

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 15 February 2022**

1 Minutes of Meetings submitted for Approval

PRIVATE Minute Midlothian Council - 14 December 2021 for approval

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2 Minutes of Meetings submitted for Consideration

Minute for Consideration

PRIVATE Business Transformation Steering Group Minute 29 November 2021

Audit Committee Minute 28 September 2021 25 - 34

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PRIVATE General Purposes Minute 23 November 2021

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3 Minutes of Meetings submitted for Information

Minute of Meeting



Midlothian Council

Date	Time	Venue
14 December 2021	11.00 am	via MS Teams

Present:

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

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships	Morag Barrow, Joint Director Health and Social Care
Derek Oliver, Chief Officer Place	Alan Turpie, Monitoring Officer
Joan Tranent, Chief Officer , Children's Services Communities & Partnerships	Fiona Clandillon, Head of Development
Gary Fairley, Chief Officer Corporate Solutions	Andrew Win, Head of Development
Andrew Helmn, Chief Procurement Officer	Saty Kaur, Executive Business Manager
Karen McGowan, CLL Officer	Simon Bain, Housing Services Manager
Lyn Black – Head Teacher	
Ross Neill, Democratic Services Team Leader	Andrew Henderson , Democratic Services Officer

1. Welcome and Apologies for Absence

The Provost welcomed everyone to the meeting reminding all that it was a public meeting being webcast live.

Apologies for absence were intimated on behalf of Councillor Milligan and Mr Bourne Religious Representative to the Cabinet.

2. Order of Business

The Provost advised the order of business was as per the agenda adding there were two emergency motions that would be considered at this point.

Councillor Parry asked for clarification concerning the privacy of one paper in particular, the Beeslack High School and the reason and logic of why it was private and when Councillors could discuss this with community councils and the wider community.

Mr Turpie in his role as monitoring officer, was invited to respond. Mr Turpie outlined various conditions that surround commercial information and confidentiality requirement on each of the parties involved.

Councillor Muirhead spoke about the project and his enthusiasm for it and pressed Mr Turpie as to when elements could be made public, perhaps a redacted version.

Mr Turpie again discussed the obligations for confidentiality and pointed out although a redacted version was possible redacted reports are often difficult to interpret depending on what or how much requires redacting.

Councillor Curran asked for an action concerning Land Supply to be added to the action log

3. Declarations of interest

None

4. Deputations

None received.

5. Minute of Previous Meeting

5.1 Action log was discussed and agreed

No.		:
	Raised queries regarding Action Log	
Questions to Officers		

Councillor Curran asked for an action concerning Land Supply to be added to the action log.

Councillor Johnstone also asked that the garage report be added

Mr Anderson acknowledged both requests outlining a report that would include both subjects.

Action Log List –

1. Audit Committee Annual Report 2020/21 – Completed and included in today's agenda
2. Action Log adjustment – Would include timescales where possible – Completed
3. Minute Action – Lothian Buses Briefing – Completed
4. Minute Action – Scope Potential Crematorium Sites – February 2022 Chief Officer Place
5. Motion – Councillor Safety & Induction Pack - To include Safety protocol and procedures and letter to the Justice Minister – Completed
6. Motion - Passive House - Kit built houses – Completed
7. Motion - Recycling / Reuse Facility – Completed and included in today's agenda
8. Motion – Spikeaware – All Premises within scope notified – Completed
9. Motion Amendment –Loanhead Football Club - Update the Sports Needs Assessment from 2016 and report to future council meeting – Executive Director Place - Ongoing – TBC
10. Community Safety – Completed and included in today's Papers
11. City Deal – Meeting being held today 14 December – Update to Elected Members in due course – Chief Executive
12. Pressures of Financial insecurities - Follow up Paper outlining Social Welfare Fund underspend , more detail of what is being achieved and how support is accessed by the community – Completed

Decision

None required

Action

ACTION – Mr Anderson – Land Supply & Garage Report – February 2022

5.2 The Private Minute volume previously circulated including the Council meeting held on 5 October 2021 were approved and the Provost was authorised to sign as a correct record noting, information and consideration of any recommendations contained therein.

No.		:
	Raised queries regarding 5.2 Minute Volume	Cllr Johnstone
Questions to Officers		
Councillor Johnstone raised the subject of not having sight of a clear and accurate Minute of the meeting between Midlothian representatives and Ms Forbes, Scottish Government Minister		
Provost Clarified this concerned more support for growing councils such as Midlothian		
After further discussion with Councillor Muirhead who was part of the delegation, Councillor Johnstone suggested Midlothian Council write to the Scottish Government and request a copy of the note or the minute of the meeting.		
Decision		
None required		
Action		

ACTION – Midlothian Council to request a note of the meeting between Representatives and Scottish Government – Chief Executive

Meeting	Date Held
Note of Seminar - Housing Strategy and Services	04 November 2021
Note of Seminar - Organisational Readiness – Resilience Planning	02 November 2021
SESplan Minute	4 October 2021
PUBLIC Minute of General Purposes Committee	12 October 2021
PRIVATE Minute of General Purposes Committee	12 October 2021
PRIVATE BTSG Minute of meeting	18 October 2021
PUBLIC Planning Committee	12 October 2021
Midlothian Integration Joint Board	17 June 2021

6. Question to the Leader of the Council

None

7. Notices of Motion

No.		Motion by:
	Emergency Motion – Storm Arwen	Proposed by Councillor Mckenzie Seconded by Councillor Wallace
Terms of Motion		
<p>Emergency Motion,</p> <p>In the lee of storm Arwen, Midlothian Council would like to express its' thanks to the volunteers and staff of both the council and private business who worked tirelessly throughout the clean-up process. There are countless stories of friends, family and neighbourhoods pulling together to ensure the most vulnerable were looked after within the community.</p> <p>Whilst their hard work and dedication is recognised by folk throughout Midlothian, special mention should go to Scottish Power who worked day and night to restore electricity supplies as quickly as was humanly possible after widespread damage to the grid.</p> <p>It is a remarkable testimony to the people of Midlothian.</p>		

Councillor Mckenzie expressed his gratitude to all the staff who worked tirelessly throughout and after Storm Arwen, in particular Scottish Power.

Councillor Wallace – Also thanked Dr Vickers and Mr Oliver for the work down to support a care home in the area during the storm. He also highlighted the Royal Hotel in Penicuik who assisted the care home residents throughout and after the Storm.

Decision

Agreed Unanimously

Action

Action – Midlothian Council send a communication to all involved in supporting the community during and after Storm Arwen , in particular to thanks Scottish power and the Royal Hotel Penicuik – Chief Executive

Prior to considering the 2nd emergency motion Councillor Johnstone requested a short recess to read and discuss with her colleagues this was agreed by the Provost.

Meeting Adjourned at 1115 am

Meeting resumed at 1120 am

It was agreed by all that Item 7.1 would considered before the 2nd emergency motion.

No.	Report Title	Motion by:
7.1	Infrastructure	Proposed by Councillor Alexander Seconded by Councillor Johnstone
Terms of Motion		
<p>Midlothian Council recognises the population of Midlothian has grown and continues to grow exponentially. We should take this as a huge complement to our county as people recognise Midlothian as a great place to live, situated as it is close to both the Capital city, and the beautiful countryside that surrounds it. However this continued growth has placed a great deal of pressure on our services and infrastructure.</p> <p>As councillors we hear on a daily basis complaints of lack of infrastructure, whether this is lack of doctors, shops, post office, banks, poor roads and drains, and lack of places and spaces to have clubs for the young, middle aged and older residents.</p> <p>Our more established communities have grown around a church, a school, and shops with amenities for entertainment and clubs, roads, drains etc. But much of these are reaching their use by dates and need either to be replaced or renovation, because they are not up to the requirements of today. Many of these elements are lacking in the communities we are building now, where perhaps only the school exists, and even this building is unavailable to residents in the evening. This leaves our communities with a lack of local provision that stymies the natural growth of cohesive community and place building. Midlothian does not need dormitory communities</p>		

This may lead to a lack of having the connections and networks of support to build cohesive, safe, nurturing and flourishing communities empowered to support each other and tackle anti-social behaviour, increase in drugs and other forms of abuse. It is the duty of local council to ensure our communities are places that ensure the integration of residents into a social community.

Council therefore acknowledges we need a consultation with the people of Midlothian in early 2022 on the future of our communities on how and what infrastructure they need put in place to better serve our communities in the modern era.

Councillor Alexander spoke to the motion expressing her feeling that a full consultation with Midlothian residents was required.

Councillor Johnstone spoke at length regarding the traditions of Midlothian and explained a day in the life of a family and how they might spend the day, demolishing civic buildings would negatively affect this and also felt a consultation including all Midlothian's residents was required that included many new families into the area in recent years.

A discussion surrounding the motion was led by Councillor Imrie who suggested the Local Development plan is the best place to have this proposals, adding some of what was within the motion was not in the Local Authorities remit but rather the Scottish Government.

Further debate began concerning the Development plan in its current and incarnations. It also covered the ever changing public attitudes and the move to internet banking and shopping.

Provost asked for clarification re the motion, to confirm if the main drive was to emphasis a robust public consultation earlier in the process.

Councillor Alexander agreed this was the case adding that it was important for the people to be heard so the Council can develop the communities with their views in mind.

Mr Anderson outlined current and future infrastructure funding and investment plans, some which would be available in the Spring of 2022.

Decision

Unanimously Passed by Council

Action

ACTION – Report to Council on Infrastructure Funds currently available and future funds and a timescale for Consultation – Executive Director Place

No.		Motion by:
	Emergency Motion – Finance, Support for Local Councils by the Scottish Government	Proposed by Councillor Muirhead Seconded by Councillor Hackett
Terms of Motion		
Emergency Motion for Council Meeting 14/12/2021		

This Council calls upon Scottish Government to reconsider the levels of support for Local Council's announced by the Finance Secretary last week.

While we await the details of how exactly this will impact on Midlothian, it is clear that this will be an exceptionally challenging settlement for Local Government, particularly for those Councils with rapidly expanding populations.

In Midlothian we have worked hard, on a cross party basis, to prepare for a balanced budget on the reasonably assumption that the amount of funding we would receive would be the same as last year.

A cut of 0.9% in core funding is likely to mean that spending power in real terms will be down at least 3.5% on last year.

This leaves council with the option of either cutting services or increasing Council Tax to make up the shortfall.

The council therefore wholly supports the resolution that was passed unanimously at COSLA Leader's meeting on Friday which states: -

"Leaders cannot accept that once again local authorities will face a real terms cut in their core budgets which will lead to cuts to local services and job losses.

Despite an increase in the block grant to Scotland, the Scottish Government has once again chosen to ring fence funding for its own priorities at the expense of core local services. Nor are these ring-fenced requirements fully funded, which will result in further cuts to local services.

Scottish Government refuses to use its own tax raising powers whilst shifting the burden onto local authorities to raise council tax in order to meet the shortfall in grant funding.

By providing insufficient funding to meet even the below inflation public sector pay policy wage costs for local government, Scottish Government is once again treating our workers with disdain.

Leaders agree to continue to work with the local government trade unions to argue for a fair financial settlement for local government in the coming year. To that end COSLA to hold a Special Leaders meeting before Christmas and after the settlement circular has been issued, to consider the budget proposals in more detail and to agree a further approach to the Scottish Government."

Councillor Muirhead spoke to the motion expressing his feelings on the excellent cross party work over the years. He highlighted the ring-fenced aspect of the funding provided and its shortfall in certain key areas. He felt this placed extra pressure on growing councils such as Midlothian. He noted COSLA has the same

concern and that they were also expressing their concern to the Scottish Government.

Councillor Hackett spoke about the funding arrangements highlighting the cost of certain shortfalls. He went onto raise the issue of the services who are still coping with a pandemic and the increased costs that incurs. Local services, he added, needed to be resourced properly not piecemeal.

There was discussion amongst Councillors concerning the timing of the motion and whether or not it could have been circulated earlier. Councillor Parry suggested an amendment to the motion as it stands.

Provost reminded all of the Barnett formula and its structure, however he agreed to an adjournment of 10 minutes so groups could consider the motion.

Meeting adjourned at 1155

Meeting resumed at 1205

Before starting the members were reminded by Councillor Johnstone of how they should speak to each other and what words they choose, she highlighted recent tragic events.

Provost thanked Councillor Johnstone and invited the monitoring Officer, Mr Turpie to add his comments.

Mr Turpie confirmed that political debate was protected but nevertheless reminded all of the Code of Guidance.

Provost summarised that both the motion and the amendment was seeking cross party agreement to contact the Scottish Government.

Amendment from the SNP Group below. Moved by Cllr Cassidy and seconded by Cllr McCall:

(Add Para 1, amend Para 2)

The UK Government's removal of all COVID-19 related funding, as if somehow the pandemic is over and all the extra cost pressures are gone is farcical and it is clear from the UK budget that this unforgivable decision will have a hugely negative impact on Scotland's recovery.

This Council therefore calls upon Scottish Government to reconsider the levels of support for Local Councils announced by the Finance Secretary last week, and to lobby the UK Government to properly fund the settlement for Scotland.

A lengthy debate was had by members covering many subjects from the Barnet Formula to what Scottish Local authorities are entitled to receive through the block grant. Concerns were raised that the motion was overly political in its tone. There was a discussion concerning the political nature of criticism of government.

The original Motion mover and seconder, Councillors Muirhead and Hackett did not agree with paragraph one, but would accept paragraph two of the amendment.

After further discussion, Councillor Parry agreed to amend to amendment to remove paragraph one.

After further debate Councillor Winchester moved that the original motion and the COSLA statement were fine as they were , Councillor Lay-Douglas seconded

Provost called a Vote for the amendment or the original Motion unchanged-

Amendment to Motion 12

Original Motion 5

Decision

Amendment Passed

Emergency Motion for Council Meeting 14/12/2021 with amended Paragraph 2.

This Council calls upon Scottish Government to reconsider the levels of support for Local Council's announced by the Finance Secretary last week.

While we await the details of how exactly this will impact on Midlothian, it is clear that this will be an exceptionally challenging settlement for Local Government, particularly for those Councils with rapidly expanding populations. **This Council therefore calls upon Scottish Government to reconsider the levels of support for Local Councils announced by the Finance Secretary last week, and to lobby the UK Government to properly fund the settlement for Scotland.**

In Midlothian we have worked hard, on a cross party basis, to prepare for a balanced budget on the reasonably assumption that the amount of funding we would receive would be the same as last year.

A cut of 0.9% in core funding is likely to mean that spending power in real terms will be down at least 3.5% on last year.

This leaves council with the option of either cutting services or increasing Council Tax to make up the shortfall.

The council therefore wholly supports the resolution that was passed unanimously at COSLA Leader's meeting on Friday which states: -

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Despite an increase in the block grant to Scotland, the Scottish Government has once again chosen to ring fence funding for its own priorities at the expense of core local services. Nor are these ring-fenced requirements fully funded, which will result in further cuts to local services.

Scottish Government refuses to use its own tax raising powers whilst shifting the burden onto local authorities to raise council tax in order to meet the shortfall in grant funding.

By providing insufficient funding to meet even the below inflation public sector pay policy wage costs for local government, Scottish Government is once again treating our workers with disdain.

Leaders agree to continue to work with the local government trade unions to argue for a fair financial settlement for local government in the coming year. To that end COSLA to hold a Special Leaders meeting before Christmas and after the settlement circular has been issued, to consider the budget proposals in more detail and to agree a further approach to the Scottish Government."

Action

ACTION – Midlothian to write to Scottish Government in support of COSLA's statement and Midlothian's own position as a growing Authority – Chief Executive

8. Reports

Report No.	Report Title	Report by:
8.1	Midlothian Council Elections, 5 May 2022	By Dr Grace Vickers, Returning Officer
Outline of report and summary of discussion		
<p>The purpose of this report is to update Members on the arrangements currently being made for the Midlothian Council Elections to be held on Thursday 5 May 2022. The proposals in the report, if agreed, will enable the Returning Officer to deliver and properly staff these Elections.</p> <p>Recommendations,</p> <p>(a) To approve and note for its interest the arrangements for the forthcoming Midlothian Council Elections to be held on Thursday 5 May 2022; and</p> <p>(b) To authorise the Chief Executive, as Returning Officer, to make the appropriate financial arrangements and to authorise payments in respect of the Midlothian Council Elections.</p> <p>Dr Vickers spoke to the report asking the members to consider and approve the recommendations.</p> <p>Concerns were raised about the polling station provision at Gorebridge, disabled access to alternative venues and advertising any of the alternative stations when and if they are considered. Also whether or not possible school closures could affect voting and what was being done to mitigate this possibility.</p>		

Dr Vickers responded that she did not envisage closing schools at this time but at the moment the future situation with Covid was fluid. Postal voting would be advertised and the Gorebridge Leisure centre is expected to be returned from its current role as a vaccination centre by April 2022 as originally planned.

Approved

Action

All to Note

No.		Report by:
8.2	Midlothian Council Elections, 5 May 2022, Pre-Election Publicity Guidance	by Dr Grace Vickers, Chief Executive
Outline of report and summary of discussion		
<p>The purpose of this report is to update Members of the terms of the Council's Pre-Election Publicity Guidance which has previously been approved to ensure that Council facilities are not used to support any particular political party in the forthcoming Midlothian Council Elections to be held on Thursday 5 May 2022.</p> <p>Recommendation</p> <p>The Council is asked to note the terms of the Pre-Election Publicity Guidance in advance of the forthcoming Midlothian Council Elections to be held on Thursday 5 May 2022.</p> <p>Dr Vickers spoke to the report asking the members to consider and approve the recommendation.</p>		
Decision		
Approved		
Action		
To Note		

No.		Report by:
8.3	Standing Orders Working Group Updates	by Mr Alan Turpie, Monitoring Officer
Outline of report and summary of discussion		
<p>The purpose of this report is to update Members of the work of the Standing Orders Working Group which has agreed draft revised Standing Orders and Scheme of Administration but it is considered that further revisions are required to reflect supervening events.</p> <p>Recommendation,</p> <p>The Council is asked to note the work of the Standing Orders Working Group and the further action required.</p>		

Mr Turpie confirmed this was the update report requested and concluded the action noted in the Action Log. He spoke about the lengthy of the process and ongoing drafts. A final report would be presented to Council at a later date.

Provost queried if this would include the protocol for online meetings.

Councillor Johnstone requested a briefing concerning standing orders changes in light of the code of conduct.

Mr Turpie responded that he could offer a briefing before February Council in 2022 to those members who wished it, he added that the 2 documents were separate. He also clarified that Community Councillors were also affected by the code of conduct.

Decision

Approved

Action

ACTION – Briefing on Standing Orders and The Code of Conduct – before February 2022

No.		Report by:
8.4	Future Hybrid Meetings of Council and its Committees Report	by Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>A hybrid meeting is one where a portion of the participants joins from a designated meeting room and another portion joins remotely, enabled by audio and video conferencing technology. Often participants will also use online content sharing solutions to support collaboration with the option to also use technology to facilitate a vote to be taken where the business under consideration requires one.</p> <p>This report provides an update on the work to date to investigate the provision of hybrid meetings and indicative costs of implementing this approach for Council and its Committees.</p> <p>Recommendations,</p> <ul style="list-style-type: none"> a) To note the work undertaken to date and indicative costs of facilitating hybrid meetings of Council and its Committees and that work continues to develop a fully costed proposal. b) Agree that the fully costed proposal for hybrid meetings be considered at the start of the next term of Council, after the May 2022 Local Government elections. <p>Provost explained that this report was likely to affect the new administration and they would have the final say.</p> <p>Mr Fairley spoke to the report noting that other Local Authorities advice was sought, some of whom have hybrid systems already in place. He asked the Members to note the options outline and agree the recommendations.</p> <p>There was a discussion surround the need for the new administration to have a final decision before any financial commitment was agreed. This led onto a discuss surrounding the capital costs and the ongoing revenue costs including qualified staff member to oversee the equipment. Mr Fairley clarified that although one location</p>		

would need to be selected the equipment and the staff members would be available for all public facing Committees not just the Council.

Provost after summarising the debate and decisions that arose from it suggested Mr Fairley return in the Spring with an updated report

Decision

Approved

Action

ACTION – Updated Hybrid Meetings Report – Spring 2022 - Chief Officer Corporate Solutions

Meeting Adjourned for a short break 1300

Meeting Resumed at 1315

Report No.	Report Title	Report by:
8.5	Medium Term Financial Strategy Report	by Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>This, the second of three agreed reports, supports Council in fulfilling its statutory obligation to determine a budget and set Council Tax for next financial year when it next meets on 15 February 2022.</p> <p>The report provides Council with an update on the development of the 2022/23 budget in advance of the publication of the Scottish Government budget and associated local government grant settlement. A verbal update will be provided on the implications of the 9 December announcements.</p> <p>The report is presented in the context of the Medium Term Financial Strategy approved in June 2019 which brought an important step-change and which provided greater certainty for local communities and also for employees. It has allowed the Council to shift from having to consider savings each year at February Council meetings to planning for the medium term and in turn securing continued financial sustainability. As a consequence of the approval of the Medium Term Financial Strategy and, on the recommendation of The Business Transformation Steering Group, the subsequent approval of the 2020/21 and 2021/22 budgets has ensured that the Council has maintained a financially sustainable position.</p> <p>This strategic approach has supported continued investment in Midlothian to help it fulfil its potential to be a great place to grow and provided a strong and stable financial foundation on which the Council has been able to build its response to the Covid pandemic. A pandemic that has brought unprecedented financial challenges, risks and uncertainties for Local Government and which is anticipated to affect Council budgets for years to come.</p> <p>Recommendation,</p> <p>Council is asked to note this update on the Medium Term Financial Strategy in respect of the 2022/23 budget.</p> <p>Mr Fairley spoke to the document discussing each section in turn noting during his summary of section 3, that the assumed figures in light of the recent budget announcement would need to be revised, as indications are the figures outlined by the Scottish Government are far worse than initially thought and are far worse than the worst case scenario outlined in the report at the time of writing.</p>		

Within the settlement as it stands is no provision for pay increases or inflation, there is no compensation within the settlement for increased National Insurance contributions. He added that there was also no provision for achieving Zero Carbon either.

Mr Fairly summarised that currently expenditure outstrips income, there would be a lot of work to be done between now and the next Council meeting in February 2022.

Provost asked if there was any 'carry forward' within the Barnet Formula for schools and other essential services.

Mr Fairley responded that Midlothian Council was fully committed and that any consequential's would go to the Scottish Government and then they would decide. There are options available such as longer timeframes to pay debt but these are one offs. The November budget relied on various measures but now this announcement leaves a significant gap.

A debate amongst members explored various options such as using reserves but returned to Mr Fairley to offer any possible solutions.

Mr Fairley expressed the feeling that these are very challenging times, the reserves are all committed and the general reserve can only be used once, Expenditure is currently outstripping income that is a fact.

Decision

All to Note

Action

None

Report No.	Report Title	Report by:
8.6	Treasury Management Mid-Year Review Report 21_22	by Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report is to inform Council of the Treasury Management activity undertaken during the first half of 2021/22 and the forecast activity for the second half of 2021/22 in accordance with the Treasury Management and Annual Investment Strategy approved in February 2021. It also provides an update to the Treasury and Prudential Indicators for 2021/22.</p> <p>Council should note that in accordance with the Prudential Code, a draft of the report was considered by Audit Committee on 7 December 2021, with the report approved by Audit Committee as presented.</p> <p>Recommendations,</p> <ul style="list-style-type: none"> a) Note the report and the treasury activity undertaken in the period to 30 September 2021, as outlined in Section 5; b) Note the forecast activity during the second-half of the year as outlined in Section 6; c) Approve the technical revisions to the Prudential Indicators in Section 7 of this report. 		

Mr Fairley introduced the report outlining each section in turn, he highlighted ongoing risks and outlined treasury activity for the coming year. He asked members to note the first to recommendations and approve the 3rd.

Councillor Muirhead congratulated Mr Fairley and his team noting Midlothian often in the top 3 of 32 councils for its treasury management.

Councillor Johnstone queried if all Midlothian's investments were ethical and sustainable?

Mr Fairley reassured the members that all funds and deposits had no ethical concerns that he was aware of.

Provost noted that much of what was included in the report was covered in depth at the Audit Committee

Decision

Recommendations (a) & (b) noted
Recommendation (c) approved

Action

None

Report No.	Report Title	Report by:
8.7	Housing Revenue Account -- Rent Setting Strategy 2022-23 –2025-26	by Executive Director Place
Outline of report and summary of discussion		
<p>This report presents a Rent Setting Strategy that will allow us to continue to deliver our objectives to keep rents affordable while improving and investing in our existing and new homes. It aims to secure governance for the change in the funding approach outlined to allow the next Council to consider a rent and investment strategy for the whole term of office post May 2022.</p> <p>Recommendations,</p> <ul style="list-style-type: none"> a) Approves the Rent Setting Strategy proposal for 2022/23 following the decision taken at the February 2021 Council meeting to defer the 3% rent increase proposed for 2021/22 until 2022/23. b) Approves the revision to the financing of capital expenditure as detailed in section 4 of the report <p>Mr Anderson spoke to the report noting the financial monitoring has been carried out, the council can maintain rent levels and other current commitments.</p> <p>Councillor Curran Moved to approve but wanted to know if there would be an adverse impact on the general fund and asked Mr Fairley to explain?</p> <p>Mr Fairly agreed to attempt to, adding he was happy to follow up in, more detail with any members who wished more information.</p> <p>Not borrowing as much to balance if the General Fund rises, should be mitigated as the capital spend would be less.</p>		
Decision		
Approved		
Action		

None

Report No.	Report Title	Report by:
8.8	Large Grants Report Allocations 2022-2025	by Chief Officer Children Services , Communities and Partnerships
Outline of report and summary of discussion		
<p>The Council's large grants scheme is available to voluntary and community organisations to deliver services across four funding streams to meet the priorities and outcomes of the Community Planning Partnership and the Single Midlothian Plan. The themes are reducing carbon emissions, reducing inequalities in health, learning and economic circumstances.</p> <p>This report asks Council to:</p> <ul style="list-style-type: none"> • Approve the recommendations of the scoring panels for the period 2022 to 2025 • Approve the creation of a transition support fund to assist organisations who scored well but did not receive an allocation of funding due to the large volume of applications received and who meet an identified need or gap in services which would not otherwise be met. The organisations listed in Appendix 2 were assessed by the panel as being in these categories; and • Agree to supplement the transition support fund if any successful organisation is unable to deliver their project with partial funding. <p>Recommendations,</p> <ul style="list-style-type: none"> • Approve the allocation of the large grants detailed in Appendix 1 for 24 organisations totalling £1,458,448 over 3 years • Approve the creation of a transition support fund for the organisations in Appendix 2 who did not qualify for a large grant but meet a priority need or gap in services • Approve the continuation of a small working group of cross-party elected members and council officers to monitor the transition fund spend and decide on any re-allocation of any additional resources resulting from organisations not accepting a reduced funding offer <p>Mrs Tranent outlined the details of the report noting that over 3 years the grant had supported 24 organisations. She spoke to the report referring to the 'Single Midlothian plan', adding that 61 applications had been applied for.</p> <p>Both the Provost and Councillor Hackett thank Mrs Tranent and her colleagues. Councillor Hackett hope that he and his three colleagues could continue to work alongside in the cross party group.</p> <p>Councillor Russell asked if any of the unsuccessful applications can be contacted and encouraged to apply in future.</p> <p>Mrs Tranent replied 'Yes' all unsuccessful bidders were subsequently contacted and advise given for future bids.</p>		
Decision		
Approved		
Action		
None		

Report No.	Report Title	Report by:
8.9	Closed Circuit Television (CCTV) Network	by Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report is to provide Council with options and seek decision on upgrading the Council's existing public open space CCTV estate and network system, supplemented with redeploy-able cameras.</p> <p>Recommendation,</p> <p>Council is recommended to approve the procurement and installation of Multi-Sensor Cameras across Midlothian CCTV estate and network, augmented by the procurement and use of redeploy-able wireless CCTV cameras, to be utilised at locations of interest or hot spot areas for community safety and detecting/detering anti-social behaviour and environmental crimes. This would require the addition of £471,860 to the capital plan in 2021/22 and an addition to the annual revenue budget of £97,622 from 2022/23.</p> <p>Mr Oliver reminded Members this was a follow on from the August 2021 report and covered potential Capital and revenue costs.</p> <p>Provost asked if the technology outlined in the report was best value.</p> <p>Mr Oliver confirmed this was an initial cost as provided by the current company who maintain the CCTV system at present. The technology identified would meet Government guidelines and current Legislation.</p> <p>Councillor Curran confirmed personal experience and noted that CCTV plays a vital role but asked if three were cheaper options. Other members also queried the positions of current and possible future cameras.</p> <p>Mr Oliver detailed some of the technology and its value including Automatic Number Plate Recognition (ANPR) and how it's used to deter fly tipping and identify perpetrators. He went to discuss the placement of CCTV cameras and how it is often done with partners including Police Scotland representatives and agreed a wider assessment of locations could be done.</p> <p>Mr Oliver explained some of the equipment and its uses such as fixed and redeploy-able cameras and a tower that provides power when there is no other source. He also outlined why notices were important both to identify cameras and when they are out of service, Public Authorities have to abide by different legislation than private individuals, this also forbids Local Authorities using Dummy cameras.</p> <p>Councillor Wallace Seconded</p>		
Decision		
Approved		
Action		
ACTION – To Provide a Report outlining an expansion of sites for CCTV – February 2022 – Chief Officer Place		

Report No.	Report Title	Report by:
8.10	Community Safety	by Executive Director Place
Outline of report and summary of discussion		
<p>This report results from a motion passed at Council on 5 October 2021 requesting a paper to the next full Council to establish a business case or investing in measures to robustly address and prevent antisocial behaviour, including an option to reinstate Community Safety Officers.</p> <p>A report was submitted to Council on 16 November 2021 detailing the policy and practice in relation to antisocial behaviour in communities and our landlord duties in council housing.</p> <p>Recommendations,</p> <p>Council is recommended to consider the options set out in this report for Community Safety services.</p> <p>Mr Anderson spoke to report highlighting the financial costs and working through each section. He noted that some of the work originally carried out by the Community Safety team was now within the remit of other Council teams. Adding that at the moment there was no provision to resource a Community Safety team but asked members to consider the options.</p> <p>Councillor Johnstone queried the costs and staff arrangements, feeling that the aims of the original motion had been diluted. She also felt this was a spend to save as a Community Safety team would head off more expensive outcomes overall.</p> <p>Mr Anderson referred to the motion, stating the structure outlined was optional and explained the previous team's structure. The options as stated in the report were a full reintroduction of the team or a slimmed down version.</p> <p>Councillor Curran Moved no further action at this time, stating that there were other options and referred other programmes and council teams and their positive impact on anti-social behaviour. He also felt a reintroduction of Community Safety Teams (CST) would affect the current Community action Teams (CAT).</p> <p>Councillor Cassidy led a debate citing his own experience and that of some of his constituents trying to get a hold of the police.</p> <p>Councillor Parry added that the purpose was not to remove the CAT but to prevent and reduce crime and save money in the long term by doing so. She also felt the Members should have been consulted more.</p> <p>A short discussion on how a new could be funded, to which Mr Anderson said HRA could part fund but other sources would need to be sought.</p> <p>There followed a discussion on the effectiveness of the CAT teams both on foot and on cars and whether or not a CST would provide a better service as some members felt Anti-Social Behaviour (ASB) was not being addressed by the Police. The role of the police was then discussed briefly covering what they have powers</p>		

to do and what the council officer's limits are. An attempt was made to highlight the difference between criminal activity and ASB.

A further debate covered the CAT teams role and the Police Officers within it, the Service Level Agreement with Police Scotland was highlighted, noted within it there is provision for Police Officers to be reassigned to events such as COP26 but these events are far a few between.

Councillor Hackett seconded Councillor Currans Motion that no further action be taken at this time.

Councillor Johnstone proposed that the CST be reinstated and that a further paper be provided to members with budget costs, noting the council would then need to provide savings elsewhere. Seconded by Councillor Cassidy.

Provost asked member to Vote for the status quo or reinstatement of a Community Safety Team -

10 in favour of the Status Quo

7 in favour of Reinstatement of the Community Safety Team

Decision

Status quo Agreed

Action

None

Report No.	Report Title	Report by:
8.11	Waste Diversion Re-Use	By Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report is to outline the position of diverting material from waste disposal at Stobhill HWRC for re-use in response to the Motion approved at the meeting of Midlothian Council on 16th November 2021.</p>		
<p>Recommendations</p> <p>Council is recommended to note the current position with diverting material from waste streams for re-use and that:</p> <ul style="list-style-type: none"> (i) Waste Services will provide a container at Stobhill Recycling Centre to act as a Re-use Cabin; (ii) An Expression of Interest is currently being drafted for advertisement in January 2022 to assess local charitable / third sector demand for furniture and household items. 		
<p>Mr Oliver spoke to the report concluded with the Council to note.</p>		
<p>Councillor Johnstone expressed an opinion that she felt the original motion had been watered down and felt a dedicated recycling officer was required to guide and teach.</p>		
<p>Mr Oliver confirmed that Midlothian Council already has Education Community Officers who do this type of work but due to Covid restriction haven't been out. He went onto explain that there are regular Public Communications and that a future report could be drawn up to coordinate a Communication Campaign with this and other themes at its heart. He added that he felt the motion had not</p>		

been watered down and noted that this service among many others is still recovering from Covid challenges.

There followed a debate concerning the original motion and the work that the cross party group do with this type of subject in mind, noting the Cross party group may be the best place to develop this theme further. It was agreed that any future report should emphasis education more prominently.

Decision

All to Note

Action

Action - Future Papers to emphasise Education not date set – Chief Officer Place

Report No.	Report Title	Report by:
8.12	Stage 2 Masterplan and Outline Business Case for Dalkeith Town Centre Regeneration	By Executive Director Place
Outline of report and summary of discussion		
<p>This report provides the Council with a proposal to take forward a Stage 2 masterplan and Outline Business Case for Dalkeith Town Centre that will:</p> <ol style="list-style-type: none"> 1. Articulate a broader vision for the future of Dalkeith and how the town centre masterplan can help deliver this; 2. Reflect changes since the 2016 masterplan's preparation, particularly in relation to town centre role post-COVID-19; Midlothian Council's commitment to be Net Zero by 2030; updated and emerging strategies on Council assets and learning estate; and different ways of working and living in a post-COVID landscape. 3. Incorporates a robust economic, financial and commercial case as part of an overall outline business case. This should highlight the benefits of the project, detailed financial appraisals and specify commercial options for the delivery of the masterplan. These new, detailed strands of work will allow a route to delivery of the development proposals to be identified. <p>Recommendations,</p> <ol style="list-style-type: none"> a) Endorse the preparation of a Stage 2 masterplan for Dalkeith Town Centre that updates and expands on the previous masterplan and progresses an outline business case for the development to be progressed, as a necessary step for delivery. b) Approve the release of £60,000 from the General Reserve that, along with £20,000 funding from the Housing Revenue Account, will be used to fund the work needed to update the masterplan and strengthen the economic, financial and commercial case. <p>Mr Anderson spoke to the paper noting the extensive local consultation and the carbon net zero requirement.</p> <p>Councillor Russell thanked Ms Clandillon who had hosted a walkabout. She felt the enthusiasm from Ms Clandillon was refreshing and also noted assurances that amenities would be safeguarded. A number of other Councillors agreed with these sentiments.</p> <p>Councillor Johnstone asked about district heating within the report and which buildings would be demolished?</p>		

Mr Anderson assured the Councillor that there were no insurmountable barriers to district heating but that it's not appropriate for every location. Part of the consultation conducted by NESTA had covered this aspect.

As Dalkeith is a key site in Midlothian used by residents from all over the area Councillors asked that consultation take residents in Newbattle and Mayfield.

There was further discussion concerning the future of Midlothian House, Mr Anderson pointed out a decision concerning Midlothian house had been taken already by an earlier administration.

Decision

Agreed

Action

All to Note

Report No.	Report Title	Report by:
8.13	Annual Procurement Report 2020_21	by Executive Director Place
Outline of report and summary of discussion		
The Annual Procurement Report on regulated procurements during 2020/21 has been prepared and is being presented to Council's for noting being published on the Council's website.		
Recommendations,		
The Council is asked to note the Annual Procurement Report on regulated procurements during 2020/21.		
Mr Anderson spoke to the report and explained the legislation that requires it. In addition to the regulated spend the report covers the intended spend and how Midlothian Council meets the procurement rules.		
Decision		
Accepted		
Action		
All to Note		

Provost suggested a short break –

Meeting adjourned at 1515

Meeting recommenced at 1530

8. PRIVATE Reports

The meeting concluded at 1630 pm

Date of Next Meeting 15 February 2022

Minute of Meeting

Audit Committee
Tuesday 7 December 2021



Audit Committee

Date	Time	Venue
Tuesday 28 September 2021	11.00am	MS Team – Virtual Meeting

Present:

Mike Ramsay (Independent Chair)
Councillor Cassidy
Councillor Hackett (Substitute)
Councillor Muirhead
Councillor Parry
Councillor Smaill
Councillor Hardie
Mr de Vink (Independent Member)

In attendance:

Grace Vickers	Chief Executive
Alan Turpie	Legal Services Manager/Monitoring Officer
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
David Gladwin	Financial Services Manager
Jill Stacey	Chief Internal Auditor
Myra Forsyth	Quality and Scrutiny Manager
Stephen Reid	External Auditor, E.Y.
Grace Scanlin	External Auditor, E.Y.
Janet R Ritchie	Democratic Services Officer

1. Welcome and Apologies

The Chair, Mike Ramsay, welcomed everyone to the meeting. Apologies were received from Councillor Milligan and it was noted that Councillor Hackett was substituting for Councillor Milligan.

2. Order of Business

Order of business as outlined in the Agenda.

3. Declarations of interest

No declarations of interest were received.

Cllr Hackett enquired due to his employment with Unison would this cause any issues. Mr Turpie confirmed that as it was not the point of the Audit Committee to look at actions of the Trade Union this raised no areas to cause an issue.

4. Minutes of Previous Meetings

- 4.1 The minute of the meeting of 17 August 2021 was submitted and approved as a correct record having been proposed by Councillor Muirhead seconded by Councillor Smaill.

There followed a discussion on the format of the Minute and that Standing Orders reference was to streamline the minutes in recording the decisions and although this was a very high level minute Mr Turpie confirmed this was still a valid minute. Discussion also took place on the lateness in issuing the Agenda and papers and during this discussion it was confirmed that the papers are normally issued one week in advance of the meeting and Mr Turpie confirmed that the statutory timescale is 3 days in advance of the meeting and Standing Orders is 7 working days and not less than 5 days prior to the meeting.

Mr Anderson apologised for the lateness and that this position was not to disrespect the Audit Committee and advised that the decision was taken not to issue the Agenda without the papers which were not available at that time. It was agreed that this would be monitored and if the Committee as a whole felt they did have time to give considerable consideration to the papers this would be raised.

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

- 1) Internal Audit Annual Assurance Report 2019/20 – Risk Management Policy and Strategy - due December 2021
- 2) Financial Reports – Council Meeting 25 August 2020 - Ongoing
- 3) Internal Audit Recommendations - on Agenda

- 4) Report on reconciliation of Social Housing work in progress and completions – on Agenda
- 5) Property Maintenance – BTSG report – Commissioning work not completed - timescale December 2021 meeting following next scheduled Business Transformation Steering Group.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Annual Audit Report to Members and the Controller of Audit - year ended 31 March 2021	EY, External Auditors
Outline of report and summary of discussion		
<p>Stephen Reid, External Auditor EY, advised that this report is presented in draft and once the Financial Statements are approved and signed this report will be updated and finalised and shared with Audit Scotland for publication on their website.</p> <p>Mr Reid in presenting this report advised that it falls into two key parts, the Financial Statements and the dealing with the wider scope dimensions of public audit. Mr Reid then confirmed that he intended to issue an unqualified opinion on the Financial Statements following conclusion of the audit and highlighted that there was no material changes to scope of the audit compared to that which was set out in the audit plan presented to a previous meeting of the Audit Committee. As a result of the audit there was two adjustments made to the Financial Statements and also two unadjusted differences and that there had been some discussions and revisions made. He further advised that the papers were of a good standard and demonstrated continuous improvement especially taking into account the other demands on Officers.</p> <p>Mr Reid then highlighted some of the key conclusions in response to the work on the wider scope dimension on Financial management; Financial sustainability; Governance and Transparency; and Value for Money and outlined the four recommendations detailed within the report. Mr Reid in summarising his presentation advised that good progress had been made and he expressed his thanks to Officers across the Council for supporting him and his team and enabling him to discharge his responsibilities in a timely basis with the current pressures across Scotland and the ability to produce Audited Financial Statements in line with 30 September 2021 is a very positive achievement.</p> <p>Thereafter Mr Reid in responding to a question regarding financial stability advised that the amber grading given was a consistent view given the external environment and the impact on local authorities given the nature of unknowns as well as the known factors would continue to impact for a number of years.</p> <p>Further discussion took place on governance, action logs, attendance and participation at the Audit Committee and Mr Reid confirmed it is appropriate to bring challenges to areas of short comings but it is how the engagement takes place that is important.</p>		

The discussion continued regarding the acceptable level of codes of conduct and having careful robust challenges. Mr Reid highlighted that the assessment recognises the work done to support Elected Members and the framework that is in place but Members need to fully engage in this framework to discharge their responsibilities.

There followed a debate on the Members of the Cabinet on the Audit Committee and the Chair highlighted that within recommendation 3 it notes the role of the Independent Members out way the risk involvement of experienced Cabinet members. Mr Turpie also highlighted that the membership of the Audit Committee is the full Council's remit to consider. It was agreed that this should be deferred to the new Council next year to review the membership and remit of the Committee. The Chief Internal Auditor also highlighted that once the External Audit Report was considered by the Audit Committee the actions are added to the Pentana system to enable officers to be sited on those. It was agreed a report would be brought back to the Committee in January 2022 on the EY actions implementation and progress.

The Chair thanked EY for their work and commented on the very helpful report and noted that the Accounts were to be published online within the normal timescale and not the extended timescale and expressed his thanks on behalf of the committee to all those involved in achieving this.

Decision

The Audit Committee noted the report and agreed that a progress report would be brought back to the committee in January 2022 on the implementation and progress of the EY recommendations.

Action

Chief Officer Corporate Solutions

Report No.	Report Title	Presented by:
5.2	Annual Accounts for the year ended 31 March 2021	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The Chief Officer Corporate Solutions, Mr Fairley, presented the Annual Accounts for the year ended 31 March 2021 advising that the Audit Committee is recommended to approve the 2020/21 audited accounts for signature. He further advised that the unaudited annual accounts had been submitted before the standard date 30 June 2021 and they were considered at the Audit Committee on 17 August 2021.</p> <p>Mr Fairley advised that the regulations are set out in the report and the requirement for the committee today was to consider whether the Accounts should be signed, having regard to any report made on the accounts and any advice given by the proper officer or the auditor. He also advised that the protocol for signing of the accounts is set out within the report if the committee approves the Accounts today and that the Auditor's report would then be presented to the October 2021 Council.</p>		

Having highlighting some of the main points contained within the report Mr Fairley then invited the Audit Committee members to congratulate the Finance Team and Officers in the preparation of the accounts and also expressed his gratitude to EY colleagues for the work to conclude the audit.

The Chair endorsed Mr Fairley's comment highlighting that the team has worked hard to bring forward the accounts in a timely basis. Councillor Smaill also added his congratulations on the improved presentation of the accounts.

In responding to a question raised by Councillor Smaill with regards to Lothian Buses pension deficit Mr Reid provided some clarity on this and suggested if there is an area which could be enhanced with additional narrative disclosure at this stage in the process that might be the way forward to explain the basis of the derivation of the investment value.

Mr Fairley in responding to a further question raised by Councillor Smaill with regards to Millerhill residual waste and the difference in figures from the unaudited accounts to these accounts explained that when the unaudited accounts were brought forward it was noted to the committee that there was still work to be done and this was an accounting matter not a cost overrun.

In responding to the Chair requiring confirmation if it was possible to include the extra sentence in the explanation around Lothian Buses to clarify the change in the inclusion and exclusion of the pension fund to be included in the final version Mr Fairley advised that we would look at further refining the wording in this section.

The Chair then advised subject to the minor clarification with no objections raised agreed to recommend the Accounts for signature. The Chair on behalf of the Audit Committee thanked all those involved in preparation of the Annual Accounts.

Decision

The Audit Committee approved the 2020/21 audited accounts for signature in light of the appointed auditor's report for 2020/21 subject to the minor clarification as discussed.

Action

Chief Officer Corporate Solutions

Report No.	Report Title	Presented by:
5.3	Follow-Up Review of Completed Internal Audit Recommendations	Chief Internal Auditor
Outline of report and summary of discussion		
The Chief Internal Auditor, Jill Stacey, presented this report advising that the purpose of this report was to provide an update on the results of the Internal Audit follow-up Review which included a sample check on the adequacy of new internal controls for Internal Audit Recommendations marked as completed by Management in the period April 2020 to March 2021.		

The Chief Internal Auditor advised that the findings of the internal review are set out within the report and highlighted some of the key messages and advised that during an extremely challenging period it was notable that all eight high level recommendations were completed. She further advised on the recommendations identified which were partially satisfactory requiring further work and the discussions with the Audit action owners to ensure the remaining elements of the audit actions are fully completed and that they would continue to be monitored.

Decision

The Audit Committee noted the results of the spot check on Internal Audit recommendations that have been marked as completed by Management in the period April 2020 to March 2021 to improve internal controls and governance, and mitigate risks.

Report No.	Report Title	Presented by:
5.4	Internal Audit Work to August 2021	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to provide members of the Audit Committee with details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p> <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, Jill Stacey, presented this report highlighting the main sections contained within the report and outlined the key messages of assurance and areas of improvement.</p> <p>Thereafter the Chief Internal Auditor responded to questions and comments raised by members of the Committee and the Executive Director Place clarified that the recommendation for audit work to be carried out with regards to Destination Hillend was recommended by Council and would be reported back to full Council.</p>		
Decision		
<p>The Audit Committee:</p> <ul style="list-style-type: none"> a) Considered 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; c) Acknowledged the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work. 		

Report No.	Report Title	Presented by:
5.5	Audit Scotland Fraud and Irregularity Update 2020-21	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to provide members of the Audit Committee with details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p> <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 this report to the Audit Committee highlighted that the Integrity Group of Officers considered the report 'Fraud and Irregularity Update 2020/21' by Audit Scotland and none of the cases reported related to Midlothian Council and that the Integrity Group after carrying out an assessment of the internal controls would present a report to the Audit Committee in December 2021 for improvement and assurance purposes.</p>		
Decision		
<p>The Audit Committee:</p> <ul style="list-style-type: none"> a) Acknowledged the Audit Scotland counter fraud report published in recent months; b) Noted that the Integrity Group of officers has considered the report as part of their counter fraud role and responsibilities, has agreed next steps and will report back on Management Actions required for improvement and assurance purposes to the Audit Committee in December 2021. 		
Action		
Executive Director Place/Chief Internal Auditor		

Report No.	Report Title	Presented by:
5.6	Risk Management Update, Quarter 1 2021/22	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report was to provide Audit Committee with an update on the risk responses Midlothian Council has implemented during Quarter 1 2021/22 to respond to the current risk climate; and to provide assurance that Midlothian Council took a proportionate and planned approach to prepare and respond to each of the identified risks.</p>		

The Chief Officer Place, Derek Oliver, presented this report to the Audit Committee highlighting the main sections of the report and that the particular focus during Quarter 1 was the concurrent risks of COVID 19 and UK Exit from the EU.

Thereafter Mr Oliver responded to questions and comments raised by members of the committee relating to some of the strategic risks identified and provided clarity when risks become high risk on the service the Council will provide and also the impact on the workforce with some of these high risks.

The Chair also highlighted that the Risk Management Policy and Strategy was coming forward to the next meeting and provided further clarification on the high/critical risks and that with some of these the Council has done everything it can do to mitigate the risk therefore the ones which are ongoing are ones which can be actively managed.

Decision

The Audit Committee noted the current risk landscape and organisational response to the most significant risks in Quarter 1 2021/22.

Report No.	Report Title	Presented by:
5.7	Social Housing Stock Reconciliation	Executive Director Place
Outline of report and summary of discussion		
<p>The purpose of this report is to provide members of the Audit Committee with details of the reconciliation of the Council's Social Housing stock in progress and completions.</p> <p>The Housing stock 2019/20 completions were finalised at 73. However, in the preceding year's audited accounts the original report was of 29 units. Audit Committee requested reconciliation of the 2019/20 number with the capital expenditure in that year of £17.299m on new social housing provision.</p> <p>The Executive Director Place, Kevin Anderson, presented this report highlighting the main sections contained within the report providing clarity on the difference in the housing numbers and advised that houses are only added to the rental stock when construction completed and houses handed over for letting.</p> <p>Thereafter Mr Anderson responded to questions and comments raised providing clarity on cost to completion and that this was monitored by the Capital Plan Board. He also provided further details on the purchase of land and developers' contributions and how we can address the shortfall in the current year.</p> <p>The Chair advised that from the spreadsheet there is a good track on progress and the escalating costs is more for the Capital Plan Board to control and also noted that this was being monitored by Performance Review and Scrutiny Committee.</p>		
Decision		
The Audit Committee noted the reconciliation of Council's Social Housing stock in progress and completions		

6. Private Reports

No private reports were submitted.

7. Date of Next Meeting

The next meeting will be held on Tuesday 7 December 2021 at 11 am

The meeting terminated at 12.58 pm

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 7 December 2021	11.00am	MS Team – Virtual Meeting

Present:

Mike Ramsay (Independent Chair)
Councillor Cassidy
Councillor Hackett (Substitute)
Councillor Muirhead
Councillor Parry
Councillor Smaill
Councillor Hardie
Mr de Vink (Independent Member)

In attendance:

Grace Vickers	Chief Executive
Alan Turpie	Legal Services Manager/Monitoring Officer
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
David Gladwin	Financial Services Manager
Gary Thomson	Senior Accountant
Jill Stacey	Chief Internal Auditor
Myra Forsyth	Quality and Scrutiny Manager
Stephen Reid	External Auditor, E.Y.
Edel Ryan	Senior Manager, Protective Services
Janet R Ritchie	Democratic Services Officer

1. Welcome and Apologies

The Chair, Mike Ramsay, welcomed everyone to the meeting. Apologies were received from Councillor Milligan and it was noted that Councillor Hackett was substituting for Councillor Milligan.

2. Order of Business

The Order of Business was as outlined in the Agenda.

The Chair made reference to the new code of conduct for Councillors agreed by the Scottish Government which came into force today, Tuesday 7 December 2021 and previously circulated to Members by the Monitoring Officer. He highlighted that the previous code of conduct did not specifically reference comments regarding performance of employees and as this Committee frequently considers reports and findings that refer to the performance and operational management of the Council services this needs to be considered in particular the following clauses while conducting today's business:

3.7 I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 The minute of the meeting of 28 September 2021 was submitted and approved as a correct record having been proposed by Councillor Muirhead seconded by Councillor Smail.
- 4.2 The Action log was submitted and the following noted:
 - 1) Internal Audit Annual Assurance Report 2019/20 – Risk Management Policy and Strategy - March 2022 – on Agenda Item 5.7
 - 2) Financial Reports, Council Meetings: Reports with a financial element relevant to Audit are made available to the Independent Members of the Audit Committee – It was agreed that this item is now complete as a process is place for this action with Chief Officer, Corporate Solutions and Democratic Services – Completed.
 - 3) Internal Audit Recommendations – Agenda 28 September 2021 – Completed.

- 4) Report on reconciliation of Social Housing work in progress and completions – on Agenda 28 September 2021 - Completed
- 5) Property Maintenance – BTSG report - Mr Anderson advised the committee on the reasons why this report was delayed and it was noted that the report would be presented to the BTSG meeting on 24 January 2022 and that if appropriate would be referred on to the Audit Committee thereafter – Revised expected completion date March 2022.
- 6) Annual Audit Report to Members and the Controller of Audit – year ended 31 March 2021 - The implementation dates of EY recommendations range from March 2022 to September 2022, though a progress report will be prepared – January 2022.
- 7) Audit Scotland Fraud and Irregularity Update 2020-21 - A further meeting of the Integrity Group of officers is required to complete the counter fraud controls assessment for improvement and assurance purposes – January 2022.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Treasury Management Mid-Year Review Report 2021/22	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report was to inform members of the Audit Committee, and subsequently Council, of the Treasury Management activity undertaken during the first half of 2021/22 and the forecast activity for the second half of 2021/22 in accordance with the Treasury Management and Annual Investment Strategy approved in February 2021. It also provided an update to the Treasury and Prudential Indicators for 2021/22.</p> <p>The Audit Committee was invited to comment on this report before it was presented to Council. In particular, Audit Committee should note the following recommendations which are proposed to be put to Council on 14 December 2021:-</p> <ol style="list-style-type: none"> a) Note the report and the treasury activity undertaken in the period to 30 September 2021, as outlined in Section 5; b) Note the forecast activity during the second-half of the year as outlined in Section 6; c) Approve the technical revisions to the Prudential Indicators in Section 7 of this report. <p>Mr Fairley provided an overview of the main sections contained within the report and advised that the Audit Committee consider the report prior to being presented to Council. He thereafter responded to questions and comments raised by Members of the Committee.</p>		

Decision
The Audit Committee noted the recommendations as detailed which will be presented to Council on 14 December 2021.
Action
Chief Officer Corporate Solutions

Report No.	Report Title	Presented by:
5.2	CIPFA Financial Management Code	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The Purpose of this report was to introduce the CIPFA Financial Management Code and the findings of the self-assessment that had been undertaken.</p> <p>The Financial Management Code (FM Code) produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) was designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. For the first time, the FM Code sets out the standards of financial management for local authorities. The FM Code is based on a series of principles supported by specific standards which are considered necessary to provide the strong foundation to:</p> <ul style="list-style-type: none"> Financially manage the short, medium and long-term finances of a local authority. Manage financial resilience to meet unforeseen demands on services. Manage unexpected shocks in their financial circumstances. <p>Mr Fairley presented this report outlining the main details contained within the report and highlighted the key principles and actions. Thereafter Mr Fairley responded to questions and comments raised by the Committee providing clarity on the Self-assessment process.</p>		
Decision		
<p>The Audit Committee noted:</p> <ul style="list-style-type: none"> The assessment and improvement actions arising from the self-assessment against the CIPFA FM Code; An annual progress report will be presented to CMT. 		
Action		
Chief Officer Corporate Solutions		

Report No.	Report Title	Presented by:
5.3	Internal Audit Work to October 2021	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to provide members of the Audit Committee with details of the recent work carried out by Internal Audit and the findings and recommended audit actions agreed by Management to improve internal controls and governance arrangements.</p>		

The Internal Audit Annual Plan 2021/22 was approved by the Audit Committee on 9 March 2021. Internal Audit has carried out work associated with the delivery of the Plan to meet its objective of providing an opinion on the efficacy of the Council's risk management, internal control and governance.

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

The Chief Internal Auditor, Jill Stacey, presented this report highlighting the main sections contained within the report and outlined the key messages of assurance and areas of improvement. This included findings and recommendations from Q1 2021/22 Internal Audit review of Risk Management, with reference to other related items on the agenda.

Thereafter Chief Officer Place and Chief Internal Officer responded to questions and comments raised regarding Roads Maintenance advising on the benefits of implementing an improved asset management system.

Decision

The Audit Committee:

- a) Considered 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.

Report No.	Report Title	Presented by:
5.4	Internal Audit Mid-Term Performance Report 2021/22	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to inform the Audit Committee of the progress Internal Audit has made, in the first 6 months of the year to 30 September 2021, towards completing the Internal Audit Annual Plan 2021/22. It also summarises the statutory obligations for Internal Audit and requirements of the Public Sector Internal Audit Standards.</p> <p>Internal Audit provides assurance to Management and the Audit Committee on the effectiveness of internal controls and governance within the Council.</p> <p>The Internal Audit Annual Plan 2021/22 that was approved by the Audit Committee on 9 March 2021 sets out the audit coverage for the year utilising available Internal Audit staff resources to enable the Chief Internal Auditor, as the Council's Chief</p>		

Audit Executive (CAE), to provide the statutory annual internal audit opinion regarding the adequacy and effectiveness of internal control within the Council.

The report provides details of the half yearly progress by Internal Audit with its programme of work and highlights changes that require approval to reflect the changing risks arising from Covid-19.

The Chief Internal Auditor presented this report outlining that Internal Audit has made reasonable progress in the first half of the year towards completing the approved Internal Audit Annual Plan 2021/22, despite lower than planned Internal Audit capacity.

Decision

The Audit Committee:

- a) Noted the progress Internal Audit has made with activity in the Internal Audit Annual Plan 2021/22 by the mid-year point;
- b) Confirmed that it is satisfied with the performance of the Internal Audit service provision.

Report No.	Report Title	Presented by:
5.5	Internal Audit Follow-up of Recommendations Progress	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this report was to provide an update to members of the Audit Committee on the status of the implementation by Management of audit recommendations made and agreed in Internal Audit reports.</p> <p>Internal Audit is an independent appraisal function established for the review of the internal control system as a service to Midlothian Council. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources and the management of risk.</p> <p>The Internal Audit activity adds value to the organisation (and its stakeholders) when it considers strategies, objectives, and risks; strives to offer ways to enhance governance, risk management and control processes (by way of making audit recommendations); and objectively provides relevant assurance. The Remit of the Audit Committee includes "To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions", as part of its high level oversight of the Council's governance, risk management and control framework.</p> <p>The Chief Internal Auditor presented this report highlighting the main sections contained within the report and progress made by Management in implementing the audit recommendations as detailed within the report.</p>		
Decision		
<p>The Audit Committee:</p> <ul style="list-style-type: none">a) Acknowledge the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, to		

mitigate risks, and consider whether it is satisfied with the progress made by Management; and
b) 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:
5.6	Risk Management Update, Quarter 2 2021/22	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report was to provide Audit Committee with an update on the risk responses Midlothian Council has implemented during Quarter 2 2021/22 to respond to the current risk climate; and to provide assurance that Midlothian Council took a proportionate and planned approach to prepare and respond to each of the identified risks.</p> <p>The Chief Officer Place, Derek Oliver, presented this report to the Audit Committee highlighting for the Council the critical Strategic issue is COVID and the highest Strategic Risks were Early Years Expansion and the Scottish Child Abuse Inquiry and also provided details on the Strategic Opportunities to the Council as set out in the report.</p> <p>Thereafter Mr Oliver responded to questions and comments raised by members of the committee relating to the UK exit from EU confirming there was no significant impacts regarding operations but remain mindful of any EU exit implications on the local economy.</p> <p>Also raised was the two Capital projects, Midlothian Energy and Destination Hillend, and having a direct focus on these two major projects. Mr Oliver and Mr Anderson in responding advised that with regards to the Risk Management strategy these would be given consideration and both these projects would be included in the future quarterly reporting, it was also highlighted that Destination Hillend due to the size of this project had its own Risk Register.</p> <p>There followed a discussion regarding UK exit from EU and the reporting of any impacts relevant to the Local Authority.</p>		
Decision		
The Audit Committee noted the current risk landscape and organisational response to the most significant risks in Quarter 2 2021/22.		
Action		
Chief Officer Place		

Report No.	Report Title	Presented by:
5.7	Draft Risk Management Policy and Strategy	Chief Officer Place
Outline of report and summary of discussion		
<p>Mr Oliver advised that the draft Risk Management Policy and Strategy was presented to provide assurance to Members that a review of Risk Management is underway. The Strategy reflects the approach and process that the Council undertakes and identifies in managing risk together with its revised objectives.</p> <p>Mr Oliver provided an update on the new Risk Management and Resilience Group which has a strategic oversight on all strategic risks and he provided further details on some of the main items contained within the report.</p> <p>He further advised that the purpose of highlighting this version at this stage was to test these proposals in the coming weeks and also to request feedback from this committee for consideration in the next version with a view to finalising this Strategy in the New Year.</p> <p>The Chair highlighted that on reviewing this he had expected the management of risks would be risk score related and that risks that nothing could be done about should perhaps only be reported on yearly whereas medium risks perhaps quarterly and high/critical risks monthly. There followed a brief discussion relating to this and Mr Oliver advised that this would be given consideration and it was agreed that perhaps only the risks where there has been a change in or any emerging risks should be reported on a monthly basis although it was confirmed that the risks would continue to be monitored by Officers. It was also confirmed by the Chief Internal Auditor that Internal Audit would also be involved in the Risk Management and Resilience Group as a critical friend and would continue to work with Derek and his Managers with regards to the review and update of the Risk Management Policy and Strategy. The Chair also highlighted that guidance for those assessing risks should be included so they had a framework to assess where the impact comes.</p>		
Decision		
The Audit Committee noted the report and provided feedback for consideration.		
Action		
Chief Officer Place		

6. Private Reports

No private reports were submitted.

7. Date of Next Meeting

The next meeting will be held on Tuesday 25 January 2022 at 11 am

The meeting terminated at 12.58 pm

Minute of Meeting



General Purposes Committee

Date	Time	Venue
23 November 2021	10.00 am	Virtual via MS Teams

Present:

Councillor Munro (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor McKenzie	Councillor Russell
Councillor Wallace	Councillor Winchester

In attendance:

Alan Turpie, Legal Services Manager / Monitoring Officer
Emma Padden, Solicitor
Janet Ritchie, Democratic Services Officer

1. Apology

An apology for absence was intimated on behalf of Councillor Muirhead, Councillor Parry and Councillor Milligan.

Apologies were also received from Inspector Alan Struthers, Police Scotland.

Mr Turpie advised that Police Scotland are not required to attend to speak to their objections but if the committee wish they can defer any of the items listed to the next meeting. It was agreed to continue with this meeting.

2. Order of Business

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

3. Declarations of interest

Councillor Curran declared that he had a personal business interest therefore he would leave the meeting.

4. Minute of Previous Meeting

The Minute of Meeting of 12 October 2021 was submitted and having been proposed by Councillor Imrie, seconded by Councillor Hackett were unanimously approved 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 Renewal of Private Hire Car Driver's Licence - D Innes

6.2 Grant of Private Hire Car Driver's Licence – D Pryde

The meeting terminated at 10.22 am

Minute of Meeting



Local Review Body

Date	Time	Venue
Tuesday 26 October 2021	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Muirhead
Councillor Smail	

In Attendance:

Derek Oliver, Chief Officer Place	Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
Alison Ewing Planning Officer	Whitney Lindsay, Planning Officer
Hugh Shepherd, Planning Officer	Mike Broadway, Democratic Services Officer
Andrew Henderson, Democratic Services Officer	

1 Apologies

Apologies for absence had been received from Councillors Curran, Lay-Douglas, McKenzie, Milligan and Munro.

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 Meeting held on 14 September 2021 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land at 6 Lugton Brae, Dalkeith (20/00695/DPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.1 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request by APT Planning and Development, 6 High Street, East Linton seeking, on behalf of their clients Mr & Mrs C Flockhart, a review of the decision of the Planning Authority to refuse planning permission (20/00695/DPP, refused on 10 March 2021) for the erection of dwellinghouse; alterations to existing boundary walls; erection of gates and retaining walls on land at 6 Lugton Brae, Dalkeith and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 10 Ashbank, Vogrie Road, Gorebridge (20/00375/PPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.2 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request by Liston Architects, 1 Summerhall, Edinburgh seeking, on behalf of their		

client Mr D Givan, a review of the decision of the Planning Authority to refuse planning permission in principle (20/00375/PPP, refused on 31 August 2020) for the erection of a dwellinghouse on land at 10 Ashbank, Vogrie Road, Gorebridge and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 18-20 Edinburgh Road, Penicuik (20/00562/DPP).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice dismissing a review request by Zander Planning Ltd, Clyde Office 2nd floor, 48 West George Street, Glasgow, seeking, on behalf of their clients A F Noble and Sons a review of the decision of the Planning Authority to refuse planning permission (20/00562/DPP, refused on 18 June 2021) for the erection of retail (class 1) and food and drink (class 3) units, formation of car park, creation of external seating area and erection of fence and gates at 18-20 Edinburgh Road, Penicuik and refusing planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – 33 Mayburn Terrace, Loanhead (21/00032/DPP).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice dismissing a review request by Cockburn's Consultants, 1A Belford Park, Edinburgh seeking, on behalf of their client Mr J Ewen, a review of the decision of the Planning Authority to refuse planning permission (21/00032/DPP, refused 12 March 2021) for the subdivision of existing dwellinghouse to form two flatted dwellings and associated extension and external alterations at 33 Mayburn Terrace, Loanhead and refusing planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.5	Notice of Review – 10 Poplar Street, Mayfield (21/00481/DPP) – Determination Report.	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report dated 15 October 2021 by the Chief Officer Place, regarding an application from Mr G Burnett, 10 Poplar Street, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (21/00481/DPP, refused on 30 July 2021) for the formation of driveway; erection of retaining walls/fence (retrospective) at that 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 in terms of road safety and the free flow of traffic; concerns regarding the potentially detrimental impact that an overhanging vehicle might have were also considered; and possible ways in which these impacts might be mitigated through, for example, the parallel parking of any vehicle using the driveway to prevent overhanging were discussed. The LRB also discussed the need to address the visual impact of the fence should it be permitted to remain, to ensure it complement other wooden structures in the area in terms of its colouring.</p>		
Decision		
<p>After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The driveway can be accommodated at the application site without a detrimental impact on road safety; on the basis that limited traffic volumes use Poplar Street and the ability to park a vehicle on the driveway parallel to the carriageway (not perpendicular to it) and not overhanging or blocking the public footpath. The erected retaining wall and fence are acceptable features in the local urban setting.</i></p> <p>Subject to:</p> <ol style="list-style-type: none"> 1. A dropped kerb footway crossing shall be constructed at the vehicle entrance within 3 months from this grant of planning permission. The dropped kerb shall run the entire length of the site and be implemented to facilitate parallel parking. <p>Reason: <i>In the interests of road safety and the free flow of traffic.</i></p>		

2. Within 3 months of this grant of planning permission the timber retaining wall and erected fencing shall be painted/stained dark brown to complement the other fencing and timber structures in the locality. It shall be maintained dark brown unless otherwise agreed in writing with the local planning authority.

Reason: *In the interests of visual amenity.*

In reaching its decision to support the proposed development the Local Review Body also asked the Planning Advisor to make it clear to the applicant that it had done so on the basis that any vehicle parking on the driveway did not overhang the footpath causing an obstruction or hazard to other road/footpath users.

Action
Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 6 December 2021 at 1.00 pm.

The meeting terminated at 1.27 pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
Monday 6 December 2021	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor McKenzie	Councillor Muirhead
Councillor Munro	Councillor Smail

In Attendance:

Derek Oliver, Chief Officer Place	Matthew Atkins, Lead Officer Planning Obligations
Duncan Robertson, Lead Officer Local Developments	Whitney Lindsay, Planning Officer
Mike Broadway, Democratic Services Officer	Andrew Henderson, Democratic Services Officer

1 Apologies

Apologies for absence had been received from Councillors Lay-Douglas and Milligan.

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 Meeting held on 26 October 2021 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 10 Poplar Street, Mayfield (21/00481/DPP).	Matthew Atkins
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 26 October 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr G Burnett, 10 Poplar Street, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (21/00481/DPP, refused on 30 July 2021) for the formation of driveway; erection of retaining walls/fence (retrospective) at that address and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Notice of Review – Land at Former Petrol Filling Station, Biggar Rd, Hillend (21/00148/DPP) – Determination Report.	Matthew Atkins
Executive Summary of Report		
There was submitted report, dated 19 November 2021 by the Chief Officer Place, regarding an application from Gilberts, 39 Grassmarket, Edinburgh seeking, on behalf of their client C M Roofing and Building Ltd, a review of the decision of the		

Planning Authority to refuse planning permission (21/00148/DPP, refused 6 August 2021) for the erection of nine dwellinghouses, formation of car park and associated works on land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead.

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.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from George Gilbert, Gilberts (the applicant's agent) and then from Whitney Lindsay, the local authority Planning Officer; following which they both 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 discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development might have both in general terms but also more specifically in terms of road safety, given the objection from Transport Scotland and the need procedurally to refer the application to Scottish Ministers prior to any permission being issued, in the event that the LRB was minded to uphold the review request and grant planning permission. The applicants' acceptance of the suggested conditions detailed in the report and willingness to work with Officers was acknowledged, although it was felt by some Members that this would have been better done at the pre-application stage.

After further discussion, Councillor Alexander, seconded by Councillor Munro, moved to uphold the review request, and grant planning permission subject to the terms and conditions set out in the report.

As an amendment, Councillor Muirhead, seconded by Councillor Curran, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

On a vote being taken, three Members voted for the amendment and five for the motion, which accordingly became the decision of the meeting.

Decision

The LRB agreed to uphold the review request, and grant planning permission subject to:-

- (i) referral of the application to Scottish Ministers prior to any permission being issued, due the objection from Transport Scotland;
- (ii) a legal agreement to secure appropriate developer contributions. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant

<p>planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration; and</p> <p>(iii) the suggested conditions detailed in the report.</p>
Action
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review – 23 Larkfield Drive, Dalkeith (21/00542/DPP) – Determination Report.	Matthew Atkins
Executive Summary of Report		
<p>There was submitted report dated 19 November 2021 by the Chief Officer Place, regarding an application from Arkiplan Ltd, 28 Grahamsdyke Place, Bo'ness seeking, on behalf of their client Ms R Lewis, a review of the decision of the Planning Authority to refuse planning permission (21/00542/DPP, refused on 24 August 2021) for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith.</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; it being noted that it was at the rear of the property and also that a number of other neighbouring/nearby properties had dormer extensions of varying design and appearance, all of which led Members to the conclusion that, on balance, the scheme should be supported.</p>		
Decision		
<p>After further discussion, the LRB agreed to uphold the review request, and grant planning permission subject to the following condition:</p> <ol style="list-style-type: none"> 1. Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority. <p>Reason: <i>To safeguard the character of the application property and the visual amenity of the surrounding area.</i></p>		
Action		
Planning, Sustainable Growth and Investment Manager		

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 11 January 2022 at 1.00 pm.

The meeting terminated at 2.05 pm.

Minute of Meeting



Cabinet

Date	Time	Venue
19 October 2021	11.00 am	Held via Microsoft Teams

Present:

Councillor Muirhead – Depute Convener	Councillor Curran
Councillor Hackett	Councillor Imrie

Also Present:

Councillor Alexander	Councillor Johnstone
Councillor Lay Douglas	Councillor Parry
Councillor Wallace	Councillor Winchester

In attendance:

Dr Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Morag Barrow, Joint Director Health and Social Care
Fiona Robertson, Executive Director Children, Young People and Partnerships
Derek Oliver, Chief Officer Place
Grace Cowan, Head of Primary Care & Older People's Services
John Butcher, External Consultant - ASN & Inclusion
Myra Forsyth, Quality and Scrutiny Manager
Elaine Johnston, Policy and Scrutiny Officer
Saty Kaur, Executive Business Manager
Lynn Cochrane, Communications Team Lead
Marco Reece-Heal, Business Analyst
Ross Neill, Democratic Services Team Leader
Andrew Henderson, Democratic Services Officer,

1 Apologies

Apologies for absence had been received on behalf of Councillor Milligan (Convener) and Religious Representatives Vic Bourne and Elizabeth Morton. In the absence of the Convener, Councillor Muirhead assumed the Chair for this meeting.

2 Order of Business

The Order of Business was as detailed within the Agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

4.1 The Minute of the Meeting of the Cabinet held on 7 September 2021 was submitted and approved as a correct record.

4.2 Matters arising from previous minute - None

Additional - in Memory of David Amess (MP)

Councillor Muirhead (Chair) asked all present to join him and stand in a minutes silence in memory of David Amess MP who attacked and murdered while conducting his duties as an MP on Friday 15 October 2021.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Inspection of Midlothian Council Care at Home service Highbank Care Inspection Report	Director of Health and Social Care
Outline of report and summary of discussion		
<p>Highbank Intermediate Care facility is registered to provide care to a Maximum of 40 people over the age of 60, of which 6 will be respite/short breaks places (Respite care was suspended in line with Covid-19 guidance March 2020, and it should be noted that respite has not resumed in the facility at this time).</p> <p>The facility provides intermediate care which includes rehabilitation and assessment. Placements are usually short term before people move home or to another care setting managed under multidisciplinary/multi-agency team of professionals.</p> <p>There are three main aims of Highbank Intermediate Care:</p> <ul style="list-style-type: none">• Help people avoid going into hospital unnecessarily.• Help people to be as independent as possible following a stay in Hospital.• Prevent people from having to move into a Care home until they really need to.		

Following the recent inspection a report was published that details the areas of its findings and outlines areas for recommendation and/or requirements.

The inspection report grades the areas of inspection from 1 (Unsatisfactory) to 6 (Excellent). From this inspection this service was evaluated as follows:

How well do we support peoples wellbeing 4 Good

How good is our care and support during the 4 Good
COVID-19 pandemic?

Morag Barrow – Spoke to the report highlighting the excellent results and the consistency of work the staff have maintained during what has been a difficult time, she noted that Trip Hazard was noted as an area for improvement.

Chair Cllr Muirhead – Thanked Morag and her team for the excellent work and the recent inspection report.

Councillor Hackett – Agreed and highlighted further positive comments within the report itself.

Decision

Noted the content of the report

Agenda No.	Report Title	Presented by:
5.2	Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2020 - 21	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report is to inform Cabinet of the Council statement of compliance with its statutory climate change reporting duties for 2020/21, a copy of which is available in the CMIS Member's Library, and to recommend its submission to Scottish Government by the due date of 30 November 2021.</p> <p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"> (a) approves the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2020/21; and (b) agrees to the submission of the report to Scottish Ministers by 30 November 2021. <p>Derek Oliver – Spoke to the paper noting the focus on Estate and operations and asked for recommendations to be approved and submitted to the Scottish Government</p>		
Decision		
Agreed Unanimously		

Agenda No.	Report Title	Presented by:
5.3	Platinum Jubilee Public Holiday paper	Executive Business Manager Children Young People and Partnerships
Outline of report and summary of discussion		
<p>The authority is required to set school session dates each year with regard to statutory attendance.</p> <p>A scheme of session dates for Midlothian schools for the academic year 2021/22 was drawn up and approved by Council 16 June 2020.</p> <p>The report notes the UK Government's announcement of an additional holiday to mark Her Majesty The Queen's 70th anniversary as monarch in summer 2022 and thus seeks approval of an additional Public Holiday on Friday 3 June 2022 for schools.</p> <p>MNCT has agreed the session dates for 2021/22 which are attached to this report as Appendix B.</p> <p>Cabinet is requested to</p> <p>i. Following agreement by Council on 11 May 2021 to grant the Local Government Workforce an additional public holiday on Friday 3 June 2022 to mark the Platinum Jubilee of Her Majesty the Queen, Cabinet is asked to grant the same public holiday to those on SNCT terms and conditions</p> <p>John Butcher spoke to the item noting that after consultation with parents groups, teaching unions and staff feedback was positive for a public holiday on 3rd June 2022, Scottish ministers were also consulted and were content that the school years would be reduced from 190 days to 189.</p> <p>Work by all staff will ensure the impact to pupils is mitigated to reduce any disruption.</p> <p>Councillor Hackett – Queried the impact to support staff</p> <p>John Butcher – Confirmed there would be none as support staff would receive the public holiday</p>		
Decision		
Agreed Unanimously		

6 Private Reports

No items for discussion

7 Date of the Next

Tuesday 30th of November at 11.00 am

The meeting terminated at 11.15 am.

Minute of Meeting

Performance , Review and Scrutiny Committee
Monday , 21 September 2021



Performance, Review and Scrutiny Committee

Date	Time	Venue
21 September 2021	11.00 am	Held via Microsoft Teams

Present:

Councillor Johnstone (Chair)	
Councillor Alexander	Councillor Cassidy
Councillor Hardie	Councillor McKenzie
Councillor Parry	Councillor Lay Douglas
Councillor Smail	Councillor Wallace
Councillor Winchester	Councillor McCall

Also in Attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Morag Barrow	Joint Director Health and Social Care
Gary Fairley	Chief Officer Corporate Solutions
Derek Oliver	Chief Officer Place
Joan Tranent	Chief Officer Children's Services
Myra Forsyth	Continuous Improvement Manager
Grace Cowan	Head of Primary Care and Older Peoples Services
Jill Stacey	Chief Internal Auditor
Saty Kaur	Executive Business Manager
Elaine Johnstone	Policy and Scrutiny Officer
William Venters	Principal Solicitor
Ross Neill	Democratic Services Team Leader
Andrew Henderson	Democratic Services Officer

1 Apologies

Apologies for absence had been received on behalf of Councillor Russell

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 Performance Review and Scrutiny Committee held on 08 June 2021 was submitted and approved as a correct record.

Matters arising:

Concern was expressed by members regarding the lack of detail on actions resulting from the previous meeting contained within the minute. It was agreed that an action log would be formulated in addition to the minute for the Performance, Review and Scrutiny Committee going forward.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Adult Social Care Q1 Performance Report	Joint Director Health and Social Care
Outline of report and summary of discussion		
<p>The Adult Health and Social Care Q1 Performance report was submitted. The Head of Primary Care and Older Peoples Services highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by Elected Members.</p> <p>In response to the question regarding support for people with long term conditions and the encouragement of volunteers and family carers to ease the burden on formal statutory services, Morag Barrow advised that work was being conducted with carers and third sector organisations to encourage the improvement of physical activity and general support. A Wellbeing Lead and Voluntary Services Co-Ordinator have been recruited to improve the capacity of driving this forward.</p> <p>Following further questions from Members, Morag Barrow clarified that options were being assessed for the future of Gorebridge Leisure centre's role as a mass vaccination centres and that options about the use of Gorebridge after March 2022 were being explored. Morag Barrow acknowledged that Sport and Leisure are exploring options of how to offer services to leisure centre members as a result of facilities being prioritised for other uses, however stressed that the booster program would take priority.</p> <p>In response to the question submitted about the improvement, availability and expansion of the Cancer Journey Service and the need to secure future funding. Morag Barrow acknowledged the importance of the service and highlighted that</p>		

she was working with colleagues within the Midlothian Integrated Joint Board, NHS Lothian and the Western General Site to help develop cancer services.

Morag Barrow agreed to feedback to the respective Councillors regarding the back log of hours for unpaid work service users and the success rates of Police reducing the supply of illicit substances.

Decision

- Ms Barrow would provide feedback on the back log of hours for unpaid work service users
- Ms Barrow would provide feedback on the success rates of Police reducing supply of illicit substances
- To otherwise note the content of the report

Agenda No.	Report Title	Presented by:
5.2	Children's Service, Partnerships and Communities Q1 Performance Report	Chief Officer, Children's Services, Partnerships and Communities
Outline of report and summary of discussion		
<p>The Chief Officer Children, Young People and Partnerships highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by Elected Members.</p> <p>Following questions from members, Joan Tranent clarified that the GIRFEC (Getting It Right For Every Child) group was in place to mitigate the risk of child poverty. In addition plans regarding Domestic violence prevention were being discussed at the Public Protection Committee as part of a multi-agency forum.</p> <p>Joan Tranent advised that options were being explored to mitigate the impact of rising heating and food costs and that income maximisation officers to assist members of the public.</p> <p>Joan Tranent further advised that work was in progress regarding unpaid carer support in partnership with Adult Services and that schools would identify children who could be unpaid carers.</p>		
Decision		
Noted the content of the report		

Agenda No.	Report Title	Presented by:
5.3	Corporate Solutions Q1 Performance Report	Executive Director: Place
Outline of report and summary of discussion		
<p>The Corporate Solutions Q1 Performance Report was submitted. The Chief Officer: Corporate Solutions highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by Elected Members.</p> <p>The Corporate Solutions Q1 Performance Report was submitted. The Chief Officer: Corporate Solutions highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and</p>		

thereafter answered questions raised by Elected Members.

Following questions from members, Gary Fairly advised that with regard to the decentralisation of rent payment centres, Council rent could be paid for via the same mechanism as Council tax and that the latter had been sustained throughout the pandemic and that the option for Card payments was to be rolled out.

In answer to the question regarding the local procurement of goods, Gary Fairley advised that the local award of contracts had been limited despite efforts made to encourage local suppliers and that there had been limited success in the context of delivering a joint procurement service with neighbouring local authorities. Gary Fairly advised that following this Midlothian Council has proceeded to recruit a Chief procurement officer.

It was noted that problems with the 'customer service platform' resulted from issues surrounding remote working and software has since been implemented to ensure that voicemail's are transcribed to email if left un opened.

In response to a question regarding the 'Tell us once' service, Kevin Anderson advised that there had been difficulties with the National Registers of Scotland during the pandemic and that Midlothian Council had also been receiving calls from other the local authority areas however these calls have since been redirected and that there was recruitment being conducted to improve call capacity.

Gary Fairley advised that he intended to bring a report to the next Council Meeting to cover financial reserves and highlighted that the Cabinet Secretary had explained to the Scottish Government public finance committee that the aim was to publish a Scottish Government budget in December and that decisions would then be made based on the Local Government Settlement at February council through the Business Transformation Steering Group. Gary Fairley noted that the Future Capital Program was funded via Section 75 contributions from housing developers, government grants and potential borrowing.

Kevin Anderson highlighted that there was a diminishing customer base for housing benefit following the implementation of universal credit but that housing benefits remained for homeless clients. Gary Fairley agreed to seek further clarification regarding the increase of corporate complaints during quarter 1.

It was noted that benefit collection rates had remained buoyant following the end of the furlough scheme and that collection levels were continuing to be monitored. Joan Tranent advised that the methods to access the essential food fund had been advertised at schools and social work centres. Derek Oliver agreed to feedback with regards to specific businesses that had been approached as part of the business gateway.

Decision

- Mr Fairley would provide further clarification regarding the increase of corporate complaints during Quarter 1.
- Mr Oliver would feedback with regards to specific businesses that had been approached as part of the Business Gateway.
- To otherwise note the content of the report.

Agenda No.	Report Title	Presented by:
5.4	Education Q1 Performance Report	Executive Director: Children, Young People and Partnerships
Outline of report and summary of discussion		
The Education Q1 Performance Report was submitted. The Executive Director: Children, Young People and Partnerships highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report.		
Decision		
Noted the content of the report		

Agenda No.	Report Title	Presented by:
5.5	Place Q1 Performance Report	Executive Director: Place
Outline of report and summary of discussion		
<p>The Place Q1 Performance Report 1 was submitted. The Executive Director: Place highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and answered questions raised by Elected Members.</p> <p>With regard to the receipt of hot meals for students above Primary 4, Kevin Anderson confirmed that Primary 1 too Primary 4 continued to be catered and that plans to reintroduce this after the October half term break were being considered where possible noting restrictions to the school estate and staff distancing measures among other considerations. Kevin Anderson further advised that food supply and security are dependent on a range of local suppliers and that the impact of Brexit to the supply chain is being monitored via the Brexit oversight group.</p> <p>In response to a question referencing whether the costings of future homes and construction projects had been completed, Kevin Anderson advised that costings had been completed although Kevin Anderson advised that the initial costings did not take the issues of the present inflation to the cost of materials into account. Kevin Anderson highlighted that, to date, these had been covered with contingent values and that further options regarding contingencies and resilience would be brought to Council and the all Member Seminar. It was also highlighted that the estimate from the Treasury and the Bank of England was that the rate of inflation would be short lived to the end of the calendar or financial year although interim measures could still be considered to ensure that construction projects remained on target or that the impact of inflationary pressures was limited.</p> <p>In response to a question regarding the perceived need for labour Kevin Anderson advised that Midlothian Council had not seen much of an impact with regard to the demand on HGV drivers and advised a career pathway had been developed however, he couldn't guarantee there would not be an impact in the future but that work was being done to mitigate this.</p> <p>When asked as to why £18 Million had been spent on housing in 2020 with only 29 houses built, Kevin Anderson noted that this figure also included acquisitions and land bank investments and confirmed that a full breakdown would be brought to the</p>		

next audit committee.

Kevin Anderson advised on the lack of movement to the average homeless time and the fact that people staying in tenancies for longer periods of time. He also advised on the availability of alternative housing options, including shared accommodation and that the extension of the areas of choice through the housing allocation policy should assist with this.

In answer to a question regarding property turnaround times following a change of tenant. Kevin Anderson advised that Midlothian Council used the turnaround period to complete essential work's to minimise the impact on new tenants. It was highlighted that there was a limited stock of wheelchair adapted housing and that matching was dependent on the area of choice.

Decision

Noted the content of the report.

Post meeting note from Executive Director: Place to Councillor McCall

'Further to question submitted by Councillor McCall at PRS Committee in respect of the support being provided through the Housing First initiative.

I advise that is provided in a way ensures the principles of Housing First are met; which meets the needs and wishes of the individual, consequently the number of hours provided may reduce or increase over through the duration of the tenancy.

In addition to support to set up/establish the tenancy and get it off to a positive start, the support provided by the Housing First support provider (WithYou) is intended to compliment other support provided by other specialist providers across a range of services i.e. substance misuse, and mental health, with a view improving individual outcomes.

As an example in August almost 120 hours of support was provided to 21 Housing First tenants. 58 hours provided as pre- tenancy or settling in support to 8 people. 48 hours was provided as on-going support to 13 people who are more established in their tenancy. This ongoing support ranged from 25 minutes for one person to 435 minutes for another (the remaining hours are allocated to admin tasks such as attending selection meetings and the SMS huddle meeting).'

.....
Councillor Lay Douglas left the meeting at 12:45

Agenda No.	Report Title	Presented by:
5.6	Midlothian Council Report Q1	Chief Executive
Outline of report and summary of discussion		
The Midlothian Council Report Q1 was submitted. The Chief Executive was heard in amplification of the report after which she answered questions raised by Elected Members. With regard to the £3.3 million attached to bus partnership Grace Vickers advised that an update had been provided to the citadel partnership and that this would be forwarded to Democratic Services for circulation.		
Thereafter, Councillor McKenzie, seconded by Councillor Parry moved for approval of the creation of a subcommittee aimed at (a) managing the risks and concerns to local authorities (b) monitoring the regulatory impacts of Brexit (c) the of Brexit impact on number of EU migrants (d) the increase of costs to buy goods. As an		

amendment, Councillor Smaill, seconded by Councillor Winchester, moved defer this to standing order working group. On a vote being taken by way of a roll call vote, 7 votes were cast for the Motion and 2 for the amendment with 1 abstention.

William Venters, Principal Solicitor advised that further guidance from the monitoring officer should be sought to ensure that (a) the establishment of a subcommittee was not ultra vires and (b) that the issues highlighted were not already covered by the relevant working group.

Decision

- a) Clarification to be sought from the monitoring officer with regards to the creation of subcommittee.
- b) To note the contents of the report.

6. Private Reports

No items for discussion

7. Date of Next Meeting

Tuesday 2 November 2021 at 11 am

The meeting terminated at 1.12pm.

Minute of Meeting

Performance Review and Scrutiny Committee
Monday 13 December 2021



Performance, Review and Scrutiny Committee

Date	Time	Venue
2 November 2021	11.00 am	Held via Microsoft Teams

Present:

Councillor Johnstone (Chair)	
Councillor Cassidy	Councillor Hardie
Councillor Lay Douglas	Councillor McCall
Councillor McKenzie	Councillor Parry
Councillor Russell	Councillor Smail
Councillor Wallace	Councillor Winchester

Also in Attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Executive Director Place
Alan Turpie	Legal Services Manager/Monitoring Officer
Morag Barrow	Joint Director Health and Social Care
Fiona Robertson	Executive Director Children, Young People & Partnerships
Derek Oliver	Chief Officer Place
Joan Tranent	Chief Officer Children's Services
Myra Forsyth	Continuous Improvement Manager
Grace Cowan	Head of Primary Care and Older Peoples Services
Nick Clater	Head of Adult and Social Care Services
Janet Ritchie	Democratic Services Officer
Andrew Henderson	Democratic Services Officer

1 Apologies

Apologies for absence had been received on behalf of Councillor Alexander.

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

Councillor Parry raised Action Log point 7 and asked for further clarification from the Monitoring Officer of the information he had circulated to Members.

The Monitoring Officer, Alan Turpie confirmed that the Performance Review and Scrutiny Committee could create a sub-committee of this group which could ask for specific reports or ad hoc reports on how the Council was managing various impacts and consequences of the EU exit. However as the increase in costs to buy goods is a financial matter, this would fall outside the remit of the Performance Review and Scrutiny Committee and would be reflected in the Financial Monitoring reports which are presented to Council.

During discussion it was clarified that at the last meeting a vote took place for the creation of a sub-committee of the Performance Review and Scrutiny Committee and by the way of a roll call vote, 7 voted for this and 2 voted against with 1 abstention. The committee debated the benefits of a sub-committee and all the Members of the Performance Review and Scrutiny Committee being part of this sub-committee. After a lengthy discussion on the purpose of this sub-committee and the membership it was agreed that the sub-committee would be created consisting of 6 members from the Performance Review and Scrutiny Committee and chaired by the Chair of the Performance Review and Scrutiny Committee, Councillor Johnstone. It was agreed that each group would feedback to Mr Turpie their nominations for membership of this sub-committee by Wednesday 3 November 2021. It was further clarified that, following advice from the Monitoring Officer, the remit of the sub-committee would be as follows:

To review actions taken to mitigate the effects of EU exit in relation to the delivery of the Council's policy objectives with particular reference to:

- (a) the risks and concerns to local authorities;
- (b) the regulatory impacts of Brexit; and
- (c) the impact of Brexit on the number of EU migrants.

- 4.1 The Minute of the Meeting of the Performance Review and Scrutiny held on 21 September 2021 was submitted and it was agreed that due to inaccuracies within the minute that this minute would be amended and it would be submitted to the next meeting of Performance Review and Scrutiny Committee for approval.

4.2 Action Log

There was no further discussion regarding the action log as all other actions contained within the Action Log had been completed prior to the meeting and the relevant information had been circulated.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Inspection of Midlothian Council Care at Home Service	Joint Director Health and Social Care
Outline of report and summary of discussion		
<p>This report provided an overview of the recent unannounced Care Inspectorate report for Highbank Intermediate Care facility. Following the recent inspection a report was published that details the areas of its findings and outlines areas for recommendation and/or requirements. The inspection report grades the areas of inspection from 1 (Unsatisfactory) to 6 (Excellent). This inspection report graded the areas as follows:</p> <ul style="list-style-type: none">• How well do we support peoples wellbeing - 4 Good• How good is our care and support during the COVID-19 pandemic? 4 Good <p>Overall the care inspectorate evaluated that staff were good at supporting people's wellbeing. There were important strengths with some areas for improvement.</p> <p>Councillors expressed concern regarding the title and recommendation in the report and the Joint Director of Health and Social Care, Morag Barrow acknowledged the error on the title but confirmed that the correct report had been submitted and apologised that the recommendation had not been amended for this meeting.</p> <p>The Head of Primary Care and Older Peoples Services, Grace Cowan in presenting this report highlighted the good results as detailed in the report and advised that there were two recommendations from this inspection and one previous area for improvement outstanding in relation to falls assessment.</p> <p>Thereafter in responding to a question raised in relation to the previous area of improvement regarding falls assessment, Ms Cowan confirmed that there was a Falls Strategy and plan in place within the Care Home and that the recommendation was to improve on this. She further advised that this work was part of the Falls Group and that they were also awaiting on the National Falls Plan recommendations, which are taken down into local level but were affected by the response to the pandemic. She confirmed that she could not provide information at this time with regards to the details regarding falls, minor or major, during the time from the last report to this report.</p>		
Decision		
To note the content of the report		

6. Private Reports

No items for discussion

7. Date of Next Meeting

Monday 13 December 2021 at 11 am

The meeting terminated at 11.39 am

Minute of Meeting



Planning Committee

Date	Time	Venue
Tuesday 23 November 2021	1.00 pm	Via MS Teams

Present:

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

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Legal Services
James Gilfillan	Consultant Policy and Planning
Mike Broadway	Democratic Services Officer

1. Apologies

Apologies for absence were intimated on behalf of Councillor Milligan.

2. Order of Business

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

Prior to the start of the formal business, in response to a question from Councillor McCall, the Clerk explained the circumstances which had led to the agenda document pack requiring to be re-issued following the unfortunate and unintended omission of one of the agenda items. The Committee noted the position.

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 October 2021 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan and Newtongrange Conservation Area Character Appraisal and Management Plan	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to seek agreement to undertake a formal consultation on; the draft 'Conservation Area Character Appraisal and Management Plan' for the Eskbank and Ironmills Conservation Area, attached as Appendix A to the report; and separately the draft 'Conservation Area Character Appraisal and Management Plan' for the Newtongrange Conservation Area, attached as Appendix B to the report.</p> <p>The Planning Manager, in response to Members comments, highlighted that Dalkeith & District, Eskbank & Newbattle and Newtongrange Community Councils, along with other relevant local community groups, would be notified of the consultations and would be invited to make comment, although he acknowledged they may require additional assistance to do so. Comments regarding the possible inclusion of addition information regarding the protection of trees were also taken on board.</p>		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none">• Approved the draft Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan and the draft Newtongrange Conservation Area Character Appraisal and Management Plan for consultation;		

<ul style="list-style-type: none"> • Noted that comments received through the proposed consultations would be reported back to the Committee; and • Authorised the Planning, Sustainable Growth and Investment Manager to make any necessary minor editing and design changes to the draft Conservation Area Character Appraisal and Management Plans prior to publication.
Action
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Supplementary Guidance: Low Density Rural Housing	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to seek agreement to undertake a formal consultation on proposed Supplementary Guidance on ‘Low Density Rural Housing’.</p> <p>The draft Supplementary Guidance: a copy of which was appended to the report, set out additional guidance to support developers in preparing planning applications for housing development on the designated sites allocated under MLDP policy RD2: Low Density Rural Housing. It included:</p> <ul style="list-style-type: none"> • Detail on the layout and design sought for the development of the sites; • Details on the landscape and biodiversity requirements, including a list of acceptable plant species to be utilised and features of biodiversity interest to be retained or enhanced; • Details on public access arrangements; • The nature of associated business uses and longer-term management matters in relation to Low Density Rural Housing; and • Information on the provision of water and drainage at the sites and any potential flooding matters. 		
Decision		
<p>The Committee:</p> <ul style="list-style-type: none"> • Approve the draft Low Density Rural Housing Supplementary Guidance for consultation; and • Noted that a further report would be brought forward for consideration following the conclusion of the proposed consultation period. 		
Action		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Presented by:
5.3	Application for Planning Permission for 46 Dwellinghouses, Formation of Access Roads and Car Parking and Associated Works at Land at the former Wellington School, Penicuik (20/00144/DPP)	Peter Arnsdorf

Outline of report and summary of discussion
<p>This application was for planning permission for the erection of 46 dwellinghouses, formation of access roads and car parking and associated works at land at the former Wellington School, Penicuik.</p> <p>The Committee, having acknowledged the issue raised earlier in the meeting by Councillor McCall regarding the later circulation of the application report, gave consideration to her further suggestion that there would be merit in visiting the site prior to determining the application. In discussing the practicalities and also any potential implications arising from such a course of action, Members sought clarification on a number of issues from the Planning Manager.</p>
Decision
<p>After further discussion, the Committee agreed to continue consideration of the application to allow a site inspection visit to take place.</p>
Action
<p>Planning, Sustainable Growth and Investment Manager/Democratic Services</p>

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday 11 January 2022 at 1.00pm

The meeting terminated at 1.31 pm

Minute of Meeting

Police Fire and Rescue Board
Monday 20 December 2021



Police and Fire and Rescue Board

Date	Time	Venue
30 August 2021	11.00 am	Virtual Meeting by MS Teams

Present:

Councillor Smaill (Chair)
Councillor MCall
Councillor Muirhead
Councillor Parry

In Attendance:

Midlothian Council	Derek Oliver, Chief Officer Place
	Janet Ritchie, Democratic Services Officer
Police Scotland	Superintendent Debbie Forrester
	Chief Inspector Arron Clinkscales
Scottish Fire and Rescue Service	Stephen Gourlay, Area Commander
	Andy Anderson, Group Commander

1. Welcome, Introduction and Apology

An apology for absence was intimated on behalf of Councillor Curran and Councillor Munro.

In the absence of the Chair, Councillor Smaill was nominated as Chair by Councillor McCall and seconded by Councillor Parry

2. Order of Business

The order of business was as per the Agenda circulated.

3. Declarations of interest

There was no declarations of interest received.

4. Minute of Previous Meeting

The Minute of Meeting of 31 May 2021 was submitted and approved as a correct record subject to the following spelling error, it should read Superintendent Mertes not Mettes.

Matters Arising: With regards to Item 5.2.2 Fly Tipping Derek Oliver in responding to a question raised regarding Fly tipping advised that a report was presented to Council on developing a Midlothian Environmental Crime Strategy and that in partnership with neighbourhood services a new Midlothian Neighbourhood and Environment Improvement group had been set up.

5. Public Reports

Agenda No.	Report Title	Presented by:
5.1	Midlothian Quarter 1 Scrutiny Performance Report	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
<p>The performance report provided information on the prevention, protection and operational response activities within the Midlothian for Quarter 1 of 2021-22 (1st April – 30th June 2021) including information on the year to date.</p> <p>The Scottish Government provided an overarching vision for public services. This vision supported by 16 National Outcomes, which demonstrate commitment to creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable growth. The Scottish Fire and Rescue Service (SFRS) can make a significant contribution to improving these outcomes for Midlothian by contributing to the Community Planning arrangements across the area.</p> <p>Stephen Gourlay in presenting this report highlighted the new legislation relating to domestic dwellings smoke detectors. He further advised that there is a requirement that all households must meet the new standards of the housing Act by February 2022.</p>		

With regards to COVID recovery response phase he advised that there is still reduction in staff due to self-isolations but acknowledged this was not as bad as previous but did still cause some issues, however at the moment this was not relevant to Midlothian at this time.

Thereafter Stephen Gourlay responded to questions regarding the cost to households on the interlinked alarms and heat detectors in kitchens. Derek Oliver also commented on the Council properties having the interlinked alarms and ensuring that these were all up to the new standard. Messages were also being pushed on Social Media regarding this.

Andy Anderson then highlighted the 6 key indicators and advised on the measures over the last 5 years. He then provided a more detailed update on each of the key indicators from the local Performance Plan for Midlothian and an update on the Prevention and Protection Activities and Partnership Working as detailed in Appendix 1 to the report. He also provided information on a Bus which had been developed by inmates and run by ex-offenders which would be visiting Midlothian schools. He advised although this was open to any child, it was specific to children who may be going down the offender pathway and that the feedback on this had been very positive.

He further advised on the National Campaign on reducing Fire Alarm Signals and that Stephen Gourlay would provide a brief presentation on reducing Unwanted Fire Alarm Signals (UFAS).

Thereafter Officers responded to questions and comments with regards derelict buildings and risk of fires and water related incidents and provided an update on the national initiative on raising water awareness and the partnership working with the Police and Scottish water in raising this awareness at Gladhouse and Glencorse reservoirs where the water rescue teams were in attendance showing equipment and raising the profile of safety measure around water.

Further discussion took place on smoke alarms and the implications of the new legislation. Also discussed was the issues with parking at Gladhouse Reservoir and it was acknowledged while there can be a number of cars parked no particular issues had been raised and the water rescue team had managed to get in and out without any issues, it was also noted that Gladhouse is owned by Scottish Water and Wildlife Trust. With regards to wild swimming and paddle boards it was confirmed that as well as the attendance at these sites on raising water awareness a water safety campaign with various organisations was getting pushed over social media.

Decision

The Board noted the content of the report

Agenda No.	Report Title	Presented by:
5.2	Fire Service – Update on live consultation for Unwanted Fire Alarm Signal (UFAS)	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
Stephen Gourlay provided the committee with a brief presentation on reducing Unwanted Fire Alarm Signals (UFAS) and the 12 week public consultation which was in process and highlighted the three options in the public consultation and the key stages in the implementing the preferred option. He also advised that the public consultation was on the SFRS website and that the Service wanted to ensure that there was full participation on the consultation.		
Decision		
To note the presentation.		

Agenda No.	Report Title	Presented by:
5.3	Midlothian Area Commander Quarter 1 Report	Police Scotland
Outline of report and summary of discussion		
<p>Superintendent Debbie Forrester in introducing this report commented on ECR and 111 call handling and the difficulty within the performance reporting to break this down into different areas but this would be presented to the Policing Performance Committee on 1 September 2021.</p> <p>Superintendent Forrester provided details on the following before responding to questions comments raised by Members.</p> <ul style="list-style-type: none"> • COP 26 climate conference and the impact on policing and partners during October and November 2021. • The increase in drug death and the rise in Midlothian. • Recruitment resourcing • Dalkeith Custody Facility – pilot Dalkeith Custody used as a remote site processing custodies, date still to be secured. • Changes to the report where data presented would be a 5 year average. <p>Arron Clinkscales then highlighted the main points contained with the Executive summary and advised that the weekly meetings with Mr Oliver and the exceptional partnership working would continue.</p> <p>He then spoke to the Quarter 1 report providing a brief update on each separate category of crime within the report highlighting some of the main challenges and also some of the good partnership working in Midlothian. He also advised that a new Counter Terrorist Officer has been appointed.</p> <p>There followed a discussion where Arron Clinkscales and Superintendent Forrester responded to questions and comments regarding Domestic abuse, Fireworks, Sectarianism and Social Media.</p>		
Decision		
The Board noted the contents of the Report.		

Agenda No.	Subject Matter	
5.4	Request to consider date of November Meeting	
Outline of report and summary of discussion		
A request had been received from Superintendent Debbie Forrester regarding the next date of the Police Fire and Rescue Board and if this could be rearranged due the impact the COP 26 climate conference will have on services during 29 October and 19 November 2021. A brief discussion took place and it was agreed that to consider changing this date until a date in December 2021 and identified 20 December 2021 as a possible date.		
Decision		
The Board agreed to change the date of the November meeting and to pass to Councillor Curran, Chair to consider 20 December 2021 at 11 am for this meeting.		
Action		
Councillor Stephen Curran, Chair		

The meeting terminated at 13.00 pm

