

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 26 March 2024**

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2 Minutes of Meetings submitted for Consideration

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Seminars

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Minute of Meeting



Community Asset Transfer Committee

Date	Time	Venue
Tuesday 30 January 2024	2.00pm	Council Chambers/Hybrid

Present:

Councillor Alexander	Councillor McManus
Councillor Cassidy	Councillor Parry
Councillor McKenzie	Councillor Scott

In Attendance:

Kevin Anderson	Executive Director Place
Saty Kaur	Chief Officer Corporate Solutions
Annette Lang	Group Manager, Communities, Lifelong Learning and Employability
William Venters	Principal Solicitor
Gareth Davies	Senior Manager Property and Facilities Management
Mark Kenmure	Property Investment Manager
Hannah Forbes	Assistant Democratic Services Officer
Lucy Roddie	Democratic Services Officer

1 Welcome, Introductions and Apologies

No apologies for absence were received.

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

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

4 Minute of Previous Meeting

There were no minutes of previous meetings for approval.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Community Asset Transfer Committee Membership and Terms of Reference	Kevin Anderson, Executive Director Place
Outline of report and summary of discussion		
Saty Kaur, Chief Officer Corporate Solutions, presented this report. The report sets out the Membership and Terms of Reference of the Community Asset Transfer Committee and invites the Committee to appoint a Chair.		
The Community Asset Transfer Committee is recommended to: <ul style="list-style-type: none">i. Consider the appointment of a Chair; andii. Note its Membership and Terms of Reference		
Saty Kaur invited the Committee to appoint a Chair. Councillor Parry, seconded by Councillor McManus, nominated Councillor Cassidy. No other nominations were received.		
Decision		
The Community Asset Transfer Committee appointed Councillor Cassidy as Chair.		
Action		
Executive Director Place		

Agenda No	Report Title	Presented by:
5.2	Community Asset Transfer Request - Bonnyrigg Rose Community Football Club, Scottish Charitable Incorporated Organisation (SC050923)	Kevin Anderson, Executive Director Place
Outline of report and summary of discussion		
<p>Saty Kaur, Chief Officer Corporate Solutions, presented the report.</p> <p>It is recommended that the Committee agree to the request from Bonnyrigg Rose Community Football Club, Scottish Charitable Incorporated Organisation (SC050923) (BRCFC), for the transfer in ownership of Poltonhall Sports Complex (including the astro pitches, grass pitches, pavilion, caretaker's flat and car park), as shown outlined in red on the plan in Appendix B but excluding the public footpath which runs through the property onto Rosewell Road subject to:</p> <ul style="list-style-type: none"> a. the conditions detailed in section 3.37 of the report; and b. such other reasonable terms and conditions as the Executive Director, Place may consider are necessary or expedient to secure the transfer within a reasonable time. <p>Councillor Cassidy, the Chair, thanked Saty Kaur for the report and opened it up to questions.</p> <p>Councillor Parry noted that the applicant had made a number of requests in relation to the continuation of current site maintenance arrangements, as outlined in section 3.35 of the report. Councillor Parry asked which of these requests would be included in the heads of terms as outlined in section 3.37 of the report. Councillor Parry commented that, if ownership were to be transferred, it would be reasonable for the applicant to assume responsibility for maintenance. Saty Kaur reported that, in terms of site maintenance, the detailed operational arrangements would be agreed as part of the delegated authority to the Executive Director, Place if the Committee is minded to approve the request.</p> <p>In relation to recommendation b of the report as detailed above, Councillor Parry sought assurances that the Cabinet Portfolio holder for Community Empowerment and Bonnyrigg ward members would be consulted on any additional proposed conditions. Saty Kaur advised that recommendation b could be revised to reflect that.</p> <p>Councillor Alexander sought assurances that any sinking fund provision would be index linked. William Venters, Principal Solicitor, confirmed that the Council could seek to include provision for an appropriate index to address inflationary increases within the detailed legal drafting, if the Committee is minded to approve the request.</p> <p>The Chair asked what authority, if any, the Council would have to intervene if the project were to fail. William Venters responded that the Council would only have rights in relation to the enforcement of title conditions such as repairs and maintenance, sinking fund and community use etc.</p> <p>Councillor Parry asked if the caretaker's flat would be suitable for let to a council tenant. Kevin Anderson, Executive Director Place, confirmed that the property was not</p>		

held on the Council's Housing Revenue Account (HRA) as its sole purpose was to facilitate a tied tenancy. Access to the flat is gained via the existing building and in this context it is not suitable for let. As alternative uses were not feasible, the property had been included within the asset transfer request.

Councillor McKenzie asked whether the site would remain accessible to the community. Kevin Anderson responded that the site is designated amenity space and the current use of the site serves that purpose. Consultation is ongoing as part of the Local Development Plan 2 (LDP2), but no change in usage is anticipated. The site is protected by Fields in Trust, which provides an additional means of safeguarding community access. Mark Kenmure, Property Investment Manager, provided further detail and commented that the Fields in Trust status is a contractual obligation for the Council to keep various identified green spaces open to the public. Any transfer would be subject to agreement from Fields in Trust.

Councillor Parry moved the report, subject to recommendation b above being revised so that the Executive Director, Place would consult with Bonnyrigg ward members and the Cabinet portfolio holder when seeking to impose any additional conditions. Councillor Scott seconded. Councillor Alexander requested the inclusion of a condition that any sinking fund provision is index linked to mitigate the risk of inflation. This was unanimously agreed by the Committee.

The Community Asset Transfer Committee commended the applicant and Council Officers for their work in relation to the application.

Decision

The Community Asset Transfer Committee approved the request from Bonnyrigg Rose Community Football Club, Scottish Charitable Incorporated Organisation (SC050923) (BRCFC), for the transfer in ownership of Poltonhall Sports Complex (including the astro pitches, grass pitches, pavilion, caretaker's flat and car park), as shown outlined in red on the plan in Appendix B but excluding the public footpath which runs through the property onto Rosewell Road subject to:

- a. the conditions detailed in section 3.37 of the report; and
- b. such other reasonable terms and conditions as the Executive Director, Place may consider are necessary or expedient to secure the transfer within a reasonable time in consultation with the Cabinet portfolio holder and Bonnyrigg ward members; and
- c. the inclusion of a condition that any sinking fund provision is appropriately index linked.

Action

Executive Director Place

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

There are no future scheduled meetings.

The meeting terminated at 14:18.

Minute of Meeting



Appeals Committee

Date	Time	Venue
Wednesday 6 September 2023	2.00 pm	Committee Room

Present:

Councillor Scott (Chair)	Councillor Bowen
Councillor Drummond	

In Attendance:

Lorna Gilbert	HR Strategic Lead
Craig Shearer	Trainee Solicitor
Janet Ritchie	Democratic Services Team Leader

1 Apologies

The Appeals Committee were invited to:-

- (a) To consider the appointment of a Chair for this meeting only; and
- (b) To note its Membership and Terms of Reference.

Councillor Bowen, seconded by Councillor Drummond nominated Councillor Scott as the Chair of this meeting.

The Membership and Terms of Reference was noted by the Members.

2 Order of Business

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

3 Declarations of interest

None

4 Private Reports

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 paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appeal Against Dismissal
Employee in Place Directorate – Dealt with in accordance with the remit of the Appeals Committee.

Minute of Meeting

Cabinet
Tuesday, 5 March 2024
Item No 4.1



Cabinet

Date	Time	Venue
Tuesday 28 November 2023	10:00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith and MS Teams

Present:

Councillor Parry (Chair)	Councillor Alexander
Councillor Cassidy	Councillor McManus
Councillor Scott	Councillor McKenzie

Religious Representatives:

Ms Elizabeth Morton	
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In attendance:

Councillor Pottinger (virtual)
Councillor Virgo (virtual)
Councillor Bowen (virtual)
Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People & Partnerships
Joan Tranent, Chief Officer Children's Services / Chief Social Work Officer
Nick Clater, Head of Adult Services
Derek Oliver, Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions
Michelle Strong, Education Chief Operating Officer
Gary Leadbetter, Democratic Services Officer
Lucy Roddie, Democratic Services Officer

1 Welcome, Introductions and Apologies

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

Apologies were received on behalf of 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 Cabinet held on the 24 October 2023 was submitted and approved as a correct record.

4.2 The Action Log of Cabinet was submitted and noted.

Derek Oliver noted in relation to the bamboo question, it was a non-invasive species used in the past, however more recently the native willow has been used for school playgrounds.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Adult Health and Social Care Performance Report Quarter Two 2023/24	Head of Adult Services
Outline of report and summary of discussion		
Nick Clater, Head of Adult Services, presented the report, highlighting the salient points of the report, noting progress in the delivery of strategic outcomes and further the challenges and risks.		
The Chair thanked Nick Clater for the report and opened it up to questions.		
Councillor McManus and Councillor Cassidy commended the report and the work outlined within it.		
Councillor Cassidy raised a query in relation to the review and whether there was any feedback on this, particularly in relation to the growing population and the financial implications this may bring. Nick Clater stated that they would need to gather information on this, after which they could provide an update.		
Councillor Alexander raised a query in relation to the use of digital services to help older individuals to stay in their homes for longer. Nick Clater stated that digital services were used to an extent, although this had perhaps not progressed as much as might be hoped. Nick Clater noted that for a number of years digital		

devices had been used for those who are frail, not just exclusively for older individuals, although there is more that can be done in this area. Nick Clater also explained that the other area that can be looked at within the digital space is the front door, and how this can be used to better manage the individuals being seen. Nick Clater further noted developments in other local authorities that are being undertaken with social workers and training through virtual reality.

Decision

Action

Agenda No.	Report Title	Presented by:
5.2	Children Services, Partnership and Communities Performance Report Quarter Two 2023/24	Chief Officer Children's Services / Chief Social Work Officer
Outline of report and summary of discussion		
Joan Tranent, Head of Children's Services, presented the report, highlighting the salient points of the report, noting progress in the delivery of strategic outcomes and further the challenges and risks.		
The Chair thanked Joan Tranent for the report and opened it up to questions.		
Councillor Scott commended the report and the work of officers.		
Decision		
Action		

Agenda No.	Report Title	Presented by:
5.3	Corporate Solutions Performance Report Quarter Two 2023/24	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
Saty Kaur, Chief Officer Corporate Solutions, presented the report, highlighting the salient points of the report, noting progress in the delivery of strategic outcomes and further the challenges and risks.		
The Chair thanked Saty Kaur for the report and opened it up to questions.		
The Chair, in relation to the Lend & Mend Hub, stated that this is a fantastic service and further stated that the SLIC award provides a great example of joined up services working together to reduce poverty and tackle the cost of living crisis.		
Councillor Alexander stated that they would like to see a reuse project at the Lend & Mend Hub. They further stated they would welcome a young writer of the year		

award offered through Midlothian's libraries.

Councillor McKenzie asked if more information could be provided on the increase in the number of library visits. Saty Kaur stated that, overall, the number of physical library visits has increased to 153K for the last quarter, which is a 37% increase compared to the same quarter last year and a 15% increase from the previous quarter. Saty Kaur noted the significance of this given that a decrease is normally seen in summer months. Saty Kaur further noted this decrease would also normally be seen in virtual visits, although only a small reduction has been experienced which also demonstrates the effectiveness of the communications and promotion plan.

Decision

1. Look at a reuse project at the Lend & Mend Hub
2. Look at introducing a young writers of the year award through Midlothian libraries

Action

1. Saty Kaur
2. Saty Kaur

Agenda No.	Report Title	Presented by:
5.4	Education Performance Report Quarter Two 2023/24	Education Chief Operating Officer
Outline of report and summary of discussion		
<p>Michelle Strong, Education Chief Operating Officer, presented the report, highlighting the salient points of the report, noting progress in the delivery of strategic outcomes and further the challenges and risks.</p> <p>The Chair thanked Michelle Strong for the report and opened it up to questions.</p> <p>Councillor Scott commended the report, alongside the work outlined and further highlighted rewards that had been received.</p> <p>Councillor Alexander raised queries in relation to education's recovery from Covid and the use of digital services / devices for students with disabilities. Michelle Strong noted that schools are working incredibly hard to recover from Covid, to normalise things and return to normal, but recognised that society, attitudes and behaviours have changed. Michelle Strong explained that schools are supporting students far more post-Covid, such as in relation to wellbeing and mental health. In relation to the question around digital, Michelle Strong highlighted the Council's £10.5m investment for the Equipped for Learning project and the work being undertaken to ensure that this does transform students' experience in the classroom. Michelle Strong further stated that there are a range of accessibility tools on school devices to support students with barriers, which helps them to access the curriculum and achieve their full potential.</p> <p>Councillor Cassidy raised a question in relation to support offered to parents with children with ASN requirements. Michelle Strong explained that ASN is an umbrella term and there are various requirements that fall within it, highlighting that</p>		

regardless of the ASN type the Council has both a legal and moral duty to provide support for children with ASN and this includes supporting the family. Michelle Strong that the level of support put in place is dependent on the need, explaining that schools are effective in identifying need and the support required, noting that it is therefore difficult to talk in general terms given the individualisation of the support given. Joan Tranent explained that social work services liaise with education, early years and health colleagues around this to identify the young people and the support required.

Councillor McKenzie raised a question in relation to behavioural changes in the classroom, given recent news reports about the increase of violence in classrooms, further querying whether there is data that can be shared on this. Michelle Strong explained that there have been improvements on recording incidents and stated that there is analysis being undertaken on this data. Michelle Strong noted that there has been a sharp increase in incidents, although there are still a small number of children involved in these. Michelle Strong highlighted the importance of using the data to understand the 'why' and further identify support for the individual or, in terms of mainstream, identify what can be done to change behaviour. Michelle Strong explained that headteachers are meeting to discuss approaches that can be taken to both improve the situation.

Councillor Scott raised that the media reports have highlighted that violence and aggression in schools towards teachers is particularly directed towards female teachers, stating that this is worth investigating in light of factors such as social media influence. Fiona Robertson, Executive Director, Children, Young People & Partnerships, provided assurances that colleagues in health and community justice are worked with very closely on these issues. Fiona Robertson explained that a directorate conference is being held in early 2024 which headteachers, principal teacher guidance, community justice, children's services, CLLE staff and the third sector will attend. Part of the focus will be around looking at what can be done to ensure young people are safe in their communities, not engaging in certain behaviours and online materials that may be promoting gender related issues. Fiona Robertson further explained that work with partners will entail looking at how improvements can be made to discussing and debating these matters with young people, to better understand the underlying motivations of this behaviour. Part of this work will be reviewing the health & wellbeing curriculum.

Decision

Action

Agenda No.	Report Title	Presented by:
5.5	Place Performance Report Quarter Two 2023/24	Chief Officer Place
Outline of report and summary of discussion		
Derek Oliver, Chief Officer Place, presented the report, highlighting the salient points of the report, noting progress in the delivery of strategic outcomes and further the challenges and risks.		

The Chair thanked Derek Oliver for the report and opened it up to questions.

Councillor Alexander queried if some of the funds could be used in school playgrounds to provide new play equipment. Derek Oliver explained that due to restrictions on school playgrounds, these funds are unable to be used for these purposes due to the criteria around the use of them. Derek Oliver explained that, in future capital allocations, discussions can take place on this.

Councillor Alexander also queried whether providing youth shelters was a possibility in Midlothian. Derek Oliver explained that they could engage with police colleagues around the siting of these and gather their observations on how successful these have been in other areas. Derek Oliver stated they would report back on this offline.

Councillor Scott raised recent issues around recent power cuts and the confusion of the Council's role in relation to managing power supplies. The Chair queried whether there was anything more that can be done in relation to communications around power cuts and if this could be discussed with Scottish Power. Derek Oliver confirmed they would arrange a meeting with Scottish Power.

Councillor McKenzie raised their concern with the 141% increase in people asking for advice from and raising queries with the homeless team and asked for more information around this. Derek Oliver explained that this is in part due to both the removal of the local connection requirement for homeless applications and the ongoing cost of living crisis.

Councillor McKenzie further raised a query in relation to ensuring that housing repairs are completed on time, as it does not appear to be at the level desired. Derek Oliver explained that this is a matter of resource and will form part of the discussions moving forward, although explained that there are other priorities such as voids and the allocation of current resource, as there is an increase in the demand for repairs. Derek Oliver further noted that work is prioritised as needed.

Councillor Cassidy raised a query in relation to speaking to landowners about cohesively working together in terms of waste dumping. Derek Oliver stated that through the Partnership for Rural Crime there is cooperation with landowners and farmers, noting there is strong cooperation with several of them around looking at taking deterrent measures. Councillor Cassidy noted that there are fridge freezers that have been dumped up at Fordell and queried whether there was something that could be done in relation to this.

Decision

1. Engage with Police around youth shelters
2. Engage with Scottish Power on communications around responsibilities in relation to energy supplies
3. Look at dealing with fridge freezers which have been dumped up at Fordell

Action

1. Derek Oliver
2. Derek Oliver
3. Derek Oliver

Agenda No.	Report Title	Presented by:
5.6	Midlothian Council Report Quarter Two 2023/24 and Balanced Scorecard	Chief Executive
Outline of report and summary of discussion		
<p>Dr Grace Vickers, Chief Executive, presented the report. The report, together with the Balanced Scorecard, provides a summary of actions in line with the Single Midlothian Plan, which further complements the reports presented from each of the services during the course of the meeting.</p> <p>Dr Grace Vickers explained, in reference to the Balanced Scorecard, that there are 83 indicators in total, with 12 off target in Q2. Dr Grace Vickers provided a brief explanation of the indicators which were off target.</p> <p>The Chair thanked Dr Grace Vickers for the report and opened it up to questions.</p>		
Decision		
Action		

Agenda No.	Report Title	Presented by:
5.7	Rosewell to Auchendinny NCN 196 Pathway Upgrade	Chief Officer Place
Outline of report and summary of discussion		
<p>Derek Oliver, Chief Officer Place, presented the report. The purpose of this report is to identify options to deliver an upgrade to the Rosewell to Auchendinny NCN 196 Pathway, one of the key active travel and leisure routes in Midlothian. This report also describes the significant and welcome public feedback response to an online public consultation exercise. There were 752 responses.</p> <p>The report recommends that Option 2, described at paragraph 4.16 b) of the report, be taken forward to install a “Flexipave” surface which would be markedly softer than asphalt/tarmac providing a surface suitable for the majority of users including cyclists, horses, joggers, wheelers and walkers.</p> <p>Cabinet is recommendation to:</p> <ul style="list-style-type: none"> a) Note and welcome the significant numbers of responses to the public consultation. b) Approves that the Rosewell to Auchendinny NCN 196 Pathway be upgraded using “Flexipave” materials at an approximate grant funded expenditure cost of up to £590,000 to provide a safer and more user accessible path at no additional cost to the Council. <p>The Chair thanked Derek Oliver for the report and opened it up to questions.</p> <p>Councillor Alexander noted concerns around speed of cyclists on the path and</p>		

asked that there is some encouragement made towards them to be mindful of other users of the path.

Councillor Alexander moved the report and Councillor McManus seconded.

Decision

Recommendations as outlined above approved.

Action

Derek Oliver

6 Private Reports

No Items for discussion

7 Date of the Next Meeting

The date of the next meeting was noted as Tuesday, 23 January 2024 at 11:00am.

The meeting terminated at 11:32am.

Minute of Meeting

Planning Committee
Tuesday 12 March 2024
Item No 4.1



Planning Committee

Date	Time	Venue
Tuesday, 28 November 2023	13:00	Council Chambers, Midlothian House/Hybrid

Present:

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

In Attendance:

Kevin Anderson	Executive Director Place (Attended virtually)
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Morag Barrow	Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB (Attended virtually)
Lucy Roddie	Democratic Services Officer
Gary Leadbetter	Democratic Services Officer

1. Apologies

No apologies for absence were received.

2. Order of Business

The order of business was as set out in the Agenda.

3. Declarations of interest

Councillor McManus made a declaration of transparency in relation to Item 5.4. Councillor McManus reported that he had previously sat on the Newbattle Abbey College board. The land in question within the Eskbank and Ironmills Conservation Area is adjacent to Newbattle Abbey College.

Councillor Cassidy declared an interest in Item 5.4 and would leave the meeting during the discussion.

Councillor Scott declared an interest in Item 5.6 and would leave the meeting during the discussion.

4. Minutes of Previous Meetings

The minute of the meeting of 31 October 2023 was submitted for approval.

In relation to the discussion that took place around Item 5.6, Councillor McCall asked how access to the care home amenities would be safeguarded for the general public. In response, Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, reported that the Planning Committee had granted planning permission subject to the addition of a condition which would safeguard access to care home amenities for local residents.

Councillor Smaill sought confirmation that once the Local Development Plan is approved by the Council, Councillors may not speak against it or have any further dialogue with community councils and others. In response, Peter Arnsdorf provided further information on the Local Development Plan process and noted that once the Council have adopted the Local Development Plan, this constitutes the Council's formal strategy. After adoption, Elected Members are still permitted to discuss the Local Development Plan with all parties.

In relation to the discussion that took place on Item 5.6, Councillor McKenzie clarified that the waste services he was referring to related to the retail units. The minute will be amended for accuracy.

The minute of the meeting of 31 October 2023 was approved subject to the amendment as noted above. Moved by Councillor Pottinger, seconded by Councillor Virgo.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	MLDP2 Engagement - Position Update	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to present a summary of the evidence collated (to date) in response to the Midlothian Local Development Plan 2 (MLDP2) engagement programme, which has been ongoing since the launch of the local development plan review in February 2023. In addition, the Committee is requested to start considering an indicative Local Housing Land Requirement (LHLR).</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> a) the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme; and b) the issues set out with regard the indicative Local Housing Land Requirement (LHLR). <p>Councillor Imrie, the Chair, thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Discussion took place around affordable housing provision, with Peter Arnsdorf providing further information in relation to the requirements of the Local Development Plan. An allocation of 25% affordable housing is currently required, but NPF4 will enable a higher percentage of development to be allocated to affordable housing provision. Councillor Alexander raised concerns around the length of the housing waiting list and suggested the percentage allocation should be significantly higher.</p> <p>Discussion took place around the format of affordable housing. It was noted that much of the provision is in the form of one or two bedroom flats and it was suggested that a range of property sizes should be offered. In response, Peter Arnsdorf commented that provision reflects demand and assured the Committee that housing waiting lists are reviewed to ensure need is met.</p> <p>Discussion took place around the definition of affordable housing with the Committee noting that a further conversation regarding affordable housing requirements would be useful. Peter Arnsdorf commented that the definition of affordable housing is set out in NPF4.</p> <p>Discussion took place around the requirement for development to be adequately supported by infrastructure. Some discussion took place around growth emanating from Edinburgh. It was suggested that the Midlothian Council should work in collaboration with City of Edinburgh Council to ensure growth was adequately supported.</p>		
Decision		

The Planning Committee agreed to note the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme, and the issues set out with regard the indicative Local Housing Land Requirement (LHLR).

Action

All

Agenda No	Report Title	Submitted by:
5.2	Planning Performance Framework Annual Report 2022/23	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.</p>		
Decision		
The Planning Committee noted the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2022/23.		
Action		
All		

Agenda No	Report Title	Submitted by:
5.3	Listed Building Enforcement Appeal Decision regarding installation of signage, vinyl graphics and change of colour at 118 High Street, Dalkeith (USA Nails)	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of a listed building enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).</p>		

It is recommended that the Committee notes the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

Decision

The Planning Committee noted the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	Wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a Planning Contravention Notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Given their declaration of interest, Councillor Cassidy left the Planning Committee meeting for this Item.</p> <p>At this point, Councillor Pottinger made a declaration of interest and left the Planning Committee for this Item.</p> <p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a planning contravention notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith.</p> <p>It is recommended that the Planning Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Parry stated that she fully supported appropriate action being taken and asked if it would be possible to re-plant the felled trees. Mr Arnsdorf reported that the Council can issue a re-planting notice, once a dispute regarding the ownership of land is resolved.</p>		

Councillor Bowen noted there were lengthy delays to prosecutorial action and asked if this case could be expedited. In response, Derek Oliver Chief Officer Place, commented that this would be at the discretion of the Crown Office and Procurator Fiscal Service.

Moved by Councillor Virgo. Seconded by Councillor Parry.

Decision

The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.

Action

The Planning, Sustainable Growth and Investment Manager

Councillor Cassidy and Councillor Pottinger re-entered the Chamber at 13.43.

Agenda No	Report Title	Submitted by:
5.5	23/00657/PAC – Pre-application consultation regarding remediation works to proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage at the site of the former Monktonhall Colliery, Newton Village, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for remediation works to the proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage. The land comprises part of the former Monktonhall Colliery, Newton Village, which is located within the Shawfair new settlement area.</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> a) the provisional planning position set out in the 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. <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p>		

Councillor Curran reported that a local constituent had raised a concern regarding the proximity of the proposed education campus to a recycling plant. Mr Arnsdorf provided reassurances that the site would be thoroughly assessed for suitability as part of the detailed planning application.

Councillor Curran raised safety concerns in relation to the requirement to cross the A6106 road to reach the campus. Mr Arnsdorf provided reassurances that safe routes to school would be considered as part of the detailed planning application.

Councillor Virgo noted that a decision had not yet been made with regards to the capital commitment to Shawfair High School and was therefore reluctant to make a decision at this stage. In response, Mr Arnsdorf noted that this was a pre-application only, and the Committee's view would not fetter consideration of any subsequent formal planning application.

In response to a question from Councillor Scott, Peter Arnsdorf confirmed that condition 26 of planning permission 17/00650/S42 had been carried forward.

Decision

The Planning Committee noted:

- a) the provisional planning position set out in the 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.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.6	23/00662/PAC – Pre-application consultation regarding extension to existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge	Chief Officer Place

Outline of Report and Summary of Discussion

Given their declaration of interest Councillor Scott left the Planning Committee meeting for this Item.

At this point, Councillor Smail made a declaration of interest and left the Planning Committee for this Item.

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of the submission of

a Proposal of Application Notice (PAN) and corresponding pre-application consultation for an extension to an existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge.

It is recommended that the Committee notes:

- a) the provisional planning position set out in the 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 Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

Decision

The Committee noted:

- a) the provisional planning position set out in the 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.

Action

The Planning, Sustainable Growth and Investment Manager

Councillor Smail and Councillor Scott re-entered the Chamber at 13.55.

Agenda No	Report Title	Submitted by:
5.7	23/00532/S42 – Amendment to phasing regarding the redevelopment of the Midlothian Snowsports Centre to enable construction on site whilst the access is being constructed	Chief Officer Place

Outline of Report and Summary of Discussion

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report is a Section 42 application (23/00532/S42) to amend Condition 11 (phasing of construction works relative to site access enabling works) imposed on a grant of Planning Permission (19/01018/PPP) for the redevelopment of existing Snowsports centre to include additional leisure facilities, hotel, function suite, ancillary retail and restaurant uses, formation of access road and car parking at Midlothian Snowsports Centre, Biggar Road, Hillend, to enable onsite work on the enhanced leisure and commercial facilities to commence in advance of the new access arrangements and car park being completed.

It is recommended that planning permission is granted subject to the conditions as set out in the report.

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

Councillor Virgo commented that, while he supported the commercial advantages of certain aspects of the development, part of the proposed development was still up for discussion as part of the ongoing Capital Plan Prioritisation work, and he was therefore unwilling to endorse the proposed amendment to Condition 11 at this stage. Councillor Virgo further commented that the costs of the development had not yet been determined.

The Chair stated that the amendment to Condition 11 was required to enable works to begin on the access road and that necessary approvals for the development had already been secured. Councillor Virgo stated that this was not his understanding.

Councillor Smaill noted that the temporary traffic lights would now be required to remain in place for a longer period at additional cost. Councillor Smaill commented that no assurances had been provided that the development will reach completion. Councillor Smaill stated he was unwilling to endorse the proposed amendment to Condition 11.

Councillor Cassidy noted the importance of making a decision in order to progress the work, given the potential for the project to overrun.

Councillor Cassidy, seconded by Councillor Imrie, moved to grant planning permission subject to the conditions as set out in the report.

Councillor Virgo, seconded by Councillor Smaill, moved to reject the application for planning permission.

On a vote being taken, 3 members of the Committee voted against granting planning permission being granted. 15 members of the Committee voted in favour of granting planning permission. This then became the decision of the Committee.

Decision

The Committee granted planning permission subject to the conditions as set out in the report.

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 23 January 2024 at 1:00pm.

The meeting terminated at 14:14.

Minute of Meeting

Planning Committee
Tuesday 12 March 2024
Item No 4.2



Planning Committee

Date	Time	Venue
Tuesday 23 January 2024	13:00	Council Chambers, Midlothian House/Hybrid

Present:

Councillor Alexander	Councillor Milligan
Councillor Bowen	Councillor Parry
Councillor Cassidy	Councillor Pottinger
Councillor Curran	Councillor Russell
Councillor Drummond	Councillor Scott
Councillor McCall	Councillor Smail
Councillor McEwan	Councillor Virgo
Councillor McKenzie	Councillor Winchester
Councillor McManus	

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Lucy Roddie	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

1. Apologies

Lucy Roddie, Democratic Services Officer, welcomed Elected Members to the Planning Committee and noted that apologies were offered from the Chair. Due to the absence of the Chair, Lucy Roddie invited nominations for another Elected Member to be interim Chair for the purposes of this meeting. Councillor McEwan, seconded by Councillor Pottinger, nominated Councillor Milligan. Councillor Milligan accepted.

2. Order of Business

The Chair advised the Committee that Item 5.5, '23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith' had been deferred a cycle to address a procedural matter. The order of business was otherwise as set out in the Agenda.

3. Declarations of interest

Councillor Bowen and Councillor Scott made a declaration of transparency in relation to Item 5.6. It was noted that they had attended meetings in relation to this matter but had not expressed an opinion.

4. Minutes of Previous Meetings

4.1 No minutes of previous meetings were approved.

4.2 The Action Log was noted.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	MLDP2 Engagement - Local Place Plans Update	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of this report is to update Elected Members on the production of Local Place Plans (LPPs) by Midlothian community groups.</p> <p>It is recommended that the Committee notes the contents of the report, in particular:</p> <ul style="list-style-type: none">i. the list of Midlothian community bodies who have submitted draft local place plans to the Council, and the summaries of the plans provided in Appendix A of the report; andii. the intention to bring finalised local place plans to the 30 April 2024 Committee for consideration for validation and registration by the Council.		

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

In response to a question from Councillor McEwan, Peter Arnsdorf confirmed that all Community Councils had been advised of the deadlines for submitting Local Place Plans.

Decision

It is recommended that the Committee notes the contents of the report, in particular:

- i. the list of Midlothian community bodies who have submitted draft local place plans to the Council, and the summaries of the plans provided in Appendix A of the report; and
- ii. the intention to bring finalised local place plans to the 30 April 2024 Committee for consideration for validation and registration by the Council.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.2	Issuing of TPO at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. This report seeks the Committee's approval to issue a Tree Preservation Order (TPO) on woodland located at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik.</p> <p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> a) Agrees to the issuing of a TPO to protect the identified trees at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik; and b) Agrees to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment. <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made and the Committee unanimously agreed to the recommendations as set out in the report.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none"> a) Agreed to the issuing of a TPO to protect the identified trees at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik; and 		

b) Agreed to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment.
Action
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.3	Non-compliance with a Listed Building Enforcement Notice related to installation of 16 uPVC windows issued in relation to 130 High Street, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the non-compliance with the requirements of a listed building enforcement notice served by the Council with regard the removal of sixteen singled glazed, timber framed, sash and case windows, and the installation of sixteen double glazed, uPVC (un-Plasticised Polyvinyl Chloride) framed, tilt and turn windows in the front, rear and side facades at 130 High Street, Dalkeith.</p> <p>It is recommended that the Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Alexander commented on the need to consider the benefits of making older buildings more energy efficient and suggested that landlords and owners should be encouraged to take such measures. In response, the Chair commented that the enforcement notice had been served in accordance with Scottish Government planning enforcement policy. In this context, the Planning Committee's role is to determine whether the enforcement notice should be served.</p> <p>Councillor McManus asked about the implications if the Planning Committee decided to not refer the case for prosecutorial action. Peter Arnsdorf commented that the breach of planning control would remain outstanding. Reputational damage could be caused, and the decision to not refer the case could give hope to others that the Council will not enforce breaches of planning control. The owner could re-apply for listed building consent and planning permission but it would be unlikely a decision would be made in their favour. Councillor Drummond noted her concern that by not referring this case for prosecutorial action, a precedent would be set whereby the Council is seen to ignore Scottish Government planning enforcement policy. Councillor Parry noted her concern that an outstanding breach of planning control would be inherited by any future owners.</p>		

Councillor McCall, seconded by Councillor Virgo, moved to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

Councillor Alexander, seconded by Councillor Cassidy, moved an amendment to the motion, namely, to not refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

On a vote being taken, 2 members of the Committee voted for the amendment and 15 members of the Committee voted for the motion. This then became the decision of the Committee.

Decision

The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) 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

Agenda No	Report Title	Submitted by:
5.4	Non-compliance with a Listed Building Enforcement Notice related to erection of fascia sign issued in relation to 41 High Street, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. This report relates to the non-compliance with the requirements of a listed building enforcement notice served by the Council with regard the erection of a fascia sign at 41 High Street, Dalkeith. Peter Arnsdorf reported that since the publication of this report, the occupier had indicated their intention to remove the signage within the next two weeks.</p> <p>It is recommended that the Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Virgo, seconded by Councillor Parry, moved to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p>		

Decision
The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.
Action
The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.5	23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
Withdrawn		
Decision		
Action		

Agenda No	Report Title	Submitted by:
5.6	23/00674/LBC and 23/00675/DPP – Installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange (called in by Cllr Bowen)	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The applications are for the installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange. The recommendation is to refuse listed building consent and planning permission. It was noted that no representations had been received.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Smaill remarked that the church is a prominent listed building of historical significance and he would not support the installation of solar panels due to the</p>		

impact of the proposed works on the character, appearance and historic interest of the listed building.

Some discussion took place in relation to the present climate emergency. The Planning Committee noted the requirement to reduce reliance on unsustainable energy sources and support measures to improve energy efficiency. It was suggested that a review of the relevant policies, in consultation with Scottish Government where appropriate, should be undertaken to ensure alignment with the requirement to address the present climate emergency.

The Planning Committee noted that the Newtongrange Community Council, and the community more widely, were supportive of the applications and considered the redevelopment project as beneficial to the local area. Several members of the Committee noted their desire to support the redevelopment project and ensure the survival of the building. Councillor Smaill remarked that it had not been demonstrated that the installation of solar panels was critical to the success of the project, and a cost-benefit analysis had not been completed.

Councillor Virgo noted his concern that it had not been demonstrated that the church roof could sustain the solar panels. Councillor Virgo suggested a structural assessment be undertaken and a report be brought to the Planning Committee before a decision is taken. Councillor Smaill echoed these comments and, in addition, called for a cost benefit analysis of the solar panels and an architectural impact assessment to be brought before the Planning Committee. Councillor Smaill suggested establishing an expert group with an understanding of architecture to provide professional advice to the Planning Committee in relation to matters such as this.

Councillor Alexander, seconded by Councillor Drummond, moved to grant listed building consent and planning permission.

On an amendment to the motion, Councillor Smaill, seconded by Councillor Virgo, moved to refuse listed building consent and planning permission with a structural assessment, cost benefit analysis and architectural impact assessment to be undertaken and further reports to be brought back to the Planning Committee.

On a vote being taken, 4 members of the Committee voted for the amendment and 13 members of the Committee voted for the motion. This then became the decision of the Committee.

Decision

The Planning Committee granted listed building consent and planning permission for the installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange.

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 12 March at 1:00pm.

The meeting terminated at 13:56.

Midlothian Integration Joint Board

Midlothian Integration Joint Board – Audit and Risk Committee
Thursday, 7 March 2024
Item 4.1



Meeting	Date	Time	Venue
Audit and Risk Committee	Thursday 7 December 2023	2.00pm	Virtual Meeting held using MS Teams

Present (voting members):

Val de Souza (Chair)	Cllr Connor McManus	Cllr Kelly Parry
Nadin Akta	Andrew Fleming	

Present (non-voting members):

Morag Barrow	Gill Main	Claire Gardiner
Duncan Stainbank	Rebecca Green	Claire Ross
David King		

In attendance:

Roxanne King	Lisa Cumming	Lucy Roddie
Hannah Forbes		

Apologies:

Patricia Fraser	Kay Jenks	
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Audit and Risk Committee

Thursday 7 December 2023

1. Welcome and Introductions

The Chair welcomed everyone to the meeting.

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 Meeting

- 4.1 The Minute of Meeting of the Audit and Risk Committee held on 23 November 2023 was submitted. Gill Main, Integration Manager, reported that she had been listed as in attendance at the meeting, but had not been present. Democratic Services agreed to amend the minute.

The Minute was approved as a correct record, subject to the correction noted above.

- 4.2 Matters Arising: None.

Audit and Risk Committee

Thursday 7 December 2023

5. Public Reports

5.1 Q3 2023/24 Risk Register, report by Chief Financial Officer – David King

David King, Chief Financial Officer, presented the report. David King highlighted that the risk around financial resources had been increased to the highest level, 'critical'. David King reported that the risk register is currently held as a document file but it was suggested that it should be integrated into one of the risk management systems used by the partners.

The Committee is asked to:

1. Note the Q3 risk register;
2. Consider the amendments made from the Q1 risk register;
3. Consider if any further additions or changes should be made to the risk register;
4. Require the management of the IJB to put the risk register into a more formal management system.

The Chair, Val de Souza, thanked David King for the report and opened it up to questions.

Andrew Fleming commented that population growth in Midlothian would have a significant impact over the coming years and asked if this risk had been accounted for. Morag Barrow, Chief Officer to Midlothian IJB, voiced her support to register population growth as a separate risk and noted the unique challenges facing Midlothian in relation to demographics. It was agreed that it was important that the IJB were seen to be aware of, and mitigating, this risk. Gill Main gave assurances to the Committee that the HSCP was fully engaged with the Midlothian Local Development Plan 2 (MLDP2) and had provided input to the review of the draft evidence statement.

Councillor Parry noted that a report had been presented to the meeting of Midlothian Council on 10 October 2023 regarding the impact of population growth in Midlothian. Councillor Parry had written to the UK government, Scottish Government and COSLA in relation to this, and offered to share these communications with the IJB. It was agreed that Councillor Parry would share the relevant information with Morag Barrow for review. The IJB would then consider any necessary action at a future meeting.

Some discussion took place around the risk related to recruitment. It was noted that plans had recently been proposed to reduce net migration, and this may have an impact on the workforce. Gill Main reported that while health and social care workers would be exempt from the proposed restrictions, limitations may be imposed by employer partners. Gill Main reported that she was working with NHS and Council partners and would provide updates as relevant. The Chair commented on the importance of monitoring the implementation of the changes and assessing any associated risk. It was agreed to retain a risk rating of 4 for the time being.

Audit and Risk Committee

Thursday 7 December 2023

The Committee:

1. Noted the Q3 risk register
2. Considered the amendments made from the Q1 risk register
3. Considered that no further additions or changes were required to risk register
4. Agreed to instruct the management of the IJB to put the risk register into a more formal management system.

The Chair thanked members for their feedback.

Action:

Councillor Parry to share relevant communications regarding population growth with Morag Barrow for review. IJB to consider any necessary action at a future meeting.

David King to instruct the management of the IJB to put the risk register into a more formal management system.

5.2 Midlothian IJB Publication Scheme 2023, report by Integration Manager - Gill Main

Gill Main, Integration Manager, introduced the report. Gill Main reported that the IJB is required to provide the public with a Publication Scheme under The Freedom of Information (Scotland) Act 2002. This update brings the publication scheme in line with the Scottish Information Commissioner Model Publication Scheme (2021). Lisa Cumming, Business Support Manager, had worked with the Information Commissioner's Office (ICO) to ensure the information is accessible and the scheme is adopted appropriately. Gill Main highlighted the Equality and Children's Rights Impact Assessment in Appendices 2 and 3 of the report.

The Committee is asked to:

1. Review the updated information within the Scheme of Publication
2. Review the accompanying Equality and Children's Right Impact Assessment
3. Consider updates and agree to recommendation to the IJB for approval.

The Chair thanked Gill Main and Lisa Cumming for the report and opened it up to questions.

Some discussion took place around the Scheme's reference to translation. Gill Main confirmed that there is no legislative requirement to provide translations, noting that it would be impractical to produce copies of documents in every language. Translations would be provided on a request basis. It was noted that the impact assessment refers to the legislative requirements to promote BSL as a language, and a BSL version would be produced if a request was received.

Audit and Risk Committee

Thursday 7 December 2023

The Committee:

1. Reviewed the updated information within the Scheme of Publication
2. Reviewed the accompanying Equality and Children's Right Impact Assessment
3. Agreed to recommend the Midlothian IJB Publication Scheme 2023 to the IJB for approval.

The Chair thanked Gill Main and Lisa Cumming for their work on the revised Scheme of Publication.

Action:

Gill Main to recommend the Midlothian IJB Publication Scheme 2023 to the IJB for approval.

5.3 Internal Audit Report, report by Chief Internal Auditor – Duncan Stainbank

Duncan Stainbank, Chief Internal Auditor, introduced the report. The report details the MIJB's reported performance in addressing and closing the issues and recommendations raised by Internal Audit. Duncan Stainbank noted that good progress had been made by Management during the year with the completion of 7 recommendations as summarised in Appendix 1. There are currently 2 remaining in-progress Internal Audit Recommendations for the MIJB which are summarised in Appendix 2.

The Committee is asked to:

1. Acknowledge the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks;
2. Consider whether it is satisfied with the progress made by Management and any other actions required; and
3. Note that Internal Audit will continue to monitor the completion of the outstanding recommendations and will provide update reports to the MIJB Audit and Risk Committee.

The Chair thanked Duncan Stainbank for the report and opened it up to questions.

Andrew Fleming noted that action reference IA.MIJB-MTFP.01 in relation to the development of the Medium-Term Financial Plan for the IJB was due to be completed by 31 December 2023 and asked if this was achievable. In response, David King reported that a paper regarding the development of a Medium-Term Financial Plan would be presented to the meeting of IJB on 21 December 2023. David King would provide an update to the IJB on the process and associated timetable at this meeting and suggested this would satisfy the 31 December deadline.

Audit and Risk Committee

Thursday 7 December 2023

The Committee:

1. Acknowledged the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks;
2. Considered that it was satisfied with the progress made by Management and no other actions were required; and
3. Noted that Internal Audit will continue to monitor the completion of the outstanding recommendations and will provide update reports to the MIJB Audit and Risk Committee.

The Chair thanked Duncan Stainbank for the report.

5.4 NHS Lothian Internal Audit Report Complaints Handling, report by Chief Internal Auditor - Duncan Stainbank (to follow)

It was noted that the reports which had been marked as 'to follow' had not been circulated in advance of the meeting.

It was agreed that Duncan Stainbank would submit the reports to Democratic Services for circulation directly after the meeting. The Committee would consider the reports and a fuller discussion would be tabled at the next meeting of 7 March 2024. It was agreed that provisional comments could be submitted directly to either Duncan Stainbank or the Chair.

Action:

Committee members are invited to submit provisional comments regarding the Complaints Handling report to either Duncan Stainbank or the Chair.

6. Private Reports

No private business to be discussed at this meeting.

7. Date of next meeting

The next meeting will be held on Thursday 7 March 2024 at 2.00pm.

(Action: All Members to Note)

Audit and Risk Committee

Thursday 7 December 2023

The meeting terminated at 2.47pm.

