

Notice of Meeting and Agenda



Midlothian Council

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 21 March 2023

Time: 11:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services

Clerk Telephone:

Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

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1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Deputations

No items for discussion

5 Minutes

5.1	Minute of Midlothian Council 21 February 2023	5 - 28
5.2	Minute Volume Index	29 - 30
5.3	Action Log - Council 21 March 2023	31 - 34

6 Questions to the Council Leader

7 Motions

7.1	Motion by Councillor Scott, seconded by Councillor Bowen - Redacted	35 - 36
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8 Public Reports

8.1	Appointment of Depute Provost of Midlothian Report by Executive Director, Place	37 - 40
8.2	Midlothian Licensing Board – Appointment of Member Report by Executive Director, Place	41 - 44
8.3	Proposed Revised Schedule of Meeting Dates for August – December 2023 Report by Executive Director, Place	45 - 50
8.4	Fees and Charges 2023-24 Report by Executive Director, Place	51 - 80
8.5	Covert Surveillance Report by Executive Director, Place	81 - 116

8.6	Mavisbank House Report by Executive Director, Place	117 - 128
8.7	Tender Returns – Temporary Units (various) Report by Executive Director, Place	129 - 142
8.8	Midlothian Pupil Intake August 2023 Report by Executive Director, Children, Young People and Partnerships	143 - 170
8.9	Scottish Child Abuse Inquiry - Report by Chief Social Work Officer and Chief Officer Children's Services, Partnerships and Communities	171 - 182
8.10	Midlothian Council Football Pitch Needs Assessment Report by Executive Director, Place	183 - 212
8.11	Gladhouse Reservoir - Clearway Order Report by Executive Director, Place	213 - 216
8.12	Roads Operations Report by Executive Director, Place	217 - 232
8.13	Midlothian Orbital Route - Case for Change & Preliminary Options Appraisal Report by Executive Director, Place	233 - 250
8.14	Building Maintenance Service Report by Executive Director, Place	251 - 280
8.15	Beeslack CHS and Penicuik HS LEIP Report – To Follow	

9 Private Reports

No items for discussion

10 Date of Next Meeting

The next meeting will be held on 9 May 2023



Midlothian Council

Date	Time	Venue
21 February 2023	11.00 am	Council Chambers, Midlothian House

Present:

Provost McCall (Chair)	Depute Provost McManus
Councillor Parry – Council Leader	Councillor Cassidy – Depute Council Leader
Councillor Alexander	Councillor Bowen
Councillor Curran	Councillor Drummond
Councillor McEwan	Councillor Imrie
Councillor McKenzie	Councillor Milligan
Councillor Pottinger	Councillor Russell
Councillor Scott	Councillor Smaill
Councillor Virgo (video link)	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
Alan Turpie, Monitoring Officer	David Gladwin, Acting Chief Financial Officer (Section 95 Officer)
Joan Tranent, Chief Officer Children's Services, Partnerships and Communities	Fiona Clandillon, Head of Development
Derek Oliver, Chief Officer Place	Saty Kaur, Acting Chief Officer Corporate Solutions
Sinead Urquhart, Education Executive Business Manager	Michelle Strong, Education Chief Operating Officer

Ross Neill, Democratic Services Team Leader (Minutes)
Janet Ritchie, Democratic Services Officer

Religious Representatives:

1. Welcome and Apology for Absence

The Provost welcomed everyone to the meeting, advising that this meeting was a public meeting and would be webcast live.

2. Order of Business

The Provost made a change to the Order of Business allowing colleagues to remember and pay tribute to the late Alex Bennett who had previously served as a Councillor for Midlothian.

Councillor Parry led tributes to Mr Bennett who served as a Midlothian Councillor for many years. She passed on her condolences on behalf of all to the family. She recalled working with Mr Bennett noting the many public causes he was committed to, in particular those of the mining community.

Councillor Milligan described Mr Bennett as an inspirational figure to all who knew him. He added that those sentiments were reflected in the large public turnout for Mr Bennett's funeral.

Councillor Russell and Councillor Curran added their own tributes to Mr Bennett.

3. Declarations of interest

All groups provided a declaration of transparency in relation to various 3rd sector and community groups that receive support from individual Councillors.

4. Deputations

Report No.	Report Title	Report by:
4.1	School Captains of Lasswade High School - Letter to the Council	Mr Gibson and Ms Gilmour
Outline of Report and Summary of Discussion		
<p>The Provost welcomed the Captains of Lasswade and Newbattle High Schools. She also welcomed all other student representatives, one from each of the Midlothian schools and invited the two spokes people, Mr Gibson (Newbattle Community High School) and Ms Gilmour (Lasswade High School) to address the Council.</p> <p>Mr Gibson thanked the Council for allowing him and his fellow students to attend and speak directly to them. He began by thanking Councillors for securing the teacher numbers.</p> <p>Ms Gilmour spoke about her and her fellow pupils' concerns and the effect some of the proposed budget cuts would have on extra-curricular activities.</p>		

She highlighted that these activities were crucial to young peoples' growth and development.

Both speakers raised various concerns about where cuts would be made and to what service. These included transportation cuts, taxi service cuts and music tuition. They added that the latter, music tuition, helps to build confidence and widens horizons, it also allows those pupils from lower income families access to this type of activity.

Ms Gilmour stated that underfunding education affects the next generation and limits options to those who wish to attend further education.

Both acknowledged the need for producing a balanced budget. Mr Gibson concluded with a quote from Malcolm X, "*Education is the passport to the future, for tomorrow belongs to those who prepare for it today*".

Councillor Parry thanked all the young people for attending today.

There were no questions.

Decision
All to note
Action
None

5. Minutes of Previous Meetings

Report No.	Report Title	Report by:
5.1	Minute of Council	Executive Director Place
Outline of Report and Summary of Discussion		
Moved by Councillor Parry Seconded by Councillor Cassidy		
Decision		
All to note		
Action		
None		

Report No.	Report Title	Report by:
5.2	Minute of Special Council 31 January 2023 for approval	Executive Director Place
Outline of Report and Summary of Discussion		

Councillor Drummond highlighted for accuracy that during 8.1 (on p.38 and p.39) Councillor Milligan requested the Council Leader write to the Scottish Finance Minister to seek a cross party meeting involving trade unions and that Councillor Parry had confirmed she was happy to do so either through the Business Transformation Steering Group (BTSG) or via Group Leaders.

Councillor Smaill noted an inaccuracy on p.38, regarding reference to the article in the Midlothian Advertiser. He clarified that at the previous meeting he had stated the article was accurate not inaccurate as currently recorded. The quote was from an MSP who had said Midlothian been prioritised.

Minute as amended moved by Councillor Parry
Seconded by Councillor Cassidy

Decision

All to note

Action

Amend Minute for accuracy – Democratic Services

Report No.	Report Title	Report by:
5.3	Minute Volume Index Midlothian Council 21 February 2023	Executive Director Place
Outline of Report and Summary of Discussion		
Moved Councillor Parry Seconded Councillor Cassidy		
Decision		
N/a		
Action		
N/a		

Report No.	Report Title	Report by:
5.4	PRIVATE Minute Volume Index Midlothian Council 21 February 2023	Executive Director Place
Outline of Report and Summary of Discussion		
Councillor Milligan raised a concern with the accuracy of the minute. He suggested to the Provost that as it was in the private minute, he would raise it during the private section of this meeting.		
Decision		
N/a		
Action		
N/a		

Report No.	Report Title	Report by:
5.5	Action Log - Council	Executive Director Place
Outline of Report and Summary of Discussion		
No comments		
Decision		
All to note		
Action		
None		

6. Questions to the Leader of the Council

None

7. Notices of Motion

None

8. Reports

Report No.	Report Title	Report by:
8.1	Financial Monitoring 2022-23 – General Fund Revenue Q3 Report	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		
<p>The purpose of this report is to provide Council with information on projections of performance against service revenue budgets in 2022/23 and to provide commentary on areas of material variance against budget. The projected budget performance figures as shown in appendix 1 result in a net underspend of £1.592 million for the year which is a £0.150 million improvement on the position at quarter 2 reported to Council on 15th November. The projected underspend is 0.58% of the revised budget.</p> <p>The projected General Fund Balance at 31st March 2023 is £6.049 million, of which £0.259 million is earmarked for specific use.</p> <p>The projection of the General Fund Balance at 31st March 2023 is predicated on the ongoing financial impact of the Covid-19 pandemic continuing to be met from the available funding, whether ring fenced for specific purposes, or from general funding provided.</p> <p>Mr Gladwin spoke to the report highlighting key areas, asking Councillors to note the recommendations before taking questions.</p> <p>Councillor Parry thanked Mr Gladwin and his team. She welcomed the report noting that it highlighted the need for all to focus. A variance in the cost of the public holiday proposed this year and the similar public holiday last year was</p>		

queried. Mr Gladwin explained the difference reflected the variation in services that would be operating during this public holiday.

Councillor Smaill asked whether or not the winter budget had been used up. Mr Gladwin confirmed that a small overspend had been projected. The end of year position will depend on the weather for the remainder of the year.

Councillor Parry moved the paper
Councillor Cassidy seconded

Decision

Council agreed to :-

- a) Note the projected financial position for the General Fund Reserve in financial year 2022/23 and the associated risks with projections at this stage in the year; and otherwise
- b) Note the contents of the report.

Action

None

Report No.	Report Title	Report by:
8.2	Housing Revenue Account – Revenue Budget and Capital Plan 2022-23 Q3 Report	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		
<p>The report provides a summary of expenditure and income to the end of quarter 3 in 2022/23 for the Capital Plan and a projected outturn for both the Revenue Account and Capital Plan for 2022/23.</p> <p>It also contains an update on the Capital Plan and Revenue budget 2023/24 - 2025/26 which reflects approval of the recommendation to increase rents by 4.8% (as presented to Council today in the Housing Revenue Account (HRA) - Rent Setting Strategy 2023-24 – 2025/26 paper at agenda item 8.3).</p> <p>The projected financial performance for 2022/23 is:</p> <ul style="list-style-type: none">• Capital Investment in the year totalling £41.400 million;• A net overspend of £0.103 million on the Revenue Account;• A projected HRA general reserve at 31st March 2023 of £31.990 million. <p>The HRA Capital Plan 2023/24 - 2025/26 provides for:</p> <ul style="list-style-type: none">• £110.644 million for Phases 2 - 4 of New Build Social Housing;• £77.640 million for a further Phase 5 of New Social Housing;• £19.618 million for investment in Energy Efficiency Standards in Social Housing; and• £66.425 million for other investment in existing stock and off-market purchases. <p>The Revenue Budget reflects:</p> <ul style="list-style-type: none">• An update of the multi-year financial model;• A 4.8% rent increase as presented to Council today in the Rent Strategy paper at agenda item 8.3;		

- A projected HRA Reserve of £35.769 million at 31st March 2024, which will be required to finance the majority of approved investment commitment and is projected to reduce to £2.256 million at 31st March 2038.

Mr Gladwin presented the report noting the key points and figures before highlighting the recommendations, in particular I and II, then invited questions from the members.

Councillor McKenzie congratulated Mr Gladwin and his team noting the current level of inflation and rises to energy prices affecting the figures.

Councillor Smaill also thanked Mr Gladwin and his team. He asked if the projected 1000 new homes target was slipping and could Midlothian still make this target. Mr Anderson responded that it is projected that 661 homes would be completed this year. He added however there is the potential that the target will be missed due to external factors.

Councillor McKenzie moved the paper
Councillor Milligan seconded

Decision

Council agreed to :-

- I. Approve the Housing Revenue Account (HRA) Capital Plan for 2023/24 - 2025/26 as detailed in Appendix E.
- II. Approve the HRA Revenue Budget for 2023/24.
- III. Note the indicative HRA Revenue Budget for 2024/25 and 2025/26 as detailed in Appendix F; and otherwise
- IV. Note the remaining contents of this report.

Action

None

Report No.	Report Title	Report by:
8.3	Housing Revenue Account – Rent Setting Strategy 2023-24/ 2025-26	Executive Director Place
Outline of Report and Summary of Discussion		
<p>This report presents the Rent Setting Strategy for Midlothian Council housing from April 2023 which will support the continuing investment in the Council's existing housing stock as well as a significant programme of refurbishment, while also determining the level of new build investment beyond the Council's current social housing programme commitment.</p> <p>Mr Anderson spoke to the report highlighting the investment in housing stock and refurbishment. He added that cost of living considerations feature in the recommendations and options presented.</p> <p>Councillor McKenzie thanked the team, noting the inflation pressures.</p> <p>Councillor Curran raised the issue of energy efficiency and the practicality of retrofitting some of the current housing stock.</p>		

Mr Anderson responded that various options are being considered and that there are some properties with challenges to retrofit. These options will be presented later this year in the Strategic Housing Implementation Plan (SHIP).

Councillor McKenzie moved the report at 4.8% rise to rent
Councillor Parry seconded

Decision

Council agreed the Rent Setting Strategy with a 4.8% rise in rent.

Action

None

Report No.	Report Title	Report by:
8.4	General Services Capital Plan 2022-23 Quarter 3 Monitoring, and 2023-24 to 2026- 27 Budgets	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		
<p>The report contains an update of the General Services Capital Plan incorporating information on further additions to the Capital Plan for approval (Section 3);</p> <ul style="list-style-type: none"> • Information on the projected performance against budget for 2022/23 (Section 4); • Forecast expenditure and income for the General Services Capital Plan for 2022/23 through to 2026/27 (Section 5) • An update on the Capital Fund (Section 6). <p>Mr Gladwin spoke to the report explaining further related information was also contained within 8.8 on the meeting's agenda.</p> <p>There were a number questions from Councillors including the current challenge presented within the figures and the effects of inflation on funds. Mr Gladwin confirmed all the figures are scrutinised externally and the challenge is to limit the impact to manageable levels.</p> <p>Councillor Parry moved the report Councillor McKenzie seconded</p>		
Decision		
<p>The Council agreed to:-</p> <ol style="list-style-type: none"> a) Note the inclusion of the projects listed in Section 3.1 in the General Services Capital Plan; b) Approve the adjustment to the project expenditure and funding budgets for the projects as outlined in Section 3.2; c) Approve the addition of the new projects to the General Services Capital Plan, as outlined in Section 3.3; d) Note the forecast outturn for 2022/23 for expenditure, funding and borrowing as outlined in Section 4; 		

e) Note the possible expenditure and funding levels in the General Services Capital Plan for 2022/23 to 2026/27 (as outlined in Section 5 and shown in Appendices 1 and 2), prior to reaching a financially sustainable outcome from the Capital Plan Prioritisation exercise.
Action
None

Report No.	Report Title	Report by:
8.5	Treasury Management and Investment Strategy 2023-24 and Prudential Indicators	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		
<p>The purpose of this report to Council is to provide an update on the implementation of the Council's Treasury Management and Investment Strategy (TMIS) 2022/23, and to make recommendations to facilitate consideration of the 2023/24 Strategy, specifically the TMIS for 2023/24, the 2021 update to the Prudential and Treasury Management Codes, the Prudential and Treasury indicators contained therein, and the approach to the statutory repayment of loans fund advances.</p> <p>In accordance with the Treasury Management Code of Practice, the annual TMIS and Prudential Indicators report is required to be adequately scrutinised before being recommended to the Council. For Midlothian, this role is undertaken by the Audit Committee, with this report being presented to Audit Committee on 7 February 2023, and approved as presented.</p> <p>Mr Gladwin spoke to the report confirming that the Audit Committee had scrutinised the strategy. These figures reflect existing services as they operate at the moment, future changes are inevitable. For decision are the recommendations A & E.</p> <p>Mr Gladwin then invited questions.</p> <p>Councillor Parry asked why Midlothian had slipped to 5th in the benchmark across other Local Authorities noting that previously Midlothian was 1st or 2nd. Mr Gladwin responded that without knowing or understanding other Local Authority strategies it would be difficult to say.</p> <p>There was a short discussion among members concerning evaluation of future ethical investments.</p> <p>Councillor Parry moved the paper Councillor Milligan seconded</p>		
Decision		
<p>Council agreed to:-</p> <p>a) Approve the restriction of the Authorised Limit to the value of the Capital Financing Requirement at 31 March 2024 (£472.662 million), pending finalisation of the General Services Capital Plan Prioritisation;</p>		

- b) To note the ongoing review in respect of incorporating Environmental, Social and Governance (ESG) criteria into the decision making process for making deposits, and that officers will continue to monitor and evaluate emerging approaches as the marketplace develops;
- c) Note that there are no other material changes proposed to the Treasury Management and Investment Strategy (TMIS) for 2023/24 from the strategy currently in place, other than to update the Prudential Indicators (Section 5 and Appendix 2), to reflect the revised capital plans;
- d) Note the retention of the current approach for the repayment of loans fund advances as outlined in Section 7; and
- e) Accordingly approve the Treasury Management and Investment Strategy for 2023/24.

Action

None

Report No.	Report Title	Report by:
8.6	Service Concessions Report	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		
<p>This report is to provide Council with information on the changes permitted to how councils account for the repayment of debt on service concessions and to seek approval to implement the change.</p> <p>Re-profiling of debt in relation to Public-Private Partnerships (PPP) and similar contracts would mean a retrospective gain of £20.463 million and an annual benefit of £2.608 million starting in 2023/24 rising to £3.649 million in 2027/28 and profiled annually as shown in the “Total (reduction) / cost” column in Appendix B.</p> <p>While there will be extra costs after the PPP contracts end these can be managed within budget no longer required to pay for PPP unitary charges.</p> <p>As the retrospective benefit is on an accounting basis, in order to use this to spend on real expenditure items, the council will have to fund this. Funding this will result in lost interest from short term deposits from short-term surplus cash flow generated funds and grant receipts in advance, phased depending on the timing of applying retrospection.</p> <p>The approach proposed in this paper demonstrates that implementing the service concessions guidance is:</p> <ul style="list-style-type: none"> • Affordable – Ongoing costs of repaying debt after the end of the PPP contract are affordable from the remaining net PPP budget. Any impact of lost income on deposits can be managed within Loan Charges budgets; • Sustainable – The Loan Charges Budget can be maintained at close to current levels and the generation of the retrospective benefit helps sustain the council budget for a period of time; • Prudent – the approach better matched the costs of repaying debt to the useful lives of assets. <p>Mr Gladwin introduced the report during which he explained the lifecycle of PPP’s, drawing attention to the table within the report where this was demonstrated, he</p>		

added that extending their period does come at a cost. He reminded councillors of the briefing held previously. He concluded that Members were being asked to approve recommendations A & E, all others were for noting.

Councillor Parry moved the report and its recommendations. She noted this was a one off situation and did not add additional cash funding.

Councillor Pottinger queried whether the time period of Dalkeith School campus was 25 or 30 years before the asset became Midlothian Councils'. Mr Gladwin and Mr Turpie concurred that the time period was 30 years.

Councillor Smaill raised the issue of how we achieve better quality repairs, using potholes as an example. He asked to discuss out with the meeting with relevant officers.

Councillor Smaill seconded the report

Decision

Council agreed to:-

- a) Approve implementation of the guidance on Service Concession Arrangements (SCA) as detailed in section 3.1 with effect from 1st April 2023;
- b) Note the retrospective benefit of £20.463 million to the end of 2022/23 (section 3.15) and the recurring in year saving of £2.608 million in 2023/24 rising to £3.649 million in 2027/28 recognising that whilst this does not release cash (contractors do not refund any payments), it means that the Council's General Fund Reserve increases;
- c) Note that additional costs incurred in years beyond the contract terms of Public Private Partnership (PPP) arrangements can be met from PPP unitary charge budget released (section 3.19);
- d) Note that the cost of borrowing to access the retrospective funds released by implementing SCA guidance and also the in-year benefits can be met from surplus cash flows that are routinely placed on short term deposit in accordance with the Councils Treasury Management and Investment Strategy. The cost of this is estimated to be £0.147 million in 2023/24 rising to £0.795 million in 2027/28 (section 3.24); and
- e) Approve that the utilisation of retrospective benefits is applied prudently on an equal basis over the term of the existing Medium Term Financial Strategy (MTFS) through to 2027/28 to help delivery of achieving longer term financial sustainability as approved by the Business Transformation Steering Group.

Action

None

Report No.	Report Title	Report by:
8.7	Medium Term Financial Strategy – 2023-24 to 2027-28	Acting Chief Financial Officer
Outline of Report and Summary of Discussion		

The main purpose of this report is to provide Council with the budget position for 2023/24 to allow discharge of their statutory duties to set a balanced budget for 2023/24. The report also provides budget projections for financial years 2024/25 through to 2027/28.

Commentary is provided to members on the latest position on Scottish Government funding for Midlothian Council in 2023/24 and government timescales to finalise this.

Business Transformation Steering Group (BTSG) approved savings proposals and future planning assumptions around the use of service concession retrospection partially bridge the budget gap.

The remaining budget gap for 2023/24, after reflecting BTSG recommendations, is £7.836 million rising to £27.452 million by 2027/28. Approval of all savings measures presented in Appendix B reduce the remaining gap to £2.883 million in 2023/24 rising to £18.016 million by 2027/28.

An increase in Council Tax of 5% in 2023/24 generates additional recurring income of £2.990 million thus generating a small budget surplus of £0.107 million in 2023/24 rising to a projected gap in 2027/28 of £15.026 million.

The budget surplus of £0.107 million is earmarked within the General Fund to support ongoing transformational work that is crucial to delivering a long term financially sustainable position for the Council.

The use of one-off measures to balance the 2023/24 budget does not contribute to the underlying financial challenge of bridging the gap between recurring expenditure and income to reach a financially sustainable position for Midlothian Council.

Recommendations -

- a) Note that at its meetings of 9th and 14th February 2023 the BTSG further considered savings measures necessary to support delivery of a balanced budget for 2023/24;
- b) Consider recommendations from BTSG that Council approves:
 - i. Savings proposals to increase fees and charges income by £0.274 million as detailed at section 3.39 below;
 - ii. Savings proposals to increase fees and charges by £0.038 million as detailed at section 3.40 below and in proposal number five in appendix B;
 - iii. Removal of small grants of £0.089 million as detailed in proposal number 31 in appendix B;
 - iv. The phased application of retrospective service concessions equally over a five year period with £4.093 million in years 2023/24 to 2026/27 and £4.091 million in 2027/28 (section 3.44).
- c) Approve an allocation to Midlothian Integration Joint Board for 2023/24 of £57.926 million in respect of delegated services (subject to final confirmation of the distribution of Scottish Government funding to support additional cost pressures) (section 3.38);
- d) Note that after incorporating BTSG approved measures in recommendation (b) above that the remaining budget gap for 2023/24 is £7.836 million;

- e) Approve the updated savings proposals of £4.953 million in 2023/24 rising to a full year impact of £9.436 million in 2025/26 as presented at Appendix B;
- f) Approve an increase in the Band D Council Tax of 5% in 2023/24 thus generating an additional £2.990 million additional income. Revised Council Tax bandings are shown at Appendix E;
- g) Approve that the remaining budget surplus in 2023/24 of £0.107 million is set aside to support transformational work required to reach ongoing financial sustainability;
- h) Note that the financial outlook remains challenging for this term of Council with the projected budget gap of £15.026 million by 2027/28 (Table 7);
- i) Note the recommendation of the external Auditor that, “as a matter of urgency, officers and elected members need to work together to develop and agree the medium-term financial strategy and progress the Council’s transformation plans”. The auditor also observed that “The Council continues to demonstrate good financial management arrangements and control of the in-year budget, including understanding of the ongoing impact of Covid and other financial pressures”;
- j) Note the latest position on Scottish Government funding for Local Authorities and the associated grant settlement for Midlothian Council;
- k) Note the outcome from the budget consultation that has taken place as detailed in appendix D; and
- l) Otherwise, note the remainder of the report.

Amendment to 8.7 agreed at a Special BTSG meeting held earlier that morning was presented to the Council –

BUSINESS TRANSFORMATION STEERING GROUP AMENDMENT to 8.7 MEDIUM TERM FINANCIAL STRATEGY 2023-24 TO 2027-28

1. Accept recommendations a), b), d), f), g) and h)
2. Delete recommendation c) and e) and replace with the following: The Cross-Party Business Transformation Steering Group recommend to Council that the following measures be approved

Remaining Gap per Council Report		£m
BTSG 21st February Approved Proposals		7.836
4. Seek to reduce net cost of benefits by 6%	-0.070	
10. Reduce shrub bed maintenance	-0.036	
11. PPP School closures during holidays	-0.040	
18. Public Toilets closure	-0.081	
23. Trading Standards Regional Collaboration, Efficiencies & Income Generation	-0.090	
24. Cease the Night Security Service at Stobhill Depot	-0.150	
25. Remove 5FTE Grade 1 Cleaners	-0.125	
26. Land Services Review	-0.075	
35. Third Party Contracts Review	-0.500	
37. Admin Review	-0.034	
39. 1% DSM Budget	-0.400	

41. Transformation of the School Week - estimated £1.5m from 24/25	0.000	
47. Continuous Improvement Team	-0.028	
48. Internal Audit	-0.055	
		-1.684
46 Reduction in offer to Midlothian Integration Joint Board		-1.333
New BTSG proposed savings		
Communities and Lifelong Learning Review	-0.250	
Communications review	-0.050	
Parking Fines to achieve full cost recovery	-0.100	
Roads Maintenance - replace maintenance costs with £2.5m capital expenditure per annum for 5 years	-0.300	
Additional Loan Charges from additional £2.5m Capital Spend	0.037	
		-0.663
Gap		4.156
Council Tax increase of 5%		-2.990
Gap		1.166
Pay Flexibilities (up to £1.8m although need to consider £1.333m MIJB reduction in this context)		0.000
Covid Budget (up to £2.5m)		-1.166
Loans Fund Principal (up to £2.9m)		0.000
Balance		0.000

3. Add a new recommendation

- i) the Cross-Party Business Transformation Steering Group recommend to Council that the remaining measures outlined in appendix B (pages 229—300) which are not contained in recommendation 1 and 2 above be brought back to Council no later than June 2023 in the form of an updated Medium Term Financial Strategy Transformation Programme. Members of the Business Transformation Steering Group recommend that a number of transformation projects should be delivered at pace in the form of 6 month sprints.

4. Increase Brown Bin Charges to £40 from 2024/25

Mr Gladwin introduced the report with the main focus on financial year 2023 to 2024 and follows on from reports presented to Council in December 2022 and January 2023. Mr Gladwin noted the national funding position for Local Government for 2023/24 and the impact on Midlothian. He highlighted the main changes of which teachers' pay was previously not included in the Local Government finance settlement and Midlothian Council's share is £656k. He also referenced the Scottish Governments' position on maintaining teacher numbers. Mr Gladwin further explained that Scottish funding figures are not final. The final figure is expected later this week. Due to the fluidity of current pay negotiations the budget for 2023/24 carries a higher risk than normal.

Mr Gladwin highlighted the sections of the report that covered the funding gap. Mr Gladwin referred to the Scottish Government guidance on the amount of funding for Integrated Joint Boards as stated in the Deputy First Minister's letter.

Mr Gladwin also referred to the recent agreement reached at the BTSG meeting, in which some of savings proposed were agreed. BTSG also recommended the removal of the savings proposal to reduce teacher numbers as this was now undeliverable without penalties. He confirmed the public consultation had been completed.

Mr Gladwin stated that the current and future financial climate will be very challenging in the coming years.

Council was asked to approve –

Recommendation B to accept the BTSG recommendation

Recommendation C to approve an allocation to the Midlothian Integration Joint Board

Recommendation E to approve updated budget proposals

Recommendation F to increase Band D Council tax by 5%

Recommendation G to set aside the small surplus to assist with transformation work to reach financial sustainability

Council was asked to note the remaining recommendations.

Mr Gladwin then invited questions from Councillors.

Councillor Parry thanked all colleagues for the hard work and the very difficult decisions that had to be taken. She also thanked the community for their engagement with the public consultation. Councillor Parry explained that from the feedback received, and summarised the budget proposals, noting that other Groups may also wish to reflect on these during the meeting.

She confirmed that some budget saving proposals put forward by Council Officers need further work, in some cases this does not mean that they are completely off the table but that members recognise that they need to find a different way to deliver that service, work with communities or in some cases take further difficult decisions. Therefore Councillors feel that proposals to reduce staff in libraries and school libraries and move to e-books for the next financial year deserve more thought and they have not taken this saving forward for this financial year. Similarly they feel strongly about supporting and working with bus companies to increase their service to Midlothian, and this work cannot be realised, so in order to move ahead Council will continue to invest in community transport funding, supported bus travel and the savings assigned for school and ASN transport this year have not been taken by Councillors.

She confirmed that they are acutely aware of the impacts from the third sector from other proposals such as non-statutory early years funding, these have not been taken, and while there may be different models of working in the future, that is one that has not been taken today. She also confirmed that regarding the third sector funding, to the recipients of the three year grants that are funded up until 2025, they are not affected by today's budget. Members do think the Council can work towards better models of third sector partnership working but that work will now be focused ahead of 2025 and a letter of comfort to that effect was sent to recipients

of large grants last Friday, however but given the recent misguided or otherwise publicity on third sector funding, she felt that this was important to point out.

Councillor Parry went on to say that the Council has an opportunity to increase its income through advertising revenue and as entrepreneurial group of Councillors, they have been focused on that work.

She confirmed that there are some savings proposals where advertising/sponsorship might be a solution but they cannot be realised for this year so therefore proposals for school crossing patrols, gala days and Christmas lights have been removed. Young people are the future of Midlothian as has been heard so passionately this morning. Young people have said overwhelmingly that music tuition is important to them so councillors have not taken that saving proposals forward nor have they removed P4 swimming provision.

There are some savings that will be taken forward such as transforming the school week making it fit for modern purposes particularly for senior pupils and to implement changes in terms and conditions of teacher's contract time and as Mr Gladwin set out Council will not take forward the proposal to reduce teacher numbers today. On the issue of St Matthew's Primary School, the Council's vision is to have a joint campus with Rosewell Primary and for it to retain its identity and provision and that is something that can be hopefully explored in the future, however there is clearly much more work to do on this proposal. Councillors do not feel like they can take this proposal forward today.

Other issues that the public fed back included public safety and the environment so the Council will continue to invest in the Midlothian Community Action Team, Penicuik recycling centre, grass cutting, Trading Standards and Midlothian Rangers this year, instead Council has targeted Land Services for a budget reduction. As Midlothian is still recovering from Covid and still fully need to investigate what impact this has had on the leisure facilities as well as increased competition in some places, Council will continue to investigate in Gorebridge and Newtongrange leisure facilities as well as remove the proposal to reduce overtime.

Councillor Parry confirmed the other proposals not taken forward today include out of hours gritting and Dalkeith Bowling Club saving reductions. As part of the cross party amendment agreement was to take forward saving proposals on PPP school closures during school holidays, public toilets, night security, third party contract review, 1% DSM budget and remove the continuous improvement team and internal audit vacancies. Other saving proposals have been added from the cross party working discussions for example parking fines to achieve full recovery. The removal of these proposals must however be balanced financially within the restraints of our budget and so it is proposed to increase Council Tax by 5%. The Council will continue to fund the welfare rights services.

Councillor Parry moved the amendment.

Councillor Milligan stated this was the most challenging budget in his career. He added that many of the cuts were being delayed, he felt by 2027/28 those cuts would far larger. He commended the pupils from the school delegation. He spoke of the income that Midlothian receives, 77% of which is the Council grant. He stressed the need to focus on urging the Scottish Government to properly fund Midlothian Council.

Councillor Milligan raised the issue of certain sectors within the budget being ring fenced and the severe impact this had on other services the Council provides. He felt there would be a need to work closely with 3rd sector partners as no one wants to see any of them disappear. He thanked Mr Gladwin and his team for their work, he commended fellow councillors for their work, reiterating that all parties must continue to work together alongside MSP colleagues to push that Midlothian receives fair funding.

Councillor Milligan seconded the amendment and also asked Council to note that the additional £2.5 million capital was for road and land services.

Councillor Virgo addressed the chamber via video link. He thanked his fellow leaders and concurred with much that had already been said. He stated that the budget and savings today would provide time to develop greater efficiencies in the services delivered. Councillor Virgo added that all members shared a commitment for Midlothian to continue to be a great place to live.

Mr Turpie clarified that the expectation of the Integrated Joint Board proposal would be a reduction in the offer not an expectation of a variation during the financial year, citing clause 9.9 of the Integration scheme.

Councillor Parry confirmed this had been discussed earlier at the BTSG and all present understood.

Mr Gladwin referred to the BTSG amendment that noted recommendation G was to be deleted.

Councillor Winchester noted her disagreement with the £1.3 million to be withheld from the Midlothian Integrated Joint Board (MIJB), she felt this would create problems in the future and she wished her dissent on this point to be noted.

Councillor Smaill also wished his dissent raising his concern that the budget did not reflect the reality of the Hillend investment.

The Provost added her thanks to Mr Gladwin and his team for all the work they have done.

Decision

Council agreed :-

As per the amendment

Action

The Cross-Party Business Transformation Steering Group recommend to Council that the remaining measures outlined in appendix B (pages 229—300), which are not contained in recommendation 1 and 2 in the amendment be brought back to Council no later than June 2023. This will take the form of an updated Medium Term Financial Strategy Transformation Programme.

Report No.	Report Title	Report by:
8.8	Capital Plan Prioritisation – Update Report	Executive Director Place

Outline of Report and Summary of Discussion

This report sets out the requirement to reduce the level of Prudential Borrowing required to support the delivery of the approved capital plan. The report sets out the collaborative process that has been taken to review and prioritise the Capital Plan and the outcomes of this process. With a target of £71.901m of Prudential Borrowing reduction, the prioritisation process has removed, or deferred, the requirement to borrow £10.604m against the above target to date.

Mr Anderson introduced the report and methodology adopted in the ranking exercise, adding that further work needed to be done for prioritisation decisions to achieve the target, he then deferred to Ms Clandillon.

Ms Clandillon spoke to the report noting the achievement of a reduction in capital expenditure of £10.6 million. There is ongoing work with services to reduce the loan charge cost to 3%, adding this was an ambitious target. In terms of the capital plan there were requirements that needed to be delivered, in particular those with statutory requirements attached.

Councillor Imrie asked about the imminent report on further work and would it be ready for March, as these costs would have an impact on further decisions. Mr Anderson acknowledged the impact that report would have, responding that it was not feasible to have a report ready for March Council.

Councillor Scott suggested a more creative approach to capital projects by moving small short term projects forward while larger ones are on hold. She gave examples of sound proofing for schools and Additional Special Needs (ASN) provision facilities. Councillor Scott added that there was an argument for purchasing land now to facilitate some of these smaller projects.

Councillor Smaill asked about the outstanding statutory obligations, asking what projects needed to be carried out and which did not. He welcomed a further report on this as soon as possible.

Mr Anderson stated that the paper could be considered further at BTSG, part of which would lend itself to statutory considerations.

Responding to questions Ms Clandillon confirmed Dalkeith Town Centre Regeneration was not in the capital plan as it was not yet a costed, approved project. A strategy would be presented to May Council.

After further discussion concerning roads upgrades, Mr Anderson cautioned councillors that there would need to be some reflection on today's decisions in the preceding Medium Term Financial Strategy report approval.

Councillor Parry moved to accept the report
Councillor Cassidy seconded

Decision

Council agreed to :-

1. Note that the Council is required, by the CIPFA 2021 Prudential Code, to have capital plans that are affordable, prudent, sustainable and proportionate to the authority's overall financial capacity;

2. Note that in order to deliver a capital plan in line with the requirements of the Prudential Code, a review of all projects in the General Services Capital Plan has been undertaken;
3. Note the prioritisation process that has been implemented and applied as outlined in this report, in order to reduce the possible levels of Prudential Borrowing within the plan and the associated Loan Charges arising from capital investment between the years 2023/24 to 2027/28.
4. Approve the deletion, pause or deferral of the capital projects and adjustment of block budgets identified in this prioritisation process at Table 16.
5. Note that based on the outcome of this prioritisation process, the Loan Charges as set out in Table 18 of this report are still expected to exceed what was deemed as affordable in the Medium Term Financial Strategy by £1.0m, £3.1m, £3.5m and £3.6m respectively between the years 2024/25 - 2027/28; and
6. Note that the Loan Charges forecasts are significantly higher with the inclusion of any future approvals of planned Learning Estate Strategy projects, as outlined in Table 19 of this report.
7. Agree the prioritisation methodology contained within this report and support through BTSG a further round of prioritisation within the General Services Capital Plan to achieve the targeted Prudential Borrowing reduction of £71.901m between 2023/24 to 2027/28.

Action

Report back to a future Council – Executive Director Place

Report No.	Report Title	Report by:
8.9	National Public Holiday for HM The King's Coronation	Executive Director Place
Outline of Report and Summary of Discussion		

With the Scottish Government confirming an additional bank holiday, consideration needs to be given to whether the additional day should be recognised locally.

Convention of Scottish Local Authorities (CoSLA) has advised that it is unlikely to provide guidance on this, as leave is a matter for local determination by each Council. If guidance is provided it is likely to be flexible and retain local determination, in line with guidance for the recent Jubilee.

Bank holidays or local public holidays do not have to be given as paid leave as these can be included as part of a worker's statutory annual leave and the approach to be taken is for each local authority to determine. Consequently options for members to consider are:

- offering an additional fixed day, or
- offering an additional public holiday onto annual leave entitlement, or
- making no adjustment to holidays for the Coronation

Mr Anderson spoke to the report noting the options within the recommendations.

Councillor Parry stated that despite being uncomfortable about the expense she would support the report.

Councillor Parry moved to accept the report
Councillor Smalls seconded

Decision

Council agreed :-

The introduction of 8th May, 2023 as a public holiday, in light of the announced national bank holiday on that date to mark the Coronation of His Majesty King Charles III, which will take place on Saturday 6th May, 2023.

Action

Progress the exceptional school closure request for the day from the Scottish Government - Executive Director Children, Young People and Partnerships

Report No.	Report Title	Report by:
8.10	Edinburgh and South East Scotland City Region Deal Regional Prosperity Framework Delivery Plan	Executive Director Place
Outline of Report and Summary of Discussion		
<p>The Regional Prosperity Framework Delivery Plan is the articulation of the next phase of the development of the regional economy, building upon the successes of the City Region Deal. It sets out a prospectus for investment which can deliver on the City Region's ambitions to become the data capital of Europe; support inclusive growth; and a just transition to a net zero economy over the next 20 years.</p> <p>The document is a live document that will be updated every 12 months to reflect changes to the local, regional, and macro economy and to ensure that regional activity can react and remain relevant to city region partners. The full Delivery Plan can be found in Appendix 1. Over the next 12 months four key programme areas have been identified:</p>		

- Green Regeneration of the Forth Estuary;
- Infrastructure & Recovery;
- Visitor Economy & Culture; and
- Data-Driven Innovation

To realise the ambitions of the Delivery Plan, Regional Partners will ask both the Scottish and UK Governments to:

- Commit to work in tripartite (UKG/SG/ESES) partnership to progress the Delivery Programme which is aligned with Scotland's National Strategy for Economic Transformation and UK Government Levelling Up and Shared Prosperity priorities; and
- For our Delivery Plan to be supported through a medium to long term, integrated, place-based funding allocation based on shared outcomes. ,
- For approval by the other five constituent Local Authorities in the region ahead of the meeting of the Edinburgh and South East Scotland City Region Joint Committee on 3 March 2023. Subject to the necessary approvals at the above committees, regional partners will undertake the following:
- Ask both the Scottish and UK Governments to commit to work in tripartite (UKG/SG/ESES) partnership to progress the Delivery Programme which is aligned with Scotland's National Strategy for Economic Transformation and UK Government Levelling Up and Shared Prosperity priorities.
- Ask for our Delivery Plan to be supported through a medium to long term, integrated, place-based funding allocation based on shared outcomes.

Mr Anderson introduced the report noting there was no financial commitments for the council and that the paper was for approval.

Councillor Imrie spoke of the long journey to get here commending the work of the oversight committee who meet regularly. He stated this was for the benefit of Midlothian to create a visitor economy and the data driven innovations that may provide thousands with future employment at the Easter Bush estate. A recent UK delegation stated the City Deal met with their own vision of Scotland. Contributions by the education and the private economic sector had been very encouraging.

Councillor Imrie moved to accept the report

Councillor Parry seconded

Decision

Council agreed to :-

Approve the Regional Prosperity Framework Delivery Plan draft (RPF) as included in Appendix 1; and

Note that the Delivery Plan will be considered by the other five constituent Local Authorities in the Edinburgh and South East Scotland City Region (ESESCR) ahead of the ESESCR Joint Committee meeting on 3 March 2023.

Action

None

Report No.	Report Title	Report by:
8.11	UK Shared Prosperity Fund	Education Chief Operating Officer
Outline of Report and Summary of Discussion		
<p>The Oversight Board agreed at its meeting on 21 September 2022 that part of its remit is to ensure governance for the funding recommendations to be presented for final approval.</p> <p>This funding round addressed three of the four investment priorities; Communities and Place, People and Skills and Multiply.</p> <p>The supporting local business investment priority will be taken forward on a different basis as per the approved investment plan.</p> <p>The funding panel has considered and scored the applications and made recommendations.</p> <p>Ms Strong spoke to the report highlighting each of the recommendations for noting and approval in turn.</p> <p>No questions.</p>		
Decision		
<p>Council agreed :-</p> <p>Approve the outcome of the funding panel's decisions as detailed in Appendix 1 for 17 organisations totalling £1,826,811 revenue and £174,276 capital expenditure over 3 years, including 3 Midlothian Council projects.</p> <p>Approve the disbursement of funds for Year 1 as per original applications.</p> <p>Note that an additional round of funding/tender will be conducted in the new financial year and will include Economic Development.</p> <p>Note the £20,000 for preparing the investment plan will be split proportionately between the Council and the Third Sector Interface (TSI) £5,000.</p>		
Action		
None		

Report No.	Report Title	Report by:
8.12	Building Maintenance Service - Dampness & Condensation Policy Report	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The purpose of this report is to outline service activities and improvements being implemented; and to seek Council approval for a new policy to tackle dampness and condensation within our domestic properties as part of our ongoing approaches to protect the health and wellbeing of our council tenants.</p> <p>Mr Oliver spoke to the report asking the Council to note the recommendations and approve the new policy.</p>		

Councillor McKenzie acknowledged that the policy contained responsibility for both the Council and the tenant.

Councillor McKenzie moved to accept the paper and the new policy

Responding to questions Mr Anderson confirmed the tenant handbook would be updated to reflect the changes within the new policy.

Responding to further questions Mr Oliver confirmed extra resources had been brought into deal with blocked drains and guttering. He added the previous back log had almost been cleared.

Councillor McEwan seconded

Decision

Council agreed to :-

Note the Council's approach in responding to tenant enquiries or requests for inspections regarding dampness and condensation.

Note that the Council implemented sensor technology in 2022 to monitor damp and condensation as outlined in section 6.

Approve the new Dampness and Condensation Policy.

Action

Tenant handbook would be updated to reflect the changes within the new policy - Executive Director Place

Public section of the meeting concluded at 1.11pm

Date of Next Meeting

The next meeting will be held on Tuesday 21 March 2023 at 11am

Midlothian Council Minute Volume

Item 5.2



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

1 Minutes of Meetings submitted for Approval

2 Minutes of Meetings submitted for Consideration

Minute for Consideration

Minute of Audit Committee 07 February 2023 3 - 8

Minute of Cabinet - 29 November 2022 9 - 14

Planning Minute - 10 January 2023_Public 15 - 20

Local Review Body Minute - 23 January 2023 21 - 24

3 Minutes of Meetings submitted for Information

Minute for Information

Midlothian Integration Joint Board 13 October 2022 25 - 34

Midlothian Integration Joint Board 15 December 2022 35 - 44

Action Log

Midlothian Council
21 March 2023



No	Subject	Date	Action	Action Owner	Expected completion date	Comments
1	Minute action - prospective crematorium development.	16/11/2021	Scope potential suitable sites for prospective crematorium development.	Chief Officer Place	February 2023	Report deferred to Council in May 2023.
2	Motion Amendment – Loanhead Football Club	16/11/2021	Update the Sports Needs Assessment from 2016 and report to future council meeting	Head of Adult Social Care/ Sport & Leisure Manager	December 2022	Completed Report to Council on March 2023 agenda.
3	Motion - Infrastructure	14/12/2021	Report to Council Strategic Investment Framework	Executive Director Place	May 2023	Strategic Infrastructure Investment Framework 2 nd stage now concluded and full report shall be presented to Council when available.
4	Minute Action - CCTV	14/12/2021	To provide a report outlining an expansion of sites for CCTV	Chief Officer Place	Update for council	Phase 2 expansion needs further consideration with a report deferred to Council in Q2 2023/24.
5	Minute Action – Improving energy efficiency by tackling dampness, condensation and improving ventilation	15/02/2022	a) Provide a report to Council Additional Report – b) Update on Current	Chief Officer Place	February 2023	a) Completed Dampness and Condensation report approved at February 2023 Council. Building

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
			Housing Stock that will not meet Energy Efficiency Targets			Maintenance Service standards and report on March 2023 agenda. b) Included in Strategic Housing Investment Plan (SHIP) report to Council later in 2023
6	Arm's Length Company to Manage Industrial Sites in Midlothian	28/06/2022	Explore and outline process for creating an Arm's length company	Head of Development	February 2023	Work progressing on report deferred to Council in May 2023.
7	Briefing - Trauma Informed practice	23/08/2022	Members Briefing on Trauma Practice and Mental Health First Aid	Head of Adult Services	TBC	Trauma training will be arranged when Trauma Lead is in post (recruitment currently in process). Mental Health Training can be provided by Health in Mind who can design bespoke half day training for elected members. Confirmation of date required and then can be arranged with Health in Mind.

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
8	Minute of Special Council 31 January 2023	21/02/2023	Amend Minute for Accuracy – <ul style="list-style-type: none"> Clarify the Council Leader write to the Finance Minister to seek a cross party meeting and that Councillor Parry had confirmed she was happy to do so either through BTSG or via Group leaders Minute p.38, the article referred to in the Midlothian Advertiser was in fact accurate, the quote was from the MSP and had highlighted Midlothian had been prioritised 	Democratic Services	March 2023	Completed
9	PRIVATE Minute Volume Index Midlothian Council 21 February 2023	21/02/2023	Amend the minute to accurately reflect Councillor Milligan's position.	Democratic Services	March 2023	Completed
10	Non-Domestic Rates Charging and Relief Policy	21/02/2023	Provide further information on why certain organisations qualify for a discount.	Acting Chief Officer Corporate Solutions	March 2023	Completed

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
11	Minute from 21 February 2023	21/02/2023	The Cross-Party Business Transformation Steering Group recommend that the remaining measures be brought back to Council in the form of an updated Medium Term Financial Strategy Transformation Programme.	All lead officers	June 2023	
12	Capital Plan Prioritisation	21/02/2023	Refer approved Council report to BTSG on additional affordability scope and projects.	Executive Director Place	May 2023	Submit to BTSG
13	National Public Holiday for HM The King's Coronation	21/02/2023	Progress the exceptional school closure request for the day from the Scottish Government -	Executive Director Children, Young People and Partnerships	April 2023	Completed
14	Building Maintenance Service - Dampness & Condensation Policy Report	21/02/2023	Tenant handbook would be updated to reflect the changes within the new policy	Executive Director Place	April 2023	Tenant handbook update yet to be completed. Repairs website information updated meantime.



Scottish National Party

Midlothian Council

Tuesday 21st March 2023

Notice of Motion

Midlothian Council would like to thank Gorebridge and District Environmental Group [GADEG] for all their hard work since 2004 in litter picking in the Gorebridge area. Special thanks is given to Lorna and Bill Crook and to all the members of the group who have kept litter picking in all weathers since 2014 when Mr Bill Innes the founder of the group retired.

The group have also been responsible for maintaining the Circular Walk around Gorebridge and although it is therefore with sadness Midlothian Council notes the group has recently dissolved, Midlothian Council notes with gratitude all they have done.

It is noted that the members have not hung up their litter pickers quite yet and will continue to litter pick on a more informal basis around Gorebridge.

Midlothian Council would like to thank past and present members who have given their time, dedication and commitment to helping the Gorebridge Community and would like to wish everyone well in the future.

Moved:



Councillor Ellen Scott

Seconded:



Councillor Douglas Bowen

Appointment of Depute Provost of Midlothian

Report by Kevin Anderson, Executive Director, Place

Report for Decision

1 Recommendation

The Council are invited to

- (a) note the resignation of Councillor McManus from the role of Depute Provost;
- (b) appoint a replacement Depute Provost of Midlothian; and
- (c) dependent on the identity of the new Depute Provost, consider the consequent appointments proposed by the Administration.

2 Purpose of Report/Executive Summary

This report seeks the election of a replacement Depute Provost. It is understood that the Administration propose to nominate Councillor Bowen to the role. Should Councillor Bowen be appointed the Administration would then propose a number of consequent amendments, as detailed in paragraphs 3.2 and 3.3 below, to ensure there is no gap in the governance of the Council.

Date: 09 March 2023

Report Contact: Alan Turpie, Legal and Governance Manager

Email: alan.turpie@midlothian.gov.uk

3 Background

- 3.1 Councillor Connor McManus was appointed to the role of Depute Provost at the Council meeting on 24 May 2022. On 09 March 2023, Councillor McManus formally intimated his resignation from the post of Depute Provost to the Executive Director, Place.
- 3.2 In terms of Standing Order 14, the resignation requires to be reported to this meeting of the Council and the Council will then fill the vacancy or agree such other action as may seem proper.
- 3.3 It is understood that the Administration intend to nominate Councillor Douglas Bowen to the post of Depute Provost. It is, of course, open to all other Councillors to nominate alternative candidates.
- 3.4 In the event that Councillor Bowen is elected to the post of Depute Provost, in order to ensure continuity of appointments and to avoid a governance deficit, the Administration would also propose a number of consequent amendments to be considered en bloc.
- 3.5 The consequent appointments are as follows:
 - Councillor Bowen to resign from the Cabinet (as required by the Scheme of Administration);
 - Councillor McManus to be appointed to the Cabinet to replace the vacancy created by the resignation of Councillor Bowen;
 - Councillor McManus to resign from the Performance Review and Scrutiny Committee (also as required by the Scheme of Administration);
 - Councillor Bowen to be appointed to the Performance Review and Scrutiny Committee in place of Councillor McManus;
 - Councillor Cassidy to assume the Cabinet Portfolio for Economic Development, Planning and Transport (for noting only by Council);
 - Councillor McManus to assume the Cabinet Portfolio for Health and Social Care (for noting only by Council);
 - Councillor McManus to replace Councillor Cassidy on the Midlothian Integrated Joint Board;
 - Councillor McManus to replace Councillor Cassidy on the CoSLA Health and Social Care Board;
 - Councillor Alexander to replace Councillor Bowen on the CoSLA Economy and Environment Board;
 - Councillor Cassidy to replace Councillor Bowen on the Midlothian and East Lothian Chamber of Commerce;

- Councillor Cassidy to replace Councillor Bowen on the Midlothian Chamber of Commerce;
- Councillor Cassidy to replace Councillor Bowen on the Scotland Excel Joint Committee;
- Councillor Cassidy to replace Councillor Bowen on the Scottish Enterprise (East) Regional Advisory Board;
- Councillors Scott and McKenzie to resign from the Audit Committee; and
- Councillors McCall and Bowen to be appointed to the Audit Committee to replace the vacancies created by the resignations of Councillors Scott and McKenzie.

All other appointments and nominations made at the Council meeting on 24 May 2022 and subsequent meetings to remain unchanged.

4. Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications arising directly from this report.

4.2 Digital

There are no digital implications related to this report.

4.3 Risk

There are no risk implications arising from this report.

5.4 Ensuring Equalities

An equalities impact assessment has not been required in connection with this report.

5.5 Additional Report Implications

See Appendix A

Appendix A - Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

There are no direct implications related to this report.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting a Sustainable Development

Not applicable

Midlothian Licensing Board – Appointment of Member

Report by Kevin Anderson, Executive Director, Place

Report for Decision

1 Recommendation

The Council are invited to

- (a) note that Councillor McManus has had to resign from the Licensing Board; and
- (b) elect a replacement member to the Licensing Board.

2 Purpose of Report/Executive Summary

This report seeks the election of a replacement member of Midlothian Licensing Board to replace Councillor McManus who has had to resign following his appointment to the Newbattle Abbey College Trust.

Date: 8 March 2023

Report Contact: Alan Turpie, Clerk, Midlothian Licensing Board

Email: alan.turpie@midlothian.gov.uk

3 Background

3.1 In terms of paragraph 3 of Schedule 1 to the Licensing (Scotland) Act 2005, a Councillor is disqualified from being a member of the Licensing Board if the Councillor is:

- i. A premises licence holder in terms of the Licensing (Scotland) Act 2005;
- ii. An employee of a premises licence holder and working in licensed premises;
- iii. Engaged, either alone or in partnership, in the business of producing or selling alcohol;
- iv. A director or other officer of a company engaged in the business of producing or selling alcohol; or
- v. An employee of any person engaged in the business of producing or selling alcohol and working in that business.

3.2 Council appointed Councillor McManus to the Licensing Board at its meeting on 24 May 2022. Councillor McManus has now since been appointed as a director of Newbattle Abbey College Trust. The Trust holds an alcohol premises licence in respect of the College premises and, as such, Councillor McManus is now a “disqualified person” in terms of bullet point 4 above.

3.3 In order to fulfil his obligations to the Trust, Councillor McManus has no option other than to resign from the Licensing Board. Councillor McManus has therefore tendered his resignation from the Board and nominations for a replacement Board member are now being sought. A replacement Board Member must not be a disqualified person in terms of 3.1 above.

3.4 The replacement Board member will have to undergo the prescribed training in terms of paragraph 11 of Schedule 1 to the Licensing (Scotland) Act 2005 and will not be allowed to sit on the Board or to take part in any business until they have completed the training.

4. Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications arising directly from this report.

4.2 Digital

There are no digital implications related to this report.

4.3 Risk

There are no risk implications arising from this report.

4.4 Ensuring Equalities

An equalities impact assessment has not been required in connection with this report.

4.5 Additional Report Implications

See Appendix A

Appendix A - Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

There are no direct implications related to this report.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting a Sustainable Development

Not applicable

Proposed Revised Schedule of Meeting Dates for August – December 2023**Report by Kevin Anderson, Executive Director Place****Report for Decision****1 Recommendation**

To approve the Schedule of Meeting Dates for August – December 2023 as detailed in Appendix B.

2 Purpose of Report/Executive Summary

Good governance requires that the Council forward plan dates of its governance meetings.

The schedule of dates have been developed taking into consideration school holidays and this schedule is now presented to Council for approval.

Date: 9 March 2023**Report Contact:**

Saty Kaur, Chief Officer Corporate Solutions (Acting)

saty.kaur@midlothian.gov.uk

3 Background

- 3.1** The Council currently operates on a six weekly cycle of meetings with breaks incorporated for the summer recess, Christmas/New Year and wherever possible school holidays.
- 3.2** The proposed reviewed schedule of meetings for August – December 2023 is shown at **Appendix B**.
- 3.3** Members are aware that a review of the Council's Governance arrangements is pending and should there be any change as a result of this work a further report would be brought forward to Council.
- 3.4** Members are also reminded that the facility also exists under Standing Orders for special meetings to be called as and when required.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

The availability of the schedule of meeting dates contributes to the mitigation of risk by:

- facilitating forward planning for meetings;
- contributing to the governance framework which allows the Council to conduct its business; and
- providing a timetable to which officers can work to ensure that reports are submitted timeously.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

4.5 Additional Report Implications

See Appendix A

Appendices

Appendix A – Additional Report Implications

**Appendix B – Proposed Revised Schedule of Meeting Dates August –
December 2023**

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☐ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value but the absence of a schedule of meetings may result in delays in the ability to carry out proper scrutiny.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The absence of a schedule of meetings may impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

Proposed Schedule of Meetings Dates for August 2023 – December 2023

Item 8.3

Date	Time	Meeting	Weeks since last meeting	Comments
School Holidays Thursday 29 June 2023 – Tuesday 15 August 2023 inclusive				
August 2023				
Monday 21	11.00	Police Fire and Rescue Board	First Meeting after Recess	
Tuesday 22	10.00	General Purposes	“	
Tuesday 29	11.00	Midlothian Council	“	
School Holidays Friday 15 September 2023 – Monday 18 September 2023 inclusive				
September 2023				
Monday 4	11.00	Business Transformation Steering Group	“	
Tuesday 5	11.00	Cabinet	“	Q1 reporting
Monday 11	10.00	Planning Site Visits	“	
Tuesday 12	13.00	Planning	“	2 weeks before LRB
Tuesday 19	11.00	Performance Review and Scrutiny Committee	“	2 weeks after Cabinet for call ins
Tuesday 19	14.00	MNCT		
Monday 25	10.00	Local Review Body Site Visits	“	
Monday 25	13.00	Local Review Body	“	2 weeks after Planning
Tuesday 26	11.00	Audit Committee	“	
October 2023				
Monday 2	11.00	Business Transformation Steering Group	4	
Tuesday 3	10.00	General Purposes	6	
Tuesday 3	14.30	JCG		One week prior to Council
Tuesday 10	11.00	Midlothian Council	6	
October School Holidays Friday 13 – Monday 23 October 2023 inclusive				
Tuesday 24	11.00	Cabinet	7	
Tuesday 24	14.00	MNCT		

Date	Time	Meeting	Weeks since last meeting	Comments
Monday 30	10.00	Planning Site Visits	-	
Tuesday 31	13.00	Planning Committee	7	2 weeks before LRB
November 2023				
Monday 6	10.00	Audit Committee	6	
Monday 6	14.00	Police Fire and Rescue Board	11	Meets quarterly
Tuesday 7	11.00	Performance Review and Scrutiny Committee	7	2 weeks after Cabinet for call ins
Thursday 9	11.00	Business Transformation Steering Group	5	
Monday 13	10.00	Local Review Body Site Visits	-	
Monday 13	13.00	Local Review Body	7	2 weeks after Planning
Tuesday 14	10.00	General Purposes	6	
Tuesday 14	14.30	JCG		One week prior to Council
Tuesday 21	11.00	Midlothian Council	6	
Monday 27	10.00	Planning Site Visits	-	
Tuesday 28	10.00	Cabinet	5	Q2 reporting
Tuesday 28	13.00	Planning	4	2 weeks before LRB
December 2023				
Tuesday 4	11.00	Business Transformation Steering Group	4	
Tuesday 5	14.00	MNCT		
Monday 11	10.00	Local Review Body Site Visits	-	
Monday 11	13.00	Local Review Body	4	2 weeks after Planning
Tuesday 12	11.00	Performance Review and Scrutiny Committee	5	2 weeks after Cabinet for call ins
Tuesday 12	14.30	JCG	5	One week prior to Council
Tuesday 19	11.00	Midlothian Council	5	
School Holidays Friday 22 December 2023 – Monday 8 January 2024				

Note: the following dates are not included:

Midlothian Integration Joint Board (MIJB) and the MIJB Audit and Risk Committee

Fees and Charges 2023/24**Report by Kevin Anderson, Executive Director Place****Report for Decision****1 Recommendations**

Council is recommended to:

- a. Approve the fees and charges register with all changes to come into effect from 1 April 2023 (Appendix B), noting that the implementation date will be delayed for those at 3.11, 3.13, 3.14, 3.15, 3.17 and 3.18 for the reasons explained;
- b. Agree to the publication of the approved fees and charges register on the Council's website;
- c. Note the fees and charges that were agreed at Council on 21 February 2023 as part of the Medium Term Financial Strategy which are listed at 3.3;
- d. Note the supplementary information on implementation of the fees and charges agreed at Council on 21 February 2023 (as outlined in 3.4 – 3.12);
- e. Agree to establish a one year Transition Fund to support the increased licence costs for community events (as detailed in 3.5-3.7), and agree that this will be administered by the Executive Director Place;
- f. Agree to adopt the revised guidance from Scottish Ministers to increase the penalty charge notices to the prices detailed at 3.13 and 3.14;
- g. Agree to receive an events charging policy in Q2 2023/24 for consideration and approval as detailed at 3.17; and
- h. Agree to receive a sponsorship and advertising policy for consideration and approval in Q2 2023/24 as detailed at 3.18.

2 Purpose of Report/Executive Summary

This report details the fees and charges that the Council will implement from 1 April 2023.

Date Tuesday 28 February 2023

Report Contact:

Saty Kaur, Chief Officer Corporate Solutions (Acting)

Saty.Kaur@midlothian.gov.uk

3 Background/Main Body of Report

3.1 While charges for services make up a relatively small part of the council's income, they can be very significant to people who use services. Charges are one of the few ways that are within councils' control to raise income locally. Councils have discretion in the way that they apply their fee policy and charging should reflect local priorities and be proportionate as well as contribute to good financial management.

3.2 It is good practice for Council's to regularly review their fees and charges to ensure that they are achieving cost recovery and delivering value for money. Appendix B lists the current charges for 2022/23 and the proposed revised charges for 2023/24 with additional information on the rationale, where required. It should be noted that some charges are statutory and these have been identified on the register. Some fees and charges have been agreed as part of the Medium Term Financial Strategy and further information is detailed below.

Fees and charges agreed at 21 February 2023

3.3 At its budget setting meeting on 21 February 2023, Council reviewed a number of fees and charges to inform the budget setting process. The following fees and charges were agreed for implementation from 1 April 2023 and are highlighted in green in Appendix B:

- Civic licensing fees to reflect full cost recovery
- Discretionary charge for Planning Service
- Building Standards increased fees for non-statutory duties
- Business Regulation – new charges introduced
- Burials income raised to Scottish Average value
- Increase Garden Waste fee in 2024/25
- Road Construction Consent charge to developers
- Increase penalty charge notices
- Electric vehicle charging
- Street naming and numbering fees increase
- Safety Advisory Group coordination fee
- Location and vehicle advertising

3.4 Civic Licensing fees

Civic licensing fees will be implemented from 1 April 2023 and the full list of new charges are shown in Appendix B. These charges are separate from licensing charges which can only be set by the Licensing Board, and a review of these will be undertaken in Q1 2023/24. Recommendations for increases to these fees will be presented to the Licensing Board for consideration. This increase has an estimated additional income value of £50k for 2023/24.

- 3.5** The increase in civic licences includes Public Entertainment Licences (PELs) which are required for community groups to hold gala days/community fun days, community fireworks events and Christmas light switch on events. It is acknowledged that many of these events are volunteer led and rely on fundraising throughout the year to cover costs. Most gala day committees/organisations will have planned and budgeted for their summer events prior to today's Council meeting; and will not have had the opportunity to include increased licence costs into their forecast spend. To avoid any negative impact on this years' events, recognising the significant value these have on community cohesion and the hard work of volunteers to hold these whilst still recovering from COVID, it is proposed that a one year Transition Fund be established for community groups to access to cover the increased costs in licence fees. Allocation would be determined by the Executive Director Place, and would be administered as a supplementary increase to the existing gala day grants.
- 3.6** A high level assessment has taken place and has determined that from the events that take place annually across Midlothian that receive a gala day grant, 5 already have a three year PEL in place and would not be subject to any price increase this year. For the remainder that would take place this year, it is anticipated that based on previous applications, 75% would apply for a 1 year Temporary PEL and 25% would apply for a 3 year PEL. It is proposed that the Transition Fund would cover the cost difference if the application had been made at the 2022/23 prices compared to the 2023/24 prices. All eligible gala day/community event organisations will be offered the opportunity to apply for either a Temporary PEL or 3 year PEL at the 2022/23 prices and the appropriate Transition Funding will be added to their gala day grant allocation. The estimated costs are between £1100 - £2500 (with the lower amount based on a 75%/25% ratio of Temp PEL to 3 year PEL; and the higher amount based on all opting for a 3 year PEL). The additional costs to establish the Transition Fund can be covered from existing budgets within the Place Directorate.
- 3.7** As the Transition Fund is available for the 2023/24 year only, officers will work with community groups to identify opportunities for sponsorship from local businesses to support these events going forwards; as well as a review of the gala day grant allocation process and other in-kind options to support gala days/community events that offsets some of the costs incurred by the groups to deliver these events and make them more sustainable.
- 3.8** Discretionary charges for Planning and Building Services
The Planning Service discretionary charge and the Building Services increased fees for non-statutory services are listed in Appendix B as variable. This will depend on the service provided and a full fees charter for both services will be published on the Council's website. It is estimated that this will generate an income of £16k for 2023/24.

3.9 Business Regulation charges

The Business Regulation Team will apply new administration charges for the issuing of food hygiene certificates for premises looking for a premises licence under Section 50 of the Licensing (Scotland) Act 2005, and Certificates of Compliance for street trading vehicles under Section 39 Civic Government Scotland Act. This new charge has an annual estimated income value of £1.3k.

3.10 Burial charges

All burial fees will increase to the Scottish Average value. This has been benchmarked across other Scottish Local Authorities to ensure that the revised prices are equitable. It should also be noted that burial and lair charges have been reviewed and the previous two tiered pricing for Midlothian residents and non-residents is to be replaced with a single fee structure from 1 April 2023. Burials that take place prior to 10.30am on Tuesday, Wednesday and Thursday will be charged at a reduced rate which equates to 25% less than the new adult burial fee. The estimated income value for 2023/24 is an additional £80k.

3.11 Garden Waste

Following an amendment from the Business Transformation Steering Group, Council at its meeting of 21 February 2023, agreed to increase the Garden Waste fee to £40.00, noting implementation would be in Q3 2023/24 with a full year estimated income of £25k in 2024/25.

3.12 Road Construction Consent

Section 21 of the Roads (Scotland) Act 1984 (the Act) requires that any person or organisation who seeks to construct a new road, or an extension of an existing road, must first obtain a Road Construction Consent (RCC). This is additional to planning consent. Before commencement a developer must first lodge security with the Council in the form of a road bond or cash to cover the cost of providing the roads to the standard set out in the RCC if the developer is unable to do so. Depending on the size of the development the road bond value can reach around £2m but is more typically around £0.5m. Section 140 of the Act gives the Council the power to recover costs for inspecting roads which are constructed by developers. These inspections are performed by officers in the RCC and Street Lighting teams during the construction process to ensure that the road is built in accordance with the consent. Charging will be applied on a two tier basis. For bonds lodged prior to 1 April 2023, the hourly rate for officers to undertake inspections will rise from £42.81 (current rate) to £77.70 (full cost recovery) until completed and discharged. For all RCCs, instead of an hourly rate a fixed fee of 4.5% of the bond value will be applied. It is estimated that the revisions to the charging process will generate an additional £93k of income in 2023/24.

3.13 Penalty charge notices

On 17 February 2023, Transport Scotland notified all Local Authorities of revised guidance (effective 1 April 2023) following a review of penalty charge notice (PCN) for parking enforcement. The revised guidance is only applicable to those local authorities in Scotland which have a decriminalised parking regime (of which Midlothian Council is one). The Scottish Government undertook a public consultation which considered the levels of fines associated with PCNs and published the [analysis of the responses](#) in September 2022. At the time it was determined inappropriate to raise the PCN levels; however following a review, Scottish Ministers have issued the revised guidance which includes revised levels of the maximums that can be charged for PCNs.

- 3.14** The new charges will be increased from the current charge of £60.00 (£30.00 if paid within 14 days) to the new charge of £100.00 (£50.00 if paid within 14 days). The parking attendants and administration of PCNs is undertaken by NSL and City of Edinburgh Council on behalf of Midlothian Council. Discussion is taking place between all parties on the practical measures that are required to implement the new charges. Therefore this charge will be implemented during the 2023/24 financial year when the administrative processes are finalised. It is estimated that the additional income will be £100k for a full year and the income realised for 2023/24 will be pro-rata.

3.15 Electric Vehicle charging

The Electric Vehicle charging proposals to increase charges cover service costs including maintenance. Benchmarking carried out against other local authorities and private sector providers shows that Midlothian is charging less for both rapid and fast and slow chargers. Guidance received from Scottish Futures Trust provided further insight into current and planned charging prices. From consumption data from the most recent full financial year (2021/22) it is estimated that increasing the charges as per Appendix B will raise an additional £18k of income in 2023/24.

3.16 Street naming and numbering

A 15% increase in all street naming and numbering fees, including naming of a new street, allocation of a house name or renumbering/change of address and scaled charges for the naming and numbering of new properties or alternations to existing properties. Charges for street naming and numbering have been benchmarked with other local authorities. It is estimated that this increase will achieve an additional £19k of income in 2023/24.

3.17 Safety Advisory Group co-ordination fee

The Safety Advisory Group co-ordination fee will only be applied for commercial events and will not apply to community organised events. No charges are listed in Appendix B. A full charging policy will be presented to Council in Q2 2023/24 for final approval prior to implementation in the 2023/24 financial year. It is estimated that a full year charging would achieve £25k income (noting that the charging will be applied in-year for 2023/24 and a full year will not take effect until 2024/25).

3.18 Location and advertising

Council agreed to progress location and vehicle advertising to generate an estimated income of £10k in its first full financial year. Work is underway to develop the Council's sponsorship and advertising policy and this will be presented to Council in Q2 2023/24 for approval and implementation.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

No resource impact to develop the fees and charges register. Individual income generation proposals included within the register are subject to their own resource impact assessments and costs associated with resourcing are considered in the estimated income values. There is an additional cost of £1,100.00 - £2,500.00 to establish the Transition Fund which will be met from existing budgets.

4.2 Digital

No impact for the development of the register. Digital impacts of delivering income generation proposals will be assessed individually as part of the implementation process.

4.3 Risk

There is a risk that by not approving the proposed fees and charges increases that some services may not achieve full cost recovery. This will have an impact on the Council's ability to deliver services that are financially viable.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

Income generation proposals as listed in 3.3 (with the exception of penalty charge notice increase) are all subject to their own Equality Impact Assessments (EqIAs) which are available online and in Members' Library. An overarching EqIA has been completed for the remainder of the fees and charges listed in the register and no significant negative impacts have been identified.

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Fees and charges register 2023/24

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

Fees and charges have been reviewed to ensure that Best Value is achieved.

A.5 Involving Communities and Other Stakeholders

Benchmarking has taken place across other local authorities to inform the fees and charges proposed. The income generation proposals listed at 3.3 (with the exception of the penalty charge notice increase) have also been subject to public consultation through the budget savings process prior to agreement at Council.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

Fees and Charges register 2023-24

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Place						
Planning and Building Standards						
Building Warrant Application Fees (variable according to development size)	Apr-20	n/a	n/a	n/a	Minimum charge £150.00 (before discounts) - charges variable and set by Scottish Government.	
Building Warrant advisory and check service	New	n/a	n/a	Variable - £100-£3,000	New charge proposed as part of Budget savings measures. See financial Strategy report. Income generation initiative for the provision of an advisory and check service over and above the measures currently captured as part of the building warrant application.	APPROVED BY COUNCIL 21.02.23 Charges variable and dependant on the service provided. Fees charter will be published online.
Administration fee for withdrawn Building Warrant applications	New	n/a	n/a	Variable - £100-£1,000		
Letter of Comfort (building warrant obtained, completion certificate not obtained)	Apr-20	£198.00	3.00%	£204.00	The 3% increase was applied following a benchmarking exercise against other local authority Building Standards sections providing the same or similar services (Edinburgh, Scottish Borders, Perth and Kinross and Glasgow).	
Letter of Comfort (no building warrant obtained)	Apr-20	£346.00	3.00%	£357.00		
Search building standards electronic and paper records for single entry relating specifically to the work detailed on application form (Standard)	Apr-20	£36.00	3.00%	£37.00		
For a single plot: Copy of building warrant and completion certificate from Part 2 of the Building Standards Register held electronically or within a file (No drawings provided) - (Standard)	Apr-20	£36.00	3.00%	£37.00		
For a single plot: Copy of building warrant and completion certificate from Part 2 of the Building Standards Register held electronically or within a file (No drawings provided) - (Express)	Apr-20	£106.00	3.00%	£109.00		
For a single plot: Copy of building warrant, completion certificate and x5 standard plans from Part 2 of the Building Standards Register held electronically or within a file (drawings provided) - (Standard)	Apr-20	£82.00	3.00%	£85.00		
For a single plot: Copy of x5 standard plans from Part 2 of the Building Standards Register held electronically or within a file (drawings provided) - (Standard)	Apr-20	£48.00	3.00%	£50.00		
For a multiplot: Copy of building warrant and completion certificate from Part 2 of the Building Standards Register held electronically or within a file (No drawings provided) - (Standard)	Apr-20	£36.00	3.00%	£37.00		
For a multiplot: Copy of building warrant and completion certificate from Part 2 of the Building Standards Register held electronically or within a file (No drawings provided) - (Express)	Apr-20	£106.00	3.00%	£109.00		
For a multiplot: Copy of building warrant, completion certificate and x5 standard plans from Part 2 of the Building Standards Register held electronically or within a file (drawings provided) - (Standard)	Apr-20	£119.00	15.00%	£137.00	15% increase applied to provide a consistent approach to pricing in comparison to other multiplot charges.	
For a multiplot: Copy of x5 standard plans from Part 2 of the Building Standards Register held electronically or within a file (drawings provided) - (Standard)	Apr-20	£120.00	3.00%	£124.00	The 3% increase was applied following a benchmarking exercise against other local authority Building Standards sections providing the same or similar services (Edinburgh, Scottish Borders, Perth and Kinross and Glasgow).	
Application for Permission to Erect a Temporary Raised Structure - large scale event (more than 5,000 attendees)	Apr-20	£1,647.00	3.00%	£1,696.00		
Application for Permission to Erect a Temporary Raised Structure - medium scale event (up to 5,000 attendees)	Apr-20	£278.00	3.00%	£286.00		£58.00 per individual structure and up to a maximum of £863.00
Application for Permission to Erect a Temporary Raised Structure - small scale event (up to 500 attendees)	Apr-20	£137.00	3.00%	£141.00		
Application for Permission to Erect a Temporary Raised Structure - small scale event (up to 500 attendees) - Solely for repeat/annual small scale commercial events (which utilise the same structural elements at each event and are signed off by a competent person at completion)	Apr-20	£88.00	3.00%	£91.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Pre-application planning advice	New	n/a	n/a	Variable - £100-£5,000	New charge proposed as part of Budget savings measures. See financial Strategy report. Income generation initiative for the provision of an advisory and check service over and above the measures currently captured as part of the planning application mechanism and charges.	APPROVED AT COUNCIL 21.02.23 Charges variable and dependant on the service provided and scale of development. Fees charter will be published online.
Planning Application Fees (variable according to development size)	n/a	n/a	n/a	n/a	Minimum charge £300.00 - Maximum charge £150,000.00 set by Scottish Government.	Scottish Government may announce changes to fees regulations in March/April 2023.
Permission to Display an Advertisement	n/a	£300.00	0.00%	£300.00	Set by Scottish Government regulations	
Property Enquiry	Apr-20	£90.00	0.00%	£90.00		
Admin Fee (missive)	Apr-20	£263.00	0.00%	£263.00	Set by Scottish Government regulations	
Admin Fee (renewal)	Apr-20	£188.00	0.00%	£188.00	Set by Scottish Government regulations	
Survey Fee	Apr-20	£225.00	0.00%	£225.00	Set by Scottish Government regulations	
Management Fee	Apr-20	£375.00	0.00%	£375.00	Set by Scottish Government regulations	
Management Fee	Apr-20	£525.00	0.00%	£525.00	Set by Scottish Government regulations	

Catering Services

School Meals						
School Meals (primary schools)	Aug-20	£2.10	0.00%	£2.10	Increases have been determined as a result of covering the increase of food and fuel costs.	
School Meals (secondary schools)	Aug-20	£2.30	5.00%	£2.40		
School Meals (adult meals)	Aug-20	£2.85	5.00%	£2.95		
Café, Vending and Basket service						
Café, Vending and Basket Service products (variable)	Apr-20	n/a	10.00%	Variable	A 10% increase proposed across all products sold at our Cafes, vending machines and basket service. Prices determined by comparison exercise to other private sector organisations. After increases, prices still remain lower than similar products sold by other private sector organisations to ensure uptake is not affected.	Charges variable.

Bonnyrigg District Heating Scheme

Monthly heating charge	Aug-20	£83.79	0.00%	£83.79	Charges remain frozen at present.	
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Landscaping & Countryside Services

Burial Fees						
Child up to 18 years	Apr-20	£0.00	0.00%	£0.00	Benchmarking carried out with other local authorities show that overall Midlothian is charging less than other councils. Charges increased by 20% brings Midlothian to a comparable level to the Scottish average.	APPROVED BY COUNCIL 21.02.23 A 50% surcharge will apply to all interments which take place on a Saturday/Midlothian Council Public Holiday.
Adult	Apr-20	£827.00	20.00%	£992.00		
Casket of Ashes	Apr-20	£284.00	20.00%	£341.00		
Casket of Ashes (Depth of 4 feet or deeper)	Apr-20	£827.00	20.00%	£992.00		
Burials before 10.30am on Tuesday, Wednesday, Thursday	Apr-20	£699.00	14.00%	£799.00		
Purchase of Exclusive Right of Burial						
Baby Area Lair (Loanhead and Cockpen)	n/a	£0.00	0.00%	£0.00	Benchmarking carried out with other local authorities show that overall Midlothian is charging less than other councils. Charges increased by 20% brings Midlothian to a comparable level to the Scottish average. Removal of non resident burial and lair charge has been proposed with a 32% uplift for lairs to offset the income reduction by the removal of these charges.	APPROVED BY COUNCIL 21.02.23 A 50% surcharge will apply to all interments which take place on a Saturday/Midlothian Council Public Holiday.
Ashes/Cremated Remains Lair (Loanhead and Cockpen)	Apr-20	£445.00	20.00%	£534.00		
Full Coffin Lair	Apr-20	£866.00	32.00%	£1,140.00		
Woodland Lair (Cockpen and Rosewell)	Apr-20	£1,934.00	20.00%	£2,320.00		
Issue of Duplicate Right of Burial Certificate	Apr-20	£103.00	20.00%	£124.00		
Transfer of Right of Burial Certificate	Apr-20	£103.00	20.00%	£124.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Foundations for the Erection of a Monument (All)						
Up to and including 3' (900mm)	Apr-20	£125.00	0.00%	£125.00	No increases proposed, charges at a maximum and meet service costs.	A 50% surcharge will apply to all ground preparations for a foundation which takes place on a Saturday/Midlothian Council Public Holiday and after 12 noon on a Friday.
Over 3' (900mm)	Apr-20	£240.00	0.00%	£240.00		
Kerb Markers etc. which do not require a foundation	Apr-20	£125.00	0.00%	£125.00		
Loanhead (New) Cemetery Plaques & Kerb markers (All)						
Plaque - Baby Garden	Apr-20	£182.00	5.00%	£191.00		A 50% surcharge will apply to all ground preparations for a foundation which takes place on a Saturday/Midlothian Council Public Holiday.
Plaque - Cremation Garden	Apr-20	£217.00	5.00%	£228.00		
Kerb Markers etc. which do not require a foundation	Apr-20	£709.00	5.00%	£745.00		
Cockpen New Cemetery						
Plaque - Memorial wall	Apr-20	£217.00	5.00%	£228.00		
Plaque - Baby Garden	Apr-20	£182.00	5.00%	£191.00		
Exhumation						
Exhumation	Apr-20	£3,000.00	10.00%	£3,300.00		
Dean Burn Allotments						
Allotment Rental	Apr-20	£100.00	10.00%	£110.00		
Allotment Rental (concession)	Apr-20	£50.00	10.00%	£55.00		
Events						
Fire pit	Apr-20	£74.00	5.00%	£78.00		
Barbeques - up to 15 people	Apr-20	£26.00	5.00%	£27.00		
Barbeques - 16 - 30 people	Apr-20	£37.00	5.00%	£39.00		
Barbeques - 31 - 45 people	Apr-20	£52.00	5.00%	£55.00		
Barbeques - 46 - 60 people	Apr-20	£73.00	5.00%	£77.00		
Events field - per hour	Apr-20	£31.00	5.00%	£33.00		
Events field - per day (up to 100 people)	Apr-20	£188.50	5.00%	£198.00		
Events field - per day (100 - 1000 people)	Apr-20	£345.00	5.00%	£362.00		
Events field - per day (1000 plus people)	Apr-20	£576.00	5.00%	£605.00		
Events field - per weekend (up to 100 people)	Apr-20	£351.00	5.00%	£369.00		
Events field - over night (up to 100 people)	Apr-20	£382.00	5.00%	£401.00		
Fairgrounds - up to 10 shows/stands per day	Apr-20	£73.00	5.00%	£77.00		
Fairgrounds - up to 10 shows/stands per week	Apr-20	£506.00	5.00%	£531.00		
Fairgrounds - up to 10 shows/stands admin fee	Apr-20	£126.00	5.00%	£132.00		
Fairgrounds - up to 10 shows/stands surety	Apr-20	£1,021.00	5.00%	£1,072.00		
Fairgrounds - 11 - 20 shows/ stands per day	Apr-20	£145.00	5.00%	£152.00		
Fairgrounds - 11 - 20 shows/stands per week	Apr-20	£1,000.00	5.00%	£1,050.00		
Fairgrounds - 11 - 20 shows/stands admin fee	Apr-20	£125.00	5.00%	£131.00		
Fairgrounds - 11 - 20 shows/stands surety	Apr-20	£2,043.00	5.00%	£2,145.00		
Fairgrounds - over 20 shows/stands per day	Apr-20	£345.00	5.00%	£362.00		
Fairgrounds - over 20 shows/stands per week	Apr-20	£2,425.00	5.00%	£2,546.00		
Fairgrounds - over 20 shows/stands admin fee	Apr-20	£125.00	5.00%	£131.00		
Fairgrounds - over 20 shows/stands surety	Apr-20	£2,881.00	5.00%	£3,025.00		
6m x 6m Marquee	Apr-20	£262.00	5.00%	£275.00		
6m x 12m Marquee	Apr-20	£367.00	5.00%	£385.00		
Staging - per section	Apr-20	£31.00	5.00%	£33.00		
Canopy - to cover stage on small legs	Apr-20	£105.00	5.00%	£110.00		
Large generator & leads	Apr-20	£63.00	5.00%	£66.00		
Small Generator	Apr-20	£31.00	5.00%	£33.00		
PA System	Apr-20	£26.00	5.00%	£27.00		
Tables - Each	Apr-20	£2.10	5.00%	£2.20		
Folding chairs - each	Apr-20	£1.00	5.00%	£1.05		
Crowd control barriers - Each	Apr-20	£1.50	5.00%	£1.60		
Cones - Each	Apr-20	£1.00	5.00%	£1.05		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

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Vogrie Car Park (all day)	Apr-20	£2.00	25.00%	£2.50		
Vogrie Car Park season ticket	Apr-20	£75.00	0.00%	£75.00		
Circus Less than 1200 sq. metres daily	Apr-20	£173.00	5.00%	£182.00		
Less than 1200 sq. metres weekly	Apr-20	£865.00	5.00%	£908.00		
Less than 1200 sq. metres Admin	Apr-20	£125.00	5.00%	£131.00		
Less than 1200 sq. metres Surety	Apr-20	£929.00	5.00%	£975.00		
Circus Between 1201 and 1400 sq. metres Daily	Apr-20	£187.00	5.00%	£196.00		
Between 1201 and 1400 sq. metres Weekly	Apr-20	£1,257.00	5.00%	£1,320.00		
Between 1201 and 1400 sq. metres Admin	Apr-20	£125.00	5.00%	£131.00		
Between 1201 and 1400 sq. metres Surety	Apr-20	£1,886.00	5.00%	£1,980.00		
Circus Over 1400 sq. metres daily	Apr-20	£314.00	5.00%	£330.00		
Over 1400 sq. metres weekly	Apr-20	£1,886.00	5.00%	£1,980.00		
Over 1400 sq. metres Admin	Apr-20	£125.00	5.00%	£131.00		
Over 1400 sq. metres Surety	Apr-20	£3,720.00	5.00%	£3,906.00		
Vogrie House overnight rental	Apr-20	£524.00	5.00%	£550.00		
Hire of public park/large open space for general recreation activities e.g. outdoor exercise classes, outdoor theatre, community events (per hour)	Apr-20	£7.90	5.00%	£8.30		
Hire of public park/large open space for general recreation activities e.g. outdoor exercise classes, outdoor theatre, community events per half day (4hours)	Apr-20	£30.00	5.00%	£31.00		
Hire of public park/large open space for general recreation activities e.g. outdoor exercise classes, outdoor theatre, community events (Full day hire)	Apr-20	£59.00	5.00%	£62.00		
Hire of public park/large open space for general recreation activities e.g. outdoor exercise classes, outdoor theatre, community events (Annual Pass)	Apr-20	£412.00	5.00%	£433.00		
Hire of public park/large open space for events that involve erecting structures, such as marquees, staging etc.	Apr-20	£29.00	5.00%	£30.00		
Hire of public park/large open space for events that involve erecting structures, such as marquees, staging etc.	Apr-20	£122.00	5.00%	£128.00		
Outdoor learning half day	Apr-20	£120.00	5.00%	£126.00		
Outdoor learning full day	Apr-20	£208.00	5.00%	£218.00		
Search fee (burials)	Apr-20	£20.00	10.00%	£22.00		
Ranger Led Events Adult Silver	Apr-20	£5.20	5.00%	£5.50		
Ranger Led Events Child Silver	Apr-20	£3.10	5.00%	£3.20		
Ranger Led Events Adult Gold	Apr-20	£7.90	5.00%	£8.30		
Ranger Led Events Child Gold	Apr-20	£4.70	5.00%	£5.00		
Walking Festival Adult	Apr-20	£7.90	5.00%	£8.30		
Walking Festival Child	Apr-20	£5.20	5.00%	£5.50		
Talks per hour	Apr-20	£26.00	5.00%	£27.00		
Schools and groups i.e. Brownies, Guides. per person (1.5 hours) (Midlothian based)	Apr-20	£1.00	5.00%	£1.05		
Schools and groups i.e. Brownies, Guides. per person (1.5 hours) (Non Midlothian based)	Apr-20	£3.00	5.00%	£3.15		
Resource box Hire	Apr-20	£5.00	5.00%	£5.30		
LLE positive destination - Groups per day (5 hours)	Apr-20	£100.00	5.00%	£105.00		
Corporate groups - conservation tasks - for equipment	Apr-20	£500.00	5.00%	£525.00		

Road Services

Permits

Property Enquiries	Apr-20	£51.00	5.00%	£54.00		
Property Enquiry adoption plan	Apr-20	£5.00	400.00%	£25.00	Fee increased to £25.00 to cover cost of providing this service	
Tables and Chairs up to 12 months (new application)	Apr-20	£174.00	5.00%	£183.00		
Tables and Chairs up to 12 months (renewal)	Apr-20	£115.00	5.00%	£121.00		
Tables and Chairs up to 6 months (new application)	Apr-20	£115.00	5.00%	£121.00		
Tables and Chairs up to 6 months (renewal)	Apr-20	£82.00	5.00%	£86.00		
Accident Data Retrievals	Apr-20	£28.00	5.00%	£29.00		Initial charge of £29.00 plus additional £29.00 per km, based on unit cost of staff time.

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Temporary Traffic Regulation Order up to 5 days	Apr-20	£461.00	5.00%	£484.00		
Temporary Traffic Regulation Order up to 5 days (Amendment request after permit processed or extension to issued permit)	Apr-20	£461.00	5.00%	£484.00		
Temporary Traffic Regulation Order over 5 days + legal notice	Apr-20	£865.00	5.00%	£908.00		
Temporary Traffic Regulation Order over 5 days + legal notice (Amendment request after permit processed or extension to issued permit)	Apr-20	£865.00	5.00%	£908.00		
Temporary Traffic Signals 2 way - non public utility	Apr-20	£87.00	5.00%	£91.00		
Temporary Traffic Signals 2 way - non public utility (Amendment request after permit processed or extension to issued permit)	Apr-20	£87.00	5.00%	£91.00		
Temporary Traffic Signals 3 way and over	Apr-20	£87.00	5.00%	£91.00		
Temporary Traffic Signals 3 way and over (Amendment request after permit processed or extension to issued permit)	Apr-20	£87.00	5.00%	£91.00		
Cabin / Storage container	Apr-20	£144.00	5.00%	£151.00		
Cabin / Storage container (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Crane	Apr-20	£92.00	5.00%	£97.00		
Crane (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Excavations Minor Works up to 3 working days	Apr-20	£220.00	5.00%	£231.00		
Excavations Minor Works up to 3 working days (Early start request)	Apr-20	£440.00	5.00%	£462.00		
Excavations Minor Works up to 3 working days (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Excavations Standard Works 4 -10 working days	Apr-20	£247.00	5.00%	£259.00		
Excavations Standard Works 4 -10 working days (Early start request)	Apr-20	£495.00	5.00%	£520.00		
Excavations Standard Works 4 -10 working days (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Excavations - Major Works over 10 working days	Apr-20	£289.00	5.00%	£303.00		
Excavations - Major Works over 10 working days (Early start request)	Apr-20	£576.00	5.00%	£605.00		
Excavations - Major Works over 10 working days (Amendment request after permit processed or extension to issued permit)	Apr-20	£576.00	5.00%	£605.00		
Footway Crossing up to 3 working days	Apr-20	£99.00	5.00%	£104.00		
Footway Crossing up to 3 working days (Amendment request after permit processed or extension to issued permit)	Apr-20	£99.00	5.00%	£104.00		
Hoarding	Apr-20	£144.00	5.00%	£151.00		
Hoarding (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Hoist Access Tower	Apr-20	£51.00	5.00%	£54.00		
Hoist Access Tower (Amendment request after permit processed or extension to issued permit)	Apr-20	£51.00	5.00%	£54.00		
Materials/Road Occupation	Apr-20	£51.00	5.00%	£54.00		
Materials/Road Occupation (Amendment request after permit processed or extension to issued permit)	Apr-20	£51.00	5.00%	£54.00		
Mobile Crane	Apr-20	£51.00	5.00%	£54.00		
Mobile Crane (Amendment request after permit processed or extension to issued permit)	Apr-20	£51.00	5.00%	£54.00		
Scaffolding	Apr-20	£151.00	5.00%	£159.00		
Scaffolding (Amendment request after permit processed or extension to issued permit)	Apr-20	£59.00	5.00%	£62.00		
Skip	Apr-20	£51.00	5.00%	£54.00		
Skip (Amendment request after permit processed or extension to issued permit)	Apr-20	£51.00	5.00%	£54.00		
Access Protection Marking	Apr-20	£82.00	5.00%	£86.00		VAT applied to £86.00 charge
Transport Scotland Act Violations	Apr-20	£120.00	0.00%	£120.00	Statutory charge - no change	Paid 30 plus days
Transport Scotland Act Violations	Apr-20	£80.00	0.00%	£80.00	Statutory charge - no change	Paid within 29 days (discounted).
Utility Company Charges Sample Inspection	Apr-20	£36.00	0.00%	£36.00	Statutory charge - no change	
Utility Company Charges Defect Inspection	Apr-20	£36.00	0.00%	£36.00	Statutory charge - no change	

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Road Construction Consent Inspection	New	n/a	n/a	Various	New charge proposed as part of Budget savings measures. See financial Strategy report. Income generation initiative to bring income from developers into line with expenditure and simplify charging process, it is proposed that the charging mechanism be changed.	APPROVED AT COUNCIL 21.02.23 It is proposed that a fixed fee be charged in relation to the size of the Road Bond. The charge rate will be 4.5% of the bond value. The fee increase is comparable to other local authorities. This 4.5% will apply to new bonds received from 1.04.23. For Roads Bonds already received, the current ourly rate charge will increase from £42.81 to £77.70.
Decriminalised Parking Enforcement - Penalty Charging Notice	Apr-20	£60.00	65.00%	£100.00	Minimum and Maximum charges are set by Scottish Government.	INCREASE IN INCOME APPROVED AT COUNCIL 21.02.23 - REQUIRES APPROVAL OF CHARGE Penalty charge notices will be reduced by 50% to £50 if paid within 14 days. For unpaid notices, the charge will be increased from £90 to £150 after charge certificate issued.

Travel and Fleet Services						
Passenger Transport						
Blue Badges	Apr-20	£20.00	0.00%	£20.00	Statutory cap is £20	
Lost School Bus Pass	Apr-20	£10.00	0.00%	£10.00		
Non-entitled Travel School Bus Pass	Apr-20	£245.00	0.00%	£245.00		
Electric Vehicle Charging						
Fast and Slow charger types (22kW and lower) per kWh	Oct-20	£0.16	118.00%	£0.35	Charges increased to cover service costs including maintenance.	APPROVED AT COUNCIL 21.02.23
Rapid charger types (over 43kW capacity) per kWh	Oct-20	£0.30	66.00%	£0.50	Benchmarking carried out against other local authorities and private sector shows that Midlothian is charging less for both rapid and fast and slow chargers. Guidance received from Scottish Futures Trust provided further insight into current and planned EV charging prices.	APPROVED AT COUNCIL 21.02.23 A minimum charge of £1 per session
Overstay charge (per minute)	Oct-20	£1.00	0.00%	£1.00		APPROVED AT COUNCIL 21.02.23 Overstay charge of £1 per minute after 60 minutes of charge for rapid chargers (over 43kW), capped at £30. Overstay charge of £1 per minute after 4 hours of charge for fast chargers (8kW-22kW), capped at £30. (Not applied between 22:00 and 08:00). Overstay charge of £1 per minute after 12 hours of charge for slow chargers (up to 7kW), capped at £30. (Not applied between 22:00 and 08:00).

Waste Services						
Trade Residual Waste and Charities						
240 litre 1 per fortnight (Residual)	Apr-20	£167.00	5.00%	£175.00		
240 litre 1 per week (Residual)	Apr-20	£334.00	5.00%	£351.00		
240 litre 2 per week (Residual)	Apr-20	£668.00	5.00%	£701.00		
360 litre 1 per fortnight (Residual)	Apr-20	£227.00	5.00%	£238.00		
360 litre 1 per week (Residual)	Apr-20	£452.00	5.00%	£475.00		
360 litre 2 per week (Residual)	Apr-20	£903.00	5.00%	£948.00		
660 litre 1 per week (Residual)	Apr-20	£744.00	5.00%	£781.00		
660 litre 2 per week (Residual)	Apr-20	£1,487.00	5.00%	£1,561.00		

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1100 litre 1 per week (Residual)	Apr-20	£1,169.00	5.00%	£1,227.00		
1100 litre 2 per week (Residual)	Apr-20	£2,338.00	5.00%	£2,455.00		
Ro-Ro box 1 per week (Residual)	Apr-20	£11,938.00	5.00%	£12,535.00		
Ro-Ro box 2 per week (Residual)	Apr-20	£23,876.00	5.00%	£25,070.00		
240 litre 1 per fortnight (Charity)	Apr-20	£110.00	5.00%	£115.00		
240 litre 1 per week (Charity)	Apr-20	£219.00	5.00%	£230.00		
240 litre 2 per week (Charity)	Apr-20	£439.00	5.00%	£461.00		
360 litre 1 per fortnight (Charity)	Apr-20	£140.00	5.00%	£147.00		
360 litre 1 per week (Charity)	Apr-20	£278.00	5.00%	£292.00		
360 litre 2 per week (Charity)	Apr-20	£557.00	5.00%	£585.00		
660 litre 1 per week (Charity)	Apr-20	£426.00	5.00%	£447.00		
660 litre 2 per week (Charity)	Apr-20	£851.00	5.00%	£894.00		
1100 litre 1 per week (Charity)	Apr-20	£646.00	5.00%	£678.00		
1100 litre 2 per week (Charity)	Apr-20	£1,295.00	5.00%	£1,360.00		
Trade waste recycling Bins						
240 litre 1 per fortnight	Apr-20	£129.00	5.00%	£135.00		
240 litre 1 per week	Apr-20	£259.00	5.00%	£272.00		
360 litre 1 per fortnight	Apr-20	£179.00	5.00%	£188.00		
360 litre 1 per week	Apr-20	£359.00	5.00%	£377.00		
660 litre 1 per week	Apr-20	£600.00	5.00%	£630.00		
1100 litre 1 per week	Apr-20	£957.00	5.00%	£1,005.00		
Trade waste Bin Lease Charge						
240 bin	Apr-20	£14.00	5.00%	£15.00		
360 bin	Apr-20	£25.00	5.00%	£26.00		
660 bin	Apr-20	£150.00	5.00%	£158.00		
1100 bin	Apr-20	£155.00	5.00%	£163.00		
New housing developments						
New build house – set of bins and boxes (inc food waste recycling)	Apr-20	£80.35	30.00%	£104.00	Charges increased to cover costs of providing the service.	These charges are aimed at property developers only.
Other waste charges						
Bulky Uplift	Apr-20	£26.00	5.00%	£27.00		
Garden Waste uplift per bin per year	Apr-20	£35.00	0.00%	£40.00	Increase to £40 proposed for year 2024/25 as part of budget savings proposals. Garden waste services benchmarked with other local authorities.	APPROVED AT COUNCIL 21.02.23

Protective Services						
Pest Control						
Rats/Mice treatment to eradicate	Apr-20	£91.00	0.00%	£91.00	Pest control charges are already in line with other competitors and therefore no increases proposed to retain customer volume.	Cost of treatment will involve a minimum of three visits to site (unless the first visit finds that a treatment is not actually required)
Wasps - initial visit	Apr-20	£50.00	0.00%	£50.00		
Wasps - subsequent wasp nest treatment/additional nests	Apr-20	£11.00	0.00%	£11.00		To note: no additional cost if retreat of same nest(s) required.
Fleas - per visit	Apr-20	£52.00	0.00%	£52.00		Charge is for each additional nest within the property curtilage treated during the same visit. E.g. if three nests within curtilage of property - initial cost of £
Insects - per visit (other than bedbugs, fleas or cockroaches)	Apr-20	£52.00	0.00%	£52.00		

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Bedbugs	Apr-20	£157.00	0.00%	£157.00		Bedbug treatments are minimum of three visits so cost increased to cover costs.
Cockroaches	Apr-20	£157.00	0.00%	£157.00		
Pest control advisory visit only (regarding rodents/wasps/unidentified insects).	Apr-20	£35.00	0.00%	£35.00		If it is ascertained that treatment is needed the advisory visit and treatment will require to be paid for separately.
Pest control visit - no rodenticide / insecticide treatment used	Apr-20	£35.00	0.00%	£35.00		Fee will allow a retained charge of £35.00 if treatment booked however not required. To note: the rest of the fee would be refunded. This applies to all pests.
Pest control visit - cancellations	Apr-20	£35.00	0.00%	£35.00		Fee will allow a retained charge of £35.00 for treatment where reasonable attempts to contact the requester via the contact information provided are unsuccessful or where pre arranged appointments are not kept by the requester.

Licensing						
Taxi Driver 1st Application	Apr-20	£101.00	35.00%	£136.00	Proposals for licensing charges form part of financial budget saving measures. See financial report.	APPROVED AT COUNCIL 21.02.23
Taxi Driver Licence Renewal 1 year	Apr-20	£48.00	35.00%	£65.00		APPROVED AT COUNCIL 21.02.23
Taxi Driver Licence Renewal 2 years	Apr-20	£92.00	35.00%	£124.00	Increased costs reflect full cost recovery for the application and administration of civic licenses.	1. Application and renewal fees for licences should reflect cost to the Council of processing the same which limits the ability to increase fees.
Taxi Driver Licence Renewal 3 years	Apr-20	£131.00	35.00%	£177.00		
Taxi Licence (application) (1st fee)	Apr-20	£72.00	35.00%	£97.00	Benchmarking of Public Entertainment Licenses within LGBF family group show that overall Midlothian is charging less than other authorities, on average 30-50% less and for some up to 100% less than others.	2. Where applicants can apply for 1, 2 or 3 year licences, fees for 2 and 3 year licences are based on 95% and 90% of cost of 1 year licence respectively.
Taxi Licence (application) (2nd fee)	Apr-20	£325.00	35.00%	£439.00		
Taxi Licence Renewal (Inc cost of plates)	Apr-20	£335.00	35.00%	£452.00	The increase in charges will be mitigated as some licence holders with a three year licence will not require to renew their licence for 23/24, others who lost a year's trading will be entitled to a year's free licence as per the GP Committee decision unless those who had their free year in 2022/23.	
Private Hire Car Driver 1st Application	Apr-20	£72.00	35.00%	£97.00		
Private Hire Car Driver Licence Renewal 1 year	Apr-20	£48.00	35.00%	£65.00		
Private Hire Car Driver Licence Renewal 2 years	Apr-20	£92.00	35.00%	£124.00		
Private Hire Car Driver Licence Renewal 3 years	Apr-20	£131.00	35.00%	£177.00		
Private Hire Car Licence (application) (1st fee)	Apr-20	£72.00	35.00%	£97.00		
Private Hire Car Licence (application) (2nd fee) (Inc cost of plates)	Apr-20	£314.00	35.00%	£424.00		
Private Hire Car Licence Renewal	Apr-20	£335.00	35.00%	£452.00		
Special Events (application) (1st fee)	Apr-20	£72.00	35.00%	£97.00		
Special Events (application) (2nd fee)	Apr-20	£314.00	35.00%	£424.00		
Special Events Renewal (Inc cost of plates)	Apr-20	£335.00	35.00%	£452.00		
Window Cleaner Licence 1 year (application)	Apr-20	£72.00	35.00%	£97.00		
Window Cleaner Renewal Licence 1 year	Apr-20	£48.00	35.00%	£65.00		
Window Cleaner Renewal Licence 2 years	Apr-20	£92.00	35.00%	£124.00		
Window Cleaner Renewal Licence 3 years	Apr-20	£131.00	35.00%	£177.00		
Street Trader Licence (application) (Incl Vehicles)	Apr-20	£157.00	35.00%	£212.00		
Street Trader Licence (Renewal) (Incl Vehicles)	Apr-20	£125.00	35.00%	£169.00		
Street Trader Licence (Renewal) (Two Years) (Incl Vehicles)	Apr-20	£179.00	35.00%	£242.00		
Street Trader Licence (Renewal) (Three Years) (Incl Vehicles)	Apr-20	£255.00	35.00%	£344.00		
Street Trader Licence - material change/substitute vehicle	Apr-20	£54.00	35.00%	£73.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Wheelie Bin Cleaner Licence (1st application) (with examination element)	Apr-20	£140.00	35.00%	£189.00		
Wheelie Bin Cleaner Licence (Renewal) (with examination element) 1 year	Apr-20	£102.00	35.00%	£138.00		
Wheelie Bin Cleaner Licence - Renewal (two years)	Apr-20	£168.00	35.00%	£227.00		
Wheelie Bin Cleaner Licence (Renewal) (three years)	Apr-20	£239.00	35.00%	£323.00		
Wheelie Bin Cleaner - Employee (application)	Apr-20	£72.00	35.00%	£97.00		
Wheelie Bin Cleaner - Employee Renewal (one year)	Apr-20	£48.00	35.00%	£65.00		
Wheelie Bin Cleaner- Employee Renewal (two years)	Apr-20	£92.00	35.00%	£124.00		
Wheelie Bin Cleaner - Employee Renewal (three years)	Apr-20	£131.00	35.00%	£177.00		
Other Street Trader Licence (1st application) (no inspection)	Apr-20	£72.00	35.00%	£97.00		
Other Street Trader Licence (Renewal) (no inspection)	Apr-20	£48.00	35.00%	£65.00		
Other Street Trader Licence Year 2 (no inspection) -5%	Apr-20	£92.00	35.00%	£124.00		
Other Street Trader Licence Year 3 (no inspection) -10%	Apr-20	£131.00	35.00%	£177.00		
Public indoor Sports Entertainment Licence (3 years)	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Public Indoor Sports Entertainment Licence Renewal (3 years)	Apr-20	£167.00	35.00%	£225.00		APPROVED AT COUNCIL 21.02.23
Public Indoor Sports Entertainment Licence - Variation	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Metal Dealer Licence (3 years)	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Metal Dealer Licence Renewal (3 years)	Apr-20	£167.00	35.00%	£225.00		APPROVED AT COUNCIL 21.02.23
Metal Dealer Licence - material change	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Second Hand Dealer Licence (3 years)	Apr-20	£296.00	35.00%	£400.00		APPROVED AT COUNCIL 21.02.23
Second Hand Dealer Licence Renewal (3 years)	Apr-20	£189.00	35.00%	£255.00		APPROVED AT COUNCIL 21.02.23
Second Hand Car Dealer Licence (3 years)	Apr-20	£296.00	35.00%	£400.00		APPROVED AT COUNCIL 21.02.23
Second Hand Car Dealer Licence Renewal (3 years)	Apr-20	£190.00	35.00%	£257.00		APPROVED AT COUNCIL 21.02.23
Market Operator Licence (3 years)	Apr-20	£296.00	35.00%	£400.00		APPROVED AT COUNCIL 21.02.23
Market Operator Licence Renewal (3 years)	Apr-20	£190.00	35.00%	£257.00		APPROVED AT COUNCIL 21.02.23
Market Operator Licence - material change	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Late Hours Catering Licence (3 years)	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Late Hours Catering Licence Renewal (3 years)	Apr-20	£167.00	35.00%	£225.00		APPROVED AT COUNCIL 21.02.23
Late Hours Catering Licence - material change	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Tattooing/Skin Piercing Licence (3 years)	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Tattooing/Skin Piercing Licence Renewal (3 years)	Apr-20	£167.00	35.00%	£225.00		APPROVED AT COUNCIL 21.02.23
Hire Car Booking Office Licence (first application)	Apr-20	£281.00	35.00%	£379.00		APPROVED AT COUNCIL 21.02.23
Hire Car Booking Office Licence (renewal)	Apr-20	£281.00	35.00%	£379.00		APPROVED AT COUNCIL 21.02.23
Knife Dealers Licence (3 years)	Apr-20	£289.00	35.00%	£390.00		APPROVED AT COUNCIL 21.02.23
Knife Dealers Licence Renewal (3 years)	Apr-20	£184.00	35.00%	£248.00		APPROVED AT COUNCIL 21.02.23
Venison Dealer Licence Application (3 years)	Apr-20	£262.00	35.00%	£354.00		APPROVED AT COUNCIL 21.02.23
Venison Dealer Licence Renewal (3 years)	Apr-20	£164.00	35.00%	£221.00		APPROVED AT COUNCIL 21.02.23
Cosmetic Ear Piercing Licence (3 years)	Apr-20	£131.00	35.00%	£177.00		APPROVED AT COUNCIL 21.02.23
Cosmetic Ear Piercing Licence Renewal (3 Years)	Apr-20	£131.00	35.00%	£177.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence (application) [up to 5 persons]	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence Renewal [up to 5 persons]	Apr-20	£167.00	35.00%	£225.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence (application) [between 6 and 10 persons]	Apr-20	£340.00	35.00%	£459.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence Renewal [between 6 and 10 persons]	Apr-20	£210.00	35.00%	£284.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence [more than 10 persons]	Apr-20	£430.00	35.00%	£581.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence Renewal [more than 10 persons]	Apr-20	£268.00	35.00%	£362.00		APPROVED AT COUNCIL 21.02.23
Houses in Multiple Occupation Licence - change in material circumstances	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23

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Updated: 21/02/2023					Note: Actual % increases will vary due to roundings.	
Itinerant Metal Dealer Licence	Apr-20	£100.00	35.00%	£135.00		APPROVED AT COUNCIL 21.02.23
Itinerant Metal Dealer Licence Renewal	Apr-20	£100.00	35.00%	£135.00		APPROVED AT COUNCIL 21.02.23
Sex Shop Licence Application (application) 1 year	Apr-20	£207.00	35.00%	£279.00		APPROVED AT COUNCIL 21.02.23
Sex Shop Licence Renewal (3 years)	Apr-20	£368.00	35.00%	£497.00		APPROVED AT COUNCIL 21.02.23
Second Hand Dealers Register	Apr-20	£92.00	35.00%	£124.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Second Hand Dealers log book	Apr-20	£12.00	35.00%	£16.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Replacement Private Hire Car Disc	Apr-20	£28.00	35.00%	£38.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Replacement Private Hire Car Plate	Apr-20	£28.00	35.00%	£38.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Replacement Private Hire Car Bracket for Plate	Apr-20	£28.00	35.00%	£38.00		APPROVED AT COUNCIL 21.02.23
Replacement Taxi Plate - Front	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Replacement Taxi Plate - Rear	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Replacement Taxi Plate - Internal	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Copy Licence	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Copy Identification Card	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Taxi Adjust Licence Change of Vehicle : inspection required (includes cost of plates)	Apr-20	£74.00	35.00%	£100.00		APPROVED AT COUNCIL 21.02.23
Taxi Adjust Licence Change of Vehicle : No Inspection Required (includes cost of plates)	Apr-20	£34.00	35.00%	£46.00		APPROVED AT COUNCIL 21.02.23
Private Hire Car Adjust Licence Change of Vehicle (insp/inc plates)	Apr-20	£74.00	35.00%	£100.00		APPROVED AT COUNCIL 21.02.23
Private Hire Car Adjust Licence Change of Vehicle (no insp/inc plates)	Apr-20	£34.00	35.00%	£46.00		APPROVED AT COUNCIL 21.02.23
Exemption - Metal Dealers only	Apr-20	£87.00	35.00%	£117.00		APPROVED AT COUNCIL 21.02.23
Cherished Registration Plate	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Certified Extract of Register	Apr-20	£28.00	35.00%	£38.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Copy of Register	Apr-20	£92.00	35.00%	£124.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Re-inspection Charge (Taxi and Private Hire Car)	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Cancellation of Inspection Appointment (Taxi and Private Hire Car)	Apr-20	£96.00	35.00%	£130.00		APPROVED AT COUNCIL 21.02.23
Post Red Sticker Examination (Taxi and Private Hire Car)	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Taxi Advertisement - Internal	Apr-20	£20.00	35.00%	£27.00		APPROVED AT COUNCIL 21.02.23
Taxi Advertisement - External	Apr-20	£51.00	35.00%	£69.00		APPROVED AT COUNCIL 21.02.23
Taxi Advertisement - Superside	Apr-20	£61.00	35.00%	£82.00		APPROVED AT COUNCIL 21.02.23
Taxi Advertisement - Full Livery	Apr-20	£105.00	35.00%	£142.00		APPROVED AT COUNCIL 21.02.23
Private Hire Car Advertisement	Apr-20	£51.00	35.00%	£69.00		APPROVED AT COUNCIL 21.02.23
Private Hire Car - prebooked door sign	Apr-20	£12.00	35.00%	£16.00		APPROVED AT COUNCIL 21.02.23 Discretionary charge
Hire car booking office - change of circumstances	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Hypnotism (not theatre or public entertainment venue)	Apr-20	£119.00	35.00%	£161.00		APPROVED AT COUNCIL 21.02.23

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Updated: 21/02/2023

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Performing Animals	Apr-20	£67.00	35.00%	£90.00		APPROVED AT COUNCIL 21.02.23
Zoo (inspection costs to be borne by applicant)	Apr-20	£59.00	35.00%	£80.00		APPROVED AT COUNCIL 21.02.23
Zoo - change of manager	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Cinema 1 year and renewals	Apr-20	£266.00	35.00%	£359.00		APPROVED AT COUNCIL 21.02.23
Cinema Occasional (month), (max £230 any one year)	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Cinema Transfer	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Cinema - charity	Apr-20	£0.00	35.00%	£0.00		APPROVED AT COUNCIL 21.02.23
Car boot sales licence - charity	Apr-20	£0.00	35.00%	£0.00		APPROVED AT COUNCIL 21.02.23
Public charitable collection permit	Apr-20	£0.00	35.00%	£0.00		APPROVED AT COUNCIL 21.02.23
Taxi Wheelchair exemption certificate	Apr-20	£26.00	35.00%	£35.00		APPROVED AT COUNCIL 21.02.23 For duration of licence or temporary period as determined.
Topographical Test 2nd Resit onwards	Apr-20	£69.00	35.00%	£93.00		APPROVED AT COUNCIL 21.02.23
Variation of Taxi/PH car licence to fit forward facing cameras	Apr-20	£57.00	35.00%	£77.00		APPROVED AT COUNCIL 21.02.23
Variation of Taxi/PH car licence to fit safety cameras	Apr-20	£57.00	35.00%	£77.00		APPROVED AT COUNCIL 21.02.23
Material Change in Circumstances	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Request to vary conditions	Apr-20	£54.00	35.00%	£73.00		APPROVED AT COUNCIL 21.02.23
Temporary Public Entertainment Licence Capacity under 1,000	Apr-20	£117.00	50.00%	£176.00		APPROVED AT COUNCIL 21.02.23
Temporary Public Entertainment Licence Capacity 1,001 - 5,000	Apr-20	£234.00	50.00%	£351.00		APPROVED AT COUNCIL 21.02.23
Temporary Public Entertainment Licence Capacity 5,001 - 10,000	Apr-20	£468.00	75.00%	£819.00		APPROVED AT COUNCIL 21.02.23
Temporary Public Entertainment Licence Capacity over 10,000	Apr-20	£936.00	100.00%	£1,872.00		APPROVED AT COUNCIL 21.02.23
Surcharge - Temporary Licence - (Including public entertainment) capacity under 1,000	Apr-20	£140.00	50.00%	£210.00		APPROVED AT COUNCIL 21.02.23
Surcharge - Temporary Licence - (Including public entertainment) capacity 1,001 to 5,000	Apr-20	£281.00	50.00%	£422.00		APPROVED AT COUNCIL 21.02.23
Surcharge - Temporary Licence - (Including public entertainment) capacity 5,001 to 10,000	Apr-20	£561.00	75.00%	£982.00		APPROVED AT COUNCIL 21.02.23
Surcharge - Temporary Licence - (Including public entertainment) capacity over 10,000	Apr-20	£1,123.00	100.00%	£2,246.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence (3 years) Capacity under 1,000	Apr-20	£262.00	50.00%	£393.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence (3 years) Capacity 1,001 - 5,000	Apr-20	£524.00	50.00%	£786.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence (3 years) Capacity 5,001 - 10,000	Apr-20	£1,048.00	75.00%	£1,834.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence (3 years) Capacity over 10,000	Apr-20	£2,096.00	100.00%	£4,192.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence Renewal (3 years) Capacity under 1,000	Apr-20	£164.00	50.00%	£246.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence Renewal (3 years) Capacity 1,001 - 5,000	Apr-20	£328.00	50.00%	£492.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence Renewal (3 years) Capacity 5,001 - 10,000	Apr-20	£656.00	75.00%	£1,148.00		APPROVED AT COUNCIL 21.02.23
Public Entertainment Licence Renewal (3 years) Capacity over 10,000	Apr-20	£1,312.00	100.00%	£2,624.00		APPROVED AT COUNCIL 21.02.23
Public entertainment Licence - material change	Apr-20	£54.00	50.00%	£81.00		APPROVED AT COUNCIL 21.02.23
Safety Advisory Group (SAG) co-ordination fee	New	n/a	n/a	n/a	New charge proposed as part of budget savings proposals. Fee aimed at Commercial events where a significant amount of resource is required across various services council wide to assist in the delivery of the event (not including planning and managing). A schedule of fees would be prescribed as part of a new policy.	APPROVED AT COUNCIL 21.02.23 Events charging policy to be presented to May Council.

Environmental Health - other						
Licence fees for animal boarding, dog breeding, dangerous wild animals and pet shops	Apr-20	£127.00	10.00%	£140.00	Benchmarking against other local authorities carried out to determine the increase to charges.	Note this charge is exclusive of Vets fees (at first licence or in event of complaint/compliance concerns where specialist report required at renewal of licence). Vet fees vary and are 100% recovered.

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Performing Animals	Apr-20	£70.00	10.00%	£77.00		
Riding establishments	Apr-20	£127.00	10.00%	£140.00		This annual licensing fee is exclusive of Vets fees. Vet fees vary and are 100% recovered.
Immigration certificates	Apr-20	£105.00	10.00%	£116.00		
Fast track Immigration certificate - required within 4 working days of request (50% surcharge on usual fee)	Apr-20	£157.50	10.00%	£173.00		This fee is a 50% surcharge on the flat fee and therefore should be £173.30.
Food export certificate	Apr-20	£32.00	10.00%	£35.00		Manufacturers require export certificates in specific circumstances.
Export Health certificate (where inspection visit is required) (per hour)	New	n/a	0.00%	£30.00	New charge proposed where a visit is required to inspect a food consignment. The charge covers officers time, which is dependent on the size of the consignment and administration of the certification by the officer. After benchmarking, neighbouring local authorities charge a flat fee of over £100.	Products of animal origin require inspection before export. The Export Health Certificate accompanies the consignment.
Food Hygiene Certificate, for premises looking for a premises licence under Section 50 of the Licensing (Scotland) Act 2005.	New	n/a	0.00%	£108.00	New charge proposed to cover costs of officer time and administration. Benchmarked against other local authorities.	APPROVED BY COUNCIL 21.02.23
Certificate of Compliance, for street trading vehicles under Section 39 Civic Government Scotland Act.	New	n/a	0.00%	£93.00	New charge proposed to cover costs of officer time and administration. Benchmarked against other local authorities.	APPROVED BY COUNCIL 21.02.23
Stray dogs						
Collection on day 1 -3	Apr-20	£17.00	0.00%	£17.00	All fees collected go to the kennels providing board. No increases required.	
Collection after day 3 (£17 plus £4.40 per every day thereafter)	Apr-20	n/a	0.00%	n/a		

Short term lets						
Initial Application or Renewal of Licence Application – Secondary Letting						
Up to 4 bedrooms/8 guests	Oct-22	£465.00	0.00%	£465.00	Short term let fees introduced October 2022, fees to remain unchanged for 23/24 and reviewed for April 2024.	
Up to 4 bedrooms/8 guests - Fee to consider material change	Oct-22	£270.00	0.00%	£270.00		
5 - 8 Bedrooms/16 guests	Oct-22	£525.00	0.00%	£525.00		
5 - 8 Bedrooms/16 guests - Fee to consider material change	Oct-22	£315.00	0.00%	£315.00		
More than 8 bedrooms/16 guests	Oct-22	£660.00	0.00%	£660.00		
More than 8 bedrooms/16 guests - Fee to consider material change	Oct-22	£390.00	0.00%	£390.00		
Initial Application or Renewal of Licence Application – Home Sharing/Home Letting						
1 bedroom/3 guests	Oct-22	£210.00	0.00%	£210.00	Short term let fees introduced October 2022, fees to remain unchanged for 23/24 and reviewed for April 2024.	
1 bedroom/3 guests - Fee to consider material change	Oct-22	£100.00	0.00%	£100.00		
2-3 Bedrooms/9 guests	Oct-22	£250.00	0.00%	£250.00		
2-3 Bedrooms/9 guests - Fee to consider material change	Oct-22	£130.00	0.00%	£130.00		
4 bedrooms/ 9 guests	Oct-22	£330.00	0.00%	£330.00		
4 bedrooms/ 9 guests - Fee to consider material change	Oct-22	£190.00	0.00%	£190.00		
Other charges						
Duplicate Licence	Oct-22	£35.00	0.00%	£35.00	Short term let fees introduced October 2022, fees to remain unchanged for 23/24 and reviewed for April 2024.	
True copy of any entry on the public register	Oct-22	£100.00	0.00%	£100.00		
Visits to the premises where the visit is necessary because of the failure of the host or operator (price per hour)	Oct-22	£115.00	0.00%	£115.00		

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Trading Standards						
Petroleum Licence (up to 2,500 litres)	Apr-19	£42.00	0.00%	£42.00	Statutory charge	Statutory charges usually set in April, but no increases in past couple of years.
Petroleum Licence (2,500-50,00 litres)	Apr-19	£58.00	0.00%	£58.00	Statutory charge	
Petroleum Licence (over 50,000 litres)	Apr-19	£120.00	0.00%	£120.00	Statutory charge	
Petroleum Licence (Transfer of licence)	Apr-19	£8.00	0.00%	£8.00	Statutory charge	
Explosives Store Licence (Initial application)	Apr-19	£178.00	0.00%	£178.00	Statutory charge	
Explosives Store Licence (Renewal)	Apr-19	£83.00	0.00%	£83.00	Statutory charge	
Explosives Store Registration (Initial Registration)	Apr-19	£105.00	0.00%	£105.00	Statutory charge	
Explosives Store Registration (Renewal)	Apr-19	£52.00	0.00%	£52.00	Statutory charge	
Explosives Store Registration (Variation)	Apr-19	£35.00	0.00%	£35.00	Statutory charge	
Weights and Measures Equipment Test Fees (weights fee)	Apr-19	£7.30	10.00%	£8.00	Charges benchmarked against other local authorities	For other weights
Weights and Measures Equipment Test Fees (weights fee)	Apr-19	£9.80	10.00%	£10.80		For weights exceeding 5kg or not exceeding 500mg
Weights and Measures Equipment Test Fees (length fee)	Apr-19	£10.20	10.00%	£11.20		
Weights and Measures Equipment Test Fees (liquid capacity measure fee)	Apr-19	£28.60	10.00%	£31.40		
Weights and Measures Equipment Test Fees (certificate)	Apr-19	£41.00	10.00%	£45.00		
Weights and Measures Equipment Testing (hourly rate)	Apr-19	£80.00	10.00%	£88.00		

Landlord fees						
Landlord Registration Fee - Principal (3 years)	Apr-19	£65.00	0.00%	£65.00	Statutory charges set by Scottish Government	
Landlord Registration Fee - Property (3 year per property)	Apr-19	£15.00	0.00%	£15.00		
Landlord Registration Fee - Charity (3 years)	Apr-19	£0.00	0.00%	£0.00		
Landlord Registration Fee - HMO (3 years)	Apr-19	£0.00	0.00%	£0.00		
Landlord Registration Fee - Multiple LA (3 years)	Apr-19	£32.50	0.00%	£32.50		
Landlord Registration Fee - Multiple LA (3 years per property)	Apr-19	£15.00	0.00%	£15.00		
Late Registration Fee - (3 years)	Apr-19	£130.00	0.00%	£130.00		
Late Registration Fee - Charity (3 years)	Apr-19	£130.00	0.00%	£130.00		

Corporate Solutions						
Library Services						
Overdue fines (per day)	Mar-21	£0.00	0.00%	£0.00	All library fines were removed in March 2021	
Requests	Apr-20	£0.00	0.00%	£0.00		
CD Hire	Mar-21	£0.40	0.00%	£0.40	Charges removed in March 2021	
DVD (fiction) per day	Mar-21	£1.30	0.00%	£1.30	Charges removed in March 2021	
Printing (black and white)	Apr-20	£0.15	30.00%	£0.20	Benchmarking carried out across other local authorities, charges for black and white printing, photocopying and laminating increased accordingly.	Harmonised charge across all Council services/outlets.
Printing (colour)	Apr-20	£0.60	0.00%	£0.60		
Photocopies (A4 black and white) per sheet	Apr-20	£0.15	30.00%	£0.20		
Photocopies (A3 black and white) per sheet	Apr-20	£0.20	25.00%	£0.25		
Photocopies (A4 colour) per sheet	Apr-20	£0.60	0.00%	£0.60		
Photocopies (A3 colour) per sheet	Apr-20	£1.10	0.00%	£1.10		
Laminating (A4 per sheet)	Apr-20	£1.00	20.00%	£1.20		
Laminating (A3 per sheet)	Apr-20	£1.00	50.00%	£1.50		
Lost Membership card	Apr-20	£1.50	0.00%	£1.50		
Lost Membership card (under 12s)	Apr-20	£0.00	0.00%	£0.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Note: Actual % increases will vary due to roundings.

Fax Sending (UK per sheet)	Apr-20	£1.60	0.00%	£1.60		Maximum £4.50
Fax Sending (Europe per sheet)	Apr-20	£2.10	0.00%	£2.10		Maximum £6.50
Fax Sending (International per sheet)	Apr-20	£2.70	0.00%	£2.70		Maximum £7.50
Fax Receiving - all	Apr-20	£1.60	0.00%	£1.60		
Use of image for publication per image (Commercial)	Apr-20	£35.00	0.00%	£35.00		
Use of image for publication per image (Academic)	Apr-20	£20.00	0.00%	£20.00		
Use of image for publication per image (Local History Societies)	Apr-20	£0.00	0.00%	£0.00		Work in Partnership
USB Flash drives - Determined by cost	Apr-20	£6.30	0.00%	£6.30		
Scotland People Vouchers	Apr-20	£5.80	0.00%	£5.80	Statutory charge	
Scotland People Vouchers	Apr-20	£7.00	0.00%	£7.00	Statutory charge	
Local Studies research	New	n/a	n/a	£20.00	Introduction of charges to undertake local studies research. This will include 30 minutes of free research then charges applied thereafter. Charge determine by benchmarking exercise with East Lothian who currently charge £28.00 with an archivist to assist.	

Registrars						
Marriage Notice Forms	Apr-20	£30.00	0.00%	£30.00	Statutory charge	
Civil Partnership Registration Notice Forms	Apr-20	£30.00	0.00%	£30.00	Statutory charge	
Marriage/Civil Partnership Certificate	Apr-20	£10.00	0.00%	£10.00	Statutory charge	
Civil Marriage Fee - in office	Apr-20	£55.00	0.00%	£55.00	Statutory charge	
Civil Partnership Ceremony Fee - in office	Apr-20	£55.00	0.00%	£55.00	Statutory charge	
Religious Marriage	Apr-20	£70.00	0.00%	£70.00	Statutory charge	
Civil Partnership Registration (no ceremony) - in office	Apr-20	£125.00	0.00%	£125.00	Statutory charge	
Civil Marriage Registration - (ceremony) - in office - no guests	Apr-20	£125.00	0.00%	£125.00	Statutory charge	
Civil Ceremony (Saturday) - in office	Apr-20	£325.00	0.00%	£325.00	Includes statutory charges of £125.00	
Civil Marriage - in office	Apr-20	£275.00	0.00%	£275.00	Includes statutory charges of £125.00	
Civil Partnership Ceremony - in office	Apr-20	£275.00	0.00%	£275.00	Includes statutory charges of £125.00	
Civil Marriage/Partnership - at venue Mon- Fri 4pm	Apr-20	£400.00	0.00%	£400.00		
Civil Marriage/Partnership - at venue from 4pm Fri- Sat 4pm	Apr-20	£420.00	0.00%	£420.00		
Civil Marriage/Partnership - at venue from 4pm Sat - Sun/PH	Apr-20	£460.00	0.00%	£460.00		
Civil Partnership - at venue	Apr-20	£407.00	0.00%	£407.00		
Non Refundable Booking Fee (in office)	Apr-20	£58.00	0.00%	£58.00		
Non Refundable Booking Fee (in venue)	Apr-20	£100.00	0.00%	£100.00		
Marriage/Civil Partnership Rehearsal - in office	Apr-20	£59.00	0.00%	£59.00		
Marriage/Civil Partnership Rehearsal - at venue	Apr-20	£120.00	0.00%	£120.00		
Birth, Death, Marriage, Civil Partnership Extracts at time of registration	Apr-20	£10.00	0.00%	£10.00	Statutory charge	
Birth, Death, Marriage, Civil Partnership Extracts after one month of registration	Apr-20	£17.00	0.00%	£17.00	Includes Statutory charge £10.00	
Postage charge for Birth, Death, Marriage, Civil Partnership Extracts after one month of registration	Apr-20	£1.00	200.00%	£3.00	Price increased to introduce a flat rate charge for postage rather	
Birth, Death, Marriage, Civil Partnership Extracts after one month of registration - Priority Service	Apr-20	£22.00	0.00%	£22.00	Includes Statutory charge £10.00	
Public Holiday and Sunday Charge at Venue	Apr-20	£63.00	0.00%	£63.00		
Citizenship Ceremony (if individual ceremony requested)	Apr-20	£69.00	0.00%	£69.00	Statutory charge	
Civil Partnership to a Same Sex Marriage Conversion	Apr-20	£36.00	0.00%	£35.00	Statutory charge	
Risk Assessment undertaken by Registrar	Apr-20	£59.00	0.00%	£59.00		
Baby naming ceremony Mon-Fri (in office)	Apr-20	£90.00	0.00%	£90.00		
Baby naming ceremony Mon-Fri (in venue)	Apr-20	£120.00	0.00%	£120.00		
Baby naming ceremony Weekend & public holiday (in office)	Apr-20	£100.00	0.00%	£100.00		
Baby naming ceremony Weekend & public holiday (venue)	Apr-20	£130.00	0.00%	£130.00		

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Note: Actual % increases will vary due to roundings.

Renewal of vows Mon-Fri (in office)	Apr-20	£90.00	0.00%	£90.00		
Renewal of vows Mon-Fri (in venue)	Apr-20	£120.00	0.00%	£120.00		
Renewal of vows Weekend & public holiday (in office)	Apr-20	£100.00	0.00%	£100.00		
Renewal of vows Weekend & public holiday (in venue)	Apr-20	£130.00	0.00%	£130.00		

Street name and numbering						
Naming of a new street	Apr-20	£315.00	15.00%	£360.00	Benchmarking carried out with Edinburgh, Scottish Borders, Perth and Kinross. In comparison to those authorities Midlothian sit at the higher end.	APPROVED BY COUNCIL 21.02.23 With the exception of the charge for single developments all other charges are services aimed at property developers.
Naming/Numbering of New Properties or Alterations to existing buildings: 1 property	Apr-20	£105.00	15.00%	£120.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 2 - 5 properties	Apr-20	£260.00	15.00%	£300.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 6-10 properties	Apr-20	£365.00	15.00%	£420.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 11-20 properties	Apr-20	£525.00	15.00%	£600.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 21-50 properties	Apr-20	£785.00	15.00%	£900.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 51-100 properties	Apr-20	£1,050.00	15.00%	£1,200.00		
Naming/Numbering of New Properties or Alterations to existing buildings: 101 plus properties (Plus additional £45 per plot)	Apr-20	£1,470.00	15.00%	£1,700.00		
Allocation of a house name or renumbering/change of address	Apr-20	£105.00	15.00%	£120.00		

Health and Social Care						
Adult Social Care						
Homecare Charges per hour	Apr-20	£12.40	0.00%	£12.40	Midlothian Health and Social Care Partnership are currently undertaking some work to review their charging policy and eligibility criteria. This will require some benchmarking and will also need to take account of the still pending funding settlement for 2023-24 directed by the Scottish Government and agreed by Midlothian Council and NHS Lothian. Consequently, it is anticipated that a further report on Social Care charges will be brought to Council as soon as is feasible.	Financial assessment determines cost with a maximum charge.
Housing Support per hour	Apr-20	£12.40	0.00%	£12.40		
Telecare and Community Alarms (per week)	Apr-20	£4.00	0.00%	£4.00		Financial assessment determines cost with a maximum charge.
Day Centre Meals (Cherry Road/CAT)	Apr-20	£2.40	0.00%	£2.40		
Care Home Charges	Apr-20	n/a	0.00%	n/a		Financial assessment required, set in accordance with Scottish Government Guidance Annually in March
Day Centre Charges (Highbank - meals, per day)	Apr-20	£4.10	0.00%	£4.10		
Transport - Highbank	Apr-20	£3.90	0.00%	£3.90		
Transport - all other (per journey)	Apr-20	£1.00	0.00%	£1.00		
Adult day centre (per day)	Apr-20	£3.15	0.00%	£3.15		Financial assessment determines cost with a maximum charge.

Healthy Living Services						
Harmonised pitches Charges - ALL Midlothian Facilities per hour - Standard Charge						
11 a-side grass pitch	Aug-20	£23.00	0.00%	£23.00	Charges across all leisure services are frozen. There will be an external review of charges and memberships and, when that is completed, a full report will be brought to Council outlining any suggested changes to charges.	
7-a-side grass pitch	Aug-20	£12.50	0.00%	£12.50		
Off pitch training area - grass	Aug-20	£18.50	0.00%	£18.50		
11-a-side 3G pitch	Aug-20	£47.00	0.00%	£47.00		
7-a-side 3G pitch	Aug-20	£40.00	0.00%	£40.00		
5-a-side 3G pitch	Aug-20	£32.00	0.00%	£32.00		
11-a-side astro turf pitch	Aug-20	£20.00	0.00%	£20.00		
7-a-side astro turf pitch	Aug-20	£16.00	0.00%	£16.00		
Changing Rooms for matches only	Aug-20	£23.00	0.00%	£23.00		

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Harmonised Hall Charges - ALL Midlothian Facilities per hour - Standard Charge						
Class rooms/meeting rooms (0 - 60 sqm)	Aug-20	£12.50	0.00%	£12.50	Charges across all leisure services are frozen. There will be an external review of charges and memberships and, when that is completed, a full report will be brought to Council outlining any suggested changes to charges.	Concessions will be applied in accordance with the Concessions Policy.
Small Hall (61 - 300 sqm)	Aug-20	£27.00	0.00%	£27.00		
Medium Hall (301 - 600sqm)	Aug-20	£46.00	0.00%	£46.00		
Large Hall (601 + sqm)	Aug-20	£91.00	0.00%	£91.00		
Tonezone Membership						
Platinum:						
Individual	Aug-20	£48.30	0.00%	£48.30	Charges across all leisure services are frozen. There will be an external review of charges and memberships and, when that is completed, a full report will be brought to Council outlining any suggested changes to charges.	
Individual: 12 months for the price of 10 months	Aug-20	£483.00	0.00%	£483.00		
Joint	Aug-20	£85.40	0.00%	£85.40		
Joint: 12 months for the price of 10 months	Aug-20	£854.00	0.00%	£854.00		
Corporate	Aug-20	£39.00	0.00%	£39.00		
Corporate: 12 months for the price of 10 months	Aug-20	£390.00	0.00%	£390.00		
Student	Aug-20	£28.60	0.00%	£28.60		
Student 12 months for the price of 10 months	Aug-20	£286.00	0.00%	£286.00		
Junior	Aug-20	£24.20	0.00%	£24.20		
Junior: 12 months for the price of 10 months	Aug-20	£242.00	0.00%	£242.00		
Gold:						
Individual	Aug-20	£44.50	0.00%	£44.50		
Individual: 12 months for the price of 10 months	Aug-20	£445.00	0.00%	£445.00		
Joint	Aug-20	£79.10	0.00%	£79.10		
Joint: 12 months for the price of 10 months	Aug-20	£791.00	0.00%	£791.00		
Corporate	Aug-20	£34.60	0.00%	£34.60		
Corporate: 12 months for the price of 10 months	Aug-20	£346.50	0.00%	£346.50		
Student	Aug-20	£26.00	0.00%	£26.00		
Student:12 months for the price of 10 months	Aug-20	£260.00	0.00%	£260.00		
Junior	Aug-20	£22.50	0.00%	£22.50		
Junior: 12 months for the price of 10 months	Aug-20	£224.00	0.00%	£224.00		
Silver:						
Individual	Aug-20	£34.60	0.00%	£34.60		
Individual: 12 months for the price of 10 months	Aug-20	£346.50	0.00%	£346.50		
Joint	Aug-20	£62.00	0.00%	£62.00		
Joint: 12 months for the price of 10 months	Aug-20	£618.50	0.00%	£618.50		
Corporate	Aug-20	£27.80	0.00%	£27.80		
Corporate: 12 months for the price of 10 months	Aug-20	£278.00	0.00%	£278.00		
Student	Aug-20	£23.60	0.00%	£23.60		
Student: 12 months for the price of 10 months	Aug-20	£236.00	0.00%	£236.00		
Junior	Aug-20	£21.30	0.00%	£21.30		
Junior: 12 months for the price of 10 months	Aug-20	£213.00	0.00%	£213.00		
Bronze:						
Individual	Aug-20	£31.20	0.00%	£31.20		
Individual: 12 months for the price of 10 months	Aug-20	£312.00	0.00%	£312.00		
Joint	Aug-20	£55.60	0.00%	£55.60		
Joint: 12 months for the price of 10 months	Aug-20	£556.50	0.00%	£556.50		
Corporate	Aug-20	£25.40	0.00%	£25.40		
Corporate: 12 months for the price of 10 months	Aug-20	£254.00	0.00%	£254.00		
Student	Aug-20	£18.90	0.00%	£18.90		
Student: 12 months for the price of 10 months	Aug-20	£189.00	0.00%	£189.00		
Junior	Aug-20	£17.90	0.00%	£17.90		
Junior: 12 months for the price of 10 months	Aug-20	£178.50	0.00%	£178.50		

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Active Golden Years:						
Individual	Aug-20	£20.80	0.00%	£20.80		
Individual: 12 months for the price of 10 months	Aug-20	£208.00	0.00%	£208.00		
Joint	Aug-20	£33.50	0.00%	£33.50		
Joint: 12 months for the price of 10 months	Aug-20	£333.50	0.00%	£333.50		
Teenzone:						
Individual	Aug-20	£17.60	0.00%	£17.60		
Individual: 12 months for the price of 10 months	Aug-20	£175.00	0.00%	£175.00		
Joining fee:						
Individual	Aug-20	£31.90	0.00%	£31.90		
Joint	Aug-20	£44.70	0.00%	£44.70		
Student/Junior/Teenzone	Aug-20	£11.30	0.00%	£11.30		
Access to Midlothian Card						
Access to Midlothian Card - 6 months	Aug-20	£78.00	0.00%	£78.00		
Access to Midlothian Card - 12 months	Aug-20	£133.00	0.00%	£133.00		
Access to Midlothian Administration(for those who do not have a card)	Aug-20	£4.90	0.00%	£4.90		
Access to Midlothian Administration(for those who do not have a card) concession	Aug-20	£4.90	0.00%	£4.90		
Leisure Centre facilities						
Swim	Aug-20	£4.80	0.00%	£4.80	Charges across all leisure services are frozen. There will be an external review of charges and memberships and, when that is completed, a full report will be brought to Council outlining any suggested changes to charges.	
Swim (concession)	Aug-20	£2.50	0.00%	£2.50		
Family Swim	Aug-20	£13.20	0.00%	£13.20		
Swimming (Adult) Private Lesson	Aug-20	£13.20	0.00%	£13.20		
Swimming Lesson - per lesson	Aug-20	£7.70	0.00%	£7.70		
Swimming Lesson - per lesson (concession)	Aug-20	£5.70	0.00%	£5.70		
Swimming Lesson - per lesson Discounted rate for additional child (must be a sibling)	Aug-20	£6.70	0.00%	£6.70		
Swimming Lesson - per lesson Discounted rate for additional child(must be a sibling) concession	Aug-20	£5.10	0.00%	£5.10		
Adult Clubs and Private Hire (Pool Parties) per lane (25m)	Aug-20	£19.80	0.00%	£19.80		
Schools and Junior Clubs (leisure) per lane (25m)	Aug-20	£13.60	0.00%	£13.60		
School - full pool - charge - Adults fee paying classes	Aug-20	£38.00	0.00%	£38.00		
School - full pool - charge - Adults fee paying classes (concession)	Aug-20	£22.80	0.00%	£22.80		
Health Suite	Aug-20	£7.70	0.00%	£7.70		
Health Suite (concession)	Aug-20	£4.40	0.00%	£4.40		
Fitness Suite	Aug-20	£7.30	0.00%	£7.30		
Fitness Suite (concession)	Aug-20	£4.40	0.00%	£4.40		
Sauna	Aug-20	£5.70	0.00%	£5.70		
Sauna (concession)	Aug-20	£3.60	0.00%	£3.60		
Swim + Health suite or sauna	Aug-20	£8.80	0.00%	£8.80		
Swim + Health suite or sauna (concession)	Aug-20	£5.20	0.00%	£5.20		
Badminton (per person per hour)	Aug-20	£5.80	0.00%	£5.80		
Badminton (per person per hour) (concession)	Aug-20	£2.80	0.00%	£2.80		
Squash Court	Aug-20	£10.00	0.00%	£10.00		
Squash Court (concession)	Aug-20	£5.60	0.00%	£5.60		
Table Tennis (per person per hour)	Aug-20	£3.40	0.00%	£3.40		
Table Tennis (per person per hour) (concession)	Aug-20	£2.85	0.00%	£2.85		
Water Polo Lesson - a lesson	Aug-20	£5.90	0.00%	£5.90		

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Carpet Bowls per person per hour	Aug-20	£3.40	0.00%	£3.40		
Carpet Bowls per person per hour (concession)	Aug-20	£2.85	0.00%	£2.85		
Bowling - per person per hour - outdoor	Aug-20	£3.80	0.00%	£3.80		
Bowling - per person per hour - outdoor (concession)	Aug-20	£2.00	0.00%	£2.00		
Bowling - per person per season - outdoor	Aug-20	£64.00	0.00%	£64.00		
Bowling - per person per season - outdoor (concession)	Aug-20	£32.70	0.00%	£32.70		
Bowling - per person per round - outdoor	Aug-20	£2.00	0.00%	£2.00		
Bowling - per person per round - outdoor (concession)	Aug-20	£1.40	0.00%	£1.40		
Tennis (Artificial Grass)	Aug-20	£5.00	0.00%	£5.00		
Tennis (Artificial Grass) concession	Aug-20	£3.00	0.00%	£3.00		
Crèche per hour	Aug-20	£3.20	0.00%	£3.20		
Changing only	Aug-20	£3.20	0.00%	£3.20		
Changing only concession	Aug-20	£3.10	0.00%	£3.10		
Holiday Sports Coaching Course (5days)	Aug-20	£136.00	0.00%	£136.00		
Kitchen (per occasion) excludes schools	Aug-20	£42.00	0.00%	£42.00		
Midlothian Gymnastics Academy Shared Use	Aug-20	£23.00	0.00%	£23.00		
Midlothian Gymnastics Academy Sole Use	Aug-20	£46.00	0.00%	£46.00		
Midlothian Gymnastics Academy Squad Use	Aug-20	£26.50	0.00%	£26.50		
Midlothian Gymnastics Academy Individual	Aug-20	£6.00	0.00%	£6.00		
Midlothian Gymnastics Academy Individual concession	Aug-20	£5.40	0.00%	£5.40		
Soft Play Area	Aug-20	£40.00	0.00%	£40.00		
Hire per session - Set of Bowls	Aug-20	£3.00	0.00%	£3.00		
Hire per session - Set of Bowls concession	Aug-20	£1.80	0.00%	£1.80		
Hire - Bowles Locker (per season)	Aug-20	£7.50	0.00%	£7.50		
Hire - Bowles Locker (per season) concession	Aug-20	£7.50	0.00%	£7.50		
Hire per session - Tennis Racket	Aug-20	£7.50	0.00%	£7.50		
Hire per session - Tennis Racket concession	Aug-20	£1.80	0.00%	£1.80		
Hire Tennis/Golf Balls (each)	Aug-20	£0.65	0.00%	£0.65		
Hire Tennis/Golf Balls (each) concession	Aug-20	£0.65	0.00%	£0.65		
Hire Badminton Racket	Aug-20	£2.70	0.00%	£2.70		
Hire Badminton Racket concession	Aug-20	£1.80	0.00%	£1.80		
Hire Table Tennis Bat	Aug-20	£2.70	0.00%	£2.70		
Hire Table Tennis Bat concession	Aug-20	£1.80	0.00%	£1.80		
Hire Squash Racket	Aug-20	£2.70	0.00%	£2.70		
Hire Squash Racket concession	Aug-20	£1.80	0.00%	£1.80		
Hire Indoor Football	Aug-20	£3.00	0.00%	£3.00		
Hire Indoor Football concession	Aug-20	£1.80	0.00%	£1.80		
Hire Amplifying Equipment (Halls and Centres)	Aug-20	£20.30	0.00%	£20.30		
Hire Amplifying Equipment (Halls and Centres) concession	Aug-20	£20.30	0.00%	£20.30		
Penicuik Town Hall Lesser Hall PA/ Hire per hour	Aug-20	£18.00	0.00%	£18.00		
Penicuik Town Hall Lesser Hall PA/ Hire per hour concession	Aug-20	£17.10	0.00%	£17.10		
Penicuik Town Hall Cowan Hall PA/Effect Light Hire per hour	Aug-20	£47.00	0.00%	£47.00		
Penicuik Town Hall Cowan Hall PA/Effect Light Hire per hour concession	Aug-20	£26.00	0.00%	£26.00		
Hire Inflatable within Centre	Aug-20	£40.00	0.00%	£40.00		
Hire Music Centre	Aug-20	£15.50	0.00%	£15.50		
Hire Music Centre concession	Aug-20	£7.80	0.00%	£7.80		
Centre Group Session	Aug-20	£5.70	0.00%	£5.70		
Centre Group Session (concession)	Aug-20	£4.10	0.00%	£4.10		
Soft Play per child per hour	Aug-20	£4.40	0.00%	£4.40		
BTS class/ Premium class	Aug-20	£6.70	0.00%	£6.70		
BTS class/ Premium class (concession)	Aug-20	£5.20	0.00%	£5.20		

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Exercise Class	Aug-20	£6.00	0.00%	£6.00		
Exercise Class (concession)	Aug-20	£4.10	0.00%	£4.10		
Exercise Class with Equipment	Aug-20	£6.20	0.00%	£6.20		
Exercise Class with Equipment (concession)	Aug-20	£4.30	0.00%	£4.30		
AquaFit Class/ Water based Aerobics	Aug-20	£6.00	0.00%	£6.00		
AquaFit Class/ Water based Aerobics (concession)	Aug-20	£4.10	0.00%	£4.10		
NPLQ/per course	Aug-20	£260.00	0.00%	£260.00		
NPLQ/per course (concession)	Aug-20	£225.00	0.00%	£225.00		
Tonezone Induction	Aug-20	£18.10	0.00%	£18.10		
Tonezone Induction (concession)	Aug-20	£12.00	0.00%	£12.00		

Snowsports Centre						
Ski/Snowboarding Instruction						
Open Fast Track Skiing/Snowboarding (2 hours)	Aug-20	£33.50	0.00%	£33.50	Charges across all leisure services are frozen. There will be an external review of charges and memberships and, when that is completed, a full report will be brought to Council outlining any suggested changes to charges.	
Open Fast Track Skiing/Snowboarding (2 hours) concession	Aug-20	£23.50	0.00%	£23.50		
Open Learn to ski/snowboard in a day (over 8's) (5 hours)	Aug-20	£105.00	0.00%	£105.00		
Open taster 4/5/6 year olds (1 hour) concession	Aug-20	£12.00	0.00%	£12.00		
Race Training Group ski or snowboard with poles (1 hour)	Aug-20	£185.00	0.00%	£185.00		
Race Training Group ski or snowboard with poles (1 hour) concession	Aug-20	£135.00	0.00%	£135.00		
LSRA trainee – 1.5 hour session, concession	Aug-20	£12.20	0.00%	£12.20		
LSRA warm up (per hour). Concession	Aug-20	£4.20	0.00%	£4.20		
Private Ski/ Snowboarding Group (1 hours)	Aug-20	£156.00	0.00%	£156.00		
Private Ski/ Snowboarding Group (1 hours), concession	Aug-20	£112.00	0.00%	£112.00		
Private Ski/ Snowboarding Group (1.5 hours)	Aug-20	£201.50	0.00%	£201.50		
Private Ski/ Snowboarding Group (1.5 hours), concession	Aug-20	£147.00	0.00%	£147.00		
Private Ski/ Snowboarding Group (2 hours)	Aug-20	£232.00	0.00%	£232.00		
Private Ski/ Snowboarding Group (2 hours), concession	Aug-20	£164.00	0.00%	£164.00		
Private Lesson - 1 Hour (1 person)	Aug-20	£52.00	0.00%	£52.00		
Private Lesson - 1 Hour (1 extra person) + £15.50	Aug-20	£67.50	0.00%	£67.50		
Private Lesson - 1 Hour (2 extra persons Max) + £31.00	Aug-20	£83.00	0.00%	£83.00		
Private Lesson - 1.5 Hours (1 Person)	Aug-20	£72.00	0.00%	£72.00		
Private Lesson - 1.5 Hours (1 extra person) +£21.00	Aug-20	£93.00	0.00%	£93.00		
Private Lesson - 1.5 Hours (2 extra persons Max) +£42.00	Aug-20	£114.00	0.00%	£114.00		
Private Lesson - 2 Hours (1 Person)	Aug-20	£88.00	0.00%	£88.00		
Private Lesson - 2 Hours (1 extra person) +£23.00	Aug-20	£111.00	0.00%	£111.00		
Private Lesson - 2 Hours (2 extra persons Max) +£46.00	Aug-20	£134.00	0.00%	£134.00		
Family Lesson - 1.5 Hours (2 Adult + 2 Junior)	Aug-20	£120.00	0.00%	£120.00		
Family Lesson - One extra junior, maximum add on.	Aug-20	£135.00	0.00%	£135.00		
Adult ski and snowboarding course (4 days x 2 hour sessions)	Aug-20	£101.00	0.00%	£101.00		
Junior Ski or Snowboard Camp (5 days x 2.5 hour sessions)	Aug-20	£107.00	0.00%	£107.00		
Junior Ski or Snowboard school (4 days x (3 hour sessions)	Aug-20	£107.00	0.00%	£107.00		
Kinder Ski School (4 x 1 hour sessions for ages 4/5)	Aug-20	£53.50	0.00%	£53.50		
Kinder Ski Camp (5 x 1 hour sessions for ages 4/5)	Aug-20	£66.50	0.00%	£66.50		
Super sliders Class/Sunday sliders/Super racers (2hrs)	Aug-20	£15.00	0.00%	£15.00		
Mini Sliders (1 hr)	Aug-20	£7.50	0.00%	£7.50		
Ladies Morning (1.5hrs)	Aug-20	£16.00	0.00%	£16.00		
Freestyle Academy (2hrs)	Aug-20	£20.00	0.00%	£20.00		
Slope fee for BASI course (per day)	Aug-20	£15.00	0.00%	£15.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

LSR booking & Administration Fee	Aug-20	£67.50	0.00%	£67.50		
Performance workshops (ski touring/all mountain)	Aug-20	£58.00	0.00%	£58.00		
Practice Skiing/Snowboarding						
Nursery Slope (price for first hour)	Aug-20	£8.00	0.00%	£8.00		
Nursery Slope (price for first hour) concession	Aug-20	£5.30	0.00%	£5.30		
Nursery Slope (price for additional hour)	Aug-20	£4.00	0.00%	£4.00		
Nursery Slope (price for additional hour) concession	Aug-20	£3.00	0.00%	£3.00		
Main Slopes (price for first hour)	Aug-20	£15.00	0.00%	£15.00		
Main Slopes (price for first hour) concession	Aug-20	£10.00	0.00%	£10.00		
Additional hour/post lesson/Instruction (not available to schools programme customers)	Aug-20	£8.00	0.00%	£8.00		
Additional hour/post lesson/Instruction (not available to schools programme customers) - concession	Aug-20	£5.00	0.00%	£5.00		
Chairlift						
1 Return Journey	Aug-20	£5.00	0.00%	£5.00		
Special Family Ticket (2 adults, 2 children)	Aug-20	£10.00	0.00%	£10.00		
Paraglide (per 5 journeys)	Aug-20	£10.00	0.00%	£10.00		
Events						
Entry Peak time	Aug-20	£16.20	0.00%	£16.20		
Entry off peak time	Aug-20	£12.00	0.00%	£12.00		
BUDS entry fee	Aug-20	£18.80	0.00%	£18.80		
Slalom poles	Aug-20	£125.00	0.00%	£125.00		
Race Timing Facilities	Aug-20	£115.00	0.00%	£115.00		
Hire freestyle rails	Aug-20	£165.00	0.00%	£165.00		
First aider	Aug-20	£60.00	0.00%	£60.00		£60.00 with multiplier between 0.75 and 3.0
Race timing facilities operator	Aug-20	£60.00	0.00%	£60.00		
Course setter – per hour	Aug-20	£60.00	0.00%	£60.00		
Race Control (start) official – per hour	Aug-20	£60.00	0.00%	£60.00		
Meeting Room - per hour	Aug-20	£16.00	0.00%	£16.00		
General Admission Fee – per person	Aug-20	£3.50	0.00%	£3.50		
General Admission Fee – per person (pre sale)	Aug-20	£3.00	0.00%	£3.00		
Booking & Administration Fee – major event	Aug-20	n/a	n/a	n/a		Charge varies - min charge of £275.00 max charge of £1000.00
Full Centre event hire	Aug-20	n/a	n/a	n/a		Price on application
Bar Pitch	Aug-20	n/a	n/a	n/a		Charge varies - min charge of £275.00 max charge of £515.00
Additional Bar Pitch	Aug-20	n/a	n/a	n/a		Charge varies - min charge of £110.00 max charge of £260.00
Catering Pitch	Aug-20	n/a	n/a	n/a		Charge varies - min charge of £270.00 max charge of £515.00
Additional Catering Pitch	Aug-20	n/a	n/a	n/a		Charge varies - min charge of £110.00 max charge of £260.00
Photocopying/printing per sheet	Aug-20	n/a	n/a	n/a		
Education Ski Charges						
Schools Tuition – Midlothian 1.5 hours per pupil	Aug-20	£6.40	0.00%	£6.40		
Schools Tuition – Midlothian (After School) 1.5 hours per pupil	Aug-20	£8.60	0.00%	£8.60		
Schools Tuition – Non Midlothian 1.5 hours per pupil	Aug-20	£8.50	0.00%	£8.50		
Schools Tuition – Non Midlothian (After School) 1.5 hours per pupil	Aug-20	£9.60	0.00%	£9.60		
3 hour session per pupil – Midlothian	Aug-20	£9.75	0.00%	£9.75		
3 hour session per pupil - Non Midlothian	Aug-20	£12.90	0.00%	£12.90		
Teachers In-Service Course – per hour	Aug-20	n/a	n/a	n/a		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Tubing					
Tubing Parties/person Junior (4-12 year olds)	Aug-20	£13.00	0.00%	£13.00	
Tubing parties/person	Aug-20	£15.00	0.00%	£15.00	
Pay n play tubing (1 hour) (Junior)	Aug-20	£8.60	0.00%	£8.60	
Pay n play tubing (1 hour) (Adult)	Aug-20	£10.60	0.00%	£10.60	
Pay n play tubing (hour) (2 Adults+ 3 Juniors)	Aug-20	£41.00	0.00%	£41.00	
Miscellaneous Charges					
Notice board advertising – per item, per month	Aug-20	£10.00	0.00%	£10.00	
Replacement locker key	Aug-20	£5.00	0.00%	£5.00	
Shadowing (shadow 35 hours)	Aug-20	£60.00	0.00%	£60.00	

People and Partnerships						
Music Tuition						
Instrumental Tuition (per Academic year)	Aug-20	£0.00	0.00%	£0.00	Charges for music tuition were removed by Scottish Government in 2021/22	
Instrumental Tuition (Spring and Summer terms)	Aug-20	£0.00	0.00%	£0.00		
Instrumental Tuition (Summer term only)	Aug-20	£0.00	0.00%	£0.00		

Lifelong Learning & Employability classes (including Lasswade evening classes)						
Code A Highers	Aug-20	£210.00	0.00%	£210.00	No proposed changes to charges to encourage uptake in volumes. Paid Adult learning classes rely on sufficient numbers to meet costs of sessional and causal tutors.	Customers registering for qualifications who meet the criteria (in low paid work, no qualifications above a certain level etc) qualify for an Individual Learning Account from SDS of up to £200.
Code A (Under 18/DLA)	Aug-20	£105.00	0.00%	£105.00		
Code A (Retired)	Aug-20	£157.00	0.00%	£157.00		
Code A (Concession)	Aug-20	£42.00	0.00%	£42.00		
Code C - 10 weeks at 2 hours	Aug-20	£75.00	0.00%	£75.00		
Code C (Under 18/DLA)	Aug-20	£38.00	0.00%	£38.00		
Code C (Retired)	Aug-20	£42.00	0.00%	£42.00		
Code C (Concession)	Aug-20	£20.00	0.00%	£20.00		
Code F 10 weeks at 1 hour	Aug-20	£40.00	0.00%	£40.00		
Code F (under 18/DLA)	Aug-20	£20.00	0.00%	£20.00		
Code F(Retired)	Aug-20	£25.00	0.00%	£25.00		
Code F (Concession)	Aug-20	£15.00	0.00%	£15.00		
Code G - weekend or half day provision 4 hours in total	Aug-20	£28.00	0.00%	£28.00		
Code G (Under 18/DLA)	Aug-20	£28.00	0.00%	£28.00		
Code G (Retired)	Aug-20	£28.00	0.00%	£28.00		
Code G (Concession)	Aug-20	£10.00	0.00%	£10.00		

Beeslack High School - Leisure						
Tennis Courts/per hour	Aug-20	£5.00	0.00%	£5.00	Charges will remain frozen to ensure consistency with other leisure charges as stated above.	
Tennis Courts/per hour (concession)	Aug-20	£3.00	0.00%	£3.00		
Swimming pool/per hour (weekdays)	Aug-20	£34.70	0.00%	£34.70		
Swimming pool/per hour (weekends)	Aug-20	£67.00	0.00%	£67.00		
Leisure Swim/per hour	Aug-20	£4.80	0.00%	£4.80		
Leisure Swim/per hour (concession)	Aug-20	£2.50	0.00%	£2.50		
Swimming instruction/per hour - adults	Aug-20	£7.70	0.00%	£7.70		
Swimming instruction/per hour - children	Aug-20	£5.70	0.00%	£5.70		
Swimming instruction/per hour - additional child (must be a sibling)	Aug-20	£5.10	0.00%	£5.10		
NPLQ/per course	Aug-20	£260.00	0.00%	£260.00		
Summer Activities per session	Aug-20	£5.70	0.00%	£5.70		
Fun Athletics/per hour	Aug-20	£5.70	0.00%	£5.70		
Yoga/per 2 hours	Aug-20	£9.00	0.00%	£9.00		

Description of charge	Last Revised	Current charge 22/23 (charges have remained static since April 2020)	Increase (%)	New charge for 23/24 (rounded)	Comments	Additional information
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Updated: 21/02/2023

Note: Actual % increases will vary due to roundings.

Beeslack High School - Classes						
Other evening/interest only class	Aug-19	£7.50	0.00%	£7.50	No changes to evening classes charges to align with CLLE charges above.	
Cake decorating/per class	Aug-19	£7.50	0.00%	£7.50		
Dressmaking/per class	Aug-19	£7.50	0.00%	£7.50		
Language Classes/per class	Aug-19	£7.50	0.00%	£7.50		
Jewellery Making/per class	Aug-19	£7.50	0.00%	£7.50		
Upholstery/per class	Aug-19	£7.50	0.00%	£7.50		
Adult Evening Classes	Aug-19	£210.00	0.00%	£210.00		
Concession - pupils/students/retired	Aug-19	£110.00	0.00%	£110.00		
Exam Fee	Aug-19	£37.50	0.00%	£37.50	Statutory charge - set by SQA	

Covert Surveillance**Report by Kevin Anderson, Executive Director, Place****Report for Noting****1 Recommendations**

Council is invited to note the terms of this report.

2 Purpose of Report/Executive Summary

The purpose of this report is the requirement of the Investigatory Powers Commissioner's Office (IPCO) to advise the Council of covert surveillance actions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA") by the Council during 2021 and 2022.

Date: 08 March 2023**Report Contact:**

Alan Turpie, Legal and Governance Manager

alan.turpie@midlothian.gov.uk

0131 271 3667

3 Background

- 3.1** In some circumstances, it is necessary for Midlothian Council employees, in the course of their duties, to make observations of a person or persons in a covert manner, i.e. without that person's knowledge, or to instruct third parties to do so on the Council's behalf. By their nature, actions of this sort are potentially intrusive (in the ordinary sense of the word) and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ("the right to respect for private and family life").
- 3.2** The Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) provides a legal framework for covert surveillance by public authorities such as Midlothian Council. Any covert surveillance by officers must be carried out in terms of the Council's Covert Surveillance Policy (Appendix B). The objective of this policy is to ensure that all covert surveillance by Midlothian Council employees is carried out effectively, while remaining in accordance with the law.
- 3.3** It must be stressed that Midlothian Council does not engage in surveillance activities which are legally classed as intrusive e.g. phone tapping or mail interception. The Council's covert surveillance has simply involved test purchasing, social media, noise monitoring or CCTV of anti-social behaviour.
- 3.4** The Council's covert surveillance policy requires that, if an investigating officer considers it necessary, any surveillance must be approved by one of the five Authorised Officers within the Council:
- Chief Executive;
 - Executive Director, Place;
 - Executive Director, Children, Young People and Partnerships;
 - Chief Officer, Place; and
 - Legal and Governance Manager.

These authorisations and consequent reviews and cancellations are then stored within legal services in line with the Council's data retention policies.

- 3.5** Whilst the Council has never made prolific use of covert surveillance (peak usage being 42 cases in 2012/13 and 22 cases in 2014/15), there has been a downward trend in the Council's surveillance activities in recent years, although numbers are starting to rise slowly following the pandemic. The number of surveillance activities in 2021 and 2022 are 2 and 6 respectively. It must be noted that none of these activities disclosed sensitive or personal data. The Council has not authorised any Covert Human Intelligence Sources during this period.

- 3.6** The Council has a Covert Surveillance Policy referred to in 3.2 and its Covert Human Intelligence Sources Policy (Appendix C) and the Social Media Policy (Appendix D). These policies were all reviewed during 2022 and the updated versions were approved by the Corporate Management Team on 18 January 2023. Members are requested to note the terms of the policies.

4 Report Implications (Resource, Digital and Risk)

- 4.1 Resource**
None

- 4.2 Digital**
None

- 4.3 Risk**
There are no risks inherent in this report, however, if the procedures outlined in the Covert Surveillance Policy are not followed, the evidence acquired may have been acquired unlawfully. Therefore it may not be admissible in court, and the Procurator Fiscal is unlikely to take proceedings on the basis of such evidence. Midlothian Council may also be exposed to legal action.

- 4.4 Ensuring Equalities (if required a separate IIA must be completed)**
This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

- 4.5 Additional Report Implications**
See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Covert Surveillance Policy and Guidance

Appendix C – Covert Human Intelligence Sources Policy and Guidance

Appendix D – Social Media Policy

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

MIDLOTHIAN COUNCIL

**COVERT SURVEILLANCE POLICY AND
GUIDANCE**

Document Control Information

Revision	Date	Revision Description
Version 1.0	19/5/16	
Version 2.0	26/3/2019	Updated to reflect recommendations from IPCO inspection December 2018
Version 3.0	23/06/2020	Updated to reflect correspondence from IPCO and changes in Council management structure
Version 4.0	18/01/2023	Updated to reflect comments from ICPO and appoint new Authorising Officer

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1. INTRODUCTION

In some circumstances, it may be necessary for Midlothian Council employees, in the course of their duties, to make observations of a person or persons in a covert manner, i.e. without that person's knowledge, or to instruct third parties to do so on the Council's behalf. By their nature, actions of this sort are potentially intrusive (in the ordinary sense of the word) and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ("the right to respect for private and family life").

The Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA") provides a legal framework for covert surveillance by public authorities and an independent inspection regime to monitor these activities.

No activity shall be undertaken by employees of Midlothian Council that comes within the definition of "Intrusive Surveillance." Intrusive surveillance is detailed in Section 5 of this policy.

2. OBJECTIVE

The objective of this policy is to ensure that all covert surveillance by Midlothian Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Scottish Government's Covert Surveillance and Property Interference: Code of Practice 2017 and the 2021 Procedures and Guidance issued by the Office of Surveillance Commissioners (OSC). Copies of the Code of Practice and the Procedures and Guidance are available to all staff involved in surveillance operations and are available via the Midlothian Council Intranet.

The Code of Practice and the Procedures and Guidance can be accessed through the links below and all staff working in covert surveillance are expected to be familiar with these documents:

<https://www.gov.scot/publications/covert-surveillance-property-interference-code-practice-2/>

<https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/OSC-PROCEDURES-AND-GUIDANCE.pdf>

If the procedures outlined in this policy are not followed, any evidence acquired may have been acquired unlawfully. It may therefore not be admissible in court, and the Procurator Fiscal is unlikely to take proceedings on the basis of such evidence. Midlothian Council may also be exposed to legal action.

3. SCOPE OF THE POLICY

This policy applies in all cases where “directed surveillance” is being planned or carried out. Directed surveillance is defined in the relevant Code of Practice as undertaken “for the purposes of a specific investigation or operation” and “in such a manner as is likely to result in the obtaining of private information about a person”. This may also include repeated and systematic viewings of a subject’s social media sites.

The policy does not apply to:

- Observations that are carried out overtly;
- Unplanned observations made as an immediate response to events where it was not reasonably practicable to obtain authorisation;
- Non-planned, ad hoc covert observations that do not involve the systematic surveillance for a specific investigation or operation; or
- Any disciplinary investigation or any activity involving the surveillance of employees of the Council, unless such surveillance directly relates to a regulatory function of the Council.

Unless the situation very clearly falls within one of these exempted categories, the authorisation procedures below should be followed in every case.

4. PRINCIPLES OF SURVEILLANCE

In planning and carrying out covert surveillance, Midlothian Council employees shall comply with the following principles:-

Lawful purposes – covert surveillance shall only be carried out where necessary to achieve one or more of the permitted purposes (as defined in RIPSAs); i.e. it must be:

- (a) for the purpose of preventing or detecting crime or the prevention of disorder;
- (b) in the interests of public safety; or
- (c) for the purpose of protecting public health.

Employees carrying out surveillance shall not cause damage to any property or harass any person.

Necessity – covert surveillance shall only be undertaken where there is no reasonable and effective alternative way of achieving the desired objective(s).

Effectiveness – planned covert surveillance shall be undertaken only by, or under the supervision of, suitably trained or experienced employees.

Proportionality – the use and extent of covert surveillance shall be proportionate and not excessive i.e. its use shall be in proportion to the significance of the matter being investigated. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

Collateral intrusion – Consideration must be given to the extent to which the surveillance will interfere with the privacy of persons other than the subject of the surveillance and to minimise the impact of the surveillance on them. Reasonable steps shall be taken to minimise the acquisition of information that is not directly necessary for the purposes of the investigation or operation being carried out.

Authorisation – all directed surveillance must be authorised in accordance with the procedures described below.

5. WHEN IS AUTHORISATION REQUIRED?

Seeking Authorisation

Authorisation is required for directed surveillance as defined in section 3 above.

Authorisation is required when the activity is carried out by Midlothian Council employees or by third parties carrying out surveillance on behalf of or under the instruction of the Council.

Where surveillance is to be undertaken in a manner likely to acquire “private information” about a person or persons (which is not defined but includes information about their private and family life) and is to be conducted in such a manner as is calculated to ensure the persons subject to the surveillance are unaware that it is or may be taking place, then authorisation will be required.

In some noise monitoring cases, where only the level of noise is recorded, an authorisation may not be necessary, further advice and guidance should be sought in such cases.

When directed surveillance has been carried out without the necessary authorisation, this must be reported to the Chief Surveillance Commissioner. In these circumstances, you should contact the Legal and Governance Manager.

More detailed advice and examples of when authorisation is required can be found in the Code of Practice and Procedures and Guidance.

Further advice as to whether an authorisation is required may be obtained via the Legal and Governance Manager.

WHO MAY SEEK AUTHORISATION?

Any officer whose duties involve activity falling within the above description must seek and be granted authorisation prior to carrying out the surveillance.

INTRUSIVE SURVEILLANCE

Intrusive surveillance means covert surveillance in relation to anything taking place on any residential premises (i.e. a person's accommodation) or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. Midlothian Council is not authorised to conduct intrusive surveillance under any circumstances.

Some additional points should be made about intrusive surveillance. Surveillance is not intrusive if directed into a home or private vehicle from outside unless the information is consistently of the same quality as the device actually present in the home or vehicle would provide. Advice previously received from the OSC suggests that the sort of surveillance undertaken by the Council is unlikely to reach this level of sophistication. Thus activities such as filming goods being sold from the back of a car, or monitoring the level of noise generated by an anti-social tenant (but not the actual words) are unlikely to be classed as intrusive, and so these activities can safely be carried out (subject to appropriate authorisation).

6. WHEN IS COVERT SURVEILLANCE APPROPRIATE?

By its nature covert surveillance intrudes on people's privacy. It should therefore be regarded as a last resort, only to be considered when all other methods have been tried and failed, or where the nature of the activity the surveillance relates to is such that it can reasonably be concluded that nothing else will be able to acquire the information being sought.

Any use of covert surveillance must be proportionate to the objective being pursued.

7. PROPORTIONALITY

Proportionality is a concept of human rights law designed to ensure that measures taken by the State (and its organs such as the Council) which impact on the rights of citizens are kept within proper bounds. It means that if the same legitimate end can be reached by means of less intrusion on people's rights then the less intrusive path should be taken. There should also be a reasonable relationship between the seriousness of the mischief being addressed and the degree of intrusion into people's rights.

Covert surveillance involves a potentially serious breach of an individual's rights to privacy. Compelling reasons are therefore required to justify these, particularly if the surveillance is to continue for an extended period.

It is useful to consider how serious the breach you are seeking to rectify is. For criminal offences the potential sentence may be a useful guide. However many regulatory offences, while attracting only small fines, are designed to prevent potentially life threatening occurrences. Such factors weigh in favour of surveillance being proportionate.

8. CONFIDENTIAL INFORMATION

Applications where a significant risk of acquiring confidential information has been identified shall always require the approval of the Chief Executive only.

“Confidential Information” consists of:

- Matters subject to legal privilege (for example between professional legal adviser and client);
- Confidential personal information (for example relating to a person’s physical or mental health); or
- Confidential journalistic information.

Such applications shall only be granted in exceptional circumstances where the authorising officer is fully satisfied that surveillance is both necessary and proportionate in these circumstances.

If the authorisation sought recognises the likelihood of acquiring Confidential Information, the Council’s Legal and Governance Manager should be consulted for legal advice regarding whether the desired surveillance is reasonable and proportionate.

When any confidential information is obtained then the matter must be reported to the Investigatory Powers Commissioner’s Office (IPCO) during their next inspection and any information obtained made available to them if required.

Confidential information must be destroyed as soon as it is no longer necessary to retain it for a specified purpose.

9. COLLATERAL INTRUSION

“Collateral Intrusion” refers to the fact that surveillance operations will often inadvertently intrude on the privacy of persons other than those at whom the operation is directed. Operations should be planned so as to minimise or eliminate so far as possible the risk of collateral intrusion, and the extent to which it remains is a factor to consider in determining the proportionality of the operation.

Collateral intrusion generally will be minimised through proper planning and by focussing the surveillance as much as possible on the specific person or premises targeted.

It is important to note that only the person(s) specified in the Directed Surveillance authorisation are subject to surveillance. Therefore, any records kept of the surveillance activity, i.e. notes; photos or video images should only contain details of person(s) specified. This should also be mentioned in the application to minimise collateral intrusion.

10. SURVEILLANCE BY OTHER PUBLIC AUTHORITIES

Council officers are occasionally asked to assist in surveillance operations being conducted by other public authorities, for example the Police, the Department for Work and Pensions, HM Revenue and Customs etc. In such cases it is for the organisation seeking assistance from the Council to ensure that it has appropriate authorisations in place. These authorisations should be shown to the Council staff involved or written confirmation given that the authorisations have been duly granted. Copies of such authorisations or written confirmations (from a proper officer of the other authority) should be forwarded to the Council's Legal and Governance Manager.

Where possible, the Council should seek to avoid duplication of authorisation as part of a single investigation or operation. Where two authorities are conducting directed or intrusive surveillance as part of a joint operation, only one authorisation is required.

11. CCTV

The Council has developed a Code of Practice to cover the operation and management of the Council's CCTV systems. This Code of Practice should be followed at all times but officers should be aware that formal authorisation will still be required under RIPSA if the system is to be used in Directed Surveillance operations.

Completion, Granting and Recording Authorisations and Refusals

Construction of Applications:

12. UNIQUE REFERENCE NUMBER (URN)

Prior to completion of a Directed Surveillance Application, a URN must be sought from the Legal and Governance Manager. Contact should be made with the Legal and Governance Manager advising that:

- A URN is sought,
- The name of the person subject to surveillance,
- Name of Applicant seeking authorisation.

The Legal and Governance Manager shall enter the URN on the central record and place a note on the record that an application is pending. This will

ensure that the Legal and Governance Manager will be aware of forthcoming application for the central record.

13. APPLICATION FORMS

Directed Surveillance Application – RIPS A1 (Appendix 1)

This application should be completed in all cases (including where oral authorisation was first sought). It is effective from the time that approval is given. When granting authorisations, Authorising Officers should indicate the frequency of reviews they consider necessary and specify the first review date, normally within one month. By law, an authorisation lasts for 3 months.

Directed Surveillance Review – RIPS A2 (Appendix 2)

This application should be completed in cases that require to be reviewed in accordance with the authorising officer's comments.

Directed Surveillance Renewal – RIPS A3 (Appendix 3)

The renewal application needs to be completed if the 3 month authorisation is due to expire and surveillance is still necessary and proportionate.

Directed Surveillance Cancellation – RIPS A4 (Appendix 4)

A cancellation form needs to be completed when it is clear that the authorisation is no longer required. An authorisation should not be allowed merely to expire after 3 months but must be formally cancelled.

14. WHO MAY GRANT/REVIEW/RENEW AND CANCEL AUTHORISATIONS?

Authorisations for directed surveillance may only be granted/reviewed/renewed and cancelled by:-

- the Chief Executive;
- Executive Director, Place;
- Executive Director, Children, Young People and Partnerships;
- Chief Officer, Place; or
- the Legal and Governance Manager.

Applications where a significant risk of acquiring confidential information has been identified should only be granted by the Chief Executive, please refer to section 8 above.

Good practice dictates that the officer authorising surveillance is not operationally involved in the matter being authorised, although this may not always be practicable.

The Executive Director, Place has been appointed as the Council's Senior Responsible Officer. As such, it is also good practice that the Senior Responsible Officer does not grant authorisations but he is competent to do so if other Authorising Officers are not available.

15. URGENT AUTHORISATIONS

Urgent authorisations should not normally be necessary. In exceptional circumstances however urgent authorisations may be given orally if the time that would elapse before a written authorisation could be granted would either be likely to (1) endanger life or (2) jeopardise the investigation or operation for which the authorisation is being sought. Urgent authorisations will normally only be given following consultation with the Senior Responsible Officer or the Chief Executive.

An urgent authorisation should not be used to remedy mere delay or failure to seek written authorisation timeously.

Urgent authorisations last for no more than 72 hours.

Where authorisations are granted orally under urgency procedures, a record detailing the actions authorised and the reasons why the urgency procedures has been used should be recorded by the Applicant and Authorising Officer as a priority

16. GRANT OR REFUSAL OF AUTHORISATIONS

All Divisions carrying out surveillance activities must maintain a record of all applications for directed surveillance, together with the relevant consent or refusal. Oral authorisation must be recorded on the appropriate form (RIPSA1) and submitted to the Authorising Officer. All applications, reviews, renewals and cancellations must be prepared and a copy delivered within 24 hours to the Legal and Governance Manager, Midlothian House, as the person responsible for the maintenance of the Central Record of Authorisations. These forms may be monitored for cross-service consistency by the Legal and Governance Manager, and may have to be produced in the event of an inspection by the IPCO. These forms represent evidence of the Council's compliance with the law and Codes of Practice, and as such, care should be taken in the completion and logging of them.

The IPCO may require an Authorising Officer to justify his decision to grant a request, so authorisations should not be signed off automatically. Evidence of reasoned grant or refusal of requests is vital in displaying compliance with the law.

The Authorising Officer must be satisfied that the Applicant has correctly identified a lawful purpose for the proposed surveillance, has planned the operation properly so as to minimise collateral intrusion and the collection of confidential information, is not proposing to stray beyond the permissible

bounds of directed surveillance, and has correctly applied the necessity and proportionality tests. Only if actively satisfied on these points should the authorisation be granted. Any restrictions imposed on the authorisation should be noted as Authorising Officer comments.

An authorisation should demonstrate how an Authorising Officer has reached the conclusion that the activity was proportionate to what it seeks to achieve, including an explanation of the reasons why the chosen method is not disproportionate.

The Authorising Officer should set out, in their own words, why they are satisfied or why they believe the activity is necessary and proportionate. A bare assertion is insufficient.

The Authorising Officer should as a matter of routine state explicitly and in their own words what is being authorised, and against which subjects, property or location (ie who, what, where, when and how). Mere reference to the terms of the application is inadequate.

Unless the request is straightforward or already includes clear information and sufficient level of detail to explain and justify the required activity, the Authorising Officer should seek clarification directly from the Applicant (face-to-face, by telephone or otherwise as appropriate), or from the Applicant's line manager on questions of policy. If still dissatisfied, the Authorising Officer should refuse the request or grant it subject to conditions or restrictions. Authorising Officers should make it clear, from the terms of their authorisations and comments, exactly what is being authorised, including any parameters or restrictions they are setting. Even if fully satisfied and accepting that there is no need to impose any restrictions, the Authorising Officers should make some comments in the 'Comments' box, perhaps confirming that they have discussed the matter with the Applicant (if appropriate) and that they are satisfied that the proposed operation is necessary and proportionate.

A copy of the authorisation should be passed immediately to the Applicant by the Authorising Officer or, if the request has been presented by someone else on the Applicant's behalf, eg the Applicant's line manager, that person should immediately forward the authorisation to the Applicant. Except in cases of urgency, Applicants should have sight of the written authorisation before commencing the activity, so they can satisfy themselves that full authorisation has been granted or acquaint themselves with any restrictions set by the Authorising Officer.

17. DURATION, REVIEW, RENEWAL AND CANCELLATION OF AUTHORISATIONS

By law an authorisation lasts for three months. If the reasons justifying carrying out the surveillance cease to apply, then the authorisation should be cancelled as soon as it is no longer required and a record kept of the cancellation and the reasons for this.

If surveillance is to be continued for longer than the original period authorised, it is necessary to have a renewal application authorised. Renewal applications should highlight the fact that what is sought is renewal, and enclose the original authorisation and any previous renewals. The tests applicable to renewals are identical to those for initial applications.

When granting authorisations, Authorising Officers should indicate the frequency of reviews they consider necessary and specify the first review date, normally within one month. Applicants should complete and submit a review form to the Authorising Officer in advance of each review date. The review form should note whether any significant evidence has been acquired by the activity being considered and whether, against the background, continued surveillance can still be justified.

18. SECURITY AND RETENTION OF DOCUMENTS

Documents created under this procedure are highly confidential and shall be treated as such. Divisions shall make proper arrangements for their retention, secure storage and destruction, in accordance with the requirements of the Data Protection Act 2018, the OSC Procedure and Guidance and the Code of Practice. The Legal and Governance Manager should also be advised of these arrangements. It should be noted that refusals as well as approved applications must be retained. The Code of Practice recommends retention of authorisations for five years (longer if required for ongoing criminal proceedings).

Paper copies of all documents must be stored in locked and secure filing cabinets. All electronic correspondence regarding an investigation must be stored in a secure directory which is not available outwith the immediate staff involved.

In accordance with the OSC Procedure and Guidance, documents will be inspected periodically by the Chief Executive to ensure that a consistent approach is being adopted by different Council Divisions. The IPCO have statutory powers of inspection and all records (applications, authorisations, and refusals) must be available for inspection. No records should be destroyed until after an IPCO inspection has had the opportunity to see them.

All documentation should be retained and destroyed in terms of the Council's data retention policy.

19. OVERSIGHT

Internal oversight is provided by the Council's Senior Responsible Officer. The Senior Responsible Officer is a member of the Corporate Management Team and is responsible for the integrity of the internal processes within Midlothian Council for the management of Covert Surveillance and for Council compliance with RIPSAs and the Code of Conduct.

The Investigatory Powers Commissioner's Office (IPCO) provides independent oversight of the use of the powers contained within the Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Scotland) Act 2000. This oversight includes inspection visits by Inspectors appointed by the IPCO.

20. COMPLAINTS

The Regulation of Investigatory Powers Act 2000 (the 'UK Act') establishes an independent tribunal. This tribunal has full powers to investigate any complaints and decide any cases within the United Kingdom including complaints about activities carried out under the provisions of The Regulation of Investigatory Powers (Scotland) Act 2000. Details of the relevant complaint procedure can be obtained from the Investigatory Powers Tribunal, PO Box 33220, London, SW1H 9ZQ.

21. REVIEW

This Policy should be reviewed as and when necessary to reflect any changes in circumstances and no later than every three years

APPENDICES

Directed Surveillance Application Form	-	Appendix 1
Directed Surveillance Review Form	-	Appendix 2
Directed Surveillance Renewal Form	-	Appendix 3
Directed Surveillance Cancellation Form	-	Appendix 4



Directed Surveillance
Application - FINAL.doc



Directed Surveillance
Review - FINAL.doc



Directed Surveillance
Renewal - FINAL.doc



Directed Surveillance
Cancellation - FINAL.doc

These forms can be accessed on the Intranet via Council/Legal/Surveillance Guidance.

MIDLOTHIAN COUNCIL

COVERT HUMAN INTELLIGENCE SOURCES POLICY AND GUIDANCE

Document Control Information

Revision	Date	Revision Description
Version 1.0	19/5/16	
Version 2.0	26/03/2019	3 yearly review
Version 3.0	23/06/2020	Updated to reflect change in Council Structure
Version 4.0	18/01/2023	Updated to reflect comments from ICPO and appoint new Authorising Officer

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POLICY AND GUIDELINES ON COVERT HUMAN INTELLIGENCE SOURCES

See also separate Policy and Guidelines on Covert Surveillance

1. INTRODUCTION

Under section 1(7) of the Regulation of Investigatory Powers (Scotland) Act 2000 (“RIPSA”), a person is a Covert Human Intelligence Source (commonly referred to as a “CHIS”) if he or she:

- (a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within (b) or (c) below and either:
- (b) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

It is important to note that the Council is obliged to follow the Code of Practice issued by Scottish Ministers in 2017 in regard to every authorisation of the use of a Covert Human Intelligence Source under RIPSA. Failure to do so may be founded upon in any criminal or civil proceedings.

This policy should also be read in conjunction with the Procedures and Guidance issued by the Office of Surveillance Commissioners (OSC).

Copies of the Code of Practice and the Procedures and Guidance are available via the Midlothian Council Intranet.

The Code of Practice and the Procedures and Guidance can also be accessed through the links below and all staff working with Covert Human Intelligence Sources are expected to be familiar with these documents:

<http://intranet/services/webinfo/WebInfoPDF.asp?BlobID=24378>

<https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/OSC-PROCEDURES-AND-GUIDANCE.pdf>

2. SCOPE OF THE POLICY

This procedure applies in all cases where a “Covert Human Intelligence Source” is to be used. Covert Human Intelligence Source (hereinafter referred to as a source) is defined by Section 1(7) of the RIPSA. A person will be acting as a source if they covertly (i.e. without disclosing their true purpose) establish or maintain a personal or other relationship with another person in order to obtain information from that person or to disclose information obtained from that person or to provide access to information to another person. The definition of a source is not restricted to obtaining private information.

A local authority may therefore use a source in two main ways. Employees of the Midlothian Council may themselves act as a source by failing to disclose their true identity in order to obtain information. Alternatively an employee of the Midlothian Council may cultivate a member of the public or employee of a business under investigation to provide them with information on a regular basis. This person will also be acting as a source. In both cases the person or persons being investigated are unaware that this is taking place.

The procedure does not apply in circumstances where members of the public volunteer information on an initial basis as part of their normal civic duties or contact numbers specifically set up to receive anonymous information such as crime-stoppers. However, someone might become a source as a result of a relationship with the Midlothian Council that began in this way and authorisation must then be sought.

Further examples of when this procedure will apply and an individual considered to be a Source are contained in Chapter 2 of the Code of Practice.

It is also noted that an explicit statutory power may exist under other legislation authorising employees of the Council to carry out certain activities such as test purchasing. Where statutory authority exists under other legislation it will not normally be necessary to seek authorisation under this procedure. However, where the activity requires the officer to establish a personal relationship with any person or where the activity concerned takes place on premises which are also residential or in a situation where a high degree of privacy would be expected then authorisation under this procedure must also be sought.

Staff must be aware of the possibility of status drift when an individual develops into a source eg through the repeated provision of information about an individual, a relationship develops in test purchasing or a staff member responds to, posts on or otherwise interacts on an individual's Social Networking Site. Staff should monitor for status drift and take appropriate action including seeking authorisation if they think it has occurred.

3. RELATIONSHIP WITH THE POLICY ON COVERT SURVEILLANCE

Where it is envisaged that the use of a source will also be accompanied by directed surveillance then authorisation must also be sought under the Council's policy on covert surveillance.

Where a source wearing or carrying a surveillance device is invited into residential premises or a private vehicle separate authorisation is not required under the surveillance procedure as long as the Council's procedure on Covert Human Intelligence Sources has been followed and authorisation given.

Where the source themselves is subject to surveillance to identify whether they would be an appropriate person to act as a source this surveillance must be authorised in accordance with the surveillance procedure

4. PRINCIPLES OF USE OF COVERT HUMAN INTELLIGENCE SOURCE

Where planning and making use of a source Midlothian Council employees shall comply with the following principles:

Lawful purposes - A source shall only be used where necessary to achieve one or more of the permitted purposes (as defined in the Act) namely:

- (a) for the purpose of preventing or detecting crime or the prevention of disorder;
- (b) in the interests of public safety; or
- (c) for the purpose of protecting public health.

Necessity - A source should only be utilised where there is no reasonable and effective alternative way of achieving the desired objective(s).

Proportionality – using a source shall be proportionate and shall not be excessive i.e. the use of a source shall be in proportion to the significance of the matter being investigated and the information being sought could not reasonably be obtained by other means. Particular care should be taken if the source is likely to obtain information in a situation where the person under investigation would expect a high degree of privacy

Collateral intrusion – Consideration must be given to the extent to which the use and conduct of the source will interfere with the privacy of persons other than the subject of the investigation and to minimise the impact on them. Reasonable steps shall also be taken to minimise the acquisition of information that is not directly necessary for the purposes of the investigation or operation being carried out. If the investigation unexpectedly interferes with the privacy of individuals not covered by the authorisation consideration must be given to whether a new authorisation is required.

Effectiveness - tasking and managing the source shall be undertaken only by suitably trained or experienced employees, or under their direct supervision.

Authorisation – the use of all sources shall be authorised in accordance with the procedures described below.

The same principles and procedures on authorisations apply as in the Surveillance Policy. Application forms for a) CHIS authorisation, b) review, c) renewal and d) cancellation are appended to this Policy. In the case of CHIS, by law the authorisation lasts for twelve months (instead of three).

Just as with cases likely to involve the acquisition of Confidential Information, only the Chief Executive may grant authorisations when a “vulnerable individual” is authorised to act as a CHIS, and then only in exceptional cases. A “vulnerable individual” is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation.

This restricted authorisation procedure also applies to the use or conduct of juvenile sources, that is any CHIS under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility over him. In other cases, authorisations should only be granted if the special provisions of The Regulation of Investigatory Powers (Juveniles) (Scotland) Order 2002 apply and the duration of such authorisations will be only one month.

5. THE AUTHORISATION PROCESS

As detailed in the Council's policy on Covert Surveillance, Authorisations may only be granted/reviewed/renewed and cancelled by:

- The Chief Executive;
- Executive Director, Place;
- Executive Director, Children, Young People and Partnerships;
- The Chief Officer, Place; or
- The Legal and Governance Manager.

In accordance with the Code of Practice authorisations will last 12 months. The person responsible for authorising the surveillance must ensure that the authorisation is reviewed at least monthly and those authorisations that are no longer needed or appropriate are cancelled.

All reviews must be documented and will need to be carried out more frequently where there exists a risk of acquiring confidential material or where the source is a juvenile or deemed vulnerable.

The Executive Director, Place has been appointed as the Council's Senior Responsible Officer. As such, it is good practice that the Senior Responsible Officer does not grant authorisations but he is competent to do so if other Authorising Officers are not available.

Each Division will keep a record of any applications that are refused by the authorising officer. Any refusal shall also be recorded in the Central Register.

Where one agency is acting on behalf of another it will normally be the case that the tasking or lead agency shall obtain and provide the authorisation.

The Code of Practice should be referred to for the detailed rules on tasking sources, management responsibility and special provisions on recording of

telephone conversations and the use of technical equipment. In particular, it should be noted that a risk assessment should be carried out which takes full account of the security and welfare of the source.

6. CONFIDENTIAL MATERIAL

Applications where a significant risk of acquiring confidential material has been identified shall always require the approval of the Chief Executive.

Confidential material consists of:

- Matters subject to legal privilege (for example between professional legal adviser and client);
- confidential personal information (for example relating to a person's physical or mental health); or
- confidential journalistic material.

Such applications shall only be granted in exceptional and compelling circumstances where the authorising officer is fully satisfied that this conduct is both necessary and proportionate in these circumstances. If granted such authorisation will last 1 month. Where any confidential material is obtained then the matter must be reported to the Investigatory Powers Commissioner's office during their next inspection and any material obtained made available to them if requested. Reviews may need to be more regularly carried out than monthly where the source provides access to confidential material or where collateral intrusion exists.

7. VULNERABLE AND JUVENILE SOURCES

Particular care must be taken where authorising the use or conduct of vulnerable or juvenile individuals to act as sources. The code of practice defines a vulnerable individual as "a person who is or may be in need of community care services by reason of mental or other disability, age, illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation."

Vulnerable individuals should only be authorised to act as a source in the most exceptional circumstances. Authorisation may only be granted on the approval of the Chief Executive. Prior to deciding whether or not to grant such approval the Chief Executive shall seek the advice of the Chief Social Work Officer on the appropriateness of using the individual in question as a CHIS. If granted such authorisation will last 1 month.

A juvenile is any person under the age of eighteen. On no occasion should the use of a source under sixteen years of age be authorised to give information against his or her parents or any person who has parental responsibilities for him or her.

In other situations authorisation for juveniles to act as a source may only be granted on the approval of a Chief Executive and only with the prior advice of the Chief Social Work Officer as described above.

When considering the appropriateness of any individual to become a source, extreme care must be taken to ensure that the identity of the individual is not disclosed.

The following conditions must also be met:

- a risk assessment must be undertaken to identify any physical and psychological aspects of their deployment. This risk assessment must be carried out in conjunction with a registered social worker from a relevant discipline i.e. children and families, criminal justice or community care;
- the authorising officer must be satisfied that any risks have been properly explained; and
- the authorising officer must give particular consideration to the fact that the juvenile is being asked to obtain information from a relative, guardian or other person who has assumed responsibility for their welfare

An appropriate adult e.g. social worker or teacher must also be present at any meetings between the authority and a source under 16 years of age and the maximum authorisation period that can be granted for a juvenile or vulnerable source is one month.

8. MANAGEMENT OF SOURCES

Before authorisation can be given, the authorising officer must be satisfied that suitable arrangements are in place to ensure satisfactory day to day management of the activities of a source and for overseeing these arrangements.

An individual officer must be appointed to be responsible for the day to day contact between the source and the authority including:

- Dealing with the source on behalf of the authority;
- Directing the day to day activities of the source;
- Recording the information supplied by the source; and
- Monitoring the source's security and welfare.

In addition the authorising officer must satisfy themselves that an officer has been designated responsibility for the general oversight of the use made of the source.

The authorising officer must also ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences

if the role of the source becomes known. It will be the responsibility of the officer in day to day control of the source to highlight any concerns regarding the personal circumstances of the source which may affect the validity of the risk assessment, the conduct of the source or the safety or welfare of the source.

Records must also be maintained, in accordance with the relevant statutory instruments, detailing the use made of the source.

It will be the responsibility of the person in day to day control of the activities of the source to maintain the relevant records.

The following matters must be included in the records relating to each source:

- (i) identity of the source and the means by which the source is referred to;
- (ii) the date when and the circumstances within the source was recruited;
- (iii) the name of the person with day to day responsibility for the source and the name of the person responsible for overall oversight;
- (iv) any significant information connected with the security and welfare of the source;
- (v) confirmation by the authorising officer that the security and welfare of the source have been considered and any risks have been fully explained and understood by the source;
- (vi) all contacts between the source and the local authority;
- (vii) any tasks given to the source;
- (viii) any information obtained from the source and how that information was disseminated;
- (ix) any payment, benefit or award or offer of any payment, benefit or award or offer given to a source who is not an employee of the local authority; and
- (x) any relevant investigating authority other than the authority maintaining the records.

9. SECURITY AND RETENTION OF DOCUMENTS

Documents created under this procedure are highly confidential and shall be treated as such. Divisions shall make proper arrangements for their retention, security and destruction, in accordance with the requirements of the Data Protection Act 2018 and the Code of Practice.

In addition each Division shall also ensure arrangements are in place for the handling, storage and destruction of material obtained through a source in accordance with the requirements of the Data Protection Act 2018 and the Code of Practice.

All material obtained as result of the activities of a source must be retained if it is believed that it is relevant to that investigation or to pending or future criminal or civil proceedings. It must be retained until its review suggests that the risk of legal proceedings no longer exists or having taken place has now been resolved.

Extreme care must be taken to ensure that the identity of the individual is not disclosed.

10. OVERSIGHT

Internal oversight is provided by the Council's Senior Responsible Officer. The Senior Responsible Officer is a member of the Corporate Management Team and is responsible for the integrity of the internal processes within Midlothian Council for the management of Covert Human Intelligence Sources and for Council compliance with RIPSA and the Code of Conduct.

The Investigatory Powers Commissioner's Office (IPCO) provides independent oversight of the use of the powers contained within the Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Scotland) Act 2000. This oversight includes inspection visits by Inspectors appointed by the IPCO.

11. COMPLAINTS

The Regulation of Investigatory Powers Act 2000 (the 'UK Act') establishes an independent tribunal. This tribunal has full powers to investigate any complaints and decide any cases within the United Kingdom including complaints about activities carried out under the provisions of The Regulation of Investigatory Powers (Scotland) Act 2000. Details of the relevant complaint procedure can be obtained from the Investigatory Powers Tribunal, PO Box 33220, London, SW1H 9ZQ.

12. REVIEW

This policy will be reviewed every three years from the date of approval.

APPENDICES

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Covert Human Intelligence Source Review Form	-	Appendix 2
Covert Human Intelligence Source Renewal Form	-	Appendix 3
Covert Human Intelligence Source Cancellation Form	-	Appendix 4



CHIS Application -
FINAL.doc



CHIS Review -
FINAL.doc



CHIS Renewal -
FINAL.doc



CHIS Cancellation -
FINAL.doc

These forms can be accessed on the Intranet via Council/Legal/Surveillance Guidance.



MIDLOTHIAN COUNCIL

SOCIAL MEDIA POLICY

Document Control Information

Revision	Date	Revision Description
Version 1.0	19/5/16	
Version 2.0	08/08/2016	Updated to reflect recommendations from ICPO inspection June 2016
Version 3.0	26/3/2019	3 yearly review
Version 4.0	18/01/2023	3 Yearly review

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POLICY AND GUIDELINES ON SURVEILLANCE THROUGH SOCIAL MEDIA

See also separate Policy and Guidelines on Covert Surveillance

1. INTRODUCTION

In some circumstances, it may be necessary for Midlothian Council employees, in the course of their duties, to make observations of a person or persons in a covert manner, i.e. without that person's knowledge, or to instruct third parties to do so on the Council's behalf. By their nature, actions of this sort are potentially intrusive (in the ordinary sense of the word) and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ("the right to respect for private and family life").

This document sets out Midlothian Council's policy regarding internet surveillance using Social Media.

The Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA") provides a legal framework for covert surveillance by public authorities and an independent inspection regime to monitor these activities.

In some circumstances, it may be necessary for Midlothian Council employees, in the course of their duties, to access social media websites either by creating covert identities or through the officer's departmental identity.

The aim of this policy is to provide the framework outlining the Council's process for authorising and managing internet surveillance operations using social media, and to set the parameters for expected good practice.

There are ever increasing and changing types of social media eg Facebook, Instagram, TikTok etc. This guidance refers below to Facebook but the principles involved should be applied to dealings with any social media platform

2. OBJECTIVE

The objective of this policy is to ensure that all surveillance through social media conducted by Midlothian Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with Midlothian Council's RIPSA Policy, the relevant legislation, the Scottish Government's Code of Practice on Covert Surveillance ('the Code of Practice') and the Procedures and Guidance issued by the Office of Surveillance Commissioners.

The Code of Practice and the Procedures and Guidance can be accessed through the links below and staff are expected to be familiar with these documents:

<https://www.gov.scot/publications/covert-surveillance-property-interference-code-practice-2/>

<https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/OSC-PROCEDURES-AND-GUIDANCE.pdf>

If the procedures outlined in this policy are not followed, any evidence acquired may have been acquired unlawfully. It may therefore not be admissible in court, and the Procurator Fiscal is unlikely to take proceedings on the basis of such evidence. Midlothian Council may also be exposed to legal action.

3. SCOPE OF THE POLICY

This policy applies in all cases where “directed surveillance” is being planned or carried out. Directed surveillance is defined in the relevant Code of Practice as undertaken “for the purposes of a specific investigation or operation” and “in such a manner as is likely to result in the obtaining of private information about a person”. This includes repeated and systematic viewings of a subject’s social media sites.

The policy does not apply to:

- Observations that are carried out overtly;
- Unplanned observations made as an immediate response to events where it was not reasonably practicable to obtain authorisation;
- Non-planned, ad hoc covert observations that do not involve the systematic surveillance for a specific investigation or operation; or
- Any disciplinary investigation or any activity involving the surveillance of employees of the Council, unless such surveillance directly relates to a regulatory function of the Council.

Unless the situation very clearly falls within one of these exempted categories, the authorisation procedures outlined in the RIPSAs Policy should be followed in every case.

4. MIDLOTHIAN COUNCIL SOCIAL MEDIA PRESENCE

Midlothian Council has an internet presence as a corporate entity as well as different services and departments. The corporate entity currently has a Facebook page and a twitter account. Access to these is limited to the Communications Team. Other services also utilise their respective corporate accounts to post information about the Council’s activities and events. Also, individual schools have social media presence.

5. TYPES OF SURVEILLANCE

There are two different ways in which social media websites may be accessed by Council Officers to carry out investigations:

- Through an identity created specifically as the department's representative; and
- Through a covert identity using a false name.

Officers must not use a private social media account whilst carrying out an investigation on behalf of the Council. Where there is a compelling operational requirement for Council Officers to conduct open source research using social media profiles then, once authorised by the relevant Executive Director or Senior Reporting Officer, Council facilities will be provided to enable the task to take place.

Investigators utilise social media in two different ways:

- By simply visiting/viewing third party accounts or groups; and
- By entering into a personal relationship with the third party/group member

5.1 Privacy Settings of Account under Investigation

Most social media websites will have a variety of privacy settings that users can apply to protect their accounts from others accessing the information contained therein. Facebook is a social media website commonly used to investigate service users or potential service users and it has several different privacy settings. Therefore, Facebook will be used as an example in this policy. Depending on what privacy setting a user chooses, different people can access the account and see all or some of its contents.

'Public': All Facebook users can see the account and all of its content, including the user's "friends", their timeline and photographs. Non-Facebook users can see photographs and posts published on the account, but not who has 'liked' a post or the marital status and geographic location of the user.

'Friends': Only those who the user has accepted as Facebook 'friends' are able to see the entire content of the user's page.

'Custom': The user can create lists of specific contacts and Facebook users and designate them as the audience for – or block them from view of – any posts.

Of these three options, the relevant ones for investigating officers are 'public' and 'friends', as option 3 is a sub-category of 'friends'.

5.2 Utilisation of Social media

Directed Surveillance using overt Council identity

If an investigating officer views a service User's Facebook profile, with whom they are not 'Friends' via a normal route, and where the content is not protected by any privacy settings, then information on this profile can be treated as being in the public domain. An ad hoc or one off viewing/visiting of this profile will be overt and no authorisation under RIPSA will be required.

Whilst data may be considered "open source" where privacy settings are available but not applied, if the officer frequently or regularly views/visits the same individual's profile this must be considered as targeted and may constitute directed surveillance. Such actions must be considered on a case by case basis and where appropriate, authorisation under RIPSA for directed surveillance must be sought.

If an investigating officer enters into a 'conversation' with the service user, and if the officer informs them that he is contacting them in his role as an employee of Midlothian Council, then this contact will be overt and no authorisation under RIPSA will be required. In any other instance, where the contact is not overt, authorisation for the use and conduct of a CHIS will be necessary.

To investigate a service user whose Facebook account is protected by privacy settings, the investigating officer will have to send the service user a 'friend request'. As it is obvious from the department name that the person behind it is a Midlothian Council employee, then the action could not be classified as covert. No RIPSA authorisation would be needed

Surveillance using covert identity

If an investigating officer befriends a service user under a covert identity, then a CHIS authorisation will always need to be in place before that is done.

The Council has developed Policy and Guidance on the use of Covert Human Intelligence Sources which is available on the intranet.

6. BEST PRACTICE FOR THE USE OF SOCIAL MEDIA IN INVESTIGATIONS

As a matter of best practice, whenever a Council Officer intends to investigate a particular service user through social media, rather than conducting a general sweep of social media sites, an appropriate RIPSA authorisation should be completed.

7. AUTHORISATION

Please refer to Midlothian Council's Regulation of Investigatory Powers (Scotland) Act and the Covert Surveillance and Use of Covert Human Intelligence Sources Policies and Guidelines.

8. REVIEW

This policy will be reviewed every three years from the date of approval.

Further information on these guidelines and advice on whether a Directed Surveillance or CHIS authorisation is required may be obtained from the Legal and Governance Manager.

Mavisbank House - Update on proposed restoration by Landmark Trust**Report by Kevin Anderson, Executive Director Place****Report for Information****1 Recommendations**

It is recommended that the Council notes:

- i) The Landmark Trust are pursuing the restoration of Mavisbank House as a two stage process, beginning with the purchase of the House and carrying out of works to secure the building as a “consolidated ruin”;
- ii) this Landmark Trust project is considered viable in terms of the May 2012 Mavisbank Concordat, therefore the Council will use its compulsory purchase powers as set out in the Concordat if The Landmark Trust can secure the necessary funding;
- iii) costs incurred by the Council in carrying out the compulsory purchase process will be covered by The Landmark Trust; and
- iv) the Council will continue to supply no financial support to The Landmark Trust restoration project at Mavisbank House.

2 Purpose of Report

The purpose of this report is to update the Council on progress with the proposed restoration of Mavisbank House by The Landmark Trust.

21 February 2023**Report Contact:**Grant Ballantine grant.ballantine@midlothian.gov.uk

3 Background

- 3.1** A Mavisbank Concordat (copy contained in Appendix B of this report) was signed jointly between Historic Scotland (now Historic Environment Scotland), Mavisbank Trust, Edinburgh & Lothians Greenspace Trust and Midlothian Council in May 2012. It sets out the commitments of the signatory bodies to the restoration of Mavisbank House and grounds (Appendix B contains a plan showing the location of Mavisbank House and grounds). The Council's commitments in the Concordat are to:
- a) Support the work of the Mavisbank Trust to restore the House and Policies (Mavisbank House and grounds), to develop the community value of the Policies and improve access; and
 - b) Take forward Compulsory Purchase Order procedures for the House once a viable funding package is in place and confirmed.
- 3.2** At its 17 December 2019 meeting Council was updated through report about progress with a partnership formed between The Landmark Trust and Historic Environment Scotland to restore Mavisbank House and Grounds. Funding was sought from the National Lottery Heritage Fund for a project which would result in the restored house being available as a holiday let, the pavilion wings of the house being made available for public access and community use, improved access to the grounds and training and education programmes occurring in the grounds.
- 3.3** That previous bid for funding from the National Lottery Heritage Fund was unsuccessful. Following this decision The Landmark Trust remains committed to the restoration of Mavisbank House, and are now pursuing alternative funding sources and amending their project plan. Historic Environment Scotland are not directly involved in the project moving forward, but as owners of the Policies (grounds) of the house will have continued involvement in the future of Mavisbank. The project that is the subject of this report focuses on the acquisition of the House and its future consolidation and restoration. It does not directly relate to the grounds of the house. Any work on the grounds is the responsibility of Historic Environment Scotland, who own the Policies.
- 3.4** The revised Landmark Trust project has two distinct stages. The first stage being the purchase of the House and consolidation of the ruin to make it safe and to prevent further deterioration leading to the complete loss of this building of national cultural and historical significance. The second stage will be the restoration of the House for use as holiday accommodation.
- 3.5** The Landmark Trust is applying to the National Heritage Memorial Fund for the financial support required to purchase Mavisbank House and undertake emergency repairs to prevent irreparable damage to the ruin (this would be a consolidation of the ruin). An Expression of Interest to the fund was successful in February 2023. The Landmark Trust intends to submit the full application for funding to the National Heritage Memorial Fund by the end of 2023.

3.6 In keeping with the commitments made by the Council in the May 2012 Mavisbank Concordat, and reaffirmed at Council's 17 December 2019 meeting, The Landmark Trust is likely to need Midlothian Council to utilise its compulsory purchase powers. The current ownership of the House is uncertain, despite previous attempts by interested parties to identify the owners. Compulsory purchase is therefore the only available route to securing ownership. The Council will only commence pursuing a Compulsory Purchase Order if:

- a) a viable funding package has been secured and confirmed by The Landmark Trust;
- b) the Council's costs in carrying out the compulsory purchase are fully covered by The Landmark Trust; and
- c) legal guarantees are in place to ensure that the ownership of Mavisbank House is immediately transferred from the Council to The Landmark Trust following completion of a compulsory purchase process.

3.7 The Council commitments made in the May 2012 Mavisbank Concordat, and also set out in the 17 December 2019 report, still stand and have not been amended or removed. The Council would not be providing any financial support to The Landmark Trust's restoration project. Any costs incurred by the Council in undertaking a compulsory purchase of Mavisbank House would be met by The Landmark Trust. However, officer time from existing budgets of the Legal and Planning, Sustainable Growth and Investment Service sections will be required to assist with a compulsory purchase order.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Whilst the Council is not providing direct financial support for the project. Council officer staff time, from the Legal and Planning, Sustainable Growth and Investment Service sections, is needed to support the project and to fulfil the Council's commitments in the 2012 Mavisbank Concordat of undertaking a compulsory purchase order. Officer time will come from existing budgeted resources.

4.2 Digital

None

4.3 Risk

Not supporting the project by providing staff time to pursue the compulsory purchase order may create reputational damage to the Council if it is perceived to not be following through on its commitments in the 2012 Mavisbank Concordat.

It is considered very unlikely other opportunities exist for the restoration or consolidation of the nationally important, historically and culturally, Mavisbank House. If the current project fails there is a strong possibility that the house will be left to further deteriorate and potentially collapse.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

None

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The restoration of Mavisbank House represents potential employment opportunities and to provide a visitor destination in Midlothian.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

Mavisbank House is of national cultural and historical significance. The Council's involvement via use of compulsory purchase powers is an existing commitment. It is considered very unlikely other opportunities exist for the restoration or consolidation of Mavisbank House. If the current project fails there is a strong possibility that the house will be left to further deteriorate and potentially collapse. It is also a unique opportunity to attract this investment to Midlothian. If the project does not go ahead, the investment will be made elsewhere in the UK. It cannot be diverted to other activities in Midlothian.

A.5 Involving Communities and Other Stakeholders

Public engagement has been undertaken by The Landmark Trust and Historic Environment Scotland in the local area as part of the prior unsuccessful grant application.

A.6 Impact on Performance and Outcomes

The Council's position on the compulsory purchase order was agreed by Cabinet on 10 January 2012. The Council will only use the compulsory purchase order powers vested in it to acquire Mavisbank House once a viable funding package for the restoration of the House has been secured by The Landmark Trust and that the Council's costs in carrying out the compulsory purchase order are covered by The Landmark Trust.

A.7 Adopting a Preventative Approach

Investment in Mavisbank House will prevent further decay of this building of national importance. Investment would be expected to provide opportunities for skills development through training and education opportunities.

A.8 Supporting Sustainable Development

The restoration of Mavisbank House offers opportunities for skills and training development in conservation. These are contributors to a sustainable economic and physical environment.

APPENDIX B

Background Papers/Resource Links

Mavisbank Concordat May 2012 and Plan showing location of Mavisbank House and Policies.

MAVISBANK HOUSE AND POLICIES - A VISION FOR THE FUTURE

1.0 Purpose

- 1.1 This document sets out the shared aims of the Mavisbank Trust, the Edinburgh & Lothians Greenspace Trust, Midlothian Council and Historic Scotland (Scottish Ministers) for Mavisbank House and Policies.

2.0 Introduction

- 2.1 The neo-Palladian country house villa of Mavisbank (built 1723-36) and surrounding Policies are the result of a collaboration between William Adam (1689-1748) and Sir John Clerk (1676-1755) - two leading figures of the Scottish Enlightenment. Mavisbank is of international importance and a unique, seminal composition of early Georgian architecture within the Scottish context. Following long-term neglect the building was devastated by a fire in 1973 and is now in a derelict state.

- 2.2 The Mavisbank Trust (MT) has presented plans for a £10m restoration of Mavisbank House and partial restoration of the Policies using public, private and charitable funds to create self-catering accommodation with community use and improved public access.

- 2.3 Scottish Ministers (SMs) own the surrounding designed landscape Policies, which are managed on the most basic care and maintenance terms. SMs only have rights of access over the privately owned lower section of the South Drive to the House and Policies.

- 2.4 SMs do not own the building but have used emergency powers under the Ancient Monuments and Archaeological Areas Act 1979 to fund structural scaffolding and erect a security fence.

3.0 The Vision

- 3.1 The shared strategic aspiration for Mavisbank aims to:

- Enhance Scotland's historic environment by restoring the exterior of the House and relocating an 18th C interior.
- Provide a sustainable, economically viable long-term use for the House and Policies.
- Re-establish the formal relationship between the House and landscape.
- Re-unite the ownership of the House and Policies under the Mavisbank Trust (a subsidiary of the Edinburgh & Lothians Greenspace Trust).
- Support community engagement and local regeneration by opening up Mavisbank as an important community park for informal recreational and educational use within the valley of the North Esk and an important element of the Lothians green network.
- Manage the Policies with a view to bringing back the significance of the landscape in accordance with philosophies and theory informed by Sir John Clerk's poem 'The Country Seat'.

4.0 The Process

- 4.1 The project will be delivered through the Mavisbank Trust, a charity and a company limited by guarantee, in partnership with the private and public sectors. The partners in item 1.1 will take on the tasks listed below.

4.2 Scottish Ministers will:

- Indicate grant funding up to £500,000 to be available for a fixed period of up to 3 years commencing from the date of a confirmatory letter to be issued by the Historic Scotland Chief Executive.
- Issue a formal grant offer once the funding package and proposals have been assessed and agreed in accordance with normal grant procedures.
- Transfer ownership of the Policies to the Mavisbank Trust after the Trust have provided satisfactory confirmation that sufficient funding is available to preserve the Policies from further decline.
- Exclude the monument from the List of Scheduled Monuments when they are content that the preservation of the House and Policies has been secured.

4.3 The Mavisbank Trust will:

- Raise sufficient funds from all sources to take the project forward.
- When adequate funding is secured, enter into an agreement to take immediate ownership of the House following its purchase by Midlothian Council under CPO powers.
- When adequate funding is secured, take ownership of the Policies from Scottish Ministers.
- When adequate funding is secured, undertake the works necessary to deliver the vision set out above.

4.4 Midlothian Council will:

- Support the work of the Mavisbank Trust to restore the House and Policies, to develop the community value of the Policies and improve access.
- Take forward CPO procedures for the House once a viable funding package is in place and confirmed.

5.0 Programme for Restoration of the House

- 5.1 It is the shared aim that the project will be funded and completed as a whole. However, if circumstances dictate, fundraising may need to continue throughout the project. In order to safeguard the remaining fabric, the programme for the repair phase will include two intermediate break points for work on the House:

- A stable consolidated masonry shell.
- A wind and watertight building (with an accurate roof profile, windows, doors and basic floor structure).

- 5.2 It is the intention that work to the Policies will be programmed concurrently with the House, although it may draw upon separate funding sources and progress independently.

6.0 Communications

- 6.1 It is agreed that all media statements and events will be co-ordinated through the Historic Scotland Communications and Media Team.



Mavisbank

RESTORING
A PART OF
SCOTLAND'S
HERITAGE



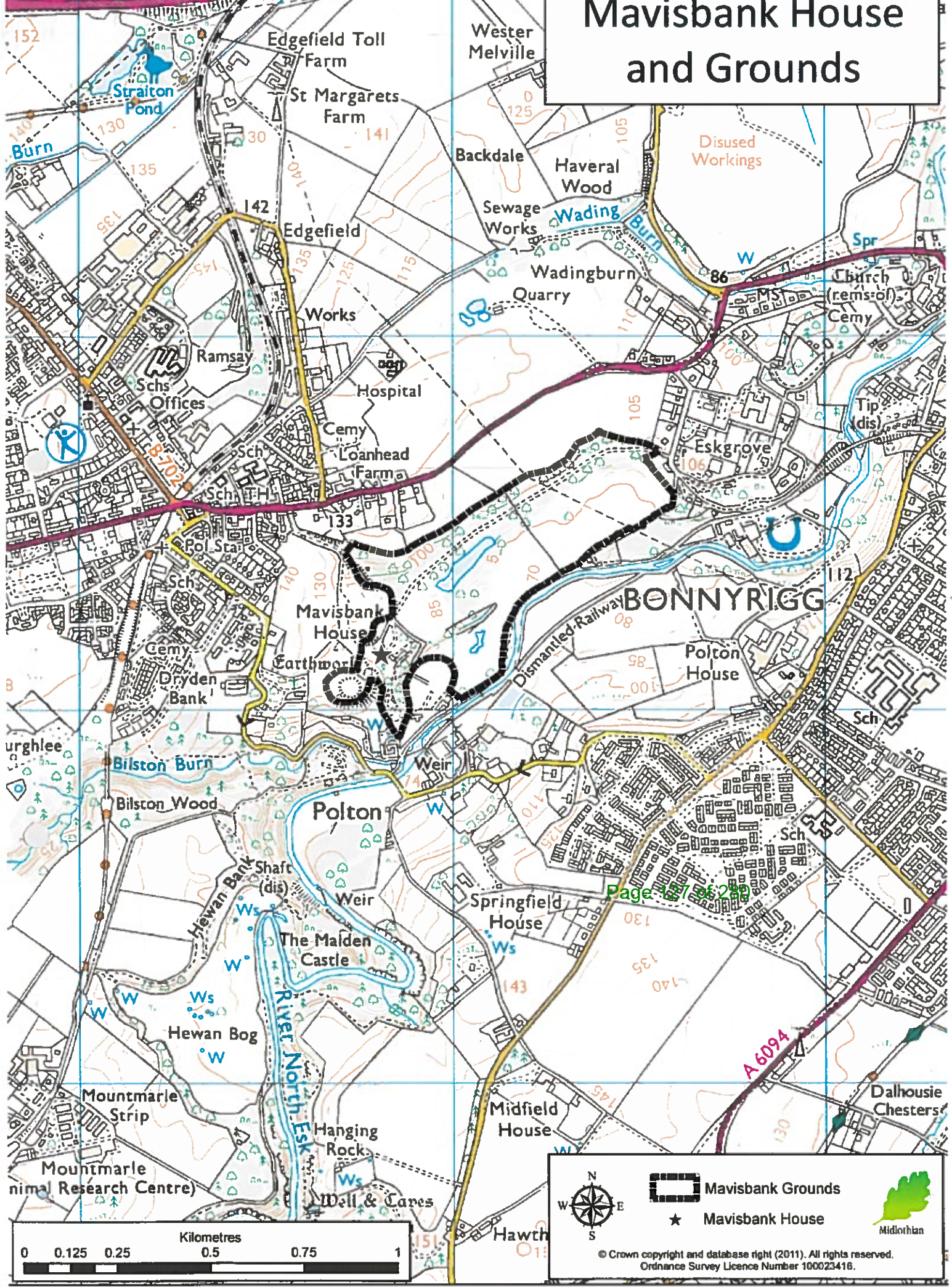
Midlothian



<i>Ruth Parsons</i>	<i>Alex Hammond-Chambers</i>	<i>Kenneth Lawrie</i>	<i>Carol Cawood</i>
Ruth Parsons Chief Executive, Historic Scotland	Alex Hammond-Chambers Chair of the Mavisbank Trust	Kenneth Lawrie Chief Executive, Midlothian Council	Carol Cawood Chair, Edinburgh & Lothians Greenspace Trust

Parkbank House, 15 May 2012

Mavisbank House and Grounds



Mavisbank Grounds

Mavisbank House

Midlothian

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Report on Tender Returns – Temporary Units (various)**Kevin Anderson, Executive Director - Place****Report for Decision****1 Recommendations**

It is recommended that the Council:

1. Notes the requirement for Modular Units at King's Park Primary School, Roslin Primary School, Rosewell Primary School and Woodburn Primary School, to address projected capacity being exceeded in August 2023/24.
2. Notes the requirement for a Modular Unit at Lasswade High School, to address the requirement for suitable space for pupils with Additional Support Needs.
3. Approve granting of delegated authority to Executive Director Place for acquisition of units up to value of £1.772 million, to finalise tender assessment to deliver best value to the Council for the acquisition of the units at King's Park Primary School, Roslin Primary School, Rosewell Primary School and Lasswade High School.
4. Approve a capital expenditure budget of £1.998 million in the General Services Capital Plan for the acquisition and installation of the Modular Units at King's Park, Roslin and Rosewell Primary Schools, to allow the timely procurement and delivery of these units, with the budget value to be reduced accordingly following the completion of the tender assessment process;
5. Note that the capital costs of £1.998 million for the acquisition of the Modular Units at King's Park, Roslin and Rosewell Primary Schools will be funded in full by the application of developer contributions for primary school provision in Rosewell, Dalkeith and Roslin, and thereby have no additional net cost implications for the General Services Capital Plan;
6. Approve the allocation of a fully approved capital expenditure budget of £0.506 million for the Modular Unit at Lasswade High School, which will partially replace the current 'in principle' capital expenditure budgetary allocation for the provision of accommodation for ASN pupils at Lasswade High School of £1.333m in the General Services Capital Plan.
7. Approve the proposed rental of the Modular Unit at Woodburn for the period August 2023 to December 2024, noting that the

forecast rental costs are expected to be able to be funded in full by already received developer contributions for primary school provision in Dalkeith. A report will be brought back to Council to request a supplementary budget estimate for these rental costs in 2023/24 and inclusion in the base budget in 2024/25, along with confirmation that these costs will be funded in full by developer contributions.

2 Purpose of Report/Executive Summary

To obtain governance for the provision of Modular Units for four primary schools and one high school in Midlothian, where capacity is projected to be exceeded by August 2023. Four of these will be procured through a direct acquisition following a competitive tender exercise, with the fifth to be rented over a period of 16 months.

Developer contribution funding is available to wholly finance the capital costs for the units to be provided at King's Park, Roslin and Rosewell Primaries, and the revenue lease/rental costs for the unit to be provided at Woodburn Primary. As such, there is no net impact on the General Services Capital Plan and no net direct consequences of capital investment impact on the Council's revenue budget.

The ASN Modular Unit to be provided at Lasswade High will replace the existing 'in principle' allocation of £1.333 million for the provision of ASN pupils at Lasswade High School, which will be funded by prudential borrowing. This will reduce the capacity and flexibility the Council will have to conclude the Capital Plan Prioritisation Exercise to defer, pause, re-scope or delete projects in order to bring the loan charges arising from capital investment within the Medium Term Financial Strategy levels.

Date 3rd March 2023

Report Contact:

Fiona Clandillon, Head of Development

fiona.clandillon@midlothian.gov.uk

3 Background/Main Body of Report

3.1 The Learning Estate Strategy highlights as Priority 2 projects the following schools, which are forecast to breach in August 2024 if investment projects are not progressed, resulting in insufficient pupil places to fulfil the Council's statutory responsibilities.

- Kings Park PS breaches by August 2023
- Rosewell PS breaches by August 2023
- Roslin PS breaches by August 2023
- Woodburn PS breaches by August 2024

Updated figures provided to the Place Directorate indicate breaches by August 2023 at Rosewell, Roslin, Woodburn and Kings Park Primary Schools.

Modular Units are required to address the forecast breaches. Longer term expansion projects are under development for Rosewell, Roslin Woodburn, and Kings Park Primary Schools.

The following Business Needs have been identified by Children, Young People and Partnerships service.

King's Park Primary School

The roll of King's Park Primary school is projected to increase to above its existing capacity of 509 pupils by 2023/24, before falling back to below current capacity levels by 2026/27. Pupil roll projections are included in the table below:-

Table 1:

Financial Year	Current Capacity	Census	22/23	23/24	24/25	25/26	26/27
Pupil Roll	509	478	496	535	511	497	483

The current layout of the school building means that there are several classrooms which are unable to accommodate the maximum statutory class numbers (e.g. P5 classroom able to accommodate 29 pupils against the statutory number of 33). Unfortunately, given the location and lack of flexibility of each of these spaces, the classrooms are not conducive to rotate year group changes throughout the building limiting the total capacity per class.

This creates issues when larger stage groups progress through the school and causes issues around children who move into the catchment area throughout the school year but cannot be accommodated.

At present, there is a project in development involving an expansion and refurbishment to King's Park Primary School and this forms part of

Midlothian Council's Learning Estate Investment Programme (LEIP) Phase 3 bid submitted in October 2022, for which an outcome is awaited. A class composition exercise has been carried out and the data shows that the projected roll will leave Midlothian Council at risk with insufficient capacity for catchment pupils over the forthcoming 3 year period.

Any future influx of projections would result in Midlothian Council having to transport pupils to a different school within the authority at a cost per pupil to the Council.

We have therefore been advised that a 1 classroom temporary unit is required by August 2023 to accommodate this projected roll as an interim measure until the larger development is complete.

Rosewell Primary School

The current registered capacity of Rosewell is 175 pupils with the projected capacity increasing to 290+ by 2028/29. Pupil roll projections are included in the table below

Table 2:

Financial Year	Current Capacity	Census	22/23	23/24	24/25	25/26	26/27
Pupil Roll	175	157	184	219	229	247	253

The current school roll is 165 pupils with roll projections indicating a significant increase in the pupil roll over the next 5 – 10 years as a direct result of new housing developments within the Rosewell catchment area.

The area surrounding Rosewell has been and is currently subject to numerous planning applications for residential developments, and as such has resulted in an increased number of pupils attending and projected within the catchment area, which is now due to breach its capacity by August 2023.

In addition to this request, Education Services have put in place an interim measure in order to accommodate a breach in capacity during the summer holidays 2022 by converting Rosewell Primary School Support for Learning space into a class base.

A new Rosewell Primary School forms part of Midlothian Council's LEIP Phase 3 bid and was submitted as priority project. Reviewing the data, the school will be approximately 3 nr. Classes over capacity by the time a new school can be constructed or alternatively the existing school extended.

The data shows that the projected roll will leave Midlothian Council at risk with insufficient capacity whilst unable to provide statutory spaces for catchment pupils should additional accommodation not be provided.

In addition to this these pupils would have to be transported to a different school within the authority at a cost per pupil to the Council. We have therefore been informed that a 2 classroom temporary unit is provided by August 2023 with a requirement for an additional unit from 2024/25 to further accommodate this projected roll as an interim measure until the larger development is complete.

Roslin Primary School

The current registered capacity of Roslin Primary School 267 pupils with the projected capacity increasing to 330+. Projections as below.

Table 3:

Financial Year	Current Capacity	Census	22/23	23/24	24/25	25/26	26/27
Pupil Roll	267	248	293	317	322	321	303

The current school roll is 260 pupils with roll projections indicating a significant increase in the pupil roll over the next 5 years as a direct result of housing developments within the Roslin catchment area. The currently under development housing sites, forming part of Midlothian Council's LDP has resulted in an increased number of pupils attending and projected within the catchment area, which is now due to breach its capacity by August 2023.

In addition to this request, Education Services have put in a place an interim measure in order to accommodate a breach in capacity during the summer holidays 2022 by converting 1 nr Early Years play room into a class base. This results in a reduced capacity for Early Years placing strains on this service and this must be a short term solution with capacity released back to Early Years.

At present, there is a live proposed project, involving an extension to Roslin Primary School to provide additional classrooms and core accommodation which will address the capacity concerns. The current programme indicates the extension to be available by late 2024.

The data shows that the projected roll will leave Midlothian Council at risk with insufficient school capacity whilst unable to provide statutory spaces for catchment pupils should additional accommodation not be provided. In addition to this, these pupils would have to be transported to a different school within the authority at a cost per pupil to the Council.

It is therefore recommended that a 2 classroom temporary unit is provided by August 2023 to accommodate this projected

Woodburn Primary School

Woodburn PS capacity is constantly under pressure due to a number of factors such as a high birth rate and a larger than standard Primary 1 intake. This led to 2 modular units being installed at the school in August 2021. The school is due for a 9 class extension which is due for completion late 2024 with an expected breach in August 2023.

In order to allow for these pupils to be accommodated 1 additional modular unit is required as an interim measure. Due to the temporary nature of this requirement, it is proposed that this unit is procured through a lease arrangement rather than through an acquisition, and will therefore be classified as revenue expenditure, which will be fully funded by already received developer contributions.

A further, subsequent report to Council will be provided on the lease/rental cost of a one classroom modular unit.

Lasswade High School

As was outlined in the Learning Estate Strategy approved by Council in December 2022, as the population of Midlothian increases, the levels of pupils with significant complex needs will be expected to increase. In order to reduce the number of children transported out of Midlothian at a high cost, there is a requirement to create capacity to meet the growing demand for ASN places, particularly within Secondary schools.

The ASN Strategy, approved by Midlothian Council in December 2023 alongside the Learning Estate Strategy, highlights the following issues in relation to requirements for S1 spaces in 2023/24.

Table 4 Places required for S1 in August 2023.

School	Capacity	Provision Spaces for 2023-24	Stage 2 (Enhanced Mainstream)	Stage 3 (Provision)	Stage 4 (Saltersgate)
Saltersgate (P1-S6)	100	0			1
Beeslack SCN	8	1	3	1	
Beeslack CN	12	2		2	
Dalkeith	10	0	2	0	
Lasswade	20	0	3	8	
St David's	28	0	3	1	
Penicuik	0	0	2	5	
Newbattle	0	0	4	5	
Total	178	3	17	22	1

At Lasswade High School, there is capacity for 20 ASN pupils. This capacity is provided within a single classroom and is fully utilised by a mix of children with Stage 2 needs (Enhanced Support for Learning and / or targeted nurture) and Stage 3 (Complex Needs). The single

classroom space for Stage 2 and Stage 3 needs does not provide a suitable learning environment for these children. Furthermore, there is no capacity for the 3x additional Stage 2 and 8x additional Stage 3 children, who will require S1 spaces in 2023/24.

Lasswade High School is close to being at 100% capacity, and has been modified over the past few years to add additional changing places and toilets. There is no scope within the existing school to have a suitable space and environment for the projected number of pupils with ASN. A modular unit on the grounds of the school will meet the required statutory demand and will ensure no pupils are sent outwith the Midlothian Council area at significant cost.

If additional capacity is not created for these incoming S1 pupils, we will need to place them outside the authority. This does not align with the ASN Strategy and placements have a significant ongoing revenue cost implication for the Council, ranging from £42,000 per annum per child to £350,000 per annum plus the cost of transport.

It is therefore proposed that an additional Modular Unit is acquired for the exclusive use of children with Stage 3 needs at Lasswade High School from Autumn 2023, with the Stage 2 children remaining in their current classroom.

The specification of the modular units for the primary schools is suitable for ASN use, as all have ramped access and include disabled toilets.

Table 5: Summary Table

School	Proposal	Total Development Cost
Kings Park PS	2 classroom unit	£506,140
Rosewell PS	2 classroom unit	£798,720
Roslin PS	2 classroom unit	£693,452
Lasswade High School	1 classroom unit	£506,140
Total Capital Costs		£2,504,452
Woodburn PS	1 classroom unit	Leasing cost confirmation to be reported at later date

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Capital

Expenditure

Based on the costs as outlined in Table 4 in Section 3, an allocation of a capital expenditure budget of £2.504 million in the General Services Capital Plan is required.

Funding

The capital costs of £1.305 million in relation to the Modular Units at King's Park Primary School and Rosewell Primary School would be fully funded by £1.305 million of already received developer contributions for non-denominational primary provision in Dalkeith and Rosewell, and therefore have a nil effect on the bottom line of the General Services Capital Plan and a neutral effect on the Council's revenue budget.

The capital costs of £0.693 million in relation to the Modular Unit at Roslin Primary School are expected to be fully funded by £0.693 million of developer contributions that are forecast to be received in 2023/24 for non-denominational primary provision in Roslin.

The capital costs of £0.506 million in relation to the Modular Unit at Lasswade High School will replace the current 'in principle' allocation in the General Services Capital Plan of £1.333 million for Additional Support Needs accommodation at Lasswade High School. There is no external funding available for ASN provision therefore the £0.506 million will require to be funded by prudential borrowing, replacing the current prudential borrowing requirement for the 'in principle' allocation.

Capital Plan Affordability

Council will note that in the "Capital Plan Prioritisation – Update Report" paper that was approved by Council on 21 February 2023, that the Loan Charges arising from capital expenditure within the General Services Capital Plan, including all projects currently approved as "in principle", is expected to significantly exceed the Loan Charges levels as per the Council's approved Medium Term Financial Strategy over the period 2023/24 to 2027/28.

The paper considered by Council on 21 February 2023 approved the deferral, pause or deletion of £10.604 million of capital expenditure, against a target of £71.901 million (the level required to bring Loan Charges within the Medium Term Financial Strategy targets). Therefore, a further £61.297 million of capital expenditure from fully approved projects and 'in principle' projects still needs to be deleted from, paused or deferred within the General Services Capital Plan.

As such, fully approving a capital expenditure budget of £0.506 million in the General Services Capital Plan for the acquisition of an ASN unit at Lasswade High School (replacing the current “in principle” allocation), will result in this expenditure no longer being available for deletion, pause or deferral under the Capital Plan Prioritisation methodology, and therefore limit the capacity and flexibility the Council has to deliver the remaining £61.297 million of required Capital Plan Prioritisation deletions/pauses/deferrals, and the ability of the Council to bring overall capital plan expenditure within prudent, affordable and sustainable limits that is proportionate to the authority’s financial capacity.

Revenue

The capital costs of the Modular Units at Rosewell, King’s Park and Roslin will be funded by already received, or expected to be received in 2023/24, developer contributions, and therefore there is no direct revenue consequences of capital impact on the Council’s revenue budget.

The rental costs of the Modular Unit at Woodburn over the period August 2023 to December 2024 are yet to be established. However, based on recently received market data, the costs of these once tendered are expected to be able to be fully funded by already received developer contributions for non-denominational primary provision in Dalkeith, which would result in a net nil effect on the Council’s revenue budget.

4.2 Digital

Not applicable

4.3 Risk

Project Overview - Risks		Impact	Likelihood	Mitigation
Financial	Future market volatility and inflation pushing cost above anticipated budget.	5	2	Budget based on tender returns
Financial	Affordability of General Services Capital Plan	1	1	External funding for Modular Units for Primary Schools already secured through developer contributions with no net impact on GSCP/Revenue

				Budget
Financial	Affordability of General Services Capital Plan	3	5	No external funding available for Modular Unit at Lasswade High School which will therefore require to be funded by prudential borrowing, impacting on the ability of the Council to bring Loan Charges within Medium Term Financial Strategy target levels
Financial	Sustainability of financial investment in modular units given temporary nature of requirement	3	2	Likelihood of continued requirement for modular units across Midlothian Learning Estate is high given pressures on existing estate. Temp.U's can be redeployed.
Operational	Failure to deliver units restrict ability to provide school places to children in catchment. Capacity breaches forecast by CYPP indicate imminent breaches of capacity requiring urgent action.	4	4	Secure governance to appoint preferred bidder to delivery additional capacity.
Delivery	Physical constraints on sites restrict ability to deliver units. Rosewell presents constrained site.	3	3	Work with contractor to devise appropriate solution to TU siting/installation.
Delivery	Delays in delivery past proposed completion / hand.	3	1	Monitor and manage programme to take account of potential requirement to value management

				programme.
--	--	--	--	------------

4.4 Ensuring Equalities (if required a separate IIA must be completed)

Not applicable

4.4 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Project Examples

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

- **Reduce education inequality:** the modular units will ensure schools can provide a high quality learning environment and creating opportunities for pupils to learn with sufficient space for all.
- **Reduce economic inequality:** through provision of high quality learning environment that provides sufficient capacity in the location of their choice, it is anticipated that these units will avoid a negative impact on engagement and attainment that allocating spaces to children outside tier catchment and requiring them to travel may have, if capacity was not created, which in turn will drive community and economic benefits.
- **Achieve net zero carbon by 2030:** Modular units in schools that would otherwise breach capacity prevent children having to travel to alternative schools, avoiding generation of carbon emissions from transport.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☒ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☒ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

Modular units offer high quality learning spaces that can be deployed to address temporary increases in pupil rolls. Where rolls subsequently decline, these units can be redeployed elsewhere within the Midlothian learning estate. The acquisition of these assets offer better value than a longer term extension, where that roll rise is temporary. Where there

is a longer term upward trend, the acquisition of these units prevents short term breaches in capacity while permanent solutions are developed. Once those permanent solutions are in place, again, the asset can be redeployed. Given the rising population trend in Midlothian, it is anticipated these units will continue to prove useful in addressing short term capacity issues across the learning estate.

The acquisition of these units has been done through a competitive tendering process.

A.5 Involving Communities and Other Stakeholders

Planning / Design / Delivery Consultation

This proposed project involves working with both schools and internal stakeholders in order to develop the correct specification, obtain planning consent where required and ensure smooth delivery on site.

A.6 Impact on Performance and Outcomes

The aim of this paper supports the priority to reduce the inequalities in learning outcomes by ensuring every child has the opportunity to attend school in their local community.

A.7 Adopting a Preventative Approach

The Council's approach to pupil placement adopts a preventative approach by maximising the opportunities for pupils to attend school in their local community.

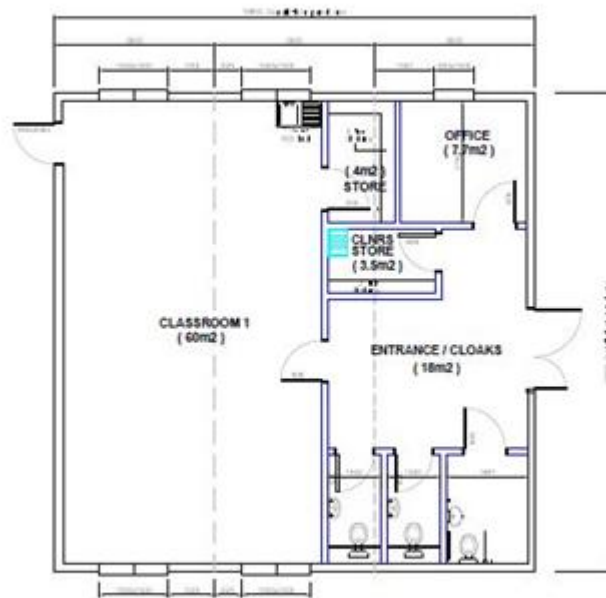
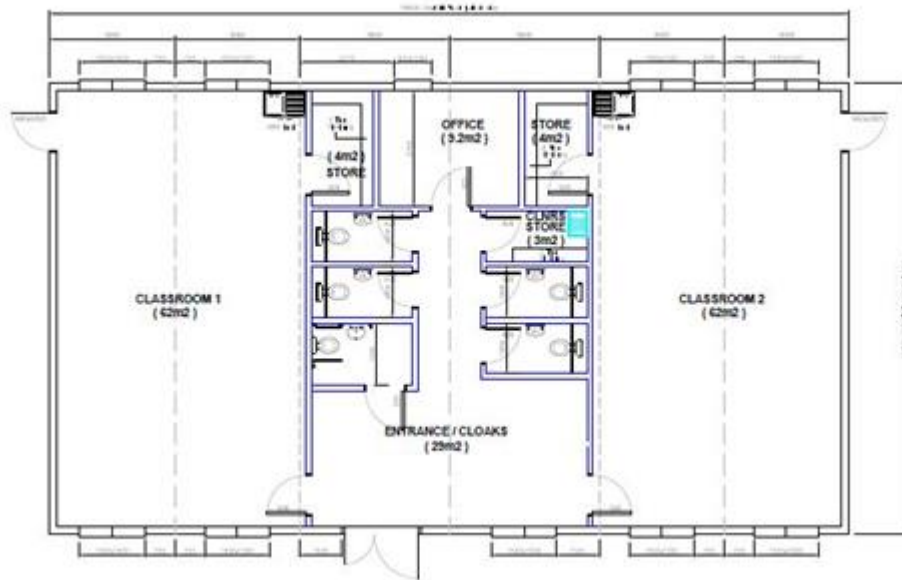
A.8 Supporting Sustainable Development

By ensuring pupils can attend school in this local community, the need to travel to schools in other catchments is avoided, having a positive impact on carbon emissions.

APPENDIX B

Background Papers/Resource Links (insert applicable papers/links)

Modular Unit Floor Plan Examples



Intake Figures and Limits for Primary and Secondary Schools Session 2023/24**Report by Fiona Robertson, Executive Director, Children, Young People and Partnerships****1 Recommendations**

Council is requested to approve:

- The requirement to apply intake limits, as detailed in the report, at a number of schools in order to safeguard places for pupils to be able to attend their catchment school.

Council is otherwise requested to note:

- The estimated intake figures for primary and secondary schools in Section 3, tables 1 – 3.

2 Purpose of Report/Executive Summary

This report provides Council with an update on the enrolment of pupils and intake for the school session 2023/24. The report identifies a number of schools where there is pressure on school capacity and the need to apply intake limits to safeguard places for catchment children and to manage placing requests.

AUTHOR'S NAME	Fiona Robertson
DESIGNATION	Executive Director (Children, Young People and Partnerships)
CONTACT INFO	Fiona.Robertson@midlothian.gov.uk
DATE	21 March 2023

3 Intake August 2023

- 3.1 The Education (Scotland) Act 1980 (as amended by section 33 of the Education (Scotland) Act 1996) allows education authorities to reserve places for incoming pupils into catchment areas of schools. This assists education authorities in managing their schools and prevent them being at capacity at commencement of an academic year. Furthermore, this enables schools to accommodate incoming catchment pupils at their catchment schools when they move into the area during the academic year.
- 3.2 Section 28A (3A) of the Education (Scotland) Act 1980 (as amended) provides a general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents. Acceptance of a placing request for a child who is resident out with the catchment area of a specified school could prevent the education authority from retaining reserved places at a specified school or in relation to any particular stage of education at the school. It is for this reason that the education authority may refuse to grant a placing request that would impact on the ability to reserve places in schools. Reserved places are not allocated to children making placing requests or non-baptised catchment children at Roman Catholic schools. The places are reserved for children who may move in to the catchment area during the academic year. The number of reserved places is generally set at one per class at primary and one per 40 places at secondary. The number of places is increased in areas with a high rate of housebuilding.
- 3.3 The progress of house building in parts of Midlothian is continuing to generate growth in pupil numbers. This combined with parental placing requests for certain schools with limited capacity means that pupil intake limits are required in order to safeguard places for pupils to be able to attend their catchment school.
- 3.4 The provision of schools and their capacity, alongside pupil projections, are set out in the Learning Estate Strategy. The Learning Estate Strategy Update report was presented to Council 13 December 2022.
- 3.5 The council's approach to pupil placement is to provide a place for every pupil at one of their catchment schools and to grant placing requests for siblings whenever this is possible. Where catchment schools are over-subscribed the pupil placement process reserves places at neighbouring schools to ensure every pupil is afforded the opportunity to attend a local school. Maintaining this commitment is continuing to be challenging with the growth in pupil numbers we are experiencing and the consequent pressure on school capacities.
- 3.6 The following factors are considered for both primary and secondary schools when determining the appropriate number of reserved places that are likely to be required for pupils moving into the catchment area of the school during 2023/24:
 - The proposed level of capping at the school and number of expected pupils
 - Current and planned housing developments
 - Projected school rolls
 - Projected migration into the catchment area
 - Information about reserved places from previous years

- School capacities
- Information known to us, for example, families indicating a move into the area before/after commencement of the academic year
- Future expansion of the Learning Estate

- 3.7 Pupil enrolment for the 2023/24 school session is well underway. The national deadline for the submission of placing requests was 15 March 2023, and decisions on those requests will be made and communicated by letter to parents/carers during April. The Education Appeal Committee will meet in June to consider any appeals received in respect of placing requests which have been refused.
- 3.8 Prior to the August 2023, school intake children who turned 5 between 1 January and 28/29 February after their school start date were entitled to a further funded year of early learning and childcare (ELC) if they deferred starting primary school. Children who turned 5 between their school start date and 31 December could defer and request a further funded year of ELC but this was at the local authority's discretion. With effect from August 2023, the legislation changes so that all children who turn 5 after their school start date and defer are entitled to a further funded year of ELC. 204 deferrals have been received this year to date. This represents a significant increase from the 167 received for August 2022 (+22%). This increases the number of children at early learning and childcare settings and reduces the number of children commencing Primary 1 in August 2023. It remains to be seen whether this increased level of deferrals is as a result of the change in legislation and will continue in future years, or if it is as a result of the impact of the Covid-19 lockdown restrictions. If the latter, when the deferral numbers return to pre-pandemic levels the Primary 1 intake will be higher and increase pressure on capacity while the numbers feed through.

Primary Schools

- 3.9 For August 2023, the primary schools where the number of Primary 1 pupils residing in their catchment exceeds Primary 1 intake capacity and may be oversubscribed are:
- | | |
|--------------------------|----------------------------------|
| • Bilston Primary School | • Rosewell PS |
| • Bonnyrigg PS | • Roslin PS |
| • Burnbrae PS | • Stobhill PS |
| • Hawthornden PS | • Woodburn PS |
| • Lawfield PS | • Sacred Heart Roman Catholic PS |
| • Mauricewood PS | • St David's RC PS |
| • Moorfoot PS | • St Luke's RC PS |
| • Newtongrange PS | • St Mary's RC PS |
| • Paradykes PS | |
- 3.10 In addition, at the following primary schools the number of Primary 1 pupils residing in their catchment was the same as the Primary 1 intake capacity:
- | | |
|----------------|-----------------|
| • Gore Glen PS | • Gorebridge PS |
|----------------|-----------------|
- 3.11 The catchment numbers used to create the above lists of non-denominational schools includes all children living in each catchment area. Until parents and carers register

their child for Primary 1 it is not known how many are Roman Catholic and may choose to go to their catchment Roman Catholic school. In theory, therefore, all catchment children could choose to attend their catchment non-denominational school. The Roman Catholic schools on the list are those where more children have registered for Primary 1 than there is capacity.

- 3.12 At the time of writing, the deadline for placing requests had not passed. These requests and the deferrals are still being received and the figures in this paper are subject to change. While there may still be some movement, issues with oversubscribed schools is currently limited to: Bonnyrigg, Loanhead, Moorfoot, Roslin, Stobhill, St David's and St Mary's. However, we also have limited available capacity at Newtongrange. Intake should, therefore, be capped at these schools to ensure we do not exceed capacity.
- 3.13 The following tables set out the catchment numbers, intake projections and reserved places.

Table 1: Primary 1 non-denominational schools' catchment numbers, estimated intake numbers, intake limits and reserved places August 2023

Non-Denominational Primary Schools	Catchment P1s	P1s registered net of deferrals etc	Estimated P1 intake August 2023	P1 intake limit August 2023	Reserved places
Bilston Primary School	45	34	32	33	2
Bonnyrigg Primary School	55	48	60	60	3
Burnbrae Primary School	77	71	61	72	3
Cornbank St James Primary School	28	23	32	47	2
Cuiken Primary School	38	29	23	60	2
Danderhall Primary School	70	54	56	90	3
Gore Glen Primary School	51	43	53	60	2
Gorebridge Primary School	51	44	35	60	2
Hawthornden Primary School	38	30	26	54	2
King's Park Primary School	60	51	57	75	3
Lasswade Primary School	37	26	33	60	2
Lawfield Primary School	57	46	36	60	2
Loanhead Primary School	23	20	28	30	2
Mauricewood Primary School	56	51	52	54	3
Mayfield Primary School	36	31	34	50	2
Moorfoot Primary School	12	10	13	14	1
Newtongrange Primary School	61	51	55	56	2
Paradykes Primary School	63	53	49	60	2
Rosewell Primary School	28	26	27	33	1
Roslin Primary School	56	44	44	47	3
Stobhill Primary School	39	33	32	33	2
Strathesk Primary School	33	32	30	54	2
Tynewater Primary School	18	17	21	33	1
Woodburn Primary School	109	93	97	110	4
	1141	960	986	1305	

Note: Includes all children who subsequently register for their catchment denominational school.

Table 2: Primary 1 denominational schools' catchment numbers, estimated intake numbers, intake limits and reserved places August 2023

Denominational Primary Schools	P1s registered net of deferrals etc	Estimated P1 intake August 2023	P1 intake limit August 2023	Reserved places
Sacred Heart RC Primary School	21	21	25	1
St Andrew's RC Primary School	20	18	25	1
St David's RC Primary School	33	24	25	1
St Luke's RC Primary School	25	23	25	1
St Mary's RC Primary School	33	23	25	2
St Matthew's RC Primary School	5	7	10	1
	137	116	135	

- 3.14 When considering how to cap school rolls, Midlothian Council, as an education authority, must look at all schools and available resources. The total population of children who require places in schools is considered and, at a local level, how many are within each catchment area. Each school will manage its resources and this is balanced with other schools' situations to ensure that resources are equitably shared throughout Midlothian, thereby avoiding unreasonable public expenditure.
- 3.15 The intake at denominational schools will be managed with the application of pupil intake limits and by giving first priority to those who are baptised Roman Catholic. Intake limits will be set in the context of the number of applications from pupils who are baptised Roman Catholic, the availability of suitably qualified teachers and the capacity of all schools serving each catchment area. It is not anticipated that the number of qualifying pupils wishing to attend the denominational schools will exceed their intake capacities.

Secondary Schools

- 3.16 This year there is only one secondary school where the number of Secondary 1 pupils residing in their catchment exceeds Secondary 1 intake capacity: Dalkeith. Two secondary schools are close to their intake capacity: Lasswade and St David's.
- 3.17 Since August 2017, the Council has provided home to school transport for pupils residing in the Loanhead area who choose to attend Beeslack High School rather than Lasswade, which is their catchment secondary school. This has had some success in easing the pressure of pupil numbers at Lasswade with approximately 34% of pupils resident in Loanhead opting to attend Beeslack next year.

- 3.18 Although the number of pupils attending Roman Catholic primary schools and due to move to secondary in August 2023 is close to the intake capacity of St David's RC High School, 19% of these pupils have requested that they attend a non-denominational secondary school. This will reduce the number attending St David's.

The table below shows the estimated Secondary 1 intake for August 2023.

Table 3: Secondary 1 catchment numbers, estimated intake numbers, intake limits and reserved places August 2023

School Name	Catchment S1	Estimated S1	S1 intake limit	Reserved places
Beeslack High School	98	141	150	6
Dalkeith High School	209	209	200	6
Lasswade High School	298	291	300	10
Newbattle High School	267	243	260	7
Penicuik High School	136	129	140	4
St David's RC High School	157	139	140	4
Total	1165	1152	1200	

- 3.19 Rolls at Dalkeith HS, Lasswade HS and St David's HS need to be capped to ensure we do not exceed capacity and are able to reserve places (as stated above). Pupil enrolment for these high schools will be managed by use of intake limits, proactive management of placing requests and early engagement with parents and schools on the optimal placement of Secondary 1 pupils for August 2023.

Pupil Placement Guidelines

- 3.20 The policy guidelines on Admission to Primary and Secondary Schools have been updated, including incorporating the change in legislation relating to entitlement to an additional funded year of early learning and childcare which takes effect from August 2023. This policy update was approved at Council on 4 October 2022 and is included in Appendix 3.

Summary

- 3.21 As in previous years, pupil intake for August 2023 will be assessed regularly, ensuring effective management of the pupil placement process by taking account of placing requests and reserving places in neighbouring schools to provide places for pupils whose catchment school is over-subscribed. Intake limits based on schools' capacity will be applied as necessary in order to prevent schools from exceeding their capacity.
- 3.22 The letters confirming Primary 1 school places and the outcome of secondary placing requests will be issued to parents/carers during April.

4 Report Implications

4.1 Resource

There are no direct resource implications arising as a result of this report.

4.2 Risk

There is a risk that the council will not have a place for every pupil at their catchment school. This is mitigated by the application of limits on pupil intake, reviews of placing requests, and, in the case of denominational schools, by giving first priority to those who are baptised Roman Catholic.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

4.4 Key Priorities within the Single Midlothian Plan

Key outcome: Individuals and communities have improved health and learning outcomes

GIRFEC outcomes: Children and young people are supported to be healthy, happy and reach their potential; Inequalities in learning outcomes are reduced.

4.5 Impact on Performance and Outcomes

The aim of this paper supports the priority to reduce the inequalities in learning outcomes by improving the quality of learning and teaching, leading to raised levels of achievement and attainment, by providing every child with the opportunity to attend school in their local community.

4.6 Adopting a Preventative Approach

The Council's approach to pupil placement adopts a preventative approach by maximising the opportunities for pupils to attend school in their local community.

4.7 Involving Communities and Other Stakeholders

This report informs Council of the potential impact on communities arising from pressure on school places.

4.8 Ensuring Equalities

This paper informs Council of the impact of managing pupil admissions in line with national and local policy and procedure.

4.9 Supporting Sustainable Development

The sustainability issues relating to this report relate to the sufficiency of schools places particularly in areas of housing development, the provision of additional capacity is being taken forward via the Learning Estate Strategy coupled with the School Catchment Review Programme.

4.10 IT Issues

There are no IT issues arising directly as a result of this report. The IT requirements arising in order to put in place the additional capacity for each school will be identified as part of the development of the project specifications. The budget required to fully equip any additional classes required for August 2023 will be developed in liaison with Digital Services.

Appendices

Appendix 1 Primary School Pupil Census 2022

Appendix 2 Secondary School Pupil Census 2022

Appendix 3 Policy Guidelines - Admission to Primary and Secondary Schools

Appendix 1

Primary Schools Pupil Census 2022

School	P1	P2	P3	P4	P5	P6	P7	Total	% of Capacity
Bilston Primary School	28	34	27	25	21	29	19	183	76%
Bonnyrigg Primary School	57	55	57	64	56	62	58	409	89%
Burnbrae Primary School	53	65	71	74	75	75	64	477	89%
Cornbank St James Primary School	46	45	48	45	37	44	40	305	89%
Cuiken Primary School	27	30	23	47	31	33	37	228	50%
Danderhall Primary School	66	65	52	39	51	51	41	365	61%
Gore Glen Primary School	47	55	51	47	37	39	25	301	69%
Gorebridge Primary School	55	40	30	53	35	39	44	296	64%
Hawthornden Primary School	38	40	33	31	44	49	39	274	63%
King's Park Primary School	71	80	76	68	68	62	61	486	96%
Lasswade Primary School	55	49	40	51	46	59	51	351	89%
Lawfield Primary School	50	47	51	28	45	61	52	334	73%
Loanhead Primary School	26	21	28	29	25	21	31	181	83%
Mauricewood Primary School	54	54	51	52	44	51	63	369	94%
Mayfield Primary School	32	40	36	32	41	34	44	259	66%
Moorfoot Primary School	10	14	13	13	11	8	11	80	89%
Newtongrange Primary School	52	55	57	52	58	47	40	361	92%
Paradykes Primary School	58	53	53	44	37	38	41	324	76%
Rosewell Primary School	25	28	35	19	20	16	20	163	93%
Roslin Primary School	31	38	44	30	43	30	32	248	93%
Sacred Heart Primary School	18	7	20	18	14	22	24	123	70%
St Andrew's Primary School	25	14	21	21	19	22	23	145	83%
St David's Primary School	24	28	29	30	23	28	30	192	88%
St Luke's Primary School	18	27	30	32	26	31	33	197	81%
St Mary's Primary School	23	27	22	22	29	21	18	162	67%
St Matthew's Primary School	3	6	5	7	6	11	9	47	63%
Stobhill Primary School	28	23	30	32	29	30	26	198	82%
Strathesk Primary School	25	34	27	37	37	46	42	248	63%
Tynewater Primary School	16	26	29	41	25	28	26	191	79%
Woodburn Primary School	86	101	103	98	92	86	84	650	88%
Primary Schools	1147	1201	1192	1181	1125	1173	1128	8147	

Appendix 2

Secondary Schools Pupil Census 2022

	S1	S2	S3	S4	S5	S6	Total	% of Capacity
Beeslack Community High School	138	142	133	132	127	57	729	85%
Dalkeith High School	191	180	170	161	128	96	926	88%
Lasswade High School Centre	296	298	293	293	254	134	1568	98%
Newbattle High School	253	241	194	221	146	47	1102	92%
Penicuik High School	128	96	128	130	92	64	638	68%
St David's RC High School	143	138	134	142	115	65	737	83%
Secondary Schools	1149	1095	1052	1079	862	463	5700	



CHILDREN, YOUNG PEOPLE AND PARTNERSHIPS

EDUCATION POLICY

Admission to Primary and Secondary Schools

This Policy is authorised by
This Policy supersedes
This Policy was circulated to
Date of circulation
For further Information
Review Date

Council
Version 13
Public

Pupil.Placement@midlothian.gov.uk
2023

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1.0 PLACING IN SCHOOLS

1.1 Legal background

The admission of pupils to both primary and secondary schools is defined in terms of the Education (Scotland) Act 1980. Key points to note are:

- Parents/carers have the right to request admission to the school of their choice;
- Such a request must be in writing and is known as a placing request;
- The Council has a duty to accede to this request, except in certain circumstances specified in the Act;
- The Council has a duty to inform parents/carers of their right to make a placing request and to provide certain prescribed information in order to assist parents/carers in making their choice of school.

Catchment areas have been designated for all Midlothian primary and secondary schools. Every residential address has a catchment denominational school and a catchment non-denominational school for both primary and secondary education. The parents/carers of all children known to the Council to be due to enrol for the first time in a primary school or transfer from a primary to a secondary school shall be given information about their catchment school options and notified of their right to request an alternative school.

For all other stages, the onus is on the parent to make enquiries regarding alternative school placement for their children. A parent may submit a placing request for her/his child in a school at any stage.

1.2 Denominational Education

In Midlothian all denominational schools are Roman Catholic.

A child does not need to be Catholic to enrol in one of our Roman Catholic primary schools or secondary school, but a place is not guaranteed for those not baptised Roman Catholic. Where a Roman Catholic school is oversubscribed priority is given to catchment Roman Catholic children who are baptised, and where parents have provided the baptismal certificate. We do not create additional classes for other children if all baptised Roman Catholic children can be placed.

1.3 Parents wishing a Gaelic Medium Education

Gaelic medium education for Midlothian resident pupils is currently provided by the City of Edinburgh Council. Midlothian Council will provide home to school transport for pupils enrolled in Gaelic medium education. Currently, parents wishing to have their children educated in the Gaelic medium should make a placing request for the Gaelic medium primary school, Bun-sgoil Taobh na Pàirce or the Gaelic Medium Unit at James Gillespie High School in Edinburgh. To apply for a place in either school parents should complete a placing request form available on the City of Edinburgh Council website. Further information can be found at: <https://www.edinburgh.gov.uk/school-places/gaelic-schools-1/1>

Parents can request that the Council carries out an assessment for the need for Gaelic medium primary education to be provided within the Council area. Further information and an assessment request form are available from the following website: www.gov.scot/Publications/2017/02/1442/downloads

1.4 Children with Additional Support Needs

In line with legislation we have a policy of including children with additional support needs in mainstream schools where possible. Some children may be educated in specialist schools/classes.

Further information about additional support needs is available from the Additional Support for Learning Officer, whose contact details are given at the end of this document.

1.5 Home to School Transport

A pupil may receive free transport if they attend their catchment school and their home address is more than two miles from the school based on the shortest recommended walking route. A pupil may also receive free transport if the Council has placed them in a non-catchment school due to a catchment school being full. From August 2017 pupils resident in Loanhead who make a successful placing request for S1 at Beeslack High School will also be eligible for free transport.

A pupil will not receive free transport if they attend a non-catchment school as a result of a placing request being granted.

1.6 Composite Classes

Composite classes are part of the normal organisation in many primary schools and can have a maximum of 25 pupils. Age is the main criterion for selecting pupils for composite classes. Normally composite classes will have a minimum of four pupils from each year stage.

Please refer to Professional Practice Paper 7 for further guidance.

1.7 Team Teaching

Team teaching is where two teachers teach a class that has more than the maximum number of pupils per teacher for that particular stage.

The maximum size of a P1 class size is 25, a P2 or P3 class is 30 and a P4, P5, P6 and P7 class is 33 pupils.

1.8 Children living under shared care

Where parents are separated the address of the parent with whom the child resides for the majority of their time per week and is in receipt of child benefit for the child, is used to determine the catchment area. If the shared care arrangement is a 50/50 split between the parents, the parents will be asked to provide proof such as a legal agreement. If the Council

is satisfied that the care is equally shared, the parents will be given the opportunity to choose which of the catchment schools at which to register.

1.9 Reserved places

The Education (Scotland) Act 1996, as amended by the Standards in Scotland's Schools etc. Act 2000, gives Education Authorities the power to reserve places at schools for children who move into the catchment areas after enrolment has completed.

With the level of house building and migration into the authority, Midlothian Council continues to experience pressure on schools rolls. After the allocation of places, in accordance with Section 2.8 and 3.6, places will be reserved for children moving into catchment.

In the Primary 1 year group, one place per class (and one place per teacher, where team teaching is in place) is reserved for incoming catchment children for the entire school year.

In the Secondary 1 year group, one place per 40 pupils is reserved for incoming catchment children for the entire school year.

Where there are other considerations, such as house building in certain catchment areas, the number of reserved places may be increased beyond the above ratios.

For Roman Catholic schools, reserved places will only be granted to catchment baptised Roman Catholic children.

If out of catchment places are granted by an Appeal Committee or a Sheriff, this may result in fewer reserved places being available.

2.0 ARRANGEMENTS FOR PRIMARY SCHOOLS

2.1 Registration procedures for entry to primary school

Registration procedures commence at the beginning of November each year.

If an applicant's catchment primary school is subject to a consultation review they should continue to register their child at that catchment school. As part of the consultation process Pupil Placement will keep applicants informed of the implications for their child and the options available. Further information on school consultations can be found at midlothian.gov.uk/consultations.

2.2 Press advertisements

In October each year Pupil Placement will place an advertisement in the local press, advising parents/carers of any child eligible to begin primary education that they should, by a specified date, register their child at their catchment school. Registering a child does not

automatically ensure that a place will be made available; this will be determined when all information is collated and examined.

Parents/carers will be advised that, even if they wish to make a placing request for a non-catchment school, they must first register their child at the catchment school.

2.3 Contact with parents/carers

At the same time, Pupil Placement will contact by letter the parents/carers of all children eligible to begin primary education and who receive funded early learning and childcare in Midlothian. Head Teachers should ensure that copies of the school handbook are available for any parent requesting one.

2.4 Eligibility

Any child whose fifth birthday falls between 1 March in any year and the last day of the following February can start primary school on the first day of the autumn term, (known as the commencement date).

An exception to these procedures may be where children who have been admitted to primary education by another authority subsequently become resident in Midlothian. In such cases, the Head Teacher should consult their appropriate Schools Group Manager before deciding whether to admit the child.

2.5 Choosing a school

Pupil Placement will issue information informing parents/carers of their rights to choose a school when they write to the parents/carers of eligible children. Any parent/carer wishing to make a placing request should obtain a Placing Request application form. It is not essential that parents/carers use the form but they must make the request in writing to the Pupil Placement Section within Children, Young People and Partnerships. It is essential, however, that parents/carers initially register their child at their catchment school.

See the later section for information on placing requests.

2.6 Access to information

Parents/carers should have access to information about the schools in which they are interested. This will generally be contained in the school prospectus or handbook, copies of which should be available from the school and on the school website. In addition, the Council produces guidelines on admission to Midlothian schools called Placing in Schools, which is available on our website at midlothian.gov.uk/placingbooklet.

2.7 Registration of catchment children

Primary Head Teachers may wish to publicise registration arrangements through their own local channels if they feel this is appropriate so that as many parents/carers as possible are encouraged to register their children at this time. During the registration period Head Teachers should only register those children who are normally resident in the catchment area.

Head Teachers should ensure that catchment children are correctly identified; a Council Tax bill, Child Benefit letter, recent utility bill or driving licence is normally adequate proof. If the pupil does not attend a Midlothian Council early learning and childcare setting or receive funded ELC from a partnership provider, their birth certificate or passport should be seen as well. It is the address of the parent or carer which is relevant; the address of other family members or a child minder with whom the child may occasionally reside is not relevant.

Registration and placing request forms and the facility to upload evidence:
midlothian.gov.uk/schoolplace.

Please note that registration does not guarantee a place at a catchment school.

See the earlier section for children living under shared care.

2.8 Enrolment of catchment children

The Pupil Placement Team will collate the registration information obtained from each school and use this to determine whether there is sufficient capacity to accommodate all catchment children. Where there is insufficient capacity, priority will be given in the following order:

- children who have been prioritised based on exceptional circumstances;
- children who are baptised Roman Catholic (Roman Catholic schools);
- children who will have siblings attending the school at the same time;
- then all remaining catchment children.

If there are more children than places available in any category, proximity of home to school and/or ease of travel will normally be used. A sibling attending the nursery class at the same time will not be taken into account.

Parents/carers will be advised by letter, sent by the Pupil Placement Team by 30 April, whether they have been granted a place at their catchment school. Those children who have been granted a place will be automatically enrolled at the school.

Once the place is offered it will not be withdrawn unless the place was obtained using false information or the family change address before the start of the school year.

Those who have not been granted a place at their catchment school will have a place allocated at the Midlothian school nearest to their home with places available. They will be given the option to make a placing request to another school, if they so wish. The pupil will

be placed on a waiting list for the catchment school in order of priority and, should a place become available, parents/carers will be contacted by Pupil Placement.

2.9 Change of address

Children who move, or are moving before the start of the school year, will have a place reserved in their non-denominational or denominational catchment school based on their address at the start of the school year. This is subject to places being available and where proof of change of address has been received by **15 March**. For families who are renting, acceptable proof of change of address is a signed tenancy agreement. For families who are purchasing, a letter from a solicitor confirming missives have been concluded is not sufficient to enrol a child. The Council will ask for further proof by way of a council tax statement, utility bill e.g. gas, electric, landline telephone bill, HMRC child benefit letter or driving licence to accompany the concluded missives letter following the move. Discretion can be used if the parent/carer is due to move a week prior to the new term commencing.

2.10 Phased entry arrangements

Head Teachers may wish to phase the primary 1 intake over a period. If this is done, all children eligible for admission should be admitted by the second week of the new school session. However, a parent may require the authority to accept a child from the commencement date.

Head Teachers may also choose to limit primary 1 pupils to part day attendance in the early stages but such arrangements should not extend beyond the second week of the new school session. Any request from a parent for a child to be in full time attendance should normally be granted. Certain children may require special consideration to be in full time attendance, for example due to medical or family circumstances. In such cases, Head Teachers should consult their appropriate Schools Group Manager regarding arrangements for these children.

2.11 Deferred entry to primary school

Children in Scotland usually start school between the ages of 4 years 6 months and 5 years 6 months old. Children who turn 5 between the start of the school year and the end of February can apply to defer starting primary 1 for a year.

From August 2023, all families who are granted a deferral will be able to access a further year of funded quality Early Learning and Childcare (ELC).

Please refer to the deferral policy for more information about the process.

[Deferred entry to primary school | Midlothian Council](#)

Please note that all children must register at their catchment school for P1 even if an application for deferred entry is being made.

2.12 Early admission

Parents/carers may make a request for early admission to primary school. The Council does not have a duty to educate a child who is not of school age and it is the professional view of the authority is that early learning and childcare is the most appropriate form of education for children.

The Council has delegated the responsibility of granting early admission to the Executive Director, Children, Young People and Partnerships, but this will only be considered if it can be established that refusal would harm a child's education in the long term.

When applying for early admission, parents/carers should provide evidence to support their case, including written evidence wherever possible. Members of staff should not provide letters of support to parents/carers.

There is no right of appeal once a decision has been reached on requests for early admission as the child is not of school age.

3.0 ARRANGEMENTS FOR SECONDARY SCHOOLS

3.1 Eligibility

Pupils will normally transfer to secondary school at the end of a seven year course of primary education. If, in the opinion of the Head Teacher or other professional advice, there are exceptional circumstances which would make it inadvisable to transfer a child, the appropriate Schools Group Manager should be consulted before a final decision is made.

Pupils attending a non-denominational primary school will be allocated a place at their catchment non-denominational secondary school. Pupils attending a denominational primary school will be allocated a place at St David's Roman Catholic High School. If the parents/carers wish to request their other catchment secondary school they should complete a placing request form and return it to the Pupil Placement section.

3.2 Transfer between primary and secondary schools

Pupil Placement will provide Head Teachers with details of which school each child will be transferring from/to.

Head Teachers of primary schools should ensure that detailed information on each pupil is forwarded to the appropriate secondary school. This information will normally include:

- an assessment of the pupil's attainment in mathematics and language;
- comments on ability and attainment in other curricular areas, e.g. science, art, music;
- comments on special interests and aptitudes;
- an indication of the pupil's personal attributes and information about their background which may influence their attitude and performance in school work;
- the Pupil Progress Records (PPR), updated to the end of the last session of primary education;

- the Pupil Profile, which is completed by the pupil.

3.3 Primary-secondary liaison

Secondary schools will normally have an established liaison programme with their associated primary schools which will include other initiatives to ease the transition between primary and secondary stages.

3.4 Induction programmes

Primary schools and their associated and neighbouring secondary schools have established procedures to ensure a smooth transition for all children. This includes transfer of information about each child's progress.

Secondary Head Teachers should also arrange for parents/carers and incoming pupils to visit their school at an appropriate time, prior to transfer. Full information on the school should be sent at the start of the summer term to all parents/carers of pupils transferring to the school.

3.5 Registration procedures

All parents/carers of P7 pupil's resident in Midlothian, who attend a primary school in Midlothian, will receive written confirmation from Pupil Placement in November that their child has been registered for a place at their catchment secondary school, based on their home address. Places at secondary schools may be limited, so registration does not guarantee a place. Parents/carers will also be advised of their right to make a placing request.

See later section for information on placing requests.

Midlothian pupils are enrolled in their catchment secondary schools through the transfer of their details from their associated primary schools. Secondary schools need to enrol those pupils whose placing requests have been granted and who do not attend a Midlothian primary school.

3.6 Allocation of Catchment Secondary School Places

The Council will normally give the highest priority to children living in the catchment area of a school. In the event of a school having more catchment children than places available, priority will be given in the following order:

- children who have been prioritised based on exceptional circumstances;
- children who are baptised Roman Catholic (Roman Catholic schools only);
- children who will have siblings attending the school at the same time;
- children who attend an associated primary school;
- then all remaining catchment children.

If there are more children than places available in any category, proximity of home to school and/or ease of travel will normally be used.

If a place at a catchment school is not available, parents/carers will be offered a place at the nearest Midlothian secondary school to their home address with places available. They will be given the option to make a placing request to another school, if they so wish. The pupil will be placed on a waiting list for the catchment school in order of priority and, should a place become available, parents/carers will be contacted by Pupil Placement. Where there are more pupils in one category, the priority will be based on distance.

Once the place is offered it will not be withdrawn unless the place was obtained using false information or the family change address before the start of the school year. Children who are offered a place at their preferred catchment school will be enrolled automatically.

3.7 Intake numbers

Pupil Placement will inform secondary school Head Teachers of the number of catchment pupils that will be transferred from primary schools and any intake limits that may apply. They will also be informed on a regular basis of numbers of any non-catchment requests which have been received and catchment requests out to other schools.

Throughout this period, secondary school Head Teachers should discuss with the Pupil Placement Section any factors that may affect the school's ability to accommodate the projected S1 intake.

3.8 Issue of school handbooks

Head Teachers must ensure school handbooks are updated by November. Delays in updating the handbook should be avoided as parents/carers are legally entitled to this information. The handbook should be made available on the school website.

3.9 Press advertisement

In October each year Pupil Placement will place an advertisement in the local press, advising parents/carers of any Midlothian child eligible to begin secondary education that their child will be automatically enrolled in their catchment secondary school, unless a placing request is made for another school.

3.10 Making a Placing Request for a Non-Catchment Primary or Secondary School

All parents/carers have the right to request a place for their child in a non-catchment school; this is called a placing request. It is the Council's statutory duty to grant placing requests where there are places available, except in certain circumstances which are set out in The Education (Scotland) Act 1980.

If the child is starting P1 or S1 in August and the parent/carer wants them to attend a non-catchment school, they may make a request by completing a Placing Request. The placing request form is available online at midlothian.gov.uk/placing, alternatively a paper version of the form is available on Midlothian Council's website or can be obtained from Pupil Placement at pupil.placement@midlothian.gov.uk.

If the child is at any other stage of their education parents/carers should contact the Head Teacher of the school of their choice.

If the child has additional support needs the right to make a non-catchment placing request includes the right to request a special school or special class. Parents/carers who wish to make this kind of placing request should discuss their choice of school with the child's lead professional before making their request.

3.11 What will happen when a placing request is made to Midlothian Council?

The following information applies if a placing request is made for a child to a Midlothian Council school.

The Midlothian closing date for placing requests to start P1 or S1 in August is in the preceding December. The Council will advise parents and carers of the closing date in the letters sent out. The Council will still consider a request if it arrives after this date but by 15 March, the national cut-off date.

The parent/carer should receive acknowledgement of their application within fourteen days of receipt by Pupil Placement. The Council will notify parents/carers of the outcome of all placing request received by 15 March by the end of April.

Placing requests received after 15 March will be decided within two months of receipt and parents/carers notified. However, exceptional circumstances can only be considered when a placing request is received by 15 March, it will not be considered with a late placing request. In most cases, where we receive a late placing request, your child will be placed on a waiting list below the requests received on time. It is, therefore, important that placing requests are submitted by 15 March providing all relevant information and supporting documents. Assistance in completing a placing request is available through the [pupil placement team](#).

The Placing Request forms for P2 to P7 and S2 to S6 are available to download on Midlothian Council's website or from the schools. These placing requests will be acknowledged within fourteen days of receipt and a decision made within two months.

Members of staff should not provide letters of support to parents/carers.

3.12 Restriction or limitation of places

The Council will give the highest priority to children living in the catchment area of a school. Places remaining after catchment children are enrolled will be available for non-catchment children.

Placing Requests

Non-catchment placing requests will be granted if there are places available after all catchment children are accommodated and reserved places retained within the agreed intake limit.

Additional classes will not be created for non-catchment children.

Priority for places

Priority will be given to applicants in the following order (catchment and non-catchment):

- children who have been prioritised based on exceptional circumstances;
- children who are resident in the school's catchment area and are baptised Roman Catholic (Roman Catholic schools only);
- children who are resident in Midlothian and are baptised Roman Catholic (Roman Catholic schools only);
- children who are resident in the school's catchment area who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- children who are resident in the school's catchment area;
- children who are resident in Midlothian who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- children who are resident in Midlothian;
- children who are resident outside Midlothian and are baptised Roman Catholic (Roman Catholic schools only);
- children who are resident outside Midlothian who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- then all other applicants.

3.13 Other relevant factors that may be taken into account

Attendance at an associated primary school (for requests in S1) may be taken into account however it does **not** guarantee that a request will receive priority or agreement.

Children have additional support needs if they require something which is extra or different to what is normally provided for other children of the same age. Staff in all schools in Midlothian are skilled in meeting the needs of pupils and all can fully support pupils with a range of additional support needs or those who are experiencing bullying. All schools have transition processes in place to support children starting Primary 1 or Secondary 1, including an enhanced transition programmes for children who need a bit more support. When deciding whether to give a child priority on the grounds of exceptional circumstances, the pupil placement team will consider whether the requested school can better meet their needs than their catchment school.

If there is more than one placing request in any of the categories listed above, the shortest, recommended walking distance from each child's home to the nearest school gate is measured. Those living closer to the school are placed above those living further away.

Once a pupil has completed a proper admission to the school they will not be asked to transfer to another school against the wishes of their parents/carers in order to admit a pupil who has moved into the catchment area.

A proper admission is one made under the policy of the Council based on correct information from the parents/carers.

Please note that, if a placing request is successful, the child's place at their catchment school may be allocated to another child. If a parent/carer then changes their mind and wishes their child to attend their preferred catchment school, a place may not be available.

3.14 Refusing a placing request

If the Council refuses a placing request a letter will be sent to the parent/carer which gives the reasons for the decision. The Education (Scotland) Act 1980 sets out the reasons why a placing request may be refused.

The main reasons are:

- an extra teacher would have to be employed;
- the Council would have to spend a significant amount to extend or alter the accommodation at, or facilities provided in connection with, the school;
- an extra teacher would have to be employed, or additional class formed, at a future stage of the child's education;
- the number of children at the school would exceed the school's capacity.
- to reserve places at the school for children moving into the catchment area;
- the order and discipline in the school would be seriously affected i.e. through overcrowding;
- the educational wellbeing of pupils at the school would be seriously affected i.e. through overcrowding or exceeding the relevant maximum class size;
- the child's education would be affected because the education at the school requested is unsuitable.

3.15 What happens if the Council refuses a request?

If a placing request is refused, the parent/carer has the right of appeal. Appeals must be lodged, in writing, no later than 28 days after the refusal letter being sent. Details of how to make an appeal will be in the refusal letter sent to the parent/carer.

In Midlothian appeals are heard by the Education Appeals Committee. The Education Appeals Committee is independent of the Children, Young People and Partnerships

Directorate. This is a formal legal process and further information will be sent on receipt of the appeal.

3.16 Primary school placing request

If a place at the requested primary school is not available, a place will be reserved at the preferred catchment primary school that the child has been registered at. However if no place is available at the preferred catchment school, then a place will be allocated at the nearest school with places available (if the preferred school was a denominational school then a place will be allocated at a denominational school if possible). A waiting list will be formed for the requested school and/or catchment school and, should a place become available, the parent/carer be contacted.

3.17 Secondary school placing request

If a place at the requested secondary school is not available, a place will be reserved at the catchment secondary school. However if no place is available at the catchment secondary school, then a place will be allocated at the nearest school with places available. A waiting list will be formed for the requested school and/or catchment school and, should a place become available, the parent/carer will be contacted.

3.18 Placing Requests for Children with Additional Support Needs

The parents/carers of children recorded as having additional support needs also have the right to make a placing request to a special school or a special class. If the Council refuses the request, parents/carers are given a statement of the reasons for the decision.

Under the terms of the Education (Additional Support for Learning) (Scotland) Act 2009, if parents/carers have been refused a placing request for a child with a coordinated support plan (CSP), to a special school or a special class, a mediation service is available to families of children with additional support needs and they have the right to appeal the decision. Appeals are dealt with by the Additional Support Needs Tribunal for Scotland. Details of who to send your appeal to will be in the refusal letter we send you.

Contact Details

Pupil Placement
Midlothian Council
Children, Young People and Partnerships
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

Email: pupil.placement@midlothian.gov.uk

Additional Support for Learning Officer
Midlothian Council
Children, Young People and Partnerships
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

Email: asn.team@midlothian.gov.uk

Useful Websites

Midlothian Council Website: www.midlothian.gov.uk
Parent Zone Scotland: education.gov.scot/parentzone/
Education Scotland: www.education.gov.scot

SCOTTISH CHILD ABUSE INQUIRY

Report by: CSWO and Chief Officer Children's Services, Partnerships & Communities

Report for Decision

1 Recommendations

Council is requested to

1. acknowledge the exceptional work undertaken by our independent social worker and legal team who worked tirelessly to bring together their findings from the reading of historical files and present our submission to the Scottish Child Abuse Inquiry
2. note the actions taken by Midlothian Council in response to the requirements of the Inquiry
3. Agree to work arising from the evidence presented to the Inquiry and the concluding statements of Lady Smith, the Inquiry chair, in relation to foster care being taken forward as outlined below
4. receive a further report of any additional action needed to progress the findings of the foster care phase of the Inquiry when Lady Smith's findings are published
5. Agree that a report is prepared for Council providing an update on the matters above for noting.

2 Purpose of Report/Executive Summary

This report advises of

1. the background to, and remit of, the Scottish Child Abuse Inquiry
2. work in relation to the Inquiry that has been carried out to date by Midlothian Council
3. the Inquiry's proceedings, particularly the most recent phase focusing on local authority foster care
4. findings in relation to the abuse of children in care for whom Midlothian Council and its predecessor bodies were responsible
5. actions being taken by Midlothian Council to respond effectively to the concerns and issues raised in the course of the Inquiry's proceedings.

Date: 01 March 2023
Report Contact: Joan Tranent

3 Background

3.1 The Scottish Child Abuse Inquiry

The Inquiry was set up in 2015 at the behest of Scottish Ministers and is chaired by Lady Smith, a judge of the Supreme Courts of Scotland, appointed to the Inner House in November 2012. It was intended to acknowledge and respond to the many people who, as children, had endured physical, sexual and emotional abuse in care placements. The Inquiry gave them the opportunity to talk openly about their experiences and to identify those who had perpetrated abuse upon them. Survivor experiences, provided as evidence to the Inquiry, was an instrumental factor in the establishment by the Scottish Government of a national financial compensation scheme for survivors of abuse in care, Redress Scotland, in 2021.

The Inquiry covers the time period 1930 to 2014. It has had several phases, each focusing on a different type of care setting. It has sought testimony from abuse survivors, as well as from care providers, including local authorities. It has previously considered evidence in respect of establishments run by religious bodies and charities as well as private boarding schools. The most recent phase related to local authority foster care. In 2019, all local authorities in Scotland were requested to submit an extensive report in respect of their involvement in the provision of foster care during the time in question. The report required information to be supplied as to the governance, policy, procedure and practice in relation to foster care as well as any complaints, allegations or concerning incidents.

In May 2022 the Inquiry commenced hearing evidence from abuse survivors. It also received testimony from social workers, foster carers, chief social work officers, academics and managers of voluntary sector fostering providers. In general, local authority chief social work officers were required to appear if the Inquiry chair had specific concerns on which she wished clarification or supplementary information. Midlothian's Chief Social Work Officer was not requested to appear. The hearings concluded in December 2022, with the last few days being dedicated to closing submissions on behalf of local authorities. Midlothian Council's closing submissions were presented by Scott Blair, Advocate. Lady's Smith's findings on abuse in foster care will be published as soon as is practicable.

3.2 Work carried out by Midlothian Council in relation to the Inquiry

In order to respond effectively to the Inquiry's request for information extensive background research was undertaken. This required extensive perusal of archive records of Midlothian Council proceedings, and those of its predecessor authorities, as well as social work records of foster carers and of children in foster care over many decades.

Though some records of predecessor authorities existed, there were significant periods of time for which the available information was very limited. Supplementary data was sought from a number of sources

including some retired senior managers of social work services in Lothian Regional Council and authors of relevant published academic literature.

Midlothian Council was therefore able to respond to the extensive range of questions posed by the Inquiry and submitted a comprehensive report on the operation of foster care within Midlothian over the 84 years covered by the Inquiry. The time available for completion of the report (required by 30/09/2020), however, precluded the scrutiny of a substantial number of relevant social work case records; under 100 were therefore examined in detail. Midlothian Council holds over 30,000 archived social work records of which around 8,000 are records of children who were in care or otherwise received social work support. There are, in addition, over 80,000 social work records held on the Mosaic electronic database. These of course do not represent the totality of individuals and families who received a social work service during this time. Prior to the introduction of a legal requirement in respect of local authority record retention in 1989, many closed case records were destroyed. The earliest files relevant to the Inquiry date from the 1950s, though it is clear from other data that those that exist could only form a relatively small proportion of the actual likely total. It was made clear to the Inquiry that responses to questions relating to incidence, for example, of concerns about children's welfare, could only be speculative and based on the small number of files that had been scrutinised.

Given the limitations of the sample size for the initial report, it was decided to continue examination of records of foster carers and children who had been in foster care in order to gain a more reliable picture of the operation of foster care over the Inquiry period. No list existed of such records, thus it was necessary to examine many more records than were the subject of the Inquiry. Up until 31/03/2022, therefore, over 2,800 archive social work records were checked. Of these, 500 referred to children who had been in foster care and 200 to foster carers. Supplementary reports were provided to the Inquiry that conveyed any additional relevant information found.

Close attention was paid to the testimony of survivors during the hearings and any important points for internal action noted.

3.3 Findings

Though the Inquiry sought information on incidence of concerns, Midlothian Council made clear that it was not possible to assess this with any degree of accuracy. No figures are available that would give any definitive idea of how many foster placements were made by Midlothian Council over the 84 year period covered by the Inquiry. It is probable that many hundreds, if not thousands, of placements were made. The report made to the Inquiry indicated that any calculation of incidence would therefore be entirely speculative. The findings, from the 500 child records and 200 foster carer files examined, do not, however, suggest that abuse of children was systemic, sustained or widespread in foster placements for which Midlothian was responsible.

A total of 71 incidents, allegations, concerns or complaints involving a child in foster care have been identified in respect of 66 children. This represents approximately 15% of the records sampled. Of course not all of these could be termed abuse and many were unsubstantiated. All incidents noted appear to have been investigated according to the systems in place at the time and appropriate action taken. Some children were removed from the foster placement concerned and in a few cases carers were de-registered. There were four cases where charges were brought against a foster carer by the police – two involving assault and two sexual misconduct. We are not, however, aware of any prosecutions resulting in conviction.

It should, of course, be borne in mind that what was considered acceptable practice, for example, in relation to physical discipline, has changed significantly over the years, as have the regulations, guidance and legislation on which practice is based. It should also be noted that practice in foster care in Midlothian, and in out of home care generally, has improved substantially over the Inquiry period. This was made clear both in the written reports to the Inquiry and highlighted in the opening and closing submissions by the advocate engaged by the Council. There are, nonetheless, learning points that have arisen from the examination of case records, as well as from the conclusions drawn by the Inquiry chair.

3.4 Practice implications

It is indisputable that current practice in placement of children with foster carers in Midlothian and of Midlothian children in any foster care placement is thorough and effective. The process of training, assessing and reviewing carers is robust and the experience of children is on the whole positive. There are, however, a number of areas where improvements may be considered. These are drawn both from Lady Smith's statements, from observations gleaned from the scrutiny of children's and carers' records and from the closing statements made by the advocate acting for Midlothian Council.

Midlothian Council unequivocally welcomed the Inquiry and the opportunity to engage fully with it. It acknowledged unambiguously the abuse in foster care that many of the survivors who gave evidence had experienced and the severe and enduring impact of that abuse. Despite that, it is important to recognise that, in Midlothian and more widely, foster care was, for most, a positive experience.

The advocate representing Midlothian Council conveyed these points in his closing submission and invited Lady Smith to adopt formally a number of findings. These are reflected in the practice implications noted below.

1. Systemic failure in foster care

Lady Smith made it clear that she believed the systems in place through most of the Inquiry period were inadequate both in terms of protecting and optimising children's welfare and in the training and supervision of foster carers.

Midlothian found no compelling evidence, in respect of the systems in place in Midlothian Council or its predecessor authorities, of widespread or sustained failure to protect children adequately while in their care. Incidents appear to have been documented and investigated according to the legal and procedural requirements in place at the time. Of course this does not mean that, at national level, oversight and management of foster care, and the legislation, regulation and guidance that directed them, were sufficient to ensure that children were both adequately protected and their welfare promoted.

Practice standards in Midlothian now require a minimum level of contact with children in care, and that they are frequently and regularly seen by staff independently of their carers.

2. Record keeping and access to records

A number of issues were raised in the course of the Inquiry in respect of social work records, by the chair, legal representatives and survivors. These included the difficulties experienced by many in accessing information about their time in care. Care records were not legally required to be retained prior to the introduction of retention legislation in 1989. Many earlier records had therefore been destroyed. The earliest records found in Midlothian date from the 1950s, though very few from before 1975 (the inception of Lothian Regional Council) are still extant.

Of those records that were accessed, many were uninformative, confusing or inaccurate. Several survivors described the process of accessing records as impersonal and bureaucratic. Lady Smith remarked that the child's voice seemed largely absent from many of the records, giving the impression of little meaningful contact between children and the local authority officers tasked with overseeing their welfare. Of course it is not possible to know what could have been recorded but was not, but there is no substantial body of evidence that indicates that children's concerns were not noted nor responded to by Midlothian Council and its predecessors.

Understanding the sequence of events and the reasons for decisions also posed challenges. Lady Smith highlighted the importance of chronologies, setting out important life events clearly, in facilitating knowledge of the earlier lives of care experienced people.

Active review of record keeping processes is under way. A revised system for dealing with access to care records is being trialled, providing direct personal contact and support to people requesting record access. Chronologies are now routinely produced and held on record for all children in care or subject to child protection procedures.

3. Training and supervision of foster carers

Repeated references were made in the presentation of evidence about the (sometimes gross) inadequacy in foster carers' level of understanding of the impact of trauma and adversity on children and the potential consequent effect on their behaviour. Of course the body of research and experience on these issues is now far more substantial than would have been the case decades ago. Some of the foster carers who gave evidence, however, indicated that they were given little support or training on these matters.

While Midlothian Council offers an extensive programme of professional learning to foster carers, not all elements are mandatory. While understanding trauma does feature in pre-approval training, post-approval opportunities for further exploration of this are less well taken up. Lady Smith indicated that, in her view, there should be a requirement for foster carers to maintain and update their knowledge of important aspects of children's development with a strong focus on the impact of the trauma, instability and abuse that most children in the care system have experienced.

Lady Smith also raised the importance of all members of a family applying to foster, including children, being fully assessed as to risk and involvement. This issue was pertinent to an incident that had occurred in a Midlothian foster family and further detail on this was requested by the Inquiry.

Another recurring issue was the use of funds received by foster carers from the placing authority, and concerns that these funds were not always used for the benefit of the children for whom they were intended. It should be borne in mind, however, that until the 1980s foster carers did not receive a fee as such and the allowance received was intended both for the financial support of the child and some element of recompense for the carer. There is now a clear distinction between the two elements and Midlothian Council staff maintain oversight of foster carers' expenditure.

The value of foster care to the vulnerable and traumatised children who enter the care system is indisputable. Despite the often harrowing experiences related by survivors, foster care is a safe, positive and enriching experience for most of the children who use it. Midlothian's Family Placement Team endeavours to attain best practice and effective outcomes and has a wide range of measures and services in place to support this. The advocate acting for Midlothian Council emphasised, in his concluding submission, how important foster care had been in improving the wellbeing and life chances of children placed and the specific approaches taken by the Family Placement Team to provide a high quality service.

4. Separation of families

Separation of family members from one another was a matter that arose repeatedly. It was not unusual, particularly in the early part of the Inquiry period, for families to be placed at great distance from their place of origin and for siblings to be parted from one another.

In some cases they had little or no contact with one another thereafter. Parental contact was also inconsistent, often with little effort being made to ensure that parents were assisted in maintaining contact with their children.

Placements far from home are far less common now. The majority of Midlothian children are placed with foster carers in Midlothian or with carers supported by Midlothian Council in neighbouring authority areas. Family contact is seen as an essential element of any care placement and is included in all care planning. Where siblings cannot be placed together, steps are taken to ensure that relationships are sustained and contact frequent and regular.

It is regrettable, though sometimes unavoidable, that siblings are separated when placed in care. Families with whom social work services are involved are often larger than the average. Few local foster carers have sufficient physical space to accommodate large families. It is also unlikely that, even when carers could accommodate several children, that all placements would be available simultaneously, particularly in an emergency. The emotional demands on foster carers of caring for a large number of traumatised children should also not be underestimated.

Active campaigns to recruit foster carers who could take larger families, with financial and support arrangements that would enable the places to be retained for large sibling groups; housing assistance from the Council and other local social landlords to enable foster carers to access larger properties; and intensive family support at home are all possible solutions which could be considered.

5. Outcomes and long-term support

The testimony of many of the survivors conveyed how profound, severe and enduring the effects of the abuse they had suffered had been. Many had experienced poor mental health, difficulties in sustaining relationships, drug and alcohol dependence and problems in being effective parents, over many decades. Others had found the experience of accessing their care records disturbing and had resulted in resurrecting distressing memories.

Lady Smith indicated that the public bodies and voluntary organisations who were responsible for placing children, or who operated services in which children were placed, should, if requested, provide support to individuals affected. Midlothian Council has a dedicated email address to which any requests for support can be addressed. This is monitored by the Council's Chief Social Work Officer and Principal Solicitor who initiate any services needed.

6. Data analysis

Lady Smith expressed concern that insufficient attention was paid to the collection, analysis and scrutiny of data in relation to the foster

care experience. In particular she mentioned unplanned endings of foster placements, the number of moves experienced by individual children and the incidence of separation of families. She was also concerned about the long term life outcomes for people who had been in foster care and the incidence of the kind of problems described by survivors in the above section.

Midlothian Council is currently examining how such the production and usage of such data can be improved.

7. Relationships

The quality of relationships and nature of contact between children in foster care was raised by many survivors. While some described positive and supportive experiences there were others whose experiences had been largely negative. Some stated that social work contact had been cursory and infrequent and that they were rarely or never given the opportunity to talk independently of the carer. Some had raised concerns that went unheeded or were disbelieved. Lady Smith also indicated that it was important that social workers were able to notice and respond to non-verbal signals that a child was unhappy or being badly treated in placement.

Midlothian Council's advocate invited Lady Smith to acknowledge that the demands on social workers and the caseloads carried by many precluded the desirable level of contact and inhibited their capacity to form trusted and trusting relationships with children. This can only be effectively addressed, however, by reducing the number of cases social workers are routinely carrying.

Lady Smith also was concerned that insufficient attention was paid to ensuring that carers and children were appropriately matched. While this was acknowledged in the Council's closing submission, it was also noted that the limited availability of placements, especially in emergencies, meant that frequently little or no choice was available.

Finally Lady Smith noted the value of kinship care in sustaining family relationships and avoiding children being placed with strangers. Midlothian Council supports an increasing number of kinship carers and this is always considered as a positive option for children who cannot be cared for within their own home. Scrutiny of archive records does, however, indicate that, while most kinship care placements are both supportive and sustained, there is a concerning number that have broken down with children then having to be placed with foster carers.

Ensuring that kinship carers are supported with adequate professional advice as well as financially assisted is therefore desirable. At present kinship carers are not normally allocated to a social worker once they have been approved and/or a kinship care order granted. If the child is 'looked after' (under a compulsory order from a court or children's hearings, or under a voluntary

arrangement agreed to by parents), the child will normally have a social worker allocated.

It is recommended that the contents of this report are noted, that Midlothian Council continue to cooperate fully with the Scottish Child Abuse Inquiry and that actions to respond to the issues raised in the course of the Inquiry are progressed as set out in the report.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

At the moment there are no additional resource implications. A budget for conducting the work Midlothian Council is required to carry out to comply with the Inquiry's statutory requests for information was agreed in 2016.

4.2 Digital

It is intended that technological improvements to recording and communication systems will improve access to information for people who are, or have been, in the care of Midlothian Council.

4.3 Risk

No specific risks are indicated in the content of this report. The assessment and management of risk of course is an integral component of good practice in foster care and is a requisite element of assessment and review of foster carers and of each placement.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report seeks to build on good practice within Midlothian Council by improving how children in out of home care and adults who are care experienced are supported.

4.4 Additional Report Implications

There are no additional report implications at present but it is likely that there will be implications for local authorities when Lady Smith's final conclusions are published.

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Getting it Right for Every Child

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities, though both foster carers and children within the care system are actively encouraged to contribute to improvement in practice.

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes, though, in line with Lady Smith's concluding comments, we will seek to improve monitoring of outcomes for children in foster care.

A.7 Adopting a Preventative Approach

Findings have informed and will inform best practice in relation to children in the care of Midlothian Council and minimise their need for social work interventions as they move to adulthood.

A.8 Supporting Sustainable Development

Not applicable

APPENDIX B

Background Papers/Resource Links (if applicable)

Midlothian Council's submissions to the Scottish Child Abuse Inquiry are confidential documents and are therefore not available to persons who have not signed the SCAI's confidentiality agreement.

Midlothian Council Football Pitch Needs Assessment

Report by Kevin Anderson, Executive Director - Place

Report for Information

1 Recommendations

It is recommended that Council:

- Notes the Football Pitch Needs Assessment Report and actions that are being taken

2 Purpose of Report

The purpose of this report is for Council to note the revised football pitch needs across the county and the corresponding actions that are being taken by Council Officers.

Date: 2nd February 2023
Report Contact: Derek Oliver, Chief Officer - Place
Email: derek.oliver@midlothian.gov.uk

3 Background

- 3.1 With the continuing growth and development across Midlothian, it is important to assess the degree to which current outdoor football facility provision meets current requirements and the extent to which demand for football facilities created by the future population growth can be catered for by existing provision, or whether additional or improved facilities are required.
- 3.2 In 2022, Midlothian Council requested an update of the sports pitch needs analysis, originally undertaken in 2007 and revised in 2017, but with a specific focus on football, taking account of new housing development and the increasing importance of the provision of synthetic grass pitches for both playing and training.
- 3.3 The aim and objective of this study was to update population projections, pitch usage, demand criteria, and providing recommendations as to future levels of pitch provision.
- 3.4 Developing participation in football, and indeed other sports, provides many benefits. As sportscotland sets out in its *Sport for Life* website, it can support health, improve activity, develop skills, strengthen communities and help the economy. Fundamental to this is adequate provision of facilities.
- 3.5 The consultants undertook engagement with football clubs across Midlothian. Midlothian Council officers provided booking information for council pitches, gradings for those pitches, population data and projections, and information on known planned facilities. Where pitches and synthetic turf pitches (STP) existed that were not under the direct control of the Council the providers were directly contacted to discuss levels of use and demand.
- 3.6 The findings of the assessment is contained within the report and summarised below:

Area	Findings	Council Actions
Bonnyrigg, Lasswade, Dalkeith, Easthouses, Mayfield, Newbattle, and Newtongrange	<p>Provide two additional 3G Synthetic Turf pitches (STPs) – one at Kings Park if practical, one at planned new secondary school.</p> <p>Due to impact of population growth – need for one additional 3G STP. Additional demand for grass pitch provision can be met by existing facilities.</p> <p>Grass pitch improvements – upgrade drainage on the two pitch areas of the Mayfield Complex as identified in this report.</p>	<p>STP provision identified within preliminary designs of new education assets in Easthouses Primary School and Mayfield Joint Campus.</p> <p>Work with Dalkeith Thistle to attain relevant funding, if desired, to develop Kings Park.</p>

Danderhall, Millerhill & Shawfair	<p>Due to impact of population growth – need for 3 x 6-11 grass pitches and 2 additional adult/youth grass pitches. 2 adult pitches and one 6-11 pitch currently planned for the Shawfair development.</p> <p>Impact of population growth - need for 1.6 3G STP's.</p>	<p>Being addressed through development.</p> <p>Brief for Shawfair All Through Campus will reflect requirements arising from report.</p> <p>Support current planned provision for 2 STPs as part of new Shawfair development.</p>
Gorebridge and Arniston	<p>Provide a 3G STP to meet current demand – the lack of such a facility to serve these settlements makes this a PRIORITY project.</p> <p>Recommend improving drainage at Birkenhead Playing Field.</p> <p>Due to impact of population growth – need for one additional 11v11 grass pitch.</p> <p>Consequential rise in team numbers justifies a further 3G STP.</p>	<p>Pitches at Birkenhead have been re-instated.</p> <p>Work with Arniston Rangers to develop business case and funding applications to develop Newbyres Park.</p>
Loanhead and Bilston	<p>Provide a 3G STP to meet current demand – the lack of such a facility to serve these settlements makes this a PRIORITY project.</p> <p>Recommend improving drainage on grass pitches.</p> <p>Impact of population growth indicates a need for one additional 11v11 grass pitch and one additional grass pitch for 6-11 year olds.</p> <p>Impact of population growth – need for a half size 3G STP.</p>	<p>Pitch drainage works have been commissioned.</p> <p>Further scoping work necessary for any possible STP or addressed through future development.</p>
Penicuik and Auchendinny	<p>Due to impact of population growth – need for one additional grass pitch for 6-11 year olds.</p> <p>Impact of population growth – need for a half size 3G STP.</p>	<p>Address through future development.</p>

4 Report Implications

4.1 Resource

New pitches can be incorporated into the design and build of new Council assets. Any new 3G STP provision at a primary school should as a minimum meet the SFA's size guidance for a 7v7 pitch, to ensure its potential use by community clubs.

Existing community facilities can potentially be improved/replaced through Developer Contributions, where appropriate.

Place Services currently piloting the cost effective use of MUGAs within the Council school estate to address needs of community football clubs.

4.2 Digital

Information on pitch needs assessment will be displayed on the Council's website.

4.3 Risk

Not implementing the relevant actions will have an adverse effect on football clubs, especially where there is an increasing population within the community.

4.4 Ensuring Equalities

An Equality Impact Assessment will be necessary on the implementation of the measures.

4.5 Additional Report Implications

See Appendix A

Appendices

Appendix B - Football Pitch Needs Assessment

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☒ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value.

A.5 Involving Communities and Other Stakeholders

Extensive public consultation is imperative and has been undertaken as per the Final Report.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.

Midlothian Council Football Pitch Needs Assessment

Final

Midlothian
Football
Pitch Needs
Assessment

Torkildsen
Barclay
LEISURE CONSULTANTS

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I. INTRODUCTION

Scope of Study

- 1.1 Torkildsen Barclay was commissioned by Midlothian Council in September 2016 to undertake a review of the 2007 Sports Pitch Needs Assessment with the aim of updating population projections, pitch usage, and demand criteria, and providing recommendations as to future levels of pitch provision, in particular those provided by the local authority. This study was completed in 2017. In 2022 the Council requested an update of this study, specifically for football, taking account of new housing development and the increasing importance of the provision of synthetic grass pitches for both playing and training.

The Need for the Study

Population Growth

- 1.2 The county of Midlothian covers over 35,000 hectares. According to the Council's *Profile of Midlothian 2021* the 2020 population was estimated at 93,150, up from the 87,390, identified in the 2017 study. The county encompasses a range of medium sized and small towns, villages and hamlets. About two thirds of the county is substantially rural in nature. There are three main settlements, Penicuik, Dalkeith and Bonnyrigg, all with populations over 10,000, six smaller urban settlements (3,000 – 8,000 population) and 17 other settlements. The county is bordered by Edinburgh to the North, by West and East Lothian to either side and the Scottish Borders to the south.
- 1.3 The Council anticipates that: "Between 2018 and 2028, the population of Midlothian is projected to increase by 13.8% to 103,940 compared to a 1.8% for Scotland as a whole. Midlothian is projected to have the highest percentage change in population size out of all the 32 council areas in Scotland (2018 to 2028)".
- 1.4 It is therefore important to assess the degree to which current outdoor football facility provision meets current requirements and the extent to which demand for football facilities created by the future population growth can be catered for by existing provision, or whether additional or improved facilities are required.

Strategic Priorities – The Importance of Facilities

- 1.5 Developing participation in football, and indeed other sports, provides many benefits. As **sportscotland** sets out in its *Sport for Life* website, it can support health, improve activity, develop skills, strengthen communities and help the economy.
- 1.6 To develop participation, however, requires both an infrastructure of coaches, volunteers, clubs, community and public support (the "software" of sport), AND an infrastructure of appropriate facilities (the "hardware") on and in which such participation can take place. The Scottish Football Association (SFA) states on its website that:

"Facilities play a fundamental part in the support and development of our national game. As the Scottish FA's facilities strategy, The Big Pitch, states, it's

'where the game is played' and without these places to play our game would struggle to grow....The Scottish FA therefore places great importance on the development of quality football facilities and the impact these have across the game, whether that be attracting children into the game for the very first time, right through to players in the professional ranks."

- 1.7 The Scottish FA's overarching strategy *The Power of Football Strategic Plan 2021-2025* has the key vision to "Harness the power of football to inspire the nation, transform lives and build a united and successful game". To meet these aspirations further strategies have been produced, including *Accelerate Our Game Scottish FA Strategy for Girls' and Women's Football 2021-2025* produced in conjunction with UEFA and founded on best practice from women's football across Europe. Since the FIFA Women's World Cup in 2019 women's and girls' participation has grown by 17% and this growth is anticipated to continue. Wider participation in the game is also the goal of the Scottish FA's *Football for All* plan, which aims at both tackling inequalities and creating community focussed clubs. Discussions with the Community Football Clubs in Midlothian (see below) indicates that participation, particularly in the younger age groups, is continuing to grow, with waiting lists for some of the age groups. Facilities are therefore an essential element in meeting current and future need.

The Role of Synthetic Turf Pitches

- 1.8 Traditionally football has been played on natural grass pitches. However, as the technology has improved the usage of synthetic turf pitches (STPs) suitable for football training and playing has increased. As the SFA's *The Big Pitch* states:

"Scottish football requires high capacity, floodlit facilities which can combat the challenging Scottish climate and satisfy the high demand for facilities for both training and match activity...The inextricably linked issues of capacity and demand prevalent across the country, mean that more synthetic pitches are a high priority simply because they can support continuous play for up to 12 hours every day, 7 days a week. Natural grass pitches, irrespective of quality or whether floodlit or not, simply cannot support this level of training and match activity, with 6-8 hours of use per week recognised as the maximum playing time before a good quality natural grass surface begins to deteriorate".

- 1.9 It is not intended that STPs replace grass pitches altogether but that a "sensible" mix of both is used.
- 1.10 It should be noted that since the development of synthetic turf for sport in the 1960's there are now several different types of STP and many are sand dressed, sand filled or water based. Whilst these can sometimes be utilised for basic football training by the younger age groups they are not suitable for playing league matches at any level or age group, and are not popular for training by most clubs. Hence the development of 3G (third generation) STPs suitable for football. Conversely such a pitch would not be suitable for hockey or tennis for instance.
- 1.11 In terms of the cost of STPs the SFA states: "... well managed STP's have the potential to generate sufficient income to meet operating costs, fund any capital borrowing needed to build them and equally importantly, contribute to a surface replacement fund...As every new synthetic turf pitch will increase the overall playing capacity in the area, the demand on natural grass pitches will decrease. As a result, this will offer councils the option of disposing of their

poorest quality grass pitches which at the very least cost up to three times as much to maintain as an STP, or in the very worst cases are almost beyond cost-effective maintenance".

- 1.12 The current and planned supply of STPs in Midlothian will be considered as part of this strategy update. However, the success of current and future supply of STPs will depend on how well they are programmed and the demand in the area. In general it makes economic sense to provide STPs on education sites where they can be used for educational purposes during the day and community sports use during the evenings and weekends.
- 1.13 Lastly, there are no "standards" in Scotland for how many STP's should be provided for a given population. **Sportscotland** does have a Facility Planning Model which shows theoretical supply and demand for any given area, but the demand data on which this is based is now very dated and does not reflect current developments.
- 1.14 The FA in England uses a formula to calculate the number of football teams a third generation artificial grass pitch can service for training. This is based on peak time access for training and the goal that every team has the opportunity to train on a 3G STP at least once a week. Having examined the usage of 3G STPs in Midlothian we have adapted this approach to provide a model more specific to the area, and this is explained in the supply and demand section below.
- 1.15 However, any proposals for new STP's should be subject to a detailed feasibility before a final decision on provision is made.

Methodology

- 1.16 In preparing this study we have referred to the **sportscotland** guidance document 'Guide to the Preparation of Pitch Sport Strategies'. Face to face consultation was undertaken with a number of the community football clubs, and all identified clubs in Midlothian – both amateur and professional/semi professional – were sent questionnaires. All the Scottish FA Charter Mark Community Football Clubs were met with or responded to the consultation. The response from other clubs was more variable with a relatively low 35% response rate. However, including the CFC's, the responses received represent 76% of all football teams (as opposed to individual clubs) in Midlothian.
- 1.17 The Scottish FA provided both strategy documentation and the number of registered teams by club and age group, sourced from their own records, Scottish Women's Football, and the Scottish Youth FA. Additional data was sourced from league and club websites. All data relates to the 2021/22 season.
- 1.18 **Sportscotland** provided access to their planning advice and their Facility Planning Model.
- 1.19 Midlothian Council officers provided booking information for council pitches, gradings for those pitches, population data and projections, and information on known planned facilities. Where pitches and STP's existed that were not under the direct control of the Council the providers were directly contacted to discuss levels of use and demand.

Establishing Current Supply and Demand

- 1.20 The data collected was used to determine current patterns of play on pitches and to assess the demand for football pitches by settlement. To do this a planning model was developed to provide an indication of whether there is an under or over supply of pitches in any specific area. The model then allows a review of different scenarios if required e.g. the impact of removal or addition of pitches, the impact of either growth or reduction in team numbers etc.
- 1.21 It must be remembered that the supply and demand assessment is a snapshot in time. Age group teams can vary from year to year, new teams can come into being and also fold. Investment in pitch maintenance can reduce affecting the number of matches that each pitch can accommodate. All of this can affect the overall picture of supply and demand. However, accepting these limitations the assessment should give a reasonable overview of current provision which can then be updated on a regular basis.

Planning Assumptions

Geographical Distribution of Pitches

- 1.22 Midlothian covers a wide geographical area although all the key settlements are located in the northern third of the district. Travel between settlements necessitates private car ownership or reliance on public transport links. Given that participation in sport is partially affected by access to facilities, the provision of local pitch facilities is clearly important, particularly for young people.
- 1.23 For the purpose of the 2017 study Midlothian was assessed by settlement areas that are generally used by the Council for planning and educational purposes. However, a review of the bookings of council pitches shows that clubs – and in particular the main Community Football Clubs – use facilities across a number of adjacent settlements. Dalkeith Thistle CFC, for instance, do not just use facilities in Dalkeith but also in Mayfield, Newbattle and Newtongrange, whilst Bonnyrigg Rose CFC use facilities not only in Bonnyrigg, but in Newbattle, and these are just two examples. For the purpose of assessing supply and demand therefore we have pulled together those settlements where obvious links exist to gain a more realistic picture of provision and need.

Qualitative Assessment

- 1.24 Along with feedback from the clubs the Council has graded those pitches owned by the Council on a scale of 1-3, based on the following:

Grade 1

Well drained pitch with a good surface (capable of hosting 4 games a weekend for adults or 6 junior games over a weekend)

Grade 2

Good surface. Pitch has limited effective drainage (capable of hosting 3 games a weekend for adults or 4 junior games over a weekend)

Grade 3

Poor drainage wet or partially wet pitch (capable of hosting 2 adult games or 3 junior games over a weekend).

- 1.25 These grades have been used to assess capacity against demand when looking at grass pitch provision. We refer to the capacity as the number of Match Equivalent Sessions (MESs) for a pitch. So a Grade 1 pitch has a capacity of 4 adult MESs. However, capacity is in practice impacted by the day of peak demand. So whilst a grass pitch could physically accommodate four matches for instance, this will only be the case if there are teams that wish to use the pitches on a Saturday and a Sunday. This is often not the case with the main demand being for Youth matches which are generally played on a Sunday. So even with staggered kick off times in practice the pitch can only accommodate two matches. This is explained again later in the report.

Grass Pitch Supply – Matches

- 1.26 Where adult grass pitches are provided in a settlement area it is assumed that the adult and youth teams in that area will use these for matches, and this is supported by a review of pitch bookings. In assessing the number of pitches required per team it is assumed that each team will have home and away fixtures, so one pitch with a Grade 3 capacity will be able to meet the needs of four teams (2xMES with two teams playing at home and two away). There are additional complications as mentioned above in relation to days of peak demand and staggering of kick off times. Where a grass pitch is on an education site its capacity is deemed to be half of its grading to take account of wear and tear created by use by the school/college itself.
- 1.27 Where there are 9v9 and 7v7 grass pitches it is assumed that each pitch can accommodate three matches on a match day.

3G Synthetic Turf Pitches – Matches

- 1.28 Where a settlement has an STP available for club and community use it is assumed that, if possible, the child age groups (Under 7s to Under 12's) will use these for matches/weekend training, and this should be a target. A full size STP capable of accommodating an adult game can also accommodate 2 x 9v9, 2 x 7v7, and 4 x 5v5 (although not all these running at the same time). The Scottish FA in *The Big Pitch*, its facilities strategy, identifies an 11 a side pitch being able to be split into three 7v7 pitches for recreational use. For the purpose of the supply and demand model we have conservatively assumed each STP can accommodate an average of 2 age group pitches for matches. Match times vary according to the age group but assuming one hour slots and a typical 3 hour session, then capacity is for 6 child MESs (2 pitches x 3 hours). No account has been taken of home and away matches for these age groups and it is assumed they will need access to the pitches each week. Not all Community Football Clubs have access to an STP, however, and this is explored later under the specific settlements.

3G Synthetic Turf Pitches – Training

- 1.29 As highlighted earlier, given the importance of STP's we are working on the minimum aim of each team (whether adult, youth or child) having access to a floodlit STP for training at least once a week. However, it is the target of the Scottish FA – and indeed some Midlothian clubs - that teams should train twice a week and the implication of this option is also explored. In Midlothian there is very little Friday use of STPs by clubs, being so close to weekend match days, but the rest of the week is busy. Booking periods are generally from 1800-2100, split into two one and a half hour blocks. On the earlier basis that a full size STP can be split into two separate training areas then over an evening 4 team/age groups can be accommodated (2 training areas x two sessions),

or 16 sessions from Monday to Thursday. Once again this will give an indication of potential over or under supply, although in practice a number of age groups from the same club may hire the whole pitch, or for some STP's hires are split into a third of a pitch each. With regard to this, when looking at the target of each team training twice a week we have made a pragmatic assumption that the extra demand will necessitate each STP being divided into three training areas, rather than two, thereby increasing capacity per day to 6 sessions (3 training areas x 2 sessions) or 24 sessions from Monday to Thursday.

Future Demand

- 1.30 This strategy is not just about current requirements, but must also look to the future land use needs of Midlothian. In many ways it is difficult to predict the level of participation and therefore the possible number of pitches that will be required for football in the future, as so many factors can play a part, not least the success or otherwise of the growth in women's football and other football development initiatives. It is not unreasonable to assume that there will be relative growth in participation as a result of these initiatives, although measuring this is more difficult.
- 1.31 Equally, the population of Midlothian is increasing as a result of planned residential development. In order to help plan for this the study has calculated Team Generation Rates (TGR's) for Midlothian. TGR's take the population within the team playing age group divided by the number of teams. This then provides a locally based standard from which future facility needs generated as a result of population growth can be calculated. In general a pitch with pavilion and car parking to the standards set out by **sportscotland** would be required for every two to four teams generated by the population growth (depending on the age groups).
- 1.32 In determining future population growth Midlothian's Housing Land Audit 2022 map has been used to calculate the number of households planned or being built within each settlement. The number of households has been multiplied by the average household occupancy rate for Midlothian of 3.3 people per household (based on the Scottish Government Statistics page for 2020) to arrive at total population growth. The age group profile of this population has been assessed by using the Midlothian mid year population estimates by single year of age and sex for 2020.

Previous Policies

- 1.33 The 2017 report set out a number of recommended policies, which are repeated here.

Transfer of Pitch/Pavilion Responsibility to Recognised Community Clubs

- 1.34 The financial pressures on local authorities to provide and maintain grass pitches and pavilions has been recognised by the Scottish FA.
- 1.35 Within Midlothian there are a number of thriving community football clubs with many teams. One way of helping such clubs develop, whilst relieving financial pressures on the Council, is to transfer responsibility to those clubs for the management and maintenance of pitches and pavilion, typically on a long lease. This allows them to raise external funding for facility development and to use the facilities according to their specific needs, rather than those determined by the Council. This is generally a standard model across the UK

for cricket and rugby clubs and there are also good examples in Midlothian where this has now occurred, such as Bonnyrigg Rose Community Football Club.

- 1.36 Such transfer of responsibility will be dependent on reaching agreements with the clubs and ensuring the clubs themselves have the necessary management and technical skills to take on these responsibilities. The quality of pitches will also be a consideration, as transfer of poor quality pitches could simply be transferring liabilities to the club. In some cases pitch areas also double as public open space and the implications of this would also need to be considered.

Multi Pitch Sites

- 1.37 National guidance on playing pitch provision produced by **sportscotland** supports the development of multi pitch sites and there are good reasons for this in terms of economy and sports development.
- 1.38 Where practical therefore, future provision should be based on multi pitch locations rather than single pitch sites.

Bookings

- 1.39 It is important to ensure that a strategic approach is taken to the booking and pricing of pitches, with priority given to those clubs with accepted development programmes and which are community based. Pricing for the pitches should be benchmarked annually with other local authority providers as a measure of good practice.

2. FOOTBALL IN MIDLOTHIAN – AN OVERVIEW

The Structure of the Game

- 2.1 The Scottish FA has a clear development pathway for children starting at Under 7 years of age through to Under 12's. This progresses from 4 a side through to 9 a side (see figure below) before transitioning onto youth football (Under 13 to Under 18) with 11 a side matches, then onto adult football.

YEAR OF BIRTH		2016	2015	2014	2013	2012	2011		2010
	SWF	U7	U7	U8	U10	U10	U12	U12	U12
	MAX PERMITTED FORMAT	4v4 Multi Game	4v4	5v5	7v7	7v7	7v7	9v9	9v9
	ADVISED MAXIMUM GAME-DAY SQUAD	6	6	7	10	10	10	14	14
	PLAYING SEASON	March to November	March to November	March to November	March to November	March to November	March to June Transition to 9s August 2022	August 2022 to June 2023	March to June Transition to 11s May 2022
	BALL SIZE	3	3	3	4 Boys 3 Girls	4 Boys 3 Girls	4	4	4

Clubs and Teams

- 2.2 In general it is the Community Football Clubs (CFC's) who provide opportunities for children's and youth football. There are five CFC's in Midlothian that have achieved the Scottish FA Charter Mark Standard: Arniston Rangers CFC, Bonnyrigg Rose CFC, Dalkeith Thistle CFC, Loanhead Miners CFC and Penicuik Athletic Youth Football Club. There are a further four identified CFC's who are not Charter Marked. Whilst the CFC's may share the same name as the professional/semi professional adult clubs that are in their area, and may have links with them, they are generally financially and management wise separate and independent entities in their own right. As an indication of the size of these clubs, based on the information provided by the Scottish FA, the two largest CFC's (Bonnyrigg Rose and Dalkeith Thistle) have respectively 30 and 26 registered teams in the 2021-22 season.
- 2.3 In terms of adult football there are some 10 amateur teams playing in the Lothian and Edinburgh Amateur Football Association leagues, and seven professional/semi professional clubs, most playing in the East of Scotland Football League, with Bonnyrigg Rose having achieved promotion to Scottish League Two.
- 2.4 With regard to women's and girls' football there are some 30 registered girls' age group teams in Midlothian in the 2021-22 season and one adult team.
- 2.5 Overall there are some 137 teams across all ages and genders within Midlothian.

Settlement By Settlement Analysis

- 2.6 The following section looks at each settlement and sets out the number of pitches, their use and quality. Overall estimates of over or under supply are then made, and recommendations based on future growth set out. The demand model enables changes to the number of teams, pitches and population profile to be made, so that the impact of future variations can be estimated.

3. SETTLEMENT BY SETTLEMENT ANALYSIS

Bonnyrigg, Lasswade, Dalkeith, Easthouses, Mayfield, Newbattle, and Newtongrange

Current Provision

- 3.1 As identified in 1.23 above, whilst these are separate settlements they exist in close proximity to each other, with overlap by clubs in one area using facilities in another. It therefore makes sense to look at these in the round. Current provision in these settlements includes:
- **KGV Bonnyrigg Park**, graded a 1, with 1 x Adult pitch. Bookings for 2021/22 shows use on a Saturday afternoon by Bonnyrigg Rose Athletic FC and Sunday use by Bonnyrigg Rose Community Football Club.
 - **Dundas Park** – this is a private ground, home to the professional/semi professional club, Bonnyrigg Rose Athletic FC whose senior team play in Scottish League 2. They also have an Under 20's team.

- **Poltonhall Complex** – 2 x Adult size grass pitches graded 1. There are also two relatively new floodlit 3G STPs equivalent to one and a half full size pitches. This site is home to Bonnyrigg Rose Community Football Club who run some 30 teams from under 7's through to under 18's with some 600 registered players and 108 coaches. The club manages and maintains the pitches and refurbished the pavilion which it took responsibility for in 2016. An asset transfer from the Council to the club for the site is currently underway which will require the club to permit other organisations, such as the neighbouring Lasswade Rugby Club, to use the 3G pitch. The club is an excellent example of a community club, not only providing for football but running social inclusion initiatives covering a range of target groups.
- **Lasswade High School** – 1 x Adult pitch graded 1. Also a full size floodlit STP hockey pitch (not 3G) and one full size floodlit 3G football pitch. Regular weekend use of the grass pitch is by Bonnyrigg Rose CFC. Weekend use of the hockey STP is by the hockey club but during the week use is shared by the hockey club, Bonnyrigg Rose CFC and Loanhead Miners CFC Under 19's. The floodlit 3G STP is booked Saturday morning by the Hibs Community Foundation and Sunday morning by Bonnyrigg Rose CFC. Weekday bookings are extensive with high levels of use by Bonnyrigg Rose CFC, and Bonnyrigg Rose Athletic FC with one booking a week for half the pitch by Lasswade Thistle CFC and Whitehill Welfare FC respectively.
- **Cowden Park** – 2 x 7's pitches rated a Grade 2 and 2 x Adult pitches rated a Grade 1. There is also a small STP approximately 35m x 35m. The site is exclusively used by Dalkeith Thistle CFC and the pavilion is leased to the club. Dalkeith Thistle CFC is a Chartered Mark community club with some 25 registered teams at youth and child level (the club itself identifies 28) with membership having increased significantly over the past few years. The club states that the pitches on this site are in "decent" condition but get heavily used and the club has had to invest its own funds to enhance the maintenance provided by the Council. The club also uses pitches in Mayfield and Newtongrange.
- **Kings Park** – this is the site of Dalkeith Thistle's professional/semi professional club with adult pitch and spectator provision for 2000 people. The club has a 40 year lease of the ground from the Council and works closely with Dalkeith Thistle CFC.
- **Waterfall Park** – this was a grass area only approximately the size of a 9's pitch used for training. Feedback from Dalkeith Thistle CFC, confirmed by the Council, is that the site is still used for occasional training.
- **Dalkeith Community Campus** – the site has 4 x adult grass pitches managed by the education PPP provider BAM, one of which is floodlit and all of which are grade 1. There is also a full size floodlit 3G STP. Discussion with the PPP provider indicates that the main user of the 3G pitch is Dalkeith Thistle CFC, with Lasswade Thistle FC the next highest user. The 3G pitch is fully booked from 1700-2100 Monday to Friday. Weekend use is much more sporadic with broadly one match booking each week. The grass pitches themselves are not heavily used by the club and community, although the schools on the campus will use them. Dalkeith Thistle CFC also train indoors in the games hall on this site.
- **Mayfield Complex** – the complex has 2 x adult pitches graded 1 and a further adult pitch, which is leased to Easthouses Lily CFC, graded 2. There is also a 9 aside pitch and 7 a side pitch graded 2. Drainage for both needs upgrading. The site is also home to Easthouses Lily Miners professional/semi

professional club with its own pitch and a ground capacity of 600. The pitch here also needs drainage improvements. Easthouses CFC had one youth and five child registered teams and use a number of teams pitches on the site. Pitches are also used by Dalkeith Thistle CFC and Easthouses Amateur FC.

- **Newbattle High School** – Newbattle High School is directly adjacent to the Mayfield Complex and has one grass 11 a side pitch (no rating provided but as a new pitch it is assumed to be graded 1), and a full size floodlit 3G STP. The 11 a side pitch is used on a Saturday morning by the school, Saturday afternoon and Sunday afternoon by Dalkeith Thistle CFC, and Sunday morning by Bonnyrigg Rose CFC. The 3G pitch is used extensively during weekday evenings by a wide range of clubs and on Saturday by the school in the morning, Lasswade Thistle CFC in the afternoon and Bonnyrigg Rose and St. Bernards on Sunday morning.
- **Abbeylands** – located in Newtongrange, Abbeylands has one adult pitch graded 1 and a 9v9 and 7v7 pitch. No grade was provided but it is assumed these are similarly graded. The pitches are dedicated solely for use by Dalkeith Thistle CFC.
- **New Victoria Park** – this is home to the semi professional/professional club Newtongrange Star, with a floodlit adult pitch. The club also owns and hires out a 7 a side floodlit STP.

Expressed Issues

- 3.2 The position here is complex due to the size of the areas covered and the number of clubs. However, as a result of the crossover of use of facilities by different clubs across different settlements, taking the wider view provides the best way of assessing the overall picture.
- 3.3 Firstly, let us consider the feedback from the main community clubs in this area, starting with Bonnyrigg Rose CFC. The club's view is that pitch provision for matches is not an issue, but that adequate access for training is a problem. This is based on the aim that each team can train twice a week. The club's aspiration is that a further 3G STP is provided on one of the grass pitches to resolve this, particularly as the club has a waiting list for girls' teams and certain age groups.
- 3.4 With regard to Dalkeith Thistle CFC, as with Bonnyrigg Rose CFC, the club's training and playing is spread across a wide range of sites, including the indoor Saltire Soccer Centre in Mayfield which has six 3G pitches of either 5 or 7 a side. This is a commercial operation and used by a wide range of casual users as well as the club, which identifies the pitches as being of good quality but increasingly expensive to hire. In general the club is dissatisfied with its access to pitches for playing and training as it states it needs more space, particularly in the winter months with greater access to 3G STP facilities. The club's aspiration, as referred to earlier, to provide a 3G pitch at Kings Park, would resolve this issue.
- 3.5 Dalkeith Thistle senior club are generally happy with their facilities, using their own ground for training during the summer and Dalkeith community campus during the winter. The club has strong links with the CFC and is seeking to convert their grass pitch into a 3G so it can be used over the whole week for playing and training.
- 3.6 The professional/semi professional club, Easthouses Lily Miners, with its ground in the Mayfield Complex, is generally happy with its facilities for playing and

training and uses the 3G pitch at Newbattle High School for the latter. The club has no formal ties with the CFC.

- 3.7 It is also necessary to take account of imported and exported demand. Although based in Rosewell the professional/semi professional club, Whitehill Welfare, uses Lasswade High School 3G and the Newbattle School 3G pitch for midweek training. The club states that its Under 20's team has to train in Edinburgh because it cannot get access to 3G training facilities in Midlothian. Other imported demand includes Loanhead U19's who have to use the Hockey STP, whose surface is not suitable for football training or playing.

Evaluation

- 3.8 The limitations and assumptions of the supply and demand model must be taken into account here, but it provides a degree of empirical evaluation on which to assess provision. Looking at grass pitch provision across the settlements there is an adult/youth MES surplus of 29. Assuming most adult/youth pitches have a capacity of 4 MES, this equates to seven pitches. However, this figure masks the fact that the majority of pitch use is by youth, not adult, teams. According to the South East Region Youth Football Association nearly all youth league matches (with the exception of U17's and U18's) are played on a Sunday. There are very few Saturday adult teams (apart from the professional/semi professional clubs) playing in this area, so whilst a pitch may have a 4 MES capacity, in practice it could only accommodate two full matches on each weekend day, and if the main match day is a Sunday then spare capacity on a Saturday is irrelevant. The oversupply figure is therefore misleading in this instance. We therefore look at under/over supply on the peak day of use as the main indicator. In this case there is an oversupply of 12 MES, or three pitches. The model also assumes one team will be playing at home whilst another plays away, which will not always be the case, so some flexibility in availability is required. The majority of grass pitches in these settlements are managed (in terms of allocation of teams) by the main CFC's who will also allocate some 11 a side pitches for use by younger age groups.
- 3.9 The main recurrent theme is in relation to access to 3G STP's for midweek training. The area is well supplied with STP's, yet if we assume each team (adult, youth and child) should be able to use a 3G pitch once a week for training, then there is effectively no extra capacity. If we assume – as is the case, and as recommended by the SFA - that some teams will wish to train more than once a week, then that capacity disappears. Even if we allocate three areas of each STP for training, rather than two, we end up with a deficit of 35 sessions, equivalent to 1.5 STP's based on a training capacity of 24 sessions a week. The supply side of the equation also includes the Lasswade High School hockey STP whose surface is not suitable for football and is avoided by most clubs.
- 3.10 Looking at the aspiration to play all U12 and below matches on a 3G STP, it should in practice be possible for matches but is dependent on the coordinated and strategic allocation of pitches.

Future Population Growth

- 3.11 The population growth in the above settlements as a result of housing development, as set out in Midlothian's 2022 draft Housing Land Audit, equates to just over 8,600 people. As a stand alone calculation, based on the assumptions set out in 1.30-1.32 above, this would lead to the need for 2 grass

pitches to meet the needs of 6-11 year olds, and 2 grass 11 v 11 pitches (assuming each pitch can accommodate two games on a match day and there is an equal split of teams playing home and away). However, if there is already a surplus of grass pitch provision we should not automatically look for additional pitches to be provided but seek developer contributions to improve existing pitches and ancillary accommodation. In this instance existing grass pitch provision should be able to meet the needs of future population growth.

- 3.12 With regards to STP provision for training, 13 teams will be generated by population growth, equating to the need for 26 weekday training sessions (assuming each team trains twice a week). This is equivalent to just over one full size STP based on a midweek training capacity of 24 sessions. Since there is already an identified deficit in STP provision this would be an additional requirement.

Conclusions

- 3.13 Adult/youth 11 a side grass pitch supply (and to a lesser extent the small number of smaller side grass pitches) is adequate to meet current demand with some spare capacity to account for pitch rotation and inclement weather, both now and in the future. Drainage improvements are required on the Easthouses Lily Miners ground and the two child pitches on the Mayfield Complex.
- 3.14 The main issue is the need for further 3G STP facilities to meet midweek demand for training. Whilst we support in principle Bonnyrigg Rose CFC's aspiration for a further 3G STP, priority must firstly sit with other clubs who do not have the superb facilities enjoyed by Bonnyrigg Rose, who nonetheless clearly need what they already have, and will need more if they continue to grow. Priority, however, should be given to seeking how to help Dalkeith Thistle CFC achieve the proposed STP at Kings Park. In addition it is understood that a new STP is being proposed for a new school in Mayfield. This should be a 3G pitch and floodlit. If both these facilities are provided, and strategically booked to ensure equitable access by clubs requiring these facilities, then the identified current and future deficit of 2.5 full size STP's will largely be met.

Danderhall, Millerhill & Shawfair

- 3.15 Danderhall and Millerhill are two small settlements located at the Northern tip of Midlothian and north of the Edinburgh City By-pass. Shawfair is a new settlement that has/will introduce an additional population and facilities.

Current Provision

- 3.16 Current provision includes:
- **Danderhall Park** – 1 x Adult pitch graded 2. It has space for a second adult pitch which can be set up if required (also graded 2). The pitch is booked by Danderhall Miners Amateur Football Club on a Saturday afternoon. The club has one adult team.

Future Population Growth

- 3.17 The population growth in the above settlements as a result of housing development, as set out in Midlothian's 2022 draft Housing Land Audit, equates to just over 12,400 people. As a stand alone calculation, based on

the assumptions set out in 1.30-1.32 above, this would lead to the need for 3 grass pitches to meet the needs of 6-11 year olds, and 3 grass 11 v 11 pitches (assuming each pitch can accommodate two games on a match day and there is an equal split of teams playing home and away).

- 3.18 As discussed earlier account does need to be taken of existing provision, and there is a surplus equivalent to one adult grass pitch currently, so future need will be for 3 6-11 pitches and 2 adult/youth pitches.
- 3.19 Overall the population growth will generate some 19 new teams. On the same assumptions as discussed earlier (each team training twice a week and pitch divided into three training areas) this will lead to the need for 38 midweek training sessions, equivalent to 1.6 STP's.

Evaluation

- 3.20 Current pitch provision is more than adequate to meet current demand for matches.
- 3.21 As part of the future Shawfair development a new secondary school will be provided. At the time of writing, in terms of football, this will have two adult size grass pitches and a smaller pitch. Two STPs are also proposed although whether these are floodlit, 3G or sand filled/sand dressed is not yet decided. At least one would need to be a floodlit 3G pitch to meet future team training requirements and also meet the need for 6-11 year old team match day facilities, without providing additional grass pitches. Given its location the STP is as likely to attract teams from the Edinburgh area and East Lothian as well as Midlothian. Council policy is that teams within Midlothian have priority booking and there is a 50% surcharge on pitch hire for non Midlothian teams.

Gorebridge and Arniston

- 3.22 Located to the south-eastern part of the urban section of Midlothian Gorebridge and Arniston merge into each other to create a residential area popular with commuters. There is a professional/semi professional club with its own ground and facilities for community football are provided at the two local parks.

Current Provision

- 3.23 Current provision is set out below and includes:
- **Gore Glen Park** – 3 x Adult size pitches graded 2 and 2 x 9's pitches also graded 2. One of the adult pitches is also marked up for a 9v9. The site is home to Arniston Rangers CFC who lease the adjacent pavilion. The club had five registered youth teams and 10 registered child teams in the 2021/22 season. The club is continuing to grow with some 300 players (compared to around 80 10 years ago) and states that it will have seven youth teams and 12 child teams in the 2022/23 season. The club also has 5 a side, 4 a side and pre school children as part of its academy. The club has started working together with the senior side - Arniston Rangers Football Club - looking towards building a pathway for both boys and girls from 2/3 year olds through to adult football. The CFC has helped the senior club set up an under 20s for next season as well as a Ladies team with the aim of playing competitively in early 2023

- **Arniston Park** – Arniston Rangers CFC has 2 x floodlit 5/6 a side STP pitches at Arniston Park used for training by the younger age groups.
- **Newbyres Park** – this is home to Arniston Rangers senior side with an adult grass pitch and spectator accommodation.
- **Birkenside Park** – recently reinstated for use by Arniston Rangers CFC the site has 3 x 7 a side pitches, although drainage needs improving.

Expressed Issues

- 3.24 The CFC sees fitting games each weekend into the available pitches as a challenge. In terms of training the club uses the small STP they have and also uses the grass pitches at Goreglen with portable floodlights. The club has access to a third of the Newbattle School 3G for an hour and a half twice a week.
- 3.25 At the time of consultation the club pointed out that Birkenside Park, close to Gore Glen, was no longer used. Since the decision to remove pitches here demand at the club has increased substantially. The club states:

"If we could use that area to house 4 x 7 aside pitches as a club we would happily work with the council to pay for grass cutting and lining. We could use our portable, low level floodlights to train there in the winter months as well. That would then leave scope to put 2 fixed 9 aside pitches at Goreglen and free up again the 3rd 11 aside pitch."

Since this statement the Council has re-instated the site for use.

Evaluation

- 3.26 Looking at the supply and demand analysis for the 11 a side pitches used by the youth teams, as identified in an earlier discussion whilst a pitch may be graded with the capacity to accommodate three matches over a week, the peak day capacity is reduced in practice to two matches, provided kick off times are staggered. If we adjust the model to take this into account AND factor in the use of one 11 a side pitch for 9v9 matches, then the club's statement that fitting weekend games onto the pitches is a challenge is supported, even with Birkenside Park re-instated. This may become a further issue when the number of teams increases in the 2022/23 season.
- 3.27 There is no STP available for training in this settlement and if the target of each team training once a week on half a pitch was met then the need would be for three quarters of a full size STP. With the target of two training sessions a week on a third of a pitch then a full size floodlit STP is justified.

Future Population Growth

- 3.28 The population growth in the above settlements as a result of housing development, as set out in Midlothian's 2022 draft Housing Land Audit, equates to just under 5,900 people. As a stand alone calculation, based on the assumptions set out in 1.30-1.32 above, this would lead to the need for 1 grass pitch to meet the needs of 6-11 year olds, and 1.3 grass 11 v 11 pitches (assuming each pitch can accommodate two games on a match day and there is an equal split of teams playing home and away), so in practice 2 grass 11v11 pitches. Current provision shows a potential surplus equivalent to

just one adult/youth grass pitch, so a minimum of one additional grass pitch would be required.

- 3.29 With regard to STP's the population growth would generate 10 new teams or the demand for 20 weekday training sessions – just under the equivalent of one full size STP.

Conclusions

- 3.30 The club's proposed solution to meeting its current challenges by bringing Birkenside Park back into use is a sensible one, and one which has now been implemented, although the drainage on this site needs to be improved.
- 3.31 Provision of a full size floodlit 3G STP can be justified based on the size of the club and all teams using the facility for training, with weekend U12 and below matches being played on the pitch. Grass pitch provision for the younger age groups would not then be required, although this would need to be reviewed at the time if the club continues to grow substantially. To maximise use and sustainability of a new 3G pitch it should be located on an education site where it could be used throughout the day, or at Newbyres Park subject to the involvement of the senior club. Population growth points to the need for a further STP. It is understood that a new high school with an STP is being mooted to serve the area, but has yet to receive approval.

Loanhead and Bilston

- 3.32 Loanhead is located on the North-western side of Midlothian and close to the Edinburgh City By-pass. There are currently facilities for football available at four local parks. Bilston is a small settlement to the Southwest of Loanhead.

Current Provision

- 3.33 Current provision includes:
- **Memorial Park** – 1 x Adult pitch. Graded 2. The pitch has had work undertaken on it during the summer (2022) to improve the drainage, the success of which will be monitored as the season progresses. The pitch is used by Loanhead Miners CFC. Loanhead Miners CFC use a range of pitches in Loanhead (see below). The club had six youth and nine child teams registered in the 2021/22 season with around 300 members.
 - **KGV Park** – 1 x 7v7 and 1 x 9v9. Both graded 2. The pitch is used by Loanhead Miners CFC.
 - **Westend Park** – 1 x Adult pitch. Pitch score 3 with poor drainage. The pitch is used by Loanhead Miners CFC and Loanhead Miners AFC.
 - **Burghlee Park** – 2 x 7's pitches. Graded 2. Base for Loanhead Miners' 4's, 5's and 7's. The pitch is used by Loanhead Miners CFC.
 - **Bilston** - Adult size pitch provided at the primary school. No grading provided but as a relatively new pitch assume a 1. Pitch used by Pentland Athletic AFC.

Expressed Issues

- 3.34 Loanhead Miners CFC has identified that programming the 11 a side pitches on a Sunday can be a problem. Midweek training is also an issue with teams split across a range of venues with a number having to train in the Edinburgh area. Whilst Burghlee Park has training lights they are not of a high standard and training on grass during the winter months is problematic when inclement weather sets in.

Evaluation

- 3.35 The supply and demand analysis shows a small surplus of adult/youth MES across the settlements, but this disappears if more than half of the youth teams have to play at home, adjustments are made to account for capacity on peak day of use, and the factoring in of supply that also includes the Bilston pitch which is not currently used by the CFC and is already booked on a Sunday morning by Pentland Athletic AFC.
- 3.36 Access to good local training facilities is also a key issue with teams having to travel outside the area, and in some cases outside of the county, for midweek training. Based on the number of teams if the target of each team training once a week on half a pitch was met then the need would be for eighty per cent of a full size STP. With the target of two training sessions a week on a third of a pitch then a full size floodlit STP is justified.

Future Population Growth

- 3.37 The population growth in the above settlements as a result of housing development, as set out in Midlothian's 2022 draft Housing Land Audit, equates to just over 3,700 people. As a stand alone calculation, based on the assumptions set out in 1.30-1.32 above, this would lead to the need for 1 grass pitch to meet the needs of 6-11 year olds, and 1 grass 11 v 11 pitch (assuming each pitch can accommodate two games on a match day and there is an equal split of teams playing home and away). The current provision would be inadequate to contribute to this additional need.
- 3.38 In terms of the impact of population growth on new STP provision for training a total of 6 teams or 12 training sessions would be generated, equivalent to half a pitch.

Conclusions

- 3.39 Based on the number of teams in Loanhead and Bilston provision of a full size floodlit 3G STP can be justified with all teams using the facility for training and with weekend U12 and below matches being played on the pitch. To maximise use and sustainability of a new 3G pitch it should ideally be located on an education site where it could be used throughout the day, although other sites could be considered.
- 3.40 There are drainage issues with most of the grass pitches in Loanhead and provision should be made to remedy these where practical.
- 3.41 Future population growth will lead to the need for an additional child and an additional 11v11 grass pitch, and half a full size STP.

Pathhead

- 3.42 Pathhead is located to the East of Midlothian, close to the border with East Lothian. It is a small settlement, although the area encompasses additional settlements.

Current Provision

- 3.43 Current provision includes:
- **Callender Park** – an adult size pitch graded 3. Also a smaller grass area that can be used for training. Hired out to Pathead AFC on a Saturday afternoon and Thornybank AFC on a Sunday afternoon during the 2021/22 season, although it is believed the latter club has ceased operation.

Evaluation

- 3.44 The pitch is more than adequate to meet current demand with capacity to accommodate further clubs should new demand arise. Given its distance from other main settlements in Midlothian it is unlikely to be useful in meeting unfulfilled demand elsewhere but should be retained whilst demand for its use exists locally.

Penicuik & Auchendinny

- 3.45 Penicuik is one of the largest settlements in Midlothian situated to the south-west of the urban areas and adjacent to the Pentland Hills.

Current Provision

- 3.46 Current provision includes:
- **Penicuik High School (Bog Road)** – 2 x 7's and 2 x Adult pitches. Graded 2. As well as school use these pitches are booked at weekends by Penicuik Athletic Youth Football Club (a CFC) along with a range of other facilities in the settlement (see below). The 7v7 pitches have extensive use weekday evenings during the season. The club has around 400 players, with six youth and seven child registered teams, although the club puts this number as currently higher with 10 youth and 13 child teams. The number of players has been increasing over the past five years and the club anticipates that this will continue.
 - **Carlops Road** – 9v9 pitch. Not graded. Used by Penicuik Athletic YFC on a Sunday morning.
 - **Penicuik Public Park** – this is home to the professional/semi professional club Penicuik Athletic FC which has an "extended let" on the ground. It has a full size floodlit grass pitch and has a spectator capacity of around 1,250. The club has a senior team and an Under 20's side. Both teams train on the 3G STP at Penicuik Park (see below).
 - **Penicuik Park** – 3G full size floodlit STP. The pitch is booked solidly from Monday to Thursday by the Youth Football Club, the senior club and Peebles Rovers. Weekend use appears to be limited to a Sunday morning booking by the Youth Football Club.

- **Beeslack High School** – 2 x Adult pitches, 2 x 7v7 pitches. A 3G STP floodlit 11 a side pitch was added in 2016. Bookings for this facility are not under the Council's Sport and Leisure control. However, discussions with the school indicate that the 3G pitch is booked to capacity on Monday to Friday evenings and also used Saturday and Sunday mornings. It is understood that Penicuik Athletic YFC have "first refusal" on bookings. Other users include Loanhead Miners CFC, Pentland Athletic AFC and Penicuik Athletic FC.
- **Glencorse Community Centre** - run by a community association this site has an adult grass pitch and 5 a side floodlit STP (sand based) that was built in 2014, together with indoor changing. In 2017 the centre was looking for users to hire the 11 a side pitch. That position has now changed with an average of two pitch bookings per weekend and sometimes three. The pitch drainage is an issue, so three matches would be the ideal maximum. The pitch is used by various clubs with varying frequency, including Penicuik AFC who use it as their home ground, Penicuik Athletic YFC's girls' U16's, and Pentland Athletic.

Expressed Issues

- 3.47 Penicuik Athletic Youth Football club state that they struggle to accommodate every team with the facilities they have access to. They state that they lose access to the 11 a side pitches at both Penicuik and Beeslack school sites during the summer as they are marked out by the Council for running tracks and field athletics.

Evaluation

- 3.48 The supply and demand analysis shows a small surplus of MES's on grass pitches for both adult/youth and child matches, broadly equivalent to a pitch each for both. This is premised on the registered number of teams shown for Penicuik Athletic YFC last season. If the club's latest stated team numbers are used then this puts child provision into deficit. Either way, current provision is just adequate to meet demand.
- 3.49 With regard to access to 3G STP's for training the area has two facilities, and theoretically, with the objective of every team having access to such a facility twice a week there is a small surplus of provision. In practice there is also imported demand from outside the settlement area which means these pitches are fully booked.

Future Population Growth

- 3.50 The population growth in the above settlements as a result of housing development, as set out in Midlothian's 2022 draft Housing Land Audit, equates to just over 4,100 people. As a stand alone calculation, based on the assumptions set out in 1.30-1.32 above, this would lead to the need for 1 grass pitch to meet the needs of 6-11 year olds, and 1 grass 11 v 11 pitch (assuming each pitch can accommodate two games on a match day and there is an equal split of teams playing home and away). According to the supply and demand equation there is currently a surplus of one adult grass pitch which could meet this deficit, but no surplus of a pitch to meet the needs of 6-11 year olds, so an additional pitch would be required.
- 3.51 In terms of the impact of population growth on new STP provision for training a total of 6 teams or 12 training sessions would be generated, equivalent to half a pitch.

Conclusions

- 3.52 There is little grass pitch spare capacity for matches, supporting the Penicuik Athletic YFC assertion that programming matches can be difficult. Peak match use for the younger age groups is Sunday morning, which is also when both 3G STP's are in use, so capacity to absorb additional demand is limited. It is difficult to justify further 3G provision here as there is a small current surplus capacity (but this is based on dividing the STP into three) which becomes a minor deficit with team growth as a result of future population growth, although if new 3G pitches were provided in other settlements where no such provision currently exists, then this would free up space for training where imported demand would relocate back to their own settlements. The previous strategy suggested there should be a coordinated approach between the two 3G pitch providers to allocating 3G space and this recommendation remains in place.

Roslin

- 3.53 A small settlement, Roslin is located between Penicuik and Loanhead on the western side of Midlothian. There is no provision currently here and no obvious demand.

Rosewell

- 3.54 Rosewell is another small individual settlement that lies to the southeast of Roslin. There is currently provision for Whitehill Welfare FC who have their own ground at Ferguson Park. Issues raised by the club are discussed in 3.7 above.

4. SUMMARY

- 4.1 Consultation with the community football clubs within Midlothian shows that participation at under 18 level and below is continuing to grow. This will be further impacted by the growth in popularity of women's and girls' football and the participation initiatives being introduced by the Scottish FA. There are some 51 youth and 63 child teams in the county, which is an increase since the 2017 study. However, the number of adult teams has marginally declined since 2017.
- 4.2 Grass pitch provision for matches is currently adequate, although some of the CFC's struggle at times to programme all their teams on a match day. After the 2017 study a number of grass pitch sites ceased to be used for football. There is no rationale for further closures.
- 4.3 However, the main recurring issue relates to access to and provision of 3G STP's for midweek training. All Midlothian 3G STP's are booked solidly throughout the week during the season and clubs are having to use facilities outside of their immediate area in order to meet their requirements. Some of the FA Chartermark Community Football Clubs, specifically Loanhead Miners CFC and Arniston Rangers CFC, have little to no access to 3G STP's for training and some teams are having to travel outside of Midlothian to train.
- 4.4 The importance of 3G STP's for the future of football has been highlighted in the introduction to this study, together with the benefits they bring, and there is a clear justification for ensuring each settlement and key CFC within Midlothian has access to one for training and indeed match play where

appropriate. Options for making provision in both Loanhead and Arniston should be a priority of this strategy.

- 4.5 There are a number of caveats to this. The first is that whilst the Council can act as a facilitator and coordinator for new 3G pitches, it does not mean it has to be the funder. Funding should be a partnership between a wide range of bodies, including the clubs, to make such provision happen. Following on from this any proposed new 3G pitch should first be subject to a more detailed feasibility as to its viability, looking at capital funding, ongoing revenue costs, levels of usage and income, and any savings on grass pitch provision that can be made by transferring usage to the 3G pitch. Where possible new 3G provision should be provided on an education site so that maximum benefit from the investment can be achieved. With regard to this some smaller STP's have been provided on primary school sites and could be used for some training/matches for the younger age groups. However, often the size of these pitches is not suitable for such use, being smaller than the basic SFA requirement for a 7 a side pitch which should be the minimum standard i.e. 36m by 55m minimum, 55m by 65m maximum with a run off area required if surrounded by a fence.
- 4.6 Midlothian is home to some excellent football clubs whose work with, and contribution to, their local community is both commendable and an example for other clubs outside of the county to aspire to. Having the correct facilities is just one part of providing these benefits, but nonetheless the essential base from which those benefits can be delivered.

5. RECOMMENDATIONS

- 5.1 The following is a summary of the facility recommendations for each settlement area. The context for these recommendations needs to be understood by reading the more detailed evaluations in this report. A degree of pragmatism is also required in relation to new facilities needed as a result of population growth, particularly the provision of new 3G STP's. Priority needs to be given to current deficits, particularly in Gorebridge and Arniston and Loanhead and Bilston, and the impact of making such provision on future demand can then be more accurately assessed. If a settlement is not mentioned below then there is no required action

Bonnyrigg, Lasswade, Dalkeith, Easthouses, Mayfield, Newbattle, and Newtongrange

- Provide two additional 3G STP's – one at Kings Park if practical, one at planned new secondary school.
- Impact of population growth – need for one additional 3G STP. Additional demand for grass pitch provision can be met by existing facilities.
- Grass pitch improvements – upgrade drainage on the two pitch areas of the Mayfield Complex as identified in this report.

Danderhall, Millerhill & Shawfair

- Impact of population growth – need for 3 x 6-11 grass pitches and 2 additional adult/youth grass pitches. 2 adult pitches and one 6-11 pitch currently planned for the Shawfair development.

- Impact of population growth - need for 1.6 3G STP's – support current planned provision for 2 STP's as part of new Shawfair development.

Gorebridge and Arniston

- Provide a 3G STP to meet current demand – the lack of such a facility to serve these settlements makes this a **PRIORITY** project.
- Improve drainage at Birkenhead Playing Field.
- Impact of population growth – need for one additional 11v11 grass pitch.
- Impact of population growth – growth in team numbers justifies a further 3G STP.

Loanhead and Bilston

- Provide a 3G STP to meet current demand – the lack of such a facility to serve these settlements makes this a **PRIORITY** project.
- Improve drainage on grass pitches.
- Impact of population growth – need for one additional 11v11 grass pitch and one additional 6-11 year old grass pitch.
- Impact of population growth – need for a half size 3G STP.

Penicuik and Auchendinny

- Impact of population growth – need for one additional 6-11 year old grass pitch.
- Impact of population growth – need for a half size 3G STP.

Primary Schools

- Any new 3G STP provision at a primary school should as a minimum meet the SFA's size guidance for a 7v7 pitch, to ensure its potential use by community clubs.

STP Surface Replacement

- As well as considering new STP provision, finance will need to be set aside or budgeted for in order to replace each STP surface as and when it becomes worn. This will typically be required every eight to ten years after installation depending on levels of use and quality of maintenance. A schedule for such replacement should be established to inform the Council or other relevant organisations' capital programmes, and ideally an annual sinking fund set up for new STP facilities to cover future replacement.

Gladhouse Reservoir - Clearway Order**Report by Kevin Anderson, Executive Director - Place****Report for Information****1 Recommendation**

It is recommended that Council:

- i) Notes the outcomes of the Clearway Order implemented from 11th April 2022 to 2nd October 2022;
- ii) Notes that a Clearway Order will be implemented from 3rd April 2023 to 1st October 2023 and will be published in early course.

2 Purpose of Report

The purpose of this report is to provide Council with feedback from partners on the Clearway Order implemented from April to October 2022, as an operational matter, and advise that a Clearway Order will be implemented from 3rd April to 1st October 2023.

Date: 2nd March 2023
Report Contact: Derek Oliver, Chief Officer - Place
Email: derek.oliver@midlothian.gov.uk

3 Background

- 3.1 Gladhouse Reservoir is a Scottish Water site and has become increasingly popular with visitors over recent years. At peak times, such as bank holidays, summer holidays, etc. well over 100 cars have been recorded at one time at the reservoir. With no parking facilities, visitors have parked cars on the verge of a narrow minor road. This has, and could continue to impact on emergency service access to the site.
- 3.2 The result of car parking on the verge, in addition to general damage to the verge and fencing, is that there are impacts for emergency vehicles gaining access or even passing through the road. The priority concern is gaining immediate access during an emergency.
- 3.3 With no appropriate or suitable passing places, vehicles travelling in opposite directions has resulted in consequential frustrations and cumbersome reversing which is dangerous to road users and pedestrians.
- 3.4 There has been regular damage from littering and fires and the local community calling on Scottish Water and the Council to take action to help manage the impacts on the sensitive site.
- 3.5 Visitors have been parking on the grass verge and often erect large campsites, with general anti-social behaviour, including 'wild toileting' being reported.
- 3.6 The introduction of the temporary parking restrictions last year significantly improved this situation by way of:
 - * Less danger on the road
 - * Less damage to verge and fencing
 - * Less antisocial behaviour
- 3.7 Despite these improvements, there remains problems with fires and litter. Scottish Water has a plan in place to manage this.
- 3.8 Scottish Water have a live planning application with Midlothian Council for the creation of a car park at Gladhouse Reservoir. It is envisaged that a car park will provide a safe location for cars and improve experience for visitors and locals.
- 3.9 Scottish Water has funded a countryside ranger, employed by Midlothian Council, that is dedicated to the Gladhouse reservoir site, to monitor and challenge, where necessary, visitor behaviours onsite.
- 3.10 Police and Fire Service colleagues are supportive of the clearway but do note consequential impacts, i.e. the displacement of cars from the immediate locale could have an adverse impact on pedestrian safety on tributary roads; and the resource requirements to manage/police the clearway.
- 3.11 The creation and implementation of the car park has been, and remains to be, the aim of Scottish Water, which will mitigate against these impacts, together with consideration of imposition of speed restrictions.

- 3.12 Whilst the clearway remains in place during peak periods, access to the reservoir for the emergency services will be unhindered.

4 Report Implications

4.1 Resource

There are no Council resource implications, with Scottish Water providing resource for a sessional ranger post dedicated to the site. Additional signage will be put in place to encourage speed reduction and considerate parking in immediate surrounding roads only to address identified resultant risks.

4.2 Digital

None.

4.3 Risk

Failure to address public safety risks can expose the Council to reputational and financial risk.

4.4 Ensuring Equalities

The subject of this report does not have a significant impact on equalities.

5 Additional Report Implications

Appendix A

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

Not applicable

A.5 Involving Communities and Other Stakeholders

Stakeholder group have been involved in the process.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.

Roads Operations**Report by Kevin Anderson, Executive Director - Place****Report for Decision****1 Recommendations**

It is recommended that Council:

- i. Notes the process and scope of designating embargoed road works on traffic sensitive roads;
- ii. Notes the recent investment in resources, including apprentices, to improve the efficiency and effectiveness of the Roads Operations team;
- iii. Approves the Pothole Repair Policy, making fullest use of the new Pothole Pro equipment;
- iv. Notes the progress to date of the capital funded Residential Streets Resurfacing programme.

2 Purpose of Report/Executive Summary

This report provides an update to roads maintenance policy. It seeks approval to embargo roadworks on certain designated traffic sensitive routes at times of expected high traffic volume, including holiday periods, such as Christmas.

The report lays out Council policy to repair road defects, including potholes, using newly acquired state of the art equipment such as Pothole Pro to best effect.

The report details the residential streets that have been resurfaced so far as part of a capital investment programme, previously approved at Council, to improve user safety and visual amenity of local areas which has received positive resident feedback.

Date: 01 March 2023
Report Contact: Derek Oliver, Chief Officer – Place
Report Author: Robbie Beattie Senior Manager Neighbourhood Services
Email: robbie.beattie@midlothian.gov.uk

3 Background

- 3.1 Traffic Sensitive Roadworks: Midlothian Council does not authorise road works by utility companies which operate under their own government licences. As long as there are no co-ordination issues and they have legally registered their works in the Scottish Road Works Register, the company can proceed unhindered with its works. However, a Roads Authority can restrict the timing of works under section 115 of the New Roads and Street Works Act 1991. This gives Road Services the ability in the guise of an embargo to restrict the timing of works at certain times and / or on certain dates.
- 3.2 The Council currently uses powers delegated to the Executive Director - Place to control road works over the Christmas period around shopping areas and traffic sensitive routes. Powers are also used for certain large events such as concerts. The road work restriction is for designated streets only and does not apply to all of the Council area. Appendix B1 provides a list of current designated streets which is reviewed annually.
- 3.3 Pothole Repairs: Potholes on roads, pavements and paths regularly feature in the top ten of issues that the public would like local authorities to address. Potholes are usually isolated failures in a bituminous surfaced road, footway or cycleway that have an abrupt difference in level and may impact the safety of the user.
- 3.4 Failure mechanisms that result in a pothole are typically described as 'top down' or 'bottom up' failures. A top down failure is essentially a localised fault that develops into fretting of the surface and becomes progressive over time. A bottom up failure results from a fault at depth, usually involving the presence of water, which causes cracking and leads to a block of material breaking away.
- 3.5 Potholes can develop over short periods of time, particularly during periods of inclement weather such as prolonged wet conditions or winter freezing and thawing. Depending on the size, depth and location of the pothole there may be a greater or lesser risk to the general public. The safety risk is assessed by engineers using an algorithm who then prioritise repairs.
- 3.6 The Roads Operations team has recently been the subject of a structural reorganisation to improve its efficiency and effectiveness. As part of the process, four road worker apprentices have been recruited which invests in our young people and supports our communities. Recruitment of a further two apprentices is planned for late summer 2023.
- 3.7 To replace outdated road maintenance equipment. there has been a significant capital investment of £780,000 in modern equipment. The equipment includes a road planer to remove the surface of roads, specialist rollers, road tar hot box and mobile welfare facilities for staff. The purchase of a JBC Pothole Pro (PHP) has been strongly supported by elected members and community councils. The PHP will play a key

part in recovering our road and path network following the damage over winter.

- 3.8 Residential Streets Resurfacing: Council approved a £5m accelerated capital investment over two years to resurface residential streets including pavements, as necessary. The purpose was to repair worn out and broken surfaces in unclassified roads to improve road and pavement safety and the visual amenity of the local areas.

Main Report

Traffic Sensitive Roadworks Embargo

- 3.9 Section 115 of the New Roads and Street Works Act 1991 permits Midlothian Council as a Road Authority to restrict the timing of road works under an embargo. Council policy is that typically road work embargos in Midlothian are over the Christmas and New Year period from last Friday in November to 2rd January inclusive or for one-off large events such as Let's Rock Scotland which was planned a few years ago.
- 3.10 The embargo, which in the Scottish Road Works Register (SRWR) is designated a type of event, must be in place three months prior to the start date otherwise the embargo becomes advisory and the Council has to rely on the road works undertakers' voluntary compliance. The Council usually lodge notice with SRWR in the January/February period to give as much notice as possible.
- 3.11 The policy outcome of embargo in Midlothian is to ensure that there is as little disruption as possible to traffic flow during the festive period when there is usually more traffic and a higher use of public transport. It is also to safeguard the businesses in the area so that access and footfall is not restricted by road works in town centres or at retail parks.
- 3.12 The list of roads affected by the most recent embargo are listed at Appendix B1. The Council follows the processes and procedures designated by the Office of the Scottish Road Works Commissioner including the advice note on embargoes available at this internet link. [Procedure for Embargoes on Road Works | Scottish Road Works Commissioner](#)
- 3.13 It is important to note the road works embargo typically only covers the main traffic sensitive routes and shopping areas and not the whole of Midlothian. The embargo only covers planned road works not urgent or emergency works.
- 3.14 Some planned works are authorised by the Council during the embargo period on roads included on the embargo notice if the undertaker can provide exceptional reasons for the works to take place.
- 3.15 Outwith the Christmas period, some roads are also designated 'traffic sensitive' at certain times of the day such as morning and evening rush hours.
- 3.16 Members are requested to note the process and scope of designating embargoed works on traffic sensitive roads and approve the continued delegation of powers to the Executive Director - Place to take the necessary measures to implement the policy.

Pothole Repairs Policy and Procedures

- 3.17 The purpose of the Pothole Repair Policy is to demonstrate that the Council has taken such steps as to operate within the non-statutory framework of “Well-Managed Highway Infrastructure: A Code of Practice”. Link to Code of Practice [Code of Practice | CIHT](#)
- 3.18 Potholes on roads, pavements and paths regularly feature in the top ten of issues that the public would like local authorities to address. Potholes can develop over short periods of time, particularly during periods of inclement weather such as prolonged wet conditions or winter freezing and thawing. There is no nationally agreed definition for a pothole. But it is generally accepted that a definition of a pothole includes the depth, lateral measurements and area.
- 3.19 The Council defines a pothole as either a) having a depth of 40mm or greater and extending in any one direction more than 250mm or b) a rapid change of profile of more than 25mm and extending in any one direction more than 600mm’ in the footway or cycleway.
- 3.20 Photograph 3.20A shows an example of typical pothole in carriageway which is approximately 250mm diameter with an abrupt difference in level of 40mm depth. Photograph 3.20B shows areas of carriageway exhibiting fretting and surface erosion which are not defined as potholes since they exceed 600mm in length.



Photo 3.20A



Photo 3.20B

- 3.21 In common with other local authorities when assessing defects Council roads engineers assess the safety risk from a pothole using a Risk Based Approach (RBA) algorithm as guided by the Road Safety Inspection Manual (RSIM). The team then prioritise repairs based on categorisation of the defect.

Risk Matrix		Probability (Risk)			
		Very low (1)	Low (2)	Medium (3)	High (4)
Impact (Hazard)	Little or negligible (1)	1	2	3	4
	Minor or low (2)	2	4	6	8
	Noticeable (3)	3	6	9	12
	Major, high or serious (4)	4	8	12	16

- 3.22 Using the value from the risk matrix the road or path defect is then categorised according to the following definition.

Risk values and categories

Risk Value	12+	8-11	5-7	1-4
Defect Category	Category 1	Category 2	Category 3	Category 4

- 3.23 The following table describes the various defect categories and the proposed response times. Repairing category 1 defects is very challenging within a 24 hour response time which means the repair is likely to only be temporary in nature. If the repair fails soon after repair due to volume of traffic this leads to negative customer feedback.

Defect Category	Description	Target Response Time
Category 1	Major defects that could result in serious damage and pose an immediate risk to users.	Make safe or temporary repair: within 24 hours
Category 2	Significant defects that represent a hazard and require attention before likely degradation.	Make safe or temporary repair: within 5 working days
Category 3	Defect that are less serious and are unlikely to present danger / hazard to users	Temporary repair: within 28 days
Category 4	Minor defects that are considered not to be a danger/hazard	No action. Review on next routine safety inspection

- 3.24 The table below provides a guideline treatment matrix. This will vary dependant on staff, plant and material availabilities. For example during the festive close down we are unable to obtain hot materials from quarries for two weeks.

Defect Category	Initial response	Secondary response
Category 1	<ul style="list-style-type: none"> Defect temporary repaired with hot material or cold material. If above unachievable signing and guarding of defect. 	<ul style="list-style-type: none"> Defect added to patching schedule for permanent repair either by Pothole Pro or surfacing squad dependant on magnitude of works required on road
Category 2	<ul style="list-style-type: none"> Defect temporary repaired with hot material or cold material. or Repair by Pothole Pro if available. 	<ul style="list-style-type: none"> Defect added to patching schedule for permanent repair either by Pothole Pro or surfacing squad dependant on magnitude of works required on road
Category 3	<ul style="list-style-type: none"> Defect added to patching schedule for permanent repair either by Pothole Pro or surfacing squad dependant on magnitude of works required. 	<ul style="list-style-type: none"> N/A
Category 4	<ul style="list-style-type: none"> Defects monitored by council road network inspectors. 	<ul style="list-style-type: none"> N/A

- 3.25 The operational systems that manage and track the defect reporting and treatment workflow have been reviewed and require significant

upgrade. The legacy software is an in-house server based solution rather than more modern Cloud based solution which limits its use for inspectors out in the field to accurately record locations of defects. The current system is text based to describe a defect location so as a consequence inspectors often have to revisit site to identify the defect to operational teams. A new software solution has been identified which uses tablet handhelds on site and allows inclusion of photographs and GPS co-ordinates to provide operational teams with an easily identifiable location saving considerable time. This is subject to the technical design assessment for implementation.

Residential Streets Resurfacing Programme

- 3.26 Council approved £5m accelerated capital funding (£2.5m each year for two years) to resurface residential streets including pavements as necessary. The purpose was to repair worn out and broken surfaces to improve road and pavement safety and the visual amenity of the areas.
- 3.27 With a team restructure, the programme commenced in October 2021 and is now more than 90% complete. The remainder of the budget is anticipated to be spent by summer 2023 and within the stipulated 24 month period. An additional capital budget of £2.5m has been approved by Council and allocated for the next 5 financial years.
- 3.28 A list of streets and the areas resurfaced to date, currently in progress and the programme for 2023-24 (subject to impacts of any extenuating circumstances) is provided at Appendix B2.
- 3.29 Feedback on the project from residents has been excellent.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Traffic sensitive road works embargoes are part of the routine workload and will be contained within existing service budget.

Annually, £2m of capital is set aside for road maintenance and a further £0.5m of capital is set aside for pavements and footpaths. The pothole policy will work within current service budgets for the next 10 months. Its operational success will be reviewed at that time to determine if a request via a further report to Council should be made for injection of additional capital.

As part of introduction of a wider Neighbourhood Services cloud based asset management and scheduling software tool, subject to the technical design assessment for implementation, it is estimated the contribution required to introduce the pothole repair elements would be approximately £20k for implementation and £10k for annual licence subscription. This would be contained within current service budgets as the legacy software solution is terminated.

The capital budget for Residential Streets Resurfacing programme on current performance rate is likely to conclude in summer 2023, with additional capital resource of £2.5m allocated for the next five financial years.

4.2 Digital

Introduction of a Neighbourhood Services cloud based asset management and scheduling software tool, subject to the technical design assessment for implementation, would allow the pothole repair elements to be introduced which would significantly improve the efficiency and effectiveness of the team.

4.3 Risk

Not implementing road work embargoes on traffic sensitive streets such as town centres and retail parks around Christmas risks loss of trade for local businesses if consumers choose to go to other areas with less congestion.

Failure to detect and repair road defects such as potholes risks significant injury to road and path users and subsequent insurance claims against the Council at significant financial cost

4.4 Ensuring Equalities (if required a separate IIA must be completed)

The subject of this report does not have a significant impact on equality.

4.4 Additional Report Implications

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☒ Hub and Spoke
- ☒ Modern
- ☒ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The project will deliver Best Value.

A.5 Involving Communities and Other Stakeholders

MTRAP, Community Councils and stakeholder groups have been briefed and involved in the process.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.

APPENDIX B

Appendix B1 – Designated Streets

Town / Locality	Road	Traffic Sensitive
BILSTON	MOORFOOT VIEW	Yes
BONNYRIGG	BIG BRAE	No
BONNYRIGG	CAMPVIEW ROAD	Yes
BONNYRIGG	DOBBIE'S ROAD	Yes
BONNYRIGG	DUNDAS STREET	Yes
BONNYRIGG	ESKBANK ROAD	Yes
BONNYRIGG	HILLHEAD	Yes
BONNYRIGG	PARK ROAD	Yes
BONNYRIGG	POLTON STREET	Yes
BONNYRIGG	HIGH STREET	Yes
BONNYRIGG	LOTHIAN STREET	Yes
DALKEITH	ESKDAILL COURT	No
DALKEITH	JARNAC COURT	No
DALKEITH	KOMAROM COURT	No
DALKEITH	WHITE HART STREET	No
DALKEITH	BUCCLEUCH STREET	Yes
DALKEITH	EDINBURGH ROAD	Yes
DALKEITH	ESKBANK ROAD	Yes
DALKEITH	ESKDAILL STREET	Yes
DALKEITH	HIGH STREET	Yes
DALKEITH	LAUDER ROAD	Yes
DALKEITH	LOTHIAN ROAD	Yes
DALKEITH	LOTHIAN STREET	Yes
DALKEITH	NORTH WYND	Yes
DALKEITH	OLD EDINBURGH ROAD	Yes
DALKEITH	SOUTH STREET	Yes
DALKEITH	A7 FROM SHERIFFHALL ROUNDABOUT TO MURDERDEAN ROAD	Yes
DALKEITH	BRIDGEND	Yes
DALKEITH	LONDON ROAD	Yes
DALKEITH	NEWMILLS ROAD	Yes
DALKEITH	OLD DALKEITH ROAD	Yes
DANDERHALL	MILLERHILL ROAD	No
DANDERHALL	U64 - CAULDCOATES ROAD	No
DANDERHALL	NEWTON CHURCH ROAD	Yes
DANDERHALL	THE WISP	Yes
DANDERHALL	OLD DALKEITH ROAD	Yes
ESKBANK	LASSWADE ROAD	Yes
ESKBANK	MELVILLE ROAD	Yes
GOREBRIDGE	MAIN STREET	No
GOREBRIDGE	A7 FROM B6372 AT HARVIESTON TOLL TO U52	Yes
GOREBRIDGE	A7 FROM WHITEHOUSE ROAD TO KIRKHILL TERRACE	Yes
GOREBRIDGE	HUNTERFIELD ROAD	Yes

GOREBRIDGE	KIRKHILL TERRACE	Yes
GOREBRIDGE	STATION ROAD	No
GOREBRIDGE	A7 FROM B7007 INNERLEITHEN ROAD TO SCOTTISH BORDERS BOUNDARY	Yes
GOREBRIDGE	A7 FROM B704 AT NEWTONLOAN TOLL TO WHITEHOUSE ROAD	Yes
GOREBRIDGE	A7 FROM C50 TO B7007 INNERLEITHEN ROAD	Yes
GOREBRIDGE	A7 FROM KIRKHILL TERRACE TO B6372 AT HARVIESTON TOLL	Yes
LASSWADE	ELM ROW	Yes
LASSWADE	HIGH STREET	Yes
LASSWADE	LASSWADE ROAD	Yes
LOANHEAD	COSTKEA WAY	No
LOANHEAD	STRAITON PARK	No
LOANHEAD	A768 FROM HIGH STREET LASSWADE TO WADINGBURN ROAD	Yes
LOANHEAD	CLERK STREET	Yes
LOANHEAD	FOUNTAIN PLACE	Yes
LOANHEAD	HAWTHORN GARDENS	Yes
LOANHEAD	HERD TERRACE	Yes
LOANHEAD	HIGH STREET	Yes
LOANHEAD	LASSWADE ROAD	Yes
LOANHEAD	LAWRIE TERRACE	Yes
LOANHEAD	LINDEN PLACE	Yes
LOANHEAD	MAYBURN TERRACE	Yes
LOANHEAD	A701 FROM B7006 TO C36 PENTLAND ROAD	Yes
LOANHEAD	LOANHEAD ROAD	Yes
LOANHEAD	NIVENSKNOWE ROAD	Yes
LOANHEAD	STRAITON ROAD	Yes
LOANHEAD	THE LOAN	Yes
MAYFIELD	MAYFIELD PLACE	No
MILLERHILL	WHITEHILL ROAD	No
NEWTONGRANGE	A7 FROM MURDERDEAN ROAD TO STOBHILL ROAD	Yes
NEWTONGRANGE	BRYANS ROAD	Yes
NEWTONGRANGE	DALHOUSIE ROAD	Yes
NEWTONGRANGE	MAIN STREET	Yes
NEWTONGRANGE	MURDERDEAN ROAD	Yes
NEWTONLOAN	A7 FROM STOBHILL ROAD TO B704 AT NEWTONLOAN TOLL	Yes
NORTH MIDDLETON	A7 FROM BORTHWICK CASTLE ROAD TO C50	Yes
NORTH MIDDLETON	A7 FROM C52 OLD CARLISLE ROAD TO BORTHWICK CASLTE ROAD	Yes
OLD PENTLAND	PENTLAND ROAD	Yes
PENICUIK	IMRIE PLACE	No
PENICUIK	CARLOPS ROAD	Yes
PENICUIK	HIGH STREET	Yes
PENICUIK	PEEBLES ROAD	Yes
PENICUIK	ST KENTIGERN WAY	Yes
PENICUIK	WEST STREET	Yes
PENICUIK	A701 FROM MILTON BRIDGE TO MOORFOOT VIEW	Yes

PENICUIK	BRIDGE STREET	Yes
PENICUIK	EDINBURGH ROAD	Yes
PENICUIK	JOHN STREET	Yes
PENICUIK	MILTON BRIDGE	Yes
ROSEWELL	CARNETHIE STREET	No
ROSLIN	MAIN STREET	No
ROSLIN	PENICUIK ROAD	Yes
WADINGBURN	WADINGBURN ROAD	Yes

Appendix B2 – Residential Streets Programme 2021-2024

Residential Streets Scheme Re-surfacing Programme

Settlement	Street name	Area Road resurfaced (m2)	Area Footway resurfaced (m2)
Completed Works			
Dalkeith	Gibraltar Terrace	690	
	Gibraltar Court	667	
	Shadepark Crescent	886	
	Shadepark Drive	1932	97
	Gibraltar Gardens	1210	39
	Allan Terrace	1260	
	Total areas(m²)	6645	136
Bonnyrigg	Hazel Drive	1061	400
	Cherry Road	1296	165
	Almond Crescent	2223	546
	Holy Terrace	573	127
	Rowen Gardens	620	363
	Willow Avenue	810	249
	Lime Place	311	0
	Beech Loan	518	234
	Chestnut Grove	495	203
	Poplar Terrace	318	794
	Campview car park	1717	27
	Campview Road	148	0
	Total areas(m²)	10089	3108
Mayfield	Buckie Road	1613	
	Andrew Dodds back lane	1857	
	Andrew Dodds Avenue	1330	23
	Myrtle Grove	274	
	Ash Grove	242	
	Holly Bank	906	
	Elm place	661	
	Total areas(m²)	6883	23

Roslin

Springfield Place	1557	0
Wallace Crescent	261	0
Manse Road	2146	637
Pentland View Road	329	86
Pentland View Crescent	318	51
Rosabelle Road	2204	565
Marmion Avenue	821	15
Station Road	7741	18

Total areas(m²)	15377	1372
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Penicuik

Craigiebiel Crescent	2911	33
Broomhill Road	240	0
Broomhill Avenue	1438	6
St James Gardens	240	5
Cairnbank Gardens	1438	15
St James View	2815	1
Cairnbank Road	429	0
St Mungo's View	766	145
Salamanca Crescent	1636	
Blenheim Court	502	
Ramillies Court	585	
Inkerman Court	574	11
Namur Road	2304	
Corunna Terrace	743	
Arras Grove	467	
Grieve Court	439	
Fletcher Grove	857	
Muirhead Place	1848	
MacCormack Terrace	987	
Ewing Street	1058	

Total areas(m²)	22277	217
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Gorebridge

Juner Place	824	
Barleyknowe Crescent	3079	43
Barleyknowe Lane	3227	31
Jubilee Crescent	1600	2
Barleyknowe Gardens	1596	3
Barleyknowe Place	759	
Barleyknowe Street	1595	14
Barleyknowe Terrace	1653	81
Newbyres Avenue	1214	
Hillside Crescent South	2051	5
Braeside Road South	1778	43
Vogrie Place	496	
Arnprior Road	806	289

Vogie Crescent South	1389
Hunter Square	1019

Total areas(m ²)	23086	512
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Project to date

Total areas complete (m ²)	84357	5368
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Current Operations

Bilston

Park Avenue	1193	1139
Myrtle Crescent	400	
Stanley Avenue	100	624
Burnbank Terrace		73
Brookfield Terrace	166	151
Eskgrove Drive	1017	
Meadow Place	1145	442
Castlelaw Crescent		
Allermuir Avenue		

Loanhead

MavisBank	2855	
Traprain Terrace	1003	180

Programmed works 2023-2024

Easthouses

Roanhead Road
Carrick Crescent
Newton Street
Lothian Drive
Parkhead place
Maryburn Road

Dalkeith

Elmfield Park
Elmfield Road
Gibraltar Road
Gibraltar Gardens
Shadepark Gardens

Gorebridge

Birkenside
Glen View Place
Glen View Walk
Roseberry Crescent

Mayfield

Ramsay Crescent
John Humble Street

Newtongrange

Gardiner Place
Beechwood Park
Bryans Avenue
Mansfield Avenue
Mansfield Place
Lady Road Place
Reed Drive

Bonnyrigg

Waverly Terrace
Waverly Crescent
Waverly Road
Waverly Park
Waverly Drive
Mayfield Place
Dundas Park
Pentland Road
Dalhousie Place
Dalhousie Avenue West

Roslin

Moat View
Charlton Grove
Knowetop Place
Lockhart Terrace
Nobel Place

Penicuik

Mauricewood Avenue
Mauricewood Rise
Mauricewood Grove
Mauricewood Bank
Mauricewood Park

Midlothian Orbital - Case for Change & Preliminary Options Appraisal**Report by Kevin Anderson, Executive Director - Place****Report for Information****1 Recommendations**

It is recommended that Council notes the executive summary report detailing the outcomes from the Case for Change and Preliminary Options Appraisal stages of the Scottish Transport Appraisal Guidance (STAG) process.

2 Purpose of Report

The purpose of this report is to provide Council with an update on the Midlothian Orbital Bus STAG process by way of an executive summary on the Case for Change and Preliminary Options Appraisal stages.

Date: 2nd February 2023
Report Contact: Derek Oliver, Chief Officer - Place
Email: derek.oliver@midlothian.gov.uk

3 Background

- 3.1 The Bus Partnership Fund (BPF) complements the powers in the Transport (Scotland) Act 2019, enabling local transport authorities, in partnership with bus operators, to work together to develop and deliver ambitious bus priority schemes to tackle the negative impacts of congestion on bus services.
- 3.2 The Fund is guided by the evidence on how bus services will be improved by addressing congestion but it will also leverage other bus service improvements to make bus travel more attractive and, in turn, will help tackle the climate emergency, reduce private car use and support modal shift. The BPF is managed by Transport Scotland.
- 3.3 The BPF is a capital fund to develop and implement bus priority infrastructure. This initial award has been made to support the Midlothian Bus Alliance (MBA) through funding resources required to conduct appraisals and business cases. Appraisals are developed under the Scottish Transport Appraisal Guidance (STAG), forming a significant part of the Outline Business Case (OBC) for bus priority infrastructure developments. STAG represents best practice guidance for transport appraisals and is required whenever Scottish Government funding, support or approval is needed to change the transport system.
- 3.4 The MBA, led by Midlothian Council, formed in 2021 and made a successful bid to the Bus Partnership Fund (BPF). The successful element of the bid was to develop four key routes within the Midlothian area. The project was awarded £302,000.
- 3.5 The opportunities identified within the bus network in Midlothian included:
 - potential to improve east-west connectivity by public transport and encourage development of new bus services
 - opportunity to increase public transport accessibility through improved punctuality and reliability of bus services in Midlothian
 - contribute to National Transport Strategy objectives
 - greater partnership working between bus operators and local authorities to the benefit of bus passengers and residents in Midlothian
- 3.6 Public and stakeholder engagement forms a vital part of the STAG process. An initial stakeholder engagement period to inform the validation and identification of problems, opportunities and options and build early awareness of the study was undertaken in the summer of 2022 and continues. Further engagement at later stages of the study programme will focus on obtaining public and stakeholder feedback on the proposed bus priority improvements identified through the study.
- 3.7 The findings will then feed into the production of reports in line with the STAG process, expected to be completed by spring 2023.

4 Executive Summary

4.1 The study area encompasses the four key bus corridors in Midlothian:

- Corridor 1: A6094 Whitecraig to A6094 Eskbank
- Corridor 2: B6392 Eskbank to A772 Gilmerton Junction
- Corridor 3: A7 Gorebridge to A7 Danderhall
- Corridor 4: A6094 Eskbank to A701 Straiton

4.2 The corridors traverse many of Midlothian's largest settlements, including Loanhead, Lasswade, Bonnyrigg, Eskbank, Dalkeith, Newtongrange and Gorebridge. The routes operate through a number of key junctions, including Eskbank Road Roundabout, Sheriffhall Roundabout, Eskbank Toll and Gilmerton Road Roundabout.

4.3 STAG states that location-specific problems or opportunities should be the rationale for any appraisal. Following a review of public and stakeholder feedback and findings from analysis of 2022 data (which built on the original BPF application in 2021), the following problems and opportunities related to bus priority measures have been identified in the study area.

Problems

- Bus congestion (all Corridors)
- Right turn movements causing bus congestion (Corridor 1)
- Uncontrolled on-street parking causing longer bus journey times (Corridors 1 and 4)
- Constrained movements at Eskbank Toll (Corridor 1)
- Rapid growth and development in Midlothian adding pressure to the transport network (all Corridors)
- High proportion of travel to work by car and risk of Transport Poverty (all Corridors)
- Bus access to A7 from Stobhill Road causing longer bus journey times (Corridor 3)

Opportunities

- Improve east-west connectivity by public transport and encourage development of new bus services
- Increase public transport accessibility through improved punctuality and reduced variability of bus services in Midlothian
- Contribute to National Transport Strategy objectives
- Greater partnership working between bus operators and local authorities to the benefit of bus passengers and residents in Midlothian

- Encourage greater modal shift
- Bus Priority Technology
- Match in Kind

Opportunities associated with proposed or committed schemes / projects, including A701 Relief Road, A7 Urbanisation Scheme, Sheriffhall Grade Separation and Dalkeith town centre regeneration are important considerations, to ensure any bus priority measures either form part of, or are complementary to, ongoing transport schemes.

- 4.4 The Preliminary Options Appraisal stage presents a qualitative appraisal of the options being considered.
- 4.5 Options were sifted against several criteria, including how they performed against Transport Planning Objectives and Deliverability Criteria. Rationale for sifted out options includes where they: were either “out of scope” and not eligible for BPF funding; they performed poorly against the sifting criteria; they were associated with feasibility challenges; or they were considered to have little to no impact on reducing bus congestion.
- 4.6 In line with a proportionate approach, options which performed positively against sifting criteria were retained and form part of an Option Package. Four option packages have been developed, one for each of the four study corridors, as below:
 - Option Package 1: Measures to improve bus priority on Corridor 1 A6094 Whitecraig to A6094 Eskbank, including Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining.
 - Option Package 2: Measures to improve bus priority on Corridor 2 B6392 Eskbank to A772 Gilmerton, including New Infrastructure, Signing and Lining and Redesign of Bus Stops.
 - Option Package 3: Measures to improve bus priority on Corridor 3 A7 Gorebridge to A7 Danderhall, including New Infrastructure, ITS, Signing & Lining and Redesign of Bus Stops.
 - Option Package 4: Measures to improve bus priority on Corridor 4 A6094 Eskbank to A701 Straiton, including New Infrastructure, Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining.
- 4.7 Each option package contains a range of individual options (option measures) which are detailed in the report.

5 Next Steps

- 5.1 In line with STAG, the next stage of work will involve a Detailed Appraisal of the shortlisted options i.e. the four option packages identified through this study. This will involve further development of options including high level design work to enable cost estimates to be prepared, as well as further assessment of option deliverability, risks and impacts to inform the detailed assessment. At the Detailed Appraisal stage, the option packages will be appraised against

SMARTened Transport Planning Objectives, STAG Criteria, Deliverability Criteria, and Costs to Government.

- 5.2 There will also be further engagement to obtain feedback from the public and stakeholders. Engagement will involve stakeholder workshops and a public drop in session close to one of the study corridors.

6 Project Budget

- 6.1 The BPF expenditure is closely scrutinised through the project team and Transport Scotland, with key milestone reporting dates.

7 Performance Reporting

- 7.1 Robust scrutiny to project management is undertaken quarterly by Transport Scotland.

8 Report Implications

8.1 Resource

The BPF award of £302,000 is funding this process and study.

8.2 Digital

Not applicable.

8.3 Risk

The risk of not undertaking the study will have a negative impact on finding interventions towards encouraging bus travel, patronage and climate impacts.

8.4 Ensuring Equalities

The process of impact assessment runs throughout the development process and is focussed on the Strategic Environmental Assessment (SEA) and the Equality Impact Assessment (EqIA). The objectives of the EqIA are to integrate the consideration of relevant equalities issues and impacts into the development of the study options.

8.5 Additional Report Implications

See Appendix A

8.6 AECOM Midlothian Orbital Bus STAG: Executive Summary

Appendix B

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☒ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value.

A.5 Involving Communities and Other Stakeholders

Extensive consultation is imperative.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.

Midlothian Orbital Bus STAG

Case for Change and Preliminary Options Appraisal
Executive Summary

Midlothian Council

March 2023

1. Introduction

Overview

AECOM has been commissioned by Midlothian Council, in partnership with the regional transport partnership for South East Scotland, SEStran, to conduct a study based on Scottish Transport Appraisal Guidance (STAG) for four bus corridors within Midlothian. The principal objective of the study – which is being funded through Transport Scotland's Bus Partnership Fund (BPF) – is to develop and appraise options to enhance bus priority on each of the corridors to reduce bus journey times and improve bus journey time variability for trips within Midlothian and to neighbouring local authorities. Options should also address the decline in bus patronage and consider integration with other sustainable modes.

This study has built on the existing body of work contained in the funding application submitted by the Midlothian Bus Alliance (MBA) to the BPF in 2021. The application set out an initial list of problems and opportunities that impact buses across Midlothian and potential options to address these problems. This evidence base has been reviewed and updated as part of this study.

This Note provides an Executive Summary covering off the outcomes from the Case for Change and Preliminary Options Appraisal stages of the STAG process.

Study Area

The study area encompasses the four key bus corridors in Midlothian shown in **Figure 1** and listed below:

- Corridor 1: A6094 Whitecraig to A6094 Eskbank
- Corridor 2: B6392 Eskbank to A772 Gilmerton Junction
- Corridor 3: A7 Gorebridge to A7 Danderhall
- Corridor 4: A6094 Eskbank to A701 Straiton

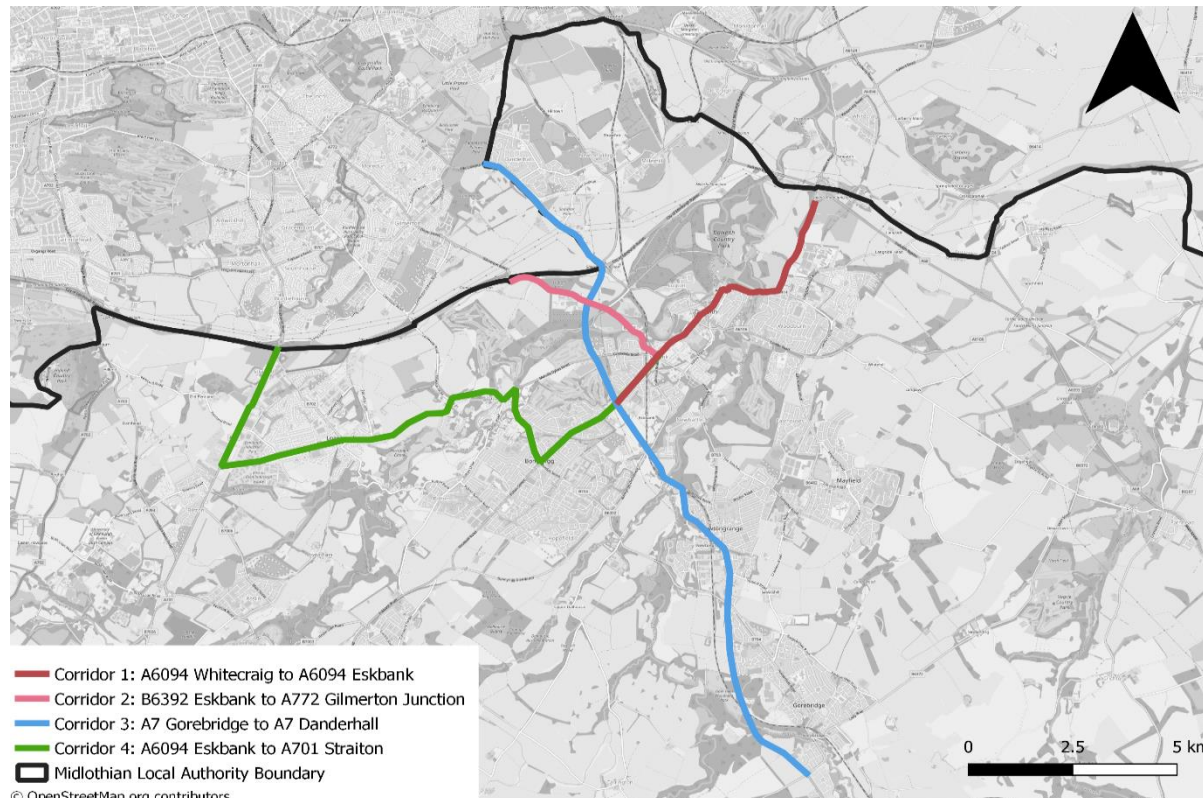


Figure 1: Study Area

The corridors traverse many of Midlothian's largest settlements, including Loanhead, Lasswade, Bonnyrigg, Eskbank, Dalkeith, Newtongrange and Gorebridge. The routes operate through a number of key junctions, including Eskbank Road Roundabout, Sheriffhall Roundabout, Eskbank Toll and Gilmerton Road Roundabout.

Scottish Transport Appraisal Guidance

The study has been undertaken following STAG, which represents best practice guidance for transport appraisals and is required whenever Scottish Government funding, support or approval is needed to change the transport system. A summary of the STAG process is shown in **Figure 2**.

The Case for Change stage focuses on an analysis of problems of opportunities drawing on policy review, data analysis of traffic, transport and socio-economic data, and issues identified through stakeholder and public engagement. Drawing on the identified problems and opportunities, Transport Planning Objectives (TPOs) are then developed to set the outcomes that the study should seek to deliver, and in turn guide the development and assessment of options.

The Preliminary Options Appraisal stage has focused on the generation and appraisal of options. A list of options has been generated at this stage, and these were then cleaned and sifted. For the purpose of this study, individual options have been grouped to form four option packages (one per corridor). It is these option packages which have been appraised against the TPOs, STAG Criteria (Environment; Climate Change; Health Safety and Wellbeing; Economy; Equality and Accessibility) and Deliverability Criteria (Feasibility, Public Acceptability and Affordability of options).

As set out, this Note summarises the outcomes from the Case for Change and Preliminary Options Appraisal stages. Future work will involve a more detailed assessment of the option packages.

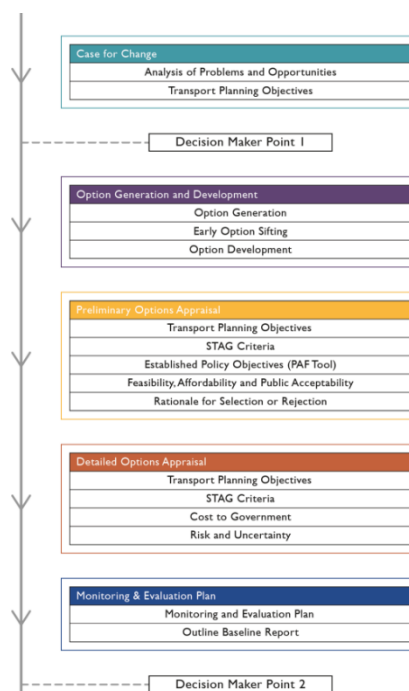


Figure 1: STAG Process

2. Problems & Opportunities

Context

To inform the identification of problems and opportunities a review has been undertaken of the policy, geographic, socio-economic and transport contexts within which the study is set. Of particular importance is that Midlothian is projected to have the highest percentage change in population size out of all the 32 council areas in Scotland (between 2018 to 2028)¹. Mode of travel to work across the local authority area is also car-dominated, with 63.5% of trips made by car, which is slightly higher than the Scotland average of 62.4%².

Bus services in Midlothian form part of the wider Edinburgh City Region network with the area served by several bus operators, with Lothian Buses / East Coast Buses providing the highest number of services followed by Borders Buses. The majority of services and nearly all routes run to and from various parts of Edinburgh, including the city centre. These services also fulfil important local travel requirements within Midlothian, particularly for east-west movements between Dalkeith and the employment and commercial centres around Straiton. A small number of services are also provided by Lothian Community Transport.

Bus priority infrastructure on the four corridors is limited. Two of the corridors (Corridors 1 and 2) have no bus priority infrastructure in place, whilst there is a small amount of infrastructure on the other two corridors, as below:

- A7 northbound bus lane between north of Newton Church Road junction and The Wisp (Danderhall)
- Short bus lane on southbound approach to A701 / Straiton Park junction
- A701 bus lanes southbound and northbound between A701 / Straiton Park junction and A701 / Pentland Road junction
- Short bus lane on northbound approach to A701 / Pentland Road junction

The quality of infrastructure differs, with site visits identifying that many of the road markings for bus lanes were faded, potentially making it difficult for road users to identify where they are in operation.

¹ National Records of Scotland, Profile of Midlothian 2021

² 2011 Scottish Government Census, <https://www.scotlandscensus.gov.uk>

There are a number of transport projects either proposed or committed in Midlothian which may impact the corridors considered in this study, including A7 Urbanisation Scheme, A701 Relief Road, Sheriffhall Roundabout Grade Separation and Dalkeith Town Centre Regeneration.

Initial Public & Stakeholder Engagement

To support the identification of problems and opportunities on the study corridors, an extensive engagement exercise has been undertaken at Case for Change stage with the public and stakeholders in Midlothian, as summarised in the diagram below.

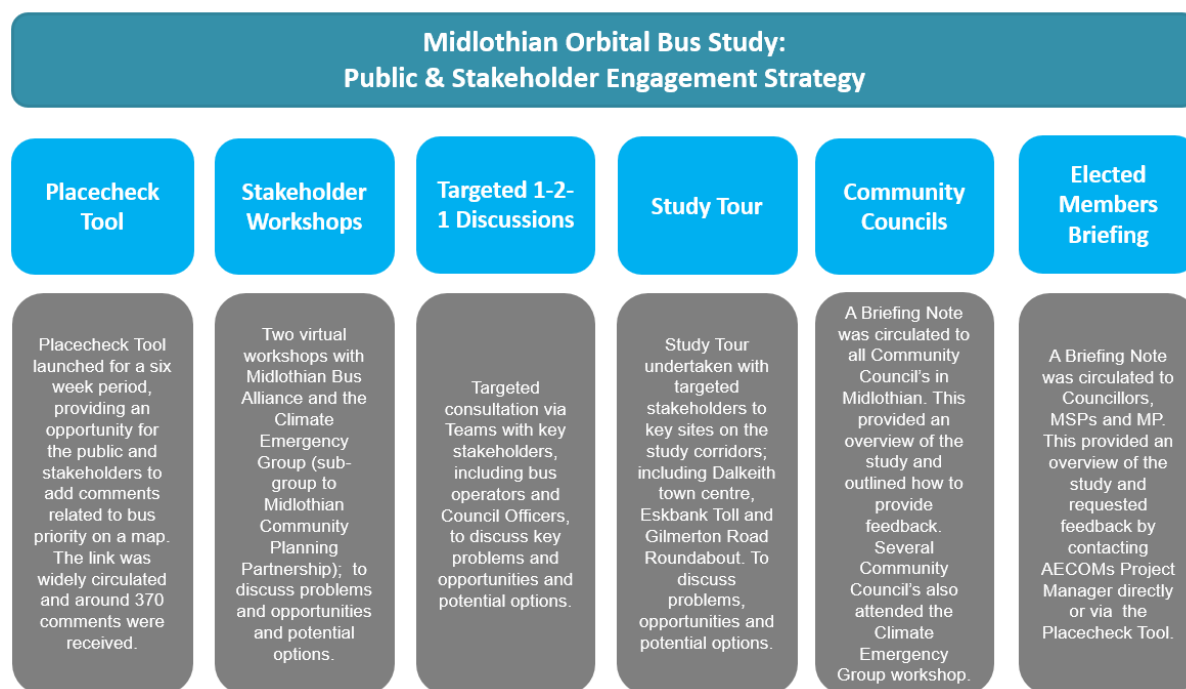


Figure 3: Summary of Public & Stakeholder Engagement

Further engagement will be undertaken to obtain feedback on options, including through stakeholder workshops, targeted discussions and a public drop in session.

Problems and Opportunities

STAG³ states that location-specific problems or opportunities should be the rationale for any appraisal. Following a review of public and stakeholder feedback and findings from analysis of 2022 data (which built on the original BPF application in 2021), the following problems and opportunities related to bus priority measures have been identified in the study area.

Problems:

Bus congestion (all Corridors)

- Bus congestion has been identified as a problem on sections of all four corridors through analysis of bus journey time data. Analysis included consideration of where median speeds relative to the speed limit are particularly low, which is an indicator of congestion. Congestion can lead to longer journey times for buses and can also result in journey time variability issues. Areas highlighted through analysis include Eskbank Road Roundabout, Dalkeith town centre, Bonnyrigg Toll and A701 at Straiton.

Right turn movements causing bus congestion (Corridor 1)

- This problem relates to buses turning right from A6094 onto Buccleuch Street in Dalkeith town centre. Anecdotal evidence suggested constrained turning movements here, with right-turn movements leading to queues forming as vehicles are unable to pass by a stationary bus when travelling straight ahead in the nearside lane. Analysis of data found that the right turn movement from the A6094 onto Buccleuch Street can experience journey time variability. A swept path analysis has also been undertaken for the right turn

³ Scottish Transport Appraisal Guidance Managers Guide, <https://www.transport.gov.scot/media/50895/scottish-transport-appraisal-guidance-managers-guide.pdf>

movement onto Buccleuch Street and this demonstrates that a bus is able to turn right whilst a bus in the left lane can go straight ahead.

Uncontrolled on-street parking causing longer bus journey times (Corridors 1 and 4)

- Uncontrolled on-street parking has been identified on sections of A6094 Bonnyrigg Road in Eskbank (on Corridor 1) and Lothian Street in Bonnyrigg and The Loan in Loanhead (on Corridor 4). This leads to buses frequently having to stop when there is oncoming traffic before overtaking stationary vehicles on sections of these roads, thus leading to increased journey times and journey time variability issues. Data analysis also shows sections of these roads record lower median speeds relative to the speed limit, including on the south side of the northern section of Bonnyrigg Road; on Lothian Road; and The Loan, particularly between George Avenue and McNeill Avenue.

Constrained movements at Eskbank Toll (Corridor 1)

- Queues occurring on approach to the Eskbank Toll roundabout have been highlighted as a problem on the corridor by stakeholders and the public. The constrained geometry of the six-arm roundabout can be difficult for large vehicles such as buses to manoeuvre as they typically require a larger portion of roundabout to be clear and a larger gap in traffic before manoeuvring. The dominant flow of traffic is on the A6094, which can make it particularly difficult for buses exiting from one of the other arms to enter the roundabout, leading to longer journey times.

Rapid growth and development in Midlothian adding pressure to the transport network (all Corridors)

- Midlothian is forecast to be the fastest growing local authority in all of Scotland in terms of population growth (13.8% increase between 2018 and 2028) as a result of new development, particularly large-scale residential development, including on or close to the four corridors. This will add additional pressures onto the road network, potentially leading to longer journey times for all vehicles, including buses, in the future.

High proportion of travel to work by car and risk of Transport Poverty (all Corridors)

- A slightly higher than average proportion of people in Midlothian travel to their place of work by car compared to the Scotland wide average (over 63% compared to just over 62% across Scotland)⁴. This contributes to a high number of vehicles on the road, leading to longer journey times for all vehicles, including buses. Even in areas such as Dalkeith where the proportion of people travelling to work by car is slightly lower than the Scotland average, this still constitutes the highest proportion by far of any single mode.
- Transport Poverty⁵ is also an issue identified in Midlothian which can impact people's ability to travel around and access key services; high and medium levels of transport poverty have been identified across most areas of Midlothian. The tool defines transport poverty by car availability, household income and access to services by public transport.

Bus access to A7 from Stobhill Road causing longer bus journey times (Corridor 3)

- Bus services can experience queuing when turning right from Stobhill Road onto the A7, thus increasing journey times. This junction is not signalised and difficulties can arise as a result of the dominant flow of traffic on the A7, which is an important corridor linking the Scottish Borders and Midlothian to Edinburgh.

Opportunities:

- **Improve east-west connectivity** by public transport and encourage development of new bus services.
- **Increase public transport accessibility** through improved punctuality and reduced journey time variability of bus services in Midlothian. A possible way of increasing public transport accessibility and achieving modal shift is through Park & Ride sites. A 2020 SEStran study⁶ identified a number of locations for potential future bus Park & Ride sites on or close to the study corridors, including at Millerhill, Shawfair and Lothianburn. Linked to improving accessibility of bus services are opportunities to **install additional bus stops**, for example on the A7 and B6392 / A772 Gilmerton Road corridors as developments are built.
- **Contribute to National Transport Strategy objectives:** The National Transport Strategy⁷ (NTS2) sets out the Scottish Government's vision for transport over the next twenty years, which is supported by four priorities to Reduce inequalities, Take climate action, Help deliver inclusive economic growth and Improve

⁴ 2011 Scottish Government Census, <https://www.scotlandscensus.gov.uk>

⁵ Transport Poverty in Scotland, Sustrans, https://www.sustrans.org.uk/media/2880/transport_poverty_in_scotland_2016.pdf

⁶ SEStran (2020) Regional Park & Ride Strategic Study <https://sestran.gov.uk/wp-content/uploads/2020/05/SEStran-Park-and-Ride-Strategic-Study-Final-Report.pdf>

⁷ Transport Scotland (2020) National Transport Strategy <https://www.transport.gov.scot/media/47052/national-transport-strategy.pdf>

our health and wellbeing. The Bus Partnership Fund provides an opportunity to contribute towards achieving these priorities in Midlothian.

- **Greater partnership working** between bus operators and local authorities to the benefit of bus passengers and residents in Midlothian. The Midlothian Bus Alliance has already been developed to guide this study and provides a collaborative forum to discuss potential options.
- **Encourage greater modal shift:** Whilst there are challenges associated with developments leading to additional pressures on the transport network, they also pose an opportunity to make buses an attractive mode of travel for existing and potential new users and thus encourage modal shift from private vehicles to bus.
- **Bus Priority Technology:** Technology is available which permits buses which are behind schedule to be given priority at signals, thus providing an opportunity for these services to better adhere to the timetable and operate with reduced journey time variability.
- **Match in Kind:** Through the Bus Partnership Fund there is an expectation to leverage other bus service improvements as part of the wider partnership offer. Match in kind proposals will be developed at a later stage in the process and will be developed through dialogue with partners, including local authorities, SEStran and bus operators.

Opportunities associated with proposed or committed schemes / projects, including A701 Relief Road, A7 Urbanisation Scheme, Sheriffhall Grade Separation and Dalkeith town centre regeneration are important considerations, to ensure any bus priority measures either form part of or are complementary to ongoing transport schemes.

- **A701 Relief Road:** Part of the rationale for the new road is to relieve pressure from the existing A701 corridor and thus support road space reallocation, either for bus priority or active travel. Any potential bus priority measures on the existing A701 have taken cognisance of the Relief Road and the opportunities this provides in terms of potential traffic reduction on the corridor.
- **A7 Urbanisation Scheme** proposes to implement segregated shared use walking and cycling facilities along the A7 between Gilmerton Road Roundabout in the north and Newtongrange in the south. Designs are being developed. The focus of the Scheme is on active travel and potential options considered as part of this STAG must take cognisance of the active travel proposals.
- **Sheriffhall Grade Separation:** The current road configuration at Sheriffhall Roundabout is a known area of congestion and there are proposals to upgrade the roundabout to be grade separated, thus separating strategic traffic on the A720 and local traffic on the A7 and A6106. No specific bus priority measures are proposed as part of the upgrade but there remains opportunities to lock in the benefits of the grade separation and to make bus travel along the A7 corridor a more attractive mode.
- **Dalkeith town centre regeneration:** Midlothian Council is updating the regeneration masterplan for Dalkeith, informed by a new vision for the town centre. Overarching ideas include a regenerated town centre which is: safe and attractive; a green sustainable place; a place that is a business / commercial destination; and a place that people want to live in. Ideas also include pedestrianisation of part of the town centre. There are opportunities associated with the plans for bus travel in the town.

Constraints

STAG states that Constraints should be captured; these are summarised below in terms of environmental, physical and technological constraints.

- Bus operators can have different systems for tracking vehicles; as a result, there are challenges identifying optimum traffic light priority measures.
- Residential properties and other buildings line certain sections of the study corridors, thus potentially restricting the level of bus priority in these areas.
- Carriageway space is limited on some sections of corridor, constraining potential measures.
- Some proposed transport schemes, which could have a major impact on bus operations in the study area, are not yet fully committed, constraining potential interventions.
- There are environmental constraints adjacent to / in close proximity to the corridors, including: Conservation Areas, Gardens and designed landscapes and Scheduled monuments.

Other constraints include those associated with the statutory powers of an authority to achieve change, the funding levels that can realistically be obtained, Scottish or UK legislation and Scottish or UK fiscal policy.

3. Transport Planning Objectives

The development of TPOs is an important element of the STAG process and they should be evidence led and informed by identified problems and opportunities. In preparing the TPOs, these have also been developed with 'SMART' principles in mind. A SMART Objective is:

- **Specific** – it says in precise terms what is sought;
- **Measurable** – there exists means to establish to stakeholders' satisfaction whether or not the objective has been achieved;
- **Attainable** – there is general agreement that the objectives set can be reached;
- **Relevant** – the objective is a sensible indicator or proxy for the change which is sought; and
- **Timed** – the objective is associated with an agreed future point by which it will have been met.

The TPOs presented below will be developed further as the STAG process progresses. As agreed with Transport Scotland, placeholders have been included in the TPOs at this stage which will be populated following further analysis of the data and discussion with stakeholders at future stages of the STAG process.

- **TPO1: Reduce bus journey times in the AM and PM peaks by X% on the Midlothian study corridors between X and Y [insert years].**
- **TPO2: Increase bus patronage on services operating on the Midlothian study corridors by an average of X% between X and Y [insert years].**

These TPOs have informed the generation and appraisal of options at the Preliminary Options Appraisal stage.

4. Preliminary Options Appraisal

Summary of Approach

The Preliminary Options Appraisal stage presents a qualitative appraisal of the options being considered, with the adjacent figure summarising the approach to option generation, cleaning, sifting, packaging and appraisal.

Options were sifted against several criteria, including how they performed against TPOs and Deliverability Criteria. Rationale for sifted out options includes where they: were either "out of scope" and not eligible for BPF funding; they performed poorly against the sifting criteria; they were associated with feasibility challenges; or they were considered to have little to no impact on reducing bus congestion.

In line with a proportionate approach, options which performed positively against sifting criteria were retained and form part of an Option Package. Four option packages have been developed, one for each of the four study corridors, as below:

- **Option Package 1:** Measures to improve bus priority on Corridor 1 A6094 Whitecraig to A6094 Eskbank, including Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining.
- **Option Package 2:** Measures to improve bus priority on Corridor 2 B6392 Eskbank to A772 Gilmerton, including New Infrastructure, Signing and Lining and Redesign of Bus Stops.
- **Option Package 3:** Measures to improve bus priority on Corridor 3 A7 Gorebridge to A7 Danderhall, including New Infrastructure, ITS, Signing & Lining and Redesign of Bus Stops.

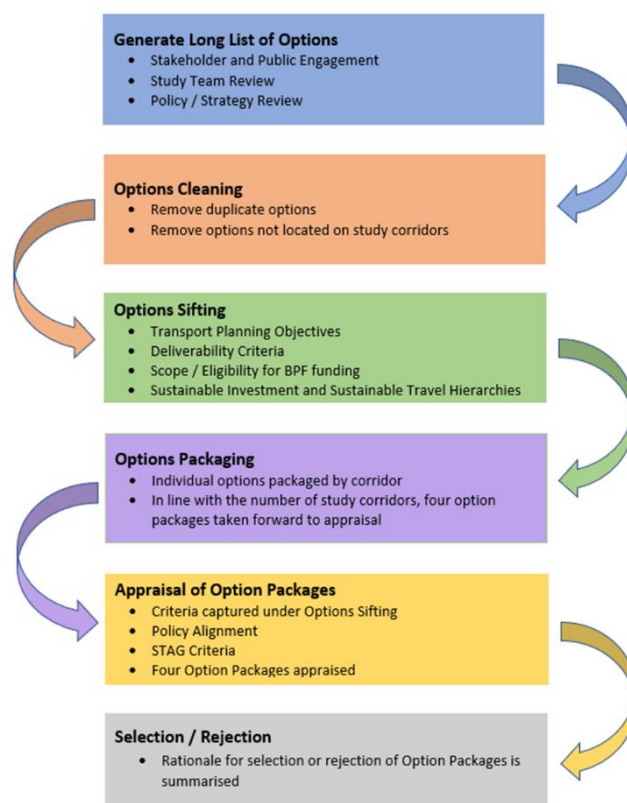


Figure 4: Option Development & Appraisal Approach

- **Option Package 4:** Measures to improve bus priority on Corridor 4 A6094 Eskbank to A701 Straiton, including New Infrastructure, Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining.

Each option package contains a range of individual options, hereafter referred to as option measures, which are outlined below.

It is noted that in addition to those options that have been 'sifted in' for further appraisal, other options have been identified for consideration as complementary measures (these do not however directly form part of an Option Package). Complementary measures include options such as enforcing parking restrictions and bus lanes, supporting EV charging facilities and improving access to bus stops. There is potential for some of these complementary measures to be identified and funded as 'match in kind' measures.

Appraisal of Option Packages

Following the initial sift of options, the four option packages were appraised against STAG criteria (Environment, Climate Change, Health, Safety & Wellbeing, Economy and Equality & Accessibility), also taking into consideration how options score against TPOs, deliverability criteria, their scope / eligibility for BPF funding and their position in the Sustainable Travel and Investment Hierarchies.

The option measures considered under each of the four option packages are presented by type, as captured in the table.

There are two options which are applicable to all corridors:

- Redesign of bus stops to remove laybys, where appropriate
- Implementation of Urban Traffic Control system in Midlothian (not applicable to Corridor 2)

Appraisal Findings

Overall, each of the four option packages performed positively against the appraisal criteria and are recommended to be taken forward for more detailed appraisal at the Detailed Options Appraisal Stage. This will include further analytical work and a more quantitative assessment of options in terms of their performance against the appraisal criteria.

Option Package 1: Measures to improve bus priority on Corridor 1 A6094 Whitecraig to A6094 Eskbank, including Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining

Measure	Location	Option Type
Link three existing traffic signals in Dalkeith town centre, including Traffic Light Priority for buses	High Street and Edinburgh Road, South Street and Buccleuch Street junctions	ITS
Adoption of a right turn filter lane with advanced green time at traffic signal for buses	A6094 / Buccleuch Street Junction	ITS
Signal controlled pedestrian crossings on Newbattle Road and Melville Road approaches to the roundabout; potential to link to buses via Traffic Light Priority on the A6094 bus corridor	Eskbank Toll	ITS
Signalisation of four arms of Eskbank Road Roundabout; including Traffic Light Priority for buses	A6094/A7 Eskbank Road Roundabout	ITS
Bus gate on A6094 in Dalkeith town centre; shared space with pedestrians and cyclists	A6904 Dalkeith town centre	Road Space Reallocation

Bus gate at Buccleuch Street	A6094 Dalkeith High Street at Buccleuch Street	Road Space Reallocation
Signing and lining work on carriageway to formalise the currently uncontrolled on-street residential parking	Bonnyrigg Road (Eskbank Toll to Westfield Park)	Signing and Lining

Option Package 2: Measures to improve bus priority on Corridor 2 B6392 Eskbank to A772 Gilmerton, including New Infrastructure, Signing and Lining and Redesign of Bus Stops

Measure	Location	Option Type
Provision of a bus lane on the A772 westbound approach to the A720	A772/A720 Gilmerton Junction	New Infrastructure
Provision of eastbound bus lane before and after Dobbie's Roundabout	Dobbie's roundabout	New Infrastructure
Provision of a westbound bus lane on approach to Gilmerton Road Roundabout	B6392 westbound approach to Gilmerton Road roundabout	New Infrastructure
Bus lanes operational 7am to 7pm, as a minimum	Potential bus lanes	Signing and Lining

Option Package 3: Measures to improve bus priority on Corridor 3 A7 Gorebridge to A7 Danderhall, including New Infrastructure, ITS, Signing & Lining and Redesign of Bus Stops

Measure	Location	Option Type
Implementation of a mini roundabout at existing T-junction	A7 / Stobhill Road	New Infrastructure
Provision of a bus lane on the northbound approach to Melville Dykes Roundabout	A7 Melville Dykes Road Roundabout (A7 Northbound approach)	New Infrastructure
Provision of a bus lane on A7 northbound approach to Gilmerton Road Roundabout	A7/B6392 Gilmerton Road Roundabout (A7 NB approach)	New Infrastructure
Provision of a short left turn bus lane on A7 northbound approach to the roundabout	A7/B6392 Gilmerton Road Roundabout	New Infrastructure
New traffic signals, including provision of Traffic Light Priority for buses	A7 / Stobhill Road	ITS
Signalisation of four arms of Eskbank Road Roundabout; including Traffic Light Priority for buses	A6094/A7 Eskbank Road Roundabout	ITS
Bus lanes operational 7am to 7pm, as a minimum	Existing and potential bus lanes	Signing and Lining

Option Package 4: Measures to improve bus priority on Corridor 4 A6094 Eskbank to A701 Straiton, including New Infrastructure, Road Space Reallocation, Redesign of Bus Stops, ITS and Signing & Lining

Measure	Location	Option Type
Provision of a section of bus lane between the existing bus stop and on approach to the junction	A768 Lasswade Road / Wadingburn Road	New Infrastructure
Provision of bus lane northbound and southbound between the Straiton Park & Ride entrance and the A720 (New Lane)	A701 between Park & Ride and A720	New Infrastructure
Provision of northbound bus lane south of Straiton Park and Ride Junction, to connect existing bus lane to the south with the proposed bus lane to the north (New Lane)	A701 south of Park & Ride (northbound)	New Infrastructure
Provide priority to buses through introduction of Traffic Light Priority at existing Lasswade Road / Wadingburn Road signals	A768 Lasswade Road / Wadingburn Road	ITS
Provide priority to buses through introduction of Traffic Light Priority at existing A701 / Straiton Park & Ride signals; linking with signals at A701 / Straiton Park Way junction	A701 / Straiton P&R	ITS
Provide priority to buses through introduction of Traffic Light Priority at existing A701 / Straiton Park Way signals; linking with signals at A701 / Straiton Park & Ride junction	A701 / Straiton Park Way	ITS
Signalisation of four arms of Eskbank Road Roundabout; including Traffic Light Priority for buses	A6094/A7 Eskbank Road Roundabout	ITS
Provision of bus lane northbound and southbound between the Straiton Park & Ride entrance and the A720 (Road Space Reallocation)	A701 south of Park & Ride (northbound)	Road Space Reallocation
Provision of northbound bus lane south of Straiton Park and Ride Junction, to connect existing bus lane to the south with the proposed bus lane to the north (Road Space Reallocation)	A701 between Park & Ride and A720	Road Space Reallocation
Signing and lining work on carriageway to formalise the currently uncontrolled on-street residential parking	The Loan	Signing and Lining
Signing and lining work on carriageway to formalise the currently uncontrolled on-street residential parking	The Loan (between McNeill Avenue and George Avenue)	Signing and Lining
Signing and lining work on carriageway to formalise the currently uncontrolled on-street residential parking	A6094 Bonnyrigg Lothian Street	Signing and Lining
Bus lanes operational 7am to 7pm, as a minimum	Existing and proposed bus lanes	Signing and Lining

5. Next Steps

In line with STAG, the next stage of work will involve a Detailed Appraisal of the shortlisted options i.e. the four option packages identified through this study. This will involve further development of options including high level design work to enable cost estimates to be prepared, as well as further assessment of option deliverability, risks and impacts to inform the detailed assessment. At the Detailed Appraisal stage, the option packages will be appraised against SMARTened TPOs, STAG Criteria, Deliverability Criteria, and Costs to Government.

There will also be further engagement to obtain feedback from the public and stakeholders. Engagement will involve stakeholder workshops and a public drop in session close to one of the study corridors.

Building Maintenance Service**Report by Kevin Anderson, Executive Director - Place****Report for Decision****1 Recommendations**

It is recommended that Council:

- i) Approves the Repairs & Maintenance Service Standards
- ii) Approves the Common Repairs Policy
- iii) Approves the Minimum Let Standard
- iv) Approves HRA cost recovery pest control treatments within domestic tenancies

2 Purpose of Report

The purpose of this report is to seek Council approval for Policies to assist operational activity, specifically in Protective Services and Building Maintenance Service, and to protect the health and wellbeing of our tenants and the structural integrity of our assets.

Date: 7th March 2023
Report Contact: Derek Oliver, Chief Officer - Place
Email: derek.oliver@midlothian.gov.uk

3 Background

- 3.1 The Building Maintenance Service is undergoing a significant redesign to improve effectiveness and efficiency. It is evident that new policy is required to assist cultural and operational change across the team, whilst delivering a more customer focused service. This work is iterative and continuing.

- 3.2 Ensuring the Council has well maintained, secure, sustainable housing is key to providing attractive, well maintained neighbourhoods that support our communities.

Repairs & Maintenance Service Standards

- 3.3 An established set of Repairs & Maintenance Service Standards is important for our tenants and service users, as well as our employees. They help to define what a service user can expect and to set key measurables of the challenges and obligations that our team is required to deliver.

- 3.4 The Repairs & Maintenance Service Standards prescribes the framework in which the Building Maintenance Service will deliver an effective service to ensure all our homes are maintained to a good standard. The service will meet the high standards expected by and agreed with our tenants, in line with the Council's Tenancy Agreement. The service will meet the requirements of good asset management by ensuring that the properties are maintained and the future of the property is safeguarded. This service will ensure Value for Money and set a high standard of workmanship for our staff and contractors.

Common Repairs Policy

- 3.5 A common repair is where home owners, or private tenants live in a mixed-tenure block and are jointly responsible, with the Council, for a share of the cost of the maintenance and repair of common areas or parts of the building.
- 3.6 The Council has the same legal obligation as other owners with regards to the management of common repairs. Any owner can take the lead on repairs.
- 3.7 Where the Council owns one or majority properties in a block, the Common Repairs Policy details the actions the Council will take in order to secure the agreement of owners for common repairs. Where this agreement is not achieved, the steps are detailed to ensure the properties are repaired and relevant shares are recovered to the Housing Revenue Account.
- 3.8 The Common Repairs Policy aims to ensure that there is a clear and consistent approach to recharge home owners for common repairs when these are undertaken by the Council. The Council will ensure good practice through the Tenement Management Scheme and understand the rights and responsibilities of the Council and homeowners.

- 3.9 The Council is committed to working with property owners to provide good quality homes to our communities.

Minimum Let Standard

- 3.10 A property must meet certain housing standards to be considered fit for human habitation. It must be free from health and safety hazards.
- 3.11 The Scottish Housing Quality Standard (SHQS) was introduced by the Scottish Government in February 2004 and is the main indicator to measure housing quality in Scotland.
- 3.12 The SHQS means social landlords must ensure their tenants' homes are:
- energy efficient (now Energy Efficiency Standard for Social Housing (EESH)), safe and secure
 - not seriously damaged
 - have kitchens and bathrooms that are in good condition
- 3.13 The SHQS is a minimum housing standard in Scotland to ensure no property falls below this level. The Scottish Housing Regulator monitors the SHQS both nationally and for individual registered social landlords (RSLs).
- 3.14 In order to minimise time that properties are void, Minimum Let Standards have been introduced on a trial basis since 16th December 2022. The Standard covers all aspects of the SHQS.
- 3.15 The introduction of the Minimum Let Standard ensures that the property conforms to the SHQS and permits a faster turn around in re-letting Council properties.
- 3.16 In January 2023, utilising the Minimum Let Standard, BMS turned around void properties on average in 16 days (30 properties) and 14.6 days (45 properties) in February.

Pest Control

- 3.17 There have been a number of cases in recent months where tenants have been unable to control pest issues within their Council property.
- 3.18 The Council's Environmental Health Service has an operational Pest Control Service that undertakes treatments on a rechargeable basis in the private domestic and non-domestic sectors and, on request, on a rechargeable basis to tenants.
- 3.19 With the health, safety and wellbeing of tenants at the core of service delivery, coupled with the safeguarding of the integrity of our properties and installations, it is proposed that tenants have access to the Council's pest control service, with charges internally recovered from the Housing Revenue Account, and as prescribed in the Council's list of fees and charges.

- 3.20 Any pest issue that extends beyond the Council's core pest control service functions will remain the responsibility of the tenant in terms of treatment and costs.

4 Report Implications

4.1 Resource

The Service Standards and Policies are deliverable within existing staffing and budgetary resources. Resource may be required should there be an increase in pest control treatment requests but this will be balanced with an increased income and cost recovery means to cover salaries of additional technical staff. The impact will be closely monitored.

4.2 Digital

Not applicable.

4.3 Risk

Not having established service standards puts the Council at reputational and financial risk. No common repairs policy means it is difficult to repair mixed tenure properties and can have a detrimental impact on the structural integrity of our assets. Failing to implement minimum let standards results in inconsistent results, mixed standards of void properties and can lead to lengthy void periods. Failure to address pest issues within our stock impacts on our assets and the health and wellbeing of our tenants. With the cost of living crisis, tenants may be less inclined to deal with pest issues or seek unsafe alternatives without the provision of an in-house service.

4.4 Ensuring Equalities

Housing maintenance and use of the HRA for an equitable service to all our tenants are required to comply with the Housing (Scotland) Act 1987 and the Council's Financial Regulations.

4.5 Additional Report Implications

See Appendix A

4.6 Repairs & Maintenance Service Standards Common Repairs Policy Minimum Let Standard

Appendix B

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☒ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value.

A.5 Involving Communities and Other Stakeholders

Tenant consultation and participation is essential and will be addressed through future engagement workshops including right to repair.

A.6 Impact on Performance and Outcomes

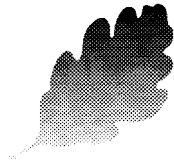
The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.



Building Maintenance Service

REPAIRS & MAINTENANCE SERVICE STANDARDS

We will deliver an effective repairs and maintenance service to ensure all our homes are of a good standard. We will meet the high standards expected by and agreed with our tenants, in line with the Council's Tenancy Agreement. We will meet the requirements of good asset management by ensuring that the properties are maintained to a good standard and the future of the property is safeguarded. We will ensure Value for Money and set a high standard of workmanship for our staff and contractors.

To achieve this we will:

1. Provide a service that:

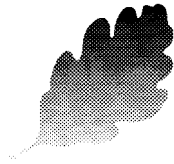
- a) listens to and addresses any problems that tenants have about repairs
- b) arranges appointments with the tenant on the phone, or preferred contact method, to carry out inspections and repairs
- c) arrange, where possible, an appointment time frame to suit the tenant, where the inspection or repair is inside the tenant's home and/or affects the normal day-to-day running of the home
- d) undertakes repairs quickly and in one visit, if possible
- e) engages with tenants
- f) ensures that all contractors undertaking work on behalf of Midlothian Council adopt practices which fully comply with our own policies and code of conduct

2. Commit to our responsibilities to:

- a) carry out all repairs within the requirements of current legislation, best practice and to a good standard
- b) keep the structure and outside of properties in good repair and maintain installations in the home which relate to drainage and supply of water, electricity and gas
- c) endeavour to carry out all repairs by appointment within the timescales as set and agreed with our tenants
- d) manage expenditure within the repairs budget
- e) have regard to the environmental impact of building products used
- f) ensure that we achieve a good balance between value for money and quality of service, when packaging and awarding any contracts

3. Provide our tenants with ways to request a repair, which are convenient to them, by:

- a) offering the following ways to request or report a repair:
 - i. by telephone (including out of hours emergency number)
 - ii. by e-mail
- b) enabling appointments to be agreed if possible at the time the repair is reported by telephone



Building Maintenance Service

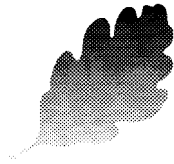
- c) offering an appointment time frame that is suitable, between Monday to Friday between 08:00 and 16:00.
- d) making appointments for all internal repairs service visits requiring:
 - i. pre inspections
 - ii. undertaking the repair
 - iii. post inspections and following up expressions of dissatisfaction
- e) leaving a non-access card, where a tenant has failed to keep an agreed appointment, informing the tenant that we attended and that the appointment will have to be rebooked. We will cancel the repair where two or more no access cards are left, with no response.

4. Provide a service to respond to repairs outside of normal working hours, by:

- a) offering a way of reporting emergency repairs out of hours, 24 hours a day, seven days a week
- b) aim to be there in 4 hours, but definitely within 24 hours, if an emergency repair is reported
- c) making emergencies safe and if possible carry out repairs within the 24 hours target
- d) following up works may be carried out over a longer timescale after the initial making safe, depending on the extent of works or materials required.
- e) offering an out of hours emergency service in relation to gas and heating breakdowns in the event of vulnerable tenants and there being no other form of heat in the property
- f) providing a temporary electric heater if a boiler or heating source cannot be repaired immediately.

5. Respect the tenant and property at all times, this includes contractors, by:

- a) carrying and displaying proof of our identity; where this is not provided when requested, the tenant is entitled to refuse access
- b) not smoking in the home
- c) being suitably dressed
- d) being tactful and polite
- e) respecting privacy and personal belongings
- f) using dust sheets, wearing shoe / boot covers and minimising disturbance to the tenant
- g) arranging with the tenant for the use of any services required
- h) aim to avoid leaving an unfinished job and advising when we will return
- i) not leaving equipment or materials in a dangerous or inconvenient position in the home
- j) arranging to remove any rubbish at the end of the works and/or day



Building Maintenance Service

k) offering the right to make a formal complaint to the Council, if the above is not followed

6. Provide a service that aims to complete repairs with the least visits as possible, by:

- a) always attempting to effect a repair in one visit
- b) agreeing the time of both the pre-inspection and the work required at the time that the repair is reported, when a pre-inspection is necessary
- c) agreeing (where possible) an alternative appointment before the tradesperson leaves the property, when additional work is identified that means the appointment cannot be kept or the work cannot be completed

7. Provide a service that keeps the tenant informed of delays, by:

arranging an alternative appointment as soon as we are aware of the situation when a repair requires parts or materials that must be ordered or the tradesperson is unexpectedly absent, and the appointment needs to be rearranged

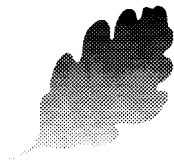
8. Provide a redecorating service, by:

- a) always attempting to ensure that any damage is kept to an absolute minimum
- b) where minor internal redecorating is required after carrying out repairs, as part of your responsibility to decorate the home:
 - providing a decoration voucher of sufficient value to match the re-decoration in line with Midlothian Council policy limits
 - providing advice on where the decoration voucher can be used
- c) Where there are external repairs we will make good as required areas of paint or coloured plaster; to ensure a suitable / acceptable decorative finish.

9. Provide a service responding to crime, by:

when following illegal entry into a dwelling owned or managed by us we will:

- i. carry out emergency repairs to make safe if reported
- ii. carry out all repairs as a result of the illegal entry that are our or the tenant's responsibility provided a crime number from the police is supplied
- iii. not carry out repairs where illegal entry into a property results in damage etc. where the illegal entry was a direct result of the tenant's criminal activities, except to maintain the integrity of the property and protect the Council's asset
- iv. discuss the matter with the police and take appropriate action where persistent unlawful access damage occurs
- v. remove seriously offensive graffiti on its property within 24 hours



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10. Respond to damage by the tenant to a property, by:

- a) charging the tenant for the cost of the remedial work for any abuse or damage caused to the property by the tenant, their family members, pets or visitors to the property
- b) considering the circumstances in deciding the level of charge appropriate, in the case of accidental damage

11. Ensure an efficient pre work inspections service, by:

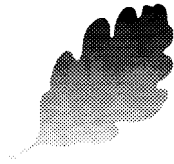
- a) only carrying pre work inspections where:
 - i. The tenant is unable to fully explain the problem;
 - ii. the repair might be the tenant's responsibility;
 - iii. surveying measurements, schedules, specifications etc. are required prior to ordering the work;
 - iv. the emergency repair requested is structural
 - v. investigations to identify the problem are required;
 - vi. a previous repair has not solved the problem; v
 - vii. the tenant has a history of wrongly reporting repairs (where nuisance calls are made or where there is a history of tenants abusing the property)
 - viii. there is considerable volume/value of work reported
- b) carrying out internal pre inspections by appointment which will be agreed at the time that the repair is reported, except for emergencies

12. Ensure an efficient post work inspections service, by:

- a) carrying out quality control checks of repairs at random. These quality control checks will be for different repair types, property types
- b) carrying out post inspections when the tenant is dissatisfied
- c) carrying out post inspections at an appointed time agreed with the tenant

13. Ensure tenants are satisfied and improving the service, by:

- a) continually monitoring tenant satisfaction with repairs by way of tenant satisfaction call backs to ensure the high standard expected by our tenants is delivered
- b) regularly contacting a sample of tenants to ascertain satisfaction of completed works
- c) arranging an appointment for a visit by an inspector to identify and rectify any residual problems and inform the tenant of any actions taken in response to their expressed dissatisfaction, when a response is returned showing any dissatisfaction
- d) offering the tenant to express dissatisfaction by any regular method of communication including, but not limited to, any of the methods via which repairs can be reported
- e) offering the tenant the right to complain as covered by Council's Corporate Complaints Policy



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- f) evaluating our policies, procedures and practices through a rolling review programme and in the light of any changes in the law and best practice, and proposals for changes recommended as necessary
- g) including equality impact assessments in the reviews to ensure that all of our policies encourage and support our determination to promote equality and eliminate unlawful discrimination
- h) ensuring that opportunities are provided for tenants to engage in the process of reviewing and monitoring this policy
- i) ensuring systems will be in place to monitor progress against agreed targets.



Midlothian

Building Maintenance Service

Common Repairs Policy

Contents

1. Introduction
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12. Performance Monitoring
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1. Introduction

This policy relates to flats in mixed-tenure blocks where the Midlothian Council have a vested interest because it owns one or more of the flats. The Council have approximately 2880 properties which are within mixed-tenure blocks. The blocks may have a mixture of Council owned and privately owned properties. The Council may be a majority owner within the block or own one property within the block.

All properties are considered to have an equal share of the responsibility for the repairs and maintenance of common parts i.e roof and roof space, gables/downpipes, external walls, door entry, stairwell etc.

The policy is intended to assist and progress repairs as problems often occur where owners are unsure or refuse to participate in, and pay their share of the costs of, repairs to the common parts and areas.

The Council has the same legal obligation as other owners with regards to the management of common repairs. The responsibility is equally shared and any owner can take the lead on repairs.

All properties at some point require repair and maintenance in their life. In tenement buildings, it is important that all owners are aware of potential maintenance/defects liabilities.

In order to maintain good quality homes for our communities we are committed to working with owner occupiers to make the process of undertaking necessary repairs as easy as possible for all involved.

This policy will state how these properties can be repaired and also how to ensure that the property is properly maintained to reduce the potential for high cost repairs in the future. The Council has an interest in the repair and maintenance of all mixed-tenure blocks in which it owns one or more properties in the block.

It is essential that owners in mixed tenure blocks co-operate with the Council. Working with owners through engagement and having their co-operation means that the value and quality of these assets can be preserved for the mutual benefit of all parties.

This policy sets out the actions the Council will take in order to secure the agreement of owners for common repairs and maintenance.

2. Context

This policy only applies to flats and not terraced properties as these are not covered by the Tenement (Scotland) Act 2004 (the 2004 Act).

In the past, problems occurred where owners are unsure or refuse to participate in a repairs scheme and as a result do not pay their share of the costs of repairs to the common parts and areas. To resolve this problem, we spend a great deal of time working with owners trying to secure their agreement. This can, and does, cause delays to the timeframe before we are able to carry out work.

In some cases, the Council, tenants and owners can be left dissatisfied with the outcome of this process. However, we will always respect the rights of owners and will ensure that any issues are managed appropriately.

3. Objectives and Principles

The following outlines the specific objectives and principles of this policy.

The principal course of action to assist with the progression of repairs and maintenance of mixed tenure tenement properties will be to examine the relevant title conditions to define liabilities, and where these are silent or not clear on a particular point, we will default to use the Tenement Management Scheme (TMS) in the 2004 Act. This sets out the steps that flat owners need to follow when making decisions on maintaining and repairing common parts. It is important to note that the TMS is a back up scheme which is used where the title deeds don't specify how decisions should be made, or if different owners' title deeds are in conflict.

Our Objectives

To meet current and future requirements of the law and good practice and explain how common repairs can be carried out in accordance with the title deeds failing which the TMS.

Explain the rights and responsibilities of the Council and homeowners.

Provide clear information to tenants and owners on how we manage and charge for common repairs in mixed-tenure tenement properties.

To make the policy and other documents on common repairs available in different languages and other formats such as large print, easy read, audio and Braille, in line with our Equal Opportunities Policy.

To ensure that the management of common repairs is continuously improved by reviewing, monitoring and feedback from customers and staff.

Our Principles

Tenants, homeowners and staff are involved and consulted in the development of the service and its operational procedures.

The service that we give to tenants and homeowners is continually improved through monitoring and feedback.

Our communication with tenants and owners is always clear, appropriate, easily understood and easily accessible in line with our Equal Opportunities Policy.

Our staff are supported by ongoing training.

4. Legal Framework

The organisation of common repairs, and general property maintenance matters, within any multi-owned property is shared between all owners and based on their shared legal obligations. Within any block of flats, there are communal parts; such as roofs, stairs, garden area and external walls, which are normally the joint responsibility of all owners.

Rules detailing owners' specific responsibilities for the upkeep, management and maintenance of the common elements are normally found within the title deeds.

Although title deeds granted by the Council make provision for the carrying out of common repairs, and the Council currently do undertake these and recharge the cost in accordance with the terms of the deeds, the TMS can be used where the title deeds are silent or not clear.

As a back up to provisions in the title deeds, the TMS sets out the steps that owners need to take when making decisions which affect all owners about maintaining and repairing common parts.

For more information on how the TMS works in Midlothian see section 7.

5. Common Repairs

Owners are responsible for the repairs and maintenance to their own property. Where owners live in a mixed-tenure block they are also responsible for a share of the cost of the maintenance and repair of the common areas or parts of the building. The common parts or areas are:

the roof - which includes all slates or tiles, timbers, the loft space, roofing felt, flashings, leadwork, gutters, parapets, chimney heads and chimney stacks;

external stonework (where this is defined in the title deeds), roughcast, brickwork and gable ends (where the tenement is not adjoined by another tenement);

- downpipes;
- the rising cold water main pipe;
- the common close and staircase including steps, bannisters and balustrades;
- the front steps and any porticos or decorative entranceways;
- external steps, balustrades and wrought iron works;
- a controlled entry door and common electrical circuitry;
- close tiles and/or plasterwork;
- a rear close door or gate, any stairs leading to the back court and any rear close access areas;
- all parts of the back court including fences, railings, gates, bin stores or bin shelters, common drying areas including washing poles, grassed or earthed areas, gravel beds and hard standing areas, retaining walls;
- some (but not all) front garden areas;
- drains and underground pipes;
- the solum and foundations;
- gable wall (unless shared with adjacent tenement where both sets of tenement owners have to take responsibility).

If the common areas of the building need to be repaired, every owner who is entitled to use that common area must pay their share of the cost of the repairs.

Owner-Led Repairs

All homeowners have the right to instigate a common repair. In such circumstances:

- homeowners should supply a minimum of 3 quotes for major repairs (e.g roof replacements, chimney repairs) or
- 2 quotes for minor repairs (e.g fence replacement) to the Housing Repairs Team. However, discretion can be used by the council, depending on the repair;
- contractors should provide evidence that they have public liability insurance;
- the preferred contractor will be selected based on a defined best value for homeowners and the Council ;
- the selected contractor must complete a contractor's declaration form confirming adherence to health & safety guidelines and quality of work guarantees;
- the lead owner is responsible for paying the contractor and recovering shared costs from other affected owners

6. Engagement with Owners – Council's Standards

The Council is committed to working with our tenants and owner-occupiers, in all our repair and maintenance programs.

The Council must work with owners in a block about any common repairs and maintenance, which we are proposing in order to aim for their agreement.

Generally, the title deeds relating to mixed tenure blocks enables common repairs to be carried out if a majority of the owners in the block agree to the work. In mixed-tenure blocks, it is likely that it will be the Council, when the majority owner, which takes the initiative in organising and managing repairs, although as described in Section 5, any owner can do this.

We will ensure all our communication, by letter, by telephone, by email and by personal contact with staff, is clear and unambiguous about every aspect of each contract and gives owners every opportunity to ask questions and receive clear answers.

7. Tenement Management Scheme (TMS)

As referred to above, the TMS sets out the steps that flat owners need to follow when making decisions on maintaining and repairing common parts. This is used where the title deeds don't specify how decisions should be made, or if different owners' title deeds say conflicting things. The full detailed rules of the TMS are contained in Schedule 1 to the 2004 Act.

Any decisions made under the TMS are known as 'scheme decisions'. Unless the title deeds say otherwise, flat owners can use the rules set out in the TMS to make scheme decisions about:

- carrying out maintenance work, including repairs and replacements, cleaning, painting, gardening and other day-to-day tasks;
- delegating power to a manager to inspect the building or make decisions to carry out maintenance;
- arranging inspections of the building to decide whether maintenance work is required;
- arranging insurance for common areas;
- authorising any maintenance of scheme property already carried out by an owner;
- installing a new door entry system;
- excusing an owner from paying a share in maintenance costs;
- changing or taking back any previous scheme decisions.

which are determined by a majority vote of all the property owner votes allocated.

NB. Joint owners of a property have only one vote.

The Voting Process

The TMS can be used by any owner (Midlothian Council or private owner) within a block for the making of scheme decisions which are determined by a majority vote of all the votes allocated.

One vote is allocated in respect of each flat, so if the Council owns two flats it will have 2 votes.

If a flat is owned by two or more persons the one vote allocated to that flat may be exercised in relation to any proposal by either of them, but if those persons disagree as to how the vote should be cast then the vote is not to be counted unless (a) where one of those persons owns more than a half share of the flat, the vote is exercised by that person, or (b) in any other case, the vote is the agreed vote of those who together own more than a half share of the flat.

Any decisions that are made are done through a voting process. For the work to go ahead there needs to be approval based on a majority vote of all the votes allocated.

Where the Council is proposing to carry out common repairs and maintenance to a mixed tenure property, we will:

- check the relevant title deeds and confirm responsibility for costs;
- write to owners confirming the scope of works, estimated costs and enclose an owners' guide to the TMS if applicable;
- if applicable, follow the TMS voting process and timescales, allowing three weeks for voting slips to be returned.
- We will contact and/or visit any owner who has not returned their voting slip by the closing date as a matter of urgency and aim to get their decision.
- We will confirm the result of the vote in writing to all the owners in the block usually within 10 working days of the closing date, informing them about the scheme decision.

Unanimous Agreement

Where the decision to proceed with the repairs scheme is unanimous, each owner and tenant will be kept informed about:

- the repairs that need to be carried out;
- the cost;
- the contractor's name and contact number, and a named Council contact.

Majority vote in favour of the scheme

Where there is a majority of the votes allocated in favour of the scheme, each owner and tenant will be sent a letter confirming the scheme decision. An owner who is not in favour of a scheme decision or a new owner who was not the owner at the time the decision was made can appeal to the Sheriff Court. The appeal cannot be later than 28 days from the date of the decision being notified. If no one has appealed within the 28 day period, then the work can go ahead.

No majority in favour of the scheme

Where there is no majority of the votes allocated in favour of the scheme then no works can be completed at this time. We will write to all tenants and owners confirming the outcome.

On a 6-monthly basis, we will review the scheme decisions that resulted in there being no majority in favour. We will write to owners again as circumstances may have changed.

8. What Happens in an Emergency?

Where emergency common repairs or maintenance is required, particularly if a repair directly affects a Council-owned property, work can be carried out without the agreement of the other owners. We can use our legal powers to serve a notice, carry out the repair and recover a share of the cost from the other owners.

In terms of the TMS, “emergency work” means work which, before a scheme decision can be obtained, requires to be carried out to a scheme or property (a) to prevent damage to any part of the tenement, or (b) in the interests of health or safety.

We will write to owners informing them of their responsibility for their share of the costs involved where there is an emergency repair.

Examples of an emergency repair:

- Common close lights not working and leaving the stairwell in darkness.
- A roof tile which has broken and is a danger or letting in water.
- A piece of rhonepipe which is hanging from the building.
- A loose step or slab which is causing a trip hazard.
- Burst pipes within communal areas.

The title deeds of properties previously sold by the Council under the Right to Buy provide that other owners in the block, which includes the Council, may require access to inspect, maintain, repair and renew their property and the common areas/parts. Where the Council requires access to an adjoining property, we will always give owners reasonable notice when we ask for access to their properties.

9. Improvements

If the Council is proposing to make improvements which are reasonably incidental to the required maintenance then these can be carried out by the Council and a share of the costs sought from the other owners either in terms of the provisions in the title deeds failing which the TMS. It is suggested that Improvements other than this would not be covered by the Common Repairs Policy with Improvement Schemes considered on case by case basis depending on the funding and other statutory powers available.

The Council will work with owners by organising a meeting well in advance of the project, usually at least 12 months in advance, to explain what work is being proposed, the estimated costs and a timetable to complete the project.

The VAT saving available for owners under Common Repairs may not be available for improvements which are not reasonably incidental to the required maintenance, particularly where the owner of the property asks the Council to provide additional works which exceed those planned by the Council, as any payment for those improvements would be liable to VAT at the Standard Rate. However, where improvements are minor and incidental to the common repair, this would still be treated as non-business and therefore VAT will not be applicable.

10. Invoicing arrangements/ Financial Assistance for Owners

Within six weeks from the date the work has been completed and inspected by relevant staff, the Council will send an invoice to each owner for their share of the costs.

Owners are legally responsible for paying an equal share of the total cost of repairs and maintenance to the block.

The invoice is to be paid within 30 days of receiving it. In most cases, owners will have had a significant period of time to save funds to pay for the works being carried out.

However, it is recognised that in exceptional circumstances some owners may experience financial hardship. Where appropriate, the Council will discuss a reasonable repayment plan with each owner. The Council's debt recovery process will deal with any defaults, which include the recovery of any monies due in accordance with the law and/or title provisions.

This may also include when an owner refuses to pay their share of costs, the registration of a Notice of Potential Liability for Costs against the title of the defaulting owner. This will not prevent the property from being sold before the debt to the Council has been repaid, but it is likely that a purchaser will insist on settlement of the outstanding sum to discharge the Notice, before proceeding with the purchase. At the same time, the debt recovery process should commence to ensure that the Council does not lose its ability to recover the money through the passage of time, i.e. debts may be prescribed after five years.

The 2004 Act contains provisions which allow the Council to pay any missing share or shares of common repair costs, where owners are unwilling or unable to pay their share of these costs or cannot be found. The Council can use these powers, if it wishes to do so, to make such payments and to enter into arrangements with the owners to recover the money in instalments.

The Council can recover its administrative costs for this but cannot charge interest on the missing share or shares that it has paid. If the Council decides to use this power, it has the advantage of enabling the Council to secure the sum repayable to it by registering a repayment charge in the Land Register against the title of the relevant property.

11. Appeals

Whilst the Council will make every reasonable effort to try and resolve concerns or complaints from owners it recognised that this may not be possible and it may be necessary for the Council to proceed with a scheme and cost recovery utilising its legal powers.

It is important to note that any owner who is dissatisfied with a decision taken under the TMS may apply to the Sheriff Court to have the decision set aside within 28 days of being notified about the decision. There is a further right of appeal on a point of law within 14 days of the Sheriff Court's decision. Repairs to common parts cannot be commenced until the appeal process has run its course. If a majority decision to carry out work is set aside by the Court, the work cannot be done.

12 Performance Monitoring

In order to comply with its service commitments, the Council will monitor the application of this policy as follows:

- The number of occasions where provisions in title deeds are used;
- the number of occasions on which the TMS scheme is used;
- the cost of common repairs and recovery of a share of the cost from other owners;
- customer satisfaction in the processing of common repairs;
- the number of applications to the Sheriff Court to have scheme decisions set aside.

13 Equalities Statement

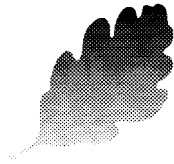
In accordance with the Public Sector Equality Duty (General Equality Duty), Midlothian Council has a duty to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between people who share a protected characteristic. Protected characteristics, under Equalities legislation, include race, disability, religion or belief, age, sex, sexual orientation, gender reassignment, marital status or pregnancy. Under the Fairer Scotland Duty, we must also actively consider how we can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

This policy is subject to an EQIA and complies with the Council's Equality Policy. We will review the policy and associated policies and procedures at appropriate intervals for their equal opportunities implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of this policy.

14 Policy Review

If the monitoring of performance detailed in Section 12 suggests that there are areas where the policy needs to be improved, the policy may be amended or a further review may be undertaken. If any changes to be made are substantive, the Council will consult with tenants, homeowners, staff and other key stakeholders before making these changes.

We will undertake a full review of this policy every two years or earlier if required by changes to legislation or guidance. In line with housing law, consultation on the policy will be ongoing.



Building Maintenance Service

HOUSING LET STANDARD

General

- Property will be clean and free of rubbish throughout
- Decoration will be issued via a voucher system (if applicable). Delivery or pick up is available.
- Tenants less able will be given assistance by the in-house painting team (Housing Officer will identify).

Walls & Ceilings

- Finishes will be sound and suitable for decoration
- Skirtings, door facings and other timber will be intact and securely fixed
- Any wall tiling will be clean, free from cracks and chips and with all grout/sealing intact

Floors

- Floors will be free of coverings unless retention agreed with incoming tenant¹
- Surface will be sound and secure with all boards fixed securely
- Floors will be clean

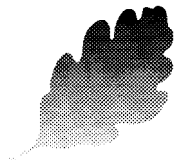
Stairs

- Balustrades and handrails will be securely fixed
- Timber stairs and treads will be fully secured and nosings in good condition
- Treads on concrete stairs will be level, smooth and free of cracks

Windows

- Windows will operate smoothly and be watertight
- Glazing will be intact, free from cracks and securely fixed
- All ironmongery will operate correctly with all restrictors and locks having release mechanisms or keys

¹ The Council cannot be responsible for any floor coverings that the incoming tenant decides to keep or provide



Building Maintenance Service

Doors

- Doors will be intact and hung correctly
- Ironmongery will operate correctly
- External doors will be draught free and have secure locking devices with new keys
- Doors will be provided to all door openings

Sanitary Fittings

- Fittings will be clean, free from cracks, chips and suitable for use
- Seals will be intact and fittings securely fixed
- Taps, valves and showers where fitted will operate correctly
- Baths, wash basins, showers and WC will drain effectively
- Mechanical ventilation when fitted will operate effectively
- New shower hose and handset will be fitted where installed

Kitchen Fittings

- Work surfaces and units will be clean with all doors and drawers operational. (Doors or drawer may be different colours).
- Sink will be clean, free from damage and will be free draining
- Mechanical ventilation when fitted will operate effectively

Heating

- Heating and hot water systems will have adequate controls and will be fully operational
- All thermostatic valves will operate correctly

Services

- Mains water supply will be provided with an appropriate accessible shut off valve and feed to the kitchen tap
- A current gas safety certificate will be provided
- An electrical safety test will be carried out
- Appropriate fully operational (gateway) smoke and carbon monoxide detectors will be provided
- If an alarm system is fitted it will be fully operational

External

- Garden area will be tidy and free of all rubbish
- Paths and steps will be in a safe condition and free of obstructions
- Handrails when provided will be secure
- Gates will be secure and operational
- Clothes poles/rotary driers will be provided and will be upright and secure