, 2pm

Midlothian Local Licensing Forum

Report by John Blair, Director, Resources

1 Purpose of Report

Following the recent Council elections on Thursday, 4 May 2017, the Council is requested to consider the re-appointment of existing members to serve on the Midlothian Local Licensing Forum.

2 Background

The Licensing (Scotland) Act 2005 requires every Council to establish a Local Licensing Forum for their area.

The Forums are independent from the Licensing Board and the members of the Forum have to be elected by the Council. The Council is required to provide administrative support to the Forum.

Forum membership should consist of between 5 and 20 persons as determined by the Council from the following categories

- Holders of premises licences and personal licences
- A Licensing Standards Officer
- The Chief Constable for the Forum's area
- Persons having functions relating to health, education or social work
- Young people
- Persons resident within the Forum's area

3 Forum Membership

The Council at its meeting on 21 June 2007 agreed the initial appointment of four members to serve on the Midlothian Local Licensing Forum. This was then supplemented by further appointments approved at the Council meetings on 27 November 2007, 23 December 2008 and 22 May 2012 which together with the appointment of the Council's Licensing Standards Officer brought the Forum's membership up to eleven, where it has remained up until the recent Council elections.

4 Current Developments

Following the recent Council elections the existing members of the Midlothian Local Licensing Forum (**Appendix 1**) require to be re-appointed.

5 Report Implications

5.1 Resource Implications

The Council is required to provide administrative support to the Forum, which it already does from existing resources.

5.2 Risk Implications

Failure to establish a Local Licensing Forum (LLF) for the area would mean that the Council fail to comply with the provisions of the Licensing (Scotland) Act 2005, that each local authority must establish a Local Licensing Forum (LLF) for their area.

5.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

6 Recommendations

The Council is recommended to:-

Approve the re-appointment of the existing members to serve on the Midlothian Local Licensing Forum (**Appendix 1**).

10 May 2017

Report Contact: Verona MacDonald **Tel No:** 0131 271 3161
Email: verona.macdonald@midlothian.gov.uk

Membership of the Midlothian Local Licensing Forum

Representatives of Holders of Premises Licences/Personal Licences

Gemma Laing
Michael Sunet Singh
Adam Bolton
James McKay
Patrick Kenny

Representative of functions relating to Health, Education or Social Work

John Thayers	Midlothian & East Lothian Drug & Alcohol Partnership (MELDAP)
Dr Jim Sherval	NHS Lothian
Dr Elizabeth Oldcorn	NHS Lothian

Representative of Residents within the Forum's Area

Bill Kerr Smith
Derek Couper
Alasdair Gow

Representative of the Chief Constable

Chief Inspector Kenneth Simpson
Inspector John Dryden

Licensing Standards Officer

William Stobie

Scheme of Councillors' Remuneration

Report by John Blair, Director, Resources

1 Purpose of Report

To advise members of the Scheme of Councillors' remuneration and specifically determine the remuneration arrangements for Senior Councillors.

2 Background

The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 apply to all Councillors. The regulations place responsibility for determining Councillors' remuneration with Scottish Ministers.

Scottish Ministers have determined that from 2017/18 Councillors' pay will be increased in line with the percentage increase in the median annual earnings of public sector workers in Scotland. This information is published by the Office of National Statistics in the *Annual Survey of Hours and Earnings*. Accordingly an amendment to the regulations was made in March 2017 which has the effect of increasing the remuneration from 4 May 2017 by 0.2% from that previously applicable. Future year's increases will be implemented from 1st April.

Any Councillor may renounce the receipt of any remuneration payable in terms of the Regulations, in whole or in part, in which case the remuneration is not payable by the Council.

For those Councillors who elect to become members of the pension scheme the Council will pay contributions as required of an employing authority under the Local Government Pension Scheme (Scotland) Regulations 1998 (d).

3 Remuneration

In terms of the regulations, Midlothian is a Band A Council. There are four grades of Councillor in each local authority for the purpose of payment of remuneration:

- a) the Leader of the Council;
- b) the Civic Head;
- c) Senior Councillors; and
- d) Councillors.

The Leader of the Council and the Civic Head cannot be the same person, for the purposes of payment of remuneration.

The payment stipulated for each grade is as follows

- a) For the Leader of the Council it is £28,213.
- b) For the Civic Head it is £21,160.
- c) For Councillors it is £16,927.

In respect of Senior Councillors the maximum number stipulated for Midlothian is eight. The maximum yearly amount that may be paid to a Senior Councillor is 75% of the total yearly amount payable to the Leader of the Council i.e. £21,159.75 with the minimum payment greater than the amount payable to a Councillor.

The total yearly amount the Council can pay to all its Senior Members is £152,347 which equates to eight times £19,043.38 (the mid-point between £16,927 and £21,159.75).

The Council therefore has the option of paying all Senior Councillors the same amount (£19,043.38) or paying some at the maximum (£21,159.75) and some at a lower level (but higher than £16,927) as long as the combined payments are constrained to £152,347.

It should be noted that The Council cannot pay its Leader or Civic Head any remuneration as a Senior Councillor or a Councillor nor pay a Senior Councillor remuneration as a Councillor.

In terms of the Regulations, the remuneration can be paid either calendar monthly or every four weeks. It is recommended it continue to be paid monthly in arrears on the 28th of each month. Therefore, the first payment on 28th May 2017 will be for a part month.

4 Report Implications

4.1 Resource

There are no resource implications. The revenue budget includes provision for Councillors remuneration in accordance with the regulations.

4.2 Risk

There are no risks associated with the report as the remuneration arrangements as set by regulations.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

4.4 Key Priorities within the Single Midlothian Plan

n/a

4.5 Impact on Performance and Outcomes

There is no impact on Performance and Outcomes

4.6 Adopting a Preventative Approach

n/a

4.7 Involving Communities and Other Stakeholders

The Regulations were produced following an extensive consultation exercise. Therefore, no local consultation is deemed necessary.

4.8 Ensuring Equalities

The report is not proposing any new services, strategies or plans so no equalities impact assessment has been carried out.

4.9 Supporting Sustainable Development

n/a

4.10 IT Issues

There are no IT issues.

5 Report Summary

The remuneration payable to the Leader of the Council, the Civic Head and Councillors is stipulated in the Regulations. The Council has some discretion over the level of payments to Senior Councillors as described in section two of this report.

6 Recommendation

- a) To note that the Leader of the Council be paid annual remuneration of £28,213 and that the Civic Head is paid annual remuneration of £21,160;
- b) To determine payments to Senior Councillors subject to a minimum of an amount exceeding £16,927 and a maximum of £21,159.75 all within a "pooled sum" of £152,347;
- c) To note the remaining Councillors will be paid annual remuneration of £16,927; and
- d) To agree that remuneration continues to be paid monthly in arrears on the 28th of each month.

Date: 01 May 2017

Report Contact:

Gary Fairley Tel No: 0131 271 3110
gary.fairley@midlothian.gov.uk

Background Papers:

Midlothian Integration Joint Board - Delegation of Resources 2016/17**Report by Eibhlin McHugh, Joint Director, Health and Social Care****1 Purpose of Report**

The purpose of this report is to confirm approval for the anticipated final level of resources to be provided by the Council to the Midlothian Integration Joint Board (MIJB) for financial year 2016/17.

Specifically it seeks to:-

- a) Formalise the adjustment to the resources provided to the MIJB in 2016/17 as part of the operation of the Council's Scheme of Devolved Budget Management;
- b) Confirm the allocation of additional resources to the MIJB in the year to fund the pressures faced by Health and Social Care as reported to Council during the year.

2 Background

In accordance with the Integration Scheme the Council delegated responsibility for Adult Social Care to the MIJB from 1 April 2016 and accordingly allocated £37.086 million to it for 2016/17.

During 2016/17 financial year Council had received a series of reports to update members on the financial assurance work carried out in relation to the delegation of resources to the MIJB and the funding pressures for Adult Social Care have been set out in the Financial Overview reports to Council.

3 Near Final Council Position

The cost of commissioning services delegated from the Council to the MIJB in the year is expected to be £38.237 million. Given that the MIJB has no reserves it has no means to fund this additional expenditure.

Such circumstances were recognised in the Integration Scheme and accordingly the Council (and equally NHS Lothian in respect of delegated Health functions) is committed through a risk sharing protocol to provide the additional funding to the MIJB to mitigate the additional spend.

This will require that the Council provide the MIJB with an estimated additional resource of £1.151 million in 2016/17. Of this £0.409 million is as a consequence of year end flexibility arrangements with £0.742 million relating to the in-year overspend on the commissioning of delegated Adult Social Care functions.

Also as part of the year end flexibility arrangements the Council will retain £1.180 million in earmarked reserves at 31 March 2017 which will be released to the MIJB in 2017/18 for the provision of delegated services.

As a consequence the near final anticipated cost to the Council in 2017/18 for delegated services is projected to be £ 0.742 million greater than provided for in the budget.

This represents reduction of £0.666 million from the projected overspend reported on 7 February 2017, principally as a consequence of lower than anticipated resource panel spend and a reduction in non-demand led spend. Fuller details of expenditure incurred in 2016/17 will be set out in the Final Outturn report which will be presented to Council on 27 June 2017.

4 Report Implications

4.1 Resource

The financial pressures on delegated functions have been reported to Council and reflected in the Council's projected reserves position. The final outturn position is an improvement of £0.666 million from that previously reported to Council.

This report seeks approval to formally delegate the additional resources to the MIJB.

4.2 Risk

The Council and NHS Lothian continue to manage risk according to their own established policies and arrangements have been developed to manage these risks through the MIJB arrangements.

In the absence of the delegation of the additional resources set out in this paper the MIJB would carry a deficit into 2017/18, for which there is no provision in the Integration Scheme.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☒ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value

☐ None of the above

4.4 Key Priorities within the Single Midlothian Plan

The creation of new arrangements for Health and Social Care is consistent with one of the key findings of the Christie Commission that “public services work effectively together to achieve outcomes”.

4.5 Impact on Performance and Outcomes

n/a

4.6 Adopting a Preventative Approach

The Risk Management approach being taken by the Council is founded on a preventative approach to managing risks where appropriate and more generally greater risk awareness.

4.7 Involving Communities and Other Stakeholders

Consultation has taken place with the Chief Officer and Chief Financial Officer of the MIJB.

4.8 Ensuring Equalities

There are no equalities issues arising from this report.

4.9 Supporting Sustainable Development

There are no environmental sustainability issues arising from this report.

4.10 IT Issues

There are no IT issues arising from this report.

5 Summary

Delegation of financial resources to the MIJB took effect from 1 April 2016. This report seeks approval to formalise the position for 2016/17 by approving the delegation of an estimated additional £1.151 million as set out in section three. This results in a total delegation of resources for 2016/17 of £38.237 million.

6 Recommendations

Council is recommended:

- a) To approve the delegation of additional resources, estimated at £1.151 million, to the MIJB for 2016/17 for the provision of delegated functions;
- b) To note that the final outturn position is an improvement of £0.666 million from that previously reported to Council on 7 February 2017.

Date 15 May 2017

Report Contact:

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Background Papers:

**MIDLOTHIAN COUNCIL
RESOURCES DIRECTORATE**

MEETING OF MIDLOTHIAN COUNCIL: TUESDAY 23 MAY 2017

CONSIDERATION OF MOTION

The Director Resources received the attached motion on Friday 12 May 2017 to be submitted for consideration as urgent business. Council should note that this matter was last considered at the meeting of Midlothian Council held on 20 December 2016, therefore Standing Order 7.14 would require to be suspended if the Council wish to discuss this item of business.


.....
Director, Resources

16 May 2017

Midlothian Council

Labour Group



Item 3.16

Midlothian Council
23 May 2017

Notice of Motion

Midlothian Council recognises that the removal of funding for the Police Community Teams by the previous Council Administration was extremely unpopular with Midlothian residents who saw the value of the additional expenditure on this Police resource.

The last few months, over which the Community Action Teams were being phased out, has coincided with a significant rise in highly visible anti-social behaviour and damage to property across a number of our towns, placing massive pressure on existing police resources.

Council therefore agrees the principle of the reinstatement of the funding of the 2 Community Action teams and instructs officers to negotiate with Police Scotland to determine the following:

- The timescales required for this to be achieved.
- The cost of implementation in the current financial year.
- The annual cost of implementation in future years.
- The basis of a service level agreement between the Council and Police Scotland, which ensures, and is able to evidence, that the funding used will provide police officers in addition to that which is available through centrally funded resources.

Council expects the results of the negotiations to be presented to the next full meeting of Midlothian Council, or as soon as possible thereafter, with a view to then obtaining a final decision on the reinstatement at that point.

Moved:



Councillor Jim Muirhead

Seconded:



Councillor Adam Montgomery

