MINUTES of MEETING of the MIDLOTHIAN COUNCIL held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith, on Tuesday, 19 March 2013 at 2.00 pm.

Present:- Provost Wallace, Depute Provost Rosie and Councillors Baxter, Beattie, Bennett, Bryant, Constable, Coventry, de Vink, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Russell and Thompson.

Apologies for Absence:- Councillors Boyes and Imrie and Mr V Bourne.

1. Audio Recording

The Provost reminded Elected Members and Officials at the meeting that the proceedings were being audio recorded.

2. Order of Business

The Clerk advised the meeting:-

(a) That a To Follow Paper had been issued:-

- Item 19 – Report by Directors, Corporate Resources and Communities and Wellbeing on Support for the Gorebridge Community Development Trust Hub Project.

(b) That the Director, Corporate Resources had withdrawn from the Agenda:-


(c) That the Provost had agreed to take the following as additional Agenda Items of urgent business in view of the Council’s interest in the matter:-

- Item 12 – Report by Head of Finance and Human Resources on the Bonnyrigg District Heating Scheme – Review of Charges 2013/14; and

- Item 16A – Report by Chief Executive on Midlothian Health and Social Care Partnership Update.

3. Declarations of Interest

No declarations of Interest were intimated.
4. **Minutes of Council**

Councillor Milligan referred to Item 8 of the Minutes of Midlothian Council of 5 February 2013 and expressed his concern that in the debate arising from the Mi Future Programme (page 1-264 paragraph 8) the Labour Group’s view, that it was possible that a considerable number of members of staff could refuse offers of jobs that were reasonable to them and therefore would remain in job transition for long periods of time, had not been recorded.

Thereupon on a motion by Councillor Thompson, seconded by Councillor Beattie, the Minutes of the undernoted Meetings of Midlothian Council were approved.

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<td>Councillor Thompson</td>
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<td>Councillor Beattie</td>
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<td>26 February 20</td>
<td>Councillor Thompson</td>
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<td>Councillor Beattie</td>
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5. **Cabinet and Other Meetings**

The undernoted Minutes of Meetings of Cabinet and Committees were submitted. The Council noted the Minutes and approved the recommendations contained therein:

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<tr>
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6. Notices of Motion

(a) Independent Review of Police Involvement in Cases of Miners and Others Convicted in Scotland During the Miners Strike 1984/85

There was submitted a Notice of Motion by Councillor Bennett, countersigned by Councillor Russell, as follows:-

“Midlothian Council notes with concern the revelations regarding the actions of South Yorkshire Police and the alleged duplication of statements, fabrications of police reports, instances of perjury, assault, perverting the course of justice and misconduct in public office in relation to police conduct at Orgreave. Council further notes that South Yorkshire Police Force has referred themselves to the Independent Police Complaints Commission for an investigation into these complaints.

This Council is keen to ensure that no similar malpractice occurred in Scotland. We therefore call upon the Justice Secretary, Kenny McCaskill, to initiate an independent review of police involvement in all cases of miners and others convicted in Scotland, and agreed to write to the Scottish Government supporting the call for such a review”.

In moving the motion, Councillor Bennett spoke in amplification of it and in particular referred to the events in 1984 that had occurred at Bilston Glen Colliery in June when the local police had been replaced by police from other areas of the United Kingdom.

Councillor Russell seconded the motion.

Councillor Thompson referred to the debate on the subject which had been held in the Scottish Parliament the previous week when it had been agreed that the Scottish Ministers would not intervene in the matter as there was due process available in Scotland where complaints on such matters could still be raised with the Crown Office Procurator Fiscal Service and the Scottish Criminal Case Review Commission. Accordingly the need for an Independent Inquiry was not necessary and he therefore moved the amendment that no action be taken on the motion.

Thereupon Councillor Constable seconded the amendment.

On a vote being taken seven members voted for the motion and nine members for the amendment, which accordingly became the decision of the meeting.

(b) “Blacklist”

There was submitted a Notice of Motion by Councillor Pottinger, countersigned by Councillor Bennett, as follows:-
“Midlothian Council is deeply concerned by recent revelations that some major construction companies have been involved in denying employment to workers who have been engaged in trade union activity, such as the reporting of breaches of health and safety standards, through the unacceptable practice of operating a ‘blacklist’ of those workers collated by private consultancies such as the Consulting Association.

While we are pleased to note that the UK Information Commissioner has investigated and taken action against the Consulting Association for this practice, Council further agrees to:

- Support the campaign by trade unions against the operation of blacklists against trade unionists;

- Where permitted by legislation, exclude companies involved in blacklisting of trade unionists from future approved suppliers lists;

- Where permitted by legislation, ensure that companies included in further approved suppliers lists demonstrate that they have processes in place to encourage the reporting by workers, including those who are trade union members, of workplace concerns particularly in respect of health, safety and welfare; and

- Write to the Scottish Government urging the inclusion of clauses in future Scottish Bills covering public procurement to prevent companies involved in the blacklisting of trade unionists from securing future public sector contracts.”

Councillor Pottinger moved the motion accordingly, with Councillor Bennett seconding.

Following debate, the Council approved the motion unanimously.

(Action: Legal and Secretariat Manager and Head of Housing and Community Safety)

(c) Welfare Reform and the Bedroom Tax

There was submitted a Notice of Motion by Councillor Thompson, countersigned by Councillor Beattie, as follows: -

“Midlothian Council condemns the decision of the UK Government to introduce the ‘Bedroom Tax’ from 1st April this year; Recognises that at a recent vote on this in Westminster that more than 90% of Scottish MP’s voted against this tax; notes with concern that this measure will have a detrimental impact on a number of Midlothian residents and agrees to write to Prime Minister Cameron calling for the introduction of the ‘Bedroom Tax’ to be scrapped immediately.”
Councillor Thompson spoke in support of the motion and moved it accordingly. He considered that the Council needed to do everything it possibly could to mitigate the effect of the ‘Bedroom Tax’ on Midlothian Council residents and accordingly he wished the Council’s Housing Officers to investigate the prospect of applying a no eviction policy in regard to rent arrears directly arising from hardship caused by the ‘Bedroom Tax’.

Councillor Beattie agreed with Councillor Thompson’s concerns and seconded the motion.

Councillor Pottinger expressed his support for the motion and agreed that as much as possible should be done by the Council to mitigate the effects of the ‘Bedroom Tax’ and the Scottish Parliament should be asked to similarly take steps to mitigate this.

Councillor Milligan expressed his support for a no eviction policy where it arose solely from ‘Bedroom Tax’ and he asked that the Welfare Reform Working Group be asked to investigate, in terms of the ‘Bed Tax’, the accommodation needs of tenants arising from kinship, medical requirements, etc.

Thereupon the Council unanimously approved the motion with the addition that the Welfare Reform Working Group’s remit include seeking ways to mitigate the impact of the ‘Bedroom Tax’ on Midlothian residents and also investigating the introduction of a non eviction policy in cases arising solely from the implementation of the ‘Bedroom Tax’.

(Action: Legal and Secretariat Manager)

(d) Edinburgh College Construction and Joinery Courses

There was submitted a Notice of Motion by Councillor Muirhead, countersigned by Councillor Imrie, as follows: -

“Midlothian Council notes the decision of Edinburgh College to move construction and joinery courses from Dalkeith to Granton, and is concerned that this will deter Midlothian people from signing up for these courses.

Adding commuting time will disproportionately impact on those who fund their studies with a part time job, while the possibility of an interim free bus service offered is helpful it does not alleviate these concerns, certainly not in the longer term.

Over the coming years Midlothian will take a large share of new house building in the South East of Scotland and in order for Midlothian to take best advantage of the opportunities for local employment it is vital that the Midlothian Campus retains its construction and joinery courses.
We understand that staff and students are not satisfied that any meaningful consultation or assessment of the impact on students, present and future, has taken place on these matters.

Midlothian Council calls on the college to reconsider its decision after having conducted adequate consultation and equality impact assessment.”

Councillor Muirhead, in moving the motion, referred to the large number of developments coming on stream in Midlothian which would require the skills of the Construction Trade. He noted that moving the construction courses from Dalkeith to Granton would involve 204 out of the 257 students currently attending courses at Esk Valley having further to travel to Granton.

In the absence of Councillor Imrie, Councillor Bennett seconded the motion.

Councillor Beattie, seconded by Councillor Coventry, moved an amendment as follows:-

“Midlothian Council notes the decision of Edinburgh College to move Construction and Joinery courses from Dalkeith to Granton and welcomes the provision of enhanced facilities for these students.

Midlothian Council is encouraged by the provision of increased numbers of Engineering related access courses at the Midlothian Campus as a step towards maximising opportunities for young people to move toward positive destinations.

The role that Edinburgh College will play in the coming years will be crucial in achieving this objective by providing high quality learning and training opportunities in as wide a variety of courses as possible. Midlothian Council will be pleased to engage with Edinburgh College in any discussions on future developments”.

Councillor Beattie emphasised that all access courses including construction would still be available at Esk Valley.

Following further debate seven members voted for the motion and nine members for the amendment, which accordingly became the decision of the meeting.

(Action: Legal and Secretariat Manager)

7. National Association of Councillors/Council Membership

There was submitted report, dated 11 March 2013, by the Director, Corporate Resources, seeking the Council’s instructions regarding continuing corporate membership of the National Association of Councillors.
Decision

To not renew the Council Corporate Membership of the National Association of Councillors.

(Action: Legal and Secretariat Manager)

8. Single Midlothian Plan

There was submitted report, dated 21 February 2013, by the Chief Executive, presenting for approval by the Council the New Single Midlothian Plan which incorporated the Council Corporate Strategy, Midlothian’s Community Plan and Midlothian’s Single Outcome Agreement.

The report advised that through new Single Outcome Agreements, Community Planning Partnerships were expected to mobilise public sector assets, activities and resources, together with those of the voluntary and private sectors and local communities to deliver a shared ‘Plan for Place’. The new Single Outcome Agreements were expected to:-

- Use an evidence based approach underpinned by disaggregated data to drive improvement in meeting the different needs of local populations;
- Include clear performance commitments which would lead to demonstrable improvements in people’s lives;
- Focus upon reducing outcome gaps within populations and between areas - and promote early intervention preventative approaches in reducing outcome inequalities; and
- Identify priorities for interventions and include plans for prevention, integration and improvement to promote better partnership working and more effective use of resources.

The national delivery group had indicated that within the existing 16 national outcomes already set for Scotland, there was now an expectation that each Community Planning Partnership would show how it was giving priority to improving the following six national priorities:-

- Economic recovering growth;
- Employment;
- Early years;
- Safer and stronger communities and reducing offending;
- Health and inequalities and physical activities; and
Outcomes for older people.

In Midlothian the Community Planning Partners had agreed with the Council to continue to focus on economic growth and business support, positive destinations and early years. The Council was asked to endorse the focus on these key priorities for early action.

Decision

(a) To approve the Single Midlothian Plan attached to the report;
(b) To endorse the proposed focus on economic growth and business support, positive destinations and early years;
(c) To formally request partners to agree to the Plan;
(d) To submit the Plan to the Scottish Government;
(e) To publish the Plan; and
(f) To report back to stakeholders and the general public on how their views influenced the Plan.

(Action: Regeneration and Social Policy Manager)

9. Members' Environmental and Improvement Budget

There was submitted report, dated 5 February 2013, by the Head of Finance and Human Resources, setting out for the Council’s consideration:-

(a) The constraints for the Members' Environmental Improvement Budget while it was part of the General Services Capital Plan; and
(b) The implication if funds were transferred to the Revenue Budget.

The report advised that the General Services Capital Plan included an annual £15,000 allocation for each Councillor to utilise on capital projects within their ward. In the past this budget had been used on a wide range of projects from upgrading landscaped areas to part funding the construction of Council assets.

The criteria as what constituted capital expenditure was rigid and it was no longer enough for a capital project to merely upgrade an area, the project now required to add value. In addition the Council capital expenditure definition included a de minimis limit of £10,000 before a project could be considered as capital; however, this limit had not been implemented in connection with the allocation of the Members' Environmental and Improvements Budget.

A range of options were outlined which provided resources for environmental improvement projects in individual wards to progress community projects which otherwise would be unlikely to progress due to limited resources.
In addition the report set out considerations for the current year which were as follows:

- Historically, any uncommitted balances for non returning councillors were removed from the Capital Plan and it was proposed to continue with this approach;

- New councillors would receive the pro rata amount of £13,685 for 2012/13, calculated on a daily basis while returning councillors would receive the full allocation of £15,000. In this regard it was considered prudent that at the time of the next council election in May 2017 that no budget allocation was released for the period beyond the election until following the election; and

- Over the years, councillors had carried forward unspent budgets from previous years generally to accumulate sufficient funds to undertake major projects, the balance carried forward to 2012/13 was £628,000 and if it was assumed that any uncommitted budgets for non returning councillors would be removed, the revised budget for 2012/13 would be £851,000.

The Head of Finance and Human Resources in particular referred to option 4 in the report which was to transfer an element of the budget from the General Services Capital Plan to the Revenue Budget to allow support for smaller revenue items of expenditure. A reduced element of the budget would be retained within the General Services Capital Plan where a lower de minimis level would be set. He considered that it would be reasonable to allocate an annual revenue budget of £3,000 per councillor with £10,000 being retained for capital works.

**Decision**

(a) To agree the removal of the remaining uncommitted balances for non returning councillors from the budget;

(b) That in the year of future elections, no budget allocations beyond the election date be released until after the election;

(c) To adopt option 4 detailed in the report, which would provide an annual Capital Budget of £180,000 in the General Services Capital Plan and a Revenue Budget of £54,000; and

(d) To approve the implementation of a lower de minimis limit of £2,000 for the Members’ Environmental Improvement Capital Works.

(Action: Head of Finance and Human Resources)
10. **Coalfields Regeneration Trust**

With reference to paragraph 7 of the minutes of 18 December 2012, there was submitted report, dated 11 March 2013, by the Director, Corporate Resources, advising that a response, dated 21 February 2013, had been received from Margaret Burgess MSP, Minister for Housing and Welfare, in regard to a Notice of Motion unanimously agreed by the Council calling on the Scottish Government to reconsider its decision to remove the grant making function from the Coalfields Regeneration Trust.

The letter advised *inter alia* that the Deputy First Minister had met with the Coalfields Regeneration Trust in January 2013 and following this officials were currently working with the Coalfields Regeneration Trust to develop a small grant fund that would build community capacity in former coalfield communities.

**Decision**

To note, meantime, the response from Margaret Burgess MSP, Minister for Housing and Welfare.

**Declaration of Interest**

Councillor Pottinger declared an interest in the following item of business as he was a member of the Newtongrange Gala Day Committee and left the meeting at 3.37 pm.

11. **Gala Days and Special Events – Newtongrange Children’s Centenary Year**

There was submitted report, dated 20 February 2013, by the Director, Corporate Resources, advising the Council that he had received a letter, dated 18 February 2013, from the Newtongrange Children’s Gala, seeking additional funding to celebrate its centenary year.

Councillor Johnstone, seconded by Councillor Thompson, moved that the Newtongrange Children’s Gala be granted additional funding of £10,000 and that the Director, Corporate Resources, report back on proposals for additional support to future notable Midlothian community events.

As an amendment Councillor Muirhead, seconded by Councillor Milligan, moved that Newtongrange Children’s Gala receive an additional £20,000 funding.

There followed debate on the matter during which the Director, Corporate Resources, advised the meeting that it was his intention to report back in due course on proposals for additional support to future notable community events.
Thereupon a vote was taken when 5 members voted for the amendment and 9 for the motion, which accordingly became the decision of the meeting.

(Action: Director, Corporate Resources)

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Councillor Pottinger rejoined the meeting after the above item of business at 3.43 pm.


There was submitted report, dated 18 March 2013, by the Head of Finance and Human Resources, inviting the Council to consider a revision of energy charges paid by residents in the Bonnyrigg District Heating Scheme (BDHS).

The report advised that the last review of the BDHS account was reported to Council on 24 November 2009 when it had been agreed to hold charges to members of the scheme at £98.58 per month. This charge had been previously agreed by Cabinet on 19 August 2008 and was a 35% increase to provide for anticipated increases in energy prices.

However, since then the account had generated a considerable surplus due to income received exceeding projected energy price increases and it was now considered appropriate to reduce the charge to allow the surplus to return to an acceptable level.

The report suggested that if the charge was reduced by 15% to £83.79 per month it was projected, allowing for increases in costs, that by the end of 2016/17 a smaller working surplus would remain. Given the volatility of energy prices the report suggested that it might be sensible to freeze the charge to the end of 2014/15 with the option to freeze for a further 2 years pending a review of the account towards the end of 2014/15.

Decision

(a) To reduce the monthly BDHS charge from £98.58 to £83.79 (15%) from 1 April 2013 to 31 March 2015; and

(b) To provisionally freeze charges from £83.79 for 2015/16 and 2016/17 subject to the detail of a further report to be presented to the Council in January 2015.

(Action: Head of Finance and Human Resources)

13. Competency Framework

There was submitted report, dated 18 February 2013, by the Head of Finance and Human Resources, updating the Council on the introduction and impact
of the competency framework for Local Government Staff in Midlothian Council.

In summary the report advised that the initial cycle of the competency framework represented a learning curve for employees and managers alike and a culture change for the organisation. The implementation and successful delivery of the project represented a significant success for the organisation. The focus and emphasis for the framework required now to move from one of reward to that of performance and development.

**Decision**

(a) To note the progress made to date on the implementation of the competency framework; and

(b) To note the potential of the framework as a tool to drive service improvement and raise standards.

(Action: Head of Finance and Human Resources)

14. **Midlothian Safer Communities Board – Proposals**

There was submitted report, dated 26 February 2013, by the Head of Housing and Community Safety, seeking approval for the proposed arrangements to establish a “Midlothian Safer Communities Board” from 1 April 2013, encompassing the strategic remit of the Community Safety Partnership.

The report advised that at its inaugural meeting on 4 December 2012 the Shadow Midlothian Police and Fire and Rescue Board had agreed to take the opportunity to review the strategic planning structure with Partners and Elected Members involvement in the Community Partnership role.

It was now proposed that the new Police and Fire and Rescue Board should become the “Midlothian Safer Communities Board” from April 2013. The Board would include the remit of the Police and Fire and Rescue Board agreed by Midlothian Council and the Community Safety Partnership’s strategic role in order to minimise duplication and repetition of business at meetings in the present structural governance arrangements.

The remit of the Safer Communities Board was detailed as follows:-

- Sign off Community Safety Strategy and Anti-social Behaviour Strategy and Community Safety Strategic Assessment;
- Scrutiny of Police and Fire Plans and Community Safety Strategy;
- Ratify funding proposals for Community Safety Projects;
- Receive strategic reporting from the Joint East Lothian and Midlothian Child Protection Committee and Audit Protection Committee.

In respect of specific Police and Fire and Rescue Board responsibilities these were as follows:-
• Sign off of the Police and Fire Plan;
• Performance Reporting and statistical reports of complaints and policing and fire and rescue Midlothian;
• Notification of any Midlothian policing and fire rescue matters subject to independent national review bodies;
• Providing comments/replies on any consultation documents pertaining to policing and fire and rescue services; and
• Recommending improvements in local policing and fire and rescue service.

During debate Councillor Thompson expressed his support for the proposals and took the opportunity to welcome the recent announcement that the new Police Divisional Headquarters for the Lothians would be based at the existing police facilities located in Dalkeith.

Councillor Montgomery referring to the proposals reiterated the Labour Group’s stance which was unchanged. The Group would therefore not be participating in the Midlothian Safer Communities Board but would continue to have dialogue with the local Police and Fire Commanders.

**Decision**

(a) To agree the strategic remit and establishment of a “Midlothian Safer Communities Board” from 1 April 2013; and

(b) To note that the action would also require to be ratified by the Community Planning Board.

(Action: Head of Housing and Community Safety)

15. Newbattle Community High School

With reference to the minutes of the Special Meeting of Midlothian Council of 26 February 2013, there was submitted report, dated 5 March 2013, by the Director, Education and Children’s Services, setting out the second phase of public engagement and consultation regarding the replacement of Newbattle Community High School. In particular the Council's decision of 26 February 2013 had instructed the Director, Education and Children’s Services to initiate the next stage of Community consultation specifically on the future services to be provided at the Newbattle Community Hub and the impact on existing facilities within the school catchment area.

In this regard the Director, Education and Children’s Services spoke in amplification of the report and advised that stage two of the Community engagement and consultation process would focus upon:-

• The financial implications of retaining or closing community facilities;
• The options of closing, keeping, transferring or demolishing community facilities;

• Exploring new ways of working between local communities and Midlothian Council to maximise the use of shared resources to develop community led and sustainable services and maximise potential for wider economic development;

• Consider implications for Newtongrange town centre and the development of a regeneration plan that would promote community wellbeing;

• Share with the community and user group stakeholders and Lasswade Community Hub model with associated visits; and

• Focus on the provision of services within communities and ways of providing them efficiently and effectively.

This stage of engagement and consultation would be based upon the following principles:-

• Clarity about financial costs and affordability of the options;

• Honesty about intentions and options;

• Transparency and openness regarding information;

• Commitment to continuity of high quality of provision of services regardless of location;

• Focus on meaningful regeneration plans where required; and

• Inclusive, approachable and responsive.

The engagement and consultation strategy would have four phases as follows:

• Engagement with key individuals from stakeholder groups with associated visits to Lasswade Community Hub;

• Meetings with Community Councils;

• Meetings with community interest/user groups e.g. Newtongrange Library; and

• Public venues in Mayfield, Newtongrange and Gorebridge.

In addition to the face to face meetings the Director advised that the Council would make use of social media in the form of the Council website and Twitter. A proposed timeline of events was detailed in the report.
Councillor Pottinger reiterated his concerns which he had made at the Special Council meeting on 26 February 2013 and emphasised that meaningful community engagement had still to start and that there were major community concerns over the proposals.

Councillor Muirhead concurred with Councillor Pottinger and expressed his particular concern that community campaigns were starting against anything that the Council might wish to achieve in regard to the Project because of the first consultation being on the basis of closures.

The Director, Education and Children’s Services, acknowledged that the second phase consultation was more in line with what the first phase should have been.

Councillor Beattie considered that the report took on board the decisions and recommendations made at the Special Council meeting on 26 February 2013. However, the phase one consultation process had been primarily to determine the site and thereafter to determine the facilities that would be provided therein. The first phase of the consultation had not been carried out on the basis of closures. No decisions had been taken by the Administration in either private or public for the future delivery of a service as part of the project.

Councillor Milligan also concurred that the first consultation had been a lost opportunity to properly engage with the public and stakeholders and he considered that the person who had led it did not have the appropriate experience of such events.

The Director, Education and Children’s Services, responded that the Implementation Board and the Project Team were taking forward the experience of Lasswade High School in driving phase two of the Project forwards. The Board and Team were aware of the wide range of community interests that needed to be addressed and that the education interest was only one part of it.

Decision

To note and approve the stage two Community Consultation and engagement process as detailed in the report.

(Action: Director, Education and Children’s Services)

16. Midlothian Health and Social Care Partnership Update

There was submitted report, dated 14 March 2013, by the Chief Executive, providing an update to Council on the arrangements to establish a Shadow Board from 1 April 2013 (prior to the formation of a Midlothian Health and Social Care Partnership) comprising of Elected Members and Non-Executive NHS Lothian Members, and to appoint a joint Director of Health and Social Care (Joint Accountable Officer) for Midlothian with NHS Lothian.

The report advised that Scottish Government had now published a response to its extensive consultation on its proposals regarding integration in Mid-February 2013. Key points to note included:-
The Scottish Government would introduce a Bill later this year to require integration of health and social care services for all adults – not just older people’s services;

- It would be for local agreement as to whether other related services such as housing or children’s services were in scope;

- Local partnerships would be accountable for the delivery of National agreed outcomes;

- It would be a requirement to include in the membership of Health and Social Partnership Boards, representation to cover professional, carer user and public interest;

- Local Authorities and Health Boards would have parity of voting rights; and

- There would be a duty to engage and involve local professionals, the third and independent sector and representatives of users and carers.

The Scottish Government had also reaffirmed its commitment to the requirement to appoint a Joint Accountable Officer. Discussions were now well advanced with NHS Lothian regarding the process for making this appointment for Midlothian and a recruitment timetable had been provisionally agreed which indicated that the appointment would be made as early as May 2013. The pool of candidates would be agreed with NHS Lothian in accordance with both organisations’ policies.

In terms of Standing Orders “where the Council agrees to appoint an Officer under a Shared Service agreement with another Local Authority (or Authorities) then the arrangements for the appointment of that officer shall be as determined between the Authorities concerned.” For this joint appointment with NHS Lothian, the Council was therefore asked to delegate the determination of these arrangements to the Chief Executive in consultation with the Council Leader.

Following this, there would be a review of the Council’s Executive and Divisional Management Structures and a further report would be brought to Council for consideration.

Locally the position of the Chairperson for the Midlothian Health and Social Care Board had now been filled by an NHS Lothian Board Member, Mr Peter Johnston.

**Decision**

(a) To note the contents of the report providing an update on the development of local arrangements for a Health and Social Care Partnership; and
(b) To agree that a joint Director of Health and Social Care (Jointly Accountable Officer) be appointed with NHS Lothian and to agree to delegate the determination of the appointment arrangements to the Chief Executive in consultation with the Council Leader.

(Action: Chief Executive)

17. Development Plan Scheme for Midlothian No. 5

There was submitted report, dated 22 February 2013, by the Director, Corporate Resources, seeking Council approval for the Development Plan Scheme for Midlothian No. 5 (DPSM5) which was required to be published by 31 March 2013 to satisfy the requirements of the legislation. It was accompanied by a report seeking approval for consultation purposes of the Main Issues Report and supporting documents for the Midlothian Local Development Plan.

The report recommended that the Main Issues Report be now approved in order for the key consultation stage to take place between 1 May and 31 August 2013 with the main events being held before the summer school holiday period. The Main Issues Report brought forward options for provision of housing land which exceeded the SESplan requirements and should be able to accommodate any reasonable adjustments to requirements as may be proposed by the Reporters. The consultation period had been extended beyond the six week minimum to give ample opportunity for response to the preferred and alternative development strategies and key policy changes, with any necessary updates provided to Consultees at the appropriate juncture once the SESplan findings were released. This approach should minimise disruption to the Midlothian Local Development Plan programme and an update of the DPSM5 timetable could be issued at any time, if so required.

Subject to Council approval, the DPSM5 would be prepared for publication, including any minor editing changes as agreed with the cabinet spokesperson for Strategic Services. Copies of the DPSM5 would be submitted to the Scottish Ministers by 31 March 2013 and placed on deposit in Public Libraries and at Fairfield House. It would also be available online and in hard copy, on request.

Decision

(a) To approve the Development Plan Scheme for Midlothian No. 5 as appended to the report; and

(b) To agree to publish the Development Plan Scheme for Midlothian No. 5 and submit it to Scottish Ministers on or before 31 March 2013.

(Action: Head of Planning)

Sederunt

Councillor de Vink left the meeting after the above item of business at 4.40pm.
18. **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 paragraph 6 of part 1 of Schedule 7A to the Local Government (Scotland) Act 1973:

(a) Midlothian Local Development Plan: Main Issues Report and Supporting Documents – Subject to the Council’s agreed alterations, to put the Main Issues Report out for consultation between 1 May and 31 August 2013 as set out in the Development Plan Scheme for Midlothian No 5 and that the Main Issues Report and Supporting Documents be made publicly available as soon as possible in advance of the commencement of the consultation period;

(b) Equal Pay – To note the outcome of negotiations; and

(c) Support for Gorebridge Community Development Trust Hub Project – To assist the Hub in providing short term funding to allow the Project to proceed.

The meeting terminated at 5.12 pm.