

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 24 August 2021**

1 Minutes of Meetings submitted for Approval

Adjourned Midlothian Council 30 June 2021

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2 Minutes of Meetings submitted for Consideration

Approved Minutes for Noting, Information and Consideration of any recommendations contained therein

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Cabinet 2 March 2021 21 - 28

Audit Committee 9 March 2021 29 - 36

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Minute of Meeting



Midlothian Council

Date	Time	Venue
29 June 2021	11.00 am	MS Teams

Present:

Provost Smaill (Chair)	Depute Provost Russell
Councillor Milligan – Council Leader	Councillor Muirhead – Depute Council Leader
Councillor Alexander	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie (until 3 pm)	Councillor Imrie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor McKenzie
Councillor Munro	Councillor Parry
Councillor Wallace	Councillor Winchester

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships	Gary Fairley, Chief Officer Corporate Solutions
Morag Barrow, Joint Director Health and Social Care	William Venters, Depute Monitoring Officer
Mike Broadway, Democratic Services Officer	Derek Oliver, Chief Officer Place
Joan Tranent, Chief Officer Children's Services, Partnerships and Communities (for Items 8.15 and 8.18)	Verona MacDonald, Democratic Services Team Leader
Myra Forsyth, Continuous Improvement Manager (for Items 8.4, 8.5 and 8.6)	Andrew Win, Head of Development (for Item 8.19)
Fiona Clandillon, Head of Development (for Item 8.19)	Susan Arbuckle, Estates Development Surveyor (for Item 9.1)
Paul Campbell, Project Manager/Quantity Surveyor (for Item 9.1)	

1. Welcome and Apologies for Absence

The Provost welcomed everyone to the meeting. Apologies for absence were intimated on behalf of Mr Bourne and Mrs Morton, Religious Representatives to the Cabinet.

2. Order of Business

The Democratic Services Team Leader advised the Council was being asked to determine the functions, powers and duties of the General Purposes Committee as permitted by Standing Order 7.12 to consider applications lodged under the Civic Government (Scotland) Act 1982 which were deemed urgent due to the events being scheduled to take place during the weekend coming with a decision requiring to be made as soon as possible. The Provost sought the opinion of Members and Councillor Cassidy, seconded by Councillor Hardie, moved that the Council assume the functions, powers and duties of the General Purposes Committee as narrated above and to allow sufficient time to peruse the paperwork, consideration of the applications be adjourned to a meeting to be held on 30 June 2021 commencing at 12.30 pm. With no Member being otherwise minded this became the decision of the Council.

The Democratic Services Team Leader intimated the following additional changes to the agenda previously circulated:-

Item No. 8.17 Beeslack Replacement High School – will be heard in private as Item No. 9.2

Additional report accepted by the Provost for inclusion on the agenda and circulated in advance of the meeting – Early Learning and Childcare Expansion to be considered as Item No. 8.20

3. Declarations of interest

None

4. Deputations

None received.

5. Minute of Previous Meeting

5.1 The Minute of meeting of Midlothian Council of 11 May was unanimously approved and the Provost was authorised to sign as a true record of the meetings.

6. Questions to the Leader of the Council

None

7. Notice of Motion

No.	Report Title	Motion by:
7.1	Improving streets, parks and other open spaces	Councillor Milligan
Terms of Motion		
<p><i>"This Council thanks and congratulates the many local groups and individuals for their efforts, particularly during the current pandemic, to improve our streets, parks and other open spaces by volunteering for litter picks, gardening and public space maintenance, etc. We call on officers to prepare a report on how the Council currently supports these and similar groups and how we can improve that support offer moving forward.</i></p> <p><i>Further, we thank the Cross Cutting Services Review – Waste Services for their proposal that the Council provides more efficient public space bins and calls on a report from officers as to when this will be implemented.</i></p> <p><i>We also note reports coming from Council areas in other parts of the United Kingdom who have worked with private enforcement companies to pursue and prosecute those who cause the litter in the first place, targeting dog fouling, litter, and fly-tipping. We understand that it has been suggested that this work can be achieved at zero cost to the local authorities and, in turn, has the potential of providing more capacity to our hard-pressed environmental health service for delivering specialist and technical public health and safety duties.</i></p> <p><i>We therefore request that officers look at whether a similar arrangement would be something that could be considered for introduction here in Midlothian, with a report provided to the next Council meeting after the summer break."</i></p>		
Decision		
<p>Councillor Milligan moved the Motion which was seconded by Councillor Hackett. Following discussion which included advice from the Chief Officer Place of the intention to present a report after the summer recess regarding the matters raised in the Motion and an addition suggested by Councillor Johnstone and incorporated into the Motion by way of an amendment by the proposer and seconder, the Motion was unanimously approved together with the following addition:-</p> <p>Reinstatement, in whatever format acceptable to meet national guidance regarding Covid 19 protection measures, of the Provost's reception to recognise the work undertaken by volunteers across Midlothian.</p>		
Action		
Executive Director Place		

8. Reports

Report No.	Report Title	Report by:
8.1	Best Value Assurance Update	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive spoke to the terms of a report which provided an update regarding Best Value and the previously presented Improvement Action Plan put in place following publication of Midlothian's Best Value Assurance report by the Accounts Commission on 4 July 2019 which was presented to Council on 20 August 2019 and followed by a subsequent update on 11 February 2020 and 17 November 2020.</p>		
Decision		
<p>The Council noted the updates to the Best Value Assurance report Improvement Action Plan, some of which have now been superseded as a result of the response to the Covid-19 pandemic, the Midlothian Route Map and the new strategic transformation boards which are in place.</p>		
Action		
Chief Executive		

Report No.	Report Title	Report by:
8.2	Single Midlothian Plan 2021 - 2022	Chief Executive
Outline of report and summary of discussion		
The Chief Executive spoke to the terms of a report outlining the Community Planning Partnership (CPP) Board's thematic partnership annual plan, outcomes and indicators for 2021-22 and noted the draft had been approved on 31 March 2021.		
Decision		
The Council noted the publication of the Single Midlothian Plan 2021-22 to meet the legal requirements of the Community Empowerment Act.		
Action		
Chief Executive		

Report No.	Report Title	Report by:
8.3	Service Plans 2021-22	Chief Executive
The report presented the 2021-22 Service Plans for approval.		
Decision		
The Council approved the Service Plans for 2021-22.		
Action		
Chief Executive, Executive Directors and Chief Officers		

Report No.	Report Title	Report by:
8.4	Annual Complaints Handling 2019-20 and Revised Complaints Handling Procedure	Chief Executive
Outline of report and summary of discussion		
The Council heard from the Continuous Improvement Manager who spoke to the terms of a report which advised of the publication of the Annual Complaint Handling Report 2019/20 and the introduction of a revised Complaints Handling Procedure in line with the Model Complaints Handling Procedures (MCHPs) revised and re-issued in 2020 by the Scottish Public Services Ombudsman (SPSO) and requiring to be implemented by 1 April 2021.		
Decision		
The Council noted (a) the publication of the Annual Complaint Handling Report 2019-20 and (b) the introduction of a revised Complaints Handling Procedure with effect from 1 April 2021.		
Action		
Chief Executive, Executive Directors and Chief Officers		

Report No.	Report Title	Report by:
8.5	Equality Plan 2021-25 and Equality Outcomes and Mainstreaming Progress 2019-21	Chief Executive
Outline of report and summary of discussion		
The Continuous Improvement Manager spoke to the terms of a report which advised the Council, Education Authority and Licensing Board are subject to equality legislation as detailed in the Equality Act 2010 and subsequent		

Regulations in 2012, 2015 and 2016 requiring the 3 bodies to develop, publish and report progress on equality outcomes and mainstreaming activities on a 2 year cycle and produce a new Equality Plan every 4 years.

Decision

The Council noted the content of the Equality Plan 2021-2025 and the Equality Outcomes and Mainstreaming Progress report 2019-2021 which, in response to statutory requirements to publish by 30 April 2021, are currently available, in draft form, on the Council's website.

Action

Chief Executive, Executive Directors and Chief Officers

Report No.	Report Title	Report by:
8.6	Gaelic Language Plan 2021-26	Chief Executive
Outline of report and summary of discussion		
The Continuous Improvement Manager spoke to the terms of a report providing an update on the approval of the final Gaelic Language Plan following submission to Bòrd na Gàidhlig in early 2020.		
Decision		
The Council noted:- (a) publication of the finalised Gaelic Language Plan which was considered and approved by Bòrd na Gàidhlig at their meeting 2 February 2021; (b) revisions to the delivery timeframe previously set out in the draft plan considered by Council on 19 December 2019 as a result of Covid-19 impact and; (c) the requirement for ongoing monitoring and reporting.		
Action		
Chief Executive		

Report No.	Report Title	Report by:
8.7	Digital Midlothian 2021-23 – Empowering People, Enabling Growth	Chief Executive
Outline of report and summary of discussion		
The Chief Executive spoke to the terms of a report which presented the proposed new Digital Strategy (Digital Midlothian: 2021-23 Empowering People, Enabling Growth).		
The Group Leaders advised of their nominated representatives on the 2 Working Groups being –		
(a) Working Group on Digital to inform Members – Councillor Lay-Douglas (substitute Councillor Smaill) (Conservative Group); Councillor Kelly Parry (substitute Councillor Colin Cassidy) (SNP Group); Councillor Stephen Curran (substitute Councillor Jim Muirhead) (Labour Group);		
(b) Working Group for Place – Councillor Lay-Douglas (substitute Councillor Smaill) (Conservative Group); Councillor Colin Cassidy (substitute Councillor Kelly Parry) (SNP Group); Councillor John Hackett (substitute Councillor Jim Muirhead) (Labour Group)		
Councillor Parry reiterated concerns expressed at the Business Transformation Steering Group regarding the pace, scale and cost of the Strategy. In response, the Chief Executive advised digital is only one of the strategies which would be		

taken forward along with the others approved as part of the 9 drivers for change. She also noted the Strategy was unlikely to be the final version as there was already an indication improvements to the IT infrastructure would be required.

Councillor Milligan, seconded by Councillor Cassidy moved the recommendations of the report and with no Member being otherwise minded this became the unanimous decision of the Council.

Decision

The Council approved the recommendations of the Business Transformation Steering Group as follows:-

- (a) approve the Digital Strategy: 2021-2023 entitled Empowering people, enabling growth;
- (b) appointed Councillors Lay-Douglas, Parry and Curran (with substitutes as noted above) to sit on a cross party working group focusing on digital to ensure Members have regular and ongoing updates and are able to collaborate and inform the wider digital programme and;
- (c) appointed Councillors Lay-Douglas, Cassidy and Hackett (with substitutes as noted above) to sit on a cross party working group for Place which will ensure Members have regular and ongoing updates and are able to collaborate and inform the work which is ongoing relating to the key BTSG workstreams for Place.

Action

Chief Executive; Executive Director Place

Report No.	Report Title	Report by:
8.8	Covid 19 Financial report	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The Chief Officer Corporate Solutions spoke to the terms of a report which provided an update specifically on the financial and funding aspects arising from the pandemic and complementary to the other financial monitoring reports also on the agenda. He advised the position remained fluid as the financial and economic consequences of the pandemic are significant and have seen unprecedented financial interventions by national governments to support the immediate response, the economy, businesses and the recovery phase.</p> <p>Councillor Parry enquired as to the balance in the social welfare fund and whether further advertising of its existence could be undertaken. Mr Fairley advised he did not have this information to hand but would provide an update to Councillor Parry as soon as possible. Councillor Johnstone enquired about discretionary funding. In responding to her query, the Chief Officer Place advised of the paper he presented to Group Leaders at a meeting on 28 June 2021 and subsequent decisions taken on how to distribute the balance.</p>		
Decision		
<p>The Council noted the:-</p> <ul style="list-style-type: none"> (a) update provided in section 4 of funding provided by the Scottish Government to support local government's response to the COVID-19 pandemic; (b) current position in respect of financial flexibilities provided in section 5 of the report and; 		

(c) update provided in section 5 of the additional expenditure and loss of income experienced by the Council as a consequence of the pandemic.ities provided in section 5.
Action
Chief Officer Corporate Solutions

Report No.	Report Title	Report by:
8.9	Financial Monitoring 2020-21 General Fund Revenue	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The Council heard from the Chief Officer Corporate Solutions who spoke to the terms of a report which provided information on performance against service revenue budgets in 2020/21, details of material variances against budget and the General Fund Reserve.</p> <p>Councillor Parry asked for further information on the proposal to set aside £2m. In response Mr Fairley advised it was to complement support from national governments with the expectation support will continue. Councillor Milligan suggested an additional recommendation be added to those narrated in the report whereby a report regarding the deliverability of budget savings to include what can still be achieved, what cannot and what they will be replaced with. In response Mr Fairley advised that for transparency purposes and as the year develops, he intended bringing this before Group Leaders. Councillor Alexander queried why the proposed £2m would be taken out of reserves now. Mr Fairley confirmed this was to allow officers to undertake planning and take proposals to Group Leaders rather than spend time on planning to then have to seek approval.</p> <p>Thereafter, Councillor Milligan, seconded by Councillor Muirhead moved approval of the recommendations in the report with recommendation (b) becoming (c) and a new recommendation (b) - the next financial monitoring report shall include deliverability of budget savings – what can still be achieved, what cannot and what they can be replaced with. As an amendment, Councillor Parry, seconded by Councillor Alexander, moved deletion of report recommendation (a). On a vote being taken by way of a show of hands, 9 votes were cast for the Motion and 9 for the amendment. The Provost used his casting vote in favour of the Motion which therefore became the decision.</p>		
Decision		
<p>The Council agreed:-</p> <ul style="list-style-type: none"> (a) to set aside £2 million from the general reserve to help fund the continued recovery from the pandemic together with developing enhanced contingency planning arrangements; (b) the next financial monitoring report shall include deliverability of budget savings – what can still be achieved, what cannot and what they can be replaced with and; (c) to otherwise note the terms of the report. 		
Action		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
8.10	Housing Revenue Account – Revenue and Capital Final Outturn 2019-20 and Capital Plan 2021-22 – 2025-26	Corporate Solutions
Outline of report and summary of discussion		
<p>The Chief Officer Corporate Solutions spoke to the terms of a report which detailed the final outturn position for 2020/21 for both the Housing Revenue Account, Capital Plan and Revenue Account; a revised Capital Plan for 2021/22 to 2025/26 to reflect the carry forwards from 2020/21 and the summarised financial performance for 2021/21.</p> <p>Councillor Johnstone enquired about roof repairs at McNeill Terrace. In response, the Executive Director Place advised this resulted from a major fire and Ward Councillors had been kept informed throughout the process. Tenants had to be decanted. He offered to provide Councillor Johnstone with a note of the conclusion date once known and a note of the full costs associated with the incident.</p>		
Decision		
The Council noted the content of the report.		
Action		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
8.11	General Services Capital Plan 2020-21 Final Outturn	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
The Chief Officer Corporate Solutions spoke to the terms of a report which presented the final outturn for 2020/21 on the General Services Capital Plan.		
Decision		
<p>The Council unanimously:-</p> <ul style="list-style-type: none"> (a) noted the General Services Capital Plan outturn position for 2020/21 and; (b) endorsed the additions to the General Services Capital Plan as set out in section 3.1 of the report 		
Action		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
8.12	Treasury Management Outturn 2020-21	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The Chief Officer Corporate Solutions spoke to the terms of a report which advised of the Treasury Management activity undertaken in 2020/21 and the year-end position. He further noted the Audit Committee on 22 June 2021 scrutinised a draft of the report in advance of its consideration and the report before the Council reflects the Audit Committee's comments arising from their meeting on 22 June 2021.</p>		
Decision		
The Council noted the Annual Treasury Management Report 2020/21.		

Action
Chief Officer Corporate Solutions

Report No.	Report Title	
8.13	Wider Scope Review of Treasury Management by EY	
Outline of report and summary of discussion		
The Chief Executive referred to the recent briefing by EY and the offer extended by Stephen Reid of EY to meet separately with the SNP Group of Councillors who were unable to attend the briefing due to a change of time.		
Decision		
The Council noted the review undertaken by EY.		
Action		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
8.14	Tenant Participation and Customer Engagement Strategy 2021-24	Executive Director Place
Outline of report and summary of discussion		
The Executive Director Place spoke to the terms of a report which sought approval of the Tenant Participation and Customer Engagement Strategy as the basis for effective tenant and customer participation.		
Decision		
The Council unanimously approved the Tenant Participation and Customer Engagement Strategy publication in line with the legal requirements of the Housing (Scotland) Housing Act 2001.		
Action		
Executive Director Place		

Report No.	Report Title	Report by:
8.15	Approval of Voluntary Sector Grants 2022-25	Chief Officer Children's Services, Partnerships and Communities
Outline of report and summary of discussion		
The Chief Officer Children's Services, Partnerships and Communities spoke to the terms of a report which requested consideration of how voluntary sector grants are determined.		
Following a short debate regarding the 2 options contained within the report, Members agreed to Option (b) with those Members previously involved being re-appointed to the Sub-Group.		
Decision		
The Council unanimously agreed that:-		
(a) the allocation of Voluntary Sector Grants for 2022 – 2025 be by way of a scoring panel /sub-group who will assess and recommend allocations. The scoring panel will consist of Council officers, Elected Members and third sector representatives;		

- (b) the Elected Members appointed to the Sub-Group be Councillors Alexander, Hackett and Lay-Douglas and;
- (c) a report with recommendations from the Sub-Group be submitted to Council for approval.

Action

Chief Officer Children's Services, Partnerships and Communities

Report No.	Report Title	Report by:
8.16	Denominational Review – St Margaret's RC Primary School Consultation	Executive Director Children, Young People and Partnerships

Outline of report and summary of discussion

The Executive Director, Children, Young People and Partnerships spoke to the terms of a report which provided an update to the denominational review and presented 2 proposals which included St Margaret's RC Primary School being no longer viable due to the falling roll and very small numbers of children expected to attend from August 2021. She noted the report advised the best course of action was to proceed without delay to statutory consultation on the proposal.

Councillor Parry advised she could not support the closure of another school in her Ward. She further requested that the comments from the Catholic Church representative to the Cabinet be included in the Minute of the meeting. Councillor Muirhead whilst accepting the concerns expressed by Councillor Parry, advised the report was the right way forward and aimed to strengthen denominational school education in Midlothian. He mentioned action taken by Education to increase the number of teachers with approval from the Catholic Church. He further advised the numbers at St. Margarets had been falling for some time and children would benefit from being in a school which can provide a broader education. He subsequently moved the recommendations of the report and was seconded by Councillor Hackett. Councillor Lay-Douglas indicated her support for the Motion and asked if any other school would be affected. In response, the Executive Director advised the review included St Matthews and St Lukes but they had not experienced a decline in their rolls. Councillor Imrie remarked the falling school roll was unrelated to the review and noted the school was built with 4 class rooms but only 2 had ever been occupied. He further made reference to the comments received from the Catholic Church and their representative on the Cabinet. Further contributions were made by Councillor McCall who enquired as to how pupils were determined to be of the catholic faith; Councillor Johnstone who asked whether catchment areas for other schools would be changed and; Councillor Winchester who wondered if catholic faith pupils were given priority to attend catholic schools. The Executive Director responded to each query. Thereafter, as an amendment, Councillor Parry, seconded by Councillor McCall moved approval of the first recommendation and declined the second recommendation of the report. On a vote being taken by way of a show of hands, 12 votes were cast for the Motion, 5 for the amendment and one abstention. The Motion therefore became the decision.

Decision

The Council agreed to:-

- (a) retain 6 denominational primary schools and one denominational secondary school as part of the learning estate and;
- (b) authorise the Executive Director Children, Young People & Partnerships to undertake statutory consultation on the proposal to permanently discontinue primary education at St Margaret's RC Primary School and to extend the

catchment areas of the neighbouring RC primary schools to include the St Margaret's catchment area.
Action
Executive Director Children, Young People and Partnerships

Report No.	Report Title	Report by:
8.18	Instrumental Music 2021-22 1 Year Proposal	Executive Director Children, Young People and Partnerships
Outline of report and summary of discussion		
<p>The Chief Officer Children's Services spoke to the terms of a report which advised of the history of the service, the need to offer the service free at the point of access and to agree to a review of the service based on sustainable delivery models. She confirmed music tuition had been delivered throughout the pandemic and the report sought funding for one year. The review would consider how to deliver the service in the future and she was happy to answer any other queries "off-line".</p> <p>Councillor Muirhead noted the Council would have to cover any shortfall. He moved the terms of the report and was seconded by Councillor Hackett. With no Member being otherwise minded this became the decision.</p>		
Decision		
<p>The Council:-</p> <ul style="list-style-type: none"> (a) noted the implications of the Scottish Government's 100 days commitment to provide instrumental music (IMS) tuition free as outlined by the First Minister in her statement on 26 May 2021 and the subsequent position agreed by COSLA; (b) noted the Council will continue to work in partnership with Scottish Government, COSLA and other stakeholders to develop and fund a sustainable music service beyond 2021-22 academic year; (c) noted for the 2021-22 academic year there will be additional government grant income to offset the budgeted shortfall from loss of parental income; (d) noted that as a consequence recharging to schools for additional SQA tuition will cease and budget will be realigned to reflect this; (e) noted the risks of increased demand and associated rise in costs in delivery of the service when provided free in line with the 100 day commitment; (f) approved the interim prioritisation criteria for young people taking instrumental music tuition as detailed in Section 5.1 of the report and; (g) approved a review of the wider creative arts provision including the instrumental music service based on new modernised delivery models. 		
Action		
Executive Director Children, Young People and Partnerships		

Sederunt: Prior to consideration of the following item, at 1.10 pm the Provost adjourned the meeting for a comfort break. The meeting re-convened at 1.30 pm with all Elected Members still present

Report No.	Report Title	Report by:
8.19	Building Rationalisation and Housing Development	Executive Director Place
Outline of report and summary of discussion		

The Executive Director Place spoke to the terms of a report circulated separately from the agenda document pack and in advance of the meeting which noted the speed at which the Council had responded to the Covid pandemic resulted in a complete transformation of how it works including remote working, digital by default and delivering services on a locality basis. He noted that whilst developing the work settings on a locality basis, as the pandemic persists and services are redesigned in response, the key considerations include business continuity, improvement of the working environment and, as a consequence, reducing the number of properties through disposal which are surplus and no longer occupied or fit for purpose.

Councillor Curran thanked all staff for embracing the changes required. He moved the recommendations of the report together with an additional recommendation that officers work with Elected Members and communities to bring back a deliverable town centre plan. He was seconded by Councillor Russell. Councillor Winchester enquired whether staff had been surveyed. Mr Anderson confirmed as outlined at the recent Seminar, out of 1300 Place Directorate staff, 16 cannot work remotely due to the nature of the duties of their positions and that staff were predominantly in favour of remote working. Councillor Cassidy advised of feedback from constituents who are suspicious about the proposals and emphasised the need to consult with citizens of Dalkeith. Councillor Russell concurred and advised buildings currently in use such as the Arts Centre and Library could not be demolished until replacement facilities are in place. In response, Mr Anderson stated the intention is to look at opportunities, work up proposals and report back to Elected Members and Fiona Clandillon, Head of Development advised it was an opportunity to secure a positive outcome via a process of engagement with communities and the private and third sectors. Councillor Parry expressed concern regarding the local economy footfall and the impact on communities and suggested there should be an economic analysis undertaken as soon as possible. She noted the trade unions are not particularly happy and felt equality implications had not been thought through. Further contributions were made by Councillor Hackett who felt there should be some middle ground; Councillor Winchester who noted the difference between an employee being able to work remotely and wanting to; Councillor Alexander who felt there is too much focus on house-building and asked what residents would have by way of amenities; Councillor McKenzie who wondered about the impact on new employees and suggested a more balanced approach to risk was required. Thereafter, as an amendment, Councillor Johnstone, seconded by Councillor Alexander, moved that the recommendations of the report be declined and officers requested to provide further information and reassurance to include digital by default being by choice, the benefits and detriments including individual mental health, how local facilities can be refurbished to accommodate 20 minute communities, how school leavers starting their first job with the Council would be accommodated. On a vote being taken by way of a show of hands, 11 votes were cast for the Motion and 7 for the amendment.

Decision

The Council agreed:-

- (a) to reduce the number of buildings and maximise the value of surplus properties through the options outlined in the report under disposal of assets where the buildings are no longer occupied, or suitable or required;
- (b) to a housing led redevelopment opportunity being progressed as detailed in the report with a design concept and funding being reported back to Council and;

(c)	that officers work with Elected Members and communities to bring back a deliverable town centre plan
Action	
Executive Director Place	

Report No.	Report Title	Report by:
8.20	Early Learning and Childcare Expansion	Executive Director Children, Young People and Partnerships
Outline of report and summary of discussion		
<p>The Executive Director Children, Young People and Partnerships spoke to the terms of a report which provided an update on the implementation of the expansion to 1140 hours funded early learning and childcare (ELC) including the impact of the pandemic and revisions to the allocation of the expansion capital funding within the General Services Capital Plan.</p> <p>The Provost paid tribute to the innovative projects at Scots Corner and Vogrie and congratulated staff. Councillor Muirhead also recorded his thanks to staff and noted that Scottish Government funding had not been provided and therefore the Council had had to make savings elsewhere. Councillor Lay-Douglas also acknowledged the considerable work undertaken by staff and enquired about the risk highlighted in the report regarding delays in replacing the Seemis system. In response, Mrs Robertson advised the risk was in relation to it not being implemented prior to the August intake. Councillor Hackett paid tribute to Mrs Robertson and her team and to Mrs Linda Dalziel who had recently retired from Kings Park Primary School.</p>		
Decision		
The Council noted the terms of the report.		
Action		
Executive Director Children, Young People and Partnerships		

The meeting then moved to private consideration of the following reports:-

- 9.1 Destination Hillend – Proposed Redevelopment of Midlothian Snowsports Centre
- 9.2 Beeslack Replacement High School

The meeting concluded at 4.34 pm with the Provost noting it was adjourned until 12.30 pm on 30 June 2021.



Police and Fire and Rescue Board

Date	Time	Venue
9 November 2020	11.05 am	Virtual Meeting by MS Teams

Present:

Councillor Curran (Chair up to and including Item 5.2)	Councillor Muirhead
Councillor Munro	Councillor Parry
Councillor Smail	

In attendance:

Midlothian Council Derek Oliver, Chief Officer Place	Verona MacDonald, Democratic Services Team Leader
Alan Turpie, Legal Services Manager (for Item 5.3)	
Police Scotland Chief Superintendent John McKenzie	Chief Inspector Arron Clinkscales
Scottish Fire and Rescue Service Stephen Gourlay, Area Commander	Andy Anderson, Group Commander
Midlothian Taxi and Private Hire representative Angela Reid (for Item 5.3)	

1. Welcome, Introduction and Apology

The Chair welcomed all to the meeting. An apology for absence was intimated on behalf of Councillor McCall.

2. Order of Business

The Chair advised the order of business was as per the agenda circulated. He further drew Members attention to the separate circulation of the Quarter 4 2019-20 report from the Police.

3. Declarations of interest

The Chair intimated his intention to declare an interest in Item 5.3 and advised this was due to his business interest in the taxi and private hire trade.

4. Minute of Previous Meeting

The Minute of Meeting of 31 August 2020 was unanimously approved and the Chair was authorised to sign it as a correct record.

5. Public Reports

Agenda No.	Report Title	Presented by:
5.1.	Fire and Rescue Service – Scrutiny Report Quarter 2 2020 - 2021	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
Stephen Gourlay by way of an update advised of a few matters worthy of noting:-		
<ul style="list-style-type: none"> (i) Bonfire night – relatively event free but there had been an attack on a fire crew on 4 November in Danderhall. He praised the quick response from the Police; (ii) Sale of fireworks – would like to see tighter legislation regarding the sale of fireworks to the public; (iii) Covid-19 pandemic – remains challenging but service continuity remained in place; (iv) Introduction of legislation for fire safety detection – the introduction date has been moved to 2022 and this will not be enforced by the Fire and Rescue Service. 		
<p>Andy Anderson then spoke to the terms of the Quarter 2 and noted the main cause of fire remained cooking with all 14 accidental fires during the quarter being relatively small and contained to one room. He then addressed the remainder of the report. He noted 110 home fire safety checks had taken place and the low figure reflected the arrangements put in place for officers and public safety in light of the pandemic.</p>		
<p>Thereafter, Councillor Parry thanked the Fire and Rescue Service for all of the work undertaken in the lead up to bonfire night and also a recent fire in Loanhead. She also drew attention to the consultation on the review of fireworks published a couple of weeks ago. In response Mr Gourlay advised his own personal opinion was there should be stricter controls on the sale of fireworks to the public. The Chair agreed with the comments made about the sale of fireworks and asked Mr Gourlay to comment on the introduction of legislation for fire safety detection in homes. Mr Gourlay advised any house with a gas appliance should already have a detector in place and the Fire Service has received funding to provide alarms for the most at risk but this will not cover all houses. He advised the responsibility for rented accommodation lay with landlords. Mr Oliver then provided further information regarding the introduction whereby he advised it would be adopted as a tolerable standard and sit with Environmental Health and would also be checked and highlighted in home reports when properties are for sale. He confirmed the Council will be linking with the Fire and Rescue Service to raise awareness. The Chair advised that over 99% of the housing stock was already compliant.</p>		

Decision
The Board noted the content of the report

Report No.	Report Title	Presented by:
5.2	Police Scotland Midlothian Area Command Quarter 2 report 2020 - 2021	Police Scotland
Outline of report and summary of discussion		
<p>Chief Superintendent McKenzie addressed the Board and echoed the opinion expressed by Mr Gourlay regarding stricter controls on the sale of fireworks to the public. He further paid tribute to the close partnership working between the Fire and Police Services. He also provided further detail with regard to:-</p> <ul style="list-style-type: none"> (i) Covid-19 – Strategic Framework – Enforcement of the 5 tiers would consist of engagement with enforcement being a last resort. He advised common law powers would be used. He drew attention to the Quarter 2 report and noted the significant increase in anti-social behaviour reporting attributed to the public health crisis and reports regarding social gatherings. He advised such reporting was no longer a weekend or evening issue but 24/7. He further noted the reduction in the other crime categories and; (ii) Local Policing Priorities – He referred to the meeting of the Board on 31 August 2020 and advised the Plan had since been signed off by Scottish Borders Council and published. <p>Arron Clinkscales then spoke to the Quarter 2 report. He noted a 22% decrease in crime and advised Covid was playing a part. He paid tribute to the work undertaken in the communities by officers in the Community Action Team. He advised the Council, Fire and Police services had come together and the aim was to make Midlothian a hostile place to criminals. He advised of the weekly meetings with Mr Oliver and the exceptional partnership working now in place. He then went through each separate category of crime within the report.</p> <p>Thereafter, Councillor Parry noted the increase and intensification of neighbour disputes and asked what could be done to stop them from escalating. She noted the likely impact of courts being closed/the court process being slower including a reduction in unpaid work orders. She also wondered whether anything further could be done regarding hidden domestic abuse.</p> <p>Mr Clinkscales responded and advised funding had been given for the purchase of a mobile cctv unit which will be used in areas where residents are being targeted. Chief Superintendent Mckenzie advised that White Ribbon Day happened each November. He further advised that the courts would not return to normal for a long time and therefore the increase in the need to police local conditions used up more officer time particularly when managing violent offenders in the community. Nevertheless he felt it was being managed well in Midlothian.</p> <p>Councillor Muirhead in his capacity of Chair of the Community Planning Partnership advised there is now a much better and closer link between the Council, Fire and Police Services and whilst he appreciated this has come about because of the pandemic, he was keen to see it continuing.</p> <p>Councillor Smaill commented that the trends outlined in the report were encouraging but there may be clusters within Midlothian which are causing</p>		

concern. He highlighted incidents in Mayfield and concerns expressed at community council meetings regarding lack of connectivity with the Police. He further mentioned the regular incidents of fly-tipping

In response, Mr Oliver advised each incident of fly-tipping is investigated in an attempt to look for and secure evidence. He outlined a “whole systems approach” being considered whereby Economic Development, Trading Standards and Environmental Health would introduce a trusted trader type system with local companies being accredited and in effect approved by the Council. It was hoped that this would contribute to a reduction in fly-tipping.

The Chair raised the point made by Councillor Smaill regarding community councils and Mr Clinkscales advised he would provide the Chair with an up-to-date list of local officer contacts for circulating to the other Board Members. Mr Mckenzie agreed with the comments made by Councillor Smaill and advised Mayfield continued to be an area of priority for the Police and he would arrange a meeting with him to discuss further.

Decision

The Board noted the content of the report.

Sederunt: At 12.20 pm prior to the next item, the Chair, declared an interest in the matter. He left the meeting and did not return

The Clerk invited nominations for an acting Chair. Councillor Muirhead was nominated by Councillors Munro and Parry and subsequently took the chair for the remainder of the meeting.

Agenda No.	Subject Matter	
5.3	Midlothian Taxi and Private Hire Trade – email of 18 August 2020 – unlawful pick-ups	
Outline of report and summary of discussion		
<p>The Legal Services Manager advised the matter was before the Board because it was not within the jurisdiction of the General Purposes Committee because the concern related to vehicles not licensed by Midlothian Council but by neighbouring authorities. He suggested the Board may wish to hear from Angela Reid, the author of the email who was present.</p> <p>Ms Reid summarised the terms of the email and advised the main cause for concern was the activities of out of authority licensed taxi and private hire vehicles. Chief Superintendent Mckenzie advised he would need to research the enforcement aspects of the concerns raised. Councillor Munro, in his capacity of Chair of the General Purposes Committee wondered whether it was worth him having a discussion with his counterpart in City of Edinburgh Council. The Chair suggested the Council, trade representatives and Police meet to discuss a way forward. Ms Reid suggested the Community Action Team had a role to play in terms of there being a nominated single point of contact for the trade. Chief Superintendent Mckenzie confirmed Chief Inspector Clinkscales would take ownership of the issue and pull together a meeting of interested parties within the next 4 weeks.</p>		

The Board noted Chief Inspector Clinkscales would make arrangements for a meeting between the appropriate Council officers, trade representatives and Police within the next 4 weeks.

The meeting terminated at 12.38 pm

Minute of Meeting



Cabinet

Date	Time	Venue
2 March 2021	11.00 am	Via Microsoft Teams

Present:

Councillor Milligan - Convener	
Councillor Muirhead – Depute Convener	
Councillor Curran	
Councillor Hackett	

Religious Representatives:

Mrs Elizabeth Morton	
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1 Apologies

Apologies for absence had been received from Councillor Imrie and Vic Bourne.

2 Order of Business

The Order of Business was as detailed within the Agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minute of the Meeting of the Cabinet held on 1 December 2020 was submitted and approved as a correct record.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Inspection of Midlothian Council Care at Home service	Alison White
Outline of report and summary of discussion		
<p>The purpose of the report was to provide an overview of the recently announced Care Inspection report on Midlothian Council Care at Home Service.</p> <p>Midlothian Council Care at Home service had been inspected in November 2020 over a period of two weeks by the Care Inspectorate. The recent report was published in December 2020 and had been distributed to all Elected Members of the Cabinet for their information. The inspection covered three key areas of the National Health and Social Care Standards attributed to care at home services. These included</p> <ul style="list-style-type: none">• How good is our leadership?• How well is our care and support planned?• How good is our care and support during the COVID-19 pandemic <p>Following the recent inspection a report was published that detailed the areas of its findings and outlines areas for recommendation and/or requirements. A revised action plan with specific timescales for completion, had been developed to address all areas for improvement. This action plan was regularly updated, to track and monitor improvements.</p> <p>The inspection report graded the areas of inspection from 1 (Unsatisfactory) to 6 (Excellent). This inspection report graded the three areas as follows:</p> <p>How good is our leadership, 4 - Good</p> <p>How well is our care and support planned, 4 - Good</p> <p>How good is our care and support during COVID pandemic, 4 - Good</p> <p>The Care Inspectorate noted that there had been significant progress made since the last inspections in August 2018 and May 2019, including the service meeting pre-existing requirements.</p>		

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

- (a) To note the content of the report and progress made;
- (b) To refer the report to the Performance, Review and Scrutiny Committee for consideration; and
- (c) That the appreciation of the Cabinet for all the excellent hard work undertaken by all staff concerned be relayed back to them.

Action

Joint Director Health and Social Care

Agenda No.	Report Title	Presented by:
5.2	Inspection of Midlothian Council - Highbank Intermediate Care Facility	Alison White
Outline of report and summary of discussion		
<p>The purpose of the report was to provide an overview of the recently announced Care Inspection report on Highbank Intermediate Care Facility inspection.</p> <p>Midlothian Health and Social Care Partnership's intermediate care facility – Highbank was inspected on 10 November 2020 by the Care Inspectorate as a registered care home for people aged over 60. The report was published in December 2020 and had been distributed to all Elected Members of the Cabinet for their information. The inspection format was undertaken under the new Care Inspectorate Health and Social Care standards for care homes. Although Highbank was an intermediate care facility, there were no specific standards for intermediate care at this stage. It covered the following theme:- How good is our care and support during the COVID-19 pandemic?</p> <p>Highbank provided an intermediate care service to enable people who required intervention/assessment and/or rehabilitation to prevent an avoidable hospital admission and/or to facilitate a speedier hospital discharge where appropriate with the outcome of maximising their independence to maintain their health and wellbeing to return to their own home.</p> <p>Following the inspection, a report was published that detailed findings and outlines, any areas for improvement and/or requirements for improvement. An action plan, with a specified timescale had been developed to address identified areas for improvement. This action plan had been implemented to track and monitor progress, and identify that timescales were being met. There were 2 previous recommendations and 3 previous requirements.</p> <p>The previous areas for improvement were:-</p> <ul style="list-style-type: none">• The manager should ensure that appropriate falls prevention guidelines, risk assessments and support plans are in place for people, based on recognised falls prevention frameworks. Staff should be provided with training and support they need to understand this and apply it to their practice.• People experience care and their relatives/carers, should have planned and meaningful opportunities to share information about their daily routines, preferences and choices for care and support, as part of the admission process.		

The second improvement had been met but there was still some work to be completed regarding falls risk assessment. The care Inspectorate noted:-

“Although there was some support detailed in people’s personal plans it did not always follow best practice. To make sure people are at minimal risk of falling further training for staff was needed. We recognised that the planned training has been delayed due to the pandemic, but this area for improvement should be prioritised”.

The three previous requirements had all been met within the required timescales.

The inspection report graded the areas of inspection from 1 (Unsatisfactory), to 6 (Excellent). This inspection report graded the three areas as follows:

- 7.1 People's health and well-being are supported and safeguarded during the COVID-19 pandemic, 4 - Good
- 7.2 Infection control practices support a safe environment for people experiencing care and staff, 4 - Good
- 7.3 Staffing arrangements are responsive to the changing needs of people experiencing care, 4 - Good

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

- (a) To note the content of the report and progress made;
- (b) To refer the report to the Performance, Review and Scrutiny Committee for consideration; and
- (c) That the appreciation of the Cabinet for all the excellent hard work undertaken by all staff concerned be relayed back to them.

Action

Joint Director Health and Social Care

Agenda No.	Report Title	Presented by:
5.3	Inspection of Midlothian Council – Newbyres Village Care Home	Alison White
Outline of report and summary of discussion		
<p>The purpose of the report provided an overview of the recently announced Care Inspection report on Newbyres Village Care Home.</p> <p>Midlothian Health and Social Care Partnership’s Newbyres Care Home was inspected on 21 January 2021 by the Care Inspectorate as a registered care home for people aged over 60. The report was published 4 February 2021.</p> <p>The inspection format was undertaken under the new Care Inspectorate Health and Social Care standards for care homes. It covered the following theme: -</p> <ul style="list-style-type: none">• How good is our care and support during the COVID-19 pandemic? <p>Newbyres Care Home provided long term care for 61 residents. The inspection undertaken graded the areas of inspection from 1 (Unsatisfactory), to 6 (Excellent). This inspection report graded the three areas as follows:</p> <ul style="list-style-type: none">• 7.1 People's health and well-being are supported and safeguarded during the COVID-19 pandemic, 4 – Good		

- 7.2 Infection control practices support a safe environment for people experiencing care and staff, 4 - Good
- 7.3 Staffing arrangements are responsive to the changing needs of people experiencing care, 4 - Good

Following the inspection, a report had been published that detailed findings and outlined any areas for improvement and/or requirements. From the visit undertaken or brought over from previous inspections. There were no new requirements/improvements however, 3 previous areas for improvement and 1 previous requirement were noted as below.

The previous areas for improvement were:

- The provider should ensure appropriate opportunities are in place for staff to feel supported in their roles and able to influence further improvement and development within the service, including reflecting on their own practice.

The care inspectorate commented that following a change in management, a more positive working culture had been developed, This had enabled staff to feel supported and to have clarity over the roles and responsibilities they had in meeting people's care and support needs.

- The provider should ensure that resident's needs were fully met by having the right number of people to care for them. This included the assessment of staffing to undertake duties in addition to direct care. For example: administering medications and updating support plans.

The care inspectorate commented that staffing levels had increased during the course of the pandemic and were reviewed on a regular basis to ensure they fully meet the care and support needs of people.

- The provider should ensure appropriate falls prevention guidelines, risk assessment and support plans are in place for people, based on recognised falls prevention frameworks. This is to ensure the care and support is consistent with the Health and Social care Standards.

The care inspectorate commented that various risk assessments were in place for people, detailing how to keep them safe from falls as much as possible, assisted with various technology. The service was aware however that they needed to enhance the training available to staff. This would be followed up by Care Inspectorate in the next inspections.

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

- (a) To note the content of the report and progress made;
- (b) To refer the report to the Performance, Review and Scrutiny Committee for consideration; and
- (c) That the appreciation of the Cabinet for all the excellent hard work undertaken by all staff concerned be relayed back to them.

Action

Joint Director Health and Social Care

Agenda No.		Presented by:
5.4.	Midlothian Council Report Quarter 3 2020/21	Chief Executive
Outline of report and summary of discussion		
<p>The report advised that the Performance Review and Scrutiny Committee at their meeting on 9 December 2020 agreed to a request from the Chief Executive that Quarter 3 Performance Reporting be slimmed down to accommodate reduced capacity within the performance function as a result of the response to Covid-19 and that this report sought to combine an overarching Council and Service update as a result.</p>		
<p>Community Planning partners had previously agreed the following ambitious vision for Midlothian:</p>		
<p>“Midlothian – a great place to grow”.</p>		
<p>Midlothian Council delivered its priorities through the Community Planning Partnership (CPP) and the Single Midlothian Plan. The Council Change and Transformation programme and individual Service Plans outline how Midlothian Council will deliver its contribution to the Single Midlothian Plan.</p>		
<p>The top three priorities for 2019-22 were:</p>		
<ul style="list-style-type: none"> • Reducing inequalities in learning outcomes • Reducing inequalities in health outcomes • Reducing inequalities in economic circumstances 		
<p>The Single Midlothian Plan incorporated five overarching thematic groups which support the achievement of outcomes. This thematic approach was used for quarterly reporting, the themes are as follows:</p>		
<ul style="list-style-type: none"> • Adult Health and Social Care - Responding to growing demand for adult social care and health services • Community Safety & Justice - Ensuring Midlothian is a safe place to live, work and grow up in • Getting it Right for Every Midlothian Child - Improving outcomes for children, young people and their families. • Improving Opportunities for Midlothian - Creating opportunities for all and reducing inequalities. • Sustainable Growth in Midlothian - Growing the local economy by supporting business growth and responding to growing demand for housing in a sustainable environment. 		
<p>The Medium Term Financial Strategy (MTFS) had been approved by Council in June 2019. The public consultation visionary exercise supporting development of the MTFS highlighted the following key priorities for what Midlothian should be like in 2040:</p>		
<ul style="list-style-type: none"> • A sense of belonging Pride in communities, working in partnership, transparency in decision making and accessibility in service provision. • A balanced infrastructure Manageable housing numbers, vibrant towns, protected green spaces, a clean, carbon neutral environment and improved community transport. 		

- Learning and working together High quality education and training, jobs close to where people live, a main provider of local food production, maximising technological solutions.
- Intergenerational opportunities Reimagined older people services, being able to grow old in the one community, with support and good access to health and social care.

In addition to the visioning exercise the following key themes were explored as part of the consultation programme:

- Theme 1: One Council - Working with You, For You - is underpinned by a commitment to deliver a one council strategy which reduces silo working within services, increases cross party working at a political level and uses holistic approaches which place individuals and communities at the heart of our work.
- Theme 2: Preventative and Sustainable - responds to Communities telling us strongly that they want to live in a clean, carbon neutral environment with protected green spaces and improved environmentally friendly community transport options.
- Theme 3: Efficient and Modern - recognises that Midlothian Council needs to adapt to change by doing things differently to get improved results and increasing financial sustainability by addressing inefficiencies.
- Theme 4: Innovative and Ambitious - recognises our ambition for Midlothian and to make sure it is a great place to grow, now and in the future

The report also provided details on other key areas including:-

Best Value/City Deal/Route Map through and out of the crisis/Priority interventions to support recovery/Midlothian: Listen and Learn Report and The Service Plans for 2020-21.

The Chief Executive and senior officers were heard in amplification of the report after which they answered questions from elected Members.

Decision

Noted the content of the report.

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

Agenda No	Report Title	Presented by:
6.1	Irrecoverable Debt Write Off	Executive Director Place
Decision		
(a)To authorise write-off for the irrecoverable debts as detailed within the report to the total amount of £490,400.33;		
(b)To invite the appropriate officers of City of Edinburgh Council to attend a future meeting of Cabinet to provide clarification on the Debt Collection process; and		

(c) That a report providing details on repeat premises over the last 20 years that have incurred irrecoverable debt and what actions have been taken to address this matter.

Action

Executive Director: Place

The meeting terminated at 12.05 pm.

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 9 March 2021	11.00 am	Virtual Meeting by MS Teams

Present:

Mike Ramsay (Independent Chair)
Councillor Cassidy
Councillor Hardie
Councillor Milligan
Councillor Smaill
Councillor Alexander (substitute for Councillor Parry)
Peter de Vink (Independent Member)

In attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Fiona Robertson	Executive Director Children, Young People and Partnerships
Morag Barrow	Joint Director Health and Social Care
Gary Fairley	Chief Officer Corporate Solutions
Derek Oliver	Chief Officer Place
Jill Stacey	Chief Internal Auditor
Stephen Reid	External Auditor, E.Y.
Grace Scanlin	External Auditor, E.Y.
Chris Lawson	Service Manager, Waste, Risk and Resilience
Alan Turpie	Legal Services Manager
Saty Kaur	Executive Business Manager, Place Directorate
David Gladwin	Financial Services Manager
Lisa Young	Accountant
Mike Broadway	Democratic Services Officer

1. Welcome and Apology

The Chair, Mike Ramsay welcomed everyone to the meeting. Apologies for absence were intimated on behalf of Councillors Muirhead and Parry.

2. Order of Business

It was noted the order of business was as per the agenda previously circulated.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 With reference to item 5.6 in the minutes of the meeting of 8 December 2020, Councillor Smaill explained that the point he and Mr de Vink had raised regarding the proposed suspension of further investments with approved counterparties, applied purely to deposits similar to those they had expressed concerns over rather than a blanket ban on all such investments as appeared to be implied by the wording used in the minute.

The Committee, on a proposal by Councillor Milligan, seconded by Councillor Cassidy, approved the minute as a correct record subject to this clarification being noted.

- 4.2 The Action log was submitted and having received updates on various action points detailed therein, the Committee agreed as follows:-

- (i) to close off as complete those action points addressed at either the December 2020 meeting or on today's agenda; and
- (ii) that the remaining actions be updated accordingly.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Internal Audit Work to January 2021	Chief Internal Auditor
Outline of report and summary of discussion		
<p>There was submitted a report, dated 2 March 2021, by the Chief Internal Auditor providing details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p> <p>The Chief Internal Auditor outlined the main sections contained within the report and responded to questions and comments raised by Members, in particular those relating to Property Maintenance, which in view of the history of overspends was an area of particular concern to Members.</p>		

Decision
<p>The Committee:-</p> <ul style="list-style-type: none"> (a) noted the Executive Summaries of the final Internal Audit assurance reports issued; (b) noted the Internal Audit Assurance Work in Progress and Internal Audit and Other Work carried out; and (c) acknowledged the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.
Action
Chief Internal Auditor

Report No.	Report Title	Presented by:
5.2	Internal Audit Follow-up of Recommendations Progress	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report, dated 15 February 2021, by the Chief Internal Auditor was to provide an update to the Committee on the status of the implementation by Management of audit recommendations made and agreed in Internal Audit reports by the expected completion date. Details of the In Progress and Overdue actions were summarised in appendices to the report.</p> <p>The report explained that there had been a significant impact of Covid-19 response on Management's progress with the implementation of some of the Audit Recommendations due to capacity and delays in activity. In order to ensure that the 10 actions which were overdue (8 medium rated and 2 low rated) were completed within a reasonable time it was proposed that their due dates be extended to 30 June 2021.</p>		
Decision		
<p>The Committee, having heard from the Chief Internal Auditor, who responded to Members' question and comments:-</p> <ul style="list-style-type: none"> (a) Acknowledged the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks; and (b) Endorsed the proposal to extend the due dates for the overdue recommendations; and (c) Noted that Internal Audit will continue to monitor for completion the outstanding recommendations and will provide update reports to the Audit Committee. 		
Action		
Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.3	Counter Fraud Controls Assessment	Executive Director Place
Outline of presentation and summary of discussion		
<p>With reference to paragraph 5.7 of the Minutes of 12 October 2020, there was submitted report, dated 18 February 2021, the purpose of which was to make the Audit Committee aware of the findings and necessary actions arising from the Integrity Group's assessment of counter fraud controls associated with the covid-19-emerging-fraud-risks.</p> <p>The Executive Director Place in presenting the report to the Committee highlighting the Self-Assessment findings and necessary actions arising from the Integrity Group's assessment. The Audit Committee acknowledged the work carried out by the Integrity Group and noted that the Group would carry out a further review of these fraud risks and any other emerging fraud risks relating to Covid-19 in due course, to ensure the controls continue to be effective in mitigating the risks.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none"> (a) Acknowledged the findings from the Integrity Group's assessment of counter fraud controls associated with the covid-19-emerging-fraud-risks; and (b) Endorsed the necessary actions to enhance the Council's resilience to fraud. 		
Action		
Executive Director Place		

Report No.	Report Title	Presented by:
5.4	Local Code of Corporate Governance	Chief Executive
Outline of presentation and summary of discussion		
<p>The purpose of this report was to provide the Committee with the opportunity to scrutinise the updated Local Code of Corporate Governance for Midlothian Council and recommend it for Council approval, to assist with the 2020/21 annual assurance process. The updated Local Code of Corporate Governance, which was consistent with the principles and recommendations of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' and the supporting guidance notes for Scottish authorities (2016), provided an appropriate framework for effective governance of the Council's affairs and facilitate the exercise of its functions to deliver best value.</p> <p>The Chief Executive in presenting the report drew particular attention to the role played by the Corporate Management Team (CMT) in the review and finalisation of the updated Local Code of Corporate Governance, and to the main changes as detailed in the report.</p> <p>The Chief Internal Auditor then highlighted how the Code, once approved by Council would be used to assist with the 2020/21 annual assurance process.</p>		

Decision
<p>The Committee:</p> <ul style="list-style-type: none"> (a) Noted the changes to the Local Code of Corporate Governance as outlined in the report; (b) Agreed to recommend to Council approval of the updated Local Code of Corporate Governance (Appendix 1); and (c) Note that the updated Local Code would be used for the 2020/21 annual assurance process.
Action
Chief Internal Auditor

Report No.	Report Title	Presented by:
5.5	Audit Scotland Update "Covid-19: What it means for public audit in Scotland"	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this update, dated January 2021, by Audit Scotland entitled, "Covid-19: What it means for public audit in Scotland" was to set out the guiding principles that would apply through the next phase of the Covid-19 crisis.</p> <p>The report explained that whilst Audit Scotland would keep a dynamic approach as the pandemic progressed and the impacts became clearer over time, key focuses to their work would include issues such as the effect on inequalities in health, economic security and opportunities, and what public money had achieved in helping Scotland recover. They would also consider how innovations, such as using digital technology to deliver services and engage with communities, could be shared.</p>		
Decision		
The Committee, having heard from the Chief Internal Auditor, noted the Audit Scotland update.		
Action		
Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.6	Provisional Annual Audit Plan Year ending 31 March 2021	External Auditors, EY
Outline of report and summary of discussion		
<p>The External Auditors submitted their Provisional Annual Audit Plan for year ending 31 March 2021. Stephen Reid External Auditor advised the Committee that this Annual Audit Plan prepared for the benefit of Council management and the Audit Committee, set out their proposed audit approach for the audit of the financial year ending 31 March 2021, the fifth year of their appointment. As a result of the impact</p>		

of Covid-19 their appointment had been extended by a further 12 months to include the financial year 2021/22.

In preparing this plan, they had updated their understanding of the Council through planning discussions with management, review of relevant documentation and committee reports, and their general understanding of the environment in which the Council is currently operating. He went on to explain that their responsibilities fell into two main areas, one in respect of the financial statements and the other in respect of their responsibility around the wider-scope public sector audit dimensions and highlighted some key sections from the Report.

Thereafter the External Auditors responded to questions and comments raised by members of the Committee.

Decision

The Committee noted the content of the report.

Action

External Auditors, EY

Report No.	Report Title	Submitted by:
5.7	Accounts Commission: Local Government in Scotland Financial Overview 2019/20 (January 2021)	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report, dated 15 February 2021, by the Chief Officer Corporate Solutions was to provide the Committee with a summary of the Accounts Commission report, 'Local Government in Scotland: Financial Overview 2019/20' and the Council's position in relation to the report's findings; a link to the full report was provided in the report.</p> <p>The Chief Officer Corporate Solutions highlighted the key messages contained within the report. Thereafter he responded to questions and comments raised by Members of the Committee.</p>		
Decision		
The Committee noted the Audit Scotland report and the position of Midlothian Council in relation to the report's key messages		

Report No.	Report Title	Presented by:
5.8	Internal Audit Charter	Chief Internal Auditor
Outline of presentation and summary of discussion		
The purpose of this report, dated 17 February 2021, by the Chief Internal Auditor was to provide the Committee with the updated Internal Audit Charter for approval		

that defines the terms of reference for the Internal Audit function to carry out its role to enable the Chief Internal Auditor to prepare annual opinions on the adequacy of the overall control environment for Midlothian Council, and for Midlothian Health and Social Care Integration Joint Board.

The Chief Internal Auditor presented this report highlighting the main sections contained within the report and advised that Appendix 1 details the Internal Audit Charter and provided a brief overview of this.

Decision

The Committee:

- (a) Noted the changes outlined in this report;
- (b) Approved the revised Internal Audit Charter shown at Appendix 1; and
- (c) Noted that the Internal Audit Charter would be reviewed annually.

Action

Chief Internal Auditor

Report No.	Report Title	Presented by:
5.9	Internal Audit Strategy and Annual Plan 2021/22	Chief Internal Auditor
Outline of presentation and summary of discussion		
<p>The purpose of this report, dated 19 February 2021, by the Chief Internal Auditor was to seek approval of the proposed Internal Audit Strategy and Annual Plan 2021/22 to enable the Chief Internal Auditor to prepare annual opinions on the adequacy of the overall control environment for Midlothian Council and Midlothian Health and Social Care Integration Joint Board.</p> <p>The Chief Internal Auditor presented this report highlighting the main sections contained within the report and advised that Appendix 1 details the Internal Audit Strategy and Appendix 2 details Midlothian Council Internal Audit Annual Plan 2020/21.</p> <p>Thereafter the Chief Internal Auditor responded to questions and comments raised by the Committee.</p>		
Decision		
The Committee approved the Internal Audit Strategy (Appendix 1) and the Internal Audit Annual Plan 2021/22 (Appendix 2).		
Action		
Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.10	Counter Fraud Annual Plan 2020/21	Chief Internal Auditor

Outline of report and summary of discussion
<p>The purpose of this report, dated 2 February 2021, by the Chief Internal Auditor was to seek approval of the proposed Counter Fraud Annual Plan 2021/22 to support the delivery of the Council's Counter Fraud Strategy and to demonstrate compliance with the Council's Counter Fraud Policy Statement.</p> <p>The Chief Internal Auditor in presenting the report drew particular attention to the planned Counter Fraud activity set out in the Plan, and thereafter responded to questions and comments raised by Members of the Committee.</p>
Decision
The Committee approved the Counter Fraud Annual Plan 2021/22 (Appendix 1).
Action
Chief Internal Auditor

Report No.	Report Title	Presented by:
5.11	Risk Management Q3 Update 2020/21	Service Manager, Waste, Risk and Resilience
Outline of report and summary of discussion		
<p>The purpose of this report, dated 23 February 2021, by the Risk Manager was to provide the Audit Committee with an update on the risk responses Midlothian Council had implemented during quarter 3 2020/21 to respond to the current risk climate. The Audit Committee had previously requested regular reports on the Council's Strategic Risks. The Strategic Risk Profile sought to provide a strategic look at the current issues and future risks and opportunities facing the Council.</p> <p>The Risk Manager highlighted the main sections contained within the report and thereafter responded to Members' questions and comments.</p>		
Decision		
The Committee, having considered the current response to the issues, risks and opportunities, noted the current risk landscape and organisational response to the most significant risks at this time.		
Action		
Service Manager, Waste, Risk and Resilience		

6. Private Reports

No private reports were submitted.

7. Date of Next Meeting

The next meeting will be held on Tuesday 4 May 2021 at 11.00 am

The meeting terminated at 12.54 pm

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
16 March 2021	11.00am	Virtual Meeting

Present:

Councillor Johnstone (Chair)	
Councillor Alexander	Councillor Cassidy
Councillor Hardie	Councillor Munro
Councillor Parry	Councillor Russell
Councillor Smail	Councillor Wallace
Councillor Winchester	

Also in Attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Fiona Robertson	Executive Director Children, Young People and Partnerships
Gary Fairley	Chief Officer Corporate Solutions
Derek Oliver	Chief Officer Place
Joan Tranent	Chief Officer Children's Services
Alison White	Head of Adult Health and Social Care
Alan Turpie	Legal Services Manager
Myra Forsyth	Continuous Improvement Manager
Gordon Aitken	Democratic Services Officer

1 Apologies

Apologies were received from Councillors Lay-Douglas, McCall, and Munro

2 Order of Business

The order of Business was as detailed within the Agenda.

3 Declarations of Interest

No declarations of interest were intimated.

4 Minutes of Previous Meetings

- 4.1 The minute of the meeting of 16 December 2020 was submitted and approved as a correct record.

5 Public Reports

Agenda No.	Report Title	Submitted by:
5.1	Inspection of Midlothian Council Care at Home service	Head of Adult Health and Social Care
Outline of report and summary of discussion		
<p>The report provides an overview of the recent announced Care Inspection report on Midlothian Council Care at Home service.</p> <p>Midlothian Council Care at Home service had been inspected in November 2020 over a period of two weeks by the Care Inspectorate. The recent report was published in December 2020 and had been distributed to all Elected Members of the Cabinet for their information. The inspection covered three key areas of the National Health and Social Care Standards attributed to care at home services. These included</p> <ul style="list-style-type: none">• How good is our leadership?• How well is our care and support planned?• How good is our care and support during the COVID-19 pandemic <p>Following the recent inspection a report was published that detailed the areas of its findings and outlines areas for recommendation and/or requirements. A revised action plan with specific timescales for completion, had been developed to address all areas for improvement. This action plan was regularly updated, to track and monitor improvements.</p> <p>The inspection report graded the areas of inspection from 1 (Unsatisfactory) to 6 (Excellent). This inspection report graded the three areas as follows:</p> <p>How good is our leadership, 4 - Good</p> <p>How well is our care and support planned, 4 - Good</p>		

How good is our care and support during COVID pandemic, 4 - Good

The Care Inspectorate noted that there had been significant progress made since the last inspections in August 2018 and May 2019, including the service meeting pre-existing requirements.

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

To note the content of the report and progress made.

Agenda No	Title	Submitted by:
5.2	Inspection of Midlothian Council - Highbank Intermediate Care Facility	Head of Adult Health and Social Care
Outline and summary of item		
<p>The purpose of the report was to provide an overview of the recently announced Care Inspection report on Highbank Intermediate Care Facility inspection.</p> <p>Midlothian Health and Social Care Partnership's intermediate care facility – Highbank was inspected on 10 November 2020 by the Care Inspectorate as a registered care home for people aged over 60. The report was published in December 2020 and had been distributed to all Elected Members of the Cabinet for their information. The inspection format was undertaken under the new Care Inspectorate Health and Social Care standards for care homes. Although Highbank was an intermediate care facility, there were no specific standards for intermediate care at this stage. It covered the following theme:- How good is our care and support during the COVID-19 pandemic?</p> <p>Highbank provided an intermediate care service to enable people who required intervention/assessment and/or rehabilitation to prevent an avoidable hospital admission and/or to facilitate a speedier hospital discharge where appropriate with the outcome of maximising their independence to maintain their health and wellbeing to return to their own home.</p> <p>Following the inspection, a report was published that detailed findings and outlines, any areas for improvement and/or requirements for improvement. An action plan, with a specified timescale had been developed to address identified areas for improvement. This action plan had been implemented to track and monitor progress, and identify that timescales were being met. There were 2 previous recommendations and 3 previous requirements.</p> <p>The previous areas for improvement were:-</p> <ul style="list-style-type: none">• The manager should ensure that appropriate falls prevention guidelines, risk assessments and support plans are in place for people, based on recognised falls prevention frameworks. Staff should be provided with training and support they need to understand this and apply it to their practice.		

- People experience care and their relatives/carers, should have planned and meaningful opportunities to share information about their daily routines, preferences and choices for care and support, as part of the admission process.

The second improvement had been met but there was still some work to be completed regarding falls risk assessment. The care Inspectorate noted:-

“Although there was some support detailed in people’s personal plans it did not always follow best practice. To make sure people are at minimal risk of falling further training for staff was needed. We recognised that the planned training has been delayed due to the pandemic, but this area for improvement should be prioritised”.

The three previous requirements had all been met within the required timescales.

The inspection report graded the areas of inspection from 1 (Unsatisfactory), to 6 (Excellent). This inspection report graded the three areas as follows:

- 7.1 People's health and well-being are supported and safeguarded during the COVID-19 pandemic, 4 - Good
- 7.2 Infection control practices support a safe environment for people experiencing care and staff, 4 - Good
- 7.3 Staffing arrangements are responsive to the changing needs of people experiencing care, 4 - Good

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

To note the content of the report and progress made.

Agenda No	Title	Submitted by:
5.3	Inspection of Midlothian Council – Newbyres Village Care Home	Head of Adult Health and Social Care
Outline and summary of item		
The purpose of the report provided an overview of the recently announced Care Inspection report on Newbyres Village Care Home.		

Midlothian Health and Social Care Partnership's Newbyres Care Home was inspected on 21 January 2021 by the Care Inspectorate as a registered care home for people aged over 60. The report was published 4 February 2021.

The inspection format was undertaken under the new Care Inspectorate Health and Social Care standards for care homes. It covered the following theme: -

- How good is our care and support during the COVID-19 pandemic?

Newbyres Care Home provided long term care for 61 residents. The inspection undertaken graded the areas of inspection from 1 (Unsatisfactory), to 6 (Excellent). This inspection report graded the three areas as follows:

- 7.1 People's health and well-being are supported and safeguarded during the COVID-19 pandemic, 4 – Good
- 7.2 Infection control practices support a safe environment for people experiencing care and staff, 4 - Good
- 7.3 Staffing arrangements are responsive to the changing needs of people experiencing care, 4 - Good

Following the inspection, a report had been published that detailed findings and outlined any areas for improvement and/or requirements. From the visit undertaken or brought over from previous inspections. There were no new requirements/improvements however, 3 previous areas for improvement and 1 previous requirement were noted as below.

The previous areas for improvement were:

- The provider should ensure appropriate opportunities are in place for staff to feel supported in their roles and able to influence further improvement and development within the service, including reflecting on their own practice.

The care inspectorate commented that following a change in management, a more positive working culture had been developed, This had enabled staff to feel supported and to have clarity over the roles and responsibilities they had in meeting people's care and support needs.

- The provider should ensure that resident's needs were fully met by having the right number of people to care for them. This included the assessment of staffing to undertake duties in addition to direct care. For example: administering medications and updating support plans.

The care inspectorate commented that staffing levels had increased during the course of the pandemic and were reviewed on a regular basis to ensure they fully meet the care and support needs of people.

- The provider should ensure appropriate falls prevention guidelines, risk assessment and support plans are in place for people, based on recognised falls prevention frameworks. This is to ensure the care and support is consistent with the Health and Social care Standards.

The care inspectorate commented that various risk assessments were in place for people, detailing how to keep them safe from falls as much as possible, assisted with various technology. The service was aware however that they needed to

enhance the training available to staff. This would be followed up by Care Inspectorate in the next inspections.

Alison White was heard in amplification of the report after which she provided clarity and answered questions from elected Members.

Decision

To note the content of the report and progress made.

Agenda No.	Report Title	Presented by:
5.4	Midlothian Council Report Quarter 3 2020/21	Chief Executive
Outline of report and summary of discussion		
<p>The report advised that the Performance Review and Scrutiny Committee at their meeting on 9 December 2020 agreed to a request from the Chief Executive that Quarter 3 Performance Reporting be slimmed down to accommodate reduced capacity within the performance function as a result of the response to Covid-19 and that this report sought to combine an overarching Council and Service update as a result.</p> <p>Community Planning partners had previously agreed the following ambitious vision for Midlothian:</p> <p>“Midlothian – a great place to grow”.</p> <p>Midlothian Council delivered its priorities through the Community Planning Partnership (CPP) and the Single Midlothian Plan. The Council Change and Transformation programme and individual Service Plans outline how Midlothian Council will deliver its contribution to the Single Midlothian Plan.</p> <p>The top three priorities for 2019-22 were:</p> <ul style="list-style-type: none">• Reducing inequalities in learning outcomes• Reducing inequalities in health outcomes• Reducing inequalities in economic circumstances <p>The Single Midlothian Plan incorporated five overarching thematic groups which support the achievement of outcomes. This thematic approach was used for quarterly reporting, the themes are as follows:</p> <ul style="list-style-type: none">• Adult Health and Social Care - Responding to growing demand for adult social care and health services• Community Safety & Justice - Ensuring Midlothian is a safe place to live, work and grow up in• Getting it Right for Every Midlothian Child - Improving outcomes for children, young people and their families.• Improving Opportunities for Midlothian - Creating opportunities for all and reducing inequalities.		

- Sustainable Growth in Midlothian - Growing the local economy by supporting business growth and responding to growing demand for housing in a sustainable environment.

The Medium Term Financial Strategy (MTFS) had been approved by Council in June 2019. The public consultation visionary exercise supporting development of the MTFS highlighted the following key priorities for what Midlothian should be like in 2040:

- A sense of belonging Pride in communities, working in partnership, transparency in decision making and accessibility in service provision.
- A balanced infrastructure Manageable housing numbers, vibrant towns, protected green spaces, a clean, carbon neutral environment and improved community transport.
- Learning and working together High quality education and training, jobs close to where people live, a main provider of local food production, maximising technological solutions.
- Intergenerational opportunities Reimagined older people services, being able to grow old in the one community, with support and good access to health and social care.

In addition to the visioning exercise the following key themes were explored as part of the consultation programme:

- Theme 1: One Council - Working with You, For You - is underpinned by a commitment to deliver a one council strategy which reduces silo working within services, increases cross party working at a political level and uses holistic approaches which place individuals and communities at the heart of our work.
- Theme 2: Preventative and Sustainable - responds to Communities telling us strongly that they want to live in a clean, carbon neutral environment with protected green spaces and improved environmentally friendly community transport options.
- Theme 3: Efficient and Modern - recognises that Midlothian Council needs to adapt to change by doing things differently to get improved results and increasing financial sustainability by addressing inefficiencies.
- Theme 4: Innovative and Ambitious - recognises our ambition for Midlothian and to make sure it is a great place to grow, now and in the future

The report also provided details on other key areas including:-

Best Value/City Deal/Route Map through and out of the crisis/Priority interventions to support recovery/Midlothian: Listen and Learn Report and The Service Plans for 2020-21.

The Chief Executive and senior officers were heard in amplification of the report after which they answered questions from elected Members.

Decision

Noted the content of the report

6 Private Reports

No private reports were submitted for discussion.

7 Date of Next Meeting

The next meeting will be held on Tuesday 27 April 2021 at 11.00 am.

The meeting terminated at 12.55 pm

Minute of Meeting



Local Review Body

Date	Time	Venue
Tuesday 30 March 2021	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Smail	

In Attendance:

Derek Oliver, Chief Officer Place	Joyce Learmonth, Lead Officer Major Developments and Enforcement
Duncan Robertson, Lead Officer Local Developments	Mhairi-Anne Cowie, Planning Officer: Local Developments
Mike Broadway, Democratic Services Officer	

1 Apologies

No apologies for absence had been received.

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 intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minutes of (i) Special Meeting held on 23 November 2020; (ii) Meeting held on 30 November 2020; and (iii) Special Meeting held on 14 December 2020, were submitted and approved as correct records.

5 Reports

Declaration of Interest/Sederunt

During the initial introductory overview by the Planning Advisor, Councillor Cassidy, having become aware that the applicant was a customer of his own business, although he did not know the applicant personally, declared a non-pecuniary interest and withdrew from the meeting during consideration of this particular review at 1.08 pm, shortly prior to the commencement of the oral presentations.

Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – Land 250m North West of Fyrnlea, Penicuik (20/00472/PPP).	Joyce Learmonth
Executive Summary of Report		
<p>There was submitted report dated 18 March 2021 by the Chief Officer Place, regarding an application from Holder Planning, South Charlotte Street, Edinburgh seeking, on behalf of their client Mr S Lamb, Valley Landscaping Ltd, a review of the decision of the Planning Authority to refuse planning permission in principle (20/00472/PPP, refused on 31 August 2020) for the erection of a dwellinghouse and formation of access at land 250m North West of Fyrnlea, Penicuik.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p>		
Summary of Discussion		
<p>In accordance with the procedures for the Local Review Body, Joyce Learmonth, as Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.</p>		

Thereafter, oral representations were received firstly on behalf of the applicant from Robin Holder, Holder Planning the applicant's agent; also present were the applicant, Stephen Lamb, Andrew Carrie, Andrew Carrie Traffic & Transportation Ltd and Brian McAllister, Yeoman McAllister Architects, and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which both parties responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular consideration was given to the impact that the proposed development would potentially have on the landscape of the area; the applicant plans to consolidate his horticulture business on the site; and the proposed access arrangements.

Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

The proposed house is required to further the horticulture business which is consolidating much of its operations on the site to the benefit of the local economy and will not have a significant impact on the landscape of the area and therefore complies with policies RD1 and ENV7 of the Midlothian Local Development Plan 2017.

subject to the following conditions –

1. 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 high speed fibre broadband connections for the house;
 - g) Details of the provision of electric vehicle charging stations for the house;
 - h) 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
 - i) Details of a scheme of landscaping for the boundaries of the site and a plan showing 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.*

2. The vehicular access details required in condition 1a) shall include details of the visibility splay.

Reason: *In the interests of road safety; to ensure that a safe access is provided for the future occupants of the house.*

3. The details of the hardstanding required in terms of condition 1d) shall be porous materials.

Reason: *In the interests of road safety; to prevent water run-off from the site into the surrounding countryside.*

4. The scheme of landscaping approved in accordance with condition 1i) shall be carried out and completed within six months of the building 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: *To ensure the landscaping is carried out and become successfully established.*

5. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 1h) 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.*

6. No development shall take place on site until the applicants or their successors have undertaken and reported upon a programme of archaeological (monitored soil strip) work in accordance with a written scheme of investigation to be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.*

7. The dwellinghouse hereby approved shall only be occupied by the owner or a full-time employee of Valley Landscaping Limited, or any successor in title carrying out the same business as Valley Landscaping Limited, operating from the application site, together with the dependents or direct family members of such a person residing with them.

Reason: *There is significant pressure for sporadic residential development in the Midlothian countryside and it is necessary to restrict occupancy of the new house to somebody who has a direct involvement in the business being furthered in the locality; to ensure that the adverse impact of the development on the character and appearance of the local landscape is justified in relation to the support for a local business during challenging economic conditions; the development was justified at Local Review Body on the basis that the house was required to further the horticulture business which was consolidating its operations on the site to the benefit of the local economy; and, in the interests of ensuring that the development adheres to sustainability principles in terms of the resident of the new house living and working on the same site.*

8. The development hereby approved shall not begin until an application for approval of matters specified in conditions in relation to a phasing schedule, including the following details, has been submitted to and approved in writing by the Planning Authority:
- a) Creation of vehicular access at the site;
 - b) Establishing the horticulture business on the application site, including the erection of required buildings, ground preparation works and planting on the site;
 - c) Commencement of construction of the dwellinghouse hereby approved;
 - d) Occupation of dwellinghouse; and
 - e) Any other key and relevant works required in order to establish the horticulture business on site.

Thereafter the development of the site shall accord with the approved phasing schedule.

Reason: *To ensure that the reasonable and phased establishment of significant elements of the horticulture business is made prior to the commencement of construction of the dwellinghouse and the subsequent occupation of the dwellinghouse. The consolidation of much of the established business at this site was the justification put forward for the new dwellinghouse. This was a persuasive matter accepted by the Local Review Body, who also wanted occupation of the dwellinghouse to be secured and tied to the business. The Local Review Body wanted the business to be located at the site and for this to take place before the occupation of the dwellinghouse. The business use should be evident on the site before construction of the dwellinghouse commences and before the subsequent occupation of the dwellinghouse. The Local Review Body wanted these restrictions to be enforceable.*

Action

Planning Manager

Sederunt

Councillor Cassidy re-joined the meeting at the conclusion of the foregoing item of business at 1.40 pm.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land at 5 Golf Course Road, Bonnyrigg (20/00317/DPP).	Joyce Learmonth
Executive Summary of Report		
<p>There was submitted report, dated 18 March 2021 by the Chief Officer Place, regarding an application from Slorach Wood Architects, The Station Masters Office, Station Road, South Queensferry seeking, on behalf of their clients Mr & Mrs M Reekie, 5 Golf Course Road, Bonnyrigg a review of the decision of the Planning Authority to refuse planning permission (20/00317/DPP, refused on 29 September 2019) for the erection of dwellinghouse on land at address.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p>		
Summary of Discussion		
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered at length the potential impact that permitting the proposed development would have on the character and appearance of the area, and concerns regarding the proposed access arrangements and the potential impact its development might have on trees located within the application site.</p>		
Decision		
<p>After further discussion, the LRB agreed to dismiss the review request, and refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development will have a detrimental impact on the character and setting of the existing property at 5 Golf Course Road. By virtue of its age, design and setting this building makes a significant positive contribution towards the character of Bonnyrigg. The proposal is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017. 2. It has not been satisfactorily demonstrated that the site can be drained of surface water in a manner that complies with Scottish Planning Policy, Scottish water guidance and the CIRIA SuDS Manual (C753). The proposal is therefore contrary to policy ENV10 of the Midlothian Local Development Plan 2017. 3. The location of the proposed development will threaten the long-term viability of trees that by virtue of their location have a landscape value that enhances the amenity of the surrounding area. The proposal is therefore contrary to policy ENV11 of the Midlothian Local Development Plan 2017. 		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 41-43 Main Street, Gorebridge (19/01022/DPP).	Joyce Learmonth
Executive Summary of Report		
<p>There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Rick Finc Associates Ltd, Melford House, Walker Street, Edinburgh seeking, on behalf of their client Mr D Klan, a review of the decision of the Planning Authority to refuse planning permission (19/01022/DPP, refused 7 February 2020) for the change of use from post office (class 1 – shop) to flatted dwelling (sui generis); extension to building; installation of balustrade and stairs; installation of roof-lights; formation of window openings; re-rendering and replacement rain water goods at 41-43 Main Street, Gorebridge..</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p>		
Summary of Discussion		
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed change of use and the reasons for its refusal, the LRB considered at length the potential impact that the loss of a retail unit, together with its conversion to a flatted dwelling might have on the character and appearance of the area.</p> <p>After further discussion, Councillor Muirhead, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.</p> <p>As an amendment, Councillor Cassidy seconded by Councillor Smaill moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Chief Officer Place's report.</p> <p>On a vote being taken 4 members voted for the Motion and 5 for the Amendment which accordingly became the decision of the Local Review Body.</p>		
Decision		
<p>The LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposal would bring a vacant building back into use, create residential accommodation within a town centre with good public transport links and create an attractive building within the conservation area. The extensions and external alterations would positively contribute to the surrounding area.</i></p> <p>subject to:-</p>		

1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the Planning Authority:

- a) Details and a sample of all external materials;
- b) Plans to a scale of 1:20 showing details of the design of the new windows, including dimensions and cross sections of the windows;
- c) Details of the materials of any areas of hardstanding; and
- d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

Reason: *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of this listed building and surrounding conservation area.*

2. The details of the windows required by condition 1b) shall include genuine timber astragals, which are not to be inserted between or planted on the panes of glass unless otherwise agreed in writing by the Planning Authority.

3. The proposed slate vent on drawing number 1906/09A is not approved: prior to the commencement of development, details of an alternative means of ventilating this area shall be submitted to and approved by the Planning Authority.

Reason for conditions 2 and 3: *To protect the character and appearance of the existing listed building and surrounding conservation area and ensure this maintains the visual quality of this sensitive site.*

Action

Planning Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 17 May 2021 at 1.00 pm.

The meeting terminated at 2.28pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
6 April 2021	10.05 am	Virtual via MS Teams

Present:

Councillor Munro (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hardie	Councillor Imrie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Parry	Councillor Russell
Councillor Smail	Councillor Wallace
Councillor Winchester	

In attendance:

Alan Turpie, Legal Services Manager	Verona MacDonald, Democratic Services Team Leader
Inspector Alan Struthers, Police Scotland	Kevin Anderson, Executive Director Place
Lynsey Wilson, Assistant Solicitor	

1. Apologies

Apologies for absence were intimated on behalf of Councillors Curran (on the basis of being unable to participate in the business on the agenda due to his business interests in the taxi and private hire trade) and Muirhead.

2. Order of Business

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

3. Declaration of interest

Councillor McCall advised she knew the applicant from a past employment in Penicuik, declared an interest and left the meeting at 10.09 am.

4. Minute of Previous Meeting

The Minute of Meeting of 24 November 2020 was unanimously approved and the Chair was authorised to sign as a correct record.

5. Public Reports

None

Exclusion of Members of the Public

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

6.1 Application for Private Hire Car Driver licence – Y. King

The meeting terminated at 10.41 am

Minute of Meeting



Planning Committee

Date	Time	Venue
Tuesday 6 April 2021	1.00 pm	Via MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hardie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Parry
Councillor Russell	Councillor Smaill
Councillor Wallace	Councillor Winchester

In Attendance:

Peter Arnsdorf	Planning Manager
Derek Oliver	Chief Officer: Place
Alan Turpie	Legal Services Manager
Sandra Banks	Resource Manager - LES
Jim Gilfillan	Consultant Policy & Planning
Gordon Aitken	Democratic Services Officer

1. Apologies

Apologies for absence were intimated on behalf of Councillors Hackett and McKenzie

2. Order of Business

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

3. Declarations of interest

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

4. Minutes of Previous Meetings

The Minute of Meeting of 12 January 2021 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Development Plan Scheme For Midlothian - Number 13	Peter Arnsdorf
<p>The report sought approval for the Development Plan Scheme for Midlothian number 13 (DPSM13) and provided a short update on the implementation of the Planning (Scotland) Act 2019.</p> <p>The report highlighted that preparation of the Development Plan Scheme (DPS) was a statutory requirement. Each year local planning authorities were required to prepare, publish and submit a DPS to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for their area over the coming twelve months. The Planning Manager was heard in amplification of the report.</p>		
Decision		
<p>(a) To approve the Development Plan Scheme for Midlothian No.13 as appended to the report;</p> <p>(b) To publish the DPSM13 and, when safe to do so, place copies in all public libraries; and</p> <p>(c) To formally submit a copy to Scottish Ministers.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.2	Planning Guidance: Nature Conservation	Peter Arnsdorf
Outline of report and summary of discussion		
The purpose of the report was to seek agreement to the adoption of the Midlothian Nature Conservation Planning Guidance, a copy of which was appended to the report. Peter Arnsdorf was heard in amplification of the report.		
Decision		
<p>The Committee agreed:</p> <p>(a) To note the content of the report and agree to the adoption of the Nature Conservation Planning Guidance (subject to the SEA process as per recommendation (b) below);</p> <p>(b) To instruct the Planning Manager to undertake the required notification/advertisement advising that the Nature Conservation Planning Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment; and</p> <p>(c) To authorise the Planning Manager to make any necessary minor editing and design changes to the Planning Guidance prior to publication.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Pre-Application Report Regarding Pre-Application Consultation for a Mixed-Use Development Including: Class 2 (Professional and Other Services); Class 3 (Food And Drink), Class 4 (Business); Class 7 (Hotel); Class 8 (Residential Institutions); Class 9 (Residential); Sui Generis (Flats); Class 10 (Non-Residential Institution) and Associated Works at Land at the Junction of the A701 And Pentland Road, New Pentland, Loanhead (21/00055/PAC).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of the report was to advise of a pre application consultation submitted for a mixed-use development including: class 2 (professional and other services); class 3 (food and drink); class 4 (business); class 7 (hotel); class 8 (residential institutions); class 9 (residential); sui generis (flats); class 10 (nonresidential institution) and associated works at land at the junction of the A701 and Pentland Road, New Pentland, Loanhead. The applicant had named the proposal 'New Pentland'. The pre-application consultation was reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view</p>		

regarding the principle of development. The Committee heard the Planning Manager in amplification of the report during which he responded to Members' questions and comments.

Decision

(a) To note the provisional planning position set out in this report; and

(b) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.4	Pre - Application Report Regarding the Erection of Intermediate Care Facility, the Erection of an Extra Care Facility and Alterations to Existing Annexe Building to Provide a Day Care Facility at Land at the Former St Mary's Primary School and 62a Polton Street, Bonnyrigg (21/00088/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of the report was to advise of a pre application consultation submitted regarding the erection of an intermediate care facility, the erection of an extra care facility and alterations to the existing Annexe building to provide a day care facility at land at the former St Mary's Primary School and 62A Polton Street, Bonnyrigg.</p> <p>The site comprises the Council's former offices at Dundas Buildings, the Annexe associated with Dundas Buildings and the former St Mary's RC primary school. The site is within the built-up area of Bonnyrigg.</p> <p>The pre application consultation was reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development. The Committee heard the Planning Manager in amplification of the report during which he responded to Members' questions and comments.</p>		
Decision		
<p>(a) To note the provisional planning position set out in this report; and</p> <p>(b) To note that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.5	Application for Planning Permission in principle 20/00906/PPP, for The Erection Of Health and Racquets Club with Associated Car Parking, Access, Landscaping and Ancillary Facilities at Land at Shawfair Park, Old Dalkeith Road, Danderhall, Dalkeith	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The application was for planning permission in principle for the erection of a health and racquets club and associated works within Shawfair Park, Danderhall, Dalkeith</p> <p>There had been no representations and consultation responses from The Coal Authority, Scottish Water, The Council's Archaeological Advisor, the Council's Policy and Road Safety Manager, The Council's Land Resources Manager and Danderhall and District Community Council. The Committee heard the Planning Manager in amplification of the report during which he responded to Members' questions and comments.</p>		
Decision		
<p>The Committee to grant planning permission in principle subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary transport infrastructure including the Borders Railway and Sheriffhall Roundabout.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.6	Section 42 Application 20/00312/S42 to Amend Condition 1 (To Increase the Number of Dwellings In Phase One From 350 To 430) Imposed on a Grant Of Planning Permission 14/00910/PPP for Residential Development, The Erection of Primary School and Mixed Use Development at Land at Cauldcoats, Millerhill, Dalkeith	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The report advised that at its meeting of December 2017 the Committee were minded to grant planning permission in principle for residential development, the erection of a primary school and for mixed use development at land at Cauldcoats, Millerhill, Dalkeith subject to a planning obligation securing developer contributions and conditions. Following the conclusion of the planning obligation planning permission was issued in July 2019. This Section 42 application seeks to amend the wording of Condition 1 attached to planning permission 14/00910/PPP to increase the maximum number of dwellings built within phase 1 of the development from 350 to 430 dwellings, an increase of 80 dwellings.</p>		

The report also advised that nine representations had been received (including multiple representations from the same household and one petition from multiple local residents) and consultation responses from; Scottish Environment Protection Agency (SEPA), The Coal Authority, Scottish Water, Nature Scot (formerly Scottish Natural Heritage), the Council's Policy and Road Safety Manager, the Council's Flooding Officer, the Council's Environmental Health Manager, the Council's Housing Planning and Performance Manager, the Council's Head of Education and Danderhall and District Community Council. The Committee heard the Planning Manager in amplification of the report during which he responded to Members' questions and comments.

Councillor Cassidy, seconded by Councillor Johnstone moved that the recommendations contained within the report be accepted. As an amendment, Councillor Curran, seconded by Councillor Parry moved that the recommendations be rejected. On a vote being taken, 5 Members voted for the amendment and 10 Members voted for the Motion, which accordingly became the decision of the Committee.

Decision

To agree that planning permission be granted for the reasons detailed within the report and subject to the conditions also outlined within the report.

Action

Planning Manager

Sederunt: Councillor Alexander left the meeting during consideration of the aforementioned item of business and therefore took no part in the vote.

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission in Principle 20/00151/PPP for Residential Development, Community Facilities, Primary School and Associated Works at Site HS12, Hopefield Farm 2, Bonnyrigg.	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The application was for planning permission in principle (PPiP) for residential development, community facilities, primary school, open space and all associated infrastructure on land at Site HS12 and an area of land safeguarded for housing to the south west of Bonnyrigg. There had been seven representations and consultation responses from the Coal Authority, NatureScot, Scottish Water, Scottish Environment Protection Agency (SEPA), Historic Environment Scotland, the Council's Archaeological Advisor, the Council's Flooding Officer, the Council's Policy and Road Safety Manager, Council's Land Resource Manager, the Council's Environmental Health Manager, the Council's Housing Planning and Performance Manager, Council's Head of Education and the Bonnyrigg and Lasswade Community Council. The Committee heard the Planning Manager in amplification of the report during which he responded to Members' questions and comments.</p>		

Decision
<p>The Committee agreed that the application be approved in line with the recommendations of the report subject to:</p> <ul style="list-style-type: none"> • The noise conditions (1, 20 and 21) are not approved and are deferred to officers, in liaison with the Chair, and the applicant to reach an agreed solution/amended conditions; • The land identified for a primary school and the land identified for community facilities shall be merged to provide a singular site (the masterplan will shall be amended accordingly); • Developer contributions towards a 'bus delivery grant' shall be taken to incentivise improvement in bus services through and connecting to Hopefield farm 2. This contribution shall not be to the disadvantage of the community facilities contribution; • NHS Lothian/IJB shall be consulted to confirm if additional facilities are required on this site; and • The affordable housing provision, secured by planning obligation, shall be delivered in the early phases of development – close to school/community facilities (this shall be reflected in the masterplan).
Action
Planning Manager

6. Date of Next Meeting

The next meeting will be held on Tuesday 18 May 2021.

The meeting terminated at 2.15 pm.

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 4 May 2021	11.00 am	Virtual Meeting by MS Teams

Present:

Mike Ramsay (Independent Chair)
Councillor Cassidy
Councillor Milligan
Councillor Muirhead
Councillor Small
Councillor Parry
Peter de Vink (Independent Member)

In attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Fiona Robertson	Executive Director Children, Young People and Partnerships
Gary Fairley	Chief Officer Corporate Solutions
Derek Oliver	Chief Officer Place
Jill Stacey	Chief Internal Auditor
Stephen Reid	External Auditor, E.Y.
Grace Scanlin	External Auditor, E.Y.
Alan Turpie	Legal Services Manager
Saty Kaur	Executive Business Manager, Place Directorate
Myra Forsyth	Continuous Improvement Manager
Janet Ritchie	Democratic Services Officer

1. Welcome and Apology

The Chair, Mike Ramsay welcomed everyone to the meeting.

2. Order of Business

The Chief Executive referred to her request in December 2020 that EY undertake wider scope work on Treasury Management and advised that this report was not yet available and therefore sought clarification on whether the Committee considered it necessary to hold an additional meeting to consider this matter prior to the next scheduled meeting at the end of June 2021. The Chair confirmed that he did not consider it necessary for an additional meeting and therefore proposed that this report was presented to the June 2021 meeting.

It was noted the remaining order of business was as per the agenda previously circulated.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 Comments were received on Treasury Management from both Mr de Vink and Councillor Smaill and the Chair advised that it would be more appropriate to scrutinise the Treasury Management report when it was presented to the Audit Committee in June.

The Committee, on a proposal by Councillor Milligan, seconded by Councillor Smaill approved the minute as a correct record.

Councillor Milligan then raised that in February 2021 the committee scrutinised Treasury Management at a formal briefing and at that time a note had been taken but this was not appended to the minute. Mr Anderson confirmed that a note had been taken and apologised this had not been circulated previously and confirmed this would be appended to this minute.

- 4.2 The Action log was submitted and the following noted:

- 1) 'Internal Audit Annual Assurance Report: 2019/20 Risk Management Policy and Strategy: The Chair highlighted that as the Risk Manager was leaving the Council would there be any impact on this report being presented to the June 2021 Meeting. After brief updates from Officers it was confirmed that there would be no impact and this would be covered by Derek Oliver and this would be presented to the June 2021 Meeting.
- 2) 'Annual Governance Statement 2019/20 – Financial Improvement Updates': Presented on today's Agenda.

- 3) Financial Reports – Council Meeting – 25 August 2020: Mr Fairley confirmed that there had been no further information since the papers sent out in February 2021 and the next scheduled reports were for June 2021 Council and these would be sent out to members in due course.

Mr Fairley also advised he was available to answer any questions the members may have once these reports were received.

- 4) Internal Audit Recommendations: Ongoing – to be presented in June 2021.
- 5) Local Code of Corporate Governance: This action is now complete.

Councillor Parry apologised due to technical issues she was unable to raise earlier a point with regards to the Risk Management and asked for clarity on the reasons for the turnover of senior staff and should this be recorded as a risk.

The Chief Executive in responding by way of reassurance to the Committee advised that the Workforce plans were regularly updated, in particular following any pandemic they would be significantly updated and confirmed that these would be coming forward as part of the Service Plans to the June 2021 Council. The Chief Executive was delighted to confirm that some of the staff leaving the Council were moving on to promoted positions. She also advised that a number of apprentices had now been made permanent and that a number of initiatives were underway including the Kickstart programme and Derek Oliver could provide further information if required on any of these initiatives.

Councillor Smaill raised 3 specific items which he felt were relevant for the Audit Committee members to receive copies when complete:

- Report on reconciliation of Social Housing work in progress and completions – Kevin Anderson
- Property Maintenance – BTSG report.
- Treasury Management relaxation – this will be included in the Treasury Management Report on the June 2021 Agenda

It was agreed to add these to the Action Log and in response to a question raised by Councillor Smaill with regards to the Council House Building Programme update which will be presented to Council on 11 May 2021, it was agreed this would be circulated to the independent members.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Internal Audit Work to March 2021	Chief Internal Auditor
Outline of report and summary of discussion		
<p>There was submitted a report, dated 20 April 2021, by the Chief Internal Auditor providing details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p> <p>Internal Audit carried out work associated with the delivery of the Internal Audit Annual Plan 2020/21 to meet its objective of providing an opinion on the efficacy of the Council's risk management, internal control and governance.</p> <p>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, is shown in Appendix 1.</p> <p>The Chief Internal Auditor in presenting the report highlighted the key findings and recommendations contained within appendix 1 of the report. Officers then responded to various questions and comments raised by Members in particular with regards to Procurement and DSM and it was acknowledged the questions around procurement would be addressed in the agenda item 5.3. Fiona Robertson in responding to questions raised with regards to DSM provided an update on the strategic groups in place for the redesign of the DSM scheme and provided some clarity on school purchases and PEF funding.</p>		
Decision		
<p>The Audit Committee noted:</p> <ul style="list-style-type: none"> (a) The Executive Summaries of the final Internal Audit assurance reports issued; (b) The Internal Audit Assurance Work in Progress and Internal Audit and Other Work carried out; and (c) The assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work. 		
Action		
Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.2	Internal Audit Annual Assurance Report 2020/21	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report, dated 15 April 2021, by the Chief Internal Auditor was to present to the Audit Committee the Internal Audit Annual Assurance Report for the year to 31 March 2021 which included the Chief Internal Auditor's independent assurance opinion on the adequacy of Midlothian Council's overall control environment.</p> <p>To meet the requirements of the PSIAS, the Internal Audit Annual Assurance Report 2020/21 (Appendix 1) included the Chief Internal Auditor's annual opinion, providing details of the Internal Audit activity and performance during the year to fulfil its role, and summarised the outcomes of assessments of the Internal Audit service against the PSIAS.</p> <p>The Chief Internal Auditor outlined the main sections contained within the report in particular highlighting the sections contained within Appendix 1 of the report. Specifically in section 2 the opinion that the systems of internal control, risk management and governance are generally adequate. There is more work to be done with the implementation of Internal Audit recommendations made in previous years associated with the strategic governance arrangements that underpin procurement and contract management, financial management, and workforce development to address the identified risks.</p>		
Decision		
The Audit Committee noted the Internal Audit Annual Assurance Report 2020/21 (Appendix 1), and assurances contained therein.		
Action		
Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.3	Annual Governance Statement – Improvement Update	Chief Officer Corporate Solutions
Outline of presentation and summary of discussion		
<p>With reference to the Audit Committee meeting of 22 June 2020, when considering the draft of the Annual Governance Statement (AGS) for 2019/20, agreed that the Chief Officer Corporate Solutions would provide regular updates on the financial improvement actions. An update in respect of the financial improvement actions was provided to Audit Committee on 8 December 2020. This further update has been expanded to include all of the thirteen items set out in the 2019/20 AGS with a draft noted by the Corporate Management Team on 21 April 2021.</p> <p>The Chief Officer Corporate Solutions in presenting the report to the Committee outlined the main sections contained within the report highlighting the update on the thirteen improvement actions.</p>		

Thereafter Officers responded to various questions and comments raised by the Committee.

Fiona Robertson provided clarity on the Empowerment agenda and the Education Strategic Group and how decisions were made on the funding available to Education and the role Head Teachers took in this. In response to further comments received from Councillors regarding procurement Fiona Robertson confirmed she would feed this back to the Education Strategic Group.

Councillor Parry asked for some clarity on participatory budgeting and although she did acknowledge that there was work undertaken in the Council which would meet the definitions of this there is no strategic focus on it.

In response to various comments with regards to Hillend, Valleyfield Project and the Capital programme, Officers provided clarity on the governance and plans in place for these and advised that a report would be presented to Council next week (11 May 2021) with regards to the Roads Capital programme and a report would be presented to Council in June 2021 with regards to Hillend. The Chief Internal Auditor also advised that if the Audit Committee had any particular areas of concern these could be taken into account and covered within the Internal Audit work on Capital Investment.

In response to a question raised by the Chair with regards to further updates on the Annual Governance Statement 2019/20 and the outstanding actions, Mr Fairley advised that the next update would be on the 2020/21 Annual Governance Statement in June 2021 with a further update provided in December 2021. The Chief Internal Auditor also confirmed that any outstanding actions from 2019/20 would be included in the Annual Governance Statement 2020/21.

Decision

The Audit Committee noted this update on the improvement actions as set out in the 2019/20 Annual Governance Statement, the completion of which enhances compliance with the Council's Local Code of Corporate Governance.

Action

Chief Officer Corporate Solutions

6. Private Reports

No private reports were submitted.

7. Date of Next Meeting

The next meeting will be held on Tuesday 22 June 2021 at 11.00 am

The meeting terminated at 12.52 pm

Appended to the Minute: Treasury Management Briefing Note of 17 February 2021

Briefing Note



Elected Member Briefing – Treasury Management

Date	Time	Venue
Wednesday 17 February 2021	1.00pm	Via Microsoft Teams

Present:

Councillor Alexander	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Imrie	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead	Councillor Parry
Councillor Russell	Councillor Smaill
Councillor Wallace	

Also Present:

Mike Ramsay (Independent Chair, Audit Committee)	Peter de Vink, (Independent Member, Audit Committee)
David Chefneux (Link Group)	Grace Scanlin (External Auditor, EY)

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Gary Fairley, Chief Officer Corporate Solutions	David Gladwin, Financial Services Manager
Gill Stacey, Chief Internal Auditor	Gary Thomson, Senior Accountant, Projects & Treasury
Brenda Glass, Assistant Accountant Treasury	Mike Broadway, Democratic Services Officer
Rosemary Walsh, Support Assistance	

1 Introduction and Apologies

Apologies for Absence were intimated on behalf of Councillor Hardie.

Kevin Anderson, Executive Director Place, in welcoming everyone, briefly explained the purpose of today's session, and that he would chair the initial briefing before handing over to Mike Ramsay, Independent Chair of the Audit Committee to Chair scrutiny of the draft Treasury Management and Investment Strategy 2021/22.

2 Briefing

(a) Background

By way of background, reference was made to (i) the report "Treasury Management Mid-Year Review 2020/21" which had been submitted to the meeting of the Audit Committee on 8 December and Council on 15 December 2020. A copy of which, together with a Minute extract taken from the Midlothian Council meeting had been circulated - item 4.1 refers; and (ii) the Group Leaders meeting held on 8 February 2021 when it was agreed that in the absence of an Audit Committee meeting before Council on 23 February 2021 that the proposed Treasury Management and Investment Strategy 2021/22 also be considered at the briefing session.

(b) Briefing Session

Thereafter, David Chefneux, Link Group provided a presentation on Treasury Management, during, and following, which he responded to questions and comments.

(c) Scrutiny of the draft Treasury Management and Investment Strategy 2021/22

There then followed a discussion scrutinising the draft Treasury Management and Investment Strategy 2021/22 (TMIS), which was due to be considered by Council on 23 February 2021. Amongst the particular matters considered were –

- The proposed adjustment to the authorised limit for borrowing and whether this was actually necessary. Gary Fairley explained that the authorised limit was one of the indicators required by the Prudential Code and that the authorised limit for borrowing reflected the extensive capital investment plans approved by the Council and which required to be financed through increased borrowing, Mr Fairley reassured Members that for reasons referred to by David Chefneux in his presentation around interest rates and carry cost as a result of the current economic climate, it was considered highly unlikely that officers would increase long term external borrowing in advance of need. He highlighted the requirements of the TMIS which requires a business case to support any borrowing in advance of need. Accordingly the expectation is that long term borrowing will be matched with actual capital expenditure incurred. Elected Members and independent Audit Committee members felt that it would be helpful if the position outlined by Mr Fairley was better articulated in the report.
- The criteria used in carrying out due diligence on potential deposits with counterparties and whether these were sufficiently robust enough in light of some Elected Members and independent Audit Committee members concerns

arising from the deposit placed with the London Borough of Croydon, was discussed at some length. It was acknowledged that the matter of that particular deposit had been remitted back to the Audit Committee to facilitate an examination of the execution of Midlothian Council's Treasury Management policy informed by additional work being undertaken by the Council's external auditors (Ernst and Young LLP) as part of their wider scope analysis, and the likelihood was that these issues would be explored further at that time, although care would be required not to unduly constrain future ability to pursue the effectiveness of the operation of the Council's TMIS.

After further discussion it was agreed to recommend that the report to Council be amended to note that Officers will ensure that any long term external borrowing be drawn down to match the existing maturity and projected capital expenditure profiles as closely as possible and on the basis of that change to recommend to Council that the draft Treasury Management and Investment Strategy 2021/22, as amended be approved.

The meeting terminated at 3.04 pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
Tuesday 17 May 2021	1.00pm	Virtual Meeting, MS Teams

Present:

Councillor Imrie (Chair)
Councillor Curran
Councillor Milligan
Councillor McKenzie
Councillor Smail

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning Manager
Janet Ritchie	Democratic Services Officer

1 Apologies

The Chair welcomed Councillor McKenzie to his first meeting of the Local Review Body.

Apologies for absence were received from Councillor Muirhead and Councillor Lay-Douglas.

2 Order of Business

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

3 Declarations of interest

Councillor Curran declared an interest in Item 5.1 (24 Newton Church Road, Danderhall) advising that he had been in communication with the Applicant therefore he would leave the meeting when this item was discussed.

4 Minute of Previous Meeting

The Minute of the meeting of 30 March 2021 was submitted and approved as a correct record.

5 Reports

Councillor Curran left the meeting 13.08 pm prior to the following item being discussed.

Agenda No	Report Title	Presented by:
5.1	Notice of Review Determination Report– 24 Newton Church Road, Danderhall (20/00541/DPP).	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report dated 7 May 2021 by the Chief Officer Place for the Local Review Body to consider a 'Notice of Review' for the formation of access and driveway at 24 Newton Church Road, Danderhall (20/00541/DPP). The Planning application 20/00541/DPP was refused planning permission on 18 November 2020, a copy of the decision is attached to this report.</p> <p>The following documents were appended to this report:</p> <ul style="list-style-type: none">• A site location plan (Appendix A);• A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;• A copy of the case officer's report (Appendix C);• A copy of the decision notice, excluding the standard advisory notes, issued on 18 November 2020 (Appendix D); and• A copy of the key plans/drawings (Appendix E).		

Summary of Discussion
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed application, the LRB considered at length both the reasons for the application as well as the reasons for the refusal of this application.</p> <p>It was acknowledged that although the Council supports Electric vehicle charging points, careful consideration was given to the potential impact the proposed creation of an access and private driveway would have on the parking in the area in particular the disabled parking bay and the parking lay-by. Consideration was also given to the impact this may have on the appearance of this area and it was agreed to reject the Appeal.</p>
Decision
<p>The Local Review Body agreed to dismiss the review and refuse planning permission for the reasons as detailed within the report.</p>
Action
<p>Planning Manager</p>

Councillor Curran re-joined the meeting at 13.23 pm

Agenda No	Report Title	Presented by:
5.2	Notice of Review Determination Report – 25 Park Road, Dalkeith (20/00521/DPP).	Joyce Learmonth
Executive Summary of Report		
<p>There was submitted report dated 7 May 2021 by the Chief Officer Place for the Local Review Body to consider a ‘Notice of Review’ for the erection of an extension to dwelling house; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith. The Planning application 20/00521/DPP was granted planning permission subject to conditions on 13 November 2020; a copy of the decision is attached to this report.</p> <p>The following documents were appended to this report:</p> <ul style="list-style-type: none"> • A site location plan (Appendix A); • A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached; • A copy of the case officer’s report (Appendix C); • A copy of the decision notice, excluding the standard advisory notes, issued on 18 November 2020 (Appendix D); and • A copy of the key plans/drawings (Appendix E). 		

Summary of Discussion

The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development, consideration was given in particular to this being a conservation area and the applicant's proposal to reduce the size of the opening from 4 m to 3.4 m. The Committee agreed to uphold the Review and grant planning permission with an amended width of 3.4 metres.

Decision

The Local Review Body agreed to uphold the Appeal for the reasons stated in the report subject to the conditions detailed with Condition 1 amended as detailed below:

1. The proposed width of the enlarged opening in the front boundary wall as shown on drawing nos A(PL/BW)02 and A(PL/BW)07 is not approved: the width of the proposed enlarged opening in the front boundary wall shall not exceed 3.4 m.

Reason: *To retain as much of the front boundary wall as possible which contributes to the character and appearance of this part of the Eskbank and Ironmills Conservation Area.*

Action

Planning Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 14 June at 1.00 pm.

The meeting terminated at 1.37 pm.

Minute of Meeting



Planning Committee

Date	Time	Venue
Tuesday 18 May 2021	1.00 pm	Via MS Teams

Present:

Councillor Imrie (Chair)
Councillor Cassidy
Councillor Curran
Councillor Hackett
Councillor Johnstone
Councillor Lay-Douglas
Councillor McCall
Councillor McKenzie
Councillor Milligan
Councillor Muirhead
Councillor Munro
Councillor Parry
Councillor Russell
Councillor Smail
Councillor Wallace
Councillor Winchester

In Attendance:

Peter Arnsdorf	Planning Manager
Alan Turpie	Legal Services Manager
Kevin Anderson	Executive Director Place
Derek Oliver	Chief Officer Place
Jim Gilfillan	Consultant Policy & Planning
Sandra Banks	Resource Manager - LES
Janet Ritchie	Democratic Services Officer

1. Apologies

Apologies for absence were received from Councillor Hardie and Councillor Alexander.

2. Order of Business

With regards to Item 5.5 this was withdrawn from the Agenda and the order of business amended as detailed below.

3. Declarations of interest

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

4. Minutes of Previous Meetings

The Minute of Meeting of 6 April 2021 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Planning (Scotland) Act 2019 – National Planning Framework 4 (NPF4) Housing Figures Consultation	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to seek the Committee's approval of a draft response to the Scottish Government's consultation on proposed housing numbers/targets and the methodology for their calculation to be incorporated in the draft National Planning Framework 4 (NPF4), which is scheduled for publication in the autumn 2021.</p> <p>In September 2019, the Government published its programme for implementing the Planning (Scotland) Act 2019 (which received royal assent on 25 July 2019). It proposes a series of consultations with local planning authorities, key agencies, key stakeholders, community organisations and members of the public on the necessary secondary legislation/regulations and additional guidance required to implement various sections of the new Act, including NPF4.</p> <p>The Planning Manager responded to comments and questions with regards to the need for Infrastructure and the resources to support a growing community. It was agreed that a response would be sent to the Scottish Government on behalf of the Planning Committee on the points raised.</p>		
Decision		
<p>The Planning Committee:</p> <ul style="list-style-type: none">• Approved the Midlothian Response to the proposed NPF4 housing figures consultation as attached to this report as Appendix B.• Would not provide any locally adjusted estimate at this stage.		

<ul style="list-style-type: none"> • Would formally submit a copy of the response to Scottish Ministers. • Would send a response to the Scottish Government once the new Cabinet was in place with regards in the need for Infrastructure and resources to support a growing community.
Action
Chair of the Planning Committee/Planning Manager

Councillor Wallace left the meeting at 13.10 pm

Agenda No	Report Title	Presented by:
5.2	Tree Preservation Order (1 of 2021) For tree on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg	Peter Arnsdorf
Outline of report and summary of discussion		
<p>This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2021 issued on 12 January 2021 on a single mature sycamore tree (<i>Acer pseudoplatanus</i>) on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg.</p> <p>At its meeting of 12 January 2021 the Committee agreed:</p> <ol style="list-style-type: none"> To the issuing of a TPO to protect a tree on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg; To receive a further report to consider confirming the TPO once the owner of the land and other interested parties have had the opportunity to make comment. <p>The Council has received no written representations in connection with the TPO and therefore it is reasonable to conclude that the tree is a valuable amenity asset worthy of preservation for the future and should be protected by a Tree Preservation Order under Section 160(3) of the Town and Country Planning (Scotland) Act 1997 and The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010.</p>		
Decision		
<p>The Planning Committee:</p> <ul style="list-style-type: none"> • Agreed to confirm the Tree Preservation Order • Instructed the Planning Manager to carry out the necessary procedures, following confirmation and endorsement of a Tree Preservation Order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. 		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Tree Preservation Order (1 of 2020) at 8 Ancrum Road, Dalkeith	Peter Arnsdorf
Outline of report and summary of discussion		
<p>This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2020 issued on 17 December 2020 on a single mature common oak tree (<i>Quercus robur</i>) within the grounds of 8 Ancrum Road, Dalkeith.</p> <p>A TPO was issued by the Executive Director of Place as an 'emergency' using delegated authority powers granted by Midlothian Council's Standing Orders. The background and justification for issuing the TPO is set out in the delegated authority report attached as Appendix A.</p> <p>The TPO came into effect on 17 December 2020 and continues in force for six months (until 17 June 2021) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).</p> <p>In responding to questions raised regarding the proximity of the tree, the risk of damage to the wall and the health and safety impact this may have, the Planning Manager advised that experts had confirmed that the tree was not an immediate risk but after another 10 years of growth it may become a risk therefore the TPO would be reviewed again in 10 years.</p>		
Decision		
<p>The Planning Committee:</p> <ul style="list-style-type: none"> • Agreed to confirm the Tree Preservation Order • Instructed the Planning Manager to carry out the necessary procedures, following confirmation and endorsement of a Tree Preservation Order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc.(Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 • To review the Tree Preservation Order in 2031. 		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.4	Pre application consultation report regarding residential development at land to South of Mayfield and East of Newtongrange, Crawlees Road, Gowkshill, Gorebridge (21/00179/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for residential development, open space and associated infrastructure at land to south of Mayfield and east of Newtongrange, Crawlees Road, Gowkshill, Gorebridge (21/00179/PAC).</p> <p>The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>There was a lengthy discussion with regards to this development and the impact this will have on the residents in particular regarding the noise and increased traffic. Comments were also made with regards to the importance of a clear distinction between communities, the importance of good walkways and cycle routes through the estates for access to schools, adequate road safety testing, public facilities for children and families and the strain that is already on these communities with regards to GP practices.</p> <p>The Planning Manager provided clarity on the points raised and the Chair confirmed these would all be taken into account and discussed with the Developer.</p>		
Decision		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> • The provisional planning position set out in this report. • That any comments made by Members will form part of the minute of the Committee meeting. • That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application. 		
Action		
Planning Manager		

Councillor Smaill left the meeting at 13.40 pm prior to the following item being discussed

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the erection of 42 dwelling houses and four flatted dwellings; formation of access road and car parking and associated works at land South East of Tynewater Primary School, Crichton Road, Pathhead (20/00538/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The application for planning permission was for the erection of 42 dwelling houses and four flatted dwellings; formation of access road and car parking and associated works at land to the south east of Tynewater Primary School, Crichton Road, Pathhead.</p> <p>There had been 41 representations of objection; one representation of support; one neutral representation; and consultation responses from Historic Environment Scotland, the Scottish Environment Protection Agency (SEPA), Scottish Water, Transport Scotland, Tynewater Community Council, the Council's Archaeology Advisor, the Council's Biodiversity Advisor, the Council's Education Resource Manager, the Council's Environmental Health Manager, the Council's Land Resources Manager, Midlothian Health and Social Care Partnership (MHSCP) and the Council's Policy and Road Safety Manager.</p> <p>The Planning Manager in responding to comments and questions advised that there had been no comments made on the application by Midlothian Health and Social Care Partnership. He also advised that with regards to the difficult junction and issues with traffic, both Transport Scotland and the Council's Policy and Road Safety Manager had assessed the application and no recommendations had been made.</p> <p>After further discussion the Planning Manager confirmed that he would take the points forward for consideration with regards to improving the existing play area to have a more centralised open space and that the construction management programme be discussed directly with the school.</p>		
Decision		
The Committee agreed to grant planning permission subject to the conditions detailed within the report and the applicant entering into a Planning Obligation to secure developer contributions towards necessary infrastructure and the provision of affordable housing.		
Action		
Planning Manager		

6. Date of Next Meeting

The next meeting will be held on Tuesday 15 June 2021

The meeting terminated at 1.55 pm.

Midlothian Integration Joint Board

Midlothian Integration Joint Board
Thursday 17 June 2021
Item No 4.1



Meeting	Date	Time	Venue
Midlothian Integration Joint Board	Thursday 8 April 2021	2.00pm	Virtual Meeting held using Microsoft Teams.

Present (voting members):

Cllr Catherine Johnstone (Chair)	Carolyn Hirst (Vice Chair)	Mike Ash
Cllr Jim Muirhead	Angus McCann	Cllr Derek Milligan
Cllr Pauline Winchester		

Present (non-voting members):

Morag Barrow (Chief Officer)	Alison White (Chief Social Work Officer)	Claire Flanagan (Chief Finance Officer)
Hamish Reid (GP/Clinical Director)	Wanda Fairgrieve (Staff side representative)	James Hill (Staff side representative)
Keith Chapman (User/Carer)	Fiona Huffer (Head of Dietetics)	Lesley Kelly

In attendance:

Grace Cowan (Head of Primary Care and Older Peoples Services)	Jill Stacey (Chief Internal Auditor)	Lois Marshall (Assistant Strategic Programme Manager)
Mairi Simpson (Integration Manager)	Jock Encombe	Gordon Aitken (Clerk)

Apologies:

Tricia Donald		
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Midlothian Integration Joint Board

Thursday 8 April 2021

1. Welcome and introductions

The Chair, Councillor Catherine Johnstone, welcomed everyone to this virtual Meeting of the Midlothian Integration Joint Board. She advised that this would be the last meeting to be attended by Mike Ash and on behalf of the MIJB expressed their appreciation of his invaluable input over several years.

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. Minute of previous Meetings

4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on 11 February 2021 and Special Meeting of the Midlothian Integration Joint Board held on 11 March 2021 were submitted and approved as a correct record.

4.2 The Minutes of the MIJB Audit and Risk Committee held on 3 December 2020 were submitted and noted.

4.3 The Minutes of Meeting of the MIJB Strategic Planning Group held on 20 January 2021 were submitted and noted.

5. Public Reports

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
5.1 Chief Officers Report This paper set out the key service pressures and service developments happening across Midlothian IJB over the previous month and looked ahead to the	To note the issues and updates arising from the Chief Officers Report.	Chief Officer	

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Thursday 8 April 2021

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>following 8 weeks.</p> <p>The report highlighted that as of 29 March 2021, there were 38,257 residents in Midlothian who had received their first dose of the COVID vaccine which equated to 51% of all adults in Midlothian. This included priority staff groups. There were two vaccine sites in Midlothian; Midlothian HSCP operate a clinic from Midlothian Community Hospital and NHS Lothian operate a mass vaccination site in Gorebridge which opened on 18 March 2021.</p> <p>All Care homes in Midlothian had now received both doses of the COVID vaccine for residents and staff. New residents and staff were being vaccinated through an ongoing vaccination programme.</p> <p>The Board in considering the Chief Officer's report made particular reference to the issues connected to the level of Did Not Attend appointments and the measures that were being taken to address this.</p> <p>It was also noted that further consideration would be given to the concerns of those people who had received an adverse reaction to their first jab and were as a result wary of receiving a second jab.</p>			
<p>5.2 Midlothian Public Engagement Strategic Statement</p> <p>The report advised that Community engagement was both good practice and a legislative requirement for</p>	<p>To approve in principle, the Midlothian Public Engagement Strategic Statement subject to further consideration of some of the specific wording included.</p>	<p>Mairi Simpson</p>	<p>Ongoing</p>

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Thursday 8 April 2021

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Midlothian Integration Joint Board (IJB) and Health & Social Care Partnership (HSCP).</p> <p>There were many positive examples of community engagement within the Partnership in Midlothian and the draft strategic statement appended to the report was designed to state the Midlothian IJB and HSCP's intent around community engagement and provide a helpful framework for the HSCP planning groups.</p> <p>There then followed a general discussion during which it was agreed that whilst the document was extremely helpful, that the wording used be given further consideration in line with various comments made.</p>			
<p>5.3 Midlothian IJB Local Code of Corporate Governance</p> <p>The purpose of this report was to propose that the revised Local Code of Corporate Governance of the Midlothian Health and Social Care Integration Joint Board (MIJB), that provided the framework for the governance arrangements for delivering health and social care integration in Midlothian, be approved by the MIJB Board, following it being scrutinised and recommended for approval by the MIJB Audit and Risk Committee.</p>	<p>(a) To note the changes outlined within the report;</p> <p>(b) To approve the revised Local Code of Corporate Governance as detailed within an Appendix to the report for the Midlothian Health and Social Care Integration Joint Board (MIJB); and</p> <p>(c) To note that the revised MIJB Local Code would be used for the 2020/21 annual assurance process. This would include the annual review of the MIJB's governance arrangements and reporting of the outcome of that review in an Annual Governance Statement within the statutory accounts</p>	Jill Stacey	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>5.4 Equalities Outcomes and Mainstreaming Report 2021-2023</p> <p>The purpose of this report was to provide an update on the development of the new equalities outcomes and provides a Mainstreaming and Equalities Outcomes report.</p> <p>The report advised that in order to meet the obligations placed on public bodies by the Equality Act 2010 and associated regulations the Integration Joint Board must</p> <ul style="list-style-type: none"> publish a set of equality outcomes which it considered would enable the authority to better perform the Public Sector Equality Duty publish a report on progress in mainstreaming the Equality Duty publish in a manner that was accessible <p>Updates on the development of the new Equalities Outcomes were provided at the November IJB meeting, and at the IJB meeting in February 2021.</p> <p>This report updated the group on the final proposed Equalities Outcomes and provided a report on progress on, and future actions to support mainstreaming the Equality.</p>	To approve the Equalities Outcomes for 2021-2025 and approve the Mainstreaming report	Lois Marshall	
<p>5.5 Midlothian IJB Direction: Falls</p> <p>The purpose of the report was to provide a proposal for an additional Direction following discussion at the IJB meeting on 11th February 2021 on the Midlothian</p>	To approve the proposed addition of a new Direction to NHS Lothian and Midlothian Council on Falls.	Lois Marshall	

Midlothian Integration Joint Board

Thursday 8 April 2021

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>Falls and Fracture Prevention Action Plan 2020 - 2022.</p> <p>The report advised that Midlothian IJB Directions had been reviewed and agreed in October 2020 and continued to be operationalised. An update on progress towards each Direction was provided to the Midlothian IJB in December 2020 and an update on progress to end March 2021 and suggested revisions would be presented at the next IJB meeting - June 2021.</p> <p>This report included a proposal for an additional Direction following discussion at the IJB meeting on 11 February 2021 on the Midlothian Falls and Fracture Prevention Action Plan 2020 - 2022.</p>			
<p>5.6 Financial Update - Formal Budget Offer from NHS Lothian to the IJB for 2021/22</p> <p>The purpose of this report was to present the Board with the formal 2021/22 budget offer from NHS Lothian for consideration. The budget offer from Midlothian Council was accepted back at the March meeting of the IJB. The formal offer for 2021/22 was summarised within the report with the full offer letter attached as an Appendix</p> <p>Claire Flanagan was heard in amplification of the report and responded to Members questions and comments.</p>	To accept the budget offer from NHS Lothian.	Claire Flanagan	

Midlothian Integration Joint Board

Thursday 8 April 2021

Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>5.7 Midlothian Integration Joint Board Complaints Handling Procedure</p> <p>The report advised that Midlothian Integration Joint Board (IJB) was committed to valuing complaints and therefore requested Midlothian IJB members to consider the Complaint Handling Procedure and public facing document which was appended to the report and make a decision on its approval, or a process for approval.</p> <p>Midlothian IJB was required to implement a Complaints Handling Procedure that met the current requirements of the Scottish Public Services Ombudsman (SPSO). The SPSO published a revised Model Complaints Handling Procedures (MCHPs) for all sectors (except the NHS). Public bodies were required to implement the revised MCHPs by 1 April 2021.</p> <p>Mairi Simpson was heard in amplification of the report and responded to Members questions and comments.</p>	To approve the Draft Midlothian Integration Joint Board Complaints Handling Procedure.	Mairi Simpson	
<p>5.8 Midlothian IJB Induction Handbook</p> <p>The purpose of the report was to provide an update on the development of an Induction Handbook for new board members.</p>	To approve the proposed Induction Handbook	Lois Marshall	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>The report advised that the Scottish Government publication 'On Board - a guide for board members of public bodies in Scotland 2017', highlighted that "Induction programmes, events and material should be a standard feature, with a public body providing information on a range of topics, e.g. policies, procedures, roles, responsibilities, rules and key personnel"</p> <p>The Scottish Government Guidance on Roles, Responsibilities and Membership of the Integration Joint Board, 2015 states that "All members should receive an induction; as a minimum this should cover the member's specific post requirements, roles, responsibilities and policies".</p> <p>This handbook had been developed to support a comprehensive and effective induction process in line with best practice guidance. The handbook covered a range of areas and relevant policies, including the roles and responsibilities of all board members, and the expenses policy to support volunteer board members.</p>			
<p>5.9 Update to the IJB Improvement Goals</p> <p>The purpose of the report was to provide an update on progress towards achieving the current IJB performance goals, highlight that the target deadline was now historic for several goals, and recommend changes to the IJB Improvement Goals.</p>	<p>(a) To note that several of the IJB Improvement Goals had milestone targets during 2020 and whilst several had been achieved or demonstrated improvements, this was in part due to the system response to the COVID19 pandemic;</p>	All to note	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
Both Grace Cowan and Morag Barrow were heard in amplification of the report after which there was a general discussion on these matters.	<p>(b)to agree the recommendation to amend specific Improvement Goals which considered the progress made towards the goals and the ability of the system to achieve the new goals during recovery from the COVID19 Response;</p> <p>(c)To agree the proposal that further detail was presented to the IJB on specific goals which would assist with monitoring progress towards the goal; and</p> <p>(d)To otherwise agree to the recommended changes to the goals described within the report.</p>	<p>All to note</p> <p>All to note</p> <p>All to note</p>	
<p>5.10 Midlothian Integration Joint Board Strategic Plan 2022-2025</p> <p>The purpose of the report was to provide an update on developing the new Strategic Plan 2022-2025.</p> <p>In order to meet the legal requirements of the Public Bodies (Joint Working) (Scotland) Act 2014, Midlothian Health & Social Care Partnership is required to publish a new Strategic Plan in 2022.</p> <p>A new vision and values were agreed by the IJB in December 2020 and Strategic Aims were agreed by the IJB in March 2021.</p> <p>The approved strategic aims had been discussed with planning leads in the Partnership to explore how they could be embedded across the new Strategic Plan.</p>	<p>(a)To note the update and key deadlines for development of the new Strategic Plan; and</p> <p>(b) That consideration of the future direction and longer term budget implications of the Strategic Plan form the basis for discussion at the next development session</p>	Lois Marshall	

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Report Title/Summary	Decision	Action Owner	Date to be Completed/Comments
<p>The Planning leads would engage and consult with relevant services users, those who support service users, providers, carers, staff and partners in the development of their areas of the Strategic Plan. Support with engagement would be offered where required.</p> <p>Lois Marshall was heard in amplification of the report after which there was a general discussion on these matters.</p>			
<p>5.11 Midlothian Health and Social Care Partnership Contribution to NHS Lothian Remobilisation Plan</p> <p>The purpose of the report was to provide IJB Members with a summary of service developments and modifications to ensure that health and social care services were meeting the needs of Midlothian residents as safely and effectively as possible during the pandemic.</p> <p>Mairi Simpson was heard in amplification of the report and responded to Members questions and comments.</p>	To note the content of the report		

6. Private Reports

There were no private reports for consideration at this meeting.

7. Date of next meeting

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

- Thursday 13 May 2021 2pm Development Workshop
- Thursday 17 June 2021 2pm Midlothian Integration Joint Board

(Action: All Members to Note)

The meeting terminated at 3.45 pm.