

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 27 February 2024**

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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

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No apologies for absence were received.

## 2 Order of Business

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The order of business was as outlined in the agenda.

## 3 Declarations of interest

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

## 4 Minute of Previous Meeting

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There were no minutes of previous meetings for approval.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	<b>Community Asset Transfer Committee Membership and Terms of Reference</b>	<b>Kevin Anderson, Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
<p>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.</p> <p>The Community Asset Transfer Committee is recommended to:</p> <ol style="list-style-type: none"><li>Consider the appointment of a Chair; and</li><li>Note its Membership and Terms of Reference</li></ol> <p>Saty Kaur invited the Committee to appoint a Chair. Councillor Parry, seconded by Councillor McManus, nominated Councillor Cassidy. No other nominations were received.</p>		
<b>Decision</b>		
The Community Asset Transfer Committee appointed Councillor Cassidy as Chair.		
<b>Action</b>		
Executive Director Place		

Agenda No	Report Title	Presented by:
5.2	<b>Community Asset Transfer Request - Bonnyrigg Rose Community Football Club, Scottish Charitable Incorporated Organisation (SC050923)</b>	<b>Kevin Anderson, Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
<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> <ol style="list-style-type: none"> <li>a. the conditions detailed in section 3.37 of the report; and</li> <li>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.</li> </ol> <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 heads of terms, if the Committee is minded to approve the request.</p> <p>In relation to recommendation (b) of the report, Councillor Parry sought assurances that Cabinet members and ward members would be consulted. Saty Kaur reported that this could be taken as a recommendation.</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 this provision 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 have rights in relation to the enforcement of title conditions. Obligations in relation to repairs, maintenance, sinking funds and community use would also be enforceable.</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 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</p>		

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 consultation with ward members and the Cabinet portfolio. Councillor Scott seconded. Councillor Alexander requested the inclusion of a condition that any sinking fund provision is index linked. 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;
- c. consultation with ward members and the Cabinet portfolio; and
- d. the inclusion of a condition that any sinking fund provision is index linked.

#### Action

Executive Director Place

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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There are no future scheduled meetings.

The meeting terminated at 14:18.

# Minute of Meeting

Audit Committee  
Monday 29 January 2024  
Item No: 4.1



## Audit Committee

Date	Time	Venue
Tuesday 30 October 2023	2.00 pm	Council Chamber/Hybrid

### Present:

Councillor Smaill (Chair)
Councillor Bowen
Councillor McCall
Councillor McEwan
Councillor Russell (substitute)

### In Attendance:

Grace Vickers	Chief Executive
Alan Turpie	Legal and Governance Manager/Monitoring Officer
Kevin Anderson	Executive Director Place
Fiona Robertson	Executive Director Children, Young People & Partnerships
Derek Oliver	Chief Officer Place
David Gladwin	Chief Financial Officer
Duncan Stainbank	Chief Internal Auditor
Janet Ritchie	Democratic Services Officer
Hannah Forbes	Democratic Services Assistant

## **1. Welcome and Apologies for Absence**

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The Chair welcomed Claire Gardiner and Patricia Fraser, Audit Scotland and intimated apologies on behalf of Councillor Milligan and welcomed Councillor Imrie who would be substituting for Councillor Milligan.

The Chair drew the committee's attention to the issues with today's meeting and that the accounts had been circulated late but also highlighted that the agenda pack had been published but then was not available due to a technical issue but considering that the deadline for the accounts was 31 October 2023 +and the fact that the bulk of the accounts had been published in June in the interest of the council and the public that all the matters are considered today including the prior minutes of the previous meeting and unless anyone has a different view on that basis the meeting would proceed.

## **2. Order of Business**

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The order of business was as detailed in the agenda previously circulated.

## **3. Declarations of interest**

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

## **4. Minutes of Previous Meetings**

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- 4.1 The minute of the meeting of 7 March 2023, carried over from the last meeting was submitted and approved as a correct record.
- 4.2 The minute of the meeting of 26 June 2023 was submitted and approved as a correct record.
- 4.2 The Action log was submitted and noted.
  - 1. Responsible Treasury Management: ongoing
  - 2. Internal Audit Mid-Term Performance Report 2022/23: Completed
  - 3. Internal Audit work to February 2023: Recommended for Closure
  - 4. Internal Audit Work to February 2023: Recommended for Closure
  - 5. Internal Audit Work to May 2023: Recommended for Closure.
  - 6. Unaudited Accounts 2022/23: Recommended for Closure.



## 5. Public Reports

Report No.	Report Title	Submitted by:
5.1	Annual Audit Report to Members and the Controller of Audit - year ended 31 March 2023	External Auditors
<b>Outline of report and summary of discussion</b>		
<p>This report summarises the findings from the 2022/23 annual audit of Midlothian Council (the Council). The scope of the audit was set out in an annual audit plan presented to the June 2023 meeting of the Audit Committee. Audit appointment from 2022/23.</p> <p>Claire Gardiner apologised for the delay in receiving the reports and thanked the committee for their patience. Ms Gardiner then explained the approach to the reporting and that normally at this stage the committee would receive a much longer annual audit report but to preserve the quality of the audit it has been split with a fuller audit report coming to the next meeting which will include the wider scope and best value and that the audit report presented to today's meeting would focus on the annual accounts and accounts process.</p> <p>Ms Gardiner proceeded to present the annual audit report to members highlighting the first report brings conclusion of the audit and highlights that there was an unmodified opinion which was attached as appendix A to this report and advised that there were no issues to highlight. Ms Gardiner also advised that there were two unadjusted errors highlighted in this letter and full details are contained within Appendix 2 to the audit report. Ms Gardiner also drew the committee's attention to Appendix B which was a letter of representation and highlighted the main sections within the letter and asked that before approving this letter, committee members are asked to consider their knowledge of any frauds, non-compliance with laws and regulations or post balance sheet events.</p> <p>In response to a question raised by Councillor Smail with regards to adjustments, Ms Gardiner provided clarity with regards to adjustments which were included in the annual accounts and would be covered in the next section and the adjustments which were not included were just above the triviality level so would not expect any adjustments to be made. Mr Gladwin also provided some clarity on the two unadjusted errors. Following this discussion Ms Gardiner confirmed that the officers of the Council were clear to sign off these accounts.</p> <p>Ms Gardiner presented the Audit of 2022/23 annual accounts highlighting in her introduction that they were independent throughout the audit and that they comply with the Financial Reporting Council's Ethical Standard. Ms Gardiner also highlighted that they intend to issue an unmodified audit opinion and provided a brief overview of the Exhibits covering Materiality values (Exhibit 1); Significant findings and key audit matters (Exhibit 2); Significant risks of material misstatement (Exhibit 3); Identified areas of audit focus (Exhibit 4) and key findings from review of key controls (Exhibit 5).</p> <p>The Chair thanks the external auditors for all their work.</p>		

**Decision**

The Audit Committee approved the letter of representation was signed and returned with the signed annual accounts.

**Action**

Section 95 Officer/External Auditors

Report No.	Report Title	Submitted by:
5.2	Annual Accounts for the year ended 31 March 2023	Chief Financial Officer & Section 95 Officer

**Outline of report and summary of discussion**

The purpose of this report was to present the Council's audited Financial Statements for 2022/23 to Audit Committee and to provide a brief overview of findings during the audit process.

Mr Gladwin, Chief Financial Officer & Section 95 Officer presented this report to the committee outlining the main changes to the accounts from those reviewed at the Audit committee in June 2023 and highlighting the work undertaken to finalise the accounts. Mr Gladwin commented that Audit Scotland had indicated that the working papers submitted to them to support the accounts were of a good standard and colleagues within finance and across the council provided good support to the Audit team. Mr Gladwin expressed his personal thanks to the finance team for their dedication and hard work.

Mr Gladwin in responding to a question raised by the Chair with regards to the impact of the new interest rate, advised on the commitment to pay interest below the level currently on the market and confirmed that we have a positive treasury position with long term loans at an attractive interest rate and if the council were to repay one of those loans early there would be a financial benefit from doing so and that was what was reflected in the fair value but the council would then have to replace that borrowing which would have a net financial hit on the council rather than a benefit.

The Chair asked the Chief Finance Officer to comment on the ratio of finance costs to net revenue stream which measures how affordable the council's capital plans are and the 0.38% figure. Mr Gladwin confirmed that the ratios in context of the capital plan prioritisation discussions are currently higher and will continue to go up as we add to the capital plan and provided an explanation on the two ratio rates presented in the table was due to the financial flexibility the council took advantage of in 2021/22 and 2022/23 and advised that these rates will go up.

The Chair further raised movement on the housing revenue account and the valuation of the council's stock and the impact this has on the council. In responding Mr Gladwin confirmed that this has no impact on the operation of the revenue account and provided an explanation on the movement which was due to revaluation of the housing stock in 2021/22 which resulted in an increase to the overall stock and in 2022/23 due to an increased discount rate this showed a reduction.

The Chair referred to the table which shows a spend on housing and asked if the council was building houses competitively to the private market. Mr Gladwin advised on the increase in stock and the value of the capital expenditure and that it reflects a large amount of work in progress and the two big factors which have affected this are inflation and build costs and the standard of these builds.

Mr Gladwin in responding to a question raised by the provost confirmed that the Croyden loan was paid in full, and all interest obligations were met. Mr Gladwin further confirmed that the council has not deposited money with any local authorities for a long time and post-meeting confirmed for the minute that there are currently no local authority deposits in place.

Mr Gladwin in responding to comments made by Councillor Imrie and the Chair with regards to the growth in Midlothian and the impact on the council and the services it provides and the grant received from the Scottish Government, advised that later this year we will be advised on the up to date Scottish government grant based on the updated methodology which reflects the statistics which have come out of the census and other regular statistics and expects Midlothian to receive a higher share of the national pot. He further advised to support this he will pulling together an analysis of the grant over the last two or three years looking at the statistical measures on each of the grants to try and get an understanding of key statistics that are affecting us as a council and will bring back a report to council. He further confirmed that the figures should have been updated to reflect the latest population and confirmed there has been subsequent information provided so apologised that this had not been updated but assured the committee that they are looking at the growth information and discussions are ongoing.

Councillor Bowen raised a question in relation to capital projects and any trigger mechanism in place if a capital project was going over budget and also enquired if it would be appropriate to have two Councillors on the Capital Plan Asset Management board which was at present entirely officers. Mr Gladwin in responding advised that there were several gateways and controls in place if expenditure exceeded the prescribed measures laid out and that automatic reporting was triggered which ensures this was identified at an early stage and then reported to council and also reviewed at the Capital Plan Asset Management board. Mr Gladwin in responding to a follow up question by the Chair confirmed the difference between capital expenditure which relates to a cash amount and the valuation of an asset which was done on a different basis and would not be a cash adjustment.

Mr Anderson provided clarity on the remit of Capital Plan Asset Management board which was an officer forum and advised that any projects which come through this forum that are not externally funded are reported to council either in the governance reporting or as a standalone item therefore Members are involved and in terms of the capital plan prioritisation Members are fully involved in the different sessions which have been taking place and the regular updates to the Business Transformation Steering Group.

Further discussion took place on the reporting of any overspends and the governance route for this being reported to Members. The Chair suggested that

this was taken away and brought back following further discussions within the individual groups.

**Decision**

The Audit Committee:

- Agreed that Members would discuss the governance arrangements in place for reporting any capital projects overspends within their individual groups and provided further feedback to officers.
- Approved the 2022/23 audited accounts for signature considering the appointed auditor’s report for 2022/23.

**Action**

Elected Members/Executive Director, Place and Chief Financial Officer/Section 95 Officer

Report No.	Report Title	Submitted by:
5.3	Risk Management Update – Strategic Risk Profile Quarter 1 2023/24	Chief Officer Place

**Outline of report and summary of discussion**

The purpose of this report was to provide Audit Committee with:

- An update on the risk responses Midlothian Council has implemented during Q1 2023/24 to respond to the current risk climate
- Assurance that Midlothian Council took a proportionate and planned approach to prepare and respond to the current risk climate
- The risk evaluation of current strategic risks and opportunities for the Council

Mr Oliver, Chief Officer Place presented this retrospective report highlighting that this report provides the risk landscape and organisational response to the most significant risks faced by the Council in Q1 in 2023/24. He further advised that Section 3 of the cover report provides a summary of risk responses and evaluations.

The Chair proposed that specific risks were identified on the two major projects that this council has that other councils don’t have, Hillend and Lothian Energy acknowledging that there are reporting mechanisms in place for Hillend but there has been some delays in this project and also suggested that following on from the announcement that there may be a council tax freeze next year that this is expanded on within the report that we may not have the flexibility of increasing the council tax in 2024/25.

The provost also expressed her agreement to these suggestions being added to the risk report.

The provost further commented on the Strategic issues and raised why Brexit was a high and not critical risk. Mr Oliver advised that this was monitored and advised on the Economic Recovery Plan and also the ambitious plan for the next 5 years and the organisational impact to the Council.

Following on from a further question raised by the provost Mr Oliver advised that in terms of the pandemic this hit everyone and in terms of Midlothian Council's response the emergency plans kicked in and that the impact of this had been captured in various risks. He further advised that a pandemic plan was in place and provided an explanation on why this was now considered low impact on the council.

Councillor McEwan raised questions with regards to delays to Hillend and the exposure risk with loss of income and if the council had any compensatory claims to the companies who are holding up the delays. Mr Stainbank advised on proposed internal review which would start once there was a solution to the current delay problems as this would allow them to assess how the processes worked thereafter. Mr Anderson advised that he was limited on what he could report but scrutiny was given to the situation.

The Chair congratulated and thanked Mr Oliver for the work after the severe weather in clearing the drains at Fala and Fala Dam and the provision of sandbags.

#### Decion

Audit Committee noted the current risk landscape and organisational response to the most significant risks in Quarter 1 (Q1) 2023/24 (1 April to 30 June 2023).

Report No.	Report Title	Submitted by:
5.4	Audit Committee Annual / End of Term Report 2022/23	Chair of the Audit Committee
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to provide Members with the Audit Committee Annual / End of Term Report 2022/23, which sets out how the Audit Committee has performed against its remit and the effectiveness of the Audit Committee in meeting its purpose based on the annual self-assessments of the Committee against best practice and provides assurances to the Council.</p> <p>It was important that the Council's Audit Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance of the Council.</p> <p>The Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees Practical Guidance for Local Authorities and Police 2022 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) includes the production of an annual report on the performance of the Audit Committee for submission to the Council. The Audit Committee Annual / End of Term Report 2022/23 was appended to this report as Appendix 1 for consideration. Midlothian Council adopts the 2022 revisions to this best practice.</p>		

The Chair in presenting this report highlighted some of the key points of the report including the good attendance, the checklist and training provided to members and commented very positively on the session on internet IT security with Ian Wragg Wragg which was very informative.

**Decision**

The Audit Committee approved the Audit Committee Annual / End of Term Report 2022/23 (Appendix 1) and its self-assessments using the CIPFA Audit Committees Guidance (Appendices 2 and 3) and agreed that the Audit Committee Annual / End of Term Report 2022/23 should be presented to the Council.

**Action**

Chair of the Audit Committee

Report No.	Report Title	Submitted by:
5.5	Internal Audit Work to September 2023	Chief Internal Auditor

**Outline of report and summary of discussion**

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.

The Internal Audit Annual Plan 2023/24 was approved by the Audit Committee on 7 March 2023. 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.

An Executive Summary of the final Internal Audit assurance reports issued, including audit objective, findings, good practice and recommendations (where appropriate), and the Chief Internal Auditor's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1.

The Internal Audit function conforms to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) including the production of this report to communicate the results of the reviews.

The Chief Internal Auditor presented this report outlining the main sections in the report highlighting a summary of the key findings and recommendations as set out in the report.

In response to a question raised by the Chair with regards to payments made by cash in one of the libraries and no option to pay by card, the Chief Internal Auditor and the Executive Director Place confirmed that the aim was to be a cashless council but at the moment this was not always possible in some of the services the council provides but the council will continue to be digital by default and roll this out where effective.

Mr Stainbank in responding to a question raised by the Chair with regards to the implications of the loss of collection of council tax confirmed from that the audit work there would not be a figure for this but the expectation was that the longer it takes the more difficult it was to collect and that this was not on the audit plan at present but if required collectability could be considered.

**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 and 2023/24;
- 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.

Report No.	Report Title	Submitted by:
5.6	Council House Building Programme - Progress Update 2023	Executive Director, Place

**Outline of report and summary of discussion**

Following presentation to Council on 10 October 2023, this report updates the Audit Committee on the status of the overall housing programme, on approved sites and proposed new sites for the Council new build affordable housing programme and other initiatives.

The Executive Director Place, Kevin Anderson confirmed that this paper had been considered at council and outlined the main sections as contained within the report and the factors contributed to the delays in the housing programme.

In responding questions raised by the Chair with regards to the cost of passive housing to non-passive housing and option of purchasing existing properties to refurbish, Mr Anderson provided an explanation on the standards which are required and the reasons why they tend to purchase previous council properties and confirmed that are options with new builds under Section 75 requirements but highlighted that the private sector do not have to comply with the energy efficiencies for Scottish social housing.

Mr Anderson in responding to questions raised by Councillor McEwan confirmed that there were 6 passive houses in the Buccleuch street development and 4 flatted developments which were not passive house as they were existing properties. Mr Anderson also confirmed that they would provide a breakdown of detail with regards to properties and would provide this detail at the workshop session arranged. With regards to the question raised on asset register and appropriate values Mr Anderson advised that this was a pilot project and beyond individual cost this will be reviewed in a year's time for total cost and benefit to the individual, he also advised that the total cost value will have a variation, and this will be considered with insurers and valuers.

**Action:** Mr Anderson to report back in due course on the actual cost per unit of the 10 houses within the Buccleuch Street development.

Councillor Imrie raised a question with regards to the cost of passive house standards and if this was reflected in the rent. In response Mr Anderson advised that there was a premium applied for new developments for the first 10 years supplement to the rent but there was no additional levy in terms of it being a passive house.

Mr Anderson in responding to a question raised by Councillor Imrie regarding ongoing costs to the council, confirmed that there will be additional ongoing revenue costs that the council as the landlord will have. Mr Oliver also confirmed the ongoing costs to the building maintenance with regards to training requirements.

Councillor Bowen commented on using the word delivered which indicates they are complete, but this is not the case and asked if this could be made clearer. In responding Mr Anderson advised with regards to terminology this will be made clearer in future reporting and provided an explanation on the different variations on housing completions.

Mr Anderson in responding to a further question from the Chair with regards the Newbattle site and the cost implications in future for having to purchase land for passive housing, advised that there may be additional cost but there will also be benefits from these and with the expertise and timescales in delivering this should also reduce the unit cost.

#### Decision

Audit Committee:

- a) Noted the content of this report and the progress made on Phases 2 to 5;
- b) Noted the sites now underway to complete Phase 4 and Phase 5, projected handover programme and progress related to Open Market Purchases;
- c) Noted the potential Phase 5 sites currently under consideration to progress; and
- d) Noted the projected costs/budget expenditure in this report.

## 6. Private Reports

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None

## 7. Date of Next Meeting

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Date of Next Meeting: Tuesday 29 January 2024 at 11am.

The meeting terminated at 15.30 pm



# Minute of Meeting

Audit Committee  
Monday 29 January 2024  
Item No: 4.2



## Audit Committee – Special meeting

Date	Time	Venue
Tuesday 5 December 2023	11:00am	Council Chamber/Hybrid

### Present:

Councillor Milligan (Chair)
Councillor Smail
Councillor Bowen
Councillor McCall (MS Teams)
Councillor Imrie (substitute for Councillor McEwan)

### In Attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Nick Clater	Head of Adult Services
Alan Turpie	Legal and Governance Manager / Monitoring Officer
David Gladwin	Chief Financial Officer
Gary Thomson	Senior Finance Officer
Duncan Stainbank	Chief Internal Auditor
Derek Oliver	Chief Officer Place
Saty Kaur	Chief Officer Corporate Solutions
Claire Gardiner	Audit Scotland
Patricia Fraser	Audit Scotland
Robert Dick	Audit Scotland
Janet Ritchie	Democratic Services Officer

## 1. Welcome and Apologies for Absence

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The Chair took the opportunity to welcome those in attendance to the meeting. Apologies were intimated on behalf of Councillor McEwan, and that Councillor Imrie was in attendance as substitute.

## 2. Order of Business

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The order of business was as detailed in the agenda.

## 3. Declarations of interest

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

## 4. Minutes of Previous Meetings

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No previous minutes were submitted to this meeting.

## 5. Public Reports

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Report No.	Report Title	Submitted by:
5.1	Annual Audit Report to Members and the Controller of Audit year ended 31 March 2023.	Audit Scotland External Auditors
<b>Outline of report and summary of discussion</b>		
<p>This report summarises the findings from the 2022/23 annual audit of Midlothian Council (the Council). The scope of the audit was set out in an annual audit plan presented to the June 2023 meeting of the Audit Committee.</p> <p>This Annual Audit Report comprises:</p> <ul style="list-style-type: none"><li>• significant matters arising from an audit of Midlothian Council's annual accounts.</li><li>• conclusions on the following wider scope areas that frame public audit as set out in the Code of Audit Practice:<ul style="list-style-type: none"><li>○ Financial Management</li><li>○ Financial Sustainability</li><li>○ Vision, Leadership, and Governance</li><li>○ Use of Resources to Improve Outcomes.</li></ul></li><li>• conclusions on Midlothian Council's performance in meeting its Best Value duties.</li></ul> <p>Claire Gardiner, Audit Scotland presented this report advising that this report concludes the 2022/23 audit work, and that section 1 was previously presented to the committee along with the annual report and that today the focus would be the wider section of the report. Ms Gardiner outlined the relevant sections of the report and highlighted the key findings and areas of focus as detailed within the report.</p>		

Ms Gardiner thanked all the council staff involved in this and the financial statements audit work and highlighted that this first year has been challenging but commented on the good progress in getting to know the team.

Thereafter Ms Gardiner in responding to a question raised by Councillor Smail regarding the budget setting and the adverse variances in particular regarding Hillend and the reduction in the contribution to the Integration Joint Board, advised that this will be a consideration as part of the audit work next year and Ms Gardiner highlighted that this is an area of ongoing challenge and was across most Councils where there are significant challenges in the budget setting. Councillor Smail advised that the Internal Audit team are looking at the Hillend situation and commented positively on the work done by Mr Oliver on the business maintenance services.

The Chair, Councillor Milligan commented positively on the budget setting process which was done fairly, openly and transparently and that the chief officers of the Integration Joint Board (IJB) were advised at the start of the budget setting process that a percentage of savings would be looked at across all services and one of the consequences of the budget cutting savings was the funding of the transformation programme to move on to electronic appointments. Councillor Milligan also highlighted that the IJB advised that they have received fair funding from Midlothian over the years and that the challenge for the IJB will be to find smarter ways of working. Councillor Milligan also commented on the Hillend situation and the dependency on both the revenue budget and capital budget and how these are both linked and that council is short of what they require for capital funding and the only way to increase this is by revenue cost for borrowing therefore these both must be linked for forth coming budgets.

The Chief Financial Officer, Mr Gladwin confirmed the comments made by Councillor Milligan with regards the IJB and provided clarity on the Hillend situation advising that the issues were not related to the loan charges but the income expected from the alpine coaster and advised that the business case was carefully pulled together and scrutinised by officers and that the income target had not been achieved but highlighted that this was a unique situation with Hillend due to the civil work and the complexities with the water pipes and this could not have been anticipated so this has been the contributor to the loss income in the financial year.

Mr Gladwin then provided an explanation on reserves advising that although the audit report is accurate and is a fair reflection of these figures these could be misunderstood and he provided an explanation on the details of the reserves and what is earmarked, committed reserves, repairs and renewal fund and the general fund and also details on the underspends and overspends for last year. He further highlighted the reserves need be viewed intelligently and that when the figures appear in national reports, they can be misunderstood and misrepresented and highlighted the sound financial planning reasons behind reserves that Midlothian Council hold.

The Chair also commented on the reserves supporting the explanations from the Chief Financial Officer.

The Provost, Councillor McCall commented on the positive report highlighting the positive partnership working with community planning partners, comments on leadership, engaging with communities, gender balance and engaging in local equality groups. Councillor McCall also acknowledged that the report highlighted that Midlothian Council is the only council in Scotland with an all-female council leadership team.

**Decision**

The Audit Committee approved this report and recommended that it is presented to Council.

**Action**

Chief Financial Officer

Report No.	Report Title	Submitted by:
5.1a	Midlothian Council Best Value Thematic Work 2022/23	Audit Scotland, External Auditors

**Outline of report and summary of discussion**

Patricia Fraser, external auditor presented the Midlothian Council Best Value Thematic Work 2022/23 highlighting the work performed and the production of this report marks the move to more regular reporting on how the Council is performing regarding its duty of best value and that an overarching best value assurance report and this will be due on the last year of the audit appointment and provided an explanation on the best value reporting leading up to 2026/27.

Ms Fraser advised that the thematic report was a positive report with some areas highlighted which present challenges to the Council. Ms Fraser also highlighted from the work carried out including discussions with officers and members and review of plans, strategies, and committee minutes it was clear that Midlothian council continues to demonstrate ongoing commitment to best value. It was noted that all the recommendations in the 2019 report had been actioned and furthermore the council continues to develop performance reporting and medium-term financial planning as well as strengthening officer member relationships.

Ms Fraser then highlighted some of the key messages as detailed in the report and commented on the Transformation blueprint which aligns with the five-year budget strategy to 2027/28. Ms Fraser further highlighted some of the main sections as contained within the report and advised that robust financial planning and delivery of the transformation blueprint are critical to delivering financial sustainable services in the medium to long-term and that management have provided responses to addressing the risks associated with these actions and are included in appendix 1 of the report.

Ms Fraser expressed her sincere thanks to officers and members of the council for the assistance they provided in performing the work and producing this report, particularly Mr Gladwin.

Councillor Smail raised the concerns with regards to the population in Midlothian and that it is not reflected in the settlement from the Scottish government and asked the Chief Financial Officer if there was any update on this situation.

Councillor Milligan also commented on the population growth and provided an overview of actions that have already taken place to address this and advised that the paragraph on page 53 should be amended as the funding allocation does not align with the growth in population.

Mr Gladwin agreed that perhaps the wording should be amended in paragraph 53 and provided an update on discussions which have taken place and advised on a future meeting to discuss the position Midlothian is in and that the funding does not sit alongside the growth. Mr Gladwin also advised on what they were hoping to achieve at this meeting and provided an update on the work that has been done with regards to the census figures. Councillor Milligan provided further details on the work that has been undertaken to highlight the growth in Midlothian with the Scottish Government highlighting that this has been ongoing for many years.

Ms Fraser welcomed the discussion and advised that she was happy to amend the report to reflect the discussion that had taken place and confirmed that after these amendments had been done to the report, the revised report would be sent to Mr Gladwin.

The Chief Executive thanked Ms Fraser for her comments and asked if the publication of the census data could be referenced as well and explained that the Council considered 2022 census data at October 2023 Council meeting and where they previously thought Midlothian was growing at 15.8% it was growing faster at 16.1% so this was something that had to be closely monitored. The Chief Executive also highlighted although their estimates were relatively accurate the data was still out and highlighted that this council was growing across all age groups, and this had an impact on revenue and capital spend. She further advised that it was agreed at the October council meeting to write formally to UK government, Scottish government and COSLA to ask that the most up to date census data be considered in any funding applications for Midlothian.

Ms Kaur in responding to a question raised by Councillor Smaill with regards to workforce planning and the workforce comparative to other Scottish councils, confirmed we are quite a lean council, but we are not alone on this and explained some of the challenges in recruitment in some sectors of the council, but also advised that this was being addressed. Ms Kaur also highlighted some of the digital transformation work, which was taking place, the work through apprenticeships and grow your own staff. Ms Kaur highlighted that at Cabinet there was a discussion about working with the workforce and celebrating successes and officers were keen to expand on this. Ms Kaur further advised on some of the work around foster carers, recruitment campaigns, different ways of working and generic working and the work done with neighbourhood services.

The Chair also commented on the staffing situation in Midlothian compared with other councils and the challenges Midlothian face.

Mr Fraser confirmed to the committee that the thematic review next year would be on workforce planning and innovation.

The Chair highlighted on P54 (paragraph 67) that 600 people attended a budgeting event and highlighted that nothing had happened within the last 2 or 3

years so was unsure what this referred too. The Chair also highlighted that the consultation detailed in paragraph 68 was all done online.

Councillor Bowen also advised on a typo on page 44 of the report and in response Ms Fraser confirmed that she would check on the comments from the Chair and also confirmed they had identified some other typos within the report, and this would be proofread before the report was finalised.

#### Decision

Audit Scotland would make the necessary checks and amendments to the document as discussed prior to it being finalised.

#### Action

Audit Scotland.

Report No.	Report Title	Submitted by:
5.2	Treasury Management Mid-Year Review Report 2023/24	Chief Financial Officer

#### Outline of report and summary of discussion

The purpose of this report was to inform members of the Audit Committee, and subsequently Council, of the Treasury Management activity undertaken during the first half of 2023/24 and the forecast activity for the second half of 2023/24 in accordance with the Treasury Management and Annual Investment Strategy approved by Council on 21 February 2023. It also provided an update to the Treasury and Prudential Indicators for 2023/24.

The Chief Financial Officer, Mr Gladwin on presenting this report highlighted the main sections as contained within the report and outlined the contents of the appendices attached. Mr Gladwin introduced Gary Thomson who was in attendance to answer any questions as Gary provided strategic direction for the council's treasury function.

Councillor Smail expressed his congratulations on the report and the confidence the council now has on the treasury management, Councillor Smail followed on with questions regarding reduction on deposits and capital spend and secondly on debt rescheduling.

Mr Gladwin in responding to Councillor Smail's first question advised that he was correct on his assumption that the cash balances are running down as the capital expenditure catches up and the council is in a position not to take more borrowing because of the cash balances and advised that they do not want to lock into borrowing at high interest rates so looking at ways to minimise this.

Mr Gladwin advised with regards to debt rescheduling, the Council has done this in the past although not a lot and advised that this is not something they would jump into without getting a detailed appraisal on what benefits this would bring as they must ensure they are not getting short term gains for long term pressures, Mr Gladwin then passed over to Mr Thomson to provide further clarity on this.

Mr Thomson advised with regard to debt rescheduling they would be looking at that on a discounted cash flow basis and one of the options that has been actively looked at was the replacement of the PWLB Annuities loan explaining that in paying this off early although there would be a premium this would be spread over the remaining life of the loans but this would be offset on the discounted cash flow basis by the saving on the interest cost on the loan which would no longer be incurred.

Mr Gladwin in responding to a further question raised by Councillor Smail regarding the council becoming an active trader of the deposit positions, advised that the current treasury policies and practices would not allow the council to do this so it is not something that would be considered. Any changes to existing practices would have to be discussed at the Audit Committee and approved through Council.

The Chair commented that this was a very good report and goes some way to get the council back up to number 1 in the performance chart. The Chair also commented that it would be interesting to know if the Council was sitting mid-market what the difference would be from being the top players as a comparative council. He expressed his thanks to David Gladwin, Gary Thomson, and the rest of the finance team for the fantastic report.

The Chair also expressed his thanks to the External Auditors for their time and support and thanked everyone for their attendance.

#### Decision

The Audit Committee noted the report and in particular, noted the following recommendations which are proposed to be put to Council on 19 December 2023:-

- a) Note the report and the treasury activity undertaken in the period to 30 September 2023, as outlined in Section 5;
- b) Note the actual and forecast activity during the second-half of the year as outlined in Section 6;
- c) Approve the technical revisions to the Prudential Indicators in Section 7 of this report;
- d) Note the loans fund rate performance relative to other Scottish Local authorities, as outlined in Section 8, and the cash saving (compared to the Scottish Average) that the Treasury Management function brings to support the Council's in-year revenue budget.

## 6. Private Reports

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None

## 7. Date of Next Meeting

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Date of Next Meeting: Monday 29 January 2024 at 11am.

The meeting terminated at 11:58 am





# Minute of Meeting

Local Review Body  
Monday 11 December 2023  
Item No 4.1



## Local Review Body

Date	Time	Venue
Monday 13 November 2023	1.00pm	Council Chambers/Hybrid

### Present:

Councillor Imrie (Chair)	Councillor Smail
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan

### In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Hannah Forbes	Assistant Democratic Services Officer
Lucy Roddie	Democratic Services Officer

## 1 Welcome, Introductions and Apologies

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Apologies for absence were received from Councillor Virgo, Councillor Milligan and Councillor McManus.

## 2 Order of Business

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The order of business was as outlined in the agenda.

## 3 Declarations of interest

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

## 4 Minute of Previous Meeting

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The Minute of the Meeting of 25 September 2023 was submitted and approved as a correct record.

## 5 Reports

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### Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.00332.PPP - Land at Fallhills Howgate Penicuik	Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
<b>Outline of report and summary of discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, presented this report. The purpose of the report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for the erection of a dwellinghouse on land at Fallhills, Howgate, Penicuik.</p> <p>Peter Arnsdorf reported that planning application 23/00332/PPP for planning permission in principle for the erection of dwellinghouse on land at Fallhills, Howgate, Penicuik was refused on 24 July 2023.</p> <p>Peter Arnsdorf noted that elected members had attended a site visit on the morning of 13 November 2023.</p> <p>Councillor Imrie, the Chair, thanked Peter Arnsdorf for the report and opened it up to questions.</p> <p>The Local Review Body in discussing the proposed development gave careful consideration to the impact on the appearance of the surrounding area, noting that the location of the development site was such that it would be visible from the road. Councillor Smaill suggested mandated tree planting along the site boundaries to provide visual containment of the site.</p>		

Councillor Imrie, the Chair, noted that the report made reference to the applicant taking no extra measures to help address climate and nature crisis as required by National Planning Framework 4 (NPF4) policies, however, in another section of the report there seem to be several measures in place to address this. The Chair sought clarity on the requirements of NPF4 in this regard.

In response, Peter Arnsdorf noted that the primary focus of the NPF4 planning policies seek for developments to be sustainable and to give consideration to the global climate and nature crises. The application site is in a rural location not serviced by public transport and the majority of trips to and from the site are likely to be done by private car. The proposed development is therefore fundamentally unsustainable. Peter Arnsdorf noted that the applicant had endeavoured to contribute to the enhancement of sustainability and biodiversity, insofar as was in their control.

The Local Review Body noted that the proposed site is an external horse riding school area lying empty. Development would therefore enhance the setting and contribute to the visual amenity of the area.

The Local Review Body noted that the 5+1 guidance was relevant to this case. The Supplementary Guidance for Housing Development in the Countryside and Green Belt provides some support for the development of one house where there is a group of 5 or more existing dwellinghouses. There are 9 houses within the group to the south of the site at Fallhills and therefore potential for one further house in the current Midlothian Local Development Plan (MLDP) period.

Councillor McEwan, seconded by Councillor Cassidy, moved to uphold the review request and grant planning permission, subject to the conditions as detailed in the report and subject to the addition of a condition to plant trees for visual containment of the site, as suggested by Councillor Smail.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission in principle for the erection of a dwellinghouse on land at Fallhills, Howgate, Penicuik, subject to the conditions as detailed in the report and subject to the addition of a condition to include native tree and hedgerow planting along the site boundaries to provide visual containment of the site.

#### Action

Planning, Sustainable Growth and Investment Manager prepare a decision notice for issuing through the Chair of the LRB.

## 6. Private Reports

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting is scheduled for Monday 11 December 2023 at 13:00.

The meeting terminated at 13:17.

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

## Local Review Body: Review of Planning Application Reg. No. 23/00332/PPP

Ferguson Planning  
38 Thistle Street  
Edinburgh  
EH2 1EN

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Brian McPhillips, 1 Fallhills Court, Howgate, EH26 8QE, which was registered on 23 October 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Application for planning permission in principle for erection of dwellinghouse at land at Fallhills, Howgate, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	P00 1:1000	25.05.2023
Site Plan	P01 1:500	25.05.2023

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

**Reason:** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the planning authority:
  - a) A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;

- b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
- c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
- d) Details of all hard surfacing and kerbing;
- e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
- f) Details of the provision of superfast broadband connections for the house;
- g) Details of the provision of electric vehicle charging stations for the house;
- h) Details of the proposed air source heat pump;
- i) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the planning authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
- j) Details of a scheme of existing and proposed landscaping at the site and a plan and planting schedule detailing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

***Reason:*** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

- 3. The house approved in terms of conditions 2a) and 2c) shall be a maximum of two storeys high with the upper level of accommodation provided wholly within the roofspace.

***Reason:*** *To be in keeping with the surrounding houses within the housing group; to protect the visual amenity of the surrounding rural area.*

- 4. The scheme of landscaping approved in accordance with condition 2j) shall include details of native tree and hedgerow planting along the site boundaries.

5. The scheme of landscaping approved in accordance with condition 2j) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

***Reason for conditions 4 and 5:*** To ensure the landscaping is appropriate to the rural surroundings and integrates the development into the area; to ensure that the landscaping is carried out and becomes successfully established.

6. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 2i) above shall be completed to the satisfaction of the planning authority.

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

The Local Review Body (LRB) considered the review of the planning application at its meeting of 13 November 2023.

In reaching its decision the LRB gave consideration to the following development plan policy and material considerations:

#### National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 2 Climate mitigation and adaptation;
3. Policy 3 Biodiversity;
4. Policy 5 Soils;
5. Policy 11 Energy;
6. Policy 12 Zero waste;
7. Policy 13 Sustainable transport;
8. Policy 14 Design, quality and place;
9. Policy 15 Local Living and 20 minute neighbourhoods;
10. Policy 16 Quality homes;
11. Policy 17 Rural homes;
12. Policy 19 Heating and cooling;
13. Policy 20 Blue and green infrastructure;
14. Policy 22 Flood risk and water management;
15. Policy 23 Health and safety; and
16. Policy 24 Digital infrastructure.

#### Midlothian Local Development Plan Policies:

1. DEV5 Sustainability in new development;
2. DEV6 Layout and design of new development;

3. DEV7 Landscaping in new development;
4. TRAN5 Electric vehicle charging;
5. IT1 Digital infrastructure;
6. RD1 Development in the countryside; and
7. ENV7 Landscape character.

Supplementary guidance for housing development in the countryside and green belt.

Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed single dwellinghouse by means of its siting to the south/south west of the B6372 and proximity to other buildings in Fallhills will not be detrimental to the local landscape, residential amenity or the countryside and as such is considered an acceptable addition to the Fallhills housing cluster in accordance with the Midlothian Local Development Plan 2017.

In reaching its decision the LRB stated that the acceptability of the proposal is based on providing visual containment to the site by substantial planting and the proposed dwellinghouse being of high quality design and materials. These matters can be secured through the conditions.

Dated: 13/11/2023



Peter Arnsdorf  
Planning, Sustainable Growth and Investment Manager  
Advisor to the Local Review Body  
Place Directorate  
Midlothian Council

On behalf of:  
Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council



# NOTICE TO ACCOMPANY REFUSAL ETC.

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or***

***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)***

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**Development Low Risk Area – Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Standing Advice valid from 1st January 2023 until 31st December 2024**

# Minute of Meeting

Local Review Body  
Monday 5 February 2024  
Item No 4.1



## Local Review Body

Date	Time	Venue
Monday 11 December 2023	1.00pm	Council Chambers/Hybrid

### Present:

Councillor Imrie (Chair)	Councillor Smail
Councillor Bowen	Councillor Cassidy
Councillor McEwan	

### In Attendance:

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

## 1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Alexander, Councillor Drummond, Councillor McManus, Councillor Milligan and Councillor Virgo.

## 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

The Minute of the Meeting of 13 November 2023 was submitted and approved as a correct record.

## 5 Reports

### Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.00485.DPP - 31 Newton Village, Dalkeith LRB Report and Appendices	Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
<b>Outline of report and summary of discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, presented the report. The purpose of the report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith.</p> <p>Planning application 23/00485/DPP for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith was refused planning permission on 1 September 2023.</p> <p>Peter Arnsdorf noted that members of the LRB had attended a site visit on the morning of 11 December 2023.</p> <p>Councillor Imrie, the Chair, thanked Peter Arnsdorf for the report and opened it up to questions.</p> <p>In discussing the proposed development and the reasons for its refusal, the Local Review Body did not agree that the proposed extension would have a detrimental impact upon the neighbouring properties and noted that no objections had been received.</p>		
<b>Decision</b>		

Councillor Smaill, seconded by Councillor McEwan, moved to uphold the review request and to grant planning permission for extension to flatted dwelling and erection of porch at 31 Newton Village, Dalkeith, EH22 1SN, subject to the conditions as set out in the report. This was unanimously agreed by the committee.

#### Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

## **6. Private Reports**

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting is scheduled for Monday 5 February 2024 at 13:00.

The meeting terminated at 13:07.

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

## Local Review Body: Review of Planning Application Reg. No. 23/00485/DPP

F.E.M Building Design  
8 Plantain Grove  
Lenzie  
Glasgow  
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Ross McPhee, 31 Newton Village, Danderhall, EH22 1SN, which was registered on 6 November 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith, EH22 1SN**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location plan and existing floor plans and elevations	23/McPhee/PP/001(-) 1:1250 1:200 1:50	25.07.2023
Location plan and proposed floor plans and elevations	23/McPhee/PP/002(-) 1:1250 1:50	25.07.2023

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

**Reason:** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. The use of concrete roof tiles on the roof of the porch is not approved: the roof of the porch shall be covered in natural slate to match the colour, size, texture and profile of the slate on the roof of the existing building.

**Reason:** *To safeguard the character of the building as extended and the visual amenity of the surrounding area.*

3. Within 3 months of the rear extension being completed or brought into use whichever is the earlier date the existing garage in the back garden as indicated on the approved 1:200 existing block plan on drawing no. 23/McPhee/PP/001(-) shall be removed in its entirety.

**Reason:** *To ensure adequate private amenity space associated with the application property.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 11 December 2023.

In reaching its decision the LRB gave consideration to the following development plan policy and material considerations:

National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 14 Design, quality and place; and
3. Policy 16 Quality homes.

Midlothian Local Development Plan Policies:

1. DEV2 - Protecting amenity within the built-up area.

Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed rear extension and front porch (and the demolition of the garage to the rear) do not undermine the amenity of neighbouring residents, nor are they detrimental to the character of the existing area or host building and as such the proposed development accords with the presumption in favour of development in Midlothian Local Development Plan 2017 and National Planning Framework 4.

Dated: 11/12/2023

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, sweeping flourish at the end.

Peter Arnsdorf  
Planning, Sustainable Growth and Investment Manager  
Advisor to the Local Review Body  
Place Directorate  
Midlothian Council

On behalf of:  
Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council



# NOTICE TO ACCOMPANY REFUSAL ETC.

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or***

***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)***

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Informative Note valid from 1st January 2023 until 31st December 2024**

# Minute of Meeting

Performance Review and Scrutiny Committee  
Tuesday, 12 December 2023  
Item No: 4.1



## Performance, Review and Scrutiny

Date	Time	Venue
Tuesday, 7 November 2023	11.00 am	Hybrid meeting held in the Council Chamber at Midlothian House and virtually via Microsoft Teams

### Present:

Councillor Imrie (Chair)	Councillor Bowen
Councillor Pottinger	Councillor Russell
Councillor Virgo	Councillor Curran
Councillor McEwan	Councillor McCall

### In attendance:

Councillor McKenzie (virtual)
Councillor Alexander (Virtual)
Councillor Scott (Virtual)
Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Derek Oliver, Chief Officer Place
Michelle Strong, Education Chief Operating Officer
Fiona Robertson, Executive Director Children, Young People & Partnerships
Nick Clater, Head of Adult and Social Care Services
Grace Cowan, Head of Primary Care and Older People's Services
Gary Leadbetter, Democratic Services Officer
Lucy Roddie, Democratic Services Assistant

## **1 Welcome, Introductions and Apologies**

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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 Smail.

Due to the absence of the Chair, Gary Leadbetter enquired if there was a motion to nominate another Elected Member to be interim Chair for the purposes of this meeting. Councillor McEwan nominated Councillor Imrie. Councillor Pottinger seconded.

Councillor Virgo offered Councillor Winchester's apologies.

## **2 Order of Business**

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The Order of Business was as detailed in the agenda.

## **3 Declarations of interest**

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No declarations of interest were received.

## **4 Minutes of Previous Meetings**

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- 4.1 The Minute of the Meeting of the Performance Review and Scrutiny Committee (PRS) held on 19 September 2023 was submitted and approved as correct record.

Councillor Russell noted that, following the last meeting they had taken up the offer of attending Newbyres Care Home for a visit. Councillor Russell explained that they had met staff and had visited to hear about what was being done to bring it up to the standards expected. Councillor Russell explained that they were impressed by the "level of stewardship" and want to improve the care home. Councillor Russell asked that the Social Work Assurance Group reports back to the next PRS and any reports are signed off by Elected Members.

Councillor Russell moved the minute. Councillor Virgo seconded.

- 4.2 The Action Log was noted.

Councillor McCall, in reference to the report on Sacred Heart Primary School, queried whether this would be at the next PRS. Fiona Robertson, Executive Director Children, Young People and Partnerships, confirmed that an updated report would be received.

Fiona Robertson noted that there is an error in the Action Log in relation to an attendance analysis due April 2023, this should be April 2024. Fiona Robertson, in relation to the education reform action, explained that a report

summarising the outcomes of the national consultations has been shared with cross-party members and could be shared with the PRS.

Councillor McEwan, in relation to 5.10, queried when PRS would receive the latest medium-term plan on Newbyres. Nick Clater, Head of Adult and Social Care Services, explained that there is a plan. This will be brought to the next PRS on 12 December 2023.

Fiona Robertson, updating on behalf of Joan Tranent, Chief Social Work Officer, explained that in relation to action 5.2 there are no upper age limits for foster carers and in relation to the query about online resources for families, Joan Tranent is still liaising with CAHMS (Child and Adolescent Mental Health Services) and will be able to provide an update at the following PRS.

## 5. Reports

Agenda No.	Report Title	Presented by:
5.1	Inspection of Midlothian Access Team	Nick Clater, Head of Adult and Social Care Services
<b>Outline of Report and Summary of Discussion</b>		
<p>Nick Clater, Head of Adult and Social Care Services, presented the report which advises of:</p> <ol style="list-style-type: none"> <li>1. The outcome of the inspection of Midlothian Community Access Team.</li> <li>2. The actions that are being progressed as a result of the inspection.</li> </ol> <p>The Committee is requested to note the outcome of the inspection of Midlothian Community Access Team by the Care Inspectorate.</p> <p>Councillor Imrie, the Chair, thanked Nick Clater for the report and opened it up to questions.</p> <p>Councillor Virgo, stating that for them the three areas of improvement are management issues, queried what is being done to help the service be managed effectively. Nick Clater explained that the manager of the service manages two services, so some deputy arrangements have been initiated to bolster the team and provide more support for the manager and also the service manager who sits above has been asked to have more regular supervision meetings.</p> <p>Councillor Pottinger commended the caring and supportive work the Midlothian Community Access Team do and thanked them for the service they provide.</p> <p>The Chair, in relation to the six action points in the report, queried whether the intention was for this to return to PRS for final sign off and to keep members up to date. Nick Clater confirmed they were happy to do this.</p>		
<b>Decision</b>		
<ul style="list-style-type: none"> <li>• Report on the six action points relating to Midlothian Community Access Team to be brought back to PRS.</li> </ul>		

- The Committee noted the report.

#### Action

Nick Clater, Head of Adult and Social Care Services

Agenda No.	Report Title	Presented by:
5.2	Inspection of St Andrews RC Primary School and Nursery Class	Michelle Strong, Education Chief Operating Officer

#### Outline of Report and Summary of Discussion

Michelle Strong, Education Chief Operating Officer, presented the report. The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of 19 September 2023.

The Performance Review and Scrutiny Committee is asked to:

- (i) Note the content of the inspection report.
- (ii) Congratulate the pupils, parents and staff connected with St Andrew's Primary School and Nursery class on the key strengths highlighted in the report.

Councillor Imrie, the Chair, thanked Michelle Strong for the report and opened it up to questions.

Councillor Virgo noted that there have been a few of these reports for various schools and a recurring theme seems to be that senior leaders are not using assessment data to help ensure more children are making the best and possible progress. Councillor Virgo queried whether there was something from this that can be put into a report/paper/policy on how the Council expect school leaders to do this consistently. Michelle Strong explained that a Raising Attainment Strategy is being developed to ensure consistent approaches both for raising attainment and the assessment of learners' progress. Michelle Strong confirmed they would be happy to provide fuller details on this at a future PRS. Michelle Strong noted there is also a tracking and monitoring system being implemented across primary schools and that work is being undertaken with secondary schools to develop a consistent approach.

The Chair raised a query in relating to the grading system used by inspectors. Fiona Robertson, Executive Director Children, Young People and Partnerships, explained that the Council has a statutory duty to collect information on the quality of education within its schools and so, every year, a cycle of quality improvement activity is undertaken. Schools use the same quality indicators as inspectors do and the Council quality assure the school self-evaluation processes. Where schools have "good" as a quality indicator, the Council then work with them to move this to "very good," using a tracker to monitor this. All schools are analysed to determine if there are common themes, and this data is used from a central perspective to plan the learning and teaching and interventions for children to make sure they are achieving to the best of their ability. Fiona Robertson explained that if inspectors were to make recommendations that the Council do not agree with, then

the Council will make a case on behalf of the school.

Councillor Pottinger queried if the movement from good to very good required a lot of effort. Fiona Robertson explained that it depends on the quality indicator referred to and the actions that the school needs to implement. Councillor Pottinger also noted that historical inspection reports used to be provided. Fiona Robertson explained that attainment meetings with Elected Members are being prepared for and a briefing on secondary school attainment will be held. Meetings will also be held where Elected Members will be taken through the performance of all of the primary and secondary schools within a cluster. Fiona Robertson explained that, within the information gathered, previous inspections are tracked. Due to changes in quality indicators over time, there must be caution over comparing over a long period of time. Fiona Robertson noted that this information could be provided to Elected Members.

Councillor McEwan noted that it would be useful to compare the inspection report against the previous inspection report to see whether and how there has been development.

#### Decision

- Provide further details/information on the Raising Attainment Strategy at a future PRS.
- Going forward, include previous inspection reports for comparison with the inspection report being considered in the meeting, with caveats where applicable.
- The Committee moved the report.

#### Action

Michelle Strong, Education Chief Operating Officer

Agenda No.	Report Title	Presented by:
5.3	Inspection of Saltersgate School	Michelle Strong, Education Chief Operating Officer

#### Outline of Report and Summary of Discussion

Michelle Strong, Education Chief Operating Officer, presented the report. The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of 26 September 2023.

Performance Review and Scrutiny Committee is asked to:

- (i) Note the content of the inspection report.
- (ii) Congratulate the pupils, parents and staff connected with Saltersgate School on the key strengths highlighted in the report.

Councillor Imrie, the Chair, thanked Michelle Strong for the report and opened it up to questions.

Councillor Russell moved the report. Councillor Virgo seconded.

Elected Members applauded the work done at Saltersgate school.

Councillor McEwan queried if any consultation had been entered into with families of the pupils at the school considering the move to Beeslack High School. Fiona Robertson, Executive Director Children, Young People and Partnerships, confirmed that there will be further consultation. There has been initial consultation with families and staff. Staff, in particular, have played an important part in terms of the nature of the facilities of the ASN provision at Beeslack HS and families will be fully involved moving forward. A statutory consultation is still to be undertaken.

#### Decision

The Committee moved the report.

#### Action

Agenda No.	Report Title	Presented by:
5.4	Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2022/23	Derek Oliver, Chief Officer Place

#### Outline of Report and Summary of Discussion

Derek Oliver, Chief Officer Place, presented the report. The purpose of this report is to inform Cabinet of the Council's statement of compliance with its statutory climate change reporting duties for 2022/23, a copy of which is available in the CMIS Member's Library, and to recommend its submission to Scottish Government by the due date of 30 November 2023.

It is recommended that Performance Review and Scrutiny note:

- (a) the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2022/23 submitted and approved at Council; and
- (b) note the submission of the report to Scottish Ministers by 30<sup>th</sup> November 2023.

Councillor Imrie, the Chair, thanked Derek Oliver for the report and opened it up to questions.

Councillor McEwan queried whether there were any proposals to bring in low-emission zones within Midlothian. Derek Oliver noted that there were no plans to do so at this time, however, cognisance of developments within Edinburgh is ongoing. Councillor McEwan queried whether neighbouring areas bringing this in will have an impact on Midlothian, to which Derek Oliver confirmed a report can be brought back on this.

Derek Oliver agreed to a request from Councillor Curran that climate change duties are considered when looking at temporary road closures.

Councillor Virgo, in relation to the risk identified in paragraph 5.4 of the report



concerning the departure and subsequent replacement of an officer, noted that this does not address that this is a single point of failure within the team. Councillor Virgo further, in relation to paragraph 5.1 of the report, noted that this suggests that the Council does not have the resource to meet the requirement and asked that this be expanded on. Derek Oliver explained, in response to the former point, the review of the team is an ever-expanding and growth area in terms of energy management. In relation to the latter question, Derek Oliver noted this relates to the Climate Action Plan that will be brought forward to Elected Members to provide a suite of proposed interventions to allow them to make an informed decision, which will help address the matters outlined in paragraph 5.1 of the report.

The Chair queried when this will be put to Elected Members. Derek Oliver confirmed that the timescale was the end of the calendar year to draft the report, so a report will be presented in Quarter 4.

#### Decision

- Report on the impact on Midlothian of neighbouring Local Authorities introducing low-emission zones to be brought to PRS.
- Climate change duties to be considered when looking at temporary road closures.
- The Committee noted the report.

#### Action

Derek Oliver, Chief Officer Place

## 6 Private Reports

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No items for discussion

## 7 Date of the Next Meeting

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The next meeting will be held on Tuesday, 12 December 2023 at 11:00am.

The meeting terminated at 11:45.



# Minute of Meeting

Police and Fire and Rescue Board  
Monday 29 January 2024  
Item No 4.1



## Police and Fire and Rescue Board

Date	Time	Venue
Wednesday 15 November 2023	11.00am	Council Chambers/Hybrid

### Present:

Councillor McKenzie (Chair)
Councillor Alexander
Councillor Curran (Attended virtually)
Councillor McEwan
Councillor Smail
Councillor Pottinger (Attended virtually)
Councillor McCall (Attended virtually)
Councillor Cassidy (entered 11.30, left 11.54)

### In Attendance:

<b>Midlothian Council</b>	Derek Oliver, Chief Officer Place
	Lucy Roddie, Democratic Services Officer
	Hannah Forbes, Assistant Democratic Services Officer
<b>Police Scotland</b>	Alwyn Bell, Divisional Commander Chief Superintendent
	Jim Robertson, Chief Inspector
<b>Scottish Fire and Rescue Service</b>	Mark Landels, Group Commander

	Hilary Sangster, Area Commander
	Andrew Girrity, East of Scotland Head of Service Delivery

## 1. Welcome, Introductions and Apologies

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The Chair, Councillor McKenzie, welcomed everyone to the meeting of the Police and Fire and Rescue Board, advising that this meeting was open to the public and would be webcast live.

Apologies for absence were received from David Morrison, Station Commander, Scottish Fire and Rescue Service.

## 2. Order of Business

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

## 3. Declarations of interest

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

## 4. Minute of Previous Meeting

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The Minute of the Meeting held on 21 August 2023 was submitted. It was noted that the wrong date was recorded for the date of the next meeting, and this will be amended.

Councillor McEwan commented that he had requested that blue light incidents in relation to Schools be included in future reports from Police Scotland, but this had not been detailed in the Minute. Jim Robertson, Chief Inspector, confirmed this had been taken as an action.

The Minute of 21 August 2023 was approved as a correct record, subject to the amendment as detailed above. Moved by Councillor Smail, seconded by Councillor McEwan.

## 5. Public Reports

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Agenda No.	Report Title	Presented by:
5.1	<b>Introduction from Andrew Girrity, East of Scotland Head of Service Delivery</b>	<b>Scottish Fire and Rescue Service</b>
<b>Outline of report and summary of discussion</b>		
<p>Andrew Girrity took the opportunity to give an introduction to the Board in his capacity as the new East of Scotland Head of Service Delivery. Andrew Girrity reiterated the Scottish Fire and Rescue Service's commitment to delivering first class service to Midlothian and highlighted the success of partnership working. Andrew Girrity noted that the Scottish Fire and Rescue Service's significant funding gap presented challenges. The Scottish Fire and Rescue Service (hereafter the Service) is taking a risk-based approach and ensuring resources are targeted appropriately.</p> <p>Andrew Girrity gave an update on plans to rebuild Dalkeith community fire station on or near the existing site, which had been allocated budget in the Service's</p>		

capital plan. Andrew Girrity reported on other Service priorities including investment in training and equipment, with over £10 million invested in the fleet in the last year and a half.

The Chair gave thanks to Andrew for the introduction and invited questions and comments from the Board.

Councillor McEwan extended his congratulations to the Service for their great work. He asked if the Service had any intention of expanding capacity via increasing fleet vehicles or constructing an additional fire station in the context of rapid population growth in Midlothian.

In response, Andrew Girrity commented that the Service had a detailed picture of community risk and current resource provision is assessed as appropriate, highlighting the strong performance of the Service in Midlothian. Andrew Girrity noted the challenges of adding stations in the current financial climate. Andrew Girrity commented that a growing population does not necessarily equate to increased risk, noting that new-build dwellings tend to be safer due to requirements to adhere to certain safety standards.

Councillor Alexander noted the importance of education in fire prevention and asked if the Service conducted outreach activities in educational settings. In response, Andrew Girrity confirmed that education and early intervention are considered key for prevention. The Service works collaboratively with Police Scotland and other relevant partners to mitigate antisocial behaviour, with dedicated resource available via community action teams.

Councillor Smaill noted that new heat and smoke alarms are now mandatory in domestic properties, with associated installation costs for homeowners. Councillor Smaill asked if the Service expected to see benefits, and whether there may be an increase in false alarms due to improved systems. In response, Andrew Girrity commented that the new alarms are considered a positive measure and will give early warning to occupiers, and the Service hopes to see decrease in fire fatalities as a result. Andrew Girrity commented that it may be possible that false alarms increase at first, but the Service expects this to level out as the new systems are embedded.

The Chair gave thanks to Andrew Girrity for the introduction.

#### Decision

The Board noted the update.

Agenda No.	Report Title	Presented by:
5.2	<b>Scottish Fire and Rescue Service Operational Changes 2023-24</b>	<b>Scottish Fire and Rescue Service (SFRS)</b>
<b>Outline of report and summary of discussion</b>		
Hilary Sangster, Area Commander, introduced the Scottish Fire and Rescue Service Operational Changes 2023-24 report. Hilary Sangster noted the financial pressures facing the service.		

In response to a question from Councillor McEwan, Hilary Sangster confirmed that dynamic support was in place between neighbouring services to ensure operational cover.

The Chair noted that individual stations may have access to specialised appliances and asked if individual stations support each other. Hilary Sangster confirmed that stations tend to specialise in certain areas and the intention is to maximise flexibility and work collaboratively.

The Chair thanked Hilary Sangster for the report.

**Decision**

The Board noted the contents of the report.

Agenda No.	Report Title	Presented by:
<b>5.3</b>	<b>Local Fire Plan Review and Development</b>	<b>Scottish Fire and Rescue Service (SFRS)</b>
<b>Outline of report and summary of discussion</b>		
Hilary Sangster reported that the Local Fire Plan Review and Development would be published following Service approval and thereafter circulated to the Police Fire and Rescue Board.		
<b>Decision</b>		
The Board noted the update.		

Agenda No.	Report Title	Presented by:
<b>5.4</b>	<b>Protective Services Visual Q2</b>	<b>Derek Oliver, Chief Officer Place</b>
<b>Outline of report and summary of discussion</b>		
Derek Oliver, Chief Officer Place, introduced the Protective Services Visual Q2 report and provided an update on the Protective Services functions which overlapped activities carried out by the Police and Fire and Rescue Services, highlighting the work which had been undertaken during the course of Quarter 2.		
The Chair thanked Derek Oliver for the report and opened it up to questions.		
Councillor Smail referenced the new approach to the enforcement of littering and asked if improvements were being noticed. Derek Oliver responded that behavioural change is apparent and a fuller report would be presented to the Business Transformation Steering Group.		
Councillor Curran asked if there was any update regarding the antisocial behaviour at Sheriffhall Park and Ride. Derek Oliver reported that cross-service initiatives were ongoing. Jim Robertson, Chief Inspector, further commented that the Community Action team were conducting regular patrols. In a joint initiative		

between the Council and Police Scotland, surveillance cameras had been installed and Automatic Number Plate Recognition (ANPR) systems are in use.

Councillor Alexander asked if Midlothian Council were considering introducing fines for on-pavement parking. Derek Oliver responded that new legislation was available for Local Authorities in relation to this and a full paper would be brought to a future meeting of Midlothian Council for consideration. Derek Oliver highlighted that displaced parking would be an issue if the Council decided to introduce fines for on-pavement parking.

Councillor McEwan asked who was responsible for prosecuting on-pavement parking. Derek Oliver drew the distinction between parking on the pavement and driving on the pavement. The Local Authority would be responsible for prosecuting parking on pavement, and Police Scotland for driving on the pavement.

#### Decision

The Board noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.5	Police Scotland Midlothian Scrutiny Q2	Police Scotland

#### Outline of report and summary of discussion

Alwyn Bell, Divisional Commander Chief Superintendent, introduced the Police Scotland Midlothian Scrutiny Q2 report. Alwyn Bell noted that Police Scotland were facing a real-term funding cut, with a projected overspend of £19 million across the service.

Alwyn Bell reported that the current officer population stands at 16,600 with no further recruitment planned for 2023. As of Monday 19 October, Jo Farrell had taken up the position of Chief Constable.

Elected Members are encouraged to attend the regional scrutiny engagement session in November.

Alwyn Bell spoke about the service's operational focus on threat, harm and risk. Alwyn Bell reported an increase in housebreaking and car theft in Midlothian. A task force has been established in response with a number of specialist roles and enforcement activity planned.

Alwyn Bell reported that 2 individuals had been charged in connection with the production and supply of illicit diazepam in the Danderhall area. The seized drugs had an estimated street value in excess of £1 million.

Jim Robertson, Chief Inspector, highlighted the success of working in partnership with Police Scotland, Midlothian Council, SFRS and community groups.

Councillor McEwan gave his compliments to Police Scotland for their excellent work. Councillor McEwan expressed his concern that officer recruitment had been paused in the context of rapid population growth in Midlothian. In response, Alwyn Bell noted that Police Scotland recognises that the funding gap should not be



bridged by reducing officer numbers and Police Scotland were working hard to ensure the service is aligned to future demands.

In response to Councillor McEwan's query about how officer numbers are determined, Alwyn Bell reported that a range of factors were taken into consideration, including demand and crime types. Alwyn Bell reported that regional and national support was available from specialist divisions on an ongoing basis.

Councillor Alexander asked if crime had evolved with the availability of new technologies and the changing demographic of Midlothian, and if policing approaches had adapted in response. Jim Robertson noted the continually evolving nature of crime and reported that, overall, Police Scotland had seen an increase in cyber crime and fraud. Police Scotland works in collaboration with partners to adapt as necessary. Alwyn Bell spoke about the regionalisation of crime patterns. Police Scotland has established the East Fraud Hub to pool resources, promote best practice and prevent the duplication of effort. Regional services meet regularly in recognition of the cross-boundary nature of criminal activity.

Councillor Smail asked about Police Scotland attendance at community council meetings. Jim Robertson reported that Police Scotland attend community council meetings on a quarterly basis and would submit a written report in the absence of an officer.

Councillor Smail noted that a defibrillator in Bilston had recently been vandalised and wondered if policing activities were integrated with lower levels of digital output such as dashcams and doorbell camera footage. In response, Jim Robertson reported that Police Scotland had seen an increase in the availability of dashcam and doorbell camera footage and made use of this where required.

Councillor Curran asked if there was any reason for the reported decrease in bail curfew checks. Jim Robertson responded that the completion of bail curfew checks was linked to operational demand and cited the higher rate of attrition over the summer period due to annual leave.

The Chair asked if an increase in acquisitive crimes was to be expected in the context of the cost of living crisis. In response, Jim Robertson confirmed there had been an increase in acquisitive crimes and this could at least in part be attributed to the cost of living crisis.

The Chair noted the retrospective approach to community council involvement and asked if there was any scope to make this more proactive, for example, by raising awareness of seasonal crimes and associated preventative measures that members of the public could take. Jim Robertson confirmed this could be incorporated going forward.

#### Decision

The Board noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.6	SFRS Q2 ML Performance Report	Scottish Fire and Rescue Service (SFRS)
<b>Outline of report and summary of discussion</b>		
<p>Mark Landels, Group Commander, introduced the report. The report provides information on the Scottish Fire and Rescue Service’s prevention, protection and operational response activities within Midlothian for Quarter 2 of 2022-23 (1 July – 30 September 2022) including information on the year to date figures.</p> <p>Mark Landels then gave an update on activity around Bonfire night. Across the East Service Delivery area, crews had attended 90 bonfires. 4 attacks had been made on crews in the East of Scotland. Nationally, 15 attacks had been made over a 7 day period, with 9 attacks on 5 November. Mark Landels commended the joint working with Police Scotland and Local Authorities in preventative work and planning.</p> <p>Mark Landels gave an update on Home Fire Safety Visits, noting that 104 visits had been undertaken in the reporting period. This service is continually promoted and is considered a cornerstone in fire prevention. Mark Landels highlighted the success of multi-agency working in the context of safeguarding.</p> <p>Mark Landels highlighted the success of a recent initiative to engage with pupils not in mainstream schooling and noted the positive impact this had on one particular individual.</p> <p>The Chair thanked Mark Landels for the report and opened it up to questions.</p> <p>Councillor McEwan commended the work of the Place directorate within Penicuik, noting that the road network had been altered to ensure sufficient access for the Scottish Fire and Rescue Service.</p> <p>Councillor Smaill noted there had been an increase in deliberate fire raising, particularly in rural areas, and wondered if any measures were in place to address this. In response, Mark Landels reported that crews engage with individuals on arrival at incidents. Seasonal thematic action plans are in place, and the Service engages with young people in educational settings.</p> <p>Councillor Alexander enquired if the Service engaged with partnerships in relation to rural wilful fire raising. Mark Landels responded that he would take this matter away and provide a response offline.</p> <p>In response to a question from Councillor Smaill, Mark Landels reported that there had been no noticeable increase in deliberate fire raising for insurance purposes in the context of the cost of living crisis.</p> <p>The Chair concluded by giving thanks to both Police Scotland and the Scottish Fire and Rescue Service on behalf of the communities throughout Midlothian.</p>		
<b>Decision</b>		
The Board noted the contents of the report.		

## **6. Private Reports**

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No private items for discussion

## **7. Date of Next Meeting**

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The next meeting would be held on Monday 29 January 2024 at 2.00pm.

The meeting terminated at 12.47 pm.





Meeting	Date	Time	Venue
Midlothian Integration Joint Board	Thursday 24 August 2023	2.00pm	Virtual Meeting held using Microsoft Teams.

## Present (voting members):

Connor McManus (Chair)	Cllr Kelly Parry	Val de Souza
Cllr Pauline Winchester	Cllr Derek Milligan	Nadin Akta
Angus McCann		

## Present (non-voting members):

Morag Barrow (Chief Officer)	Grace Chalmers (Staff side representative)	Wanda Fairgrieve (Staff side representative)
Claire Flanagan (Chief Finance Officer)	Miriam Leighton (Third Sector)	Keith Chapman

## In attendance:

Gill Main (Integration Manager, NHS)	Grace Cowan (Head of Primary Care and Older Peoples Services)	Nick Clater (Head of Adult & Social Care)
Elouise Johnstone (Programme Manager for Performance)	Saty Kaur (Chief Officer Corporate Solutions – Acting)	Graham Kilpatrick (Service Manager Disabilities)
Jim Sherval (Public Health Practitioner, NHS)	Jake Murray (Assistant Strategic Manager, NHS)	Julie Lambert (Minute taker, Business Services)

## Apologies:

Joan Tranent (Chief Social Work Officer)	Claire Gardiner (Audit Scotland)	Andrew Fleming
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## 1. Welcome and introductions

## Midlothian Integration Joint Board

Thursday 24 August 2023

The Chair, Connor McManus, welcomed everyone to this virtual Meeting of the Midlothian Integration Joint Board (MIJB).

### 2. Order of Business

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

### 3. Declarations of interest

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No declarations of interest were received.

### 4. Minute of previous Meetings

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4.1 The Minutes of Meeting of the MIJB Board held on 22 June 2023 was submitted.

It was acknowledged that there were a few spelling errors in the previous minute and some items to be rectified. Angus McCann did not receive a copy of the invitation and documents.

#### **ACTIONS:**

Connor will advise the amendments to the previous minute for Democratic Services to amend. Democratic Services to ensure that Angus is added to the invitation and distribution lists.

4.2 The Minutes of Meeting of the MIJB Strategic Planning Group held on 22 June 2023 were submitted and noted.

### 5. Public Reports

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>5.1 Chair's Update - Presented by Connor McManus</b> Councillor McManus noted the Scottish Government are currently consulting on the revised statutory guidance for Strategic Commissioning Plans (SCP) and Annual Performance Reports (APR). The MIJB are planning to do a submission. With the Board approval it was planned to</p>	<p><b>Board noted the Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>use the Performance Assurance and Governance Group (PAGG) to review the APR guidance and strategic planning group (SPG) to review the NCP guidance to take a draft response to the SPG on 28 September, then take to the Board in October for review. The Chair encouraged Board members to attend PAGG or SPG meetings in September. Any comments to be forwarded to Cllr McManus or Gill Main.</p> <p>The Chair spoke about the Scottish Government meeting tomorrow and referred this to Val. Val updated the meeting tomorrow is in relation to funding challenges. The Chair of MIJB at the time had written to the Cabinet Secretary and had been in contact with Senior Civil Servants. A number of letters have been sent and a response has been received from the Cabinet Secretary and Senior Civil Servants. Morag Barrow Claire Flanagan, Cllr McManus, Val de Souza, COSLA and Scottish Government will be in attendance and MIJB members will feedback in due course.</p>			
<p><b>5.2 Chief Officers Report – Presented by Morag Barrow, Chief Officer</b></p> <p>Morag presented the Chief Officer’s Report and highlighted the following:</p> <p>NHS Lothian are now fully funding a 20 bedded ward at Midlothian Hospital.</p> <p>Ongoing inspection of Integrated Care for physical disability. The inspection started in May and concludes in November.</p>			

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Additional funding has been secured to upgrade Primrose Lodge. This will allow the provision of additional respite accommodation for people with learning disabilities within Midlothian.</p> <p>Midlothian Local Development Plan – Gill and her team are leading on the 10 year plan.</p> <p>The two partners from Danderhall Medical Practice have retired. Newbattle Medical Practice have taken over Danderhall Practice. There have been significant improvements already in terms of access and waiting times.</p> <p>There are continued challenges around costs and volumes around prescribing.</p> <p>Morag informed today's meeting is Claire Flanagan's last meeting. Morag thanked Claire for everything she has achieved and wished Claire all the best in her future role.</p> <p>Cllr Parry raised concerns around the pressures on pharmacies regarding prescriptions and queried if there could be cross agency working. Cllr Parry has been inundated with constituent enquiries around pharmacies. Morag acknowledged these continued challenges. There have been some improvements. Morag advised they will continue to feedback to NHS Lothian but highlighted they have no control over pharmacies. Morag will take advice from the Director of Primary Care and feed back to the group.</p>			



## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Angus asked about the partnership between Newbattle and Danderhall Practices. Morag updated Newbattle Practice were pleased to take on Danderhall practice. Newbattle are a very forward thinking practice, they have a large primary care team and work very well with the HSCP, overall Morag said this is a good move. Angus asked if they would be taking on extra GPs. Morag does not have specific details of the medical workforce however she noted there has been improved waiting times already. Morag to feedback specific details in due course.</p> <p>Keith asked whether additional work is required to provide the information the Care Inspectorate require. Morag replied this will involve additional demands on staff. Nick agreed this will be a lot of extra work and noted a manager has been seconded in to carry out some of the work.</p> <p>Val asked whether we are delivering the care or commissioning the care for Primrose Lodge. Nick advised it will be commissioned care as the clients will have complex needs. A care provider has not been identified yet.</p>			
<p><b>5.3 Annual Performance Report Final Approval - Gill Main, Integration Manager</b></p> <p>Gill Main presented the Annual Performance Report 2022-23. Members are asked to note the content of this report, approve and grant delegated authority to Morag to publish before 31 August. This date is not in line with the Scottish</p>	<p><b>Board approved Annual Performance Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Government deadline which was 31 July. This is due to the Scottish Government deadlines not taking into account the publication date of the PHS validated data.</p> <p>Gill provided two verbal updates to the report: Page 20 of the report, following feedback added in comment about nursing home beds in Midlothian in relation to other NHS areas. This will read “fewer nursing beds than other areas”.</p> <p>Page 30 of report relating to premature mortality. The proportion of deaths in Midlothian in regards to substance misuse. It is proposed the wording reads “a small proportion of premature deaths in Midlothian will be related to substance misuse. In 2022 the number of deaths relating to substance misuse has reduced by 82% to the previous year. More people are known to services and are less likely to die from substance misuse.”</p> <p>Nick commended all the teams involved noting the staff’s commitment to helping people is second to none and do a fantastic job.</p> <p>Cllr Winchester agreed to go with the percentage figure and agreed staff should be commended.</p> <p>Keith drew attention to Page 21 of the report in relation to volunteers. Keith suggested that it could be noted that there is also benefit to volunteers as well as the benefit to people receiving support from volunteers. Gill agreed to look into this further to reinforce this message.</p>			

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>5.4 Finance Update - Claire Flanagan, Chief Finance Officer</b></p> <p>Claire presented the Finance Update – Quarter 1 2023/24. The report forecasts a £7.8 million overspend.</p> <p>Claire spoke about a significant overspend in relation to prescribing and explained that normally prescribing data is received by NHS Lothian 2 months in arrears. At Quarter 1 for 2023/24 prescribing there was only estimated data made available to NHS Lothian due to issues implementing a new national IT system. More information will be provided in September.</p> <p>Claire gave an overview of all overspend projections and recovery plans. In regards to the outstanding pay award, there is on-going dialogues regarding additional funding.</p> <p>Angus asked about the social care overspend. Claire explained the financial projections data are taken from the mosaic system which does not always reflect the reality of actual spending; this is currently being looked at.</p> <p>Keith raised a question around budgeting in relation to Resource Panel. Nick explained two Service Managers approve the funding on a weekly basis, one for adults and one for older people. The Learning Disabilities packages are the most expensive.</p> <p>Sickness levels and recruiting at Newbyres and Highbank are also being looked at.</p>	<p><b>Board noted the Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Angus asked about the degree of mitigation the forecast provided. Claire advised there is a historic trend where there is an initial high overspend forecast early in the year which gradually comes down during future forecasts but there are underlying significant financial pressures.</p> <p>Morag highlighted there is a paper further on in the agenda pack around an initial review of the Learning Disabilities and Resource Panel.</p> <p>Morag spoke about the complexities of the clients at Newbyres. There is an on-going review regarding the demands at Newbyres.</p> <p>Morag noted that as Claire is moving on to another post, she will keep the board updated regarding appointing a new Chief Financial Officer.</p>			
<p><b>5.5 IJB Performance Report - Elouise Johnstone, Performance Manager</b></p> <p>Elouise provided an overview of the IJB Performance Report. Members are asked to:</p> <ul style="list-style-type: none"> <li>• Note the performance report against the IJB Improvement Goals for 2023/24</li> <li>• Approve the proposed local Improvement Goal and test of associated measures</li> <li>• Note the additional meeting for scrutiny of the Annual Performance Report.</li> </ul>	<p><b>Board noted the Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>The delay in the MSG data is an ongoing issue.</p> <p>Elouise spoke about the following:                      A and E attendances: although there has been an increase in the last 3 months, this is still below average.                      Unplanned admissions: this is slightly higher but there has been a downward trend over the past quarter                      Late discharge occupied bed days: last 3 months has shown a sustained improvement.                      Local Improvement Goal: update will be provided at next IJB</p> <p>Elouise thanked everyone who attended the APR meeting and also thanked the Performance Assurance Group members.</p> <p>Val commented on how much activity goes on in primary and community care.</p>			
<p><b>5.6 Learning Disability Service Review - Nick Clater, Head of Adult Services</b></p> <p>Nick provided an overview of the paper. Members are asked to:</p> <ul style="list-style-type: none"> <li>• Note the contents of the Learning Disability Service Review report</li> <li>• Consider the recommendations outlined in the report, and</li> <li>• Approve recommendations within the report.</li> </ul> <p>The IJB agreed a review was required on all Learning</p>	<p><b>Board noted the Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Disability Services within Midlothian. Carol Benington has been appointed to undertake the review. Nick spoke about the following:</p> <p>Eligibility criteria for Learning Disability. Overnight support needs to be reviewed. Respite service needs to be explored. Design and delivery of services needs to be looked at. External contractual services is around 85% of what is provided which also needs to be reviewed.</p> <p>As previously discussed, the Resource Panel need to be reviewed to monitor the spending in this area. Better forecasting is required. An improvement plan around transition work, from children's services to adult services, is required. Aging carers are referred at crisis points therefore work needs to be done to forecast these issues. A review is required around transport spending.</p> <p>Angus queried the accuracy of the figures regarding learning disabilities, the data in relation to SDS and whether the mosaic system is being replaced. Nick explained the data was the best figures Carol was able to gather. Graham confirmed Mosaic is not being replaced but there are plans to upgrade the system. Graham explained the issues of the cost recording in relation to the SDS costs.</p> <p>Angus made the point that the report conveys the areas that generate costs rather than stating how the costs will be reduced. Nick acknowledged Angus' concerns and gave some examples that need to be explored to reduce costs. Nick had a meeting yesterday to discuss getting some of the finances under control and getting more realistic data from Mosaic. Nick will feedback in due course.</p>			

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Keith commented the budget has gone from 10% of overall spend to 15% overall. Keith worries about the report conveying how costs are going to increase but less about how these costs will be controlled.</p> <p>Val raised the point that there are two multi-disciplinary teams; Community Learning Disability Team and the Social Work Team. Nick acknowledged this point, noting there are two different management lines and stated there is scope to look at this in the future.</p>			
<p><b>5.7 Public Health Recommendations for Midlothian IJB in response to Director Of Public Health Report Jim Sherval, Public Health Consultant</b></p> <p>Jim provided an overview of the report noting the key recommendation, 2.1 in the report, employability and employment support for local people in health and social care employment.</p> <p>Angus asked if they are at a stage whereby they are able to determine the specific actions needed. Jim said they have a number of ideas but are not at a stage of presenting an action plan.</p> <p>Val suggested partnership working with people who have direct responsibility for employability, e.g. skillnet. Jim agreed. Cllr Parry has noted she is happy to help.</p>	<p><b>Board noted the Report</b></p>		

## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>5.8 IJB Self Development Plan - Duncan Stainbank, Chief Internal Auditor</b></p> <p>Due to technical issues Duncan was unable to join the meeting. Any questions to be raised with Duncan offline.</p>	Board noted the Report		
<p><b>5.9 IJB Performance Framework - Elouise Johnstone, Performance Manager</b></p> <p>Elouise had already left the meeting and advised the report was for noting and she is happy to take any questions by email.</p>	Board noted the Report		
<p><b>5.10 Governance Position Overview - Gill Main, Integration Manager</b></p> <p>Gill noted three key areas for review:</p> <ul style="list-style-type: none"> <li>• Records Management Plan</li> <li>• Scheme of Publication</li> <li>• Risk Register Policy</li> </ul> <p>Gill stated the report is for noting and is happy to take any questions.</p>	Board noted the Report		
<p><b>5.11 Strategic Commissioning Plan 2025-28 Development Timeline - Gill Main, Integration Manager</b></p>	Board noted the Report		



## Midlothian Integration Joint Board

Thursday 24 August 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
Gill anticipates there will be a paper presented to MIJB in the first part of 2024.			

### 6. Private Reports

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No items for discussion

### 7. Any other business

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No additional business had been notified to the Chair in advance.

Chair gave a special mention to Claire. Chair thanked Claire for the time she has given to the MIJB partnership and everyone wished Claire all the best in her new position.

### 8. Date of next meeting

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The next meetings of the Midlothian Integration Joint Board would be held on:

- Thursday 12 October at 2pm

**(Action: All Members to Note)**

The meeting terminated at 3.30 pm.



# Midlothian Integration Joint Board

Midlothian Integration Joint Board  
Thursday 21 December 2023  
Item No 4.1



Meeting	Date	Time	Venue
Special Midlothian Integration Joint Board	Thursday 21 September 2023	2.00pm	Virtual Meeting held using Microsoft Teams.

## Present (voting members):

Councillor McManus (Chair)	Val de Souza (Vice Chair)	Councillor Winchester
Councillor Parry	Andrew Fleming (NHS Lothian)	Angus McCann (NHS Lothian)
Councillor Alexander (proxy representative)		

## Present (non-voting members):

Morag Barrow (Chief Officer)	Grace Chalmers (Partnership Representative (MLC))	Keith Chapman (User Representative)
Claire Flanagan (Chief Finance Officer)	Wanda Fairgrieve (Partnership Representative (NHS))	Jordan Miller (Partnership Representative (NHS))

## In attendance:

Grace Cowan (Head of Primary Care and Older Peoples Services)	Gill Main (Integration Manager, NHS)	Elouise Johnstone (Programme Manager for Performance)
Saty Kaur (Chief Officer Corporate Solutions (Acting))	Claire Gardiner (External Audit)	Patricia Fraser (External Audit)
Gary Leadbetter (Democratic Services Officer)		

## Apologies:

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## Midlothian Integration Joint Board

Thursday, 21 September 2023

### 1. Welcome and introductions

The Chair, Connor McManus, welcomed everyone to this virtual Special Meeting of the Midlothian Integration Joint Board.

### 2. Order of Business

The Order of Business was confirmed as outlined in the agenda that had been previously circulated.

### 3. Declarations of interest

No declarations of interest were received.

### 4. Public Reports

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>4.1 Chair's Update – Councillor McManus (verbal)</b></p> <p>Councillor McManus, the Chair, noted that he had attended a meeting for all of the Chairs and Vice-Chairs in Scotland with attendance from Maree Todd (Scottish Government). The Chair stated that they had useful conversations about the National Care Service and how this is coming together and Stage One part of the Bill which is due for the end of January 2024.</p> <p>The Chair noted he now had a contact that is the Depute Leader in the creation of the Bill, who is also looking to take questions and comments. The Chair stated that, with the Board's approval, he might request that they hold a session with the MIJB members to allow questions to be asked on what the National Care Service would mean for Midlothian.</p>	<p><b>Board noted the Chair's update.</b></p> <p><b>Board confirmed that they welcomed a session from the Chair's contact – Chair noted that he would let the Board know about dates, etc. in due course.</b></p>	<p><b>Councillor McManus, The Chair.</b></p>	

## Midlothian Integration Joint Board

Thursday, 21 September 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>4.2 Chief Officer's Update – Morag Barrow (verbal)</b></p> <p>Morag Barrow, Chief Officer, explained that there is a new Covid variant which is much more virulent in terms of community transmission, although noted that there are no serious impacts that have been realised. Noted that there is more general transmission in the community. Morag noted that, in terms of mitigation, the annual vaccination programme is in place which has commenced across Midlothian. Morag noted that the Scottish Government have requested that the programme be brought forward, in light of the new variant, which is currently being worked on.</p> <p>Morag also noted the national data coming out around 2022 drug and alcohol deaths. Morag noted that the figures in Midlothian were 4 for the former and 17 for the latter, a reduction from 19 and 18 respectively for 2021. Morag noted that a paper/presentation would be brought to the Board at a future meeting detailing the work underway in this sphere.</p> <p>The Chair thanked Morag for her update and opened it up to questions.</p> <p>In response to a question raised by Keith Chapman about mitigations or reporting in respect of power balances, in light of recent media reports about surgeons sexually abusing junior staff, Morag noted that they had not yet received a position from NHS Lothian. Morag expressed confidence that the matter is being considered. Morag then spoke to the upcoming national speak up week and the</p>	<p><b>Board noted the Chief Officer's update.</b></p> <p><b>Morag Barrow, Chief Officer, to provide further insight into NHS Lothian position and work being done in respect of power balances (and potential abuse thereof) between senior and junior staff.</b></p> <p><b>Morag Barrow, Chief Officer, to enquire about current Covid case figures.</b></p>	<p><b>Morag Barrow, Chief Officer.</b></p> <p><b>Morag Barrow, Chief Officer.</b></p>	

## Midlothian Integration Joint Board

Thursday, 21 September 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>work being done around this. Morag noted they was happy to return with a central NHS Lothian position on the matter.</p> <p>Angus McCann queried if there were any current Covid figures, to help understand the scale of cases now versus the previous winter. Morag explained that these figures were not currently routinely shared but offered to enquire.</p> <p>Andrew Fleming raised a question on the preparedness for winter. Morag noted that this would be addressed within the assurance report for the October MIJB. Morag provided assurance that that there had been planning and work around readiness for winter which has been happening since summer. Morag also spoke to risks and challenges around care home bed capacity.</p>			
<p><b>4.3 MIJB Annual Accounts</b></p> <p>Claire Flanagan, Chief Financial Officer, noted that the Annual Accounts and External Audit Report had not been submitted and provided apologies. They explained that the delay was due to both resourcing issues with Audit Scotland and some uncertainties within the Annual Accounts that still needed to be worked through.</p> <p>Claire Gardiner explained that the resourcing delays were sector-wide and not specific to MIJB. They noted that the auditors have a duty of care to ensure the Accounts are materially correct and emphasised that they wanted to take the appropriate time to work through the uncertainties. Claire G stated that they are endeavouring to conclude as soon as possible.</p>			

## Midlothian Integration Joint Board

Thursday, 21 September 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>4.4 MIJB Directions Half Year 2023/24 Report</b></p> <p>Elouise Johnstone, Programme Manager for Performance, presented the MIJB Directions Half Year 2023/24 Report. The purpose of this report is to update the IJB on the half-year status of progress towards the Midlothian IJB Directions issued for 2023/24.</p> <p>IJBs, Health Boards and Local Authorities have a legal obligation to both issue and monitor the effectiveness of Directions as described in the Public Bodies (Joint Working) (Scotland) Act 2014.</p> <p>Directions are how the IJB action their strategic plan to achieve their aims. Midlothian IJB Directions for 2023-24 were issued to the Chief Executives of Midlothian Council and NHS Lothian on the 31 March 2023.</p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>Note the level of assurance provided against the process measures (Appendix 1).</li> </ul> <p>The Chair thanked Elouise for the Report and opened it up to questions.</p> <p>Angus McCann asked Elouise to comment on July 2023 figures and the progress in completing them, with reference to constraints, noting that there was still some way to go. On January 2024 figures, Angus further queried the</p>	<p><b>Board noted the level of assurance provided against the process measures in the MIJB Directions Half Year 2023/24 Report.</b></p>		

### Midlothian Integration Joint Board

Thursday, 21 September 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>progress towards these given that the figures were not yet presented.</p> <p>In relation to the latter question, Elouise explained that the nature of measurement of key activities is that they are scheduled at regular intervals and reporting to the Directions is tied to this and so some of this information does not yet exist. In relation to a further question from Angus on scrutiny of progress towards these figures, Elouise explained the figures are discussed in a number of forums and that there will be a clear picture in December, allowing corrective actions to be taken.</p> <p>Morag Barrow, Chief Officer, answering the former question explained that tough targets were set and perhaps not appropriate and that there was learning here going forward. Morag further provided background context to the matter and noted, that there was still strong progress and performance. Angus noted that it would be helpful to have context within the report going forward.</p> <p>Andrew Fleming queried how some of the measurements were being made, in terms of the marking frame and approach. Elouise explained that it is a thorough audit, by the performance team, of the documentation agreed as the source for the information.</p> <p>In relation to a question from Keith Chapman on the set aside budget and engagement at whole system level and a report in respect of this, Gill Main, Integration Manager, noted that there are multi-dimensional challenges to this</p>			



## Midlothian Integration Joint Board

Thursday, 21 September 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>work. As such, Gill explained that this work is going to take a while, including in terms of providing a comprehensive report to the MIJB on this.</p> <p>Val de Souza queried how things are doing in comparison to other parts of Lothian. Elouise explained that, in relation to Directions this is difficult to measure, although there are opportunities to understand this in terms of Strategic Aims. Morag noted that, as part of quarterly meetings with the Chief and Depute Executives of NHS Lothian, which cover performance and there is interest in lifting some of the work being done in Midlothian to determine how this translates in other areas.</p> <p>Gill also spoke to some of the sector-leading work ongoing and planned and external interest towards it.</p>			

### 5. Private Reports

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No items for discussion.

### 6. Any Other Business

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No additional business had been notified to the Chair in advance.

### 8. Date of next meeting

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The next meeting of the Midlothian Integration Joint Board will be held on:

- Thursday, 12 October 2023 at 14:00

## Midlothian Integration Joint Board

Thursday, 21 September 2023

**(Action: All Members to Note)**

The meeting terminated at 3.30 pm.

# Midlothian Integration Joint Board

Midlothian Integration Joint Board  
Thursday 8 February 2024  
Item No 4.1



Meeting	Date	Time	Venue
Midlothian Integration Joint Board	Thursday, 21 December 2023	2.00pm	Virtual Meeting held using Microsoft Teams.

## Present (voting members):

Connor McManus (Chair)	Cllr Kelly Parry	Cllr Pauline Winchester
Cllr Derek Milligan	Andrew Fleming (NHS Lothian)	Angus McCann (NHS Lothian)

## Present (non-voting members):

Morag Barrow (Chief Officer)	David King (Interim Chief Finance Officer)	Wanda Fairgrieve (Staff side representative)
Grace Chalmers (Staff side representative)	Joan Tranent (Chief Social Work Officer)	Fiona Stratton (Chief Nurse)
Claire Ross (Chief AHP)	Wanda Fairgrieve (Partnership Representative, NHS)	Magda Clark (Third Sector Representative)
Keith Chapman (User Representative)		

## In attendance:

Gill Main (Integration Manager)	Nick Clater (Head of Adult & Social Care)	Grace Cowan (Head of Primary Care and Older Peoples Services)
Elouise Johnstone (Programme Manager for Performance)	Jake Murray (Assistant Strategic Manager, NHS)	Emma-Jane Gunda (Assistant Strategic Programme Manager)
Jim Sherval (Public Health Consultant, NHS)	Fiona Kennedy (Service Manager – Health and Social Care)	Gary Leadbetter (Democratic Services Officer)
Hannah Forbes (Assistant Democratic Services Officer)		

## Apologies:

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# Midlothian Integration Joint Board

Thursday 21 December 2023

## 1. Welcome and Introductions

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Councillor McManus, the Chair, welcomed everyone to this virtual Meeting of the Midlothian Integration Joint Board (MIJB). The Chair welcomed Claire Ross, Chief AHP, and Magda Clark, Third Sector Representative, who recently joined the Board.

Claire Ross and Magda Clark each briefly introduced themselves to the Board.

## 2. Order of Business

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

## 3. Declarations of Interest

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No declarations of interest were received.

## 4. Minute of Previous Meetings

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- 4.1 The Minutes of the Meeting of the MIJB held on 24 August 2023 and the Special Meeting of the MIJB held on 21 September 2023 were submitted for approval and agreed as a correct record, subject to the following amendments being made to the Minute of 24 August 2023:

On page 7 of the Minute, correct the wording around significant overspend from “the data from NHS Lothian is 3 months in arrears and a new IT system should provide updated data in September” to “that normally prescribing data is received by NHS Lothian 2 months in arrears. At Quarter 1 for 2023/24 prescribing there was only estimated data made available to NHS Lothian due to issues implementing a new national IT system. More information will be provided in September.”

On page 12, correct the wording around Angus McCann’s question so that it reads “Angus asked about the degree of mitigation the forecast provided. Claire advised there is a historic trend where there is an initial high overspend forecast early in the year which gradually comes down during future forecasts but there are underlying significant financial pressures.”

## Midlothian Integration Joint Board

Thursday 21 December 2023

Magda Clark, noted that the organisation they work for is Midlothian TSI, it does not have the word association in it. It was agreed that this would also be removed from the Minute.

- 4.2 The Minutes of the Meetings of the MIJB Strategic Planning Group held on 28 September 2023 and 26 October 2023 were submitted and noted.
- 4.3 The Minutes of the Meetings of the MIJB – Audit and Risk Committee held on 28 June 2023, 7 September 2023 and 23 November 2023 were submitted and noted.

### 5. Public Reports

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>5.1 Chair's Update - Presented by Connor McManus and Chair and New Members Report</b></p> <p>Morag Barrow, Chief Officer, explained that two voting members on the MIJB – Audit &amp; Risk Committee (A&amp;R) were required to be Elected Members who sat on the MIJB. Councillor Milligan confirmed they were happy to sit on the MIJB – A&amp;R going forward, which will allow the A&amp;R Committee to be quorate.</p> <p>The Chair presented the Chair's update noting that the recent MIJB Development Session was productive and spoke to how discussions that occurred will formulate into the MIJB's Strategic Plans in 2025.</p> <p>The Chair also noted that the MIJB Strategic Planning Group (SPG) Chair will be moving on and questioned if Gill Main, Integration Manager, had any further information on this. Gill Main explained that it is a Board decision as to who is appointed as the new Chair of the SPG and that they are expected an update and confirmation on developments in the new year.</p> <p><b>Chair and New Members Report</b></p> <p>This report provides information about non-voting member appointments to the Midlothian IJB and seeks the Board's formal endorsement of them. This report also</p>	<ul style="list-style-type: none"> <li>• <b>Councillor Milligan to sit as a member of the MIJB – Audit &amp; Risk Committee.</b></li> <li>• <b>Recommendations in the Chair and New Members Report approved.</b></li> </ul>		

## Midlothian Integration Joint Board

Thursday 21 December 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>provides information in relation to required changes to the membership of the MIJB-A&amp;R.</p> <p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>• Endorse the nominations for non-voting members of the MIJB.</li> <li>• Review and approve the membership of the MIJB – A&amp;R.</li> <li>• Welcome existing and new colleagues to the MIJB.</li> </ul> <p>The Chair moved a nomination for Councillor Milligan to sit on the MIJB - A&amp;R and this was seconded by Councillor Winchester. Councillor Milligan accepted.</p>			
<p><b>5.2 Chief Officers Report – Presented by Morag Barrow, Chief Officer</b></p> <p>Morag Barrow, Chief Officer, presented the Chief Officer’s Report which sets out the key strategic updates for MIJB. Board Members are asked to note the content of the report.</p> <p>Morag Barrow noted that:</p> <ol style="list-style-type: none"> <li>1. The health system is very busy, as it always is in winter, which is a significant impact in terms of health &amp; social care out in the partnerships.</li> <li>2. There are three elements where the Midlothian team have excelled recently: <ol style="list-style-type: none"> <li>a. Strategic Joint Inspection from Care Inspectorate and Health Care Improvement Scotland. This was around integration and outcomes for physical disability and the evaluation of the 5 indicators were that of “good.”</li> <li>b. The Midlothian Community Respiratory Team and Midlothian Performance Team won a Scottish Healthcare Award. The work that won the award has been selected as a finalist for the Holyrood Digital Healthcare Awards.</li> <li>c. The publication of Midlothian end of life care project findings.</li> </ol> </li> </ol> <p>The Chair thanked Morag Barrow for the report, asked for the Board’s congratulations to be passed on to the team and opened the report up to questions.</p>	<ul style="list-style-type: none"> <li>• <b>Members noted the report.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Morag Barrow</b></li> </ul>	

## Midlothian Integration Joint Board

Thursday 21 December 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Angus McCann, NHS Lothian, in relation to the GP resilience planning section of the report, queried about the activity in primary care remaining high in comparison to other HSCPs and the drivers which have led to reductions in acute ad hoc prescriptions through the new collaborative project between GP practices and pharmacotherapy teams. Morag Barrow explained, in relation to the first query, explained that one of the management GPs is currently looking at this. Morag Barrow explained that it may be that Midlothian's GPs are working harder or it could be that they are seeing people more often, which may either be a good or bad thing. The data is being drilled down into to understand this better, and that more detail can be provided to the Board following this. Morag Barrow also spoke to the strong engagement with GP practices in terms of their resilience planning. In relation to the second query, Morag Barrow explained there is strong delivery in terms of working with GP practices around efficiency savings, whilst there is also an excellent pharmacy lead. Morag Barrow noted that Midlothian is leading the way in terms of achievement of efficiency savings around pharmacology within Lothian. Morag Barrow also noted that funding is provided for one management GP session a week to work on this. Morag Barrow further explained that prescribing costs and volume issues are a continuing pressure.</p> <p>Keith Chapman, User Representative, queried if there are principles that arise from this integration that can be spread across the rest of the team and, in relation to the GP resilience planning and musculoskeletal therapy, questioned if there was a good equitable spread across SIMD data groups. Morag Barrow noted that learning has been shared and there is work being undertaken to look at how this can be spread across teams. In terms of the SIMD data, Morag explained that they do not have this data but can investigate it and bring this back. Claire Ross, Chief AHP, explained that a relationship is being developed with the public health analyst within NHS Lothian, which will help segment the waiting list population using SIMD data.</p> <p>Andrew Fleming, NHS Lothian, raised a query in relation to the system being "hot" and, in relation to the Third Sector Summit, asked for more information on financial inclusion work and engagement with the third sector. In relation to the first query, Morag Barrow explained that historically summer used to be quieter and winter</p>			

## Midlothian Integration Joint Board

Thursday 21 December 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>busier, however this gap no longer exists, although winter does get busier. Morag Barrow noted that a rise in flu and COVID levels in the community is being seen, coupled with workforce challenges although all areas prepare winter plans. High attendances have also been seen at the emergency department over the preceding two to three weeks, which has resulted in Grace Cowan, Head of Primary Care and Older People's Services, attending acute services silver command meeting and contributing to how joint work can help to support flow and release of beds. Morag Barrow also noted that Grace Cowan's team and the wider senior management team have been meeting in a daily resilience call to understand the situation and contribute to supporting the bigger system pressures. Morag Barrow further spoke to attendances at the emergency department. Gill Main, in relation to the query around the Third Sector Summit, noted that this was a helpful meeting and welcomed the Board Members attendance at these which will be bi-annual. Gill Main spoke to the benefits of the discussions occurring at the Summit. Nick Clater, Head of Adult and Social Care, in relation to income maximisation, explained that the Council has a welfare rights service and the income maximisation outcomes are positive. Nick Clater also noted that the Council has a large contract arrangement with Citizens Advice Bureau, noting that between the two organisations the output is strong, although appreciated there is more that can be done. Nick Clater highlighted that one of the main ongoing issues is the complexity of the benefits system. Magda Clark offered to forward the minute of the previous Third Sector Summit, alongside presentations that were given.</p> <p>Magda Clark, in relation to the point around SIMD raised by Keith Chapman, stated that it would be useful to see whether the rural areas are also served equally well.</p>			
<p><b>5.3 MIJB Interim Chief Finance Officer Arrangements – Presented by Morag Barrow, Chief Officer</b></p> <p>Morag Barrow, Chief Officer, presented the report. This report is provided for the Midlothian Integration Joint Board (IJB) on the proposals for the recruitment of the Chief Finance Officer / Section 95 Officer.</p>	<ul style="list-style-type: none"> <li>• Recommendations in the report approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Morag Barrow</li> </ul>	



## Midlothian Integration Joint Board

Thursday 21 December 2023

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>Accept the resignation of Claire Flanagan as Chief Finance Officer.</li> <li>Agree to the interim arrangements of Chief Finance Officer / Section 95 Officer.</li> <li>Note the arrangements for the IJBs Chief Finance Officer from 1 April 2024 with further updates at a future IJB meeting.</li> </ul> <p>It was noted that from 1 April 2024, the permanent replacement of Chief Finance Officer / Section 95 Officer for the IJB will be provided by Midlothian Council. The Council's Chief Finance Officer will also fulfil the Chief Finance Officer role to the IJB.</p>			
<p><b>5.5 MIJB Finance Q2 Update – Presented by David King, Interim Chief Financial Officer</b></p> <p>David King, Interim Chief Finance Officer, noted that it would be beneficial to take Item 5.5 before Item 5.4, which the Chair approved. David King presented the report. This paper lays out the Midlothian Integration Joint Board's (IJB) quarter 2 year-end financial forecast for 2023/24, information for which has now been provided by the IJB's partners. This shows a total projected overspend in 2023/24 of £8.6m, the quarter 1 forecast showed an overspend of £7.8m. This is based on the month 6 position, and it should be noted that the IJB's partners' management teams have been and continue to develop recovery plans to manage this position. The paper also considers the current position of the IJB's reserves and notes that the general reserve is now at its agreed minimum value, that is 2% of the IJB's turnover. The IJB's Annual Accounts for 2022/23 have now been approved by the IJB's Audit and Risk committee.</p> <p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>Note the output from the Quarter 2 report.</li> <li>Note the current position of the IJB's reserves.</li> <li>Note the 2022/23 Annual Accounts have now been approved.</li> </ul> <p>The Chair thanked David King for the report and opened it up to questions.</p>	<ul style="list-style-type: none"> <li>Members noted the report.</li> </ul>		

## Midlothian Integration Joint Board

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Angus McCann raised a question in relation to recovery plans and the success in savings plans underway. Morag Barrow stated that there are plans in place to get a breakeven budget for this year, although the position has deteriorated. In terms of actions through recovery actions, two actions the IJB supported were not providing the extra care element for Normandy Court, which is in place, and a move to 70/30% of external to internal care at home, which is also taking place. Morag Barrow stated that the biggest challenges are around prescribing and the set aside budget and from a social care perspective it is around our statutory obligation in relation to the resource panel. Morag Barrow explained that they are confident, from the end of year position from this year's perspective, that this will be brought down. Morag Barrow spoke to the work being done this year and provided assurances that everything that can be done is being done, although appreciated that difficult choices will need to be brought back to the IJB.</p> <p>Keith Chapman raised a question in relation to predictions of overspend. Morag Barrow explained that the bigger overspends are around the resource panel, which is older people's care and learning disability. Morag Barrow noted that there are a few things that impact on this, such as population increases in some of these areas, transitions that come through from social work services and internal infrastructure. David King explained that all IJBs in Lothian have commissioned work around this, including looking at what should be included and not.</p> <p>Magda Clark queried whether the third sector could take part in workshops regarding efficiencies, or whether this is operational. Morag Barrow explained that the workshops are operational and have started already, but is happy to touch base with Magda and have a conversation around this.</p>			
<p><b>5.4 MIJB Medium-Term Financial Plan – Presented by David King, Interim Chief Financial Officer</b></p> <p>David King, Interim Chief Finance Officer, presented the report. The Midlothian Integration Joint Board (IJB) is required to prepare a medium-term financial plan. The IJB's partners have now provided the IJB with their own financial plans for the period 2024/25 to 2028/29, and this information allows the IJB to build its own forecast. This</p>	<ol style="list-style-type: none"> <li>1. Members noted the report.</li> <li>2. Workshops / Briefings on budgetary concerns and aspects to be set</li> </ol>	<ol style="list-style-type: none"> <li>1.</li> <li>2. Morag Barrow / Councillor McManus /</li> </ol>	

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Report Title/Summary							Decision	Action Owner	Date to be Completed/Comments
shows: -							<b>once the financial settlement is known.</b>	<b>Democratic Services</b>	
Summary	£000's	£000's	£000's	£000's	£000's				
Health	(4,838)	(6,265)	(7,529)	(8,856)	(10,257)				
Social Care	(7,724)	(9,995)	(12,302)	(14,647)	(17,030)				
<b>Total</b>	<b>(12,562)</b>	<b>(16,260)</b>	<b>(19,831)</b>	<b>(23,503)</b>	<b>(27,287)</b>				
<p>These values being overspends.</p> <p>It is important to note that this is a forecast based on an initial review. There is no impact of management actions in this position nor any further funding that may be made available. That said, the overall position is clear and the IJB will now, working closely with its partners, have to develop a series of recovery plans to bring it back into a balanced financial position.</p> <p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>• Note the forecast position from 2024/25 to 2028/29.</li> <li>• Consider the assumptions underlying this forecast.</li> <li>• Support the development of a recovery programme.</li> </ul> <p>David King stated that it would be beneficial to find a time to have a workshop, perhaps in February, to discuss these matters more fully, including looking at how the situation was arrived at as well as what they proposals are and if they add up to what the pressure is and if they fit into the strategic objectives.</p> <p>The Chair thanked David King for the report, welcomed a workshop, and opened it up to questions.</p> <p>Andrew Fleming queried whether more than one workshop was required. Andrew Fleming, in relation to demography as a category, noted that Midlothian is facing a population increase and considering this questioned what the impact of moving to a flat-cash position would be. David King explained that there are anxieties around the cash settlement and that there are conversations ongoing around this.</p>									

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<p>Councillor Parry added a note of caution around tabling the workshops/briefing, as the Council has not yet found out its financial settlement and the funding floor may not be set until 17 January 2024. Councillor Parry also noted that there is no guarantee around the population increase, but they have heard positive news on this.</p> <p>The Chair stated that setting workshops will be taken away as an action.</p>			
<p><b>5.6 Scheme of Publication Review – Presented by Gill Main, Integration Manager</b></p> <p>Gill Main presented the report. The Midlothian Integration Joint Board (IJB) is required to produce a Publication Scheme under The Freedom of Information (Scotland) Act 2002 (the Act). The Act requires Scottish public authorities to provide members of the public with the information that is held by the IJB, and to produce and maintain a publication scheme. Integration Authorities are under a legal obligation to publish the classes of information that they routinely make available, how this information can be accessed, and whether information is available free of charge or on payment.</p> <p>Midlothian IJB adopted the Model Publication Scheme produced and approved by the Scottish Information Commissioner in 2017. The requirements of the Model Publication Scheme were updated by the Scottish Information Commissioner’s Office (ICO) in 2021. The Midlothian IJB Publication Scheme 2023 ‘Guide to Information’ is an update and reworking of the Midlothian IJB Scheme of Publication. This update brings the publication scheme in line with the revised Scottish Information Commissioner Model Publication Scheme.</p> <p>The document supports Midlothian IJB to meet other relevant statutory obligations such as the Freedom of Information (Scotland) Act 2002 and Equality Act 2010/Public Sector Equality Duties. The Midlothian IJB Audit and Risk Committee reviewed the proposed Publication Scheme 2023 ‘Guide to Information’ alongside a completed Equality and Children’s Right Impact Assessment on Thursday 7<sup>th</sup> December and recommended this to the Board for approval.</p>	<ol style="list-style-type: none"> <li>1. Recommendations in the report approved.</li> <li>2. Tidy up spelling and error as outlined in the report title/summary section of this minute.</li> </ol>	<ol style="list-style-type: none"> <li>1.</li> <li>2. Gill Main</li> </ol>	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>• Review the proposed Midlothian IJB Scheme of Publication and accompanying Equality and Children’s Right Impact Assessment.</li> <li>• Note the recommended actions resulting from the Impact Assessment.</li> <li>• Agree to adopt the proposed Midlothian IJB Scheme of Publication.</li> <li>• Grant delegated authority to the Integration Manager to inform the Scottish Information Commissioner.</li> </ul> <p>The Chair thanked Gill Main for the report and opened it up to questions.</p> <p>Angus McCann asked that, if this is to be formally published, the following be tidied up:</p> <ul style="list-style-type: none"> <li>• Page 106 – correct spelling on “open government license.”</li> <li>• Page 108 – look at the “table of contents – error! Bookmark not defined.”</li> </ul>			
<p><b>5.7 MIJB Performance Report – Presented by Elouise Johnstone, Performance Manager</b></p> <p>Elouise Johnstone presented the report. The purpose of this report is to update the IJB on progress towards the IJB performance goals set for the financial year 2022/23. Due to the processes required to validate these data, the full reporting year is almost complete for all indicators.</p> <p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>• Note the performance against the IJB Improvement Goals for 2023/24.</li> <li>• Confirm the process for examination / publication of Local Improvement Goal process measure data.</li> </ul> <p>The Chair thanked Elouise Johnstone for the report and opened it up to questions, of which there were none.</p>	<ul style="list-style-type: none"> <li>• Recommendations in the report approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Elouise Johnstone</li> </ul>	

## Midlothian Integration Joint Board

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p><b>5.8 Public Health Prevention Update (verbal) – Presented by Jim Sheval, Public Health Consultant</b></p> <p>Jim Sherval, Public Health Consultant, shared a presentation and presented a verbal update. Jim Sherval explained that the deputy director, Ashley Goodfellow, has been working on a prevention paper on a more comprehensive look at prevention. Jim Sherval spoke to some of the prevention measures in public health that have been brought in, and some of the difficulties around prevention.</p> <p>The Chair thanked Jim Sherval for the update and opened it up to questions.</p> <p>Andrew Fleming raised a query in relation to timescales around return of investment on preventative measures. Jim Sherval stated that there are different estimates to this and some of these are about efficiencies that have already been made. Jim Sherval stated that they would provide more information on this.</p> <p>Councillor Winchester asked if the multimorbidity rate is 24% in Scotland is rising or decreasing. Jim Sherval confirmed that this is rising and that some of this is driven by health issues such as diabetes.</p> <p>Keith Chapman, in relation to difference between the healthy life expectancy and life expectancy that generates cost, queried if there was some way to target this better to achieve maximum financial efficiency. Jim Sherval stated that the SIMD is a useful indicator for identifying certain areas where there is deprivation yet appreciated that this does not capture everyone in difficulty, noting that there are other sources to help triangulate information around deprivation which the SIMD may not capture. This then allows better targeting of support and use of resource.</p>	<ul style="list-style-type: none"> <li>Members noted the update.</li> </ul>		
<p><b>5.9 Integrated Assurance Report – Presented by Fiona Stratton, Chief Nurse</b></p> <p>Fiona Stratton, Chief Nurse, presented the report. This report is presented to provide Midlothian Integration Joint Board (IJB) with assurance around the processes in place to</p>	<ul style="list-style-type: none"> <li>Members noted the report.</li> </ul>		

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<p>deliver clinical and care governance and risk and resilience management by the Midlothian Health and Social Care Partnership. The report confirms that the Partnership's structures and processes for risk management, resilience and major incident planning address the requirements of Midlothian Council and the Lothian NHS Board. This includes the maintenance of the Partnership's Risk Register and processes which support the appropriate escalation of identified risks.</p> <p>Board Members are asked to:</p> <ul style="list-style-type: none"> <li>• Discuss and approve the contents of this report.</li> </ul> <p>The Chair thanked Fiona Stratton for the report and opened it up to questions.</p> <p>Keith Chapman raised a query in relation to learning from adverse events and complaints and wondered if the external review was statutory or voluntary. Fiona Stratton stated that the review had come out of the reference group and learning is extended. Decisions around Level 1 External Reviews are driven by NHS Lothian adverse events policy and procedure and relate to the level of harm. Fiona Stratton provided assurances on the systems around this.</p> <p>Angus McCann asked if something could be done in a RAG format when the report is brought back so previous quarters can be looked at for comparison. Fiona Stratton confirmed that this could be done and would be happy to pick this up offline with Angus.</p>			
<p><b>5.10 Midlothian Drug &amp; Alcohol Deaths – Presented by Nick Clater, Head of Adult Services</b></p> <p>Nick Clater, Head of Adult and Social Care, presented the report explaining that they were going to share a presentation but for the purposes of expedience would not and that this could instead be circulated.</p> <p>Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) is the local Alcohol and Drugs Partnership (ADP).</p>	<ol style="list-style-type: none"> <li>1. Members noted the report.</li> <li>2. Share information around age range in relation to drug deaths.</li> </ol>	<ol style="list-style-type: none"> <li>1.</li> <li>2. Nick Clater</li> </ol>	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>MELDAP aims include:</p> <ul style="list-style-type: none"> <li>• Reduce the harm to individuals and promote recovery from substance use</li> <li>• Protect children and young people from the effects of parental substance use</li> <li>• Promote early intervention to prevent the harmful use of alcohol and drugs</li> <li>• Develop high quality services responsive to the changing needs of people who use and need our services.</li> </ul> <p>This report highlights pertinent areas relating to Drug Misuse and Alcohol Specific Deaths in Midlothian for 2022, to accompany a presentation for Board consideration.</p> <p>The Chair thanked Nick Clater for the report and opened it up to questions.</p> <p>Councillor Winchester queried if information on the age range of drug deaths is collected. Nick Clater confirmed that this is collected and that they thought there had been a briefing on this but would check this. Nick Clater stated that the age range is higher than it was previously, so long-term substance users are living longer and would share more information on this.</p> <p>Andrew Fleming raised a question in relation to how MAT standards are developed and evaluated. Nick Clater stated that this is a Scottish Government set of standards, stating that they are rigorous and there is a lot of reporting on this. Nick Clater stated that they can provide more information on this at a later date.</p>			
<p><b>5.11 Annual Alcohol and Drug Partnership Report – Presented by Nick Clater, Head of Adult Services</b></p> <p>The Chair stated that, in the interest of time, if there are questions of substance in relation to Items 5.11, 5.12 and 5.13 that these be raised with Nick Clater outside of the meeting. Nick Clater confirmed they are happy to take questions outside of the meeting.</p> <p>It was agreed that as Items 5.11, 5.12 and 5.13 were for noting that they would not be</p>	<ol style="list-style-type: none"> <li>1. <b>Members noted the report.</b></li> <li>2. <b>Questions to be picked up outside of the meeting.</b></li> </ol>	<ol style="list-style-type: none"> <li>1.</li> <li>2. <b>Nick Clater</b></li> </ol>	



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spoken to. The Chair queried whether Nick Clater had anything in particular they wished to raise in relation to any of these Items, which Nick Clater noted that they would raise something in relation to Item 5.13.			
<p><b>5.12 Community Payback Order Report – Presented by Nick Clater, Head of Adult Services</b></p> <p>See notes under 5.11.</p>	<ol style="list-style-type: none"> <li>Members noted the report.</li> <li>Questions to be picked up outside of the meeting.</li> </ol>	<ol style="list-style-type: none"> <li>Nick Clater</li> </ol>	
<p><b>5.13 East Lothian and Midlothian Adult Public Protection Team Report – Presented by Nick Clater, Head of Adult Services</b></p> <p>See notes under 5.11.</p> <p>Nick Clater noted that there is an adult protection inspection expected and due in early 2024 and preparations were being made for this.</p>	<ol style="list-style-type: none"> <li>Members noted the report.</li> <li>Questions to be picked up outside of the meeting.</li> </ol>	<ol style="list-style-type: none"> <li>Nick Clater</li> </ol>	

### 6. Private Reports

No items for discussion.

### 7. Any Other Business

No additional business had been notified to the Chair in advance of the meeting.

### 8. Date of Next Meeting

The next meetings of the Midlothian Integration Joint Board will be held on:

## Midlothian Integration Joint Board

Thursday 21 December 2023

- MIJB Development Session - Thursday, 18 January 2024, 14:00 – 16:00.
- MIJB – Thursday, 8 February, 14:00 – 16:00.

**(Action: All Members to Note)**

The meeting terminated at 16:04pm.

# Midlothian Integration Joint Board



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

**Present (voting members):**

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

**Present (non-voting members):**

Morag Barrow (Chief Officer)	Claire Flanagan (Chief Finance Officer)	Derek Oliver (Chief Officer Place)
Duncan Stainbank (Chief Internal Auditor)		

**In attendance:**

Gill Main (Integration Manager)	Kay Jenks (Audit Scotland, External Auditor)	Saty Kaur (Chief Officer Corporate Solutions (Acting))
Gary Leadbetter (Democratic Services Officer)		

**Apologies:**

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## Audit and Risk Committee

Thursday 7 September 2023

### 1. Welcome and Introductions

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The Chair welcomed everyone to the meeting.

### 2. Order of Business

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The Order of Business was as detailed in the agenda.

### 3. Declarations of interest

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No declarations of interest were received.

### 4. Minutes of Meeting

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4.1 The Minutes of Meeting of the Audit and Risk Committee held on Wednesday 28 June 2023 was submitted and approved as a correct record.

4.2 Matters Arising: None.

### 5. Public Reports

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#### 5.1 Update on Audited Annual Accounts 2022/23 and External Audit Report 2022/23 Process - CFO Verbal Update

Chief Finance Officer, Claire Flanagan provided a verbal update on Audited Annual Accounts 2022/23 and External Audit Report 2022/23 Process.

Ms Flanagan advised that the Audited Annual Accounts and External Audit Report would normally be presented at the September Midlothian Integration Joint Board (IJB) Audit and Risk Committee. Ms Flanagan explained that the external auditor, Audit Scotland, had been experiencing some resourcing issues leading to potential delays in meeting the September deadline, although work was back on track after both herself and the team had been working with the external auditors to meet this deadline, they had missed the deadline for submission to the Committee. Ms Flanagan explained that, in line with the IGB Standing Orders, the accounts need to be approved by one

## Audit and Risk Committee

Thursday 7 September 2023

of the IGB's Standing Committees, so the plan is that on 21 September 2023, under the Special MIJB Business Meeting and Development Session the accounts and audit report would be presented for approving the former and noting the latter.

The Chair noted the update and opened it up for questions and comments.

External Auditor, Kay Jenks advised that work was on track to be completed by 21 September 2023.

Andrew Fleming queried if the Special IJB Development Session on 21 September 2023 would be virtual. Chief Officer, Morag Barrow confirmed that the meeting would be virtual.

The Chair thanks Ms Flanagan and Ms Jenks for their updates and assurances.

### Action:

- **The Members noted the reasons for the non-submission of the Audited Annual Accounts 2022/23 and External Audit Report 2022/23 and agreed to their submission at the Special MIJB Business Meeting and Development Session on 21 September 2023.**

### 5.2 Risk Register – Chief Office Place, Derek Oliver

The Integrated Joint Board (IJB) Audit and Risk Committee maintains a strategic risk profile which is regularly scrutinised. However, it is important that Midlothian IJB is kept informed of its key risks and the actions undertaken to manage these risks. This report contains the strategic risk profile covering Quarter 1 2023/24, 1 April 2023 – 30 June 2023.

Chief Officer, Place, Derek Oliver presented the Strategic Risk Profile for Quarter 1 2023/24, advising that this was appended to the report and that there had been no new risks or changes to Risk Evaluation into Quarter 1 from previous Quarter 4 2022/23.

## Audit and Risk Committee

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Mr Oliver advised that there remained to be one critical risk, with respect to 'Impact of New Legislation' and two high risks, with respect to 'Financial Sustainability' and 'Workforce Recruitment and Retention.'

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

Chief Officer, Morag Barrow highlighted that, in relation to the financial situation, it was set to be a difficult year for both elements of the budget in terms of both the Council spend and NHS spend currently projecting overspend. Ms Barrow advised that work was ongoing with teams and recovery actions were being employed where possible and that some recovery had been achieved in comparison to Quarter 1. Ms Barrow noted some of the significant challenges being experienced, such as prescribing and overspend in learning and disability. Ms Barrow provided reassurance that work to address these challenges was ongoing.

Andrew Fleming raised a question as to whether there was a duplication of risks, noting that 'Issuing of Directions' and 'Financial Sustainability' sounded similar in respect of financial resources. Mr Fleming also questioned whether the assurance reporting in relation to the risk 'Category 1 Responder Status' included desktop exercising, particularly as winter is coming and the challenges this can present. Integration Manager, Gill Main, so as to provide context to the Strategic Risk Profile, advised that there had been work to strengthen internal understanding of the difference between strategic and operational work, some of which has involved the Health and Social Care Partnership (HSCP) realising significant change to its governance structure whilst ensuring there is a robust system in place, which in turn has had a knock on effect on recognising strategic risks. Ms Main explained that, in respect of this, there is still realignment work to be completed and this may be some of the reason around potential duplication.

### Action:

- **Chief Officer, Place, Derek Oliver to meet with Andrew Fleming to provide insight into the Strategic Risk Profile.**
- **The Members approved the Quarter 1 2023/24 Strategic Risk Profile.**

### 5.3 Recommissioning in Matter of Focus and Outnav – Integration Manager, Gill Main

This paper describes the work to establish an integrated performance framework across health and social care and details the proposal and identified funding for continuing this work. A high level overview (appendix 1) is provided of work jointly undertaken by Midlothian Health and

## Audit and Risk Committee

Thursday 7 September 2023

Social Care Partnership (HSCP) and Matter of Focus to deliver the commission from Midlothian Integration Joint Board (IJB) of developing a performance measurement tool that provides strategic assurance, assurance on the organisational progress towards the 6 strategic aims of the Strategic Commissioning Plan 2022/25, and meets national ambitions in relation to understanding of our contribution to improving outcomes for people and communities. This paper also notes the requirement and intention to support and to develop the organisations understanding of service outputs vs personal outcomes and to better maximise the impact of qualitative data in environments where quantitative data is more frequently requested or valued.

Integration Manager, Gill Main introduced the report, advising that the Matter of Focus work has been a historically more expensive contract than what is being proposed, as this has been significantly reduced by over fifty percent for a contract over the next two years. Ms Main highlighted that, as result of this report, Members are asked to:

- Review the performance of the Matter of Focus Outcomes Measurement Project Commissioned in 2020 noting:
  - that performance against this contract has met and exceeded expectation with significant positive impacts,
  - where performance could be improved with integrated working, and the benefits of developing this practice,
  - the integral role outcome measurement has in the Midlothian IJB and both Midlothian HSCP Performance Framework and Integrated Governance Framework.
- Approve the use of £49,986 of identified funding to be enable the ongoing
  - provision of service described in the proposal for 2023/25
  - provision of the strategic governance required for Midlothian IJB
  - provision of the assurance Midlothian IJB requires of Midlothian HSCP in relation to performance measurements and operational governance through this triangulated approach
  - provision of support for services to deliver on Midlothian IJB Directions 3.1 and 3.3.
- Note the requirement to develop the organisation's understanding of
  - service outputs vs personal outcomes
  - the impact of qualitative data in environments where quantitative data is more frequently requested or valued.

The Chair commended the report and opened it for questions and comments.

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Andrew Fleming raised a question on how this work was being received by staff, given that there are inherent challenges such as understanding how to use a new system which is being embedded. Mr Fleming also questioned what the ongoing contractual and commercial relation with Matter of Focus is, particularly if they are the proprietors of the OutNav software.

In response to Mr Fleming's former question, Chief Officer, Morag Barrow advised that reception had been mixed, with some staff groups embracing the new system with its novel opportunity to capture and measure performance in their service in a novel way. Ms Barrow stated that there are other staff groups that are more resistant. Ms Barrow recognised that this is a significant piece of work that will take time, expressing confidence in the ability to successfully complete the work.

In response to Mr Fleming's latter question, Ms Main advised that Matter of Focus were the only organisation able to provide the OutNav software. Ms Main further advised that the threshold for tendering was not being breached, so the relationship is appropriate and well governed financially. Ms Main noted that the relationship with Matter of Focus has been mutually beneficial and that the relationship and governance has been well received.

The Chair raised a question around motivating the staff through making the work more tangible in terms of the impact on their day-to-day job. Ms Main, in response, highlighted and recognised that the change management process is difficult as it is expected that staff will react and adapt to change at different paces and in different ways, whilst some may never fully accept the change. Ms Main advised that every service had recognised that this new system helps them visualise part of their activities in a unique way that they were previously unable to. Ms Main stated that they were working to recognise where people were struggling or fearful, so that they could be supported, which in turn has also produced useful learning.

The Chair raised a question around the existence and use of contribution analysis. Ms Main stated that there is very little work in health and social care that is attributional, yet much of the way that success or activity is recorded for statutory reporting is attributional. Ms Main noted that this can cause difficulties in attributing the work done, as part of a system, to a change in a personal outcome. Ms Main advised that they are working to help services change their thinking about how they capture activity, so contribution is shown, and that services are indeed moving in this direction.

The Chair thanked and complimented Ms Main for the report.



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**Action: The Members agreed to and approved the three recommendations contained within the report.**

### 5.4 Additional Meeting Required Oct/Nov 2023 – CFO Verbal Update

Chief Finance Officer, Claire Flanagan advised that the IJB Audit and Risk Committee is required to meet at least four times each financial year as per paragraph 9 in the Scheme of Administration. Ms Flanagan advised that the Committee held in March was not quorate and as such there is a requirement to hold an additional quorate meeting to satisfy the requirement of four times. Ms Flanagan recommended that a Committee meeting be scheduled for October/November 2023.

**Action: The Members noted the requirement to hold an additional meeting. Ms Flanagan to coordinate the scheduling of this additional meeting, in October/November 2023, with the Democratic Services team.**

## 6. Private Reports

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No private business to be discussed at this meeting.

## 7. Date of next meeting

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The next scheduled meeting will be held on Thursday 7 December, with recognition that a meeting preceding this is to be scheduled for October/November 2023.

The Chair noted that Nadin had offered her apologies.

The Chair noted that it was Chief Finance Officer, Claire Flanagan's final meeting at an IJB Audit & Risk Committee and thanked her for time and contribution.

**(Action: All Members to Note)**

The meeting terminated at 14:43



# Midlothian Integration Joint Board



Meeting	Date	Time	Venue
Audit and Risk Committee	Thursday 23 November 2023	10.00am	Virtual Meeting held using MS Teams.

**Present (voting members):**

Val de Souza (Chair)	Cllr Connor McManus	Nadin Akta
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**Present (non-voting members):**

Morag Barrow (Chief Officer)	Claire Flanagan (Chief Finance Officer)	Claire Gardiner (Audit Scotland, External Auditor)
Patricia Fraser (Audit Scotland, External Auditor)		

**In attendance:**

Alan Turpie (Legal Services Manager)	Gary Leadbetter (Democratic Services Officer)	
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**Apologies:**

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## Audit and Risk Committee

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### 1. Welcome and Introductions

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The Chair welcomed everyone to the meeting.

### 2. Order of Business

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The Order of Business was as detailed in the agenda.

### 3. Declarations of interest

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No declarations of interest were received.

### 4. Minutes of Meeting

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- 4.1 The Minute of Meeting of the Audit and Risk Committee held on Thursday 7 September 2023 was submitted and approved as a correct record.
- 4.2 Matters Arising: None.

### 5. Public Reports

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#### 5.1 MIJB Annual Audit Report – Year Ended 31 March 2023, report by Audit Scotland

Claire Gardiner, Audit Scotland, External Auditors presented the Midlothian Integration Joint Board (MIJB) Annual Audit Report – Year Ended 31 March 2023. Claire Gardiner provided apologies for the delay in the submission of the audit, explaining the difficulties presented around catching up to pre-Covid timescales noting this was not specific to MIJB. Claire Gardiner noted that the report was in two parts, the first providing conclusions on the financial statements audit work, noting that Audit Scotland intend to provide a clean, unmodified audit opinion and it further provides references to significant audit matters and unadjusted errors. Claire Gardiner noted that it also includes a letter of representation, which provides assurances from the MIJB with regard to key judgements on the annual report, including fraud. Claire Gardiner asked that, before the letter is approved, the Members of the Committee consider any knowledge of actual or alleged fraud, non-compliance with laws or regulations or post-balance sheet events.

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The Chair, Val de Souza, asked if the Members had any comments to provide on the request from Claire Gardiner. No comments or matters were raised.

Claire Gardiner then noted that the second part of the report was the Annual Audit Report and highlighting key messages including that:

- Exhibit 1 highlights that materiality has increased from planning, and this is in relation to the increase in gross expenditure.
- Exhibit 2 shows one significant audit matter in the year. The issue highlight is to correct the disclosures in the management commentary around social work and to improve the clarity for the reader. Audit Scotland is satisfied that the revised accounts are correct in this regard.
- Paragraph 19 highlights the risks identified as part of the Annual Audit Plan and outlines the work completed in year and the results of this. There were no issues arising from the audit work to date and there were no adjustments over the reporting threshold that the Committee needs to be aware of.
- Exhibit 4 notes that although the MIJB has a medium-term financial plan, updates are required to take into account revised funding levels and the 2023/24 recovery plan, and a recommendation has been made reflecting this at paragraph 37.
- Three other recommendations have been made in relation to the wider scope work, which are outlined in the Action Plan at Appendix 1. These cover the risks associated with the loss of a Chief Finance Officer and areas identified with scope for improvement with regards to disclosure of register of interests and formalising reporting of best value.

The Chair thanked Claire Gardiner for taking the Committee through the report and also for the explanation and apologies around the delay.

Claire Flanagan, Chief Finance Officer, explained that they had seen the recommendations prior to the meeting and had worked with Audit Scotland in coming up with the responses. Claire Flanagan noted that the recommendation around financial sustainability is on the to-do list and it is now just the timing of when the funding partners develop their own financial plans to allow a financial plan to be brought to the MIJB.

Morag Barrow, Chief Officer, queried whether there was an expectation to update the five-year financial plan on a monthly basis. Claire Gardiner explained that there is not expectation that this is done monthly and that Audit Scotland are comfortable with the current approach and plans. Noted that an annual process is sufficient.

Morag Barrow also noted that in Section 2, Paragraph 36, the wording states that “Since February, further increases in funding have been agreed by Midlothian Council” and queried what this was in reference to. Morag Barrow stated that there was one non-recurring allocation,

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but that this year there was a reduction in funding from Midlothian Council. Patricia Fraser, Audit Scotland, External Auditors, explained that they had thought that initially Midlothian Council had not agreed to the funding that was requested by the MIJB but during the year they had increased the funding. If this is incorrect, the paragraph can be updated. It was agreed that the wording would be updated to reflect that additional funding received from Midlothian Council was non-recurring.

Morag Barrow, providing an update on the Section 75 Officer, explained that David King, who has previously been Chief Finance Officer for East Lothian Council and Midlothian Council, will be covering the Chief Finance Officer / Section 75 Officer post until 31 March 2024 on an interim basis. Both partners are finalising a plan that Midlothian Council will pick up going forward. Claire Flanagan will present a paper at the next MIJB on 21 December 2023.

### Action:

- **Wording in Section 2, Paragraph 36 in the Annual Audit Report to be updated to reflect that additional funding received from Midlothian Council was non-recurring.**
- **Members noted the Report.**

### 5.2 2022/23 Audited Annual Accounts, report by Chief Finance Officer

Claire Flanagan, Chief Finance Officer, presented the 2022/23 Audited Annual Accounts for the MIJB. As a statutory body, the IJB is required to produce a set of annual accounts at the end of its financial year (31 March). These accounts are then reviewed by the IJB's external auditors who report their opinion of the IJB's annual accounts to the IJB's Audit and Risk Committee. This report having been agreed by the committee and presuming no outstanding issues, the IJBs annual accounts can then be approved.

The accounts will then be signed by the Chair of the IJB, the Chief Officer of the IJB and the Chief Finance Officer of the IJB after which they will be published.

Board members are asked to:

1. Note the report of the independent auditor.
2. Consider the 2022/23 annual accounts of the IJB.
3. Recommend approval of the accounts by Chief Officer in consultation with Chair and Vice-Chair in terms of Standing Order 15.1.

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Claire Flanagan highlighted the high-level points contained within the report, noting that:

- The summarising of the year end position resulted a deficit of £10.3million, which should be seen in the context of the following:
  - MIJB generated a surplus in the financial year 2021/22, which was the result of funding being allocated by the Scottish Government during 2021/22 for the use in 2022/23. A significant proportion of this equated to the Covid funding allocation. Therefore, the deficit is a result of the MIJB incurring expenditure against its ear-marked reserves and the return of Covid funding that was not required.
  - MIJB's financial performance against its in-year delegated budget, excluding ear-marked reserves did result in a small surplus, particularly within Social Care, so there was a small operational underspend within the Social Care budgets.
  - Overall, the Health budgets across the MIJB generated an overspend, therefore the partner NHS Lothian provided additional funding to the MIJB of £1.48 million. This is non-recurring financial support to break even all the Health budgets across the MIJB's delegated health services.

Claire Flanagan further highlighted that despite having a small operational underspend within the Social Care budgets, there are still significant areas of financial challenge and these budgets are the prescribing budgets and general medical services budgets. Claire Flanagan also noted that the Annual Governance Statement has now been included and the MIJB's Chief Internal Auditor is involved in developing the report and has provide reasonable assurance for the overall adequacy and provided some actions and scope for improvement within the document.

The Chair thanked Claire Flanagan for the report and opened it up to questions. No questions were received.

### Action:

- **Members approved the recommendations.**
- **Claire Flanagan, Chief Finance Officer, Morag Barrow, Chief Officer and Councillor McManus, Chair of the MIJB will sign the Audited Annual Accounts electronically.**

## 6. Private Reports

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No private business to be discussed at this meeting.

### **7. Date of next meeting**

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The next scheduled meeting will be held on Thursday, 7 December 2023 at 14:00pm.

**(Action: All Members to Note)**

The meeting terminated at 10:36am