

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 21 November 2023**

1 Minutes of Meetings submitted for Approval

2 Minutes of Meetings submitted for Consideration

Minute for Consideration

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Minute for Information

Minute of Meeting

Audit Committee
Monday 30 October 2023
Item 4.2



Audit Committee

Date	Time	Venue
Tuesday 26 June 2023	11:00am	Council Chamber/Hybrid

Present:

Councillor Smaill (Chair)
Councillor Bowen
Councillor McCall

In Attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Morag Barrow	Joint Director Health and Social Care
Fiona Robertson	Executive Director Children, Young People & Partnerships
Derek Oliver	Chief Officer Place
David Gladwin	Acting Chief Financial Officer
Duncan Stainbank	Chief Internal Auditor
Elaine Greaves	Principal Internal Auditor
Willie Venters	Principal Solicitor
Janet Ritchie	Democratic Services Officer

1. Welcome and Apologies for Absence

The Chair welcomed Patricia Fraser from Audit Scotland and intimated apologies on behalf of Claire Gardiner, Audit Scotland, Councillor Milligan and Councillor McEwan.

2. Order of Business

The order of business was as detailed in the agenda and the chair indicated at the end of the meeting there will be a brief discussion on the Chair's report and the Chair for the next meeting of the Audit Committee on 26 September 2023.

3. Declarations of interest

No declarations of interest were intimated at this stage of the proceedings.

4. Minutes of Previous Meetings

4.1 The minute of the meeting of 7 March 2023 was submitted but it was noted that there were insufficient members present who had been in attendance at the previous meeting therefore it was agreed this would be submitted to the next meeting of the Audit Committee for approval.

4.2 The Action log was submitted and noted.

1. Responsible Treasury Management: ongoing

2. **Internal Audit Mid-Term Performance Report 2022/23:** The report will be submitted to BTSG then next Audit.

3. **Internal Audit Work to February 2023:** Clarification on ALEOs – Mr Stainbank provided an update on the ALEOs and advised that the procedures would be amended so they are clear what the definition of an ALEO is going forward.

In responding to a question from the Chair regarding Midlothian Energy and that they do not have a Councillors on their governing body, Mr Stainbank confirmed that the governance arrangements between the Council and the ALEO would be within the scope of the Internal Audit arrangements and confirmed there would be report on Midlothian Energy within the appropriate cycle of the internal audit plan.

Mr Anderson, in responding to a comment from the Chair with regards to a report on Midlothian Energy confirmed that the annual business plan would be presented to Council and then if required submitted to the Audit committee.

4. **Internal Audit Work to February 2023:** Ms Robertson advised that they do double check in terms of membership of the panel and at the last meeting no-one declared an interest. Ms Robertson also provided an update on the external recruitment process previously used which worked well and that they will be reviewing the membership of the panel going forward and confirmed there will be proposals to eliminate conflicts of interest.

5. Public Reports

Report No.	Report Title	Submitted by:
5.1	Counter Fraud Annual Report 2022/23	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of the report was to make the Audit Committee aware of the Council's counter fraud responsibilities and the activities of the Integrity Group and Corporate Fraud team in liaison with other services over the past year as part of the arrangements to tackling fraud at the Council.</p> <p>The Chief Internal Auditor, Duncan Stainbank in presenting this report highlighted the main sections contained within the report and highlighted that as a result of counter fraud activity a total savings value of £360,070 has been identified during 2022/23 and that the total savings from the NFI 2020/21 exercise were estimated at £718,557 and these outcomes are detailed in the appendices attached to the report.</p> <p>Councillor McCall commented on the interesting report and highlighted the good outcome in 5.2 and the collaborative working between the housing team and audit team.</p> <p>In responding to a question raised by the Chair, Ms Grieves advised that it was unsure if these properties were involved in sub-letting but did confirm that in the past it has been a mixture of sub-letting and abandoned houses.</p> <p>Mr Stainbank also provided an update on the work regarding single occupancy and the processes in place to match this with electoral register to confirm who is living in the household and the recovery funds where possible.</p>		
Decision		
<p>The Audit Committee:</p> <ul style="list-style-type: none">a) Considered the counter fraud work undertaken during the year to 31 March 2023 in support of the Council's counter fraud policy and strategy; andb) Noted the outcomes of the counter fraud activity 2022/23.		

Report No.	Report Title	Submitted by:
5.2	Internal Audit Work to May 2023	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to provide members of the Audit Committee with details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p>		

The Internal Audit Annual Plan 2022/23 was approved by the Audit Committee on 14 March 2022. Internal Audit has carried out work associated with the delivery of the Plan to meet its objective of providing an opinion on the efficacy of the Council's risk management, internal control and governance.

The Chief Internal Auditor, Duncan Stainbank in presenting this report advised that internal audit issued the final assurance reports on Care at Home, Construction projects and the Mental Health Services and the Chief Internal Auditor's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, is shown in Appendix 1 to the report.

The Joint Director Health and Social Care, Morag Barrow in responding to a question raised by Councillor McCall with regards to the overpayments paid to two providers advised that after going to a new model of provisioning care at home the two providers had committed to provide x amount of hours for the year but struggled to do that and because it was a different model it just took a bit longer to get the money back but confirmed that this had all been recovered now. Ms Barrow also advised that there was no mistake it was just that the length of time it took for the process to get the money back.

Mr Stainbank also advised that at the time of the report writing there was concerns about getting the money back but also confirmed the money is now all paid back.

In responding to a follow up question from the Chair regarding this happening again, Ms Barrow advised there has always been a process in place and there are weekly monitoring meetings and could see no reason which this would reoccur but if it did it would be picked up immediately.

The Chair highlighted within Construction there were a number of areas which were weak and sought clarity on this, in responding Mr Stainbank advised that framework is in place but some of the elements of the procedures and processes had changed and in 1 or 2 occasions procedures were not followed or items not filled in but advised that he has no concerns over the overall framework.

Mr Stainbank further confirmed that all the processes are in place to resolve those issues with the recommendations which are to be implemented by September this year and advised that they will be making changes to the reporting to make that link between the assurance statement given and the work that has been undertaken in the audit clearer.

Mr Stainbank, in responding to the request from the Chair for a further updated report confirmed that he would bring back an updated report on these recommendations in December 2023.

Decision

The Audit Committee:

- a) Considered the Executive Summaries of the final Internal Audit assurance reports issued associated with the delivery of the approved Internal Audit Annual Plan 2022/23.

<ul style="list-style-type: none"> b) Noted the Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal audit Charter; and c) Acknowledged the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work. d) Agreed that an updated report would be provided to the Audit Committee at the December meeting.
Action
Chief Internal Auditor

Report No.	Report Title	Submitted by:
5.3	Internal Audit Annual Assurance Report 2022/23	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to present to the Audit Committee the Internal Audit Annual Assurance Report for the year to 31 March 2023 which includes the Chief Internal Auditor's independent assurance opinion on the adequacy of Midlothian Council's overall control environment.</p> <p>The Public Sector Internal Audit Standards (PSIAS) require that the chief audit executive, the Council's Chief Internal Auditor, provides an annual internal audit opinion and report on the adequacy and effectiveness of the Council's governance, risk management and internal controls to support the preparation of the Annual Governance Statement. This is in support of the overall governance arrangements of the Council, as set out in the Local Code of Corporate Governance.</p> <p>To meet the requirements of the PSIAS, the Internal Audit Annual Assurance Report 2022/23 (Appendix 1) includes the Chief Internal Auditor's annual opinion, provides details of the Internal Audit activity and performance during the year to fulfil its role, and summarises the outcomes of assessments of the Internal Audit service against the PSIAS.</p> <p>The Chief Internal Auditor, Duncan Stainbank presented this report highlighting the key areas of concern which included the level of resourcing for procurement and compliance with procurement processes and procedures across the Council.</p> <p>The Chair highlighted the work with Henderson Loggie as an outsourced provider and the constraints within the audit team and if these two are related due to the council not having a big enough audit team, in responding Mr Stainbank advised on the gap in resources between the previous arrangement in place with Scottish Borders and him coming into post and that Henderson Loggie had been arranged to assist with the completion of the 2022/23 Internal Audit Plan. In responding to a follow up question from the Chair, Mr Stainbank advised the funds were in the budget for 2022/23 and this was carried forward to this year to cover the costs this year.</p>		

Mr Stainbank in responding to a further question provided an update on the 3 audits which had been removed from the 2022/23 Audit plan and confirmed that school budget will be covered in this year's audit plan.

The Chair enquired as to there being any risks with destroying audit files and Mr Stainbank advised there had been a backlog but confirmed there should be no risk as the audit files are destroyed following the retention policy

Decision

The Audit Committee:

- (a) Considered the Internal Audit Annual Assurance Report 2022/23 (Appendix 1), and assurances contained therein; and
- (b) Provided any commentary thereon, including any further actions required by Management.

Report No.	Report Title	Submitted by:
5.4	Draft Annual Governance Statement 2022/23	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of this report was to propose that the Audit Committee considers and approves the draft Annual Governance Statement that will be published in the Council's Statement of Accounts 2022/23.</p> <p>Midlothian Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council's Local Code of Corporate Governance that was approved by Council on 23 March 2021 was used to assist with the annual assurance process 2022/23.</p> <p>The draft Annual Governance Statement 2022/23, which is appended to this report as Appendix 1 for consideration, is the output from the annual assurance process and review against the updated Local Code.</p> <p>The Chief Executive, Grace Vickers presented this report outlining the main sections contained within the Annual Governance Statement and highlighted the key areas for improvement and the systems in place to regularly review and improve governance arrangements and the system of internal control.</p> <p>Mr Gladwin confirmed that this statement will be included in the Council's Statements of Accounts 2022/23.</p>		
Decision		
<p>The Audit Committee:</p> <ul style="list-style-type: none"> a) Considered the details of the draft Annual Governance Statement 2022/23 at Appendix 1 to ensure it reflects the risk environment and governance in place to achieve objectives, and acknowledge the actions identified by Management to improve internal controls and governance arrangements; and 		

- b) Approved that it be published in the Council's Statement of Accounts 2022/23, noting the requirement for the final Annual Governance Statement to be signed by the Chief Executive and Leader of the Council at the conclusion of the external audit process.

Action

Chief Executive/Leader of the Council

Report No.	Report Title	Submitted by:
5.5	Unaudited Annual Accounts 2022/23	Chief Finance Officer (Acting)
Outline of report and summary of discussion		
<p>The purpose of this report was to outline material changes in the value of net assets at 31st March 2023 and to facilitate Audit Committee consideration of the Council's unaudited annual accounts for 2022/23.</p> <p>At the time of writing this report, final adjusted Lothian Pension Fund valuation figures are not yet available and a final review of the remainder of the accounts is taking place.</p> <p>The Chief Finance Officer (Acting), David Gladwin provided an overview of the timeline for the Annual Accounts and highlighted the main sections as contained within the report.</p> <p>The Chair highlighted the valuation changes to houses and the number of council houses build dropped but work in progress and asked for assurance on the effectiveness of the social housing programme and getting value from money. In responding Mr Anderson confirmed the average unit cost has increased and provided an update advising that the annual report would be submitted to Council, and this could also be shared with the Audit Committee.</p> <p>Councillor McCall raised a question with regards to the increase in non-domestic rates income and Mr Gladwin provided a brief update on how the Scottish Government distributes the money and that it is not related to businesses in Midlothian. There followed further discussion regarding the revaluation and the pressures this brought to Midlothian and Mr Gladwin provided an explanation on the piece of work still ongoing with this and Mr Gladwin confirmed that he would send information to Elected Members on the figures for the non-domestic rates.</p> <p>Mr Oliver in a response to Councillor McCall's question provided an update on the number of new businesses for 2020/21 - 83; 2021/22 - 124 and for 22/23 -121 new businesses.</p> <p>Mr Gladwin confirmed that the financial statements will not go to Council until this the Audit Committee approve the draft audited financial statements later in the summer and confirmed that he would circulate a copy of the accounts which he signs and submits to Audit Scotland, and they will also be published on the Council's website.</p>		

The Chair thanked Mr Gladwin and his team for all the work that has gone into this document.

Decision

In accordance with The Local Authority Accounts (Scotland) Regulations 2014 set out in section 3.2 of this report and specifically sections 8 (9) and 8 (10), Audit Committee considered the unaudited annual accounts for 2022/23.

Report No.	Report Title	Submitted by:
5.6	Annual Treasury Management Report 2022/23	Chief Finance Officer (Acting)
Outline of report and summary of discussion		
<p>The purpose of the report was to inform members of the Audit Committee of the Treasury Management activity undertaken in 2022/23 and the year-end position.</p> <p>The Chief Finance Officer (Acting), David Gladwin advised that this would be presented to Council on 27 June 2023, and he would update them on any discussions from today's meeting, thereafter Mr Gladwin highlighted the main sections as contained within the report.</p> <p>In responding to questions raised by Councillor McCall regarding the significant risks to that central forecast and an explanation on the useable reserves of £90.583 m, Mr Gladwin provided an explanation on the risk on borrowing decisions and interest rates to support capital projects. Mr Gladwin further provided an explanation on the useable reserves of £90m which are held in the general fund, housing revenue account and the capital fund and the decision taken as part of the treasury strategy is to place those on short term deposit and will get some interest on them but also keep them readily available should they be required.</p> <p>The Chair enquired if there was any indication when the VAT money will be paid and Mr Gladwin advised we do not have the money in the bank, but it has been accounted for in 2022/23 and we do have the certainty that we will receive it, the first claim should be soon and the second one may take a bit longer.</p> <p>Councillor McCall raised a further question with regards to the overall Midlothian's loans fund rate of 2.41% and Mr Gladwin advised that this is a calculation of all the borrowing and investment costs over the year and Midlothian has been one of the lowest in Scotland for some time.</p>		
Decision		
<p>The Audit Committee is invited to consider this report before the final report is resented to Council. Committee should note that the proposed recommendation to Council is that it note the Annual Treasury Management Report 2022/23.</p>		

Report No.	Report Title	Submitted by:
5.7	Treasury Management and Investment Strategy 2023/24 – Credit Risk Update,	Chief Finance Officer (Acting)
Outline of report and summary of discussion		
<p>This paper has been prepared to provide an update to Audit Committee members on the current market position regarding credit risk on deposits, the Council's exposure to credit risk, and how this risk is mitigated through the Council's assessment of counterparty creditworthiness in the approved TMIS.</p> <p>Chief Finance Officer (Acting), Mr Gladwin advised that at the request of members at the Council meeting on 21 March 2023, he has prepared a report to update members on the current market position regarding credit risk following the collapse of Silicon Valley Bank and Credit Suisse and failure of Signature bank and provided a brief outline of the contents of the report.</p> <p>The Chair referred to the table on P99 and Mr Gladwin advised that Link are clear that all the entities in the table are assessed in accordance with their credit criteria and they are well within the safe approach to depositing money. Mr Gladwin then responded to a further question with regards to borrowing with local authorities and provided an explanation on the reasons why this has changed.</p> <p>Councillor Bowen raised a question with regards to depositing money and Mr Gladwin provided an explanation on how the decisions are made using external advisors, the treasury strategy and their own internal process and the decision is made by him as the Section 95 Officer within an approved strategy and methodology.</p>		
Decision		
The Audit Committee noted the content of this report.		

Report No.	Report Title	Submitted by:
5.8	Midlothian Council Annual Audit Plan	Executive Director Place
Outline of report and summary of discussion		
<p>This document summarises the work plan for our 2022/23 external audit of Midlothian Council. The main elements of our work include:</p> <ul style="list-style-type: none"> • evaluation of the key controls within the main accounting systems • an audit of the annual accounts, and provision of an Independent Auditor's Report • audit opinions on the financial statements and other statutory information published within the Annual Accounts including the Management Commentary, Annual Governance Statement and the Remuneration Report 		

- consideration of arrangements in relation to wider scope areas: financial management; financial sustainability; vision, leadership and governance; and use of resources to improve outcomes.
- consideration of Best Value arrangements
- providing assurance on the Housing Benefit Subsidy Claim, Non-Domestic Rates Return and the Whole of Government Accounts (WGA) return.
- reviewing the council's arrangements for preparing and publishing statutory performance information.

Senior Audit Manager, Patricia Fraser presented the Annual Audit plan outlining some of the key points contained within the report and highlighted which included materiality levels and a summary of the nature of the risk – detailed in Exhibit 1 and 2; the wider scope risks -detailed in Exhibit 3 and highlighted that the fee has increased in 2022/23 and noted the concerns around the increased cost and provided a brief summary of the reasons for this increase.

In responding to a question raised by the Chair, Ms Fraser confirmed that the additional work is around outcomes, leadership, and environmental activities and some of this work has already been carried out.

Decision

The Audit Committee noted the content of this report

Report No.	Report Title	Submitted by:
5.9	Risk Management Update – Strategic Risk Profile Q4 2022/23	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report was to provide Audit Committee with:</p> <ul style="list-style-type: none"> i. An update on the risk responses Midlothian Council has implemented during Q4 2022/23 to respond to the current risk climate. ii. Assurance that Midlothian Council took a proportionate and planned approach to prepare and respond to the current risk climate. iii. The risk evaluation of current strategic risks and opportunities for the Council. <p>Chief Officer Place, Derek Oliver presented this report highlighting main sections contained within the report.</p> <p>The Chair raised cyber risk and Mr Oliver advised this was included in the risk profile and discussions had taken place.</p>		
Decision		
Audit Committee noted the current risk landscape and organisational response to the most significant risks in Quarter 4 (Q4) 2022/23 (1 January to 31 March 2023).		

6. Private Reports

None

7. Date of Next Meeting

Date of Next Meeting: Tuesday 26 Sept at 11am.

The Chair advised that as there was no independent Chair the arrangement was to share the Chair around the groups and that he was initially to take up the post of Chair until July 2023, thereafter Councillor Milligan would take up the Chair then ultimately Councillor McEwan. However, as the Chairman's report was not completed and in discussion with officers, the suggestion was that Councillor Smaill would continue in the position of chair for the next meeting.

This was unanimously agreed.

The meeting terminated at 12.14 pm.

Minute of Meeting

Cabinet
Tuesday 24 October 2023
Item No: 4.1



Cabinet

Date	Time	Venue
Tuesday 5 September 2023	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Parry (Convener)	Councillor Alexander
Councillor Cassidy	Councillor McKenzie
Councillor Scott	

Religious Representatives:

Ms Elizabeth Morton	
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In attendance:

Dr Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director, Children, Young People and Partnerships
Morag Barrow, Joint Director Health and Social Care
Nick Clater, Head of Adult Services
Derek Oliver, Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions
Michelle Strong, Education Chief Operating Officer
Lorrette Nicol, Service Manager, Children's Services, Partnerships and Communities
Janet Ritchie, Democratic Services Officer
Hannah Forbes, Democratic Services Assistant

1 Welcome, Introductions and Apologies

Councillor Parry welcomed those in attendance to the meeting of Cabinet.

Apologies were then noted on behalf of Councillor McManus and Anne-Theresa Lawrie

2 Order of Business

The Order of Business was as detailed within the agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

4.1 The Minute of the Meeting of the Cabinet held on the 30 May 2023 was submitted and approved as a correct record.

4.2 The Action Log of Cabinet was submitted and noted.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Adult Health and Social Care Q1 Performance Report 2023/24	Head of Adult Services
Outline of report and summary of discussion		
<p>Nick Clater, Head of Adult Services provided an overview of the Q1 Performance Report 2022/23 highlighting the progress of key sections and some of the main challenges as contained within the report and thereafter responded to questions and comments raised by Elected Members.</p> <p>The Head of Adult Health Services in responding to a question raised with regards to alcohol deaths advised that the substance misuse workers have spent so long managing the drug issues that they feel less skilled in managing alcohol issues but attention is now focussed on alcohol harm as it is now getting greater prominence and training will be provided to staff for managing this issue. In responding to further questions, he also provided an update on the drug deaths and the age group this mainly affects now and the issues with prescribed drugs and the main problems being benzodiazepines.</p> <p>Councillor McKenzie on behalf of Councillor McManus expressed his congratulations on the hard work of the team and especially the Dementia team in Danderhall who had been nominated for Team of the Year in the NHS Lothian Celebrating Success Awards.</p> <p>The Chair expressed congratulations to the staff at No 11 for all their hard work and also expressed her condolences to the families of the 4 people who died this year.</p>		

Morag Barrow, Joint Director Health and Social Care highlighted that in celebrating success there were two other teams also nominated as part of the health side and the award ceremony will be held this week.

Decision

The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee.

Action

Democratic Services

Agenda No.	Report Title	Presented by:
5.2	Children's Services Partnerships and Communities Q1 Performance Report 2023/24	Service Manager, Children's Services Partnerships and Communities.
Outline of report and summary of discussion		
<p>Lorrette Nicol, Service Manager presented this report on behalf of Joan Tranent, providing an overview of the Q1 Performance Report 2022/23, highlighting the progress of the key sections and the challenges as contained within the report and thereafter responded to questions and comments raised by Elected Members.</p> <p>In responding to a question from the Chair with regards to child protection and any rise in domestic abuse cases, the Service Manger advised that this is not a new or increasing issue but there is an increased awareness and services are responding more robustly to it.</p> <p>Councillor Scott expressed her thanks for all the work to support families in remaining together but raised concerns with regards to the number of children with ASN and complex and enduring needs on the waiting list and if there was anything that could be done with regards to resources. In responding the Service Manager highlighted that if children and young people are referred, an assessment can be undertaken which is not dependent on a formal diagnosis and highlighted the importance of ensuring that this was a shared responsibility in going forward.</p> <p>In responding to a further question raised by Councillor Scott with regards to unaccompanied asylum-seeking children and the number of mandated places to fill the quota, the Service Manager advised that this was difficult to estimate but highlighted the significant rise and that this will have an impact on resources going forward.</p>		
Decision		
The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee		
Action		
Democratic Services		

Agenda No.	Report Title	Presented by:
5.3	Corporate Solutions Q1 Performance Report 2023/24	Chief Officer Corporate Solutions (Acting)
Outline of report and summary of discussion		
<p>Saty Kaur, Chief Officer (Acting) provided an overview of the Q1 Performance Report 2022/23 highlighting the progress in the key sections and outlined some of the main challenges as contained within the report and thereafter responded to questions and comments raised by Elected Members.</p> <p>Councillor Cassidy expressed his thanks for the in-depth report and the positive move in adapting to the customer's needs, however he noted that there was slippage in local procurement. Ms Kaur in responding advised that this was an annual figure and that this was calculated on a local government benchmarking framework indicator and calculated around post coding and provided an explanation on to the reasons why these figures are not accurate. Ms Kaur did advise that the number was low and that there was ongoing work to improve this and provided a brief update on some of the work in progress.</p> <p>In responding to a question raised by Councillor McKenzie regarding sent mail. Ms Kaur provided a brief update on the work ongoing in the revenue department and that work will progress to be done mainly online and that this was all part of the wider transformation work, so we are much more efficient in providing our services.</p> <p>Councillor Cassidy raised that there had only been one Midlothian Enterprise meet the buyer this year and how do we reach out to local businesses, it was agreed this would be taken away as an action by the Chief Officer Place.</p>		
Decision		
The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee. It was agreed that reaching out to small local businesses would be taken away as an action.		
Action		
Chief Officer, Place/Democratic Services		

Agenda No.	Report Title	Presented by:
5.4	Education Q1 Performance Report 2023/24	Education Chief Operating Officer
Outline of report and summary of discussion		
<p>Michelle Strong, Education Chief Operating Officer provided an overview of the Q1 Performance Report 2023/24 highlighting the progress in positive destinations, staff absence, invoice payments, audit actions and delivery of the strategic outcomes. Ms Strong also outlined the work undertaken with regards to attendance, exclusions, complaints and attainment and thereafter responded to questions and comments raised by Elected Members.</p> <p>Councillor Scott expressed her thanks on the report and acknowledged the low attendance but was pleased that actions were taking place to resolve this and also the positive changes taking place with regards to exclusions.</p>		

The Chair commented on the percentage of care experienced school leavers entering positive destinations and expressed her congratulations to the team on the results for 2021/22.

In responding to a further question with regards to pupils not attending school and the reasons for this, Ms Strong advised that it is very complex and where there is anxiety they are working with the families to reduce the barriers; and referenced there are situations of financial concerns raised with pupils at high school who were holding down full time jobs during this cost of living crisis and advised that each case is looked at individually to ascertain the reasons for non-attendance and working with families and the school to try to resolve any issues. In responding to a further question Ms Strong highlighted the 1:1 device given to each child which helped to bridge the gap but that was no substitute to physically being in the building engaging with the teachers.

The Chair expressed her concerns on the figures on the S6 pupils and the impact the cost-of-living crisis has had on the young people.

Decision

The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee

Action

Democratic Services

Agenda No.	Report Title	Presented by:
5.5	Place Q1 Performance Report 2023/24	Chief Officer Place
Outline of report and summary of discussion		
Derek Oliver, Chief Officer Place provided an overview of the Q1 Performance Report 2023/24 highlighting some of the key sections in Building Services; Housing Services, Neighbourhood Services, Planning Sustainable Growth & Investment, Property & Facilities Management and Protective Services as contained within the report and thereafter responded to questions and comments raised by Elected Members.		
Councillor Alexander expressed her congratulations to the road team for their hard work and commented positively on the ongoing work with regards to the potholes, the benefit of collecting food waste, school meals uptake, energy efficiency in Midlothian and the work with the Rangers service and young people.		
The Chair expressed her congratulations with regards to the time reduction with homelessness and temporary accommodation. Councillor Cassidy and Councillor McKenzie also expressed their congratulations to Wayne Clark and his team in the response time regarding pothole repairs and the attendance of Robbie Beattie in attending the Community Council and the fantastic work he has done.		
Decision		
The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee		
Action		

Democratic Services

Agenda No.	Report Title	Presented by:
5.6	Midlothian Council Q1 Performance Report 2023/24	Chief Executive
Outline of report and summary of discussion		
Chief Executive, Grace Vickers in presenting this report advised that this report provides a summary of the actions in line with the Single Midlothian Plan and compliments the individual service reports presented by Officers today. The Chief Executive further advised that there were 5 indicators which were off target, one relating to performance against revenue budget, one relating to invoices and 3 relating to complaints.		
Decision		
The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee		
Action		
Democratic Services		

Agenda No.	Report Title	Presented by:
5.7	Lawfield Primary School Inspection Report	Education Chief Operating Officer
Outline of report and summary of discussion		
<p>The purpose of this report was to outline the outcomes of the inspection of Lawfield Primary School carried out by Education Scotland in January 2023.</p> <p>In presenting this report the Education Chief Operating Officer, Michelle Strong outlined the background to the inspection and highlighted the main sections as contained within the report. Ms Strong further advised that in summary the Inspectors felt that the school had made insufficient progress since the original inspection and that they would visit again within a 12-month period. An action plan has been put in place from January 2023 – January 2024 by the head teacher, in partnership with the Midlothian Council education team and a range of officers are supporting the school in implementing the plan. Ms Strong also advised that weekly progress meetings are taking place and interim reviews took place in April and June this year. Due to a change in a leadership over the summer a temporary experienced head teacher is leading the school in the interim until a new head teacher has been appointed. Ms Strong further advised on the additional supports that have been put in place and that an updated report could be provided regarding progress made.</p> <p>Councillor Scott commented on the good relationships and nurturing approach and was really pleased on the additional deputy put in Lawfield Primary school and hoped that this would give a boost to the parents and pupils of the school highlighting that the Council wants the best outcomes for all our children especially by providing extra resources and all the actions put in place are greatly appreciated.</p>		

The Chair advised that it would be helpful to receive a further report back to Cabinet within the next 6 months.

Decision

The Cabinet agreed:

- To forward the report to the Performance Review and Scrutiny for its consideration.
- That a further report would be presented to Cabinet within 6 months on the progress made.
- To otherwise note the contents of the report.

Action

Democratic Services

Agenda No.	Report Title	Presented by:
5.8	Moorfoot Primary School Inspection Report	Education Chief Operating Officer
Outline of report and summary of discussion		
<p>The purpose of this report was to outline the outcomes of the inspection of Moorfoot Primary School as carried out by Education Scotland which was communicated in their report of December 2022.</p> <p>In presenting this report the Education Chief Operating Officer, Michelle Strong outlined the background to the inspection and highlighted the key strengths noted by the inspectors. Ms Strong advised that the inspectors were confident that the school has the capacity to continue to improve and will make no more visits in connection with this inspection.</p> <p>Councillor Scott expressed her thanks to Moorfoot Primary School and positively commented on the work they have done and also for the foresight of the Council to give these digital devices to pupils and the rewards for these children being very digitally aware in the future.</p>		
Decision		
<p>The Cabinet agreed:</p> <ul style="list-style-type: none">• To pass this report to the Performance, Review and Scrutiny committee for its consideration.• Congratulated the pupils, parents and staff connected with Moorfoot Primary School on the key strengths highlighted in the report.• To otherwise note the content of the inspection report.		
Action		
Democratic Services		

Agenda No.	Report Title	Presented by:
5.9	Care Inspectorate Inspections of Day Care of Children August 2022 – April 2023	Education Chief Operating Officer
Outline of report and summary of discussion		
<p>A range of funded providers were inspected including private nurseries and local authority settings and this report provides a summary of the outcomes of the undernoted inspections in Early Learning and Childcare settings for three and four year olds as carried out by the Care Inspectorate.</p> <p>In presenting this report the Education Chief Operating Officer, Michelle Strong advised that this report provides details 12 care inspections and 4 HMiE inspections that took place between August 2022 and April 2023. Ms Strong further advised that the care inspector inspect unannounced and issue requirements and recommendations. Ms Strong further advised on the National Standard settings must be evaluated as good or above and where a setting does not receive this, the local authority places that setting in a service improvement period which allows officers to closely monitor progress within an agreed period of time and if no improvement the time can be extended and in rare circumstances delivery is ceased. Ms Strong highlighted that Midlothian are grateful for the funded providers for their ongoing support and delivery for provision to 3 and 4 year olds and well as the eligible 2s.</p> <p>Councillor Scott acknowledged the number of reports and inspections over a short period of time and passed on congratulations to all staff involved, the Chair also expressed her congratulations.</p>		
Decision		
<p>The Cabinet agreed:</p> <ul style="list-style-type: none"> • To pass this report to the Performance, Review and Scrutiny committee for its consideration. • Congratulated the pupils, parents and staff connected with these reports. • To otherwise note the content of the summary of the inspection reports. 		
Action		
Democratic Services		

Agenda No.	Report Title	Presented by:
5.10	Newbyres Care Home: Care Inspectorate Report	Joint Director, Health and Social Care
Outline of report and summary of discussion		
<p>This report provides an overview of the recent Care Inspectorate report for Newbyres Village Care Home from 5 May 2023, and the subsequent unannounced follow up visit on 4 August 2023.</p>		

The Joint Director, Health and Social Care, Morag Barrow presented this report advising that this report was for noting and provided a brief overview of the unannounced inspection and subsequent inspection of Newbyres Care Home advising on April 2023 inspection and the grades given. Ms Barrow advised that within 12 weeks they had achieved all the requirements set and raised the grades from one 4 and four 2s to one 4 and four 3s. Ms Barrow also commented on the number inspections across the service and highlighted the complexity of the residents in Newbyres and the challenges in the workforce and the need to keep residents safe, has also meant high agency costs.

The Chair acknowledged the amount of work within the 12-week period and the progress made and expressed her thanks to the team.

Councillor McKenzie on behalf of Councillor McManus thanked Ms Barrow and her team for all their hard work and looking forward to more positive outcomes.

Decision

The Cabinet agreed:

- To note the content of the report and to thank the staff for the positive progress made.
- To forward onto Performance, Review and Scrutiny Committee.

Decision

Democratic Services

6 Private Reports

No Items for discussion

7 Date of the Next Meeting

The date of the next meeting was noted as Tuesday 24 October 2023 at 11 am.

The meeting terminated at 12.25 pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
Tuesday 22 August 2023	10.00 am	Virtual via MS Teams

Present:

Councillor Virgo (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Curran	Councillor Imrie
Councillor McCall	Councillor McKenzie
Councillor McEwan	Councillor McManus
Councillor Parry	Councillor Scott
Councillor Smail	Councillor Winchester

In attendance:

Alan Turpie, Legal and Governance Manager / Monitoring Officer
Kevin Anderson, Executive Director Place
Edel Ryan, Senior Manager Protective
Inspector Copland, Police Scotland
Janet Ritchie, Democratic Services Officer
Hannah Forbes, Democratic Services Assistant

1. Welcome and Apologies

Councillor Virgo welcomed all to the meeting.

Apologies for absence was intimated on behalf of Councillors Drummond, Milligan, Pottinger and Russell.

2. Order of Business

The order of business was amended with Item 6.4 application for Street Trader's Licence (Food) taken as first item of business under Private Reports

3. Declarations of interest

Councillor Curran declared an interest in items 6.1, 6.2 and 6.3 and would leave the meeting during these discussions.

4. Minute of Previous Meeting

- 4.1 The Minute of Meeting 28 March 2023 was submitted approved as a correct record subject to the following amendment – Councillor Scott and Councillor Smail were in attendance.

5. Public Reports

No items for discussion.

Exclusion of Members of the Public

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

- 6.4 Application for Street Trader's Licence (Food)
- 6.1 Private Hire Car Driver's Licence
- 6.2 Application for Grant of Private Hire Car Licence
- 6.3 Taxi Driver's Licence

Minute of Meeting

Performance Review and Scrutiny Committee
Tuesday 19 September 2023
Item No: 4.1



Performance Review and Scrutiny

Date	Time	Venue
Tuesday 20 June 2023	11.00 am	Council Chambers, Midlothian House

Present:

Councillor Milligan (Chair)	Councillor Curran
Councillor Drummond	Councillor Imrie
Councillor McCall	Councillor Russell
Councillor Smaill	Councillor Virgo
Councillor Bowen (Virtually)	

In attendance:

Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships
Joan Tranent, Chief Social Work Officer & Chief Officer Children's Services, Partnerships and Communities
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB
Derek Oliver Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions (Acting)
Nick Clater, Head of Adult and Social Care Services
Grace Cowan, Head of Primary Care & Older People's Services
Janet Ritchie, Democratic Services Officer (Minute)
Hannah Forbes, Democratic Services Assistant

1 Welcome, Introductions and Apologies

Apologies for absence were received on behalf of Councillor McEwan, Councillor Pottinger and Councillor Winchester

2 Order of Business

The Order of Business was as detailed in the agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

- 4.1 The Minute of the Meeting of the Performance Review and Scrutiny Committee held on the 14 March 2023 was submitted and approved as correct record.
- 4.2 The Action Log updates were noted and Mr Clater advised that he would provide updates on Items 5.1 and 5.2.

Councillor Imrie highlighted that since the Penicuik Centre closed there has been a lack of updates for the Covid booster and Rosewell centre staff advised that they were very quiet. He also pointed out that if you do not have a car there is no public transport for the people in Penicuik to get to the Rosewell Centre.

Ms Barrow provided an update on the vaccination uptake and advised that the Penicuik Centre was only up to December 2022. Ms Barrow also advised that there was a reduction in allocation from Scottish Government this year and they have been unable to finalise accommodation plan but advised the team have performed well and they will be continuing to look at this moving forward.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Adult Health and Social Care Performance Report 2022/23	The Head of Primary Care and Older People's Services and the Head of Adult Health and Social Care
Outline of report and summary of discussion		
The Head of Primary Care & Older People's Services, Grace Cowan and The Head of Adult Health and Social Care, Nick Clater provided an overview of the Adult Health and Social Care Performance Report 2022/23 highlighting some of the key achievements and challenges as contained within the report.		

Thereafter responded to questions and comments with regards to the following:

- The number of sick days and the reasons for these absences – in responding it was confirmed that this is managed according to policy and staff engagement. It was also highlighted that this is particularly high within care at home, and this is not unique to Midlothian and a brief overview was provided of the supports in place to address this.
- Ms Barrow in responding to a question regarding Bonnyrigg Health Centre provided an update on the situation with regards to Legionella species found in the water and provided an update on the works taking place. Ms Barrow also confirmed that communication will be put out when the GP practices are fully back in.
- Growing our own staff within this service – in responding Ms Barrow provided an update on the work with schools and colleges and advised that it is still very challenging in recruiting.

Decision

Performance Review and Scrutiny Committee noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.2	Children's Services, Partnerships and Communities Performance Report 2022/23	Chief Officer Children's Services, Partnerships and Communities
Outline of report and summary of discussion		
<p>The Chief Officer Children's Services, Partnerships and Communities, Joan Tranent provided an overview of the Performance Report 2022/23 highlighting the main achievements and challenges contained within the report. Ms Tranent also advised on the challenges with increased number of sickness absence across the team and the supports in place to address this.</p> <p>Thereafter responded to questions and comments with regards to:</p> <ul style="list-style-type: none">• Referrals to Children Services and the referrals from Police Scotland and it was confirmed that if Police Scotland attend a household with children, they will submit a referral and Ms Tranent provided an explanation on the screening work that needs done and the work planned over the summer to try to resolve some of the issues with duplication in referrals.• Recruitment and the challenges in workforce competitive salaries and it was confirmed this was a big piece of work to make sure it is equitable across the service and Ms Tranent provided an explanation of the ongoing work regarding grading of staff and confirmed that a social work agency were looking at nationalising this.		
Decision		
Performance Review and Scrutiny Committee noted the contents of the report.		

Agenda No.	Report Title	Presented by:
5.3	Corporate Solutions Performance Report 2022/23	Chief Officer Corporate Solutions (Acting)
Outline of report and summary of discussion		
<p>The Chief Officer Corporate Solutions (Acting) provided an overview of the Performance Report 2022/23 highlighting some of the key successes and provided a summary of the emerging challenges as contained within the report and expressed her thanks to the staff across the directorate who have worked extremely hard this year.</p> <p>Thereafter Officers responded to questions and comments raised with regards to:</p> <ul style="list-style-type: none"> • The Capital Plan prioritisation paper and planned works which will come forward to next council and projects under review and it was confirmed that this was a work in progress and will be brought forward to next Business Transformation Steering Group. It was confirmed by Mr Anderson in responding to a further question that the current projections within the existing capital expenditure plan is 4% but with the addition of the projects it will take it to 5.1% by 27/28. • Positive comments were made on the hybrid system. • Staff absence levels and the policies in place to support staff and Ms Kaur confirmed that there was no data to confirm that changes in sickness absence was due to working from home. • New computer management system and the customer service platform and the ongoing work to transform the customer experience. • Procurement Strategy and small areas of work which need to go through the procurement system and when equipment is required who has authority to sign this off and it was confirmed that procurement should be there to advise and work with services on this. It was also confirmed a manager was appointed to the procurement service. 		
Decision		
Performance Review and Scrutiny Committee noted the contents of the report.		

Agenda No.	Report Title	Presented by:
5.4	Education Performance Report 2022/23	Executive Director Children, Young People and Partnerships
Outline of report and summary of discussion		
<p>The Executive Director Children, Young People and Partnerships provided an overview of the Performance Report 2022/23 advising that session 2022/23 was a positive year and provided an overview of some of the achievements and challenges.</p>		

Thereafter responded to questions and comments raised by Members with regards to:

- Attendance and Ms Robertson provided an explanation on the system in place to look at attendance and provided some of the reasons why children were not in schools, and this was similar picture across Scotland. It was also noted that a further report on the analysis of the attendance could be brought back in required.
- In response to a question with regards to the attainment figures and the average percentage figures shown on the table on P71 of the pack, Ms Robertson confirmed that she would get this checked and provide feedback.
- Updates on the Education Reform Consultations – with regards to SQA and if this building will be retained within Midlothian. Ms Robertson advised she does not have this information at present but will take this question away.

Decision

Ms Robertson will provide:

- a further report on the analysis of the attendance in schools
- Feedback on the attainment figures
- Update on the Education Reform Consultations

Action

The Executive Director Children, Young People and Partnerships

Agenda No.	Report Title	Presented by:
5.5	Place Q3 Performance Report 2022/23	Chief Officer Place
Outline of report and summary of discussion		
<p>The Chief Officer Place provided an overview of the Performance Report 2022/23 outlining the main achievements and brief overview of the areas of improvement.</p> <p>Councillor Smaill advised that Tynewater Community Council expressed their congratulations on the effectiveness of the Pothole Pro and he commented positively on the improvement to the rural roads.</p>		
Decision		
Performance Review and Scrutiny Committee noted the contents of the report.		

Agenda No.	Report Title	Presented by:
5.6 & 5.7	Midlothian Council Q3 Performance Report 2022/23 and Half Year Balanced Score Card	Executive Director Place
Outline of report and summary of discussion		
<p>5.6 Midlothian Council Annual Performance report provides a summary of the information from the individual Performance Reports presented by Officer and 5.7 The Balanced Scorecard provides an overview of performance in line with the Single Midlothian Plan.</p>		

The Chief Executive, Grace Vickers highlighted that on the balance scorecard out of the 113 indicators, 23 were off target and provided a brief explanation on the indicators which were off target.

The Chief Executive expressed her sincere thanks to the staff across all services for their hard work this year.

Councillor Virgo also expressed his thanks to all staff for all their hard work during this very challenging time.

In responding to a question raised by Councillor Virgo with regards to Midlothian's growth and how this is being addressed, the Chief Executive advised that Midlothian's is growing at a rate of 13.8% and the nearest local authority, East Lothian is growing at the rate of 8.8% and advised there is a Cosla demographic group which are meeting to look at groups falling and growing in demographics. The Chief Executive also advised on the productive meeting with Government and Officers from Midlothian and East Lothian on the direct impact this is having on local authorities.

Decision

To note the contents of the reports.

Agenda No.	Report Title	Presented by:
5.8	Inspection of Cherry Road Resource Centre	Head of Adult Services, Health and Social Care
Outline of report and summary of discussion		
<p>This report advised on the outcome of the inspection of Cherry Road Resource Centre and the actions that are being progressed to address the areas for improvement identified in the inspection report.</p> <p>Cherry Road Resource Centre is a Day Service, operated by Midlothian Council that provides support for adults with Learning Disabilities. It caters for individuals with complex learning disabilities and physical disabilities in addition to their Learning Disability. In March 2023 the Care Inspectorate conducted and announced a short notice inspection of Cherry Road Resource Centre. A copy of the report is contained in Appendix B of this report.</p> <p>In presenting this report Head of Adult Services highlighted main areas for improvement and the actions in place to address this. He also advised this was the first inspection under the new criteria and the comparison were outlined in the report.</p> <p>Mr Clater advised on the positivity and warmth in Cherry Road and that this was a good report.</p> <p>Thereafter Mr Clater in responding to a question raised by Councillor Imrie with regards to maintenance and a book to log and record actions, advised that this will be in place going forward and provided a brief explanation on why this was not in place but highlighted that management were now aware of the importance of this.</p>		

Decision
The Performance Review and Scrutiny Committee noted the outcome of the inspection of Cherry Road Resource Centre by the Care Inspectorate.

Agenda No.	Report Title	Presented by:
5.9	Inspection of Burnbrae Primary School	Executive Director Children, Young People and Partnerships

Outline of report and summary of discussion

This report outlines the outcome of the above inspection as carried out by Education Scotland in January 2023.

First inspected in November 2020, then returned in March 2020, HM Inspectors published a letter on Burnbrae Primary School and Nursery Class. The letter set out several areas for improvement which were agreed with the school and Midlothian Council. HM Inspectors returned to the school to look at how it had continued to improve its work and published another letter in February 2022. In January 2023 HM Inspectors visited the school again. The report is now published on the Education Scotland website.

The school has made progress since the original inspection, especially to practice in the provision classes, across early years and in P1. The local authority will now provide a report on progress within one year of this inspection. This report will inform any decision made by Education Scotland regarding further engagement.

Ms Robertson advised they were pleased with the progress in the school since the original inspection in 2020 and expressed her thanks to the Teacher, her staff and the families for the positive improvements that have been made at Burnbrae Primary School.

Decision

The Performance Review and Scrutiny Committee:

- (i) Noted the content of the inspection follow through report.
- (ii) Congratulated the pupils, parents and staff connected with Burnbrae Primary School on the key strengths highlighted in the report.

Action

Executive Director Children, Young People and Partnerships

Agenda No.	Report Title	Presented by:
5.10	Inspection of Danderhall Primary School	Executive Director Children, Young People and Partnerships

Outline of report and summary of discussion

This report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of April 2023.

In February 2023, a team of inspectors from Education Scotland visited Danderhall Primary School. The report was published on 24 April 2023, and is available on the Education Scotland website.

Education Scotland are confident that the school has the capacity to continue to improve and so we will make no further visits in connection with this inspection.

A permanent Head Teacher has been appointed and will take up post in August and will pick up the next steps as identified by HMI and local authority.

Mr Robertson expressed her thanks to the Acting Head Teacher for leading the school during session 2023 and the additional duties undertaken with the inspection at that time.

Decision

The Performance Review and Scrutiny Committee:

- (ii) Noted the content of the inspection follow through report.
- (iii) Congratulated the pupils, parents and staff connected with Danderhall Primary School on the key strengths highlighted in the report.

Action

Executive Director Children, Young People and Partnerships

Agenda No.	Report Title	Presented by:
5.11	Inspection of Sacred Heart Primary School	Executive Director Children, Young People and Partnerships
Outline of report and summary of discussion		
<p>This report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter of May 2023.</p> <p>In February 2023, a team of inspectors from Education Scotland visited Sacred Heart Primary School. The report was published on 9 May 2023, and is available on the Education Scotland website.</p> <p>As a result of the inspection findings Education Scotland thinks that the school needs additional support and more time to make necessary improvements. They will liaise with Midlothian Council regarding the school's capacity to improve and will return to carry out a further inspection of the school within one year of the publication of the inspection letter.</p> <p>Ms Robertson highlighted that an action plan has been created and additional support provided to accelerate improvements across the school. The interventions will be closely monitored to ensure impact and an update can be provided in the Autumn if required.</p>		

Councillor McCall advised for transparency she had a family member attending this school and further commented on her disappointment in reading this report and after visiting the school felt it was not a fair reflection on how the school operates and asked what supports are getting put in place to support the school in making these improvements.

Ms Robertson in responding advised that there has been a number of changes to the school prior to the inspection and as Director had contacted Education Scotland to advise on the changes that had taken place within the school, however they advised they would still go in to inspect and Ms Robertson advised on the plans in place for the school to ensure the planning is relevant for the children and that they were working with the staff on the actions that will be taken in the classroom. She also advised that as Sacred Heart is a joint shared headship with St Matthew's they will ensure there is consistency in the quality of the planning and that the action plan for the school could be shared if required.

Councillors commented that in the past there were very good reports for this school, and it was agreed that an updated report would be brought back within 6 months.

Decision

Ms Robertson will provide an updated report to the Performance Review and Scrutiny Committee in 6 months.

Action

Executive Director Children, Young People and Partnerships

6 Private Reports

No items for discussion

7 Date of the Next

The next meeting will be held on Tuesday 19 September 2023 at 11.00 am.

The meeting terminated at 12.33 pm.

Minute of Meeting

Performance Review and Scrutiny Committee
Tuesday, 7 November 2023
Item No: 4.1



Performance, Review and Scrutiny

Date	Time	Venue
Tuesday, 19 September 2023	11.00 am	Hybrid meeting held in the Committee room at Midlothian House and virtually via Microsoft Teams

Present:

Councillor Imrie (Interim Chair)	Councillor Bowen (left at 13:12)
Councillor Drummond	Councillor Russell
Councillor McKenzie	Councillor Pottinger
Councillor Smaill (left at 12:56)	Councillor Virgo
Councillor Winchester (Virtually)	Councillor Curran (Virtually) (joined at 11:12)
	Councillor McCall (Virtually) (joined at 11:45)

In attendance:

Grace Vickers, Chief Executive
Derek Oliver, Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions (Acting)
Michelle Strong, Education Chief Operating Officer
Joan Tranent, Chief Social Work Officer & Chief Officer Children's Services, Partnerships and Communities
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB
Nick Clater, Head of Adult and Social Care Services

Grace Cowan, Head of Primary Care & Older People's Services
Gary Leadbetter, Democratic Services Officer
Hannah Forbes, Democratic Services Assistant

1 Welcome, Introductions and Apologies

Gary Leadbetter, Democratic Services Officer, welcomed Members and Officers to the Performance, Review and Scrutiny Committee and noted that apologies were offered from the Chair, Councillor Milligan and Councillor McEwan, and that Councillor Curran and Councillor McCall had indicated that they would be delayed and would join virtually.

Due to the absence of the Chair, Gary enquired if there was a motion to nominate another Member to be interim Chair for the purposes of this meeting. Councillor Drummond nominated Councillor Imrie, with Councillor Russell seconding.

2 Order of Business

The Order of Business was as detailed in the agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

4.1 The Minute of the Meeting of the Performance Review and Scrutiny Committee held on 20 June 2023 was submitted and approved as correct record.

4.2 The Action Log was noted.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Adult Health and Social Care Q1 2023/24 Performance Report	The Head of Adult and Social Care Services, Nick Clater and the Head of Primary Care and Older People's Services, Grace Cowan
Outline of Report and Summary of Discussion		

The Head of Adult and Social Care Services, Nick Clater and the Head of Primary Care and Older People's Services, Grace Cowan presented the Adult Health and Social Care Q1 2023/24 Performance Report, providing an overview and highlighting achievements and challenges outlined within the report.

Nick noted that, at the end of their update, they would provide an update on drug and alcohol related death figures, as well as suicide rates, as they were recently published.

The Chair thanked Nick and Grace C for their Report and opened it up to questions.

The following questions and comments were raised and responded to where appropriate:

- To a query from the Chair about whether the drugs & alcohol figures were resulting from the Council's position on preventative intervention, Nick noted that there is fluctuation, however a degree of credit can be given to the preventative model the Council have implemented.
- The Chair further raised a question about the management of pressure on staff, due to the demanding nature of the services, alongside related recruitment challenges. Nick noted that recruitment can be challenging, particularly in relation to mental health nurses, explaining that there are always around one to two vacancies. Nick explained that they were exploring temporarily converting these posts to social worker or occupational therapist posts to secure full staffing. Nick and Grace C both spoke to some of the support provided to staff, acknowledging that it is, however, a difficult area to work within.
- Councillor Smaill noted that in a previous Council meeting there was a general agreement that there ought to be a seminar on drug use and raised that it would be useful to hold this.
- Councillor Russell raised a question in relation to the impact on staff when Normandy Court opens. Grace C noted there was still work to be completed, but that it will positively impact travel time for staff.
- Councillor Pottinger noted the need for additional training around drugs for Members. Councillor Pottinger raised a question around whether there were links between the four drug deaths in terms of relationship and substance type. Nick explained that the circumstances of these deaths were still being explored, so could not provide additional information in relation to this.
- Councillor Virgo raised a question in relation to engagement and communication with staff in order to improve the support provided to them. Nick noted that, in terms of the substance abuse service, there is a high level of supervision and managerial support of and for these staff. More widely, Nick spoke to the communication and engagement strategy in

relation to staff and planned improvement work.

- In relation to a question from Councillor Winchester regarding i-matters, Grace C confirmed that this is used across all services, with action plans being developed which are passed through to the Heads of Services.
- Councillor Pottinger raised a query regarding the justice service and the impact/potential detriment of unpaid-work/volunteers within the Food Facts Friends service on other services. Councillor Pottinger also queried whether the community cooperative would be the one-stop shop and if the ownership would sit with Midlothian. Nick, noted in relation to the latter that they would have to check and in terms of the former they were not aware there was an overlap but they can double check.

Decision

Members noted the Report.

Consider a training session on drugs for Members.

Provide answers in relation to Councillor Pottinger's questions (see above).

Action

The Head of Adult and Social Care Services, Nick Clater and the Head of Primary Care and Older People's Services, Grace Cowan

Agenda No.	Report Title	Presented by:
5.2	Children's Services Partnerships and Communities Q1 2023/24 Performance Report	Chief Officer Children's Services, Partnerships and Communities

Outline of Report and Summary of Discussion

Chief Officer Children's Services, Partnerships and Communities, Joan Tranent presented the Children's Services Partnerships and Communities Q1 2023/24 Performance Report, highlighting achievements and challenges contained within the report.

The Chair thanked Joan for the Report and opened it up to questions.

The following questions and comments were raised and responded to where appropriate:

- Councillor Winchester queried whether there was any action that could be taken to support families who are waiting for a CAMHS referral. Joan highlighted numerous avenues of support in place although recognised that there is a significant number of referrals. On a follow-up question regarding online resources families might use, Joan responded that they would take this question away and bring back an answer.
- Councillor Smaill inquired as to funding for non-Ukrainian asylum-seekers/refugees and any impact on Midlothian Council from any absence of such funding. Joan confirmed that the UK Government provided funding

for young persons, although noted that there were challenges experienced in assessing and confirming ages. Further noted that funding decreasing when people move out of foster or residential care.

- Councillor Drummond raised a question in relation to support provided to parents who are waiting for their children to receive a diagnosis. In response, Joan noted some of the support available, whilst recognising the gap and the national scale of this issue.
- Councillor Pottinger raised a question in relation to foster carer numbers and any potential age limits in respect of foster carers. Councillor Pottinger further queried whether exploration had taken place about pan-Lothian/Edinburgh partnership working in respect of foster carers. Joan noted that they would check age limits and report back and further noted that the pan-Lothian and Edinburgh has been explored previously but is unlikely to materialise, yet work does occur with East Lothian.

Decision

Members noted the Report.

Provide an answer in relation to Councillor Winchester's question (see above).

Provide an update on foster carer age limits.

Action

Chief Officer Children's Services, Partnerships and Communities

Agenda No.	Report Title	Presented by:
5.3	Corporate Solutions Q1 2023/24 Performance Report	Chief Officer Corporate Solutions (Acting)
Outline of Report and Summary of Discussion		
<p>The Chief Officer Corporate Solutions (Acting), Saty Kaur, provided an overview of the Corporate Solutions Q1 2023/24 Performance Report, emphasising key areas.</p> <p>The following questions and comments were raised and responded to where appropriate:</p> <ul style="list-style-type: none"> • Councillor Virgo asked for clarity on the pay-gap information presented in the report. Saty noted that the pay gap is influenced by the fact that some roles may, for a variety of reasons, still be considered more attractive to certain genders and so the impact of this is that it is difficult to get this percentage to zero. Saty highlighted however that there were no particular areas of concern here and if there was to be, action would be taken. • Councillor Virgo further queried why there was a drop in female employees in top 5% from Q4 2022/2023 to Q1 2023/2024. Saty noted that more analysis was required on this to understand this. • Councillor Smail queried whether staff are encourage to take flu & covid 		

inoculations. Grace Curran, in response, confirmed that staff are encouraged to do so.

- The Chair raised a question around expansion of library services and the planning service offered in libraries. Saty noted that they will take the planning services question away and provide an answer in due course. Saty spoke to current and planned expansions of library services and the ongoing and reoccurring exploration of future potential expansions.
- Councillor Curran asked about enhancements for staff which may be realised from the MS Office 365 rollout. Saty noted that some of the transformation, in terms of implementation and realised benefits, had been slower than intended. Saty spoke to benefits of the rollout and plans going forward in terms of the implementation.

Decision

Members noted the Report.

Provide an answer regarding planning service in libraries.

Action

Chief Officer Corporate Solutions (Acting)

Agenda No.	Report Title	Presented by:
5.4	Education Q1 2023/24 Performance Report	Executive Director Children, Young People and Partnerships
Outline of Report and Summary of Discussion		
<p>The Executive Director Children, Young People and Partnerships, Michelle Strong presented the Education Q1 2023/24 Performance Report, advising on key areas and recognising that there are aspects that do not show positive trends.</p> <p>The Chair thanked Michelle for the Report and opened it up for questions.</p> <p>The following questions and comments were raised and responded to where appropriate:</p> <ul style="list-style-type: none"> • The Chair raised questions in relation to a truancy database, home education and the approval mechanisms/tests in relation to this and whether there is a law or mechanism by which school attendance can be enforced. Michelle stated that there is a management information system tracking school attendance, the data of which is used rigorously to address truancy concerns. In terms of home education, Michelle explained that applications for home education needed to be submitted and approved, with this being reviewed on an annual basis. Michelle further noted, in terms of promoting school attendance, work that is undertaken with parents and guardians to ensure regular attendance and engagement. • Councillor Drummond queried whether engagement through digital devices 		

from home, given its challenges, is being investigated. Councillor Drummond also questioned whether lack of attendance is more prevalent within later school years. In response to the former question, Michelle highlighted the benefits of maximising the use of digital device use to support attendance in specific circumstances. Responding to the question on prevalence, Michelle confirmed there is greater concern around attendance in secondary school, however, noted that there are variances between schools and so it cannot be pinned down to certain year groups. Noted that there are reports of some attendance issues resulting from pupils taking up employment.

- Councillor Pottinger queried whether planned absences, such as holidays out with the regular school holiday calendar are recorded and whether half-day absences are recorded within the system. Councillor Pottinger noted that there would be a benefit to providing a breakdown of absence per school year. Councillor Pottinger further queried the performance in relation to absences compared to other local authorities. In relation to the half-day question, Michelle confirmed that the system allowed for this, so patterns of attendance could be seen and support given where appropriate. In respect of planned absences, Michelle also confirmed that the system allowed for a range of reasons for the absence to be recorded. Finally, Michelle noted that many local authorities are not experiencing pre-pandemic levels of attendance data and national discussions are occurring on how this can be improved.

Decision

Members noted the Report.

Action

Agenda No.	Report Title	Presented by:
5.5	Place Q1 2023/24 Performance Report	Chief Officer Place
Outline of Report and Summary of Discussion		
Chief Officer Place, Derek Oliver presented the Place Q1 2023/24 Performance Report, outlining the main achievements and providing an overview of the areas for improvement.		
The Chair thanked Derek for the Report and opened it up to questions.		
The following questions and comments were raised and responded to where appropriate:		
<ul style="list-style-type: none"> • Councillor Smaill raised questions in relation to the decision-making on which Midlothian parks are to be improved and the low uptake of meals in secondary schools. In relation to the former, Derek noted that the Report submitted to Council which laid out the funding application and funding secured from Scottish Government included a programme of which parks 		

were to be improved in both this and future years. Noted that this could be provided again and if there were certain areas of concerns then a reassessment could occur. In terms of the second question, Derek confirmed that there was ongoing work to drive uptake.

- Councillor Curran, in relation to the rapid rehousing transition plan, requested an increase going forward in the delivery of education talks. Councillor Curran also raised a question in relation to food waste uplifts in rural areas. Derek noted that the education talks would be picked up again, now that covid restrictions had been removed. In relation to the food waste, Derek stated that the aim is to include rural areas and routes are currently being drafted and once formalised will be distributed to councillors.

Decision

Members noted the Report.

Action

Agenda No.	Report Title	Presented by:
5.6	Midlothian Council Q1 2023/24 Performance Report	Chief Executive
Outline of Report and Summary of Discussion		
Chief Executive, Grace Vickers, presented the Midlothian Council Q1 2023/24 Performance Report which provides a summary of actions outlined in the meeting that are in line with the Single Midlothian Plan.		
The Chair thanked Grace V for the Report and opened it up to questions.		
Decision		
Members noted the Report.		
Action		

Agenda No.	Report Title	Presented by:
5.7	Lawfield Primary School Inspection Report	Executive Director Children, Young People and Partnerships
Outline of Report and Summary of Discussion		
Executive Director Children, Young People and Partnerships, Michelle Strong, presented the Lawfield Primary School Inspection Report. The report outlines the outcome of the above inspection as carried out by Education Scotland in January 2023.		
The Chair thanked Michelle for the report and opened it up to questions.		
The following questions and comments were raised and responded to where		

appropriate:

- Councillor Drummond noted that it would be beneficial for this matter to come before the committee more regularly, given the longevity of the issues.
- Councillor Pottinger raised several questions relating to the management structure, information on ASN numbers and recruitment issues. Michelle confirmed they were happy to provide regular updates on the improvement progress. Michelle further stated that ASN numbers are complex, although happy to categorise this and detail the range of support the school has in place. Michelle noted that they were happy to share the range of factors in relation to recruitment as well.
- The Chair queried whether the additional post being created for a second deputy head teacher met with the agreed structure for management in the school and, if so, why no-one was in this post previously. The Chair further questioned whether the headteacher in place would remain. Michelle explained that an experienced teacher had been asked to take on the role to pick up the action plan, further explaining that it had been acknowledged there needed to be temporary additional capacity in the senior leadership team to move forward at pace. Michelle noted that it is not unusual for a new headteacher to be in post for a limited timeframe before an inspection takes place. Michelle further commented that the issues did not sit with the headteacher alone but the whole school.
- Councillor Virgo noted that if there was anything Members could do to support the school with flourishing, to let Members know.

Noted that the connection dropped temporarily for Members attending virtually. Confirmed that the meeting was still being webcast and recorded despite this.

Decision

Members noted the Report.

Action

Agenda No.	Report Title	Presented by:
5.8	Moorfoot Primary School Inspection Report	Executive Director Children, Young People and Partnerships,
Outline of Report and Summary of Discussion		
Executive Director Children, Young People and Partnerships, Michelle Strong, presented the Moorfoot Primary School Inspection Report. The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of December 2022.		
The Chair thanked Michelle for the report and opened it up to questions.		
Decision		

Members noted the Report.
Action

Agenda No.	Report Title	Presented by:
5.9	Care Inspectorate Inspections of Day Care of Children August 2022, April 2023	Executive Director Children, Young People and Partnerships
Outline of Report and Summary of Discussion		
Executive Director Children, Young People and Partnerships, Michelle Strong, presented the Care Inspectorate Inspections of Day Care of Children August 2022, April 2023. The report concerns a range of funded providers that were inspected including private nurseries and local authority settings and provides a summary of the outcomes of the inspections, outlined in the report, in Early Learning and Childcare settings for three- and four-year-olds as carried out by the Care Inspectorate.		
The Chair thanked Michelle for the report and opened it up to questions.		
Decision		
Members noted the Report.		
Action		

Agenda No.	Report Title	Presented by:
5.10	Newbyres Care Home Inspection Report	Head of Primary Care & Older People's Services
Outline of Report and Summary of Discussion		
Head of Primary Care & Older People's Services, Grace Cowan, presented the Newbyres Care Home Inspection Report. This report provides an overview of the recent Care Inspectorate report for Newbyres Village Care Home from 5 th May 2023, and the subsequent unannounced follow up visit on 4 th August 2023		
The Chair thanked Grace C for the Report and opened it up to questions.		
The following questions and comments were raised and responded to where appropriate:		
<ul style="list-style-type: none"> The Chair raised a question around what more can be done, given that the matter has fluctuated in terms of positive and negative for some time. The Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB, Morag Barrow, noted that the concerns are shared, highlighting that there is still work to be done in terms of the model, culture and securing a strong leadership team. Morag spoke to a commissioned piece of work that will review all of the beds across Midlothian, explaining 		

that the model being operated had been inherited, and this work will look at what changes are necessary. Morag further noted that there will be further discussions that will be brought back as to what model will be retained going forward.

- Councillor Russell stated that she was unable to support Newbyres Care Home in its current situation, running through her concerns in relation to this. Morag noted Councillor Russell's concerns, stating that there was indeed more to be done as it was not currently in a desirable circumstance. Grace C explained that Newbyres was set up as a residential care placement, however, over half of the residents now meet nursing requirements. Grace C highlighted that this required a different level of care to be provided, which is more complex for social care staff given that they are now having to flag clinical requirements. Grace C noted that there was ongoing trade union and management work to support the staff to take this forward, including the need for lessons learned work to allow improvement. Grace C further noted the difficulties of doing so when staff need to consistently provide care to a significant number of residents and there needed to be a balance between the two aspects, which was currently being worked through.
- Councillor Russell further raised a question as to whether working group, as had been set up in the past on this matter, would be helpful. Councillor Russell also raised a question around involvement and input of residents and families in relation to this matter. Morag explained that a Social Work Assurance Group had been set up, which is led and Chaired by the Chief Social Work Officer & Chief Officer Children's Services, Partnerships and Communities, Joan Tranent with the Head of Adult and Social Care Services, Nick Clater as deputy Chair. It has monitoring and oversight responsibilities in relation to the improvement of Newbyres Care Home. Morag then spoke to involvement of families, residents and staff throughout the process. Morag also mentioned that a Friends of Newbyres Group had also been established.
- Councillor Pottinger noted that a reoccurring issue is staff vacancies, raising queries as to agency staff reliance and staff turnover. Grace C noted that there is not a high turnover of staff, yet there is still reliance on agency staff to provide additional care due to the acuity of care for residents having increased.
- Councillor Virgo raised a question in relation to a medium-term plan, indicating a desire to have sight of this. Grace C confirmed this could be brought back to the Committee and welcomed the Members to visit Newbyres.
- The Chair stated that regular reports to the Committee on Newbyres would be welcomed.
- Councillor Drummond queried how the upward trajectory of improvement will be maintained and whether there were markers in place to ensure that things do not revert. Grace C noted that audit cycles had been implemented

and now go before the Social Work Assurance Group every fortnight and that the Service Manager is required to bring the Action Plan to this Group as well. Grace C also spoke to the movement from reactive to proactive action and the work both around and resulting from this, in relation to maintaining and increasing the upward trajectory.

- Councillor Drummond further questioned whether, once a satisfactory level had been reached, ongoing monitoring was still in place to ensure things did not worsen again. Grace C highlighted and explained the role of the newly established Social Work Assurance Group, noting that this will help going forward. Morag spoke to the commissioned work reviewing beds in Midlothian in relation to this matter.

Decision

Members noted the Report.

Medium-term plan to be brought to Committee.

Action

Head of Primary Care & Older People's Services

6 Private Reports

No items for discussion

7 Date of the Next

The next meeting will be held on 7 November 2023.

The meeting terminated at 13:52.

Minute of Meeting

Planning Committee
Tuesday 31 October 2023
Item No: 4.1



Planning Committee

Date	Time	Venue
Tuesday, 12 September 2023	13:00	Council Chambers, Midlothian House

Present:

Councillor Imrie (Chair)	Councillor McEwan
Councillor McCall	Councillor McManus
Councillor Parry	Councillor Winchester
Councillor Milligan	Councillor Virgo
Councillor Alexander	Councillor McKenzie
Councillor Pottinger	Councillor Russell
Councillor Cassidy	Councillor Curran
Councillor Scott	Councillor Bowen
Councillor Drummond	

In Attendance:

William Venters	Principal Solicitor
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Gary Leadbetter	Democratic Services Officer
Linda Melville	Member Support

1. Apologies

Apologies for absence were received from Councillor Smaill.

2. Order of Business

The order of business was as set out in the Agenda with the exception of Item 5.4 which was withdrawn prior to the meeting.

3. Declarations of interest

Councillor Scott and McEwan declared an interest on Item 5.2.

4. Minutes of Previous Meetings

The minute of the meeting of Tuesday, 16 May 2023 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	Land Adjacent A68 and A720 City Bypass – Advertisement Prosecution Report and Plans	Chief Officer, Place
Outline of Report and Summary of Discussion		
<p>Planning, Sustainable Growth and Investment Manager, Peter Arnsdorf introduced the report. This report relates to the display of an unauthorised hoarding advertisement on land within the designated greenbelt adjoining the A68/A720 (on) slip road. The displaying of an advertisement that requires express consent without such consent is an offence.</p> <p>This report recommends that the Committee instruct the Planning, Sustainable Growth and Investment Manager to refer the case to the Crown Office and Procurator Fiscal Service for consideration to be given to prosecutorial action in relation to the parties who have displayed an advertisement without expressed consent, pursuant to Section 186 of the Town and Country Planning (Scotland) Act 1997 (by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019). The maximum penalty on successful prosecution is a fine of up to £5,000 per offence plus £500 per day for a continuing offence after conviction.</p> <p>The Chair, Councillor Imrie, thanked Mr Arnsdorf for the report and opened it up to questions.</p>		
Decision		
<p>The Planning Committee agreed to instruct the Planning, Sustainable Growth and Investment Manager to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p>		

Action
The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.2	10 Kirkhill Terrace, Gorebridge – Enforcement Notice Prosecution Report and Appendices	Chief Officer, Place

Outline of Report and Summary of Discussion

Given their declarations of interest, Councillors McEwan and Scott left the Planning Committee meeting for this Item.

The Planning, Sustainable Growth and Investment Manager, Peter Arnsdorf introduced the report. This report relates to the non-compliance with the requirements of an enforcement notice served by the Council pursuant to Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended (by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019), with regard the erection of a dwellinghouse at 10 Kirkhill Terrace, Gorebridge.

The enforcement notice required the alteration of an erected dwellinghouse to accord with a grant of planning permission, ref: 21/00833/DPP (option 1), or the demolition of the unauthorised erected dwellinghouse and the removal of the dismantled materials from the site (option 2). None of these steps have been taken, either by the enforcement notice compliance date of 20 April 2023 (option 1) or 20 June 2023 (option 2) or to date (at the time of drafting this report). Non-compliance with an enforcement notice constitutes an offence.

This report recommends that the Committee instruct the Planning, Sustainable Growth and Investment Manager to refer the case to the Crown Office and Procurator Fiscal Service (COPFS) for consideration to be given to prosecutorial action in relation to the parties who have breached the enforcement notice, pursuant to Section 136 of the Town and Country Planning (Scotland) Act 1997. The maximum penalty on successful prosecution is a fine of up to £50,000 per offence.

The Chair, Councillor Imrie, thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Cassidy noted that this is a serious and difficult matter and put forward a motion that, before any decision is taken, the Local Review Body (LRB) visit, which did not occur, should be revisited. No seconder was identified, upon the question being posed by the Chair.

On a point of clarification Principal Solicitor, William Venters, explained that the decision before the Planning Committee is whether to instruct that the matter to be referred to the COPFS for consideration to be given to prosecutorial action, it does not regard taking enforcement action to demolish the property.

Councillor Virgo sought clarity on whether the matter could be referred back to the LRB, recognising that due to Covid-19 restrictions there may have been issues with how it was reviewed. Mr Arnsdorf noted that the matter had been referred to the LRB, which was considered in September 2020 during a Covid-19 lockdown. Mr Arnsdorf noted that, in place of a site visit, the LRB was shown visuals, as per the correct guidance and procedures at the time. Mr Arnsdorf further explained that the applicant had a three month window to refer the matter to judicial review, if they believed the correct procedures had not been followed. They did not exercise this right and so the LRB decision stands and may not be reopened.

Decision

The Planning Committee agreed to instruct the Planning, Sustainable Growth and Investment Manager to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

Action

The Planning, Sustainable Growth and Investment Manager

Councillors McEwan and Scott returned to the Planning Committee meeting.

Agenda No	Report Title	Submitted by:
5.3	Site Ec3 West Straiton Committee Report and Plan	Chief Officer, Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager, Peter Arnsdorf introduced the report. The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed-use development including business and employment uses (Class 4, 5 and 6), residential (Class 9 and sui generis flatted accommodation); neighbourhood centre including shops, financial, professional and other services (Class 1A), food and drink (Class 3), assembly and leisure (Class 11); together with other related infrastructure including park and ride, associated works including car parking, servicing, access arrangements, landscaping and public realm at West Straiton, Loanhead (part of site Ec3 and land to the west of Ec3).</p> <p>The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>It is recommended that the Committee notes:</p> <p>a) the provisional planning position set out in this report;</p>		

- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

The Chair, Councillor Imrie, thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Curran stated that, for any application submitted that it would be helpful to know whether there are plans to disrupt the local road network and what the applicant proposes to mitigate this. Mr Arnsdorf agreed to take this action forward for future applications.

Councillor Curran requested that in relation to temporary traffic regulation orders (TTRO) a report is returned to the Committee which allows formal democratic input, particularly for major applications where there may be long-term disruption to local road networks. It was agreed officers will take this action away (Derek Oliver will pick this matter up).

Councillor Alexander requested that it is ensured, in relation to new developments which do not occur immediately, that conditions placed are followed through as technology progresses so that old technology is not in place in new developments which may impact the Council in the long-term. The Chair noted that applicants have three years to begin the development which has implications on the conditions placed, in terms of barring renegotiation of conditions within that time.

Mr Arnsdorf explained that planning applications and associated discharge conditions are assessed against the most up-to-date policy position at the time of assessment. Once a determination is made, the applicant has 3 years for implementation, in which conditions may not be changed.

Elected Members raised concerns in relation to essential infrastructure to support the development, with regards to traffic, GP surgeries, schools, etc. Discussion took place on the need to use essential infrastructure as a marker in relation to large developments, to ensure that it exists and is able to support residential developments, which was noted and taken by Mr Arnsdorf. Some further discussion took place in relation to the infrastructure-first principle.

In relation to a query from Councillor Scott regarding the accuracy of current ratios used for education infrastructure, and whether research has or could take place in relation to this, the Chair noted that this should be referred to the Executive Director of Education and Children's Services as this matter falls within their remit.

In response to a question from Councillor Virgo on the prematurity of considering infrastructure-first in the pre-application stage, Mr Arnsdorf noted that the National Planning Framework 4 sets out the policy position towards moving to infrastructure-first but there is a question on how it is funded and by who. Mr Arnsdorf stated that the key concern, from the Council's perspective, is to ensure that infrastructure is delivered that meets the demands of local communities, so this may arise in early

or late phases. Mr Arnsdorf noted that the need to consider infrastructure is becoming increasingly important and entails a higher priority in regard to these matters.

Decision

The Planning Committee noted:

- a) the provisional planning position set out in this report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

The Planning Committee further requested that:

- 1. Inclusion of any disruption to local road networks and the applicant's proposed mitigations in future applications submitted.
- 2. Return TTRO reports to elected members for consideration.

Action

The Planning, Sustainable Growth and Investment Manager.

Agenda No	Report Title	Submitted by:
5.5	Land 100m South of Glenarch Lodge, Melville Road, Dalkeith Committee Report and Plans	Chief Officer, Place
Outline of Report and Summary of Discussion		
<p>The Planning, Sustainable Growth and Investment Manager, Peter Arnsdorf introduced the report. The application is for the erection of three dwellinghouses, formation of access and car parking and associated works at land 100m south of Glenarch Lodge, Melville Road, Dalkeith.</p> <p>There have been two representations and consultation responses from Scottish Water, the Coal Authority, Network Rail, the Eskbank and Newbattle Community Council, the Council's Ecological Advisor (TWIC), the Council's Senior Manager Neighbourhood Services (Roads), the Council's Senior Manager Protective Services and the Council's Education Executive Business Manager.</p> <p>The relevant development plan policies are policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 24 of the National Planning Framework 4 (NPF4) and policies STRAT2, DEV2, DEV5, DEV6, DEV7, TRAN5, IT1, ENV7, ENV11, ENV15, ENV16, ENV18, ENV19, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).</p> <p>The recommendation is to refuse planning permission for reasons 1 to 3:</p>		

1. As a result of the proposed loss of trees and ground levelling works required to accommodate the access and visibility splays the development will have a significant detrimental impact on the local landscape and character and appearance of the surrounding area, contrary to policies DEV2, DEV6, DEV7, ENV7 and ENV11 of the Midlothian Local Development Plan and the aims of National Planning Framework 4.
2. The proposed development will result in the significant loss of trees and woodland which will result in the degrading of the landscape buffer and resultant definition of the settlement edge in this area, to the detriment of the character and appearance of the conservation area and local landscape, contrary to the aims of policies ENV7 and ENV11 of the Midlothian Local Development Plan and the aims of National Planning Framework 4.
3. The proposed access and associated works will result in a significant adverse impact on road safety which will be to the detriment of the safety of road users.

Mr Arnsdorf noted that the applicant had now committed to make the required develop contributions if planning permission is granted, as such refusal reason number 4 is no longer recommended. Refusal reason number 4 was as follows:

4. By not meeting the required developer contribution requirements the proposed development does not mitigate its impact on local infrastructure and the environment and as such does not accord with Midlothian Local Development Plan Policies IMP1 and IMP2.

The Chair, Councillor Imrie, thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Parry raised a question in relation to 5.4 in the report where it states the Coal Authority “recommend permitted development rights be removed relating to extensions and outbuilding in the area around mine shaft zones of influence.” Ms Parry queried whether, if the planning permission is refused, this can become a condition. Mr Arnsdorf noted that if the recommendation of refusal is approved then there is no requirement to consider this matter.

Some discussion took place on what the land might be used for and conditions that may be imposed for any prospective development in respect of the land, with it noted that there was an opportunity to improve the land from its current state.

In a point raised by Councillor McEwan regarding the suitability of the contemporary design of the dwellinghouses for the Conversation Area, Mr Arnsdorf noted that members signalled approval of a contemporary design of a similar style on this site in a 2017 LRB. Given this, officer felt this decision had already been determined. In response to a further query by Councillor McEwan on whether this was setting precedent, Mr Arnsdorf noted that designs need not necessarily be of a traditional or older-style to be considered acceptable.

Councillor Curran raised a concern around road safety, entry points and visibility and noted that speed measures should be installed. Councillor McKenzie further

raised concerns around road safety and entry/access points. Mr Arnsdorf noted the concerns and explained that if the Planning Committee were minded to grant planning permission it may be appropriate to request that the applicant undertake a Road Safety Audit to determine the safest access points and what safety measures or speed restrictions should be put in place to ensure safety.

The Chair noted that there are two conditions in mind, if planning permission is granted:

1. A Landscape Plan.
2. Road Safety Audit.

The Chair moved to grant planning permission, with the two conditions as mentioned. Councillor Curran seconded.

Decision

The Planning Committee approved the planning permission, subject to the addition of two conditions being imposed, namely a Landscape Plan and Road Safety Audit.

Action

The Planning, Sustainable Growth and Investment Manager.

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday, 31 October 2023.

The meeting terminated at 13:59.

Minute of Meeting

Local Review Body
Monday 25 September 2023
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 19 June 2023	1.00pm	Council Chambers

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McManus
Councillor Milligan	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor McEwan, Councillor Smaill and Councillor Virgo

2 Order of Business

The order of business was as amended as detailed below.

3 Declarations of interest

Councillor Milligan declared an interest in 5.3 as he knows the applicant's father and he would leave the meeting at this point.

4 Minute of Previous Meeting

The Minute of the Meeting of 22 May 2023 was submitted and approved as correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	Land Rear 20 Eskview Road, Mayfield(22.00895.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield.</p> <p>The Planning application 22/00716/DPP for the change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield was refused planning permission on 18 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development gave careful consideration to the reasons for its refusal and raised concerns with regards to sitting this container in the area and also taking into account the possible litter aspect.</p> <p>Councillor Milligan, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report.</p>		

As an amendment Councillor Cassidy, seconded by Councillor Drummond moved to uphold the review request and grant planning permission subject to the conditions as set out in the report.

On a vote being taken 4 Members voted for the Motion and 2 Members voted for the Amendment, the Motion then became the decision of the committee.

Decision

The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for Change of use from public open space to allow sitting of container for use as hot food takeaway at Land to Rear of 20, Eskview Road, Mayfield, Dalkeith

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	131 Main Street, Newtongrange	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of office building at 131 Main Street, Newtongrange.</p> <p>The Planning application 22/00804/DPP for the erection of office building at 131 Main Street, Newtongrange was refused planning permission on 30 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the character and appearance to the surrounding area and the detrimental impact this would have on the appearance of the area.</p> <p>Councillor Drummond, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report. This was unanimously agreed by the committee.</p>		
Decision		
<p>The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for the erection of office building at 131 Main Street, Newtongrange, EH22 4 PF.</p>		
Action		
<p>Planning, Sustainable Growth and Investment Manager</p>		

Agenda No	Report Title	Presented by:
5.4	5 Braeside Road South, Gorebridge	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge.</p> <p>The Planning application 23/00033/DPP for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge was granted planning permission subject to conditions on 17 March 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the depth of the driveway.</p> <p>Councillor Drummond, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report. This was unanimously agreed by the committee</p>		
Decision		
<p>The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge, EH23 4DN.</p>		
Action		
<p>Planning, Sustainable Growth and Investment Manager</p>		

Councillor Milligan left the meeting at 1.13 pm prior to the discussion of the next item.

Agenda No	Report Title	Presented by:
5.3	13 Glenview Road, Gorebridge	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge.</p> <p>The Planning application 22/00870/DPP for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview</p>		

Road, Gorebridge was refused planning permission on 16 February 2023; a copy of the decision is attached to this report.

The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.

The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to converting this house into two dwellings and did not agree that this would have a detrimental effect on the amenity and privacy of the existing properties.

Councillor Cassidy, seconded by Councillor Imrie moved to grant the review request and uphold the Appeal. This was unanimously agreed by the committee.

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge subject to the conditions as stated in the report.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 25 September 2023 at 1 pm

The meeting terminated at 1.19 pm.

