Notice of Meeting and Agenda

Midlothian Council

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

Date: Tuesday, 07 May 2024

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.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.Midlothian.gov.uk

9 Private Reports

Exclusion of Members of the Public

(A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPHS 6, 9 AND 11 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND
(B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

9.1 Midlothian Public Electric Vehicle Charging Strategy and Procurement, report by Executive Director Place

10 Date of Next Meeting

The next meeting will be held on Tuesday, 25 June 2024 at 11am

Minute of Meeting

Special Meeting of Midlothian Council

Date	Time	Venue
26 March 2024	10.30 am	Council Chambers, Midlothian House, Dalkeith/Microsoft Teams

Present:

Provost McCall (Chair)	Councillor Bowen (Depute Provost)
Councillor Parry (Council Leader)	Councillor Cassidy (Depute Leader)
Councillor Alexander	Councillor Bowen
Councillor Curran	Councillor Drummond
Councillor Imrie	Councillor McEwan
Councillor McKenzie	Councillor Milligan
Councillor Pottinger	Councillor Russell
Councillor Scott	Councillor Smaill
Councillor Virgo	Councillor Winchester

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Michelle Strong, Education Chief Operating Officer	Morag Barrow, Joint Director Health and Social Care
Alan Turpie, Legal and Governance Manager / Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer)
Saty Kaur, Chief Officer Corporate Solutions	Anne-Theresa Lawrie, Religious Representative
Janet Ritchie, Democratic Services Officer	Lucy Roddie, Democratic Services Officer
	Hannah Forbes, Assistant Democratic Services Officer

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 to the internet.

2. Order of Business

As per the agenda previously circulated

3. Declarations of interest

None received.

4. Deputations

No items for discussion.

5. Minutes of Previous Meetings

No items for discussion.

6. Question to the Leader of the Council

No items for discussion.

7. Notices of Motion

No items for discussion.

8. Reports

Report No.	Report Title	Report by:
8.1	Review of the Scheme for the Establishment of Community Councils	Report by Fiona Robertson, Executive Director Children, Young People & Partnerships
Outline of report and summary of discussion		
The purpose of this report was to approve a public consultation on a revision of the Midlothian Scheme for the Establishment of Community Councils. This is required to reflect changes in policy since 2014 and to update the Scheme to reflect the amended Model Scheme for Community Councils. Councillor Smaill declared that their wife was a member of the community council and the Legal and Governance Manager/Monitoring Officer confirmed that as this report covers all community councils a declaration of interest is not required.		

The Education Chief Operating Officer presented this paper on behalf of Executive Director Children, Young People & Partnerships. The Education Chief Operating Officer provided a brief overview of the report and highlighted the significant changes that have taken place since 2014.

The Education Chief Operating Officer advised that the initial draft will be circulated for consideration by the Community Councils, third sector groups and stakeholders and that any feedback will inform amendments and any amendments will require further consultation prior to approval.

Councillor Parry commented positively on the report, stating they looked forward to the feedback from community councils and took the opportunity to express thanks to all community councils for the hard work given to communities.

Councillor Parry, seconded by Councillor Scott moved the report.

The Legal and Governance Manager/Monitoring Officer advised that under Section 53 of the Local Scotland Act a Special meeting of Council requires two thirds of the committee to approve – the Council unanimously approved the report.

Decision

The Council unanimously approved an 8-week public consultation on the revised Scheme for the Establishment of Community Council

The meeting concluded at 10.36am.

Minute of Meeting

Midlothian Council

Date	Time	Venue
Tuesday 26 March 2024	11:00 am	Council Chambers, Midlothian House/Hybrid

Present:

Provost McCall (Chair)	Depute Provost Bowen
Councillor Parry (Council Leader)	Councillor Cassidy (Depute Council Leader)
Councillor Alexander	Councillor Curran
Councillor Drummond	Councillor Imrie
Councillor McEwan	Councillor McKenzie
Councillor McManus	Councillor Milligan
Councillor Pottinger	Councillor Russell
Councillor Scott	Councillor Smaill
Councillor Virgo	Councillor Winchester

Religious Representatives:

Anne-Theresa Lawrie	

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB	Michelle Strong, Education Chief Operating Officer
Alan Turpie, Legal and Governance Manager / Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer)
Derek Oliver, Chief Officer Place	Saty Kaur, Chief Officer Corporate Solutions

| Lucy Roddie, Democratic Services Officer | Hannah Forbes, Assistant Democratic Services Officer |
| Janet Ritchie, Democratic Services Officer | Fiona Clandillon, Head of Development |

1. Welcome and Apology for Absence

The Provost welcomed everyone to this meeting of the Midlothian Council and advised that the meeting was open to the public and would be webcast live.

The Provost advised Council of the death of former Councillor David Fletcher and his wife Susan. A minute silence was observed.

The Provost welcomed Cal Haston, Scottish Youth Parliament member for Midlothian North and Musselburgh, who would be observing today's meeting.

The Provost gave congratulations to Jasmin Paris who had recently became the first woman to complete the Barkley Marathons race in Tennessee. Jasmin lives and works in Midlothian.

2. Order of Business

The order of business was as per the agenda previously circulated.

3. Declarations of interest

Councillor McEwan gave a declaration of transparency in relation to Item 8.2.

4. Deputations

None received.

5. Minutes of Previous Meetings

Item No.	Report Title	Submitted by:
5.1	Minute of Meeting of Midlothian Council 27 February 2024	Executive Director Place
Outline and Summary of Discussion		
The Minute of Meeting and Private Addendum of Midlothian Council held on 27 February 2024 was submitted for approval. It was noted that Councillor Smaill's apologies for the meeting had not been recorded in the minute. The minute was approved, subject to the above amendment. Councillor Parry moved. Councillor Cassidy seconded.		
Decision		
Minute of Meeting and Private Addendum of Midlothian Council held on 27 February 2024 was approved.		

Action
Democratic Services to amend minute for accuracy.

Item No.	Report Title	Submitted by:
5.2	Minute Volume Index	Executive Director Place
Outline and Summary of Discussion		

The following minutes were previously circulated to Elected Members and subsequently noted and/or the recommendations contained therein approved:

- Minute of Community Asset Transfer Committee of 30 January 2024
- Minute of Appeal Hearing of 6 September 2023
- Minute of Cabinet of 28 November 2023
- Minute of Planning Committee of 28 November 2023
- Minute of Planning Committee of 23 January 2024
- Minute of MIJB Audit and Risk Committee of 7 December 2023
- Note of Seminar of 23 January 2024

Moved by Councillor Parry. Seconded by Councillor Cassidy.

Decision
Minute Volume Index noted.

Action
Democratic Services

Item No.	Report Title	Submitted by:
5.3	Action Log	Executive Director Place
Outline and Summary of Discussion		

It was requested that Action 1 – Capital Plan Prioritisation remain open.

Decision
The Action Log was noted, with all actions recommended for closure to be closed except Action 1 which remains open.

Action
Democratic Services

6. Questions to the Leader of the Council

None received.

7. Motions

Item No.	Notice of Motion	Submitted by:
7.1	Month of the Military Child	Councillor Winchester and Councillor Virgo

Outline and Summary of Discussion
It was noted that there was an error - the Motion should read Dandelion is the flower not Daffodil. The Notice of Motion was proposed by Councillor Winchester and seconded by Councillor Virgo.
Decision
The Notice of Motion was moved.
Action
Executive Director Place

8.   Reports

Report No.	Report Title	Submitted by:
8.1	Intake Figures and Limits for Primary and Secondary Schools Session 2024/25	Executive Director Children, Young People and Partnerships
Outline and Summary of Discussion		
The report provides Council with an update on the enrolment of pupils and intake for the school session 2024/25. The report identifies a number of schools where there is pressure on school capacity, and the need for intake limits to safeguard places for catchment children and to manage placing requests. 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 requested to note the estimated intake figures for primary and secondary schools. The Education Chief Operating Officer responded to questions from elected members in relation to class capacities. Scottish Government sets maximum class sizes but the physical size of the classroom restricts the number of learners that can be accommodated. The Executive Business Manager, Children, Young People & Partnerships reported that there may be instances in which the maximum class size is exceeded. For example, team teaching may be implemented for larger rooms with a maximum of 30 pupils under 2 teachers. The calculation of class sizes remains dynamic depending on the number of children that need to be accommodated. In responding to a question from an elected member, the Executive Business Manager, Children, Young People & Partnerships reported that the Council has a statutory obligation to provide an early years place to all children within Midlothian, but there is no obligation to attach the place to a specific school or locality, which provides flexibility for parents. The Council maintains close contact with funded providers to ensure adequate places and continually works with funded partners to explore opportunities to extend partnerships.		

Councillor Scott moved. Seconded by Councillor Milligan.

Decision

Council:
 	
    a) approved 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.
    b) noted the estimated intake figures for primary and secondary schools.

Action
Executive Director Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.2	Large Grants 2025/28	Executive Director Place
Outline and Summary of Discussion		

The Chief Officer Corporate Solutions presented the report. The report provides an update on the current programme and options for the next round of large grants funding 2025/28.

Council is recommended to:
    a) Note the issues highlighted and proposed actions set out at 3.4-3.8.
    b) Note the establishment of a Short Life Working Group to progress options for the grant funding programme.
    c) Approve option 4 within 3.14 as recommended by Business Transformation Steering Group.

The Chief Officer Corporate Solutions assured elected members that the Short Life Working Group would report into the Business Transformation Steering Group to ensure elected member visibility and opportunity to contribute to these discussions.

In responding to a question from an elected member in relation to group membership and governance, the Chief Officer Corporate Solutions reported that the Short Life Working Group would be reviewing the strategic approach more broadly as opposed to reviewing specific grants or organisations. The terms of reference would make clear the requirement to declare conflicts of interest and transparency.

Councillor Parry moved. Councillor Scott seconded.

Decision

Council:
 	
    a) Noted the issues highlighted and proposed actions set out at 3.4-3.8.
 	
    b) Noted the establishment of a Short Life Working Group to progress options for the grant funding programme.

c) Approved option 4 within 3.14 as recommended by Business Transformation Steering Group.	

Action
Executive Director Place

Report No.	**Report Title**	**Submitted by:**
8.3	Midlothian Council Housing Allocation Policy Review 2023/24	Executive Director Place

Outline and Summary of Discussion
The Executive Director Place presented the report. It is recommended that Council approves the outcome results of the Housing Allocation Policy Review consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups during the Winter 2023 period as listed in Section 6 of the report. Some discussion took place in relation to consultation methods. An elected member commented that the majority of respondents completed the survey online, noting the existence of bias in this regard. Assurances were sought that other methods of response were available. The Executive Director Place reported that while the Council has adopted a digital by default position, the potential for exclusion of certain populations is recognised in this regard and the Council ensures that other opportunities for engagement are available through community settings (e.g. libraries) and that hard copy materials are available. An elected member noted that 59% of respondents disagreed with the percentage split for allocation of housing to the homeless and queried if the percentage split would be reviewed. The Executive Director Place commented that the Council aligns to the regulator recommendation and there were no plans to change this. In response to a request from an elected member, the Executive Director Place agreed to consider increasing the financial incentive for downsizing. The Executive Director Place provided further information in relation to Scottish Government financial support for housebuilding and reported that the Scottish Government target has not changed, however there will be a reduction in the subsidy level for the affordable housing programme for Midlothian which will impact the delivery of social housing. In response to a request from an elected member, the Executive Director Place agreed to provide further information in relation to the viability of the Housing Revenue Account in the long term, however noted that this would not be available until final accounts from some developments had been received. In responding to a question from an elected member, the Executive Director Place reported that the Council were endeavouring to provide an online tenant portal. In responding to a question from an elected member in relation to the allocation of 30 points for notice to quit, the Executive Director Place noted that this was benchmarked against neighbouring Local Authorities. The Executive Director Place reported that the impact of this particular allocation of points would be included in a subsequent review.

In response to a request from an elected member, the Executive Director Place agreed to consider providing physical assistance for moving as an incentive for tenants to downsize.

In response to a request from an elected member, the Executive Director Place agreed to an audit of housing allocations.

In response to a request from an elected member, the Executive Director Place agreed to arrange a briefing on tenancy agreements.

Some discussion took place in relation to the buyback programme with the Executive Director Place confirming that this was still in existence with budget available within the Housing Revenue Account.

Elected members noted that the response rate had been poor and the Executive Director Place reported that the intention was to align the next housing allocation policy survey with the rent strategy survey, where response rates are usually much higher.

In response to a request from an elected member, the Executive Director Place agreed to review benefit in kind.

In responding to an elected member about property sizes and whether it would be possible to extend existing properties, the Executive Director Place reported that the housing and development teams were reviewing the provision of larger size housing and commented that it is not standard practice to extend existing properties, except in exceptional cases where bidders have mobility issues or disabilities which require alterations.

Councillor McKenzie moved the paper.

Councillor Curran moved an amendment to the motion in relation to Section 6 of the report, namely, that the Tier system is retained, removing the recommendation below:

Local Letting Initiative for New Builds
(a) It is recommended to prioritise Midlothian Council tenants, and merge Tiers 1 and 2, supported by 75%.
(b) Housing Associations applicants to remain in Tier 3, according to 65% of respondents.

Councillor McKenzie agreed to Councillor Curran's amendment.
The motion as amended was moved by Councillor McKenzie. Seconded by Councillor Curran.

Decision

Council approved the outcome results of the Housing Allocation Policy Review consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups during the Winter 2023 period as listed in Section 6 of the report, subject to the removal of the following recommendation:

Local Letting Initiative for New Builds		
(a) It is recommended to prioritise Midlothian Council tenants, and merge Tiers 1 and 2, supported by 75%. (b) Housing Associations applicants to remain in Tier 3, according to 65% of respondents.		
Action		
Executive Director Place		

Report No.	Report Title	Submitted by:
8.4	Midlothian Council Mixed Tenure Strategy	Executive Director Place
Outline and Summary of Discussion		

The Head of Development presented the report and noted the recommendations as outlined in Section 1.

The strategy aims to address rising pressure on the Council's waiting list from those in housing need and pressures on funding on the affordable housing supply programme, while meeting the housing supply target for alternative tenures of affordable homes. It does this by encouraging more diversity in the kinds of affordable homes available in Midlothian, particularly in relation to discounted homes for sale, and the expansion of homes available for mid-market rent.

Elected Members noted the chronic shortage of housing across Midlothian and welcomed the paper as a means of addressing this.

In responding to a question, the Head of Development provided further information in relation to the golden share. When a home comes up for resale, it reverts back to the council for appraisal in terms of its value, therefore the discount is maintained through every transaction.

In responding to a question, the Head of Development and Executive Director Place provided further information in relation to housing allocation policy. The Council shares a common housing register with Melville Housing Association and that the percentage allocations vary, but new build nomination agreements are generally 50%.

Several Elected Members commented on the importance of ensuring that new housing is made available to those already resident in Midlothian. In relation to guaranteeing the allocation to Midlothian residents, the Head of Development commented that partnership agreements would set out the parameters and criteria in terms of the allocation of mid-market rent. The Council would seek to include the prioritisation of housing for Midlothian residents. These agreements would be legally enforceable.

In responding to a question, the Head of Development provided further information on property costs. The Council would seek to apply a cap to the value, which would need to be proportionate to the type and size of home being acquired.

In responding to a question regarding build rates, the Head of Development referred to the rent setting strategy that was approved at Council which detailed the level of investment capacity to forward fund homes. It was noted that this was based on the assumption that grants would be available to co-fund homes.

In responding to a question regarding arms length organisations (ALEOs), the Head of Development agreed to arrange a briefing for Elected Members to provide further information in this regard once the Council has moved forward with the first development.

Councillor McKenzie moved. Councillor Parry seconded.

Decision

Council:

i. Noted the continued and rising demand for affordable homes in Midlothian and the disparity between the cost of buying and renting privately and the rents available through homes made available for social rent.

ii. Supported the active promotion of a range of mixed tenures in meeting the need for affordable homes in order to provide more choices to those in housing need and reduce demand for social housing on Midlothian Council's waiting list.

iii. Approved a range of affordable ownership tenures to be delivered by Registered Social Landlords (RSLs – Housing Associations) and Midlothian Council through Golden Share.

iv. Noted that opportunities for homes to be built and sold through New Supplied Shared Equity scheme by Midlothian Council will be considered in future developments.

v. Approved the delivery of Mid-Market Rent by Midlothian Council through partnerships with RSLs that will ensure preference is given to Midlothian residents who are in housing need.

vi. Noted that further investigation of opportunities to directly deliver Mid-Market Rent will be undertaken where this will leverage in alternative sources of finance, e.g. through lease-based models, in order to mitigate impact on the General Fund.

vii. Noted that any proposals to directly deliver Mid-Market Rent will require the establishment of an arms length organisation, which will require a further report to Council for approval.

viii. Approved the alignment of relevant planning policy in the emerging Local Development Plan on affordable housing with the recommendations of the Mixed Tenure Strategy, including support for Intermediate Rent in Build to Rent developments.

ix. Note that Midlothian Council's housing options interviews and information on the Council website will be amended to ensure better awareness of alternative ownership and rental tenures available for those applying to

	Midlothian Council's social housing waiting list, with service training provided to support this.
x.	On that basis, approved the adoption of the Mixed Tenure Strategy by Midlothian Council.

Action
Executive Director Place

Report No.	Report Title	Submitted by:
8.5	Midlothian Local Transport Strategy (LTS) – 'Case for Change' consultation	Executive Director Place

Outline and Summary of Discussion

The report informs Council of the policy context guiding the development of a new Midlothian Local Transport Strategy (LTS) and seeks agreement to commence a short survey in April. This is needed to help ensure transport problems are fully identified, and thus conclude the early stages of the LTS development.

It is recommended that Council:
a) Agrees to a six-week long public survey commencing in April 2024, to help conclude Stages one and two (referred to as the 'Case for Change' stage) of the Local Transport Strategy (LTS), and
b) Notes that the results of the survey will be used to help finalise the Stages one and two report and help inform the development of 'options' for the final Local Transport Strategy document, also
c) Notes that a fuller 12-week long public consultation exercise will be held over July, August, and September, on the draft final Local Transport Strategy.

Councillor Cassidy moved. Councillor Virgo seconded.

Councillor Imrie moved an amendment to the motion, namely, that in relation to recommendation (a), the 6-week consultation begin after the Easter holiday period and in relation to recommendation (c) the 12-week consultation period begin after the summer holiday period.

Councillor Cassidy and Councillor Virgo agreed to Councillor Imrie's amendment. The motion as amended was moved by Councillor Cassidy. Seconded by Councillor Virgo.

Decision

Council:

a) Agreed to a six-week long public survey commencing after the Easter holiday period, to help conclude Stages one and two (referred to as the 'Case for Change' stage) of the Local Transport Strategy (LTS), and

b) Noted that the results of the survey will be used to help finalise the Stages one and two report and help inform the development of 'options' for the final Local Transport Strategy document, also

	c) Noted that a fuller 12-week long public consultation exercise will be held after the summer holiday period, on the draft final Local Transport Strategy.

Action
Executive Director Place

Report No.	**Report Title**	**Submitted by:**
8.6	Pavement, Double and Dropped Kerb Parking Restrictions	Chief Officer, Place

Outline and Summary of Discussion
The purpose of this report was to update Council on the introduction of new parking prohibitions for pavement, double and dropped kerb parking. The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 came into force on 11 December 2023.

It was recommended that Council enforce these new Regulations utilising its decriminalised parking powers with effect from 1st April 2024, prioritising locations where public safety and accessibility are impacted. There will be a graduated approach, with a short introductory period to allow the public to adjust to the new rules. A targeted, awareness campaign will be launched during this period, where behavioural change will be the focus and compliance with the prohibitions will be encouraged.

The Chief Officer Place presented the report, Councillor Alexander moved the report, seconded by Councillor Virgo.

A discussion took place regarding parking in streets where the width of the road restricts traffic if parking on both sides; areas where there are wide pavements and with cars parked does not impact the movement of pedestrians and areas where there has always been parking allowed on the grassy areas. It was also highlighted that some areas should be assessed, and signs erected if they are designated parking area(s) and it was also suggested that an informal system with parking wardens should be implemented with stickers on cars advising not suitable and illegal.

The Chief Officer Place noted all the concerns and suggestions raised and confirmed these would all be taken into consideration. |

Decision
Council:

    a) Noted inconsiderate and obstructive parking on pavements, footways, dropped kerbs and double parking causes inconvenience and accessibility issues; and |

	b)	Approved that pavement, footway, double and dropped kerb parking restrictions, as introduced by The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023, be enforced effective from 1st April 2024.
Action		
Chief Officer Place		

Report No.	Report Title	Submitted by:
8.7	Covert Surveillance Annual Report	Executive Director, Place
Outline and Summary of Discussion		
The purpose of this report is to advise the Council of covert surveillance actions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA") by the Council during 2023. The Legal and Governance Manager presented the report for noting.		
Decision		
Council noted the terms of the report.		
Action		

Report No.	Report Title	Submitted by:
8.8	Pre-Election Publicity Guidance	Chief Executive
Outline and Summary of Discussion		
The purpose of this report was to update Members of the terms of the Council's Pre-Election Publicity Guidance which has previously been approved. This is to ensure that Council facilities are not used to support any particular political party in any election, by-election or referendum. The Chief Executive presented this for noting. Following concerns raised regarding acceptable photo ID, the Chief Executive confirmed that communication would be sent out in advance and confirmed that photo ID was only required when voting in person at polling stations, and there was no change to postal voting.		
Decision		
Council noted the terms of the Council's Pre-Election Publicity Guidance in advance of the forthcoming UK Parliamentary General Election.		
Action		

The Public section of the meeting concluded at 13:13pm.

9.   Private

Exclusion of Members of the Public

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

9.1   Review of Cost Implications of Passivhaus versus Standard High Efficiency Social Housing, report by Executive Director Place

9.2   Ukraine Longer Term Resettlement Programme, report by Executive Director Place

Date of Next Meeting

The next meeting will be held on Tuesday 7 May 2024 at 11.00am

The meeting concluded at 14.16pm.

Midlothian Council Minute Volume

**Presented to the Meeting
of Midlothian Council
on Tuesday, 07 May 2024**

1   Minutes of Meetings submitted for Approval

2   Minutes of Meetings submitted for Consideration

3   Minutes of Meetings submitted for Information

Midlothian Council Action Log

No	Date of meeting	Item No and Title	Action	Action Owner	Expected completion date	Comments
1	21/02/2023	Capital Plan Prioritisation	Refer approved Council report to BTSG on additional affordability scope and projects.	Executive Director Place	August 2023	Continued updates regularly provided to BTSG. Also a series of thematic BTSG & Group sessions delivered over Oct/Nov 2023 and reported on December 2023 Council agenda, Report re- presented to February 2024 Council. Report to be re-presented to May 2024 Council.

No	Date of meeting	Item No and Title	Action	Action Owner	Expected completion date	Comments
2	19/12/2023	8.4 Non-Domestic Rates Relief Policy	Review of policy to be undertaken in 6 months – 1 year.	Chief Officer Corporate Solutions	No later than April 2025	
3	19/12/2023	8.6 Annual Road Works Performance Report 2022/23	Consider identifying marks for potholes as part of the continuous improvement of road services.	Chief Officer Place	April 2024	Assessing a method to apply identifying marks to potholes to indicate to road users that the Council is aware, and these are scheduled for repair. We aim to avoid methods causing a safety hazard as road users take avoidance action.
4	19/12/2023	8.8 Fleet and Plant Asset Replacement Plan	Considerations around increasing fleet capacity to be brought to BTSG.	Chief Officer Place	June 2024	
5	26/03/2024	8.3 Midlothian Council Housing Allocation Policy Review 2023/24	1. provide further information in relation to the viability of the Housing Revenue account in the long term. 2. consider providing physical	Executive Director Place	1. August 2024 2. August 2024 3. August 2024 4. Referred for Audit action.	

No	Date of meeting	Item No and Title	Action	Action Owner	Expected completion date	Comments
			assistance for moving as an incentive for tenants to downsize.		5. Date to be scheduled.	
			3. consider increasing the financial incentive for downsizing.		6. August 2024	
			4. audit of tenancy agreements			
			5. arrange an Elected Member briefing on tenancy agreements.			
			6. review benefit in kind			
6	26/03/2024	8.4 Midlothian Council Mixed Tenure Strategy	Arrange an Elected Member briefing on arms length organisations (ALEOs)	Executive Director Place	TBC	Subject to exploration of MMR model and Special Purpose Vehicle to establish and operate scheme.

MOTION TO MIDLOTHIAN COUNCIL
TUESDAY 7 MAY 2024

Jo Cox Civility Commission

Midlothian Council remembers Jo Cox MP for Batley and Spen, who was murdered in June 2016 and David Amess MP, who was murdered in October 2021.

Reiterates a statement made by Cox's husband following the tragic event where he urges everyone to "fight against the hatred that killed her."

Recognises the impact of the Jo Cox Foundation, set up in 2016, which nurtures stronger communities, champions respect in politics and advocates for a fairer world no matter one's party colours.

Notes, as part of their Respectful Politics workstream, the Jo Cox Civility Commission (the Commission) was launched in February 2023 and recommendations were published in January 2024 with the subheading 'No place in politics: tackling abuse and intimidation.'

Council further notes the Commission aims to find implementable solutions that make a difference to the issues of abuse and intimidation of elected officials; in their own words the "recommendations are deliberately ambitious."

Highlights that the calls to action and recommendations cover topics of co-ordination, behaviour, political literacy, social media use, traditional media, police, security, Parliaments (including devolved), local governments, elections and political parties.

This Council therefore confirms support of the Commission's recommendations and asks the Council Leader, Provost & Chief Executive to publicly endorse these via the Commission's website, and asks that the pledge, recommendations and information be shared to all elected members and Community Councils.

Council requests a report to the Standing Orders Committee which addresses how the Council has adopted or considered recommendations in existing workstreams, with specific reference to:
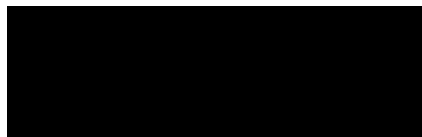
a) How the Council can improve risk planning for abuse at Council meetings and other events.
b) How the Council can ensure security and wellbeing resources are available to staff and elected members.
c) How we can engage with relevant toolkits such as the Local Government Association's 'Debate Not Hate' Councillor toolkit and the National Association of Local Councils' (NALC) Civility and Respect Project.
d) How the Council can work with organisations like COSLA, Elect Her and local organisations to remove barriers to Elected Office.

Moved: Seconded:

Councillor Kelly Parry   **Councillor Debbi McCall**

School Session Dates 2025-2027

Report by Fiona Robertson, Executive Director, Children, Young People and Partnerships

Report for Decision

1   Recommendations

Council is requested to:

i.   agree the school session dates proposed for the academic year 2025/26.

ii.   agree the school session dates proposed for the academic year 2026/27.

2   Purpose of Report/Executive Summary

The authority is required to set school session dates each year with regard to statutory attendance.

A scheme of session dates for Midlothian schools for the next two academic years, 2025/26 and 2026/27, has been drawn up. These session dates align closely with the dates set by neighbouring local authorities. Consultation was undertaken on these dates in April 2024 and they have been agreed with MNCT.

The proposed session dates are attached to this report as Appendix B.

Date 10 April 2024

Report Contact:
Sinead Urquhart, Executive Business Manager

Sinead.Urquhart@midlothian.gov.uk

3   Background

Officers from Edinburgh, East Lothian and Midlothian Councils endeavour to synchronise session dates wherever possible, bearing in mind some differences in local holidays.

It has been possible to achieve close alignment for the next two years. The only differences in are:
- East Lothian and Edinburgh start the December earlier, on the 18 December 2026/27, while we propose the 22 December.
- East Lothian have a February in-service day rather than January.

It is proposed that Midlothian will start the 2025/26 academic session on Monday 11 August, with pupils commencing on Wednesday 13 August. The last day of the Midlothian school session will be Friday 26 June 2026.

It is proposed that Midlothian will start the 2026/27 academic session on Tuesday 11 August, with pupils commencing on Thursday 13 August. The last day of the Midlothian school session will be Tuesday 29 June 2027.

The proposed session dates are attached to this report as Appendix B.

4   Consultation and Feedback

On 23 April 2024 MNCT agreed these proposed session dates.

A consultation was carried out from Tuesday 16 April until Monday 22 April. Information was disseminated to unions parents/carers, parent councils and staff. Information regarding the consultation was also put on the Council website. People were asked to give their feedback via the Education Consultation system.

There were 570 respondents to the consultation, with 58% of those agreeing with the proposed session dates. Of the 570 respondents, 273 provided further comments. While generally positive, the main concern was around Easter weekend and April break in 2027. However, if we moved the April break to be continuous with Easter, term three would be a week longer. This proposal also aligns with the proposals in Edinburgh and East Lothian.

Agree	332	58%
Disagree	169	30%
No opinion	69	12%
Total	570	

Midlothian will continue to undertake consultation with neighbouring authorities with the aim of maintaining alignment of school session dates for future years.

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

None

4.2   Digital

None

4.3   Risk

By aligning with neighbouring authorities risk implications are mitigated with regard to pupil attendance at school.

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.

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications
Appendix B – School session dates

APPENDIX A – Report Implications

A.1   Key Priorities within the Single Midlothian Plan

N/A

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

Proposed dates have been shared and feedback sought from
establishments and parents and union representatives. Session dates
where possible have been synchronised with the City of Edinburgh and
East Lothian Councils.

A.6   Impact on Performance and Outcomes

Session dates have been designed to maximise attendance by
minimising the number of broken weeks for staff and pupils.

A.7   Adopting a Preventative Approach

N/A

A.8   Supporting Sustainable Development

This proposal takes into account the need to deliver an educational service across Midlothian which anticipates and acknowledges the needs and views of stakeholders.

APPENDIX B

MIDLOTHIAN COUNCIL
CHILDREN, YOUNG PEOPLE & PARTNERSHIPS
School Session Dates 2025/26

TERM 1	Staff Resume	Monday *	11	August	2025
	Pupils Resume	Wednesday	13	August	2025
	Autumn Holiday	Friday	12	September	2025
		Monday	15	September	2025
Mid Term	All Break	Friday	10	October	2025
	Staff Resume	Monday*	20	October	2025
	Pupils Resume	Tuesday	21	October	2025
	Term Ends	Friday	19	December	2025
TERM 2	Staff Resume	Monday*	5	January	2026
	All Resume	Tuesday	6	January	2026
Mid Term	All Break	Friday	13	February	2026
	Pupils Resume	Monday	23	February	2026
	Term Ends				
	All Break	Thursday	2	April	2026
	Good Friday	*3rd April*			
	Easter Monday	*6th April*			
TERM 3	All Resume	Tuesday	21	April	2026
	May Day Holiday	Monday	4	May	2026
	Victoria Day	Monday*	18	May	2026
	Term Ends	Friday	26	June	2026

* Staff In-Service Days: Monday 11th & Tuesday 12th August 2025
Monday 20th October 2025
Monday 5th January & Monday 18th May 2026

Start date for session 2026/27 is Thursday 13th August 2026

MIDLOTHIAN COUNCIL
CHILDREN, YOUNG PEOPLE & PARTNERSHIPS
School Session Dates 2026/27

TERM 1	Staff Resume	Tuesday *	11	August	2026
	Pupils Resume	Thursday	13	August	2026
	Autumn Holiday	Friday	11	September	2026
		Monday	14	September	2026
Mid Term	All Break	Friday	9	October	2026
	Staff Resume	Monday*	19	October	2026
	Pupils Resume	Tuesday	20	October	2026
	Term Ends	Tuesday	22	December	2026
TERM 2	Staff Resume	Wednesday*	6	January	2027
	All Resume	Thursday	7	January	2027
Mid Term	All Break	Friday	12	February	2027
	Pupils Resume	Monday	22	February	2027
Easter	All Break	Thursday	25	March	2027
	Good Friday	*26th March*			
	Easter Monday	*29th March*			
	All Resume	Tuesday	30	March	2027
	Term Ends	Friday	2	April	2027
TERM 3	All Resume	Tuesday	20	April	2027
	May Day Holiday	Monday	3	May	2027
	Victoria Day	Monday*	24	May	2027
	Term Ends	Tuesday	29	June	2027

* Staff In-Service Days: Tuesday 11th & Wednesday 12th August 2026
Monday 19th October 2026
Wednesday 6th January & Monday 24th May 2027

Standing Orders Working Group – Progress Report

Report by Saty Kaur, Chief Officer Corporate Solutions

Report for Decision

1   Recommendations

Council is asked to:

- Note the proposed work programme themes as listed in 3.2;
- Approve the Hybrid Meeting Protocol (Appendix B), as detailed in 3.3;
- Approve the proposed Deputations process (Appendix D), as detailed in 3.4;
- Approve the change of notice of meeting for Council meetings and the subsequent interim change to the motion deadline and Questions to the Leader, as detailed in 3.6 – 3.8
- Approve the change to Council, Cabinet and Performance, Review and Scrutiny Committee agendas in relation to Education reports, as detailed in 3.9
- Note that formal approval by Council of any (or all) of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place to make the relevant changes following Council approval.

2   Purpose of Report/Executive Summary

To provide an update on the work of the Standing Orders Working Group and recommend immediate updates to the Standing Orders and associated Scheme(s) for consideration.

Date Monday 4 March 2024

Report Contacts:

Saty Kaur, Chief Officer Corporate Solutions
Saty.Kaur@midlothian.gov.uk

Alan Turpie, Legal and Governance Manager
Alan.Turpie@midlothian.gov.uk

3   Background

3.1   At its meeting of 28 March 2024, Standing Orders Working Group (SOWG) considered an officer review of the Standing Orders and associated Scheme(s), proposed workplan and actions that were recommended for referral to Council for approval. The proposed changes agreed by SOWG, are set out below in this report, and in two subsequent reports that are listed on the agenda for the Council meeting of 7 May 2024.

Main Report

Work Programme

3.2   Since the last meeting of SOWG, a work programme has been developed. The work programme consists of the following thematic areas:

- **Documentation**: review of the Standing Orders and associated Scheme(s).
- **Protocols, processes and procedures**: to include presentation of the final hybrid working protocol for Council approval, and formalising deputations, motions and call-in procedures.
- **Agenda and minutes**: review the timelines for Council reports distribution to provide elected members with more time to read and consider papers, review the running order of the Council agenda and review the formal record of meetings.
- **Templates**: Review the presentation of reports.
- **Committees**: Review a range of Committees following feedback from different elected members.

Protocols, processes and procedures – proposed changes

3.3   The interim Hybrid Meeting protocol was approved by Council at its meeting of 9 May 2023, to be in effect until the review of Standing Orders is complete. However, as the protocol has been in effect for approximately 10 months, it is recommended that this is now formalised. A review of the protocol has taken place by officers. Minor changes are proposed to the interim version approved by Council, and the proposed final version is contained in Appendix B for approval.

3.4   Deputations are referenced in the Standing Orders under 4.3 however there is currently no formal written process for deputations within the Standing Orders. Appendix C presents the formal written process to be approved by Council.

3.5   Both the Hybrid Meeting protocol and the Deputations process have been considered by SOWG and approved for referral to Council.

<u>Agenda and Minutes</u>

3.6   Following feedback from Elected Members at recent meetings of Council and its Committees, it is proposed to extend the notice of meeting for Council. This would be a change from 7 working days to **10 working days** for Council papers issued to elected members and members of the public. Council is recommended to agree this change to be effective for its next meeting on Tuesday 25 June 2024.

3.7   Council are also asked to agree, if the above change is to be made, then the motion deadline should be changed to be **noon 12 working days** prior to the date of the Council meeting, to ensure inclusion in the notice of meeting pack. Council is asked to note that a formal review of motions process is included in the work programme, therefore this would be an interim change until this review is completed.

3.8   Subsequently, Questions to the Leader would require to be changed to follow the revised timeline. Council is asked to agree the change from 9 working days to 12 working days.

3.9   Following discussion with the Religious Representatives, it is proposed that Education related items for discussion/decision are positioned first in the reports section of the Council, Cabinet and Performance, Review and Scrutiny Committee agendas (with the exception of Council meetings where those reports have a financial implication that requires the agreement of associated financial papers first). This would enable the Religious Representatives to attend for these and leave the meeting. This follows similar running orders in other Local Authorities. Council is recommended to endorse this change, noting that there is a formal review of the running order of agendas taking place and this would be an interim arrangement until the review is concluded.

4   **Report Implications (Resource, Digital and Risk)**

4.1   **Resource**

No implications

4.2   **Digital**

No implications

4.3   **Risk**

No implications

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

No implications

4.4   **Additional Report Implications (See Appendix A)**

See Appendix A

Appendices

Appendix A – Additional Report Implications
Appendix B – Hybrid Meetings protocol
Appendix C – Deputations process

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

Not applicable

A.5   Involving Communities and Other Stakeholders

Not applicable

A.6   Impact on Performance and Outcomes

Not applicable

A.7   Adopting a Preventative Approach

Not applicable

A.8   Supporting Sustainable Development

Not applicable

MIDLOTHIAN COUNCIL
PROTOCOL FOR THE USE OF VIDEO CONFERENCING FACILITIES

The following protocol shall be adopted in relation to the conduct of hybrid meetings of the Council and its various Committees. Participation via video conferencing will be permitted from remote locations where a secure videoconference link can be established.

Prior to the Meeting

1) Any Member wishing to participate by video conference link in any hybrid meeting of the Council, or of a Committee or Sub-Committee, must intimate their request in writing to the Clerk not less than **24 hours** in advance of the meeting taking place (excluding the day of the meeting)

    a. Please note that the procedure and timescales quoted in Paragraph 1 of this protocol regarding participation by video conference link will also apply to any other person who is required to take part in a regulatory or appeal hearing.

2) The Clerk will immediately notify the relevant Chair and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.

3) For the avoidance of doubt, the Chair may not participate remotely in any hybrid meeting.

4) In the case of several requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee.

5) Details of email facilities at the remote venue must be verified and tested.

6) The video conference link must be established and tested before the commencement of the meeting.

7) The video conferencing equipment must be arranged in such a way that the Chair can see the remote Member(s), as well as those present in the Chamber or meeting room.

At the meeting

8) The Chair will confirm at the outset and at any reconvening of the meeting that he/she can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings at the main venue and at all other remote links.

9) Any Member participating by remote link who declares an interest in any item of business required to leave the room or determines to do so, shall log out of the meeting and will be advised by a member of the Democratic Services team when he/she may re-join the meeting. Either the Chair or the Clerk should narrate that the member has left/re-joined the meeting for transparency for public broadcasting.

10) Should any aspect of the video conference link fail, the Chair will call a short adjournment of up to fifteen minutes, the precise extent to be at the Chair's discretion, to determine whether the link can quickly be re- established. If not re-established within this time, the Chair will temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chair will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.

11) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting (as detailed in 10) then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established, then the remote Member(s) will deem to have returned at the point of re-establishment.

12) Should a remote Member wish to move a motion or amendment, the Member may arrange for this to be emailed on his/her behalf. In this case, if necessary, a short adjournment should be called to allow delivery of the email to the Clerk. Should the email equipment transmission fail, back-up arrangements for transmission by email should be available.

13) A remote Member participating in a vote will cast his/her vote as if participating in a roll call vote.

Regulatory Committees

14) As the Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of a Planning Committee, General Purposes Committee or any other Regulatory body must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by the remote Member.

15) Similarly, to help ensure that a remote Member can clearly follow any officer presentation, where hard copy documents are circulated at a meeting, separate copies of these documents must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to the remote Member in addition to using the video conferencing link.

Please note that Paragraphs 14 and 15 will also apply to any other person who is required to take part in a Hearing.

Confidential/Exempt Items

16) **Should any member participate in the discussion of a confidential/exempt item, it is the member's responsibility to ensure that his/her location is secure and that proceedings cannot be heard by any member of the public not entitled to attend that part of the meeting. Members are specifically reminded of their responsibilities to maintain confidentiality in terms of the Councillor's Code of Conduct.**

17) The Chair will remind members of the terms of Paragraph 16 before entering into private session, but it remains each member's individual responsibility to comply with the terms of the Councillors' Code of Conduct at all times.

Appointments

18) A remote Member may participate on the same basis as the other Members present in an Election, Selection or Appointment of Members of the Council to any particular office, Committee or other Group or outside body where the Council determines that the vote will be by show of hands. If the vote is taken, the remote Member will require to state his/her preferences via the link and will not be able to enjoy confidentiality.

Good Practice

19) The following are good practice for remote participants:
- When joining remotely, keep audio on mute when not speaking similar to having microphones off when in the Chamber in person
- Where possible/appropriate, turn on video when speaking so members of the Committee and public can see the speaker
- When wishing to speak as a remote participant, use any of the functionalities of the video conference link to signal request to speak i.e. using the 'hands up' function within Teams, and wait for the Chair to call you in

Making a deputation to Midlothian Council.

Thank you for your request to make a deputation to Council. A deputation is a group of persons acting on behalf of a group or organisation to make representations to the Council.

The deputation request must be submitted by email or in writing, setting out the subject of the deputation and must relate to an item of business on the agenda for that meeting and be on an issue included in the Council's powers or duties.

If the request is received after the agenda has been issued and more than five working days prior to the council meeting; then the Executive Director, in conjunction with the Chief Executive and the Provost, will determine if the deputation will be added to the agenda.

If the deputation is on the agenda then the following process will apply;

The Council meeting will be asked whether they wish to hear the deputation, and

If the Council agree to hear the deputation then the following will apply:

- Only two members of the delegation can address the Council

- They can only address the meeting for a maximum of ten minutes in total

- There would then follow a maximum period of ten minutes for questions and answers.

- The deputation can only inform the Council and may not request the Council to do anything – that would require a petition which is a separate process.

The Provost, or chair of the meeting, can stop you or your supporter speaking if you talk about something which is inappropriate or not relevant or if you behave in an inappropriate way when you present your statement.

Education Appeals Committee – update to membership

Report by Saty Kaur, Chief Officer Corporate Solutions

Report for Decision

1   Recommendations

Council is asked to:

- Agree to change the membership of the Education Appeals Committee to 3 from 5 members;
- Agree to amend the quorum of the Education Appeals Committee to 3 members in line with the above change of membership number; and
- Agree to update the associated Scheme to i) clarify that in terms of the relevant statute the Religious Representative of the Council requires to be appointed to a relevant committee prior to appointment to the Education Appeals Committee, ii) reflect that the Scottish Committee of the Administrative Justice and Tribunals Council has now been disbanded and iii) clarify that in terms of the relevant statute, if a member of the Committee requires to leave during a Hearing, the Hearing cannot continue (even if the parties would agree).
- Note that formal approval by Council of any (or all) of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place to make the relevant changes following Council approval.

2   Purpose of Report/Executive Summary

To request approval for the membership and quorum of the Education Appeals Committee to change from 5 members to 3 members, and to make required amendments to the Scheme of Administration relative to the Education Appeals Committee.

Date Monday 4 March 2024

Report Contacts:

Alan Turpie, Legal and Governance Manager
Alan.Turpie@midlothian.gov.uk

Suzanne Ross, Principal Solicitor and Notary Public
Suzanne.Ross@midlothian.gov.uk

3 Main Report

3.1 Education Appeals Committee is established in terms of the Education (Scotland) Act 1980 and gives parents the right to appeal against decisions of the Education Authority on:

- The schools, excluding nursery schools or classes, their children should attend (placing appeals); and
- The exclusion of a pupil from school.

3.2 Placing appeals usually take place around May/June annually, following on from the Education Authority's placement notification. In recent years, placing appeals have increased, and more Education Appeals Committees have been required to respond to this demand.

3.3 Currently, as per the Scheme of Administration, the Education Appeals Committee comprises 5 persons as follows:

- Elected Members or Religious Representative of the Council; and
- Non-Elected Members who meet the statutory criteria; one of whom shall be the Chair.

3.4 Elected Members or Religious Representatives cannot outnumber Non-Elected Members by more than one. This means that at present at least two Non-Elected Members must sit on every Education Appeals Committee.

3.5 Non-Elected Members are volunteers and receive no payment for this role. There is currently a challenge recruiting Non-Elected Members, which is being experienced across Local Authorities. This, in addition to the requirement to hold more Education Appeals Committees for placing appeals, has prompted a review of the placing appeals process.

3.6 The current process is being reviewed to identify ways that the administration of the process could be streamlined for appellants and the internal Council services involved in the placing appeals process; as well as options to hold conjoined Committees. These changes will be implemented as soon as reasonably practicable.

3.7 To support the improved delivery of Education Appeals Committees, it is proposed to change the membership from 5 to 3. Subsequently the quorum would change from 5 to 3. In terms of the Education (Scotland) Act 1980, an appeal committee shall consist of 3, 5 or 7 members, therefore this change would be in line with the legislation. The change to 3 members would enable better scheduling of committees to respond to the anticipated number of placing appeals for the 2024/25 school year.

3.8 If Council agree to the recommendation to amend the number of members of the Committee from 5 to 3, the Standing Orders and associated Scheme(s) relative to Education Appeal Committees will require to be updated. It is also recommended that the associated Scheme is amended to reflect the current statutory position as follows:

i) Schedule A1 of the Education (Scotland) Act 1980 provides that to be appointed to the Education Appeals Committee, a person must be a member of the authority (ie an Elected Member) or already have been appointed to a committee "whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority". Accordingly, Religious Representatives are required by statute to have been appointed to an advisory education committee, prior to being appointed to the Education Appeals Committee. It is recommended that wording is inserted to clarify that Religious Representatives are appointed in accordance with the relevant statutory criteria.

ii) The Scheme makes reference to the Scottish Committee of the Administrative Justice and Tribunals Council. This body has since been disbanded, and therefore it is recommended that this reference is deleted.

iii) The Scheme provides that where a member of the Committee requires to leave during an appeal, the Committee can continue if parties to the appeal so agree. This does not comply with the relevant legislation, which provides that a Hearing must be adjourned where it does not comply with the required to have 3, 5 or 7 members. It is recommended that this sentence is deleted.

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

If the membership changes are refused, this will place significant pressure on internal services to deliver unknown numbers of placing appeals with limited non-elected members. There would be real risk that not all Education Appeals Committees would be completed by the start of the summer holidays, which would result in some parents/carers having uncertainty over the summer period as to which school their child will attend for the 2025/26 school term.

4.2   Digital

No implications

4.3   Risk

If the membership changes are refused, this will place significant pressure on internal services to deliver unknown numbers of placing appeals with limited non-elected members. There would be real risk that not all Education Appeals Committees would be completed by the start of the summer holidays, which would result in some parents/carers having uncertainty over the summer period as to which school their child will attend for the 2025/26 school term.

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

No implications

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

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

Not applicable

A.5   Involving Communities and Other Stakeholders

Not applicable

A.6   Impact on Performance and Outcomes

Not applicable

A.7   Adopting a Preventative Approach

Not applicable

A.8   Supporting Sustainable Development

Not applicable

Joint Consultative Group – update to membership

Report by Saty Kaur, Chief Officer Corporate Solutions

Report for Decision

1 Recommendations

Council is asked to:

- Agree to change the membership of the Joint Consultative Group;
- Note that formal approval by Council of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place to make the relevant changes following Council approval.

2 Purpose of Report/Executive Summary

To request approval for a change to the membership of the Joint Consultative Group.

Date Monday 4 March 2024

Report Contacts:

Saty Kaur, Chief Officer Corporate Solutions
Saty.Kaur@midlothian.gov.uk

Alan Turpie, Legal and Governance Manager
Alan.Turpie@midlothian.gov.uk

3 Main Report

3.1 Midlothian Joint Consultative Group (JCG) provides a forum for regular consultation between Midlothian Council and representatives of recognised Trade Unions.

3.2 As part of the review of Standing Orders and associated Schemes, the Joint Consultative Group current membership does not reflect the requirements set out in the Scheme of Administration. The membership, as per the Scheme, is:

- UNISON (4)
- Educational Institute of Scotland (3)
- Scottish Secondary Teachers' Association (1)
- National Association of Schoolmasters/Union of Women Teachers (1)
- Unite (2)
- Union of Construction, Allied Trades and Technicians (1)

3.3 The Union of Construction, Allied Trades and Technicians, merged with Unite and therefore is not required to be listed within the Scheme. In addition, as part of the Recognition and Procedural Agreement, GMB is a recognised Trade Union. If agreed, the membership would be:

- UNISON (4)
- Educational Institute of Scotland (3)
- Scottish Secondary Teachers' Association (1)
- National Association of Schoolmasters/Union of Women Teachers (1)
- Unite (2)
- GMB (2)

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

No implications

4.2 Digital

No implications

4.3 Risk

No implications

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

No implications

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

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

Not applicable

A.5   Involving Communities and Other Stakeholders

Not applicable

A.6   Impact on Performance and Outcomes

Not applicable

A.7   Adopting a Preventative Approach

Not applicable

A.8   Supporting Sustainable Development

Not applicable

Edinburgh, the Lothians and Scottish Borders MAPPA Annual Report for 2022/2023

Report by Julie Jessup, Service Manager, Justice and Protection Services

Report for Information

1   Recommendations

Council is requested to note the information in the Edinburgh, the Lothians and Scottish Borders MAPPA Annual Report for 2022/2023.

2   Purpose of Report/Executive Summary

The report advises of the activities undertaken by the agencies across Edinburgh, the Lothians and Scottish Borders who work in partnership as part of Multi - Agency Public Protection Arrangements and statistical information.

Date: 8th March 2024

Report Contact:
Julie Jessup, Service Manager – Justice and Protection Services

julie.jessup@midlothian.gov.uk

3 **Background/Main Body of Report**

3.1 Multi-Agency Public Protection Arrangements, more commonly referred to as MAPPA, are a set of partnership working arrangements put in place for the fundamental purpose of public protection and managing the risk of serious harm. MAPPA is not a statutory body, but it is a statutory framework through which the Responsible Authorities discharge their responsibilities to protect the public in a co-ordinated manner.

MAPPA was introduced in Scotland in 2007 by The Management of Offenders etc. (Scotland) Act 2005. This Act also outlines the responsibility of the Strategic Oversight Group (SOG) to provide local leadership across the MAPPA area, to be responsible for performance monitoring and quality assurance and for the submission of the Annual Report.

In 2007 the following categories of individuals were subject to management under MAPPA:

- Registered Sex Offenders (RSOs) – those individuals required to comply with the sex offender notification requirements (SONR)
- Restricted Patients.- patients subject to a compulsion order with restriction order, a hospital direction or a transfer for treatment direction; that is patients who are subject to special restrictions under the Mental Health (Care and Treatment) (Scotland) Act 2003.

In 2016 the Scottish Government updated the MAPPA Guidance to include a 3rd category:

- Other Risk of Serious Harm Individuals - these are individuals who are not required to comply with the SONR or who are not Restricted Patients; but who by reason of their conviction; are considered by the Responsible Authorities to be persons who may cause serious harm to the public at large.

There are three MAPPA management levels to ensure that resources are focused where they are needed most to reduce the risk of harm. These are:

- Level 1 - routine risk management by the Responsible Authority
- Level 2 - Multi agency risk management
- Level 3 - Multi-agency Public Protection Panels.

Partnership working is a key function within MAPPA and brings together representatives from the Responsible Authorities: Police Scotland, Social Work, Housing, Health and Scottish Prison Service to oversee the practical management of those who have committed a sexual offence, or who are assessed to pose a significant risk of harm to the public.

The 2022/23 report includes a forward completed by Joan Tranent, Chair of the Edinburgh, Lothians and Scottish Borders Strategic Oversight Group which highlights the work undertaken by all agencies to manage individuals who present the highest risk of harm to our communities and the importance of the presence of stabilising factors such as accommodation, access to support networks and being integrated into local communities. The housing of individuals, who have committed sexual offences, is a matter on which some members of the public can have strong opinions. It is important that we work with our communities to raise understanding and awareness of public protection and that public protection is our highest priority.

3.2   Statistical Information

The data within the Annual Report shows that there were 780 Registered Sex Offenders (RSO) managed under MAPPA in 2022/2023. This is a 14% decrease on the previous year. The number of individuals managed under MAPPA is impacted on by a number of factors including the reporting and detection of crime and Court sentencing. The table below shows the figures since 2019/2020.

Number of Registered Sex Offenders managed between:	
1st April 2022 and 31st March 2023	780
1st April 2021 and 31st March 2022	912
1st April 2020 and 31st March 2021	899
1st April 2019 and 31st March 2020	916

The majority of cases continue to be managed at Level 1: 767 (98%) with the remaining 13 individuals being managed at Level 2. There were no cases managed under Category 3 (Other Risk of Harm Offender) in the reporting year.

Reconviction rates: Across the Edinburgh, Lothians and Scottish Borders the reconviction rates for RSOs continues to remain relatively low. Iin the reporting year 25 individuals were convicted of a further Group 1 (non-sexual violent) crime or Group 2 (Sexual) crime in the reporting year (3%).

Although not contained in the Annual Report I have provided the following figures for Midlothian to provide a local context for individuals managed under MAPPA.

Midlothian	2021	2022	2023
RSOs managed in the community on 31 March	52	55	52
RSO's subject to statutory supervision	18	19	15
RSOs managed at Level 1 in the community on 31 March	51	53	51
RSOs managed at Level 2 in the community on 31 March	1	0	3
RSOs managed at Level 3 in the community on 31 March	0	1	0
RSOs reported for breaches of notification	1	0	1
RSOs convicted of a further group 1 or group 2 crime (1 relates to non-sexual crimes of violence and group 2 relates to sexual crimes.)	1(group 1) 1(group 2)	2 (Group 1)	1 (Group 1)

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

There are no direct resource requirements arising from this report.

4.2   Digital

There are no digital implications related to this paper

4.3   Risk

The MAPPA process makes a significant contribution to the management of risk and the protection of the public in Midlothian.

There are risks associated with the potential for negative media coverage of individuals managed under MAPPA within Midlothian. To mitigate against this there are robust communication and contingency plans out in place in advance of the release of any individual whose case may attract media attention.

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

There are no equalities issues arising from this report.

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices:

Appendix A – Additional Report Implications
Appendix B – Edinburgh, the Lothians and Scottish Borders MAPPA Annual Report 2022-23
Appendix C - MAPPA Scotland 2022 – 23 National Overview Report

APPENDIX A – Report Implications

A.1   Key Priorities within the Single Midlothian Plan

Midlothian will be Safer

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 MAPPA Annual Report is accessible to the public. The Scottish Government also publishes National Overview Report which is included as an appendix.

As part of performance management collaborative feedback is sought from service users to ensure effective service provision and information provided is appropriate and relevant. All service users subject to supervision, as part of a licence or order imposed by the Court, complete an entry and exit questionnaire to support service improvement.

A.6   Impact on Performance and Outcomes

To ensure that the statutory duties of MAPPA are discharged effectively there are two Groups that provide oversight and governance across Edinburgh, the Lothians and Scottish Borders: Strategic Oversight Group and MAPPA Operational Group. Together they have oversight and co-ordination of MAPPA and have a responsibility to share learning, develop best practice and promote consistency.

The East and Midlothian MAPPA Group (EMMG) is a local partnership approach to the management of high-risk offenders in East Lothian and Midlothian and provides strategic direction to local agencies. The EMMG reports to the Public Protection Committee and the Critical Services Oversight Group.

While this is a challenging area of work there is no evidence of concerning practice or delivery of MAPPA in Midlothian. Justice Social Workers are highly skilled and trained in the use of accredited risk assessment tools. In collaboration with other agencies, they formulate risk and from this develop risk management plans to manage and supervise individuals convicted of sexual offences or who have caused significant harm to others.

The Edinburgh, the Lothians and Scottish Borders Strategic Oversight Group has continued to support the development of practice and during this reporting year a number of on-line multi-agency training events were held. This included two events to provide staff with the key information of the learning from Significant Case Reviews, Initial Case Reviews and MAPPA case file audits. The events were attended by staff and managers from all agencies engaged in the management of high-risk offenders.

A.7   Adopting a Preventative Approach

The fundamental purpose of MAPPA is public protection. As one of the key partners the Justice Service focus on early prevention and intervention strategies to reduce the risk of offending behaviour and to ensure that Midlothian is safer. Within legislation there are a number of monitoring interventions and strategies which agencies can use as part of preventative measures. This includes the use of remote electronic monitoring equipment and Sexual Offences Prevention Orders.

A.8   Supporting Sustainable Development

Not applicable

Appendix B – Edinburgh, the Lothians and Scottish Borders MAPPA Annual
Report 2022-23

Edinburgh, the
Lothians and Scottish

Appendix C - MAPPA Scotland 2022 – 23 National Overview Report

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MAPPA

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements

ANNUAL
REPORT
2022-2023

MAPPA

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements

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Foreword

MAPPA

Edinburgh, the Lothians and
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Public Protection Arrangements

Foreword

Multi Agency Public Protection Arrangements (MAPPA) are a mechanism through which agencies can discharge their statutory responsibilities more effectively and protect the public in a co-ordinated way. The purpose of MAPPA is to help reduce the re-offending behaviour of sexual and violent offenders to protect the public from serious harm.

Agencies across Edinburgh, the Lothians and Scottish Borders work in partnership to manage those individuals who present the highest risk of harm to our communities. The strength of the partnership between prison, police, health and local authority has continued to strengthen since the introduction of MAPPA.

When a sex offender is released from prison subject of statutory supervision, or is subject of statutory supervision as part of a community order, they are required to be housed within their own council area. An offender cannot be placed in another council area without the consent and agreement of the receiving local authority area.

Extensive research and reviews by experts have shown that the provision of stable housing, access to support networks and effective monitoring are key ways to minimise the risks posed by sex offenders. If we move sex offenders from neighbourhood to neighbourhood we may push them away from the very support that is promoting a positive change in their life, to be replaced by a vacuum that may lead to re-offending.

We recognise and understand that members of the public may have strong feelings about the housing of sex offenders in their communities and our aim is to work with the community and to reassure people that public safety remains our highest priority.

Re-offending by people managed under MAPPA remains low and this reflects the work we do together. Our utmost priority is to keep the public safe, particularly the most vulnerable members of our communities.

**Joan Tranent
Chair Edinburgh, the Lothians and
Scottish Borders Strategic Oversight
Group**

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What is MAPPA?

Multi-Agency Public Protection Arrangements in Edinburgh, the Lothians and Scottish Borders

Multi-Agency Public Protection Arrangements (MAPPA) provide a framework to manage the risk posed by registered sex offenders and restricted patients (mainly violent offenders, with a small number of sex offenders). On 31 March 2016, the Scottish Government published new MAPPA Guidance. This guidance reflects the new risk of serious harm category 3, for offenders who by reason of their conviction are subject to supervision in the community, and are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public, which requires active multi-agency management at MAPPA Level 2 or 3.

MAPPA

Edinburgh, the Lothians and
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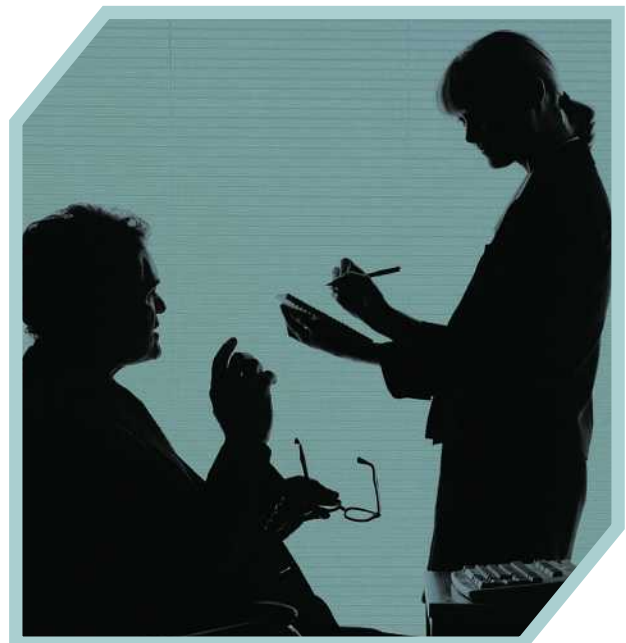
On 31 March 2022, the Scottish Government published an updated version of the National MAPPA Guidance, which reflects an on-going programme of revision to take into account new legislation as well as changes in guidance, policy and effective practice.

MAPPA brings together professionals from the police, social work, housing, health and the Scottish Prison Service in Edinburgh, the Lothians and Scottish Borders. These agencies are known as the 'responsible authorities'. While the arrangements are co-ordinated by a central unit based in Edinburgh, the practical management of offenders remains the responsibility of these agencies at local level.

The area covered by our arrangements incorporates the local authority areas of the City of Edinburgh, East Lothian, Midlothian, West Lothian and the Scottish Borders, representing a mixture of urban and rural areas.

The responsible authorities represented are:

» The City of Edinburgh Council

» East Lothian Council

» Midlothian Council

» West Lothian Council

» Scottish Borders Council

» Police Scotland

» Scottish Prison Service

» NHS Lothian

» NHS Borders

There are three MAPPA management levels to ensure that resources are focused where they are needed most to reduce the risk of harm. Over the course of this annual reporting year, we managed 963 registered sex offenders under MAPPA; 93.25% (898) at Level 1; 6.65% (64) at Level 2; and 0.10% (1) at Level 3.

Over the course of this annual reporting year we managed 10 CAT 3 Violent Offenders under MAPPA and all were managed at MAPPA Level 2.

Over the past year, there have been 60 MAPPA Level 2 meetings across Edinburgh, the Lothians and Scottish Borders, which managed RSOs and serious risk of harm violent offenders. We have returned to face to face meetings but with the added advantage of attendees being able to join the meeting via MS Teams, where appropriate. Each Level 2 meeting will consider a number of offenders. A Level 3 meeting will only consider one offender and there were 6 Level 3 meetings convened during the reporting year, which all related to the an RSO.

The 2022/23 MAPPA National Annual Report provides a picture of the main national developments in relation to MAPPA and can be viewed on the Scottish Government website under recent publications.

3

Roles and Responsibilities

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements

The responsible authorities for each area are required to involve other key agencies in the management of offenders. This is an important part of MAPPA, involving the exchange of information and drawing on the collective knowledge and expertise of numerous agencies. The roles and responsibilities in relation to MAPPA in our local area are outlined below.

Police Scotland is responsible for the enforcement of the notification and compliance requirements of the Sexual Offences Act 2003 (sex offender registration), and for policing activities, including risk assessment, preventative/ monitoring strategies, as well as investigation and prosecution of any registered sex offender who re-offends. Responsibilities include: maintaining an accurate record of those offenders resident in each local authority area subject to the notification requirements; the creation of risk management plans to mitigate or reduce risk; making enquiries where such persons fail to comply with the requirements placed on them and

managing sex offenders whose current behaviour is of concern. Police Scotland is the lead responsible authority for those community-based registered sex offenders who are not subject to any other form of statutory supervision. These duties are carried out in partnership with all responsible authorities and 'duty to co-operate' agencies.

The local authority is the responsible authority for registered sex offenders who are subject to statutory supervision. The Council's justice social work service is responsible for the supervision of such offenders but housing, adult social care and children and families services also play a key role in the management of sex offenders in the community.

Justice social work makes a significant contribution to public protection by supervising and managing registered sex offenders in accordance with the requirements of MAPPA and other public protection-related legislation.

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Social workers supervise offenders on community payback orders and prisoners who have been released subject to formal supervision. Social workers are required to use accredited risk assessment tools, and develop plans for the risk management and supervision of offenders in collaboration with other agencies. Social workers can request that additional requirements or conditions be placed on orders and licences by the courts and the Parole Board.

These requirements and conditions can range from restrictions relating to accommodation and employment, to instructions to avoid certain locations or victims, or to attend counselling or treatment programmes. These requirements and conditions allow social workers to monitor and influence aspects of offender's behaviour, as breaches of requirements or conditions can lead to the court or Parole Board returning the offender to custody.

Each local authority in Edinburgh, the Lothians and Scottish Borders has a Sexual and Violent Offender Liaison Officer (SAVALO) or Lead Officer in the justice social work service who acts as a single point of contact for information relating to registered sex offenders and violent offenders managed under MAPPA. They are responsible for chairing risk management case conferences and liaising with other agencies as appropriate.

Local authority housing SOLOs are responsible for offenders access to housing. This includes accessing temporary accommodation and identification of suitable permanent housing. Registered social landlords contribute to public protection. As a 'duty to co-operate' agencies, they work with the local authority housing SOLO to identify positive housing solutions.

The role of the housing service is to contribute to the 'responsible authorities' management of risk through:

» providing suitable accommodation

» contributing to environmental risk assessments to ensure accommodation is appropriate

» liaising with the responsible authorities regarding the ongoing management and monitoring of the risk of the offender as a tenant, including any tenancy moves or evictions

» having regard to community safety and having in place contingency plans for when a property is no longer suitable and/or the offender's safety is at risk.

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The local authority is responsible for ensuring the development of a strategic response to the housing of sex offenders. However, in any local authority area there is likely to be a multiplicity of housing providers, and local authorities must involve and consult registered social landlords in their area when developing their strategic response.

It is the responsibility of the local authority to provide an initial single point of contact for accommodation requests from other responsible authorities. This single point of contact is the housing SOLO, whose role involves:

> » identifying the most appropriate housing provider following risk assessment

> » ensuring that when an appropriate housing provider has been identified, they are included by the responsible authorities in liaison arrangements relevant to the identification of appropriate housing and the management of risk

> » liaising pro-actively with responsible authorities and housing providers regarding ongoing risk management and community safety issues.

NHS Lothian continues to play an important role in MAPPA locally through being the responsible authority for mentally disordered restricted patients and in fulfilling its wider duty to co-operate in the management of violent offenders and registered sex offenders.

NHS Lothian has a Public Protection structure (including child protection, adult protection and MAPPA) which is the responsibility of the Executive Nurse Director at Health Board level.

There is a Director for Public Protection, a Clinical Nurse Manager, a MAPPA Health Liaison Officer, alongside Designated Consultants for MAPPA (who are consultant forensic mental health clinicians). The aim of the NHS Lothian structure and input is to provide governance for NHS Lothian's contribution to Public Protection and to ensure that health issues (including mental health, physical health, staff and patient safety, information sharing) that arise in relation to MAPPA cases are dealt with appropriately. The Director of Public Protection attends all level 3 MAPPA meetings; The NHS Lothian Serious Offender Liaison Service (SOLS) representatives attend all level 2 and level 3 MAPPA meetings; and the Health Liaison Officer attends all level 2 and some level 3 MAPPA meetings.

The NHS Lothian Serious Offender Liaison Service (SOLS) continues to provide specialist clinical consultation, training, assessment and clinical supervision to support the management of serious violent and sexual offenders being managed in the community.

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During the reporting year SOLS completed 26 case discussions with frontline staff from social work and police responsible for the management of the individual concerned. There were 31 referrals to their service by social work and police, which led to 23 risk assessments being completed on those individuals deemed to present a serious risk of harm to the public.

NHS Borders also makes an important contribution to MAPPA. NHS Borders continues to work collaboratively with MAPPA partners to ensure appropriate, relevant and proportionate responses to information sharing requests to support the management and assessment of risk.

The Single Point of Contact (SPOC), with operational responsibility for dealing with MAPPA health information requests is the Nurse Consultant Public Protection or a member of the NHSB Public Protection Nursing Team. MAPPA level two meetings are attended by a representative from the NHSB Public Protection Nursing Team. There may also be representation provided from the Learning Disability Forensic Team and/or Mental Health Psychology services dependent on whether this is a concern relative to a learning disability, mental illness or addiction. MAPPA level three meetings will be attended by NHSB Strategic Lead and/or Nurse Consultant for Public Protection. NHSB Chief Executive and Nursing Director will be made aware of these meetings and will be asked to attend where appropriate.

Community Intervention Services for Sex Offenders (CISSO)

This service continues to support partner agencies in the risk management of people with sexual convictions through the delivery of community-based group treatment programmes and individual interventions, addressing the behaviour and attitudes associated with sexual offending. In addition, staff provide assessments and offer advice and consultation to criminal justice social workers in Edinburgh, the Lothians, and Scottish Borders.

CISSO received 101-referrals in 2022/23, which resulted in 70-people receiving a service. We continue to see clients in West Lothian, one-day a fortnight and have reintroduced the "CISSO link person", where a CISSO worker regularly bases themselves in a locality office, to see clients and speak to staff, in East Lothian, Scottish Borders and Midlothian. Group-based interventions are delivered from our Grindlay Street Court offices in Edinburgh.

Pending the planned national roll-out of Moving Forwards 2 Change (MF2C) in 2024, CISSO has continued to deliver its forerunner, Moving Forwards Making Changes (MFMC), including an adapted MFMC group for men with enhanced learning needs.

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Other group-based programmes delivered include lower-intensity interventions for men whose offending was technology mediated, as well as Survive and Thrive, for men with interpersonal trauma. This is a psychoeducational intervention, looking at increasing understanding of how past interpersonal trauma can impact on current functioning and practical strategies to help people to manage this impact more effectively.

CISSO has also supported Edinburgh's involvement in the pilot of a risk assessment framework for men who have been convicted of offences relating to Indecent Images of Children. Further information about this pilot is available on the Risk Management Authority website. Another development has been the training of CISSO staff in the Static-99R risk assessment tool, as part of a small Community Justice Scotland-led test for change in the event that there is a need to replace the Risk Matrix 2000.

CISSO has also continued to support national training around working with people with sexual offending. This Community Justice Scotland coordinated training takes a tiered approach starting with the delivery of a 1-day introductory course (Introduction to Sexually Harmful Behaviour), which may be followed by training in specialist risk assessment tools (the Risk Matrix 2000 / Stable & Acute 2007) as well as MFMC case-manager / facilitator training. Training has used a blended model of online resource packs, virtual delivery and face-to-face. It is anticipated that this blended model of delivery will allow for more flexible training events in the future.

Keeping Children Safe

The Community Disclosure Scheme provides that parents, carers and guardians of children under 18 can ask for information about a named person who may have contact with their child if they are concerned that he or she might have convictions for sexual offences against children (e.g. if a parent wants to find out more about a new partner). Police officers discuss the concerns of the applicant in a face-to-face meeting and offer advice and support.

In this reporting year, police in Edinburgh, the Lothians and Scottish Borders received 51 applications under this scheme.

Further information can be found at:

Sex Offender Community Disclosure Scheme Form | Police Scotland

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4
Achievements in Developing Practice

MAPPA

Edinburgh, the Lothians and
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Public Protection Arrangements

Training and Promoting MAPPA

During this reporting year, we have held a number of multi-agency training events.

During the course of the reporting year, the MAPPA Co-ordinator facilitated a peer review process for all managers who chair Level 2 Meetings. This allowed each Level 2 Panel member to be reviewed by the MAPPA Co-ordinator and a fellow Level 2 chair from another area, but also involved them in reviewing a colleague, which allowed them to reflect not only on their own practice but also the benefit of having observed a colleague.

In February and March 2023, the MAPPA Co-ordinator facilitated a series of workshops across our five local authority areas for Level 2/3 MAPPA Panel Members to discuss their role and responsibilities and to enhance their understanding of the Multi-Agency Public Protection Arrangements.

In February 2023, Edinburgh, the Lothians and Scottish Borders Strategic Oversight Group commissioned the Keil Centre to present a training session, with a view to increase understanding on how we create a culture within our organisations that promotes/supports adherence and compliance to our processes and procedures. In March 2023, the Keil Centre presented a training session to SOG members which provided a positive learning experience.

On 30 March 2023, Edinburgh, the Lothians and Scottish Borders Strategic Oversight Group commissioned the MAPPA Annual Conference. The event was attended by staff and managers from all agencies involved in the management of registered sex offenders.

The morning session was delivered by Dr Katharine Russell, Consultant Clinical Psychologist, NHS Lothian and focused of risk assessment from analysis to communication. The afternoon session was delivered by Gillian Walker, Deputy Governor, HMP Edinburgh and focused on the role of the multidisciplinary Risk Management Team, the decision making body for agreeing progression to less secure conditions or community access. The final session was delivered by Dr Jamie Kirkland, Consultant Clinical Psychologist, NHS Lothian and focused on offenders with intellectual disabilities. This event was well attended and very positive feedback was received.

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Developing the use of remote electronic monitoring equipment

Due to advance in technology the internet can be accessed through a variety of devices. The monitoring of devices is the responsibility of the 'responsible authority'. Where the Parole Board or Court have granted a condition or requirement to monitor an offender's electronic devices for example within a Community Payback Order or a Sexual Offences Prevention Order, then remote electronic monitoring of their internet enable devices can be considered.

eSafe is a managed monitoring service that tracks the individual's use of their I.T. devices to detect signs of inappropriate and/or criminal behaviour. eSafe is only deployed in cases where it is an agreed strategy of the risk management plan.

In all cases, installation and monitoring are undertaken with the knowledge of the offender. Where there is an initial detection of a potential offence or breach of the order then the lead agency will be informed.

If there are concerns relative to imminent or ongoing contact offending or any concerns relative to a suicide risk or serious self-harm, eSafe will notify the police via the 999 system.

Police Scotland and all five local authorities within the Edinburgh, the Lothians and Scottish Borders are developing their use of remote electronic monitoring software.

Developing the use of Sexual Offences Prevention Orders (SOPO)

The SOPO is an order granted by the Court. It places conditions on an offender's behaviour, provides a power of arrest if breached and enhances the police role in managing such offenders. SOPOs could initially only contain prohibitive measures, however, a change in legislation in November 2011 allows for these orders to contain positive obligations as well as prohibitions.

For some offenders, the existence of a SOPO is enough to provide structure to their daily life, through which they may avoid further offending. On 31 March 2023, there were 81 SOPOs in place in our area.

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Strategic Overview Arrangements

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements
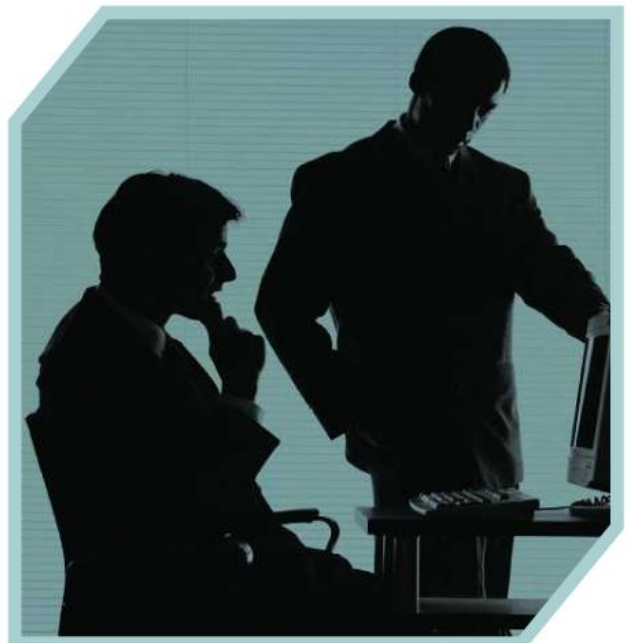
Edinburgh, the Lothians and Scottish Borders – Strategic Oversight Group

This group is responsible for the overview and co-ordination of the Multi-Agency Public Protection Arrangements, ensuring the sharing of best practice and learning from significant case reviews. The group also provides a strategic lead for developing local multi-agency policy and strategy in relation to shared priorities regarding the management of offenders.

Edinburgh, the Lothians and Scottish Borders – MAPPA Operational Group

This multi-agency operational group supports the work of the Strategic Oversight Group. Its remit is to share learning, develop best practice and ensure consistency of practice.

Local Offender Management/MAPPA Committees

These local committees monitor the performance and quality of local service delivery; they provide strategic direction to local member agencies; and develop local policy and practice. These committees include representatives from all key agencies, a number of whom are also members of the local child and adult protection committees, ensuring effective communication across public protection. These local committees report to their respective Chief Officer Groups within their local authority area.

NHS Lothian Public Protection Action Group (PPAG)

The main aim of this group is to ensure NHS Lothian discharges its responsibilities for Public Protection including MAPPA, This group provides a general forum to discuss important practice issues, in addition to developing good practice in relation to the management of high-risk offenders in the health care setting. PPAG reports to the NHS Board through the Healthcare Governance Committee.

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Statistical Information

Unless stated, the statistics recorded are for the reporting period 1 April 2022 to 31 March 2023

MAPPA

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Public Protection Arrangements

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Table 1: General

REGISTERED SEX OFFENDERS (RSO's)	No.
a) Number of: I. at liberty and living in the area on 31 March	780
a) Number of: II. per 100,000 population on 31 March	76
b) The number having a notification requirement who were reported for breaches of the requirements to notify	36

Table 2: Civil Orders applied and granted in relation to registered sex offenders

THE NUMBER OF	No.
a) Sexual Offences Prevention Orders (SOPOs) in force on 31 March	81
b) SOPO'S granted by courts between 1 April and 31 March	26
c) Risk of Sexual Harm Orders (RSHOs) in force on 31 March	1
d) Sexual Harm Prevention Orders (SHPOs) in force on 31 March	35
e) SHPOs granted by courts between 1 April and 31 March	8
f) Sexual Risk Orders (SROs) in force on 31 March	0
g) Foreign Travel Orders imposed by the courts between 1 April and 31 March	0
h) Notification Orders imposed by the courts between 1 April and 31 March	2

Table 3: Registered sex offenders by level, re-convictions and notifications

REGISTERED SEX OFFENDERS (RSO's)	No.
a) Number of RSOs managed by MAPPA level as at 31 March:	780
I. MAPPA Level 1	767
II. MAPPA Level 2	13
III. MAPPP Level 3	0
b) Number of Registered Sex Offenders convicted of a further group 1 or 2 crime between 1st April and 31st March:	25
c) Number of RSO's returned to custody for a breach of statutory conditions between 1 April and 31 March (including those returned to custody because of a conviction for a group 1 or 2 crime):	19
d) Number of individuals subject to the SONR indefinite period review process (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:	34
e) Number of notification continuation orders issued for individuals subject to SONR for an indefinite period (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:	26
f) Number of RSO's subject to formal disclosure:	12

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Table 4: Restricted Patients

RESTRICTED PATIENTS (RP's):	No.
1) Number of RP's a) The Health Board(s) in your MAPPA region had responsibility for on 31 March 2023	49
b) The Health Board(s) in your MAPPA region had responsibility for during the reporting year (1 April 2022 to 31 March 2023)	50
2) Number within hospital/ community as at 31 March: a) State Hospital	9
b) Other hospital in your area:	27
c) Community (conditional discharge)	13
3) Number managed by MAPPA Level as at 31 March 1) MAPPA Level 1	**49**
2) MAPPA Level 2	**0**
3) MAPPA Level 3	**0**
4) Number of RP's recalled by Scottish Ministers during the reporting year	0

Table 5: Statistical Information – other serious risk of harm offenders

SERIOUS RISK OF HARM OFFENDERS:	No.
a) Number of offenders managed by MAPPA level as at 31 March: 1) MAPPA Level 2:	2
2) MAPPA Level 3:	0
b) Number of offenders convicted of a further Group 1 or 2 crime: 1) MAPPA Level 2:	0
2) MAPPA Level 3:	0
c) Number of offenders returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	6
d) Number of notifications made to DWP under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March	2

Table 6: Registered sex offenders managed in the community under statutory conditions and/or notification requirements on 31 March 2022

CONDITIONS	NUMBER	PERCENTAGE %
On statutory supervision	250	32.05
Subject to notification requirements only	530	67.95

MAPPA

**Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements**

NHS Lothian

NHS Borders

SPS SCOTTISH PRISON SERVICE

POLICE SCOTLAND
Keeping people safe
POILEAS ALBA

Midlothian

East Lothian Council

Scottish Borders COUNCIL

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Multi-Agency Public Protection Arrangements (MAPPA) in Scotland:

National Overview Report 2022-2023

October 2023

Scottish Government
Riaghaltas na h-Alba

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Multi-Agency Public Protection Arrangements (MAPPA) in Scotland: National Overview Report 2022-2023

1. Background

The Multi-Agency Public Protection Arrangements (MAPPA), are a set of statutory partnership working arrangements introduced in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005 (the 2005 Act).

The purpose of MAPPA is the protection of the public and the reduction of serious harm. In Scotland MAPPA brings together the Police, Scottish Prison Service (SPS), Health Boards and the Local Authorities in partnership as the Responsible Authorities, to assess and manage the risk posed by certain categories of offender:

- Sex offenders who are subject to notification requirements under the Sexual Offences Act 2003;

- Mentally disordered restricted patients; and

- Other individuals who by reason of their conviction are assessed by the Responsible Authorities as posing a risk of serious harm to the public.

A number of other agencies have a 'Duty to Cooperate' (DTC) with the Responsible Authorities, including housing providers, the voluntary sector, Social Security Scotland and the Children's Reporter.

The operation of MAPPA in Scotland is supported by National Guidance[1] and procedures. There are ten MAPPA regions in Scotland (Appendix A) and each region is overseen by a Strategic Oversight Group (SOG) consisting of senior representatives from each of the Responsible Authorities. In each MAPPA region the SOG meets regularly and monitors and reviews how the MAPPA arrangements are working.

The MAPPA National Strategic Group is responsible for the strategic oversight and development of MAPPA. It is chaired by the Scottish Government and includes the 10 MAPPA SOG Chairs and representatives from the Responsible Authorities.

Responsible Authorities fulfil their statutory duties in part by jointly preparing and publishing their own local MAPPA annual reports. Each of these can be viewed on Local Authority websites, links to which are included at Appendix B.

This report covers the period from 1 April 2022 to 31 March 2023, the sixteenth year of MAPPA in operation in Scotland and provides an overview of the main national developments as a result of work conducted by the Scottish Government and its partners. The report comprises a range of contributions from each of the Responsible Authorities, which outlines the progress made in respect to MAPPA during the reporting period, and includes details of ongoing work and future plans.

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[1] Scottish Government Multi-Agency Public Protection Arrangements (MAPPA): National Guidance (www.gov.scot)

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There are a number of statistics on Registered Sex Offenders included in the report (Appendix C) which have been extracted from the ViSOR (Violent and Sex Offender Register) database. These figures provide a snapshot as at 31 March 2023.

2. Justice Policy Context

The Scottish Government in its Programme for Government (2023 to 2024)[2] sets out its three connected core missions which are:

(i)   Equality – tackling poverty and protecting people from harm;
(ii)   Opportunity – a fair, green and growing economy; and
(iii)   Communities – prioritising our public services.

The ambition of protecting people from harm underscores the Government's commitment to prioritising the safety and security of the people of Scotland. The Cabinet Secretary for Justice and Home Affairs emphasises that this is her clear priority and that genuine equality and opportunity are dependent on ensuring we live in a just, safe, and resilient Scotland where everyone can reach their potential and contribute fully to society.

The Government's vision for reforming the Justice system to ensure that victims and witnesses are treated compassionately and that a trauma informed approach is applied, is combined with its commitment to ensuring effective public protection approaches to managing those individuals who commit the most serious violent and sexual offences. Focusing on rehabilitation both in custody and in the community is the best way to reduce offending and make our communities safer. Delivery of the National Community Justice Strategy[3] contributes to the achievement of those aims as does the continued application of Multi-Agency Public Protection Arrangements designed to assess, manage and minimise the potential risks posed by the most serious offenders through collaborative working.

3. National MAPPA Developments

Nationally MAPPA has seen a number of developments in the past 12 months and work continues to deliver future improvements to the multi-agency working arrangements. A summary of the work over the reporting period includes:

MAPPS Development

As part of supporting joint working across the UK for the purposes of public protection, the Home Office is developing an enhanced system to replace the existing ViSOR system in conjunction with UK partners (including Scotland's MAPPA Responsible Authorities). It will be called the Multi-Agency Public Protection System (MAPPS).

Once introduced, MAPPS will enhance existing public protection partnerships as well as delivering wider public protection benefits and MAPPA benefits including accurate

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[2] Programme for Government 2023 to 2024 - gov.scot (www.gov.scot)
[3] National Strategy for Community Justice - gov.scot (www.gov.scot)

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and timely sign-posting between all Responsible Authorities of those managed under MAPPA and greater facilitation of cross-border information sharing.

For the period of this MAPPA annual overview report, the UK Government (UKG) MAPPS Programme led 10 multi-agency MAPPS specific groups/committees – listed below. Scottish MAPPA Responsible Authorities have contributed and supported the development of the process not least by their representation across all 10 Groups, listed below:

- Executive Committee
- Steering Committee
- National Data Controllers Group
- Executive Training Group
- Innovation, Technology and Security Group
- Operational Training Group (closed 9 March 2023 and replaced with 1-2-1 sessions)
- Business Standards Group
- Product Owners Working Group
- Operational Users Group
- Scottish Users Group

In addition to this, a specific Scottish Government (SG) led Scottish MAPPS Group evolved from earlier discussions led by SG on multi-agency information sharing. This Group met initially in February 2023 with an original aim to provide a forum to discuss Scottish specific aspects of the UKG led MAPPS Groups. It also aimed to help collate and connect the work of the Groups for Scottish representatives to discuss and disseminate.   In addition, and where necessary, the Group sought to agree a Scottish position on issues to be fed back into MAPPS governance (particularly to the Executive Committee which provides sign-off on MAPPS Programme key decisions).

Scottish partners continue to work closely with UKG, and a further update will be provided in the next reporting period.

MAPPA and Terrorism

Individuals convicted of terrorism and terrorism-related offences can be managed under the MAPPA framework where they meet the relevant criteria relating to the level of risk of serious harm they present to the public.

The Scottish Government chaired MAPPA Development Group continues to work with the Responsible Authorities in considering the existing and future role of MAPPA in the risk assessment and risk management arrangements for individuals convicted of terrorism and terrorism-related offences.

For the period of this report, work has focussed on improving connections between terrorism policy and MAPPA, including considering case studies and exploring the need for updates to tools and/or guidance.

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The Scottish CONTEST Delivery Group, chaired by the Deputy Chief Constable, is responsible for oversight of the delivery of the CONTEST Strategy[4] (the UK Government's Counter-Terrorism Strategy) in Scotland. The MAPPA Development Group was tasked with exploring specific questions for the Scottish CONTEST Delivery Group in relation to links to MAPPA. An update was provided to the Scottish CONTEST Delivery Group in February. Work continues on the development of a bespoke chapter of the MAPPA National Guidance covering MAPPA and terrorism offending.

Moving Forward 2 Change (MF2C)

The Moving Forward: Making Changes (MF:MC) programme was designed jointly by the Scottish Prison Service and the Community Justice Division of the Scottish Government, with the aim of reducing the risk of sexual offending recidivism. National programmes are one of the suite of tools available as part of a rounded approach to protection interventions which align with the Scottish Government's focus on reducing reoffending and rehabilitating offenders, while at the same time protecting the public.

The programme was introduced in Scotland in 2014 following accreditation by the Scottish Advisory Panel on Offender Rehabilitation (SAPOR) and though accreditation has now lapsed there was agreement amongst partners that the programme should continue to be delivered to accredited standards. A National Advisory Board, set up in May 2019, unanimously concluded that a revision (not a replacement) of the programme was required. The re-designed programme, called Moving Forward 2 Change (MF2C), reflects a developing evidence base, advice from SAPOR, evaluation recommendations[5], and stakeholder consultations.

The pilot of MF2C launched on 1 July 2022 in two custodial sites – HMP Edinburgh, and HMP Barlinnie; and three community sites – East Renfrewshire, East Dunbartonshire and North Lanarkshire. There is a regular reporting requirement to the National Design Lead to ensure the safety of the staff and participants. Where feedback indicates any risk of harm to either a participant or staff member, the Steering Group will be convened and make a recommendation of how to manage that risk.

Changes will be made as necessary (and with approval of the MF2C Steering Group) to ensure that the pilot participants receive an appropriate level of service and that the pilots inform the ongoing development of MF2C.

The initial design phase of the project will be completed by the end of 2023 and it is hoped that the roll out and accreditation process will begin in 2024. MF2C interim training is being delivered (September – November 2023) so that pilot sites can continue to deliver MF2C. All MF:MC sites were offered critical needs training should they be unable to continue delivery until MF2C is rolled out. Critical need sites will also be included in the MF2C interim training.

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[4] CONTEST Strategy 2023
[5] Moving Forward: Making Changes - An Evaluation of a Group-based Treatment Programme for Sex Offenders (www.gov.scot)

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New Behavioural Orders

On the 31 March 2023 sections 10 to 40 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ("the 2016 Act") came into force.

These sections introduced two preventative orders which can be applied to relevant sex offenders and those who pose a risk of harm: Sexual Harm Prevention Orders (SHPOs), and Sexual Risk Orders (SROs) respectively. These new orders replaced Sexual Offences Prevention Orders (SOPOs), Foreign Travel Orders (FTOs) and Risk of Sexual Harm Orders (RSHOs).

The new orders are designed to protect the public from sexual harm and contain a lower threshold than the previous orders. For instance, they can be used to manage risk to vulnerable adults, as well as children, protecting them from sexual harm outside of the UK. Also, their remit is wider, enabling, for example, foreign travel restrictions to be applied under either type of order.

4. Risk Management Authority

The Risk Management Authority (RMA) continues to work to protect the public by reducing the risk of serious harm posed by violent and sexual offending. It does this through ensuring that effective, evidence-based risk assessment and risk management practices are in place in Scotland. Collaboration is essential to this work and in 2022-23 the RMA has maintained its close engagement with partner agencies to deliver and progress key business objectives.

The RMA Business Plan for 2023-24 can be found here.

Education and Training

In 2022-23 the RMA worked with community partners to identify areas of training need to help improve understanding of the Order for Lifelong Restriction (OLR) sentence. Over the same period, the RMA delivered five risk practice courses to justice social workers and to 85 Police Scotland colleagues at a single large-scale event. The RMA also facilitated bespoke training and awareness sessions relating to risk assessment and risk management with Parole Board for Scotland Members and representatives from Parole Scotland.

Level of Service/Case Management Inventory (LS/CMI) Review of Closed Cases

LS/CMI is a comprehensive general offending assessment and case management planning method. It is used by all community and prison based justice social work services in Scotland to aid decisions on the level and focus of intervention with individuals (aged 16+) who have been involved in offending.

In March 2022 the RMA were tasked to lead a review of closed[6] LS/CMI cases affected by system errors within the supporting IT infrastructure. The purpose of this

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[6] Where a person no longer requires to be assessed or managed by the Justice Social Work service, the service closes the record (the case) within the LS/CMI system.

review was to determine whether errors had any material impact on public safety or on any of the individuals who had been subject to those assessments. The multi-agency review considered 1032 cases and found no evidence that the inaccuracies led to any material impact. The report made 12 recommendations relating to Policy, Practice, Quality Assurance, Training, and the LS/CMI System. In 2022-23, the RMA will look to progress and to support others to progress those recommendations. In particular, a review of the implementation of the Framework for Risk Assessment, Management and Evaluation (FRAME) will commence this year. The Review report can be found here.

Internet Offending Assessment Framework

A two-year pilot of the framework for assessing recidivism risk in those convicted of possessing indecent images of children was commenced in June 2022 and this work is ongoing. The eight local authority pilot areas – South Ayrshire, Glasgow, South Lanarkshire, Edinburgh, East Lothian and the Tayside Partnership areas of Dundee, Angus, Perth and Kinross – have received training in the use of the C-PORT & CASIC assessment tool and have begun assessing individuals.

First Grant of Temporary Release (FGTR)

The RMA and the Scottish Prison Service have commenced a four-year pilot in which RMA staff evaluate risk assessments and risk management plans for certain life sentence prisoner FGTR applications. This external secondary assurance process applies only to complex cases and is intended to support the development of risk practice, to identify and build upon areas of good practice, and ensure FGTR decisions are based on high-quality information about risk.

Counter-Terrorism

Counter-terrorism remains an area of significant focus for the RMA. In 2022-23 the RMA formalised its working arrangements with the Counter-Terrorism Assessment Rehabilitation Centre (CT-ARC), and also welcomed the Australian Independent National Security Legislation Monitor (INSLM). Work with the Prisons Oversight Group and other justice partners to develop pathways for the assessment and management of this group of individuals also continues.

5. The Scottish Prison Service (SPS)

The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government. The SPS's principal objective is to contribute to making Scotland Safer and Stronger. It has a duty to protect the public from harm by keeping those who have been sentenced in safe and secure custody. Its commitment to public safety is delivered through constructive engagement with those in its care, focussing on recovery and reintegration.

The risk assessment and management of individuals in custody who are subject to release on licence is carried out in partnership with Local Authority Justice Social Workers, through an enhanced version of the Integrated Case Management (ICM)

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process. A key objective of ICM is to ensure that - along with the Police and other community justice partners, such as Local Authority Social Work, Housing, and Children and Families Departments - SPS meets statutory requirements to establish joint arrangements for assessing and managing the risk posed by individuals subject to MAPPA, including the sharing of information with community partners.

Such individuals are risk assessed, using a structured professional judgement approach informed by a variety of risk assessment tools to determine the management of the individual whilst in custody, and in preparation for pre-release planning and release. For certain individuals, a Psychological Risk Assessment may be carried out by SPS Forensic Psychologists and used to inform ICM case conferences and at key points in a person's time in custody, to share information and inform action plans.

SPS establishments work in partnership with MAPPA Coordinators, prison and community-based Justice Social Work Teams and Police Scotland Offender Management Units.

SPS is represented on the Scottish Government MAPPA National Strategic Group, MAPPA Development Group and other short-life working groups, established to progress the future delivery of MAPPA. Prison Governors also contribute to and attend local Strategic Oversight Groups.

Programme Delivery

Between April 2022 and March 2023, programme delivery achieved more stability following the COVID-19 pandemic and relaxation of covid-related practices. The following table provides an overview of programme targets and completions from this delivery period:

Programme	Target Risk	Target Completions[7]	Number of Completions
Moving Forward 2 Change (Pilot)	Sexual Offending	Pilot[8]	9
Self-Change Programme (SCP)	High intensity Violence	36	31
Discovery	Moderate Intensity Violence	56	36
Constructs	Problem Solving and Consequential Thinking	56	56
Pathways	Substance Use connected to offending behaviour	48	41

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[7] SPS set target completions at the beginning of each delivery year based on programmes waiting list priorities and resources across delivery sites.
[8] As a Pilot Programme no targets were set. These can be determined following the pilot period and confirmation of approximate completion times per participant.

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Youth Justice	Modular for young people in custody	Requirement/ Needs-led	7
Ultimate Self	Adult women in custody	Requirement/ Needs-led	14
Short-term intervention Programme (STIP)	Focus on desistence for men serving a short-term prison sentence	Requirement/ Needs-led	430

Programme Developments/Design

The 2022-23 delivery period also held some positive outcomes in terms of the MFMC re-design (MF2C). Pilot programmes are ongoing and evaluation of MF2C will take place in the lead up to the end of this delivery period. SPS will continue to deliver MF2C following the pilot period as the main moderate intensity intervention for those who have sexually offended.

The Self-Change Programme (SCP) has also been piloted in HMP Glenochil and HMP Edinburgh with some re-design updates. SCP continues to be delivered in HMP Shotts and HMP Low Moss.

In the April 2023-March 2024 delivery period, evaluations of both MF2C and SCP will be complete and subsequently the programme materials will be presented to SAPOR for accreditation.

With the opening of HMP Stirling, a version of the Short Term Intervention Programme (STIP) has also been developed for female prisoners who have short-term sentences (F-STIP). Implementation of this is ongoing, with staff training being a requirement for this to progress.

Resource and Delivery Focus

Across some SPS sites there are at times requirements for Programmes Officers to be redeployed into other operational roles. This has some impact on the programme delivery, with each site managing this locally. In line with previous years, completions have also been impacted by staff turnover, which in turn has an impact on training requirements. This continues to be managed via the national training plan, Programme Manager meetings and centrally within HQ.

The Psychology function is responsible for the Treatment Management of high intensity programmes as well as training delivery for programmes. Due to the difficulties in recruiting and retaining qualified psychologists, the training schedule has been reduced for critical requirements only. This has been planned in order to have minimal impact on national programme delivery plans.

Future Focus

SPS remains cognisant of the needs of the population of individuals who are awaiting offending behaviour programmes. Each year the National Waiting Lists are reviewed to inform delivery. As such, high intensity programmes will continue to be

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an area of focus. For the SCP, there is additional staff training planned to allow this programme to also be delivered in HMP Perth within the April 2023-March 2024 delivery period.

SPS also offers a range of other opportunities and support to people in custody to help them build their strengths and address their needs in preparation for release. Such support is assessed on an individual basis and can include substance misuse treatment, assistance with mental health, vocational and academic education to increase job readiness, and support with family matters such as parenting and relationships.

6. Health

The roles and responsibilities of the NHS within the MAPPA framework are set out in the Management of Offenders etc. (Scotland) Act 2005.

On 31 March 2022 there were 304 restricted patients recorded on ViSOR as being managed under the MAPPA process in Scotland. Work began last year on the collation of restricted patients' data nationally for annual reporting purposes with a view to ensuring that what is provided is meaningful and robust.

The Scottish Government continues to provide funding to the Forensic Mental Health Services Managed Care Network (the Forensic Network) to support engagement by the NHS with MAPPA. The Forensic Network, through the Lead for Serious and Violent Offenders, supports the NHS MAPPA work in a number of ways. These include: attendance at National Strategic meetings on behalf of Health, for example, those related to MAPPS and information sharing processes; chairing regular meetings with MAPPA Health liaison colleagues to share good practice; and undertaking specific MAPPA related pieces of work.

The Forensic Network also supports the MAPPA Clinical Forum, an annual practitioner forum which has the objectives of "Networking, Education, Operations and Policy". The forum provides a vehicle for services to consider areas within MAPPA practice that might require guidance and a shared approach, as well as providing the opportunity to network and share good practice.

Work is currently being undertaken to refresh the current picture of key MAPPA contacts within all Health Boards and strengthen health links across Boards.

The Independent Review into the Delivery of Forensic Mental Health Services

The Independent Review into the Delivery of Forensic Mental Health Services chaired by Derek Barron published its final report in February 2021. The Review made a number of recommendations, which, if taken forward will have implications for MAPPA partners. One MAPPA specific recommendation is for the Scottish Government to consider the development of a more consistent way of sharing forensic mental health expertise with MAPPA partners and other external individuals or organisations (including other NHS services) across the country, citing the NHS Lothian Serious Offender Liaison Services and NHS Greater Glasgow and Clyde

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STAR services as potential models for this. The Forensic Network, in conjunction with the Scottish Government, has commenced work on this. The proposed model of service, which aims to facilitate the provision of advice and support to MAPPA partners in a more consistent way across the country, is being taken forward by NHS Lothian with support provided by the Forensic Network.

Scottish Government continues to progress a programme of work to deliver the commitments made in response to the Review, aligning with the finalisation of the Mental Health and Wellbeing Delivery Plan. Following this, consideration will be given to communicating the planned next steps for this work to key stakeholders.

7. Police Scotland

Police Scotland works in partnership with other Responsible Authorities and DTC Agencies to provide effective and efficient policing of Registered Sex Offenders (RSOs) and Other Risk of Serious Harm individuals in pursuance of overall MAPPA management. This is achieved through consistent practice, enhancing and developing new and existing partnerships to manage the inherent risks and challenges posed by these individuals.

Recognising the critical role of lawful, effective and efficient information sharing, Police Scotland has supported the Home Office and SG in the development of MAPPS, promoting its use in Scotland as the platform for the secure storage and sharing of information between MAPPA Responsible Authorities.

Police Scotland has continued to engage with the SG and MAPPA partners seeking the development of a modern, fit for purpose, MAPPA communication strategy to build community confidence through promotion of the ongoing work of Responsible Authorities and DTC agencies.

In pursuance of continual professional development, Police Scotland's National Sex Offender Policing Unit has assessed recent Home Office commissioned academic research on offender profiles and behaviours in England and Wales, identifying changing demands and learning opportunities to develop ongoing Sex Offender Policing practices.

Police Scotland remains engaged with SG to develop appropriate legislation to best serve MAPPA objectives and protect communities of Scotland from current and future risks.

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8. Sex Offender Community Disclosure Scheme (Keeping Children Safe)

The Sex Offender Community Disclosure Scheme (Keeping Children Safe) was introduced across Scotland in 2011 and is managed by Police Scotland.

The scheme enables parents, carers or guardians to make a formal request for information about a named person who may have contact with their child if they are concerned that the person may be a risk to their child's safety and wellbeing.

For the year 2022-2023, Police Scotland received a total of 349 applications, an increase of 11 from the previous year. Online submission was the most common method of application with 330 received this way – an increase of 26 from the previous business year.

Each application submitted is carefully reviewed and risk assessed by specialist officers, including consideration of whether there is material to disclose. These processes help ensure potentially direct or indirect risks towards children are identified quickly and progressed by Police Scotland. Of the 349 applications received, a total of 14 progressed for disclosure, 3 of which were in relation to concerns around an RSO.

The scheme remains a proactive tool for protecting children, providing a clear access route for the public to raise potential child protection concerns and allowing parents/carers to take informed action to safeguard their children or indeed providing parents/carers with reassurance.

9. Social Work Scotland

Social Work Scotland is the professional body for social work leaders, working closely with partners to shape policy and practice, and improve the quality and experience of social work services. The local authority is the Responsible Authority with primary responsibility for the management of individuals subject to statutory supervision in the community. This responsibility for the joint arrangements within a local authority lies primarily with the Chief Social Work Officer. However, other local authority services, such as housing, education and children and families, also have key duties in relation to this function.

As a Responsible Authority, the local authority is a key member of MAPPA Strategic Oversight Groups and contributes to significant case reviews and the implementation of any related recommendations pertaining to practice or adherence to legislation and guidance. The local authority is also a key member of local Public Protection Chief Officer Groups, and Social Work Scotland is represented on the SG MAPPA National Strategic Group by the Chair of the Justice Standing Committee. The management of the vast majority of RSOs is Police led for the purposes of MAPPA, however justice social work supervises and manages significant numbers of RSOs managed at MAPPA risk Levels 1 and 2 who are subject to community payback orders and licences following release from prison. This requires having a capable, well-trained workforce in order to manage this range of individuals.

Local authorities are also the lead Responsible Authority for MAPPA Category 3, Other Risk of Serious Harm Individuals. This includes people who are not required to comply with the Sex Offender Notification Requirements and who are assessed by the Responsible Authorities as posing a high or very high risk of serious harm to the public (for example, people convicted of serious violent and domestic abuse related offences). As with RSOs, the local authority is responsible for holding the community payback order or licence and for taking action to initiate breach proceedings with the court or the Parole Board where a person has breached their order or licence. This involves monitoring, management and targeted intervention to address offending and prevention of further offending. In certain cases, this will require recommending immediate recall to prison where there is an imminent risk of serious harm.

During 2022-2023, Justice Social Work has continued to:
- work in collaboration with other Responsible Authorities and DTC agencies to ensure the protection of the public;
- provide criminal justice social work reports and risk assessments to inform the court sentencing process;
- provide a throughcare service to prisoners released on statutory supervision including ongoing risk assessment, developing risk management plans, contributing to the Scottish Prison Service's enhanced Integrated Case Management (ICM) process and providing reports to the Parole Board for Scotland;
- deliver programmes to address sexual offending to individuals subject to community payback orders and licences in the community.

Justice social work professionals are also involved in contributing to the design, testing and training of the new MF2C programme. There are three local authorities piloting the new programme. This includes developing the intervention on release for those who have offended sexually and are assessed as highest risk and have undertaken the self-change programme in custody.

Social Work Scotland has been involved with local and UK partners in the development of the MAPPS programme. Ongoing work and further development will be required prior to the gradual implementation of the system, from October 2025.

10. Social Security Scotland

On 8 January 2021, the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Amendment Order 2020 came into force. The 2020 Order amended the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007 to include Social Security Scotland as a DTC agency under the terms of the 2005 Act and this Order provides for the exchange of certain prescribed information for those individuals subject to MAPPA.

Since becoming a DTC agency on 8 January 2021, Social Security Scotland has shared appropriate information to manage the risk posed by individuals subject to MAPPA for the protection of the public.

Over the course of the last year, Social Security Scotland continued to develop relationships with the Responsible Authorities. They have informed the appropriate stakeholders of the new benefits they administer by corresponding directly with all Responsible Authorities via email and face to face sessions. This ensures they continue to receive notifications regarding individuals subject to MAPPA.

They have continued to support the learning and development opportunities for the teams involved in MAPPA activity and updating guidance where appropriate. Over the next 12 months Social Security Scotland aims to develop further its relationships throughout the MAPPA network to continue meeting their DTC responsibilities.

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Appendix A: Geographical MAPPA Region Model for Scotland
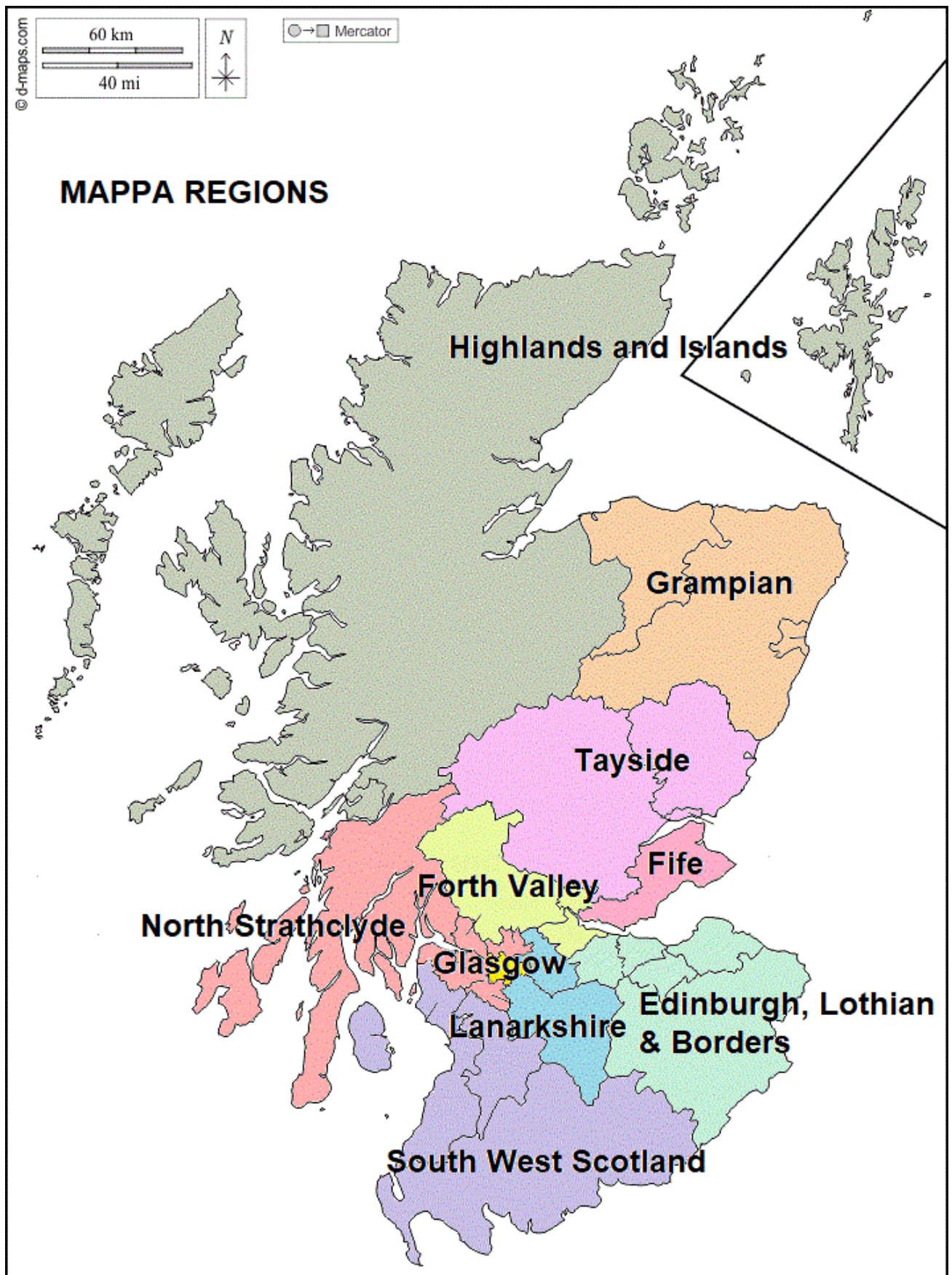
Appendix B: MAPPA Website Addresses

Edinburgh, the Lothians and Scottish Borders
www.edinburgh.gov.uk
www.midlothian.gov.uk
www.westlothian.gov.uk
www.eastlothian.gov.uk/mappa
www.scotborders.gov.uk/MAPPAreport

Fife
Homepage | Fife Council

Forth Valley
Home | Stirling Council
www.clacks.gov.uk/community/ccjp/
www.falkirk.gov.uk/services/people-communities/community-justice.aspx

Glasgow
Homepage of Glasgow City Council - Glasgow City Council

Grampian
http://www.ouraberdeenshire.org.uk/our-priorities/aberdeenshire-community-justice-partnership/mappa/
www.aberdeencity.gov.uk
Moray Council - Moray Council

Highlands and Islands
www.orkney.gov.uk/Service-Directory/S/criminal-justice-team.htm#MultiAgency
Shetland Islands Council – Shetland Islands Council
www.highland.gov.uk
CnES Web (cne-siar.gov.uk)

Lanarkshire
www.northlanarkshire.gov.uk/
www.southlanarkshire.gov.uk/

North Strathclyde
www.argyll-bute.gov.uk
www.eastdunbarton.gov.uk
www.eastrenfrewshire.gov.uk
www.inverclyde.gov.uk
www.renfrewshire.gov.uk
www.west-dunbarton.gov.uk

South West Scotland
Multi Agency Public Protection Arrangements - Dumfries and Galloway Council (dumgal.gov.uk)
www.south-ayrshire.gov.uk
www.north-ayrshire.gov.uk
www.east-ayrshire.gov.uk

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Tayside
www.Angus.gov.uk
www.PKC.gov.uk
www.dundeecity.gov.uk

Appendix C: MAPPA National Data

This Appendix outlines patterns in information on Registered Sex Offenders (RSOs) extracted from the ViSOR database on 31 March of each year. This provides a snapshot at a point in time.

Numbers of Registered Sex Offenders in Scotland, 2022 to 2023

Category	2022	2023
RSOs managed in custody and in the community on 31 March	6,038	6,420
RSOs managed in the community on 31 March	4,520	4,747
RSOs managed at Level 1 in the community on 31 March	4,407	4,584
RSOs managed at Level 2 in the community on 31 March	111	140
RSOs managed at Level 3 in the community on 31 March	2	1
RSOs reported for breaches of notification	374	465
RSOs convicted of a further group 1 or 2 crime[9]	114	139
RSOs wanted on 31 March	16	13
RSOs missing on 31 March	0	0

On 31 March 2023, there were 6,420 RSOs in Scotland who were managed in custody or in the community. The total number of RSOs has increased by 6% compared with 2022 when there were 6,038 recorded.

On 31 March 2023, 74% of RSOs (4,747 RSOs) were being managed in the community, with the majority of these (4,584 RSOs) being managed at the lowest MAPPA management level, Level 1. The remaining RSOs (141) were being managed at level 2 or level 3.

In 2022-2023, 93% of RSOs (5,970 RSOs) complied with their notification requirements under the Sexual Offences Act 2003, compared to 94% (5,664 RSOs) in 2021-22. The proportion of RSOs who failed to comply with their notification requirements has increased to 7%, having been consistently at around 5%-6% for the previous six years.

Sex Offender Notification Requirements are robustly policed so that those who breach their terms are identified at the earliest opportunity. The RSO can receive a maximum penalty of 5 years' imprisonment for failing to comply with notification requirements.

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[9] Group 1 and 2 crimes - Group 1 relates to non-sexual crimes of violence and group 2 relates to sexual crimes.

The [National Statistics on Recorded Crime in Scotland 2022-23](#) published in June 2023, illustrated that sexual crimes accounted for 5% of all crimes recorded in Scotland in 2022-23, as was the case in 2021-22. The report stated that sexual crimes recorded by the police in Scotland decreased by 3% from 15,049 in 2021-22 to 14,602 in 2022-23. Despite this decrease sexual crimes have been on a long-term upward trend since 1974, with some fluctuations, with historical reporting of sexual crimes continuing to play a role in this. As detailed in the report, information from Police Scotland suggests that just over a fifth (21%) of sexual crimes in 2022-23 were recorded at least one year after they occurred. The increase in sexual cyber-crimes has also had an impact on the trend of recorded sexual crimes over the past ten years.

The number of RSOs who have been convicted of a further Group 1 or 2 crime has increased in the last year (139 in 2022-23 compared to 114 in 2021-22). These convictions include offences detected as a result of proactive management and effective policing by the partner agencies. When individuals managed under MAPPA commit further serious offences, the significant case review process examines the MAPPA policies and processes in place for the management of the individual. It identifies areas of learning and good practice and so contributes to continuous learning to improve future policy and practice.

Wanted and Missing Registered Sex Offenders:

A Missing person is defined as anyone whose whereabouts is unknown and:

- where the circumstances are out of character; or
- the context suggests the person may be subject to crime; or
- the person is at risk of harm to themselves or another.

Wanted Registered Sex Offenders are defined as those who are subject to the notification requirements of the Sexual Offences Act 2003 and who have a live warrant in force.

On 31 March 2023, of the 13 wanted RSO's, 11 were assessed as having left the United Kingdom with no indication that they have returned and 2 were believed to be within the United Kingdom. The latest update from Police Scotland provides that of the 2 RSO's who were wanted and believed to be within the United Kingdom, one has since been apprehended and the other has now been assessed as having left the United Kingdom. Police Scotland treat all missing and wanted RSOs with the utmost seriousness and carry out thorough enquiries to trace their whereabouts and to re-establish the management required to protect the public. On all occasions a Senior Investigating Officer of a rank no less than Inspector will be appointed to lead these investigations. Up to date figures are available via the [Police Scotland Website.](#)

Scottish Government
Riaghaltas na h-Alba

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

w w w . g o v . s c o t

Midlothian Local Heat & Energy Efficiency Strategy

Report by Kevin Anderson, Executive Director Place

Report for Decision

1   Recommendations

Council is recommended to;

i.   Note the progress and programme for the development of the Midlothian Local Heat and Energy Efficiency Strategy (LHEES) and the next stage for public engagement with the draft strategy and delivery plan included as Appendices, and

ii.   Agree to the LHEES Strategy and Delivery Plan as feedback from the Scottish Government is positive and the Strategy adheres to their requirements.

2   Purpose of Report/Executive Summary

2.1   The purpose of this report is to provide an update on The Local Heat & Energy Efficiency activity and strategy documentation/action plans.

2.2   The Local Heat and Energy Efficiency Strategy (LHEES) and delivery plan is a statutory piece of legislation designed to be used as a route map to decarbonise all of the buildings (domestic and non-domestic) within Midlothian Council's estate by assigning energy efficiency and district heating zones. The report provides an update on the progress in respect to the Midlothian Strategy, the Delivery Plan and next steps.

Date: 15 April 2024
Report Contact: Emily Brown, Lead LHEES Officer
emily.brown@midlothian.gov.uk,

3   Background

3.1   Local Heat and Energy Efficiency Strategies (LHEES) are at the heart of a place based, locally led and tailored approach to delivering the transition to climate-friendly, more energy efficient homes and non-domestic buildings. These local Strategies will set out the long-term plan for decarbonising heat in buildings and improving their energy efficiency across an entire local authority area.

3.2   LHEES is primarily driven by Scotland's statutory targets for greenhouse gas emissions reduction and fuel poverty:

- Net zero emissions by 2045 and 75% reduction by 2030.
- In 2040, as far as reasonably possible, no household in Scotland is in fuel poverty.

3.3   The Council appointed Changeworks in January 2023 to complete the LHEES Methodology stages 1-4. Followed by the employment of the LHEES Lead Officer to complete the LHEES Strategy and Delivery Plan, with the first draft required by the end of December 2023 to comply with the legislative requirement. The draft strategy and delivery plan is included as Appendix B.

3.4   This is now subject to approval by Council, following which the final strategy and action plan will be published and made available publicly. After publication a full engagement campaign will be undertaken. Officers have been in regular communication with the Scottish Government as progress in this process.

3.5   The LHEES details potential Heat Network Zones across Midlothian where there is a density of properties requiring heat that could form a heat network work in those areas. In addition, energy efficiency zones have been identified with a focus on those places where fuel poverty is currently having the greatest impact. Those areas would be prioritised for area-based schemes. Areas with good potential for heat pumps have been identified and are also highlighted in the strategy.

3.6   Overall, Midlothian Council's LHEES sets out a strategy to provide low carbon heat that is affordable to as many households and buildings as possible. Driving low cost, low carbon heat over the expensive and challenging fabric first retrofit approach will enhance the likelihood of achieving our net zero targets, whilst still abiding by our six LHEES outcomes. Keeping the focus on making buildings ready for low carbon heat will allow us to take heat further. This pragmatic approach does not mean that building fabric and energy efficiency measures are not important; we will still endeavour to improve our buildings, however due to the cost and disruption implications seeking to prioritise the fabric first approach then there is a risk that low carbon heating will never be rolled out at scale, and consequently the risk of missing decarbonisation targets will be missed.

3.7   Key LHEES Outcomes:

1. For Midlothian's communities and property decision makers to be engaged and empowered to deliver Net Zero heating targets, including making homeowners and tenants aware of funding and support available to them.
2. Working with Midlothian Energy Limited to find low/zero carbon heat solutions to meet the Council's climate change targets.
3. Work to alleviate fuel poverty by bringing forward solutions that move people out of fuel poverty or prevent them falling further into fuel poverty.
4. Make Midlothian's homes and buildings as energy efficient as possible using a fabric first approach.
5. Ensure that Midlothian Council will have an awareness of investment and grant funding opportunities and seek to secure these opportunities to deliver heat decarbonisation projects.
6. Work to whenever possible to create and keep jobs and revenue from heat decarbonisation projects within the Midlothian economy.

3.8 Midlothian has 40,000 domestic properties, the majority (73%) were built pre 1984, this is similar to the national average of (70%). The older housing is typically located in the smaller mining villages. The tenure profile highlights that the majority (75%) are owner occupied, 11% council housing and 10% privately rented.

The main fuel type is gas (89%) and most homes have an Energy Performance Certificate of C-D level (78%). It is expected that the properties connected to the gas network will be connected to a District Heating Network in the future. The other properties that are currently heated by either oil, electricity or Liquified Petroleum Gas will have to find an alternative solution. The main heat network zones in Midlothian are Danderhall, Penicuik, Loanhead and Dalkeith.

3.9   Key actions required within 6 months of LHEES Publication:

- Conduct Non-Domestic analysis
- Complete Portfolio Energy Assessment Tool (PEAT) analysis
- Complete Building Assessment Reports (BARs) for required MC owned buildings

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

The LHEES remit is significant and impacts all areas of Council delivery. The LHEES Lead will facilitate implementation and there will also be a requirement for significant input from other service areas. Scottish Government have allocated £75k of funding up to 2027/28. In 2023/24 the Council has £150k of budget (£75k each for 22/23 and 23/24).

There are significant financial, legal and resource implications anticipated for the Council associated with meeting its LHEES Targets. This is also the case for the LHEES Delivery Plan which contains several actions that are currently unfunded. The delivery plan proposes a number of actions all of which will require further consideration and business case evaluation against the background requirement to achieve Net Zero by 2040 and the Council's own commitment to achieve that by 2030. The development of these will be brought forward in conjunction with our joint venture, Midlothian Energy Limited, there will be costs associated and they may be substantial however these costs are currently simply unknown at present. Content of the Delivery Plan will require a full business development case for each proposed action.

There is a specific financial ask for planned engagement activities. The LHEES Lead officer will be undertaking an LHEES engagement campaign in the Summer of 2024 and there will be costs associated with this. It is predicted that there will be £15k p.a. underspend on the annual Scottish Government grant funding after LHEES Lead costs have been deducted. Engagement costs can be easily covered within this figure.

4.2   Digital

No digital issues.

4.3   Risk

The 'Local Heat and Energy Efficiency Strategies Order 2022' was passed by the Scottish Parliament and has now been made a Scottish Statutory Instrument, coming into force on 21st May 2022. The order places a duty on Local Authorities to prepare, publish and update:

• A local heat and energy efficiency strategy; and
• A local heat and energy efficiency delivery plan.

The first strategy and plan was required to be published on or before 31st December 2023 and thereafter must be kept under review and updated at intervals of no more than 5 years of the publication date.

The draft Strategy and Delivery Plan was completed and submitted to the Scottish Government before 31st December 2023 for review prior to formal approval by Council, prior to publication during the first quarter 2024/25. Scottish Government are aware of this timetable and have not raised any concerns.

The proposal outlined in this report supports the vision of Midlothian Council; also the Climate Emergency Group and Community Planning Partnership to make significant progress towards net zero carbon emissions by 2030. The recent announcement by the Scottish Government of the removal of the 2030 target presents a risk to the Council's target and may make the case for a longer timescale to deliver carbon

reductions from available resources.

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

The Council is required to have regard to the Equality Act 2010 and the public sector equality duty (PSED). The PSED places a statutory duty on the Council in the exercise of its functions to have due regard to the need to: (1) eliminate discrimination (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- Strategic Environmental Assessment is complete – no further work required
- Integrated Impact Assessment has been completed and had sign off in March 2024

4.5 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

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

Draft Local Heat & Energy Efficiency Strategy: Midlothian Council

Date: December 2023

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1. Executive Summary

Local Heat & Energy Efficiency Strategies (LHEES) are a key element to the Scottish Government's heat decarbonisation and energy efficiency plans which aim to tackle climate change. The LHEES will consist of a Strategy document that sets out what needs to be done, as well as a Delivery Plan that will specify the 'how' and 'when', and what teams will be responsible for delivering the planned works.

The purpose of this LHEES Strategy is to present the evidence base that identifies what needs to be done across the local authority to change buildings and local infrastructure by 2045, to fulfil the Scottish Government's objectives and local priorities relating to heat in buildings. The interventions as set out occur at the building level, in heat networks or in a combination of both. The Strategy reflects national and local priorities, policies and wider strategies. Where feasible, it considers local and national factors, such as the timing of planned infrastructure upgrades, access to resources, major projects, decisions over the gas grid and stakeholder/community engagement. Accompanying this LHEES Strategy is an LHEES Delivery Plan, which is an action plan that enables the local authority and its partners to work towards delivery of the changes identified in the LHEES Strategy.

LHEES will have an overarching impact on the objectives found within Midlothian's Climate Change Strategy and Single Midlothian Plan. The Council declared a climate emergency in December 2019 and stated its ambition to achieve Net Zero Carbon status by 2030[1]. A key component of the declaration is the establishment of a Citizen's Assembly to engage the community and business sectors and forge a partnership for change. The strategy acknowledges the Council's intent, reinforces the urgency for action and emphasises the necessity for change to mitigate and adapt to the impacts of climate change and global warming. These are all key components of this LHEES Strategy. The Single Midlothian Plan[2] has outcomes covering the next 4 years including, health poverty and Net Zero, all of which are improved through energy efficiency and heat decarbonisation.

To highlight the scale of the challenge, section 7 of this report outlines the baseline main heating sources for domestic properties across Midlothian. 93% of homes are currently heated by fossil fuels – mains gas, oil or LPG. This is around 37,200 properties. These all need a Net Zero heat solution, such as a connection to a district heat network (DNH). For the remaining properties, their priority should be to ensure their property is as energy efficient as possible alongside potential low carbon heat technology, such as a heat pump.

Midlothian has a unique opportunity due to their partnership with Midlothian Energy Limited (MEL)[3]. This is a 50/50 joint venture between Midlothian Council and

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[1] https://www.midlothian.gov.uk/download/downloads/id/4027/midlothians_climate_change_strategy_2020.pdf
[2] The Single Midlothian Plan | Community Planning in Midlothian | Midlothian Council
[3] From waste to low-carbon heating for Midlothian homes | Midlothian Council

Vattenfall. Vattenfall are one of Europe's largest producers and retailers of electricity and heat. This joint partnership aims to invest £100 million in low-carbon energy projects, including heating, over the next 5 years. Without the rapid deployment of heat networks at scale it is simply not possible for Scotland to reach its ambitious net zero by 2045 targets. The heat is already there, all we need is the urgent deployment of low-carbon heating infrastructure to capture it and supply it to local residents and businesses.

This Strategy and the Delivery Plan focus on 6 main outcomes:

1. Midlothian's communities and property decision makers will be engaged and empowered to deliver Net Zero heating targets, this includes making homeowners and tenants aware of funding and support available to them.

2. Work with MEL to find low/zero carbon heat solutions to meet the Council's climate change targets.

3. Alleviate fuel poverty and ensure our solutions do not put people into fuel poverty or further into fuel poverty.

4. Make Midlothian's homes and buildings as energy efficient as possible using a fabric first approach where appropriate.

5. Ensure that Midlothian Council will have an awareness of investment and grant funding opportunities and be able to secure this to deliver heat decarbonisation projects.

6. Keep jobs and revenue from heat decarbonisation projects within the Midlothian economy.

Midlothian Council's LHEES sets out a strategy to provide low carbon heat that is affordable to as many households and buildings as possible. Driving low cost, low carbon heat over the expensive and challenging fabric first retrofit approach will allow us to meet our net zero targets, while abiding by our six LHEES outcomes. Keeping the focus on making buildings ready for low carbon heat will allow us to take heat further. This principle does not mean that building fabric and energy efficiency is not important, we will still endeavour to improve our buildings, however if we prioritise the fabric first approach then low carbon heating will never be rolled out at scale.

Modelling suggests the heat networks in Midlothian alone could reduce emissions by up to 90% in comparison to individual gas boilers fitted in every home. Not only that, but waste heat captured and supplied by MEL will be more reliable than alternative low-carbon sources. By 2050, MEL hope to have delivered city-wide district heating that is capable of supplying heat to the equivalent of 170,000 homes in Midlothian, Edinburgh and East Lothian - creating 900 jobs along the way[4].

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[4] *From waste to low-carbon heating for Midlothian homes | Midlothian Council*

Glossary

2.1 Abbreviations

Acronym	Description
EES	Energy Efficient Scotland
EESSH	Energy Efficiency Standard for Social Housing
EPC	Energy Performance Certificate
EST	Energy Saving Trust
GIS	Geographic Information System
HEEPS:ABS	Home Energy Efficiency Programmes for Scotland: Area Based Schemes
IZ	Intermediate Zone
LA	Local Authority
LHEES	Local Heat and Energy Efficiency Strategy
LPG	Liquefied Petroleum Gas
mxd	Map Exchange Document
PEAT	Portfolio Energy Analysis Tool
SAP	Standard Assessment Procedure
ToC	Table of Contents
UPRN	Unique Property Reference Number

2.2 Terms

Terms	Description
Baselining	Baselining is the purpose of understanding at local authority or strategic level, the current status of the buildings against the LHEES Considerations, Targets and Indicators.
Building-level Pathway	As part of LHEES Stage 5, a building-level pathway is the outcome of the assessment undertaken using PEAT. It provides the likely energy efficiency retrofit technologies, as well as the low carbon heating system (where applicable) to support building level decarbonisation.
Criteria	Criteria are the settings applied to the Indicators for each Consideration in order to support Baselining, Strategic Zoning and the identification of Delivery Areas. An example of Criteria is a simple "no" applied to the Indicator of "wall insulation (Y/N)" to identify properties with uninsulated walls. Another example is the definition of an "anchor load" within the Heat Networks analysis, which applies a minimum threshold to the "heat demand" Indicator. The LHEES methodology provides a set of default Criteria that local authorities may wish to use, with flexibility to update and augment these to support local needs or for more focused analysis linked to specific actions and project identification within the Delivery Plan.
Data - Alternative	Alternative data, can overwrite the Core data to improve accuracy (national to local level of detail, e.g. local housing data to overwrite fields in Home Analytics).
Data - Core	Core data is the data that is essential to complete the minimum requirements of the LHEES analysis. Core data will come from national datasets e.g. Home Analytics or the Scotland Heat Map.
Data - Supplementary	Supplementary data allows inclusion of additional Indicators to inform specific, local basel & targets; also, Supplementary data can be used in GIS investigation to complement the Core analysis carried out in any assessment. An example of Supplementary data would be the inclusion of a constraints appraisal as part of a district heating analysis.
Data Zone	Data zones are groups output areas which have populations of around 500 to 1,000 residents.
Delivery Area	Delivery areas are at a higher granularity than Strategic Zones. These spatial zones should set out clusters of buildings within a Strategic Zone or across the whole local authority that identify potential solution(s) at a delivery level. They will be an important starting point for identifying a range of projects, regulation and actions that are within the competence of the Scottish Government, local authorities and wider partners (included as actions to be developed in the LHEES Delivery Plan).
Detailed practitioner approach	These Steps form part of the detailed practitioner approach in LHEES Stage 4, Generation of Initial Areas to set out particularly suitable heat network zones and to support project identification.
Indicator	For a given Consideration, the purpose of an Indicator is: 1) to act as a key information field to help characterise and baseline the local authority. 2) to act as a key information field to support strategic zoning and generation of initial delivery areas; 3) if suitable, to act as a key information field to measure progress against Targets over the duration of the LHEES - set out in the LHEES Delivery Plan. For some Considerations, one Indicator may be sufficient, but for others a range may be appropriate.
Intermediate Zone	Intermediate zones are a statistical geography that are designed to meet constraints on population thresholds (2,500 - 6,000 household residents), to nest within local authorities, and to be built up from aggregates of data zones.

LHEES Considerations	The LHEES Considerations are a list of technologies, building typologies and policy priorities used to identify and target interventions. They include: - Heat networks - Off-gas grid buildings - On-gas grid buildings - Poor building energy efficiency - Poor building energy efficiency as a driver for fuel poverty - Mixed-tenure, mixed-use and historic buildings
LHEES Delivery Plan	An LHEES Delivery Plan is a document setting out how a local authority proposes to support implementation of its local heat and energy efficiency strategy.
LHEES Guidance	The LHEES Guidance sets out the production and content requirements for a local authority to prepare a Local Heat and Energy Efficiency Strategy and Delivery Plan. Its purpose is to ensure that a Local Heat and Energy Efficiency Strategy and Delivery Plan contain outcomes and actions that are backed up by robust data and analysis, supported by stakeholder engagement, and that are linked to national and local priorities, plans and targets.
LHEES Methodology	The LHEES Methodology is a more detailed, step by step approach, which includes models, tools and templates, and represents best practice in how to produce an LHEES in accordance with the requirements set out in the LHEES Order and Guidance.
LHEES Stages	There are 8 LHEES Stages proposed in this methodology. The purpose of the LHEES Methodology is to enable the local authority to complete LHEES Stages 1 to 6. The completion of these Stages will provide the local authority with the data analysis and evidence base to enable them to complete their LHEES Strategy and Delivery Plan documentation. There are two LHEES reporting templates included alongside this methodology– LHEES Strategy example template and LHEES Delivery Plan example template. The completion of these two templates will satisfy the completion of LHEES Stages 7 and 8. The 8 LHEES Stages proposed in this methodology are: 1 - Policy and strategy review 2 - Data and tools library 3 - Strategic zoning and pathways 4 - Generation of initial delivery areas 5 - Building-level pathway assessment 6 - Finalisation of delivery areas 7 - LHEES Strategy 8 - LHEES Delivery Plan
LHEES Strategy	An LHEES Strategy is a long-term strategic framework for— - the improvement of the energy efficiency of buildings in the local authority's area, and - the reduction of greenhouse gas emissions resulting from the heating of such buildings
Mixed-tenure, mixed-use and historic buildings	Mixed-tenure and mixed-use buildings could include a mixture of owner occupied, private rented and social housing, and also non-domestic uses, or simply multiple ownership within the same tenure. Historic buildings include the buildings that are within conservation areas or those that are listed buildings. These categories may require established alternative approaches and regulation for the installation of low carbon heat and energy efficiency solutions and where specific advice and support might be available relating to the installation of these solutions.
Potential Zones	The analysis carried out for strategic zoning and pathways for the heat networks Consideration is to identify potential zones rather than the otherwise used naming convention of Delivery Areas. The potential zones identified are to be included in the LHEES Strategy and should inform actions around further investigation / progression within the LHEES Delivery Plan. The heat networks Consideration analysis and activity carried out within LHEES is also anticipated to support activity

	related to formal zone designation as required by the Heat Networks (Scotland) Act 2021.
Raster	A matrix of squares, or grid, used as a method of data analysis in GIS. Each cell in the grid contains a value representing information on the cell's contents.
Strategic Zone	Strategic Zones present a visualisation of the potential pathways to decarbonise the building stock at a local authority level. These could, for example, be split out by intermediate zone or data zone. They are useful to understand the baseline performance, the scale of potential and initial areas of focus, which could be used to inform Delivery Areas and follow on engagement.
Targets	Targets are the measurable aspect of the Consideration and are likely to be taken directly from national and/or local policy documentation, for example net-zero by 2045, or EPC C by 2040. Targets are likely to comprise of end-point targets and milestone targets and would sit along a timeline within (and beyond) the LHEES. This timeline would help to prioritise the types of projects undertaken within the LHEES over its duration.
Weighting	For some Considerations, one Target and Indicator may be sufficient, but for others a range of Indicators may be appropriate to contextualise and characterise performance against a Target and/or progress towards a Consideration. If multiple Indicators are used in strategic zoning or the identification of delivery areas, a Weighting can be applied based on the importance of each. The LHEES methodology sets out a core set of default Weightings for instances where multiple Indicators are suggested as a default setting. There is flexibility to update and augment these to support local needs or for more focused analysis linked to specific actions and project identification within the Delivery Plan.

3 Introduction

3.1 Overview of LHEES

Local Heat and Energy Efficiency Strategies (LHEES) are at the heart of a place based, locally-led and tailored approach to the heat transition. These local Strategies will underpin an area-based approach to heat and energy efficiency planning and delivery. This LHEES Strategy will set out the long-term plan for decarbonising heat in buildings and improving their energy efficiency across the Midlothian Council area.

LHEES are primarily driven by Scotland's statutory targets for greenhouse gas emissions reduction and fuel poverty[5]:

- Net zero emissions by 2045 and 75% reduction by 2030.
- In 2040, as far as reasonably possible, no household in Scotland is in fuel poverty.

For the Midlothian Council area, this Strategy will:

- set out how each segment of the building stock needs to change to meet national and local objectives, including achieving zero greenhouse gas emissions in the building sector, and the removal of poor energy efficiency as a driver of fuel poverty;
- identify strategic heat decarbonisation zones, and set out the principal measures for reducing buildings emissions within each zone; and
- prioritise areas for delivery, against national and local priorities.

The LHEES will draw on standardised methodology provided by the Scottish Government to determine how the stock of Midlothian Council's buildings will need to change in order to meet national energy efficiency objectives and will seek to identify heat decarbonisation zones and establish priorities for the delivery of these zones.

This Strategy will be accompanied by a Delivery Plan. This will be developed in partnership with key stakeholders, and will provide a strong basis for action in local communities, and with government, investors, developers and wider stakeholders, pinpointing areas for targeted intervention.

3.2 Scope and Limitations

The full building stock, both domestic & non-domestic throughout the Midlothian Council area will be included within the scope of this strategy. It will cover a wide

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[5] *Climate Change (Scotland) Act 2009 (legislation.gov.uk)*

range of buildings including private homes, Council and Registered Social Landlord owned houses, Council buildings as well as private commercial businesses.

There are limitations to the LHEES methodology provided by the Scottish Government due to data quality and reliability The data used within this strategy is mainly derived from the Home Analytics (HA) data set. This data is derived from EPC and Home Energy Scotland (HES) which is often based off assumptions and recognised as not always accurate. EPC data is constantly being updated as new certificates are issued daily, and there is a time lag between this and the updating of the HA data set. This can result in a data set that is inconsistent to the data we hold internally.

4 Background Information

4.1 LHEES Structure

As established in the Local Heat and Energy Efficiency Strategies (Scotland) Order 2022[6], LHEES should have a two-part structure – a Strategy and a Delivery Plan.

A local heat and energy efficiency **strategy** is a long-term strategic framework to address the required:

- Improvement in energy efficiency of buildings in the local authority's area, and
- The reduction of greenhouse gas emissions resulting from the heating of such buildings

The **Delivery Plan** sets out how Midlothian proposes to support implementation of its LHEES to deliver heat and energy efficiencies within the plan area.

4.2 LHEES Function

The LHEES Guidance outlines that the function and scope of the LHEES should be framed around five 'LHEES Considerations', outlined in Table1. More information on the LHEES considerations can be found in appendix 2.

Table 1: LHEES Considerations

	No.	LHEES Consideration	Description
Heat decarbonisation	1	Off-gas grid buildings	Transitioning from heating oil and LPG in off-gas areas
	2	On-gas grid buildings	On-gas grid heat decarbonisation
	3	Heat networks	Decarbonisation with heat networks
Energy efficiency and other outcomes	4	Poor building energy efficiency	Poor building energy efficiency
	5	Poor building energy efficiency as a driver for fuel poverty	Poor building energy efficiency as a driver for fuel poverty

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[6] *Footnotes - Local heat and energy efficiency strategies and delivery plans: guidance - gov.scot (www.gov.scot)*

The Strategy will set out the long-term plan for decarbonisation of heat in buildings whilst improving their energy efficiency. This will apply across the entire local authority area and will be framed around the following LHEES Considerations (heat decarbonisation and energy efficiency).

Heat decarbonisation[7]:

This comprises identifying off-gas areas that will transition from primarily heating oil and LPG heat sources to renewable energy sources, which in urban areas might include identified viable heat networks.

By 2030 at least 1 million homes (across Scotland) will need to have switched from carbon-based heat sources such as natural gas, heating oil and LPG to zero emission renewable energy heat sources such as air, ground (or water source) heat pumps, or particularly in urban areas where possible, heat networks[8].

In Off Gas Areas the focus will be on the transition away from heat sources reliant on heating oil or LPG to air source, or ground or water source heat pumps where these are viable.

In On Gas Areas the priority will be to eventually phase out the use of natural gas entirely, and transition to zero carbon heating which could involve air source heat pumps, ground source heat pumps (where land is available) or connecting to district heating networks.

Energy efficiency[9]:

The focus will be to identify areas where building fabric is of low thermal quality as this results in a larger proportion of household income being spent on heating the home to an acceptable level. Poor building energy efficiency therefore acts as a driver of fuel poverty. In reference to the LHEES outcomes, this should not prevent the move over to low carbon heat.

4.3 Prioritising LHEES Considerations in a Local Context

Decision making on how to prioritise Considerations in Midlothian's first LHEES has been informed largely through identification of local priorities alongside analysis of the characteristics of the building stock across the Council area. An overview of Midlothian Council's priority indicators are shown in table 2.

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[7] *Decarbonisation is the use of renewable electricity to generate heat in the building*
[8] *[Chapter 2 A 2045 Pathway for Scotland's Homes and Buildings - Heat in buildings strategy - achieving net zero emissions: consultation - gov.scot (www.gov.scot)](www.gov.scot)*
[9] *Energy efficiency is the use of less energy to perform the same task or produce the same result*

Table 2: LHEES Considerations with Midlothian Context

LHEES Consideration	Description	Midlothian Context
Heat Networks	Highlighting zones within a local authority where heat networks present a potential decarbonisation option.	Midlothian is highly suitable for heat networks from a heat demand and waste heat perspective. This Consideration is a priority focus for the LHEES.
Poor Building Energy Efficiency as a driver for fuel poverty.	Identifying possible locations at a strategic and delivery level where poor building energy efficiency acts as a driver for fuel poverty.	Midlothian's LHEES has focused on this Consideration as a mechanism of reducing fuel poverty and heat demand.
On-Gas Grid Buildings	Identifying potential on-gas heat decarbonisation pathways and opportunities at a strategic and delivery level.	Midlothian's LHEES has focused on this Consideration to better understand connection viability for heat networks and to identify decarbonisation pathways for areas not suitable for heat networks.
Poor Building Energy Efficiency	Identify possible locations at a strategic and delivery level where poor building energy efficiency exists across the local authority.	This has been incorporated into delivery of the heat networks Consideration which will need to consider domestic energy efficiency interventions in indicative Heat Network Zones.
Off-Gas Grid Buildings	Identify off-gas heat decarbonisation pathways and opportunities at a strategic level and at a delivery level.	87% of Midlothian's domestic properties are on the gas-grid. This Consideration therefore has not been prioritised for the current LHEES.

4.4 Stakeholder Engagement

Developing Midlothian's LHEES has necessitated robust stakeholder engagement. Some of the key engagement activities included –

- Initial internal meetings to advise on the scope of Midlothian's LHEES upon development of the outputs of stages 1-4 of the Methodology.
- Ongoing internal engagement with Housing and Planning officers.
- Ongoing engagement with strategic partners such as Changeworks, MEL and Vattenfall.
- Engagement with other local authorities producing LHEES through the Local Authority LHEES Forum. Engagement with the Scottish Government on the development of the LHEES Guidance and the regulations around the Heat Networks Act.

- Engagement with external stakeholders including Registered Social Landlords (RSLs), Private Landlords and Businesses.

Future engagement that is undertaken after the publication of this strategy will be critical in meeting the main outcomes. Plans for a robust community engagement campaign are in place.

More detail regarding stakeholder engagement can be found in appendix 1.

4.5 Local Authority Formalities

A full Integrated Impact Assessment (IIA)[10] has being undertaken for the LHEES Strategy. This IIA covers both the LHEES Strategy and Delivery Plan. A Strategic Environmental Assessment (SEA)[11] Screening report has also been undertaken for the LHEES Outputs specifically and results have indicated that a full SEA is not required.

4.6 Local Authority Progress

4.6.1 Local Development Plan (LDP)

The current development plan for Midlothian is made up of two plans:

- The Midlothian Local Development Plan[12], adopted 7 November 2017.
- National Planning Framework for Scotland 4[13], adopted 13 February 2023.

The 2017 Midlothian Local Development Plan sets out the development strategy for Midlothian. It sets out the detailed policies used to determine planning applications in Midlothian. The Development Plan Scheme (DPS) contains the timetable for preparing the next development plan which is due in 2017. It sets out the Council's proposed engagement activity by considering Midlothian's second Local Development Plan, and seeks feedback on the Council's proposed engagement activity.

The LHEES Lead will work closely with planning officers to ensure the LHEES priorities are met in the next publication of the LDP.

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[10] *Equality and Diversity reports | Section 4 integrated impact assessment (midlothian.gov.uk)*
[11] *https://www.midlothian.gov.uk/download/downloads/id/2508/development_sites_assessment_technical_note.pdf*
[12] *Midlothian Local Development Plan 2 | Development plans and policies | Midlothian Council*
[13] *https://www.midlothian.gov.uk/download/downloads/id/4961/national_planning_framework_4_npf4_info.pdf*

4.6.2 Energy Efficiency Standard for Social Housing (EESSH)

Changeworks was commissioned to carry out a baseline energy efficiency stock analysis on Midlothian Council's domestic housing stock and how compliant the properties are with the Scottish Government's Energy Efficiency Standard for Social Housing 2 (EESSH2)[14]. At the time of commissioning, EESSH2 guidance required all social housing to meet the Scottish Government's ambitious target of an Energy Efficiency (EE) rating of 81, equivalent to an EE band B by 2032 within the limits of cost, technology and necessary consent.

The average EE rating across the 6,945 analysed properties from Midlothian Council is 70, which is equivalent to a 'low' EE band C. This is 3 points higher than the average score of 67 for Scottish local authorities. Over half (57%) of the Council's properties have an EE band C (3,956 properties) and one-third (32%) are in the lower bands D to G (2,205 properties).

To increase the energy efficiency of the stock, the following measures were identified:

• Loft and roof insulation measures are applicable for 850 properties (12% of the stock)

• Wall insulation measures are applicable for 714 properties (10% of the stock)

• High efficiency glazing is applicable for 3,290 properties (47% of the stock)

• Floor insulation measures are applicable for 4,764 properties (69% of the stock)

• Heating upgrade measures are applicable for 1,066 properties (15% of the stock)

• Solar PV for 2,907 properties (42%)

• Solar thermal for 67 properties (1%)

The next steps for social housing will involve a more in-depth analysis of the housing stock, taking each property individually and assessing the measures required.

4.6.3 Local Housing Strategy (LHS)

The Housing (Scotland) Act 2001 requires local authorities to prepare a Local Housing Strategy (LHS) for their area. The Local Housing Strategy's strategic vision for housing in Midlothian is that: *"All households in Midlothian will be able to access housing that is affordable and of good quality in sustainable communities".*

LHS Outcomes 2021-2026:

- Access to housing and the supply of new housing has increased across all tenures in Midlothian.

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[14] *Energy efficiency in social housing - Home energy and fuel poverty - gov.scot (www.gov.scot)*

- Improve Place Making in Midlothian.
- Homeless households and those threatened with homelessness are able to access support and advice services and all unintentionally homeless households will be able to access settled accommodation.
- The needs of households with particular needs will be addressed and all households will have equal access to housing and housing services.
- Housing in all tenures will be more energy efficient and fewer households will live in, or be at risk of, fuel poverty.
- The condition of housing across all tenures is improved.
- Integration of Housing, Health and Social Care in Midlothian is improved.

The LHEES Lead will work closely with housing officers to ensure the LHEES priorities are met in the next publication of the LHS.

4.6.4 Energy Efficient Scotland: Area based Schemes

Midlothian Council officers are working closely with Changeworks to deliver the EES:ABS[15] projects across Midlothian. The LHEES lead is working with the individuals responsible for these projects to ensure that they are in line with LHEES priorities. EES: ABS projects with Midlothian Council include solar panels, battery storage and/or external wall insulation.

So far Changeworks have installed measures in over 1038 properties across the council. Around 650 of these are EWI projects in Mayfield, Penicuik and Bonnyrigg. Around 334 properties across Penicuik, Woodburn, Gorebridge, Danderhall and rural areas (Cousland) have had Solar PV installed. In addition to these projects some properties have had underfloor insulation where suitable.

4.6.5 Heat network Activity

Midlothian has a unique opportunity due to their partnership with Midlothian Energy Limited (MEL). This is a 50/50 joint venture between Midlothian Council and Vattenfall. Vattenfall are one of Europe's largest producers and retailers of electricity and heat. The 50/50 joint venture is currently delivering low carbon energy projects across the council.

The first project is a low carbon district heating network supplying the new Shawfair town in the north of the council area. Zero Waste contractor FCC Environment, which operates Edinburgh and Midlothian councils' energy from waste facility (EfW) near Millerhill, supplies low carbon heat to the DHN. The EfW plant is fuelled by residual waste collected by Midlothian, Edinburgh and East Lothian council's. The first phase of the project is supply 3,000 homes, education and retail properties at

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[15] *Energy Efficient Scotland: Area Based Schemes | Changeworks*

Shawfair Town, saving over 2,500 tonnes of CO2 per year. **Heat, which is generated by the energy centre, is schedule to be switched on in July 2024, with heat coming from the EfW plant expected in 2025.**

MLC has also signed a 40 year agreement with the MEL to supply heat to new public buildings that are built within the new Shawfair town. MEL will negotiate final contracts with its main initial partners, FCC Environment[16] and Shawfair LLP[17]. FCC will supply the low carbon heat and Shawfair LLP will facilitate the connections to new domestic and commercial developments in the town.

Additionally, there is a small heat network within the town of Bonnyrigg. This was one of the first in Scotland and was renewed and upgraded to a CHP system in 2003. It provides 215 homes with heating and hot water through 4km of underground pipes.

This LHEES report will outline the future for heat networks across the Midlothian.

4.6.6 LHEES Pilot

Changeworks were procured as consultants to undertake the phase 2 LHEES pilot study for Midlothian. The primary aim of the LHEES Phase 2 pilots were to test and develop methods for creating an LHEES, identify relevant sources of data (and any data gaps), and gain a fuller understanding of the resources and capabilities required to deliver an LHEES.

For Midlothian the focus was on energy efficiency in able to pay[18] (domestic and non-domestic) and domestic private rented sector across the whole local authority area. The project included baseline data reporting, objectives and targeting, measures evaluation, stakeholder engagement, socio-economic analysis and an implementation plan.

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[16] *Home Page - Millerhill (fccenvironment.co.uk)*
[17] *Welcome to Shawfair - New Homes, Offices, Retail in Edinburgh - Shawfair*
[18] *Decision maker should be able and willing to carry out energy efficiency improvements.*

5 Policy & Strategy Context

The Scottish Government's Energy Efficient Scotland route map[19] sets out two key objectives:

1. Removing energy efficiency as a driver for fuel poverty
2. Removing GHG emissions through energy efficient buildings and decarbonising the heat supply.

In attempt to meet these objectives the Government is encouraging targeted area-based schemes led by LAs. LHEES are in place to set the framework and delivery programme for how each LA will reduce energy demand and decarbonise the heat supply in their area.

The national heat and energy efficiency policy landscape in the Scotland is well developed and LHEES will form part of this jigsaw. The Heat Networks (Scotland) Act[20] places a duty on local authorities to carry out a review to consider areas within its boundaries that are likely to be suitable for heat network construction. Although this guidance sits outside the scope of LHEES, the LHEES strategy and delivery plan will support consideration and presentation of evidence relating to the matters set out within Section 48 of the Heat Networks (Scotland) Act 2019. Therefore, LHEES and the duties of the Heat Network Scotland Act interact.

The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019[21] will shape the LHEES due to reducing energy efficiency as a driver for fuel poverty being a key objective. The targets from this strategy will form an important aspect of each local authorities LHEES plans. LHEES will also sit within the Energy Efficiency Standard for Social Housing (EESSH 1&2) and The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015[22] as these regulations directly apply to the approaches domestic properties are being constructed by.

LHEES must feed into the policy landscape to ensure energy and heat decarbonisation is recognised as a priority across the local authority area.

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[19] _Energy Efficient Scotland: route map - gov.scot (www.gov.scot)_
[20] _Heat Networks (Scotland) Act 2021 (legislation.gov.uk)_
[21] _Fuel poverty - Home energy and fuel poverty - gov.scot (www.gov.scot)_
[22] _The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 (legislation.gov.uk)_

5.1 National Policy & Strategy

The main national policies are detailed in table 3. These will be regularly reviewed for future iterations to highlight any changes, and how they influence ongoing delivery.

Table 3: National Policy Summary

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Targets to reduce Scotland's emissions of all GHGs to net-zero. Net-zero by 2045; 56% by 2020; 75% by 2030; 90% by 2040
The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019	The Bill sets out a new target relating to the eradication of fuel poverty, as well as providing a revised definition of fuel poverty. By 2040: no more than 5% of households in Scotland are in fuel poverty; no more than 1% of households in Scotland are in extreme fuel poverty. By 2030: 15% (FP); 5% (EFP) and by 2035: 10% (FP); 3% (EFP)
The Heat in Buildings Strategy (2021)	Updates the Energy Efficient Scotland route map and commits to putting in place standards and regulation for heat and energy efficiency to ensure that all buildings are energy efficient by 2035 and use zero emission heating and cooling systems by 2045. By 2030 over 1 million homes and 50,000 non-domestic buildings to convert to using zero or low emissions heating systems.
Energy Efficiency Standard for Social Housing (EESSH 1&2)	The Standard aims to improve the energy efficiency of social housing in Scotland. Proposed a target to maximise the number of homes in the social rented sector achieving EPC B by 2032
The National Planning Framework	The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole.
Heat Networks (Scotland) Act 2021	Regulates heat networks, supporting objectives in the Heat in Buildings Strategy to grow heat network opportunities. This strategy helps Midlothian Council meet part of its duty within the Act by identifying potential heat network zones. Other duties excluded from this strategy are identifying non-domestic building connections; designating zones; setting up permitting, regulation, and licencing processes; and developing a cost strategy.

5.2. Heat in Buildings Strategy

The Heat in Buildings Strategy is the document where the LHEES concept has derived from, therefore making it one of the key pieces of legislation relevant to this strategy. The key targets of this strategy are displayed below in figure 1.
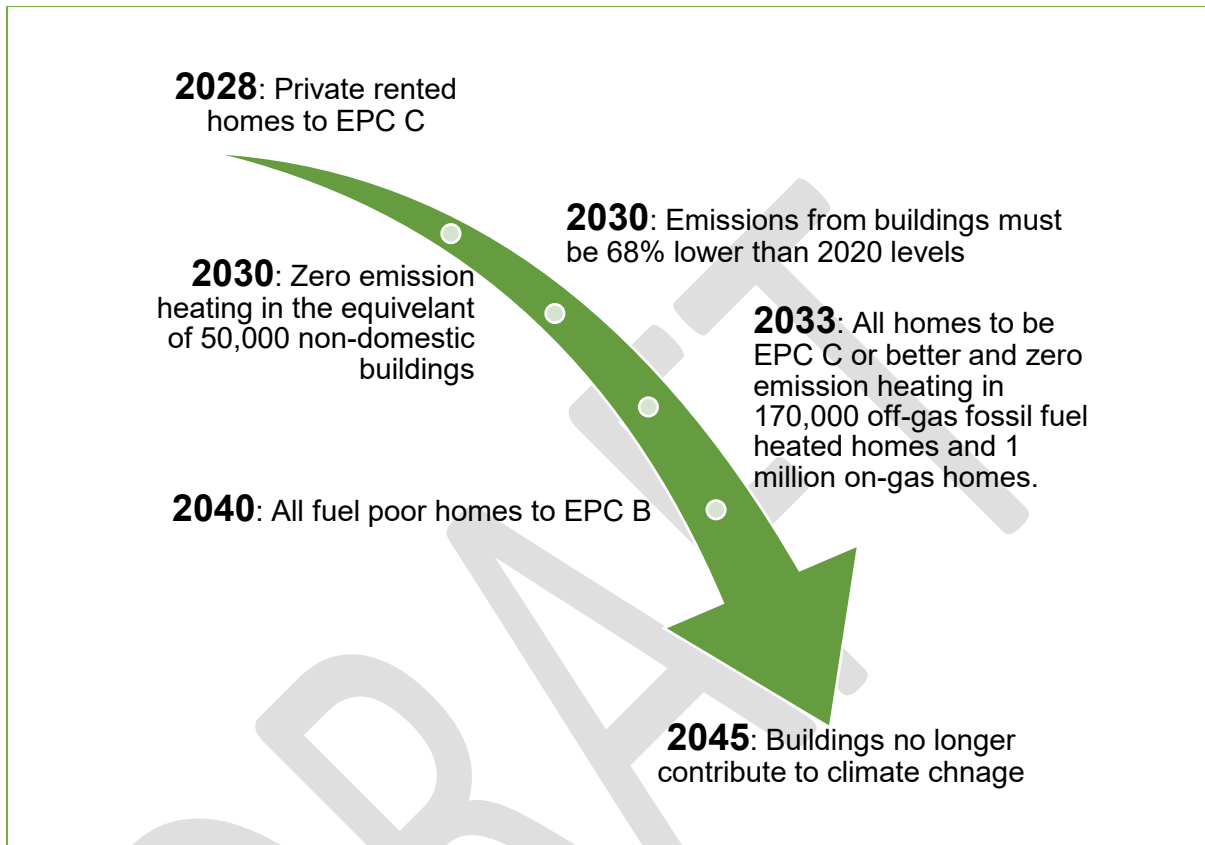
2028: Private rented homes to EPC C

2030: Zero emission heating in the equivelant of 50,000 non-domestic buildings

2030: Emissions from buildings must be 68% lower than 2020 levels

2033: All homes to be EPC C or better and zero emission heating in 170,000 off-gas fossil fuel heated homes and 1 million on-gas homes.

2040: All fuel poor homes to EPC B

2045: Buildings no longer contribute to climate chnage

Figure 1: Key Heat in Building Strategy targets

5.3 Local Policy & Strategy

Midlothian Council declared a climate emergency in December 2019 and stated its ambition to achieve Net Zero Carbon status by 2030.

Table 3 provides an overview of the local policy landscape in relation to Midlothian council specifically. These strategies and plans will be considered when developing and implementing the LHEES. LHEES will have an interaction with the Local Housing Strategies (LHS), specifically section 11 of the LHS guidance which makes reference to LHEES. Although LHEES will not change the reporting duties on fuel poverty, energy efficiency and climate change, the analysis required to produce LHEES, along with the resulting Strategy and Delivery Plan documents will provide key evidence to support reporting in the LHS. At the same time, the outcomes and actions set out in the LHS (due for renewal in 2026), will feed into and shape

LHEES. LHEES will have a similar interaction with Midlothian's Local Development Plan (LDP).

The draft Fourth National Performance Framework (NPF4) states that: 'In taking forward national developments we expect delivery partners to consider how the development interacts with the provision of heat for the surrounding area, potentially in connection with LHEES and emerging plans for the heat sector in the longer term'. Midlothian's LDP, which is due in line with the LHS in 2026, should take into account the area's LHEES and areas of heat network potential and any designated heat network zones when allocating land'. LDP sites should be considered when undertaking zoning as part of LHEES, in particular feeding into potential heat network zones. These local strategies will feed into LHEES directly, however the additional strategies and plans outlined in table 4 will also have a relation.

Table 4: Local Policy & Strategy Review

Singe Midlothian Plan	Community Planning Partnerships (CPPs) draw together public, voluntary and private sector bodies, and local communities. CPPs deliver a shared 'plan' based on evidence to improve the lives of local people. Relevant objectives include: 'To explore the exploration of ground and roof mounted solar panels on Council owned land and property' and 'increase renewable energy'.
Midlothian Climate Change Strategy	Midlothian Council aims to lead by example and has developed a Climate Change strategy. The strategy outlines the challenges and provides an action plan to achieve targets and contribute to a net zero position. Objectives include raising awareness of climate impacts and taking a 'One Council' Approach to reducing carbon emissions.
Local Development Plan 2017	There were no targets regarding private housing however this plan seeks to mitigate greenhouse gas emissions arising from the use of buildings by limiting energy use, improving energy efficiency and requiring the use of low and zero carbon heat.
Local Housing Strategy 2021-2026	The Housing (Scotland) Act 2001 requires local authorities to prepare a Local Housing Strategy (LHS) for their area, supported by an assessment of housing need and demand.
Strategic Housing Investment Plan 2023/24	The purpose of Midlothian's Strategic Housing Investment Plan (SHIP) is to set out strategic investment priorities for affordable housing over a 5 year period to achieve the outcomes set out in the Local Housing Strategy (LHS). The SHIP priorities are clearly aligned with the LHS Outcomes Action Plan 2021-2026
Energy Efficiency Standard for Social Housing 2023/24	Aim to reduce energy consumption, fuel poverty and greenhouse gas emissions. Target to make a significant contribution to reduce carbon emissions by 80% by 2050 in line with the requirements set out in the Climate Change (Scotland) Act 2009

5.4 Resources

In Scotland there are several useful resources for advice and funding for energy efficiency measures. Home Energy Scotland[23] is funded by the Scottish Government and is the main supplier of energy advice and grant funding in Scotland. Their email and phone service along with their website provides users with detailed advice on energy efficiency measures and low carbon renewable technologies. Funding includes interest free loans and full or part funded grants for householders and landlords.

The Warmer Home Scotland[24] Scheme delivered by Warmworks is another government funded scheme to assist with energy efficiency. This scheme is means tested[25] and can provide the householder with an improved heating system, renewable technology and insulation.

Home Energy Efficiency Programmes for Scotland (HEEPS) is another funding platform to tackle fuel poverty and increase energy efficiency. Householders can benefit from insulation measures and sometimes heat pump installation either fully or part funded.

Business Energy Scotland[26] and Zero Waste Scotland also provide funding and support to small local businesses across Scotland.

6 Baselining - Domestic

Core datasets used in this LHEES analysis are:

Home Analytics (domestic): Home Analytics is a dataset delivered by Energy Saving Trust, which pulls together data on residential properties throughout Great Britain. It combines energy efficiency metrics with a range of property attributes, geographical factors and socio-demographic information. The dataset provides detail available at individual property level and combines both actual and modelled values. It should be noted that the data is not 100% accurate, as the characteristics of some properties are based on extrapolated data. In LHEES analysis, this dataset is used for the domestic building stock assessment.

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[23] Home Energy Scotland
[24] *Warmer Homes Scotland • Warmworks • Bringing warmth to homes and communities.*
[25] *A means test is a determination of whether an individual or family is eligible for government assistance or welfare*
[26] *Business Energy Scotland · Make Your Business Greener*

Scotland Heat Map[27]: The Scotland Heat Map consists of a number of separate layers mapping energy consumption. The purpose of the map is to determine heat demand and heat sources across Scotland to facilitate the optimisation of energy supplies and infrastructure investment. For the GIS analysis elements of the LHEES approach, the Scotland Heat Map "Geographic Boundaries" dataset is used to provide precise geographic areas, with Data Zones utilised within this methodology.

One Scotland Gazetteer's Address Gazetteer[28]: The One Scotland Gazetteer (OSG) is a national land, property and address dataset that comprises data from each local authority in Scotland. In LHEES analysis, it is used for non-domestic properties that fall in mixed (domestic and non-domestic) and non-domestic shared buildings.

Green Heat in Greenspaces (GHiGs) - GIS layer: The Green Heat in Greenspaces dataset has been produced by Greenspace Scotland to explore how areas of greenspace across Scotland can contribute to transforming the urban landscape of the future to one based on low carbon heat. In particular, it focuses on the potential of greenspaces to host solutions using heat pump technology and district heat networks based on their physical characteristics and proximity of location in relation to heat demand. The GHiGs layer was used to identify areas with potential use of ground source heat pump networks and in conjunction with heat network zones identification.

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[27] *[Scotland Heat Map (data.gov.scot)](data.gov.scot)*
[28] *[OSG | One Scotland Gazetteer](OSG)*

7.1 Summary

Midlothian is a relatively small local authority with around 40,000 domestic properties. The majority (73%) were built pre-1984, this is similar to the national average (70%). The older housing is typically located in the smaller mining villages. 8% of homes are in conservation areas with only 2% being listed. Midlothian has a wide range of property types (figure 2). The majority of dwellings are houses (75%), compared with 25% being flats. This is lower than the national average of 40%. The tenure profile highlights that the majority (75%) are owner occupied, 11% council housing and 10% privately rented.
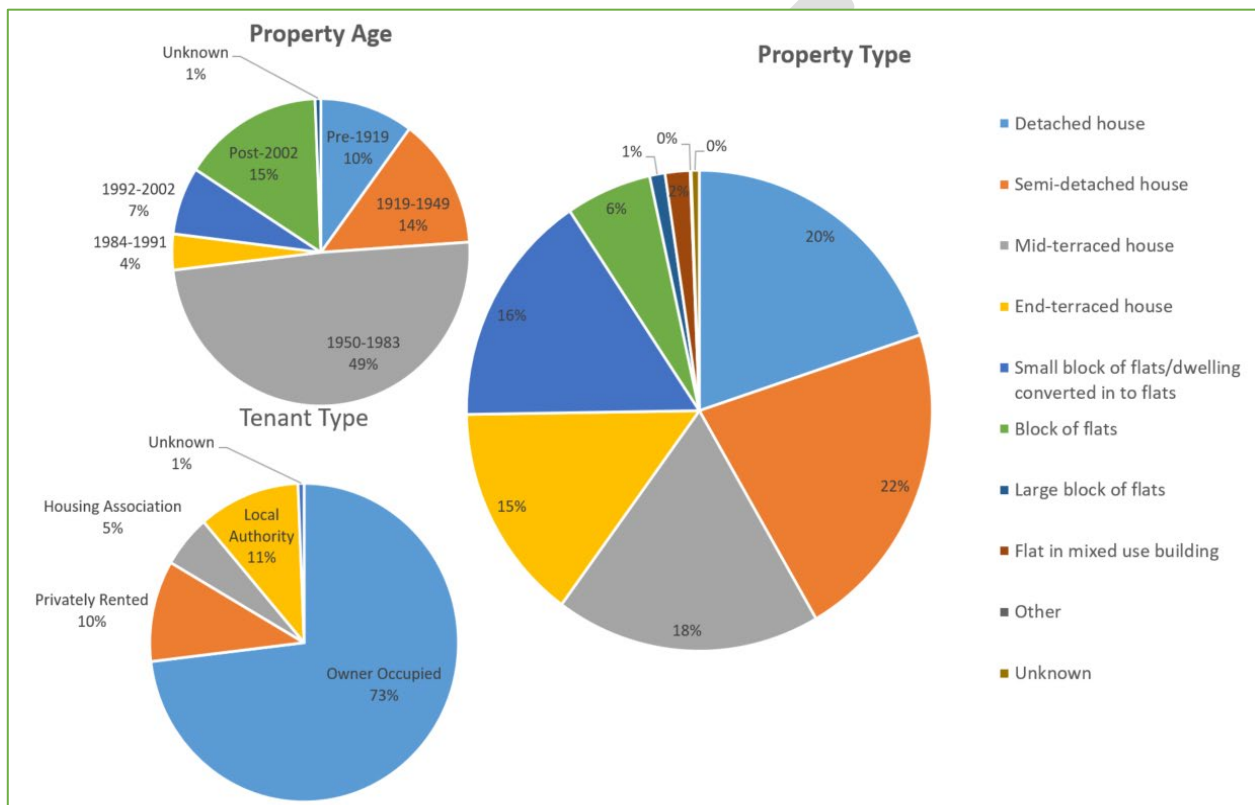

Figure 2: Domestic Stock Overview (Baseline Tool, 2023)

The baseline data for Midlothian also considers energy efficiency and fuel type (figure 3). 49% of homes have an EPC of C or above, while 50% of homes have an EPC of D or below, this is in line with the national average. The majority (89%) of homes are connected to the gas grid, this is higher than the national average (83%). Of those who are not on mains gas, 4% are heated using electricity, 3% use oil, 2% biomass and 1% LPG.
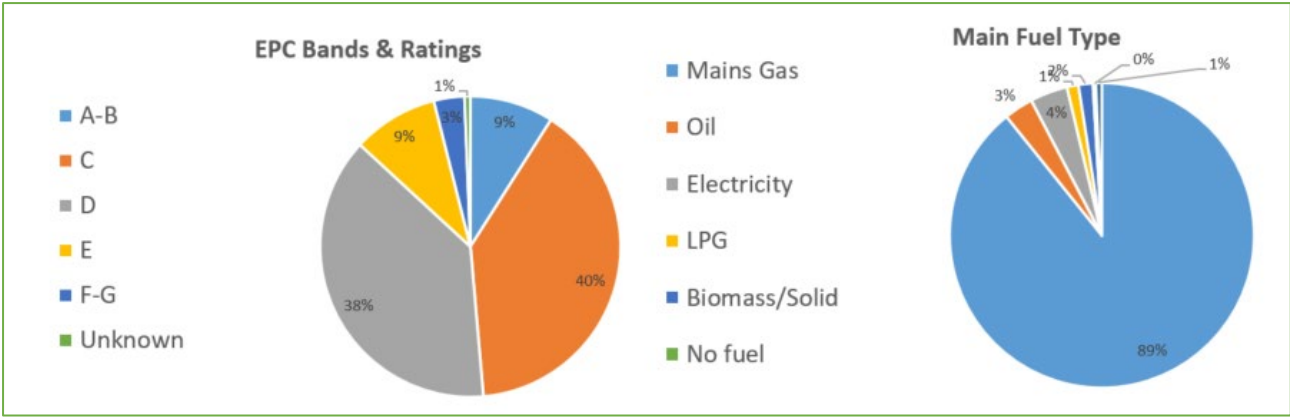
Figure 3: Domestic EPC and Fuel Overview (Baseline Tool, 2023)

In terms of the fabric of the buildings across Midlothian (figure 4), the majority (59%) of properties are of cavity construction, however only 45% of these have been insulated. This is lower than the national average of 73%. 15% of homes are of solid wall construction, with 11% of these being insulated. This is lower than the national average of 17%. The majority (54%) of homes have 250mm of loft insulation or more with only 5% having 99mm of loft insulation or less, this is on par with the national average. Midlothian has good levels of window fabric, with 91% of properties being double or triple glazed.
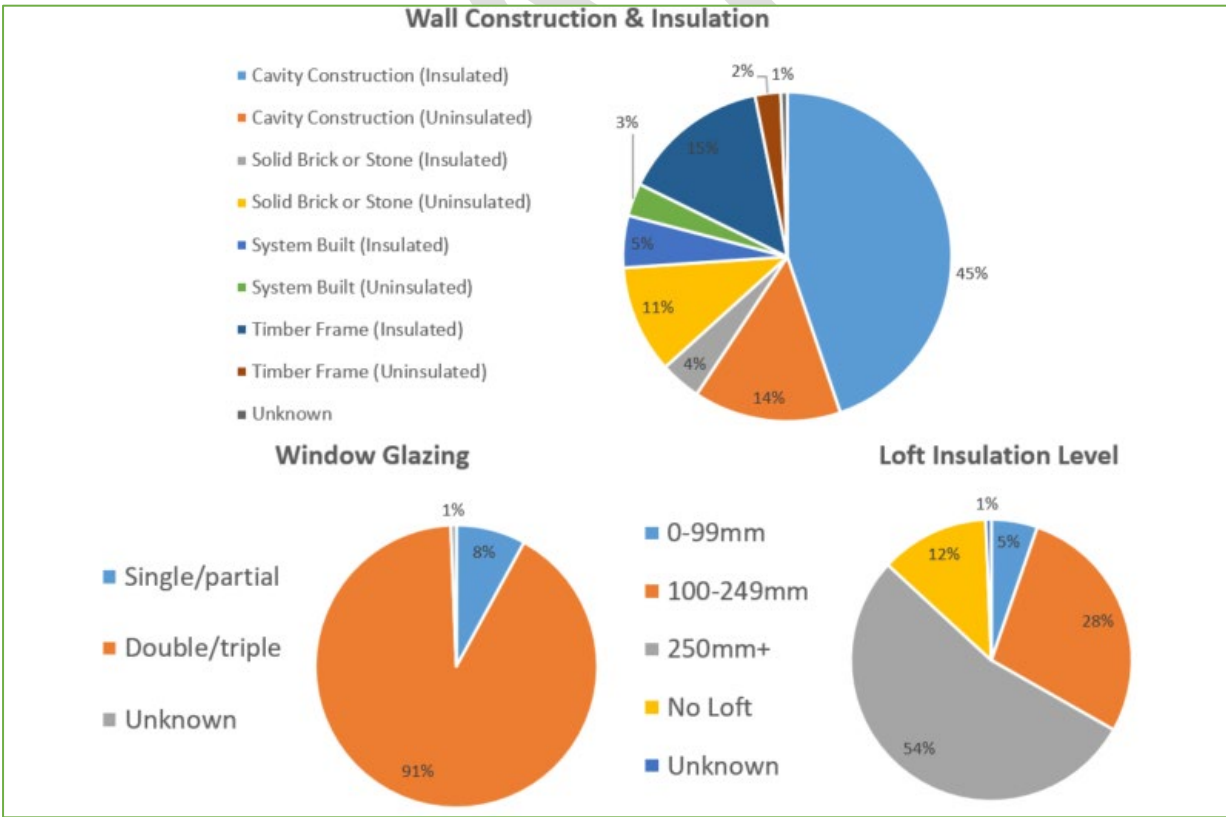

Figure 4: Fabric Overview (Baseline Tool, 2023)

Finally, figure 5 presents a summary of Midlothian's baseline. The heat demand statistics will be used within the heat zoning section of the LHEES Strategy. The key points derived from this summary that will be a focus point in this strategy are:

- 30% of homes are uninsulated.
- 55.6% of homes have EPC D-G.
- 19.4% of households are in fuel poverty.
- 7.6% of households are in extreme fuel poverty.

Although levels of fuel poverty are high, they are below the average of 24.6% and 12.4% respectively.

Insulation	Percentage	Number of properties
Uninsulated walls	30.89%	12,592
Loft insulation <100mm	5.32%	2,168
Single glazed windows	7.97%	3,248

Energy and heat demand	
Heat demand per dwelling (kWh/dwelling/year)	12,767
Energy demand per dwelling	20,753

EPC Rating	Percentage	Number of properties
EPC F-G	4.44%	1,809
EPC D-G	55.63%	22,675

Income	Percentage	Number of properties
Estimate of households in fuel poverty (fuel bill>10% of income)	19.49%	7,944
Estimate of households in extreme fuel poverty (fuel bill>20% of income)	7.64%	3,113
Council Tax Band A-C	40.51%	16,515

Figure 5: Baseline Overview

7.2 Core Indicators

This section further examines the Baseline data across Midlothian's 22 Intermediate Zones. Taking key information from the previous section, focus will be given to energy efficiency, fuel poverty and fuel type. Relevant core indicators[29] will be used for each analysis and explanation will be provided as to why each indicator and weighting[30] has been used. Recommendations and conclusions will be serviced across strategic zones.

7.2.1 Energy Efficiency

When assessing energy efficiency, three core indicators are used; loft insulation (between 0-99mm), single glazed windows and wall insulation (all constructions). The weightings for these indicators have been given consideration to the home heat loss figures discussed in section 5. Wall insulation has been given a higher weighting, followed by loft insulation and then window glazing as this corresponds

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[29] *Indicators are applicable across LHEES considerations and are structured around maters such as building characteristics, energy efficiency and tenure.*
[30] *If multiple Indicators are used in strategic zoning or the identification of delivery areas, a Weighting can be applied based on the importance of each*

with the level of heat that can escape from a typical building. At this stage only the individual indicators are shown and explained in the following sections. Figure 6 presents a spatial overview of Energy Efficiency within the intermediate zones, highlighting that **Straiton, Rural South Midlothian, Eskbank and Roslin and Bilston** are the areas with the highest level of poor energy efficiency (shown in dark blue).
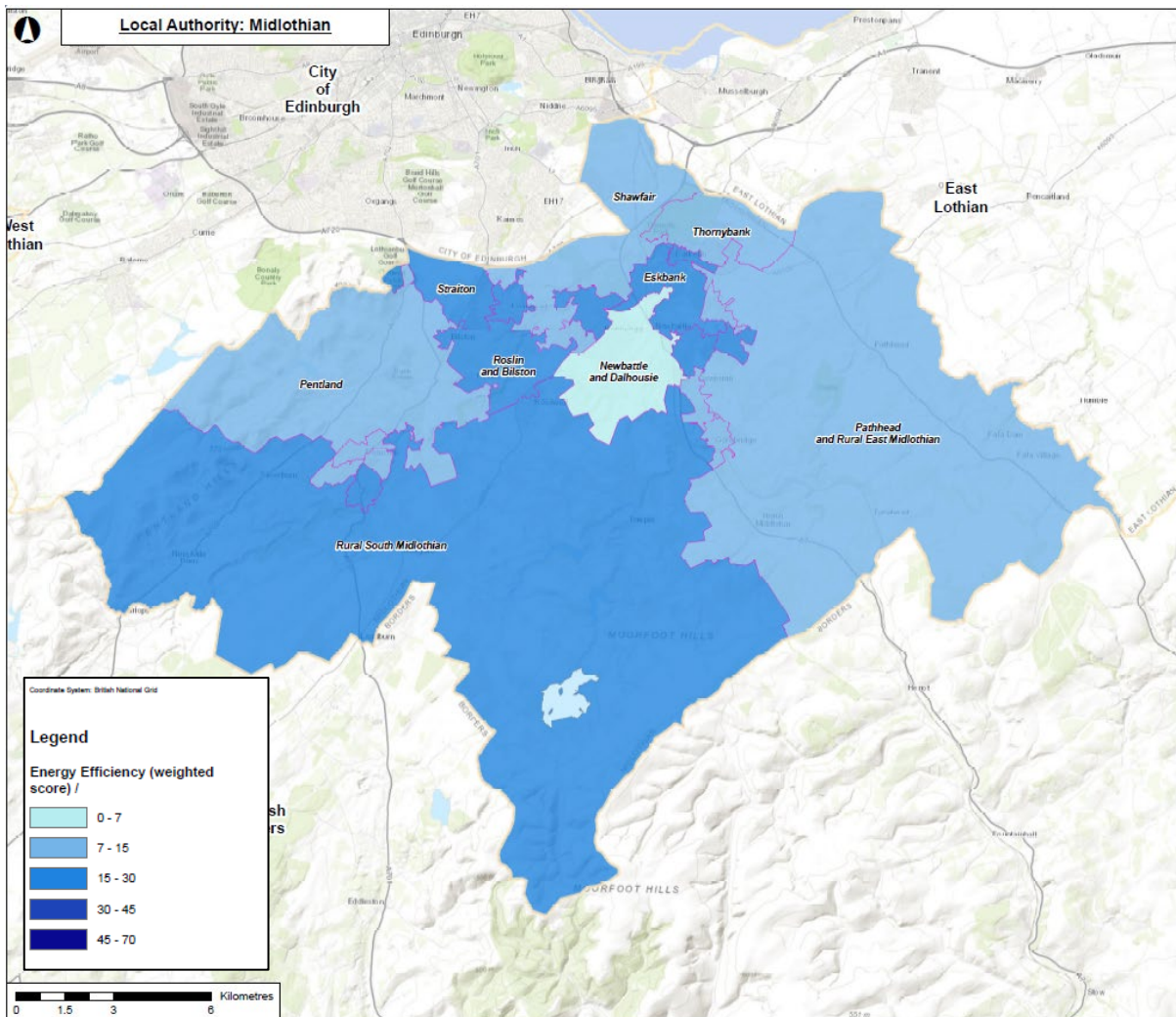

Figure 6: Energy Efficiency cross intermediate Zones (National Assessment, 2022)

7.2.1.1 Wall Insulation

As seen in figure 7, Midlothian has substantially higher wall insulation rates as compared to the rest of the country (only 29% of properties are uninsulated in MLC vs. 41% nationally).
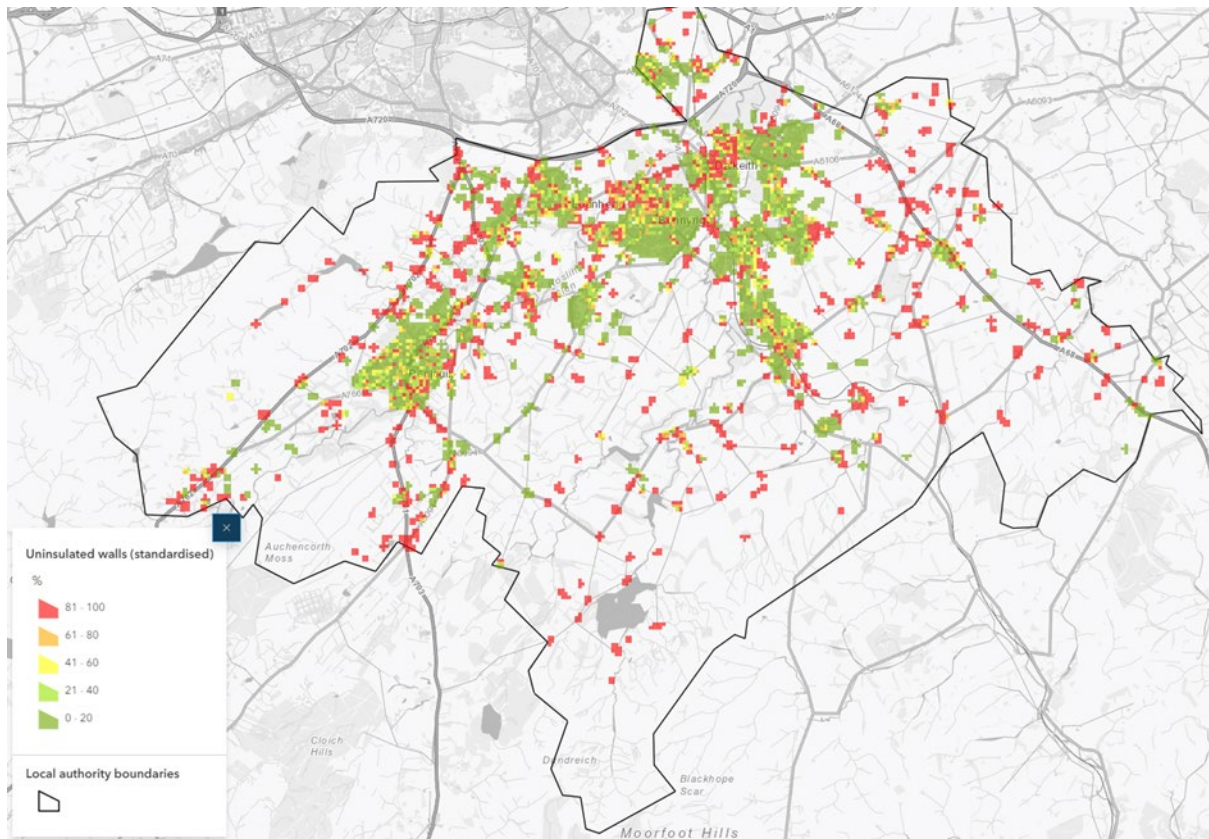
Figure 7: MLC Uninsulated Walls (Changeworks, 2023)

The majority of uninsulated walls are cavity wall properties (46% of the total uninsulated walls, as compared to 27% nationally). As uninsulated cavity wall properties in MLC represent 13% of the total area. Increasing the insulation of cavity walls in the owner occupied and privately rented tenures will be important. Data Zones with the highest density of uninsulated cavity wall properties are **Penicuik North, Roslin and Bilston and Newbattle and Dalhousie**. Some of the needed cavity wall insulation could be planned for through EESABS projects, at least in appropriate areas (i.e. with high fuel poverty levels).

The second driver for uninsulated walls is solid brick or stone wall properties, which represent 34% of uninsulated walls and 10% of total the properties in the area. Data Zones with the highest density of uninsulated solid brick or stone wall properties are **Dalkeith, Eskbank, Penicuik Southeast and Roslin and Bilston**. Some of the needed solid wall insulation could be planned for through EESABS projects, at least in areas with high fuel poverty levels.

7.2.1.2 Loft Insulation

The map in figure 8 shows standardised probability of loft insulation levels being less than 100mm. Loft insulation rates are higher than the national average. 63% of properties with lofts have loft insulation over 250mm, this is higher than the national average of 48%. Privately rented properties with lofts had the lowest levels of loft

insulation over 250mm (57%). This highlights potential need for landlord engagement. Data Zones with the highest density of loft insulation below 99mm are **Straiton, Eskbank and Loanhead**.
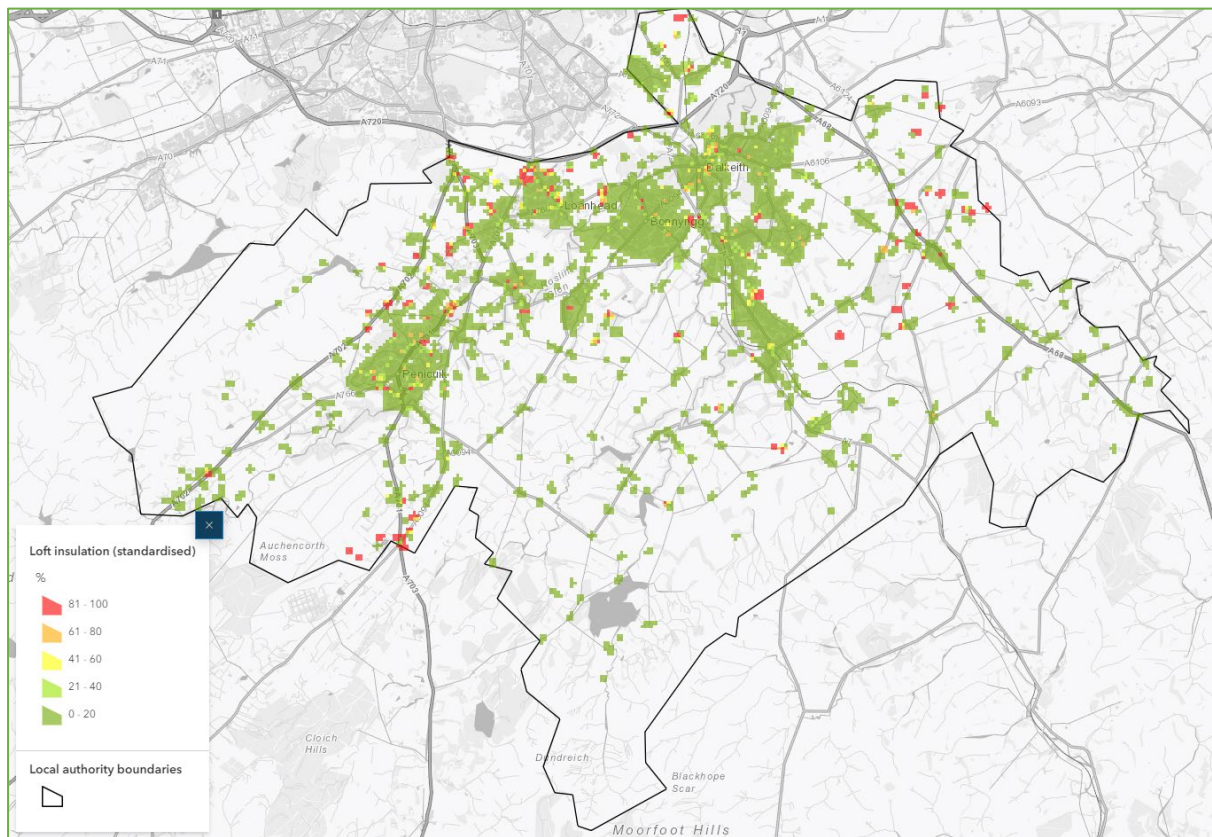

Figure 8: MLC Loft Insulation (Changeworks, 2023)

7.2.1.3 Single Glazing

MLC has a high level of double and triple glazing (91%). Data Zones with the highest level of single glazing are **Newtongrange, Dalkeith and Rural Midlothian South**. Potential reasons for this could be that these Intermediate Zones have a large proportion of properties that are owner occupied, rural and/or listed, making intervention difficult. Some of the needed glazing improvements could be planned for through EESABS projects, at least in areas with high fuel poverty levels.

7.2.2 Fuel Poverty

The fuel poverty rate in MLC is 19% which is an improvement on the nationwide figure of 24.6% reported in the Scottish house condition survey in 2021[31]. Average annual fuel costs for combined gas and electricity is £1,424, based on the 2017 energy data provided by BEIS[32]. This is lower than the national average of £1,634.

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[31] *Introduction - Scottish House Condition Survey: 2021 Key Findings - gov.scot (www.gov.scot)*
[32] *https://assets.publishing.service.gov.uk/media/5a82a3ffed915d74e6236e1c/UK_Energy_in_Brief_2017.pdf*

The top Data Zones where energy efficiency is likely to be a driver for fuel poverty are **Dalkeith, Mayfield and Newtongrange** (figure 9).
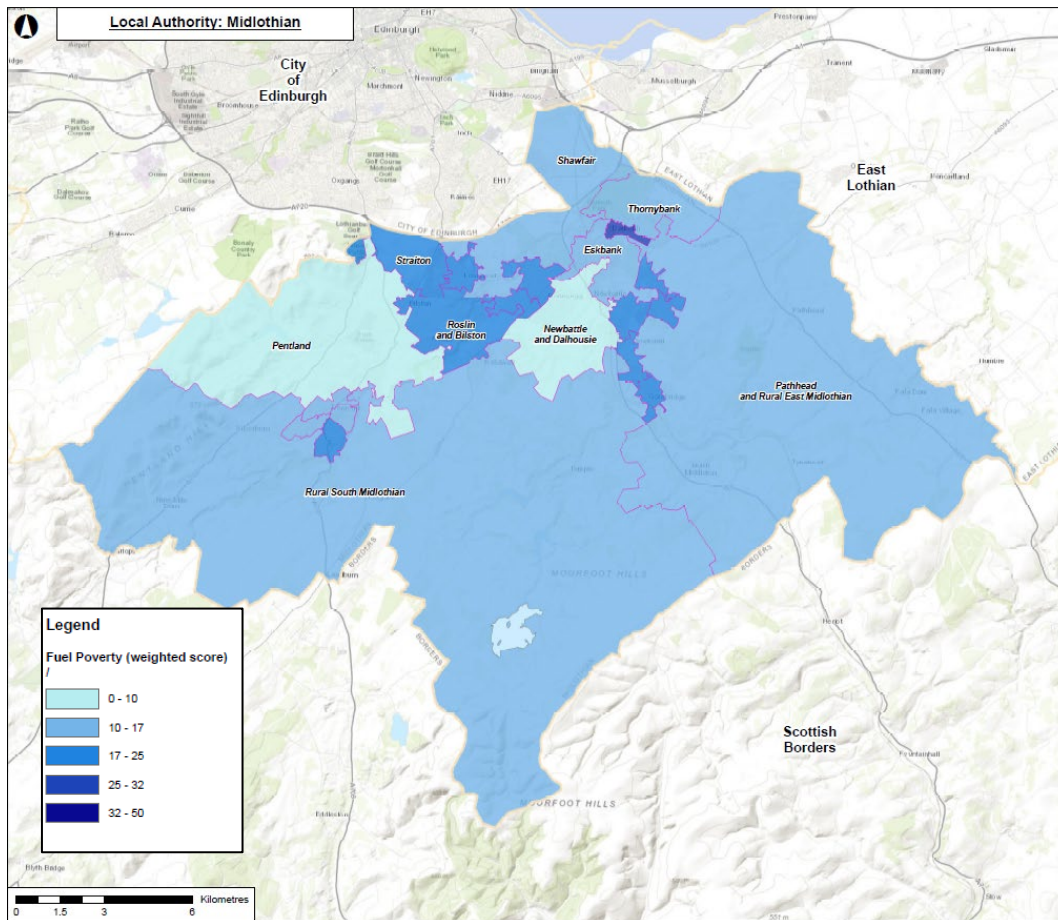

Figure 9: MLC Fuel Poverty Overview (Changeworks,2023)

7.2.3 Fuel Type

7.2.3.1 Off-Gas Grid

This section highlights potential Delivery Areas for transition from heating oil and LPG to low regrets[33] heat pump installations. A total of 3,490 properties fall within the off-gas grid category, this is equivalent to 8% of the total housing stock assessed.

In MLC less than 150 properties have been categorised as Category 0[34]. This covers properties which already utilise a heat pump or communal heating system. The two areas with the highest density are around **Penicuik and Kippilaw Steading**. With

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[33] *Low-regret actions are relatively low cost and provide relatively large benefits under predicted future climates*

[34] *Category 0 identifies properties that currently have a low or zero emissions heating system*

142 identified properties, the extent of Category 0 properties is limited. These properties are spread across the local authority, indicating that to date, retrofit initiatives have been driven primarily by individual property owners. This reflects a lack of cohesive retrofit strategies as well as the fact that there are very few communal oil or LPG heating systems.

For the off-gas areas in MLC, less than 1,300 properties are considered to be 'heat-pump ready'. This covers properties which considered to be highly suited to a heat pump solution, as there is an existing wet heating system and the property is well insulated. Examples of priority areas for Category 1[35] include **Pathhead, Gorebridge and Woodburn/Whitehall** (figure 10).
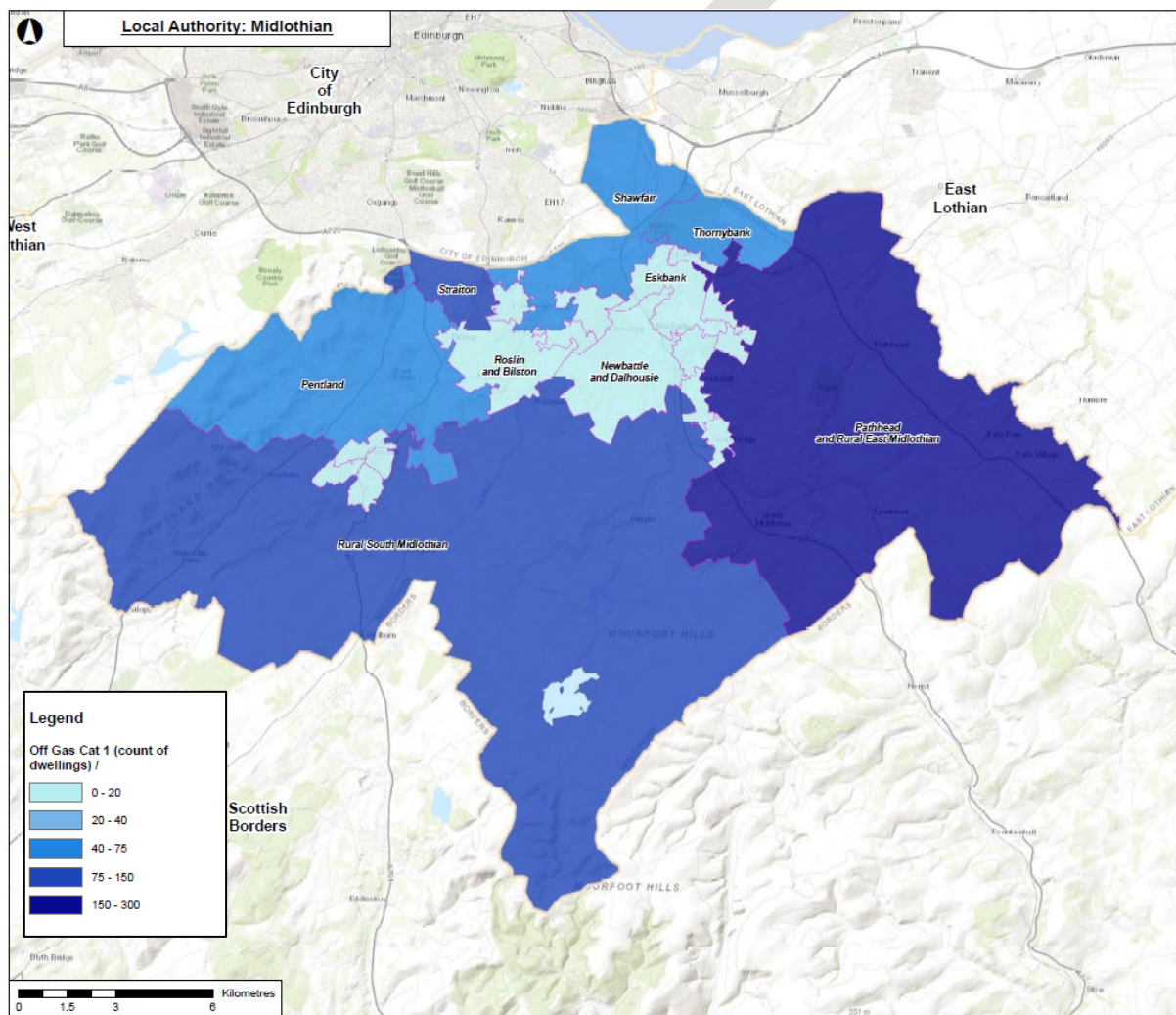

Figure 10: Intermediate zone overview of Off-gas Category 1(National Assessment, 2022)

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[35] *Those considered highly suited for heat pump retrofit (i.e. well insulated properties with a wet heating system, excluding any consideration of electricity network impacts or costs of any network upgrades)*

Just a little over 700 properties have been categorised as Category 2[36]. This covers properties with a wet heating system that will require retrofitting to the building fabric to become heat pump ready, but at a less extensive level than Category 3 properties. Examples of priority areas for Category 2 include **Pathhead, Gorebridge and Dalkeith**.

In MLC just around 1,400 properties are classified as Category 3[37], which constitutes only 3 % of the total housing stock. This covers properties which could either become suitable for heat pump technology (following significant fabric/heat distribution system upgrade), or have either electric or biomass viable decarbonisation technology. Examples of priority areas for Category 3 include **Dalkeith, Cousland and Pathhead.**

7.2.3.2 On-Gas Grid

This section highlights potential Delivery Areas for transition from gas heating systems to low regrets heat pump installations or communal heating. A total of 38,305 properties fall within the on-gas grid category, this is equivalent to 90% of the total housing stock assessed (figure 11).

Around 400 on-gas properties have been categorised as Category 0 in MLC. This covers properties which already utilise communal heating systems. Examples of priority zones for Category 0 are around Bonnyrigg, Penicuik and Dalkeith.

Close to 26,500 on-gas properties have been categorised as Category 1 in MLC. This represents 63% of the total assessed housing stock. This covers properties where minimal fabric upgrade is needed prior to heat pump installation and they have a wet heating system. Examples of priority areas include **Dalkeith, Bonnyrigg and Penicuik.**

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[36] *Those with secondary potential for heat pump retrofit (i.e. properties in need of moderate fabric upgrade and / or addition of wet distribution system to be heat pump ready)*
[37] *Those with tertiary potential for heat pump retrofit (i.e. properties in need of significant fabric upgrade to be heat pump ready).*
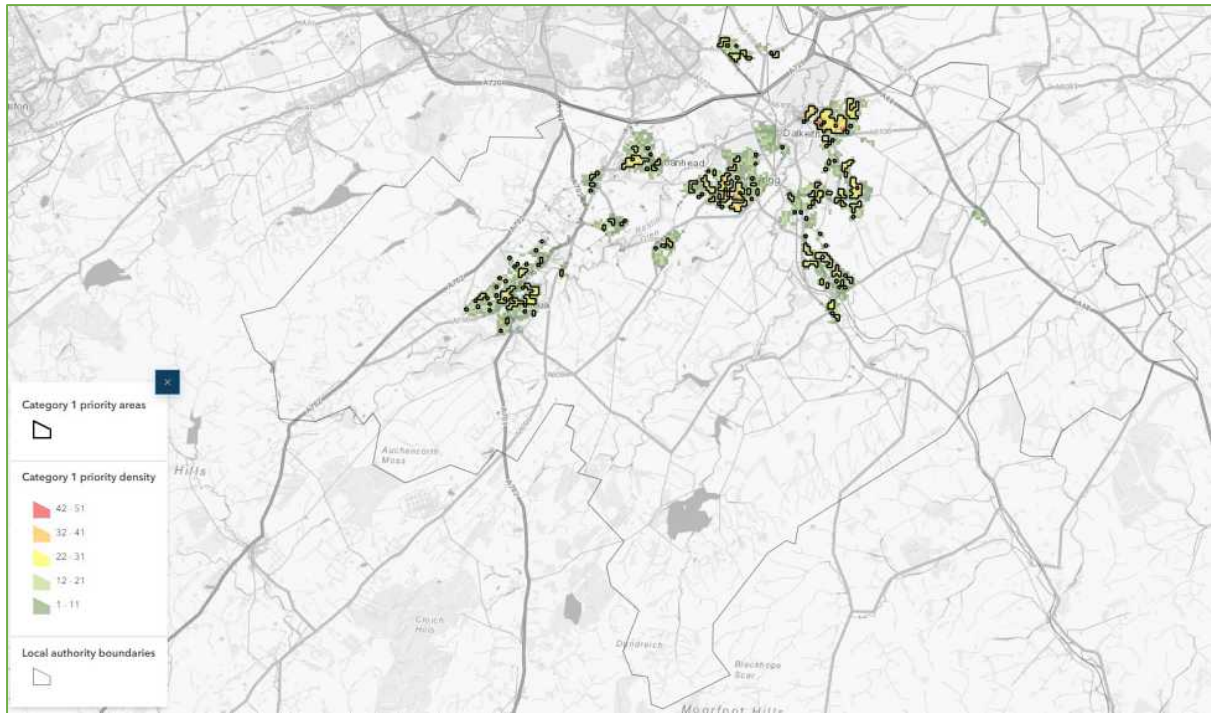
Figure 11: On-gas Category 1 Overview (Changeworks, 2023)

12% of the total assessed stock has been identified as Category 2. This covers properties with a wet heating system that will require retrofitting to the building fabric to become heat pump ready. Examples of priority areas include **Dalkeith and Newtongrange**.

Close to 6,500 properties have been identified as Category 3, which is 15% of the total assessed stock. This covers properties with a tertiary potential for heat pump retrofit or those buildings not suited to heat pump technology. Examples of priority areas include **Dalkeith, Roslin and Mayfield**

8 Heat Network Zones

## 8.1 LHEES Analysis

This section shows where heat networks present a potential decarbonisation pathway that could be of strategic importance for MLC, using the LHEES guidance and methodology. Six prioritised clusters were identified. The areas of greatest potential were identified using linear heat density metrics[38], anchor load[39] threshold criteria and a 100m resolution raster heat density layer. To make the analysis more detailed than the standard methodology, Heat Data Point non-domestic properties were filtered to only include semi-public and public buildings.

Additionally, a sense check of building names was carried out to identify any indication of a building being Council-owned. If that was the case, they were added to analysis. This approach was chosen so that only non-domestic buildings that the Council has full or partial control over are treated as potential anchor loads in the heat network zoning. When defining anchor loads, public and Council-owned buildings have been prioritised as the Council has greater control over the operation of these buildings.

8.1.1 Priority Cluster 1 – Easthouses/Mayfield

This cluster has the most anchor loads and good potential heat demand from nearby properties. Six anchor loads have been identified for this cluster (figure 12):
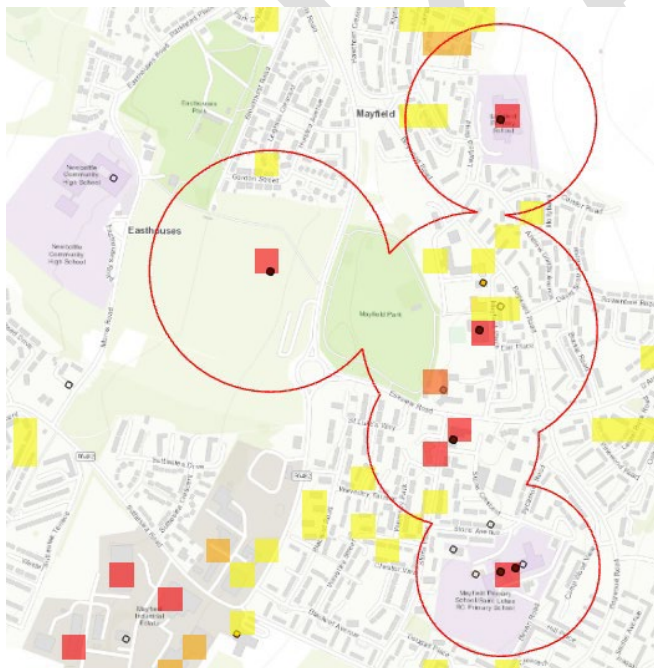
- Mayfield Primary School
- Saint Lukes RC Primary School
- Mayfield Community Club
- Lawfield Primary School
- Mayfield Leisure Centre
- Newbattle High School.

Figure 12: Easthouses/Mayfield cluster (Changeworks, 2023)

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[38] Linear heat density is a measure of heat load per meter of district heating pipework
[39] Anchor loads are significant heat demands that have high potential to be one of the first connected demands on a network

Due to the high number of anchor loads, there may be scope to develop the heat network as part of a phased installation strategy to mitigate local disruption and work within budget constraints. For example, an initial network could be developed in the north of the cluster as the anchor load has a relatively high density of residential buildings in close proximity for connection. There is a significant area of greenspace to the northwest of the cluster which could be utilised for a ground source heat pump (GSHP) system. The large area of greenspace will also mean that the construction process in these areas is likely to be quicker, cheaper and simpler as there will be minimal coordination with existing buried services.

There is one existing heat network within this zone: Salisbury View, which is a communal heating system serving 42 flats within a social housing facility.

8.1.2 Priority Cluster 2 – Loanhead

This zone in Loanhead includes a number of anchor loads with a higher residential heat demand density from nearby properties. Four anchor loads have been identified for this cluster (figure 13):

- Paradykes Primary School
- Loanhead Leisure Centre/ Loanhead Medical Practice
- Loanhead Primary School
- St Margaret's Roman Catholic Primary School.

Figure 13: Loanhead Cluster (Changeworks, 2023)

Cluster 2 has a lower total number of anchor loads; however, there is a higher density of residential heat density loads in close proximity which improves network expansion viability. Two of the anchor loads are surrounded by greenspaces which may be suited to a GSHP installation or this area could be used to house a centralised energy centre serving the area. Buried pipework routes will likely be simpler to install in these areas.

There is one existing heat network less than 100m away from the cluster: Hawthorn Gardens, which is a communal heating system serving 35 flats within a social housing facility. There are no major obstacles, motorways or waterways.

8.1.3 Priority Cluster 3 – Penicuik A

Three potential anchor loads were identified for this cluster (figure 14):
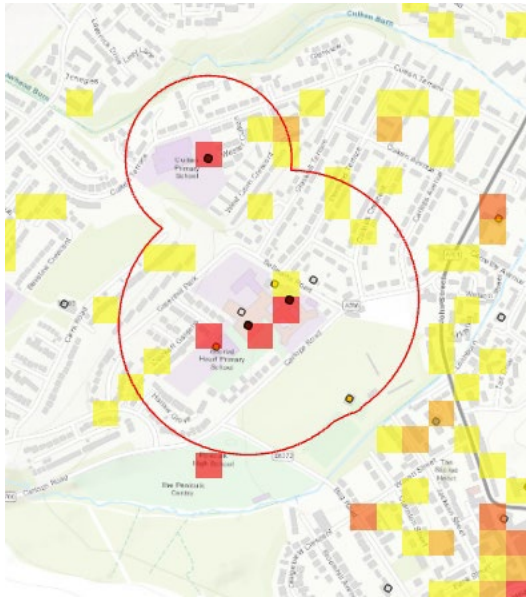
- Cuiken Primary School
- The Penicuik Centre
- Penicuik High School.

Figure 14: Priority Cluster 3 (Changeworks, 2023)

There is one existing heat network less than 120m away from the cluster: Heinsberg House, which is a communal heating system serving 36 flats within a social housing facility. There are no major obstacles, motorways or waterways. There are high potential green spaces within the cluster which could be utilised for low carbon heat systems and distribution pipework.

8.1.4 Priority cluster 4 – Penicuik B

Priority cluster 4 was also located in Penicuik. Three potential anchor loads were identified for this cluster (figure 15):

Figure 15: Priority Cluster 4 Penicuik (Changeworks, 2023)

- Beeslack High School
- Strathesk Primary School
- Eastfield Medical Centre.

No existing heat networks have been identified in the area for potential connection or extension. This cluster includes two major obstacles which will inhibit the development of a heat network connecting all anchor loads: the Loan Burn stream and the A701. Isolated Beeslack High School anchor load may be more suited to a standalone system upgrade, while the other two anchor loads may suit a shared energy centre.

There are high potential green spaces in the area, especially in the north of the cluster which could be utilised for low carbon heat systems and distribution pipework.

8.1.5 Priority Cluster 5 – Bonnyrigg

Two anchor loads in close proximity have been identified for this cluster (figure 16):
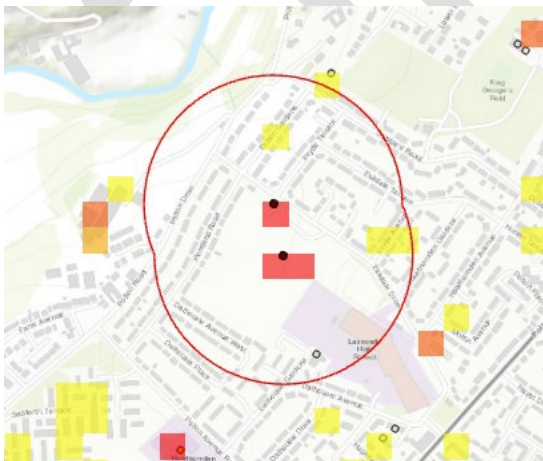
- City of Edinburgh Trampoline club
- Lasswade High School.

Figure 16: Priority Cluster 5 Bonnyrigg (Changeworks, 2023)

There are no existing heat networks that have been identified in the area for potential connection or extension. There are also no major obstacles, motorways or waterways intersecting this zone which might impact pipework distribution route planning.

Similar to cluster 5, the close proximity of anchor loads may suit a shared energy centre to improve ease of maintenance and reduce costs.

8.1.6 Priority Cluster 6 – Dalkeith

Three public anchor loads were identified for this cluster (figure 17):
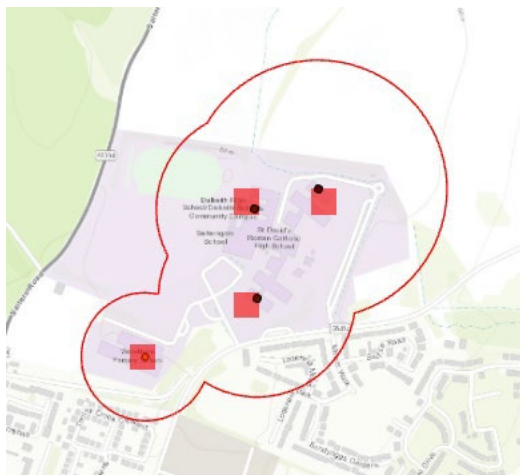
- Saltersgate School
- St David's Roman Catholic High School
- Dalkeith High School.

Figure 17: Priortiy Cluster 6 Dalkeith (Changeworks, 2023)

No existing heat networks or major obstacles, motorways or waterways, have been identified within or in the proximity of the cluster. There are high potential green spaces in the area.

There are no Council-owned residential heat loads near the anchor loads meaning that further engagement with private owners and landlords will be an important factor in determining heat network viability in this area.

Similar to the first two clusters, two of the anchor loads in cluster 6 are situated close to greenspaces which may favour a GSHP installation or this area could be used to house a centralised energy centre serving the area. Buried pipework routes will likely be simpler to install in these areas as well.

8.2 MEL/Vattenfall Analysis

MLC and their partnership with MEL have conducted a heat network review separate from the LHEES Methodology. This review has highlighted current heat networks and potential zones that the LHEES methodology did not, this is due to some buildings OS Addresses not being included in the LHEES analysis and several anchor loads were not deemed enough to form a cluster. Many of the zones that will be taken forward into the LHEES Delivery plan are from the MEL analysis as they are deemed more practical and more likely to gain traction. This highlights the importance of using accurate and relevant classification codes for buildings and using an approach which is relevant to the Local Authority.

The basis of this study was to take the key waste heat opportunities in the area and assess whether they could serve heat to the following areas. The top waste heat opportunities in Midlothian are (figure 18):

- Millerhill Energy from waste (EFW) Plant
- Advanced Computing Facility (ACF) at Easter Bush
- Penicuik Estate redevelopment
- Dalkeith Mine water treatment site (MWTS)
- Shallow mine water opportunities
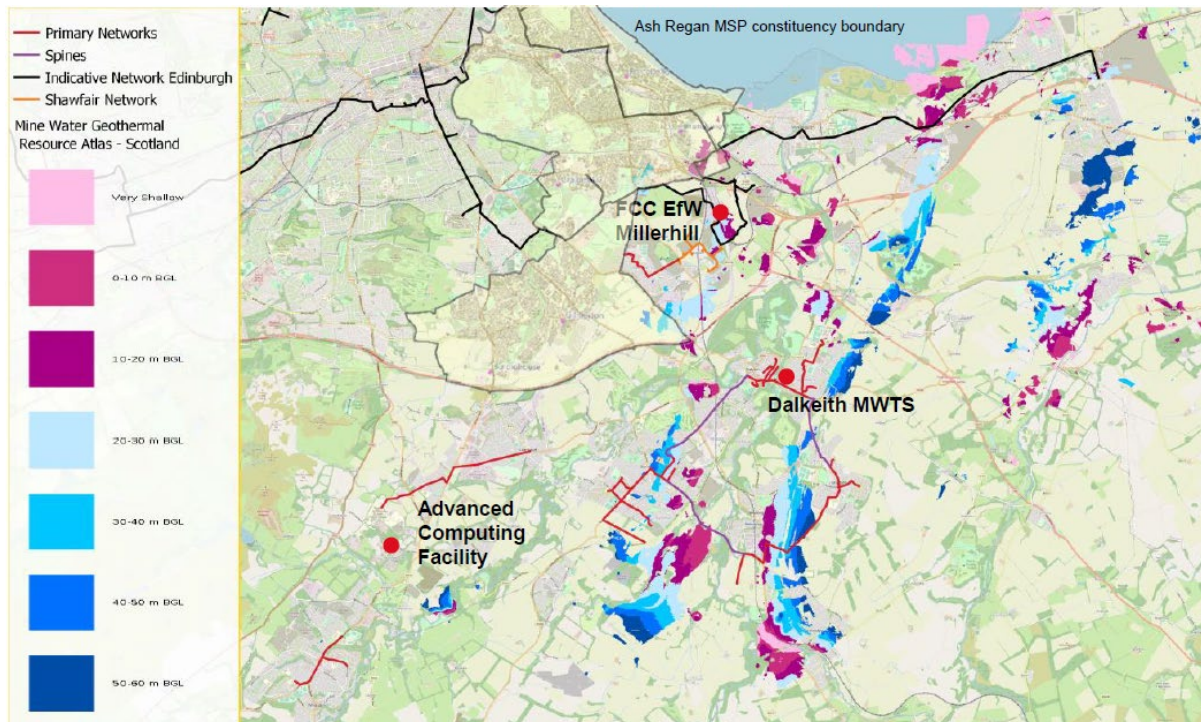
Figure 18: Waste Heat & Environmental Sources of Heat Midlothian (Vattenfall, 2023)

Based on the review of waste heat in and around Midlothian, Vattenfall (on behalf of MEL) then measured the areas where MEL could consider investment in district heating. 4 investment areas were defined:

- Shawfair and Danderhall
- Dalkeith including Eskbank and Woodburn / Bonnyrigg, Lasswade/Mayfield, Lingerwood and Newtongrange
- Easter Bush, Straiton and Loanhead
- Penicuik

These areas of potential Heat network expansion across Midlothian are presented visually in figure 19.
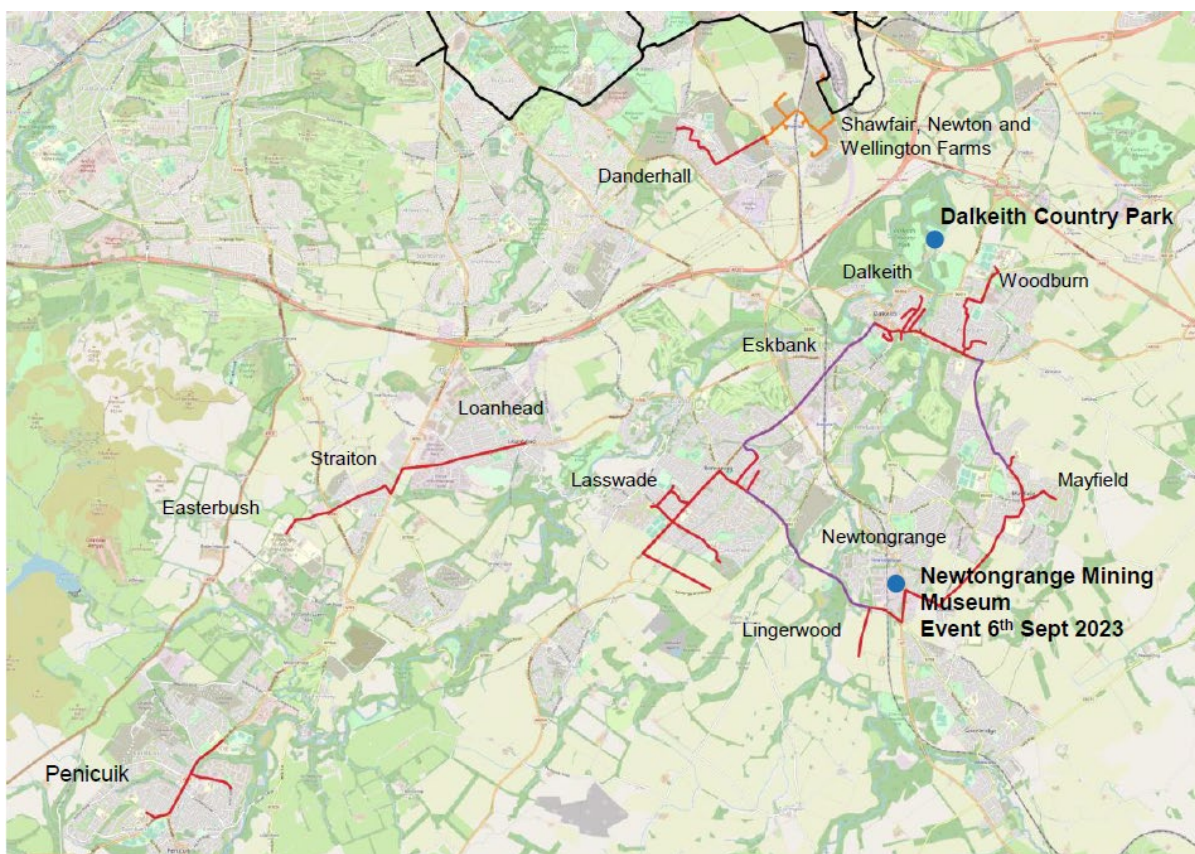
Figure 19:Map highlighting HN Expansion across Midlothain (Vattenfall, 2023)

8.2.1 Zone 1- Shawfair and Danderhall

8.2.1.1 Shawfair and Bio-quarter Extension

The ESCo, a 50/50 joint venture between MEL and Vattenfall is currently delivering low carbon energy projects across the council. The first project is a low carbon district heating network supplying the new Shawfair town. The EfW facility near Millerhill, supplies low carbon heat to the DHN. The EfW is fuelled by residual waste collected by Midlothian, Edinburgh and East Lothian councils. MLC has also signed a 40 year agreement with the MEL to supply heat to new public buildings that are built at the new Shawfair town.

The first phase of the project is supply 3,000 homes, education and retail properties at Shawfair Town, saving over 2,500 tonnes of CO2 per year. The project will benefit from up to £7.3m from the Scottish Government's Low Carbon Infrastructure Transformation Project (LCITP). The first pipes to supply the Shawfair Town with low-carbon heating have been installed in 2023, with construction on the site now well-underway. Heat is expected to be delivered to homes by July 2024.

In addition to the Shawfair Network, MEL are working on a business case to take heat to Edinburgh's Bio-Quarter. This is proposed to serve new buildings on

Edinburgh's BioQuarter site masterplan, with connection to existing buildings on site in due course, including the NHS Royal Infirmary of Edinburgh and the Royal Hospital for Children and Young People, and the potential to serve social housing off-site. The study examines the potential for a connection to the Shawfair Heat Network.

8.2.1.2 Danderhall

Figure 20 illustrates the expansion of the Shawfair project to connect the council owned housing in Danderhall. Danderhall is located 600m from the main Shawfair Strategic heat network area, immediately to the west of Shawfair Town and to the east of the Bio Quarter and the Edmonstone Road development. It represents a suitable domestic and non-domestic heat load, over 5GWh. Given the suitability load and location it also provides MEL with a compelling reason to develop a 'replacement heating' option which will be instrumental in making Danderhall a low carbon town.

Danderhall is a small mining village with a high proportion of council housing. Changeworks are undergoing the first phase of a EWI project in the area which is using funding from the Net Zero Heat Fund. MLC, Changeworks and MEL are working together to coordinate fabric improvements alongside heat network connections in the area.
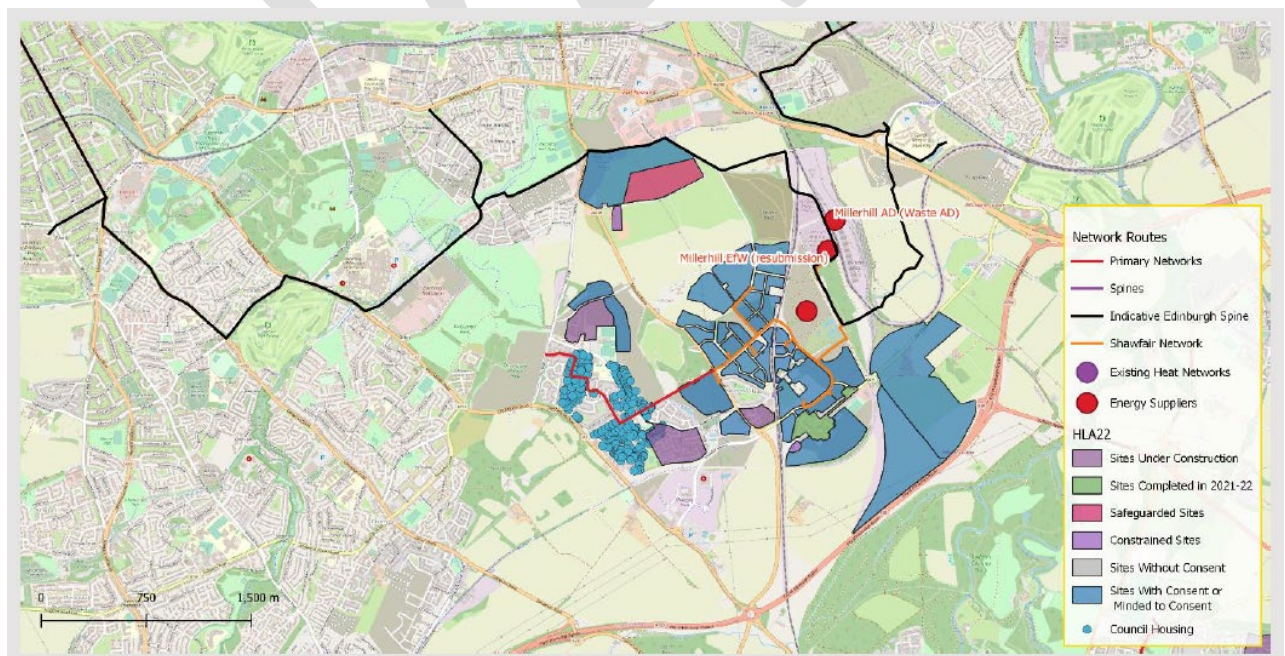

Figure 20: Danderhall Heat Network Expansion (Vattenfall, 2023)

8.2.2 Zone 2 - Dalkeith and surrounding areas

The Dalkeith MWTS has the potential to serve Dalkeith, Woodburn and beyond. This will include MEL taking over the current district heat network at Bonnyrigg (figure 21).

The coal mines once supplied the energy and raw materials that powered industry in the 19th and 20th centuries, and the fuel to heat domestic properties. Once coal mines have closed and the pumps are stopped, they fill with water which is heated through natural geothermal processes. Heat can be transferred from the mine water to clean water in a district heating network to heat local homes and businesses. Once a huge contributor to climate change, these coalfields are now being used to decarbonise heat supply supporting a low carbon future. MEL are working with the Coal Authority to explore using heat from a planned mine water treatment scheme at Dalkeith, one of the first pioneering mine water heat projects under consideration in Scotland.

During this assessment there has been several barriers. The water precipitating out of the shaft at Dalkeith has high levels of oxidised iron that will clog up a heat exchanger or otherwise adhere to any heat exchange surface. Once it's been through the treatment process this could drop, however levels will still be too high for a heat exchanger. The best way to get the mine water is before the oxygen has had time to react with the iron in the water. Unreacted iron is dissolved and passes straight through the heat exchanger. As the water at Dalkeith arrives at the end of an open channel it's fully oxygenated and unfortunately, unusable. Therefore, an option is to drill down a new sealed shaft and pump up mine water that still has lots of iron, but not oxygenated. This however has risks. Additionally, the cost of accessing the water at this stage is highlighting that this may not be an option.

If this is not a feasible option due to the costs and chemicals found within the mine water, then MEL will undertake further studies into potential waste heat sources. The council are aware that Dalkeith has the largest heat demand within Midlothian and is also an area with high levels of fuel poverty, therefore this area and it's surrounding settlements (Eskbank, Woodburn, Bonnyrigg, Mayfield, Lingerwood and Newtongrange) are a priority for a DNH.
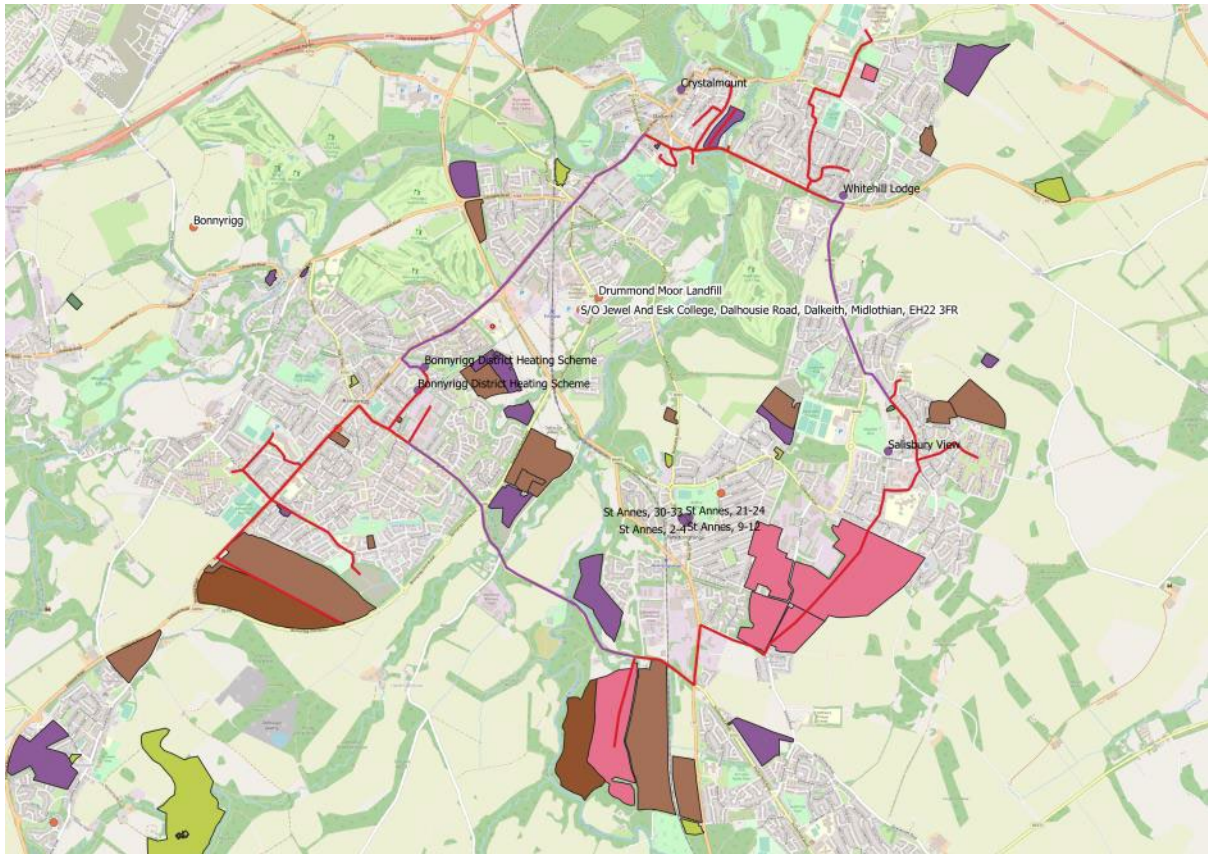
Figure 21: Area with Housing, Existing Networks and Heat Sources (Vattenfall, 2023)

8.2.3 Zone 3 - Easterbush

The current expansion of The University of Edinburgh's Easter Bush Campus includes a potential connection to the proposed advanced computing facility (AFC) at this location. The new computer is called Exascale and is one of only a handful of its kind globally. Funded by the Department of Science, Innovation and Technology through UK Research and Innovation (UKRI), it will be managed by the University of Edinburgh's supercomputing centre. Installation of the first phase is due to start in 2025.

The ACF at Easter Bush has the potential to supply heat to the existing the University of Edinburgh network at the campus and to extend to Beeslack High School and Bilston, Straiton (figure 22). Beeslack is a new High School being built at passivhaus standard. If MEL can demonstrate housing retrofit at Danderhall then consideration can be given to further expansion to Loanhead and Straiton.
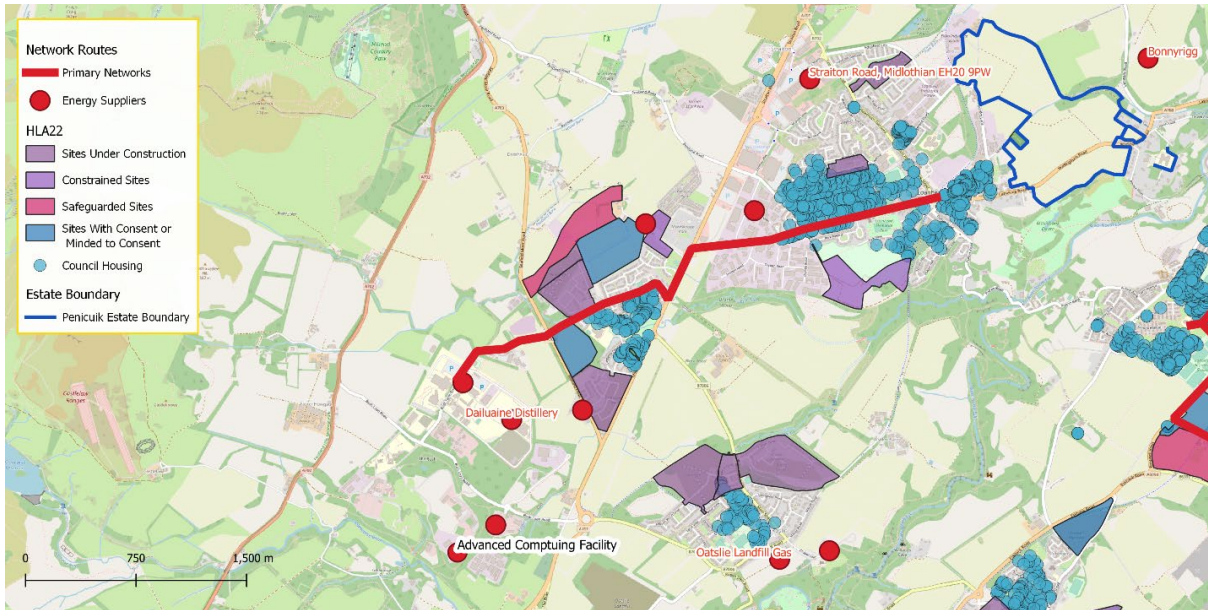
Figure 22: DHN Expansion at Easterbush (Vattenfall, 2023)

8.2.4 Zone 4 - Penicuik Estate

Penicuik Estate is reforming itself and wants to produce renewable energy on the estate to send to Penicuik Town. It is currently in the process of setting a 50-year vision. The ambition is a leading rural business with a focus on the environment. They currently heat their buildings with Biomass and they are exploring low carbon options, alongside MEL, and wish to extend this down to Penicuik to supply both existing and new build housing, in attempt to regenerate the town centre. They plan to build around 400 new homes and a leisure facility within the Estate.

If MEL can demonstrate the housing retrofit proposition in Danderhall then Penicuik Estate could act as the potential heat source within Penicuik to connect schools and existing council owned housing. This can be seen visually in figure 23.
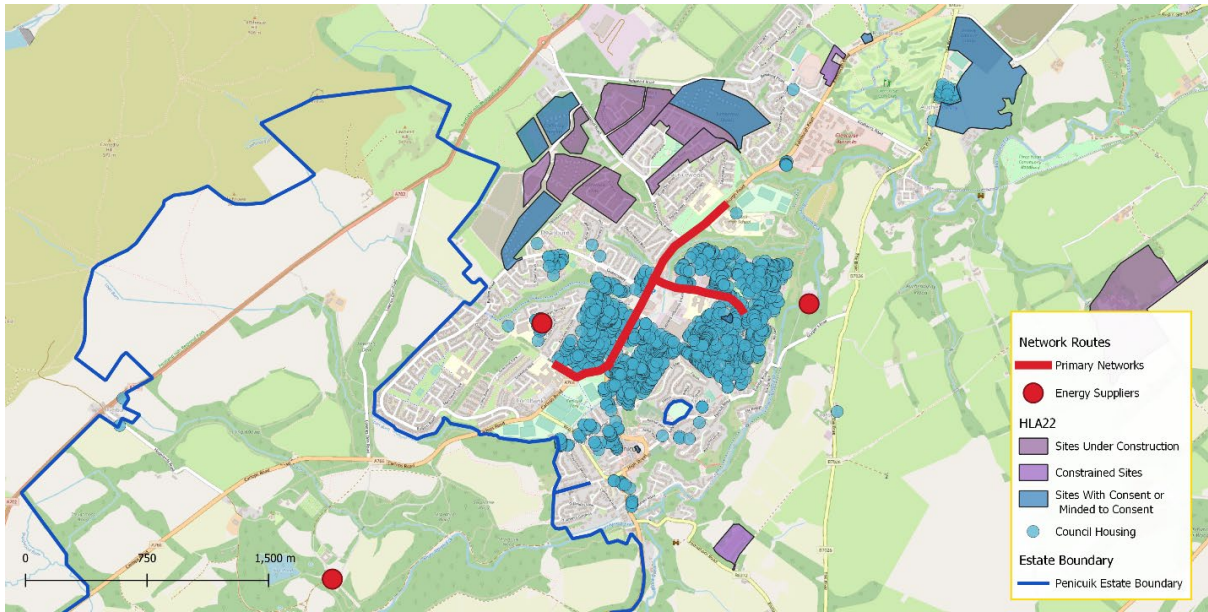
Figure 23: Area of Penicuik District Heat Network Investment (Vattenfall, 2023)

9 Cross Boundary Opportunities

9.1 Millerhill EfW

In October 2022 Buro Happold completed a study to assess the heat network opportunities across the Midlothian, East Lothian and Edinburgh local authority areas. The case study provided a summary of a project to investigate cross-boundary heat network opportunities using the analytical approaches set out in the LHEES methodology. The analytical approaches outlined in the LHEES methodology were modified here to consider potential heat network zones from a large heat supply source perspective, and also to better include consideration of new developments.

The opportunity presented in this case study is based around the Millerhill EfW plant in Midlothian. This site is in Midlothian but is close to both East Lothian and the City of Edinburgh. Figure 24 details the location of Millerhill in the context of nearby local authority boundaries. As previously discussed, MEL is currently using heat from this facility to heat new development at Shawfair, however the magnitude and relatively low cost of heat available from Millerhill presents an opportunity to expand to supply other local demands, potentially crossing local authority boundaries in future phases of development.
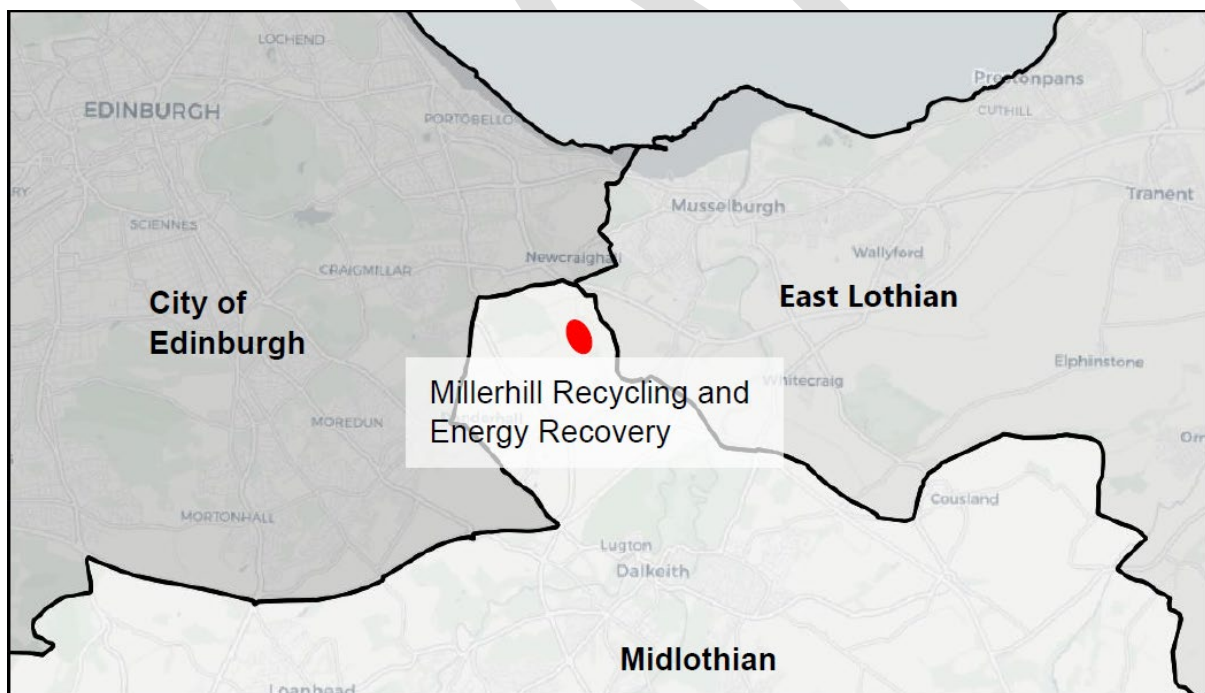
Figure 24: Millerhill EfW in context to Local Authority boundaries (Buro Happold, 2022)

Three distinct potential zones, shown in figure 25, within the vicinity of Millerhill were identified to take forward for further consideration as "cross-boundary" opportunities in relation to heat networks. These combine existing demands with anticipated demands from new development.
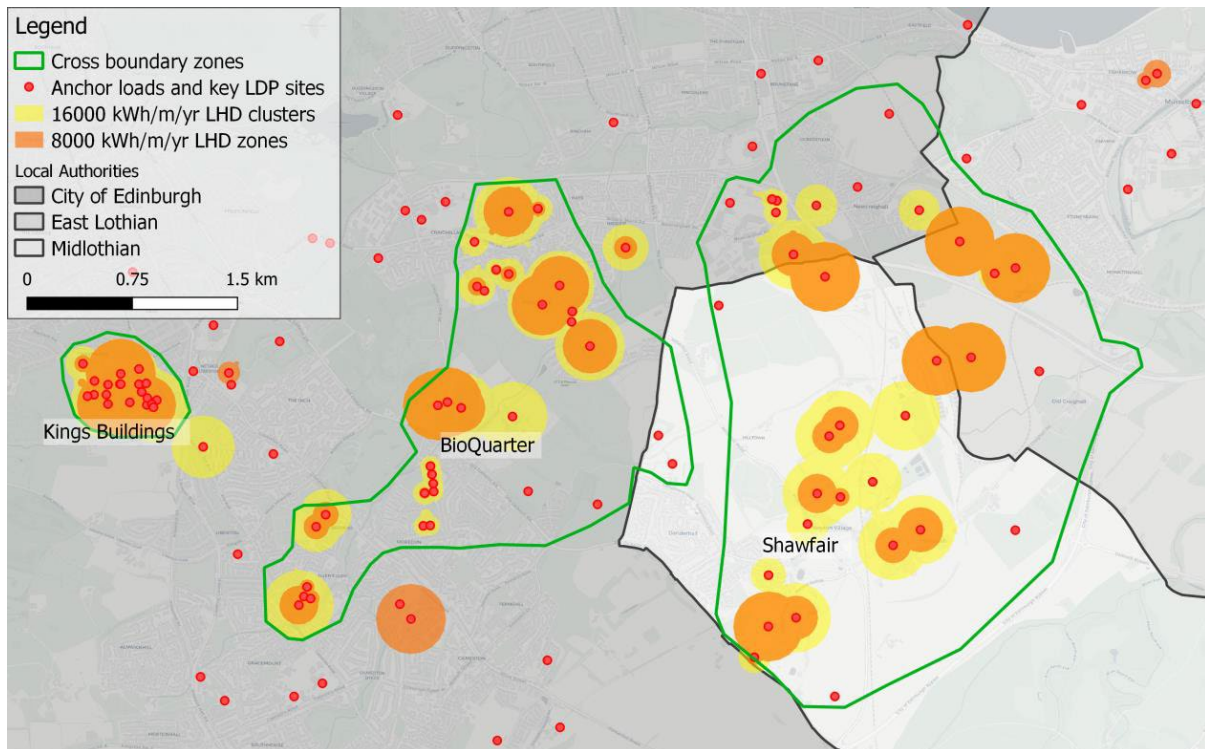
Figure 25: Potential Heat Zones across Midlothian and Edinburgh (Buro Happold, 2022)

9.2 East Lothian

East Lothian's LHEES has signified potential major infrastructure opportunities which would bring heat into Midlothian and vice versa.

These opportunities include Cockenzie Power Station. The coastal location could provide access to sea water for a sea source heat pump. The site development provides an opportunity to align major heat network pipe routes with roadways, before they are constructed. There is a pipe already in the ground underneath the A1 nearby Millerhill EfW which could potentially connect Midlothian with East Lothian.

An EfW plant owned by Viridor began operation in 2019 and is situated in the town of Dunbar. They have a commitment to make up to 10 MW of heat available for local use. To date this has not been accessed. There is potential to capture significantly more waste heat. In a presentation given to East Lothian Council in late 2021 Viridor indicated that the plant could satisfy the heating needs of 71,000 homes.

In line with Scottish Government policies to promote active travel, East Lothian Council is preparing plans for an Active Travel Corridor, a combined cycle path and walkway along the route of the A199 (old A1) from Dunbar to Tranent, a distance of around 24km. With significant surplus heat in Dunbar as explained above, this provides an opportunity to bring this heat towards centre of demand via a pipeline beneath or alongside the proposed cycle path.

10 Net Zero Solutions

This report has outlined the main DHN zones; **Shawfair/Danderhall, Dalkeith and surrounding areas, Penicuik and Easterbush.** Many existing properties within these zones will also require energy efficiency improvements to reduce heat loss alongside the DHN connection. These are areas that have both a substantial heat demand alongside a potential source of waste heat. Areas out with these zones will have to find an alternative source of heat. Individual heat pumps are expected to be the main route to deliver net zero heat for a significant proportion of properties that currently use fossil fuels and are unable to connect to a district heat network. This may be due to their rural location or distance from neighbouring properties. For heat pumps to be effective, the property is required to insulated to a high standard and have a suitable outside area to place the heat pump itself. As discussed in the baseline analysis, a low percentage of properties are eligible for a heat pump depending if they are on or off gas.

The top Data Zones where energy efficiency is likely to be a driver for fuel poverty are **Dalkeith, Mayfield and Newtongrange.** In these areas a fabric first approach could be taken to ensure that no method of low carbon heat installation will further increase fuel poverty within the household. This approach will also mean that no heat is wasted.

A study undertaken by Cambridge University summarises the pathway that every decision maker for every property needs to follow to reach a net zero solution. The decisions they need to make may not be clear-cut, may involve complex analysis and could involve significant expense or investment, however benefits include warmer winters, improved health and lower and less volatile energy bills alongside the benefit of a reduced your carbon footprint. It is therefore critical that the 'decision maker' for each property is aware of their options.

A key aspect of Midlothian's Delivery Plan will be to identify the individuals linked with each property who will likely have to make a decision on the future heating for their property. Properties are either domestic or non-domestic and we expect the decision makers fall into the following categories:

- Domestic – Homeowner, Midlothian Council, RSL's or private landlord
- Non-Domestic – Midlothian Council, Businesses owner, private landlord or other public sector landowner (NHS)

Once these individuals have been identified then it will be important to engage effectively. For each decision maker a retrofitting guide could be provided with information on how to make their homes more energy efficient and lower carbon. The guide could set out a whole-house approach to retrofitting the most common types of property in the particular zone. The guidance particularly focuses on reducing carbon emissions from homes, as this will make a key contribution to our net zero targets. Without the community taking action, it will not be possible for Midlothian to reach net zero by 2023.

Officers recognise that decision makers will have different budgets and needs, particularly at a time when the cost of living is increasing rapidly and there is such economic uncertainty. Ideally the guide would outline the steps that would be needed to retrofit the property to a net zero carbon standard. It would take a phased approach, so that individuals can start with the budget available to them. Staring with no cost steps (such as reducing your thermostat, heating only the rooms that you are using) to more expensive steps such as insulation measures.

There are varying levels of engagement for decision makers regarding needs and urgency to decarbonise their heating. Those responsible for multiple properties are considerably more engaged with the need for action on heating. For the majority of decision makers any urgency is linked with reducing overall energy costs rather than a motivation to reduce their carbon footprint. The perceived costs and uncertainty over the technology involved and the possibility of future grants schemes are a very significant barrier to making progress on decarbonising heat.

The main responsibility for raising awareness will lie with the Scottish Government via the Net Zero Nation Public Engagement Strategy. However, this will need to be enhanced at a local level, with considerable reliance on community-led activities coordinated by Midlothian Council in partnership with the Midlothian Climate Action Hub.

11 Next Steps

Ongoing monitoring will be critical for the success of this strategy and delivery plan. This will ensure key outcomes are achieved and allow for continuous improvements to meet changing requirements and incorporate new information and data. The accompanying Delivery Plan in section 13, will outline our 5-year plan for delivering our key outcomes. Some examples of priority areas for development area:

Complete Portfolio Energy Assessment Tool (PEAT) analysis: The output from PEAT includes a package of recommended measures for each property, the SAP rating improvement as a result of those measures being installed, as well as the total cost of the measure and associated fuel and emissions savings. This will assist us in improving energy efficiency and alleviating fuel poverty in our highlighted areas.

Conduct Non-Domestic analysis: There have been some studies done across Midlothian to assess the non- domestic stock. The next steps will be reviewing these studies and carrying out data analysis using the LHEES methodology and guidance, including completion of the non-domestic baseline tool, to assess the non-domestic stock.

Community Engagement: After the initial community engagement exercise planned for early 2024. Officers will work to identify the key 'decision makers' across Midlothian and target energy efficiency engagement in line with the 'Cambridge approach'.

The Local Heat and Energy Efficiency Strategy is seen as a live document and will be regularly updated in line with changes to policies, targets, and actions, as well as any new information and data. Every 5 years the strategy will be reviewed, and delivery plan updated, to meet the requirements of the Local Heat and Energy Efficiency Strategies (Scotland) Order 2022.

12 Funding & Investment

MEL will bring significant investment opportunities along with technical support to assist with the progress of MLC's heat network development. However, additional funding will be needed for proposed decarbonisation work as the council will likely not have the capital or revenue capacity to delivered on this scale.

12.1 Scottish Government Funding

Table 5 indicates the funding that is available to the Council and our stakeholders. Noting that this my change alongside alterations to legislation and policy landscape.

Table 5: Funding Summary

Name of Fund	Summary	Recipient
Energy Efficiency Scotland: Area Based Schemes (EESABS)	Scottish Government awarded funding to local authorities to develop and deliver energy efficiency programmes in areas with high levels of fuel poverty. This funding is blended with owners contributions and funding from RSL's who may choose to insulate their homes at the same time.	Local Authorities, RSL's.
Heat Network Fund	Funded by Scottish Government to support and develop heat networks. Can offer 100% funding for feasibility studies and up to 50% of Outline Business Cases.	Local Authorities
Public Sector Heat Decarbonisation Fund	Funded by Scottish Government via Salix. Total of £20m to help public sector decarbonise their heating systems by replacing them with zero direct emissions systems, as well as for retrofit energy efficiency measures to buildings.	Local Authorities
Heat Network Support Unit	Funded by Scottish Government to support and develop heat networks. Can offer 100% funding for feasibility studies and up to 50% of Outline Business Cases.	Local Authorities
Social Housing Net Zero Heat Fund	Funded by Scottish Government and also open to other social landlords. For low carbon heat and fabric first approach.	Local Authorities and RSL's
Energy Redress Scheme	The Energy Saving Trust manages the Energy Redress Scheme that redistributes the fines implemented on energy suppliers. Not for profit organisations such as Housing	RSL's and non profit organisations

	Associations are eligible to apply for fabric, low-carbon heating and solar measures with the percentage of funding variable depending on the project.	
Energy Company Obligation (ECO4)	This scheme provides match funding with support for lower income and vulnerable-to-cold domestic owner-occupiers, private sector tenants and social tenants, depending on eligibility criteria.	Home owners, private tenants and social tenants.
District heating Loan fund	This fund targets support for local authorities, registered social landlords, businesses, Energy Services Companies (ESCOs), and legally constituted community groups. It offers capital funding support for heat networks/district heating generated by renewables fuel through unsecured loans of up to £1 million towards capital measures for heat network projects. Large stand-alone anchor load buildings can also be supported. The interest rate is typically 3.5% and repayable over 10-15 years.	Midlothian Council, RSL's, businesses, ESCOS and community groups
Private Rented Sector Landlord Loan	Scottish Government funded loan that helps landlords improve the energy efficiency of their properties and meet minimum standards	Private Landlords
Home Energy Scotland Grant and Loan	Funding from the Scottish government, administered by Home Energy Scotland to provide grants and interest free loans for energy efficiency improvement and renewable technology	Private homeowners, private tenants.
Warmer Homes Scotland	Funding from the Scottish government, administered by Warmworks. Fully funded measures for energy efficiency improvements and heating. This is means tested.	Homeowners, private tenants.

12.2 Alternative funding options

Comfort as a service is a potential alternative funding model for MLC and MEL. With this model the capital costs from installed measures are covered over time through 'comfort' or heat payment from the tenants to the social housing provider. In some cases, the social housing provider can partner with a billing contractor to remain at arms-length and not be drawn into becoming an 'energy supplier'. The concept is based on the investor, the property owner, paying the capital costs for fabric and low-carbon heating measures through the heating bill savings that the tenants would

be making in the property now that it is more energy efficient. This means that tenants do not benefit from a reduction in running costs but from the increased comfort levels in the improved properties. In addition, the tenant benefits from security of supply as the fluctuation of external energy costs has less influence on a property that has been fully insulated. The 'comfort' costs can also remain static as they are based on initial capital costs and not as influenced by energy costs.

This is a concept that will be considered by MLC and MEL to help fund proposed projects.

13 Delivery Plan

Action	Stakeholders	How we will get there	Timescale	Progress	Funding	Benefit
Turn heat on at Millerhill Energy Centre to take heat to Shawfair	MEL, Vattenfall, FCC	Ensure low carbon heat is available for the heat network and continue to work towards taking heat from the EfW plant (expected 2025).	By Summer 2024	Heat Network taking heat to connected homes	Scottish Government's Low Carbon Infrastructure Transformation Project (LCITP).	This initial phase of the network is expected to save over 2,500 tonnes of CO2 per year, the equivalent of taking 1,200 cars off the road.
Assessment of Non-domestic stock	MLC, Aether	Use the Energy Saving Trust's 'Non-Domestic Analytics' (NDA) to provide a strategic overview of the non-domestic estate in Midlothian. LHEES Officer will also recognise non-domestic work undertaken via Aether (CC Consultants).	Completion within 6 months of LHEES adoption	Assessment of all non-domestic stock completed.	NA	This supports understanding of the breakdown of building typologies and by other criteria, such as fuel type, property age, or floor area. The approach developed is intended to support the characterisation of the non-domestic building stock.
Run all Delivery Areas identified in the LHEES through Energy	MLC, Changeworks, EST	Run all identified Delivery Areas through PEAT analysis to better	Completion within 6 months of LHEES adoption	Completion of PEAT analysis for all LHEES Delivery Areas	NA	The output from PEAT includes a package of recommended

		quantify those areas that present the highest opportunity.				measures for each property, the SAP rating improvement as a result of those measures being installed, as well as the total cost of the measure and associated fuel and emissions savings. This will assist us in improving energy efficiency and alleviating fuel poverty in our highlighted areas.
Saving Trust's Portfolio Energy Asset Tool (PEAT)						
Complete Building Assessment Reports (BARs) for required MLC owned buildings	MLC	Complete Building Assessment Reports for required MLC owned buildings, prioritising those that are of a high suitability for heat network connection and are located within indicative HNZs. Facilitate and support other public sector organisations in	Completion within 1 year of LHEES adoption	Count of number of BARs completed.	NA	Improved 'confidence per MWh' level within indicative HNZs

		Midlothian to complete these				
Commencement of a business case for expansion of the Shawfair project to connect Council housing ownerships in Danderhall	MLC, Vattenfall, MEL, Changeworks	Engage MLC colleagues and relevant not for profit organisation Changeworks for collaboration. Project development and procurement for delivery undertaken via MEL.	Commencement within 6 months of LHEES adoption.	Work on business case is underway alongside a customer journey.	TBC	By successfully implementing replacement low carbon heating to Council owned houses at Danderhall MLC can replicate this within other areas of the Council.
Develop and connect Shawfair Town expansion to Newton Wellington Farm	MLC, MEL, Vattenfall	MEL has concluded a plot connection agreement with Cala Homes (East of Scotland) as the first additional heat load, the Newton and Wellington Farms development, and the first heat main extension off of the Shawfair main spine.	Completion within 5 years of LHEES adoption	New homes connected to the heat network as per the plot connection agreement.	Self funded.	This being the first heat main extension off of the Shawfair main spine.
Commencement of business case for a DHN in the heat zone of Dalkeith and	MLC, MEL, Vattenfall	Conduct assessments to determine where waste heat can be sources to provide	Within 1 year of LHEES adoption.	Commencement of business case for a DHN at Dalkeith and	TBC	Dalkeith has the largest heat demand within Midlothian and is also an area with

surrounding settlements.		heat to Dalkeith (inclusive of council owned buildings). This will be followed by the development of an official business case.		surrounding areas.		high levels of fuel poverty, therefore this area and it's surrounding settlements are a priority for a DHN.
Commencement of business case for expansion of UoE Easter Bush Campus to connect new build developments and Council housing ownerships in Loanhead	MLC, MEL, Vattenfall, UofE	Create proposition for shared value between MEL and UoE to gain access to UoE energy sources. Ensure connection to old and new Midlothian Council buildings and demonstrate housing retrofit proposition in Danderhall. Finally, consider business case for DHN expansion to Loanhead.	Commencement within 3 years of LHEES adoption.	Commencement of a business case for a DHN at Easterbush	TBC	Opportunity coordination with existing DHN that creates opportunity for growth and asset decarbonisation for Midlothian
Build a business case for connecting renewable energy from Penicuik Estate to Penicuik Town	MLC, MEL, Vattenfall, Penicuik Estate	MEL will support the Penicuik Estate development to identify appropriate energy integration to lever in power generation which can connect	Commencement within 5 years of LHEES adoption.	Determine whether the site is ready for a DHN connection	TBC	Opportunity for coordination a private entity to create opportunity for growth and asset decarbonisation for Midlothian's

		Penicuik estate to Penicuik Town, inclusive of any new development, while using Council infrastructure as anchor loads.				new and existing buildings.
Undertake in depth PEAT study for Midlothian Council owned Social Housing	MLC, Changeworks	Run all Council Owned Social housing properties through PEAT analysis to better quantify those areas that present the highest opportunity.	Completion within 6 months of LHEES adoption.	Completion of PEAT analysis for all Council Owned Social Housing.	NA	The output from PEAT includes a package of recommended measures for each property, the SAP rating improvement as a result of those measures being installed, as well as the total cost.
Create a working group for cross boundary DHN potential across, Midlothian, Edinburgh and East Lothian	MLC, MEL, Vattenfall, Edinburgh Council, East Lothian Council	Engage with nominated stakeholders to discuss DHN plans across the district to determine cross boundary potential.	Ongoing	Identification of LHEES related opportunities and MEL principles that exist across local authority boundaries	TBC	Working across boundaries enables individuals, organisations and other entities to work together and learn from each other. DHNs don't adhere to local government boundaries and focus should be on geographical boundaries.

Identify the key 'decision makers' across Midlothian and target energy efficiency engagement	MLC, Changeworks, MVA	Identify the key 'decision makers' across Midlothian and then create a pathway that every decision maker for every property needs to follow to reach a net zero solution.	Completion within 1 year of LHEES adoption.	A comprehensive engagement plan for Midlothian will be developed.	TBC	Officers recognise that decision makers will have different budgets and needs, particularly at a time when the cost of living is increasing rapidly and there is such economic uncertainty. Ideally our engagement will outline steps needed to retrofit said property to a net zero carbon standard
Ensure the LHEES is embedded into the development and delivery of Council policy on energy, housing, planning, and development.	MLC	Work with MLC partners to ensure LHEES is embedded into the delivery of the - Local Housing Strategy - Local Development Plan - Single Midlothian Plan - Midlothian's Climate Change Strategy	Ongoing	Publication of strategies relevant to the LHEES with the ambitions of the LHEES embedded within them.	NA	Consideration of the relevant local and national policy and strategies that are relevant to the LHEES, making sure that LHEES runs in line with these strategies and adheres to any key targets

Direct funding and advice for retrofit through EES:ABS and wider funding sources into Delivery Areas identified within the LHEES.	MLC, Changeworks	Ensure that the EES:ABS programme and other funding/programme opportunities are maximised and continue in areas identified for the Poor Energy Efficiency as a Driver of Fuel Poverty consideration in the LHEES.	Ongoing	Amount of EES:ABS funding spent. Number of properties successfully treated.	EES:ABS funding secured annually.	Positive impact on fuel poverty in targeted properties.

Appendix 1 – Stakeholder Engagement

Internal Engagement

One to one meetings have been held with relevant internal Council stakeholders. These discussions involved an overview of the LHEES context and outputs, outlining whether the officer's area of work would have relevant inputs to LHEES, or subsequently be impacted by LHEES. Stakeholders were then ranked by 'power' and 'interest', in relation to the strategy content, allowing a detailed stakeholder map to be produced. This stakeholder map found, in Figure 1, highlights internal stakeholders in orange. This is a working map and stakeholders will move depending on their influence and interest at each stage of the strategy.
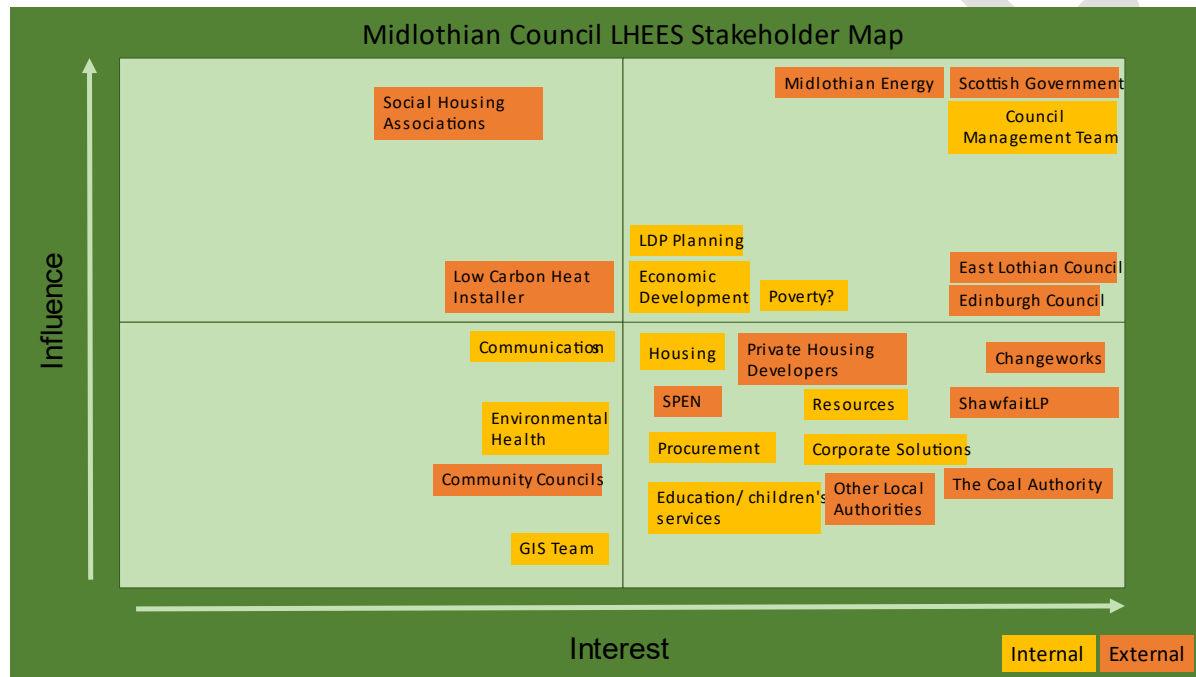

Figure 26: Stakeholder Map

An LHEES working group has been developed, compromising of Midlothian Council employees (LHEES, Estates and Social Housing Officers as these roles impact directly on work relating to heat and energy efficiency), MEL, Vattenfall and Changeworks representatives. Midlothian Officers are eager to work in conjunction with stakeholders to ensure that work is being done efficiently. A tenant having one point of contact for fabric improvements and low carbon heat modifications will make the process easier for the tenant. A focus of this working group has been Danderhall Town.

External Engagement

Due to time constraints, one to one meetings were not possible for external engagement. This was due to the quantity of individuals and groups that we wanted to engage with. Our LHEES Officer has engaged with Midlothian Climate Emergency Group, who compromise of a range of key primary Midlothian community stakeholders including, Community Council representatives, Midlothian Voluntary Action, Skills Development, Nature Scot, MEL and MLC. Initial engagement has included presenting LHEES stage 1-4 findings and informing the group on heat decarbonisation and energy efficiency measures. Engagement with this group will continue and is seen as a key means of identifying issues and accessing further key local and community partners to develop and strengthen 'grass rots' external engagement.

1.1.1 Registered Social Landlord Consultation

Table 6, below shows that there are 10 RSLs who own housing in Midlothian. Midlothian Council (6,912 homes), Melville Housing Association (1,959 homes) and Castle Rock Edinvar Housing Association (1009 homes) all have a significant supply of housing in the local area whereas the other providers have a smaller number of units, and are often providers of specialist housing, such as retirement housing.

Table 6: RSL Stock Profile

Type of provision	Total No. Units	Percentage of Total %
Ark Housing Association	6	0.05
Bield Housing Association	116	1.00
Blackwood Housing Association	23	0.20
Castle Rock Edinvar Housing Association	1009	9.00
Dunedin Canmore Housing Association	98	1.00
Link Housing Association	20	0.10
Melville Housing Association	1959	19.0
Midlothian Council	6912	68.0
Trust Housing Association	35	0.30
Viewpoint Housing Association	34	0.30
Total	**10,212**	**100.00%**

RSL's in Midlothian tend to have older properties and have concerns about energy efficiency and decarbonisation. A consultation has been shared with RSL's to raise awareness of LHEES and it's priorities, and to gain an understanding of how RSL's are planning to decarbonise their stock.

1.1.2 Business Engagement

Midlothian Council has an active Business Support team and there is a lot of work going on to assist and educate businesses about means of reducing their carbon footprint and adopting more energy efficient practices and transition to low carbon heat. This work is summarised in table 7.

Table 7: Midlothian Business Engagement Summary

Action	Aim
Midlothian Business Green Pledge	Business Gateway Midlothian are offering local businesses the opportunity to sign up to their 'Green Pledge', a concept to encourage businesses to become more carbon friendly. If businesses sign up then they can use the 'Green pledge' logo on their website as long as they agree to the following: • Switch to a 100% renewable energy supplier at contract renewal or earlier • Review and reduce your energy use such as switching off IT at the end of the day, using energy efficient LED light bulbs, switching your heating down a degree. • Encourage your employees to use active transport such as walking or cycling to work • Review your work practices – encourage work from home where possible • Switch to green products – paper instead of plastic wherever possible • Re-use and recycle equipment, waste and products 68 businesses have signed up to the pledge so far.
The Energy Training Academy	The Energy Training Academy is a community interest company specialising in providing high-quality training and education in the gas and renewables industry. A team of experienced and certified instructors are dedicated to ensuring that all students receive the knowledge and hands-on training they need to succeed in their careers. This is situated in Midlothian and is in place to train individuals in renewables and energy efficiency to assist them in finding local employment. Vattenfall will have a suite in this facility, opening in spring 2024 where they will educate individuals on DHNs.
The Green Transition Fund	The Green Transition Fund is designed to support businesses that were implementing a process or business improvement that would reduce carbon emissions. The maximum grant value is £20K. This is funded by

	Local Authority Covid Economic Recovery fund. Currently the full amount of the fund has been spent with over subscription, showing a clear appetite for the SME base in Midlothian to generate emission and costs savings through green projects. 20 applications have been received with 11 grants awarded.	

Midlothian business survey, circulated in September 2023, asked businesses a range of questions regarding Net Zero commitments. 18 businesses (6.5%) in Midlothian responded, a summary of the results can be found in table 8 below:

Table 8: Business Consultation Results

Question	Answer Options	Response in Percentage % (No.)
How would you describe your understanding of Government targets relating to Net Zero?	A – Clear Understanding of how this will impact my business B – Reasonable understanding but would like more information on the specific impact on my business C – Limited/no understanding on how my business will be impacted	A- 27.78 (5) B- 33.33 (6) C- 38.89 (7)
Have you made any changes to your business in regard to Net Zero?	A - Yes, have installed zero/low carbon heating system B - Yes, other action to reduce carbon emissions C - No D – Other (specify)	A- 00.00 (0) B- 27.78 (5) C- 50.00 (9) D- 16.67 (3) Other: Reusable packaging and EV's.
Have you engaged with any government support initiatives with regards to the transition to net zero?	A – Yes, Business Energy Scotland B – Yes, Zero Waste Scotland C – No D – Other (Specify)	A- 00.00 (0) B- 05.56 (1) C- 70.78 (14) D- 16.67 (3) Other: Business gateway
Have you signed the Midlothian Business Green Pledge?	A – Yes B – No	A- 27.78 (5) B- 72.22 (13)

Do you feel enough support is available to you with regard to the impact the transition to Net Zero will have on your business?	A - Yes, and I don't need any more information/support B – Yes, but I would like access to ongoing information/support C – No	A- 44.44 (8) B- 11.11 (2) C- 44.44 (8)

Although a small proportion of businesses responded to the consultation, we can still see trends within the results. 0% of respondents had installed a low carbon heating system and only 50% had introduced any carbon saving measures, this highlights the need for funding and support for these businesses to make improvements. This is highlighted in the results as 70% of respondents had received no support from governing bodies. LHEES will focus business engagement on support and awareness to assist businesses on the path to Net Zero.

1.1.3 Community Engagement

Community engagement is important for the successful delivery of LHEES. The community has been consulted on Net Zero issues in relation to the Local Development Plan (LDP) work. A full LHEES consultation will be completed early 2024. The LHEES Lead Officer has engages with council tenants to raise awareness of the consultation to come. Section 8, outlining potential delivery zones, will allow council officers to focus their engagement on targeted areas relevant to decarbonisation projects.

1.1.4 Private Landlords

Table 5 shows the number of private lets advertised in Midlothian from 2019-2020. Noting that lets within the private rented sector were heavily impacted by the Covid pandemic in 2020 and continued to be so into 2021/22. The LHEES lead has engaged with private sector landlords to raise awareness of LHEES and the support available to landlords, alongside raising awareness of when the final strategy would be published.

Table 9: Number of private sector lets in Midlothian 2019-2020

Year	2019	2020
No. of lets	270	131

1.1.5 Community Action Hub

The Midlothian Climate Action Network have been given funding from the Scottish Government for a staffed Climate Action Hub. The Hub will support a collaborative effort focused on community-led climate action and adaptation within the region. Early actions by the Hub will include opening the first round of a seed funding grant programme and delivery of four energy efficiency roadshow events across the county region. These workstreams will increase awareness and understanding of climate change while providing sharing and learning opportunities to promote positive community efforts.

This facility will provide a location for engagement surrounding LHEES priorities.

Appendix 2 - LHEES Considerations

2.1 District Heat Networks (DHN)

A heat network, often called district heating, is a distribution system of insulated pipes, taking heat from a central source and delivering it to a number of domestic or non-domestic buildings. DHN's can cover a large area such as a town or sometimes cities, however often they are local and supply a small cluster of buildings. District heating has a number of advantages compared to individual heating systems. They are more energy efficient, as typically they produce both heat and electricity in a combined heat and power plant, this has an added benefit of reducing greenhouse gas emissions. Due to these systems using less fuel to heat a greater quantity of buildings compared with individual boilers, they are more cost effective and building owners can see an average 25% decrease in their heating bills (Heat Network Support, 2023).

The Heat Networks (Scotland) Act 2021 (the Act) was passed in February 2021. The Act aims to accelerate the deployment of heat networks in Scotland setting ambitious targets for the amount of heat to be supplied by heat networks (2.6 Terawatt hours (TWh) of output by 2027 and 6 TWh of output by 2030 – 3% and 8% respectively of current heat supply). A large focus of LHEES will be focused on our work with Vattenfall, assessing the suitability for heat networks (Scottish Government, 2021).

2.2 Off-gas grid buildings

Off-gas grid buildings are those that do not have a gas connection installed. Therefore, the main heat source is often via electricity or oil, or in some cases ASHP or Biomass technologies are used. Rural areas are more likely to be off of the gas grid and often find higher levels of fuel poverty compared to those connected to gas due to the high cost of electricity.

The approach used to identify potential off-gas heat decarbonisation opportunities involves grouping properties into 4 categories, primarily from the perspective of heat pump suitability. Category 0 identifies properties that currently have a low or zero emissions heating system. Categories 1 to 3 outline potential pathways for heat decarbonisation for all other properties.

Category 1: Those considered highly suited for heat pump retrofit (i.e. well insulated properties with a wet heating system, excluding any consideration of electricity network impacts or costs of any network upgrades)

Category 2: Those with secondary potential for heat pump retrofit (i.e. properties in need of moderate fabric upgrade and / or addition of wet distribution system to be heat pump ready).

Category 3: Those with tertiary potential for heat pump retrofit (i.e. properties in need of significant fabric upgrade to be heat pump ready) or those less suited to heat pump technology, with electric (storage or direct) or biomass likely to be the most viable decarbonisation technology.

The Categories used here are suggested groupings only, proving an approach to identify subsets of properties that share similar characteristics and may require similar retrofit action. The Categories do not imply prioritisation of one group over another.

2.3 On-Gas Grid Buildings

On-gas grid buildings are those that have a gas connection installed and gas is often used for heating and cooking. Similar to the off-gas grid analysis, the approach used to identify potential off-gas heat decarbonisation opportunities involves grouping properties into 4 categories. Category 0 identifies properties that currently have a low or zero emissions heating system. Categories 1 to 3 group all other properties in terms of heat pump suitability.

Category 1: Those considered highly suited for heat pump retrofit (i.e. well insulated properties with a wet heating system, excluding any consideration of electricity network impacts or costs of any network upgrades),

Category 2: Those with secondary potential for heat pump retrofit (i.e. properties in need of moderate fabric upgrade and / or addition of wet distribution system to be heat pump ready),

Category 3: Those with tertiary potential for heat pump retrofit (i.e. properties in need of significant fabric upgrade to be heat pump ready). There is no sub-categorisation of Category 3 properties for On-Gas Grid as the

It is important to assess for potential retrofit of on-gas areas to comply with decarbonisation targets.

2.4 Poor building energy efficiency

Energy efficient is a term used to explain using less energy to perform the same task. For example, using energy efficient light bulbs will use less energy than a normal bulb when ran for the same length of time. There are several benefits from becoming energy efficient, including reducing greenhouse gas emissions, reducing energy demand and lowering costs (IEA, 2023). Ensuring that individuals in a household or building are carrying out energy efficient practices is important to ensure energy is not being wasted.

Building energy efficiency refers to the fabric of the property. This includes the insulation (wall, floor and loft) and glazing type. The better the level of building efficiency, the less energy is required to heat the home.

2.5 Poor building energy efficiency as a driver for fuel poverty

Fuel poverty is the condition by which a household is unable to afford to heat their home to a comfortable temperature. It is caused by low income, high fuel prices, poor energy efficiency and unaffordable housing prices. The Fuel Poverty Act was passed in 2019 and sets statutory targets for reducing fuel poverty, introduced a new definition which aligned fuel poverty more closely with relative income poverty and required Scottish ministers to produce a comprehensive strategy to show how they intend to meet the targets. Fuel poverty is now defined by the Scottish Government as any household spending more than 10% (20% for extreme fuel poverty) of their income on energy, after housing costs have been deducted. New figures published by the Scottish Government show that in 2018 a quarter of households in Scotland were in fuel poverty at around 619,000 while one in ten were in extreme fuel poverty at 279,000 *(Scottish government, 2021).*

Fuel poverty can be alleviated by improving household income and their ability to comfortably pay bills, reduce fuel costs, and most importantly reducing energy consumption by improving energy efficiency. Energy efficiency is a key driver for fuel poverty. By improving energy efficiency in the home, the householder will be able to utilise their energy more efficiently, reducing energy wastage and overall energy costs.

2.6 Mixed-tenure, mixed-use and historic buildings

Mixed-tenure and mixed-use buildings could include a mixture of owner occupied, private rented and social housing, and also non-domestic uses, or simply multiple ownership within the same tenure. Historic buildings include the buildings that are within conservation areas or those that are listed buildings. These categories may require established alternative approaches and regulation for the installation of low carbon heat and energy efficiency solutions as there could be more than one owner/stakeholder involved.

2.7 Low Carbon Technologies

Before low carbon heat technology is considered, a fabric first approach is important. This involves insulating a property to make it more energy efficient before introducing new heat technology. Figure 3 highlights where a property will lose its heat, indicating the importance of sound insulation. Often low carbon heat technology requires a property to be well insulation, otherwise the property will not be heated adequately. Required insulation includes, loft, underfloor and wall. While improved glazing and draft proofing is also important.

Figure 27: Home Heat Loss (Scottish Energy Grants, 2018)

Once a property is adequately insulated, consideration can be given to low carbon heat technology. A heat pump captures heat from outside and moves it into the property. It uses electricity to do this, but the heat energy delivered to the property is much more than the electrical energy used to power the system. As a heat pump captures heat that is already present in the environment, the system itself does not burn any fuel and therefore emits no carbon dioxide. There are two main types of heat pump, ground and air, and both pumps can deliver both heat and hot water to a building. Heat pumps are more efficient than other heating systems because the amount of heat they produce is more than the amount of electricity they use.

Biomass boilers are also an option for low carbon heating. Biomass is a renewable energy source, generated from burning wood, plants and other organic matter, such as manure or household waste. It releases carbon dioxide when burned, but considerably less than fossil fuels. Biomass heating systems burn wood pellets, chips or logs to provide warmth in a single room or to power central heating and hot water boilers. It is important that the fuel sources is locally sourced, to ensure that the system is as environmentally sustainable as possible.

Hydrogen could be a potential frontrunner for heating homes in the future. It is suggested that hydrogen will be used in areas less suited to electrification or unsuitable for heat pumps. The main role for hydrogen currently only appears to be in areas like shipping and hard-to-decarbonise parts of industry. Currently, there is no blueprint for a conversion of the gas grid to hydrogen anywhere in the world. Therefore, hydrogen could be a low carbon option in the future but not something that is ready to be rolled out nationally, and therefore won't be considered within the LHEES.

Midlothian Council British Sign Language (BSL) Plan 2024-2030

Report by Saty Kaur, Chief Officer Corporate Solutions

Report for Decision

1 Recommendations

Council is asked to approve the Midlothian Council British Sign Language (BSL) Plan 2024-2030.

2 Purpose of Report/Executive Summary

The purpose of the report is to present to Council the Midlothian Council BSL Plan 2024-2030, which describes the actions the Council will take to promote the use and understanding of BSL throughout the Midlothian area, and to provide local BSL users with equal access to support and services over the next six years.

Date: 9 April 2024

Report Contact:

Scott Williamson, Equality and Diversity Officer
scott.williamson@midlothian.gov.uk

3 **Background/Main Body of Report**

3.1 The British Sign Language (Scotland) Act 2015 was passed by the Scottish Parliament on 17 September 2015 and obtained Royal Assent on 22 October 2015. The Act aims to make Scotland the best place in the world for BSL users to live, work, study and visit.

3.2 Every six years, the Scottish Government publishes a national plan setting out its priorities and actions for ensuring that BSL users enjoy equal access, opportunity, representation and inclusion.

3.3 Listed authorities (such as Midlothian Council) are required to develop their own plans, consistent with the aims of the most recent national plan and reflective of local needs and circumstances. In 2018, Midlothian Council published the Midlothian Council BSL Plan 2018-2024, which shared the long-term goals of the BSL National Plan 2017-2023.

3.4 In November 2023, the Scottish Government published its second national plan, the BSL National Plan 2023-2029. Listed authorities were given six months to create their second local BSL plans and publish final versions in both BSL and English.

3.5 Listed authorities must consult with BSL users and their representatives during the development of their plans. In March 2024, Midlothian Council and the British Deaf Association held a public engagement event in Dalkeith where members of the local BSL community provided their feedback on a draft version of the plan presented in this report. In response to their input, several actions were revised and added to ensure that the plan reflects the expressed wishes of BSL users in the Midlothian Council area.

3.6 In compliance with the BSL (Scotland) Act 2015, this plan will also be published in BSL. The BSL version of the 2018-2024 plan is attached as an appendix to this report.

3.7 According to the 2011 Scottish census, 233 people in Midlothian Council area used BSL at home. More recent figures will be available when the relevant data from the 2022 census is released.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

The Scottish Government has allocated no additional funding to support the delivery of local BSL plans.

4.2 Digital

There are no digital issues arising from this report.

4.3 Risk

The Council has a statutory duty to comply with the British Sign Language (Scotland) Act 2015.

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

An Integrated Impact Assessment (IIA) has been completed for this report.

4.4 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

'Individuals and communities have improved health and skills for learning, life and work'

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

This report is not directly relevant to delivering best value.

A.5   Involving Communities and Other Stakeholders

Development of the Midlothian Council BSL Plan 2024-2030 was informed by consultation with members of the local BSL community at a public event in Dalkeith on 22 March 2024. The event was attended by Midlothian residents who use BSL and their families, Officers from a range of Council services, and representatives of NHS Lothian and the British Deaf Association. Communication support was provided by fully qualified and accredited BSL interpreters.

Key issues raised at the event included improving the level of BSL provision for school pupils and their families, increasing training and awareness raising for staff in public-facing roles, and providing information and guidance on important topics in BSL on the Council website. The draft plan was consequently adapted to more fully incorporate the concerns of the BSL community in Midlothian.

A BSL User Group, composed of local BSL users, will be established to ensure consistent community engagement throughout the duration of the plan.

Relevant Council services were consulted on actions within their areas over March and April 2024. Support will continue to be offered to these services to promote a cooperative and collaborative approach to implementing the plan.

A.6   Impact on Performance and Outcomes

Delivery of the plan will improve performance and outcomes related to equality, diversity and human rights.

A.7   Adopting a Preventative Approach

The actions contained in the plan constitute a proactive, preventative approach to equality, diversity and human rights.

A.8   Supporting Sustainable Development

This report is not directly relevant to supporting sustainable development.

APPENDIX B

Background Papers/Resource Links

Midlothian Council BSL Plan 2018-2024 [BSL Version]

Midlothian Council BSL Plan 2018-2024 [English Version]

BSL National Plan 2023-2029

Midlothian Council

British Sign Language (BSL)

Plan

2024-2030

Contents

SECTION 2: Introduction

This document is the English version of the British Sign Language (BSL) Plan for Midlothian Council 2024-2030. The BSL version is available on the Council website.

The British Sign Language (BSL) (Scotland) Act 2015 requires public bodies in Scotland to publish plans every six years, demonstrating how they will support and promote BSL.

In 2018, Midlothian Council published its first BSL plan. The plan set out the actions the Council would take to provide local BSL users* with equal access to support and services over the years 2018-2024.

This new plan, for the years 2024-2030, reaffirms our ongoing commitment to make Midlothian a more inclusive place for BSL users to live, work, study and visit. It aims to build on the progress of the last six years and also to address additional issues that BSL users have told us are important to them.

The actions contained in this plan align with the long-term goals of the Scottish Government's BSL National Plan 2023-2029, which were developed in partnership with the BSL community.

This plan was finalised after consultation with BSL users in the Midlothian Council area.

'BSL users' refers to D/deaf and/or Deafblind people (those who receive the language in a tactile form due to sight loss) whose first or preferred language is British Sign Language.

SECTION 3: 2018-2024 Progress Update

In 2018, Midlothian Council published its first BSL plan, which set out the actions the Council would take to provide BSL users in Midlothian with equal access to support and services over the years 2018-2024. This plan is available on the Council website in both BSL and English.

Progress has been accomplished in several areas of the first plan, with other actions continued for delivery in the 2024-2030 plan. Key achievements from the first plan include:

✓ Highlighting the ContactScotlandBSL video interpreting relay service on the Council website.

✓ Reviewing the level of training required by interpreters, support staff and teachers in the education system.

✓ Promoting awareness of BSL and training opportunities for D/deaf children and their families from the first diagnosis and throughout their childhood and school years.

✓ Requiring interpreters for all face-to-face meetings and events attended by D/deaf parents and carers.

✓ Encouraging school pupils to engage with services and activities aimed at supporting their transition to further education, training or employment.

SECTION 4: Executive Summary

The Midlothian Council BSL Plan 2024-2030 is based on the following long-term goals of the BSL National Plan 2023-2029:

BSL Accessibility

Children, Young People and their Families

Access to Employment

Health and Wellbeing

Celebrating BSL Culture

Transport

Democratic Participation

The Midlothian Council BSL Plan 2024-2030 sets out what we will do to support BSL users in Midlothian. The plan covers access to information and services; children, young people and families; training and work; health and wellbeing; culture and the arts; transport; and democracy.

Some of the key actions we will deliver include:

◎ Providing information on key issues of importance to BSL users in BSL on the Council website.

◎ Supporting opportunities for teachers of the deaf and teachers working with D/deaf and Deafblind children and young people to obtain qualifications up to SCQF Level 10.

◎ Signposting employer groups and partners delivering learning and employment services to specific advice on the needs of BSL users.

◎ Supporting the development of opportunities for D/deaf and Deafblind children, young people, and their families, to learn about the heritage and culture of BSL.

◎ Establishing a BSL User Group to engage more effectively with local BSL users.

SECTION 5: Midlothian Council BSL Plan 2024-2030

5.1: BSL Accessibility

Our long-term goal:

To remove accessibility as a barrier for BSL users in all aspects of life, recognising the importance of having accessible information in the right format at the right time, utilising technology and increasing people's awareness of communication tools.

We will:

1. Continue to promote the use of ContactScotlandBSL, the national BSL video interpreting relay service, as a key method for contacting the Council.

2. Provide training to staff on using ContactScotlandBSL.

3. Increase D/deaf and BSL awareness training for staff across all services.

4. Support identified public-facing staff to learn BSL.

5. Translate material into BSL following requests from service users.

6. Provide information on key issues of importance to BSL users in BSL on the Council website.

5.2: Children, Young People and their Families

Our long-term goal:

We will ensure that D/deaf and Deafblind children have the support they need at all stages of their learning and development, so that they can reach their full potential.

We will:

7. Provide our early years and education staff with information about BSL and Deaf culture, and resources available in BSL, so that they can meet the needs of families with a D/deaf or Deafblind child.

8. Ensure that all schools know how to access and use ContactScotlandBSL.

9. Ensure that fully qualified BSL interpreters are offered for school meetings and events attended by parents or carers who use BSL.

10. Use the 'British Sign Language (BSL) Toolkit for Practitioners' and other resources developed by Education Scotland to help teachers engage more effectively with parents and carers who use BSL.

11. Signpost pupils and students to information, advice and guidance in BSL about their career, learning choices and transition to training or employment.

12. Support opportunities for teachers and early years practitioners to learn BSL up to the level of Scottish Credit and Qualifications Framework (SCQF) Level 6.

13. Investigate opportunities for teachers of the deaf and teachers working with D/deaf and Deafblind children and young people to obtain further qualifications in BSL.

14. Investigate opportunities for funding BSL tuition for families of D/deaf and Deafblind children and young people.

5.3: Access to Employment

Our long-term goal:

BSL users will receive person-centred support to develop their skills, consider what route to employment is right for them and enter into the workforce so that they can fulfil their potential, and improve Midlothian's economic performance. They will be provided with support to enable them to progress in their chosen career.

We will:

15. Provide our employability staff and volunteers with information about BSL and Deaf culture, and resources available in BSL, so that they can meet the needs of individual BSL users and their family members.

16. Raise awareness of the UK Government's 'Access to Work' (AtW) scheme with BSL users and employers.

17. Signpost employer groups and partners delivering learning and employment services to specific advice on the needs of BSL users.

18. Support BSL users to access volunteering opportunities with local organisations.

5.4: Health and Wellbeing

Our long-term goal:

BSL users will have access to the information and services they need to live active, healthy lives, and to make informed choices at every stage of their lives.

We will:

19. Signpost BSL users to health and social care information available in BSL.

20. Continue to ensure that any work we undertake locally to tackle social isolation includes the needs of BSL users.

21. Increase the provision of information about sport and physical activity opportunities for BSL users.

5.5: Celebrating BSL Culture

Our long-term goal:

BSL users will have full access to the cultural life of Midlothian, and equal opportunities to enjoy and contribute to culture and the arts, and are encouraged to share BSL and Deaf culture with the people of Midlothian.

We will:

22. Help BSL users to take part in culture and the arts as participants, audience members and professionals through the use of qualified BSL interpreters, volunteers trained in BSL, and signed video.

23. Support the development of opportunities for D/deaf and Deafblind children, young people, and their families, to learn about the heritage and culture of BSL.

5.6: Transport

Our long-term goal:

BSL users will have safe, fair and inclusive access to public transport and the systems that support transport use.

We will:

24. Support Transport Scotland initiatives to deliver practical solutions to make travel more accessible for BSL users.

5.7: Democratic Participation

Our long-term goal:

BSL users will be fully involved in democratic and public life, as voters, as elected politicians and as board members of our public bodies.

We will:

25. Promote the Access to Elected Office Fund, which can meet the additional costs of BSL users wishing to stand for selection or election in local or Scottish Parliament elections.

26. Establish a BSL User Group to engage more effectively with local BSL users.

SECTION 6: Monitoring and Reporting

We will publish a progress update on the actions above in 2027, the midway point for this plan. This will enable us to assess our performance and reflect on any work that remains to be done to meet our long-term goals and overall vision for BSL users in the Midlothian Council area.

Midlothian Council will also contribute to the Scottish Government's national BSL progress report in 2026.

For questions about this plan, please contact:

Lesley Crozier, Equality and Diversity Officer

Email: lesley.crozier@midlothian.gov.uk

Tel: 0131 271 3658

Address: Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN

or

Scott Williamson, Equality and Diversity Officer

Email: scott.williamson@midlothian.gov.uk

Address: Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN

BSL users can contact the Council via Contact Scotland BSL

Capital Plan Prioritisation

Report by Kevin Anderson, Executive Director - Place

Report for Decision

1 Recommendations

Council is recommended to;

a) Approve the inclusion in the General Services Capital Plan (i) the extension of Bilston Primary; (ii) the extension of Mauricewood Primary, both expected to be fully funded by developer contributions (so no overall net borrowing cost to the Council); and (iii) expansion of Hawthornden & Mount Esk to provide dedicated Additional Support Needs (ASN) provision for Lasswade CHS and relocate Mount Esk ELC provision to Hawthornden PS, expected to be fully funded by developer contributions and early years funding (so no overall net borrowing cost to Council); all as outlined in section 4.1(a) of this report

b) Agree that the New Building Contract for Destination Hillend does not proceed, with a revised replacement to reduce the footprint of the building with a focus on facilities essential to the wider business case in order to protect the level of revenue to be generated on site. Noting that the extent of saving to be made is currently being reviewed by the design team and will be presented to Council in the form of a revision to the Business Case once this exercise is complete.

c) decide on the appropriate forum for continued elected member involvement in a cross party group for governance of the Capital Plan and Infrastructure investment i.e. Business Transformation Steering Group or a new Investment Strategy Group.

2 Purpose of Report/Executive Summary

Council approved at the meeting on 27 February, 2024 to adopt a longer term strategic planning approach through the Strategic Infrastructure Investment Framework for future capital investment and asset management.

Council also agreed to establish a forum for continued elected member involvement in a cross party group for governance of the Capital Plan and Infrastructure investment. Members are required to decide if this will be incorporated into the Business Transformation Steering Group or a separate Investment Strategy Group.

This report is to endorse that any increase in the GSCP debt must be supported by clear, evidenced progress in bridging the gap between recurring expenditure and recurring income.

Date: 24 April 2024
Report Contact:
Name: Kevin Anderson, Executive Director – Place
Email: kevin.anderson@midlothian.gov.uk

3   Current Approved General Services Capital Plan (GSCP)

3.1   The Capital Investment Strategy 2018 – 2028 agreed by the Council on 26 June 2018, comprised of investment over its 10 year period. Clearly it was difficult to fully anticipate the local authority environment over such a long period, so an element of the strategy represented aspiration and expectation rather than certainty, particularly given the affordability gap for the projects currently identified and costed.

3.2   The response to the Covid pandemic, EU exit and global conflicts are significant factors leading to an increase in construction inflation driven by shortages also in the supply of materials and labour.

3.3   In this context the Council has seen tenders for projects returning prices around 30% above what was expected when the plan was agreed and driven by fast moving international events in this environment it has forced a rethink in our investment plans.

3.4   Recognising that in this environment it will not be possible to deliver the agreed plan within the available resources a review to establish options to deliver the Council's priorities has been undertaken. It is proposed to focus the resources we have on our priorities and critical building projects.

3.5   Elected members have been engaged through the Business Transformation Steering Group (BTSG) and separate Group meetings in a series of workshop sessions to consider changes to the Capital Plan; to prioritise projects within the available resources by deletions/pauses/deferrals of capital projects and asset management, to achieve the approved Medium Term Financial Strategy.

3.6   The General Services Capital Plan approved by Council on 27/02/2024 contains:-

a) Total capital expenditure of £386.933m to 2027/28, and £458.331m including Later Years

b) Total capital funding of £116.094m to 2027/28, and £173.695m including Later Years

c) A total approved borrowing required per the 2024/25 Treasury Management and Investment Strategy of £270.839m to 2027/28, and £284.635m including Later Years

GENERAL SERVICES CAPITAL PLAN	2023/24	2024/25	2025/26	2026/27	2027/28	Total	Ltr Yrs	Total
2023/24 to 2027/28	F/cst O/turn	Budget	Budget	Budget	Budget	Budget	Budget	Budget
	£'000	£'000	£000's	£000's	£000's	£'000	£000's	£'000
EXPENDITURE - PER PROGRAMME BOARD								
Children, Young People & Estates	28,266	40,862	82,647	79,450	35,156	**266,381**	6,470	**272,851**
Asset Management	14,188	17,118	9,990	9,470	10,423	**61,187**	7,108	**68,295**
Transport, Energy & Infrastructure	3,196	600	3,352	5,305	2,616	**15,069**	56,074	**71,143**
Regeneration & Development	12,992	13,705	9,513	1,386	0	**37,596**	3,367	**40,963**
Other	2,850	6,975	6,342	872	698	**17,737**	614	**18,351**
Provision for return of contingencies	-506	-2,539	-2,019	-3,055	-2,918	**-11,038**	-2,234	**-13,272**
Total Approved Expenditure	**60,985**	**76,721**	**109,824**	**93,428**	**45,974**	**386,933**	**71,398**	**458,331**
Total Capital Funding	32,008	25,471	24,409	22,402	11,804	**116,094**	57,602	**173,695**
Approved Borrowing Required	**28,978**	**51,250**	**85,415**	**71,026**	**34,170**	**270,839**	**13,797**	**284,635**

4   Loan Charges from GSCP Borrowing

4.1   Loan Charges reflect borrowing costs to support the existing GSCP

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Total
	F/cst O/turn	Budget	Budget	Budget	Budget	Budget	Budget	Budget
	£'000	£'000	£000's	£000's	£000's	£000's	£000's	£000's
Approved Borrowing Required (from table above)	**28,978**	**51,250**	**85,415**	**71,026**	**34,170**			**270,839**
Annual Loan Charges to Revenue Budget	**1,700**	**5,460**	**10,173**	**12,520**	**12,889**	**13,700**	**14,616**	

These loan charges figures include a refreshed Learning Estate Strategy in line with recommendations made to Council on 27 February (subsequently deferred). Specifically, this reflects:-

a) Inclusion of extension of Bilston & Mauricewood Primaries, and expansion of Hawthornden & Mount Esk to provide dedicated Additional Support Needs (ASN) provision for Lasswade CHS and relocate Mount Esk ELC provision to Hawthornden PS, all approved in principle in GSCP and expected to be fully funded by developer contributions (so no overall net borrowing cost to Council) and (for the Bonnyrigg Primaries solution) early years funding.

b) Inclusion of 2 stream primary school at development site Hs12 in Bonnyrigg: Capital expenditure of £13.469m with all of the non-ASN costs of the school funded by Developer Contributions of £11.691m; therefore potentially a net borrowing cost to Council of £1.778m

.

c) Inclusion of Backlog Upgrades to existing schools (King's Park, Rosewell, Mauricewood and Newtongrange Primaries) where the originally proposed extension/refurbishment project is no longer proposed to progress:

- *Removal of Kings Park Primary School refurbishment / extension*
- *Removal of Rosewell Primary School refurbishment / extension*
- *Removal of Newtongrange Primary School refurbishment / extension*
- *Extension only for Mauricewood Primary School*

They do not include any borrowing associated with the Shawfair/ Dalkeith and Newbattle/Gorebridge projects. These projects remain within the Learning Estate Strategy with the nature and timing of provision being monitored to inform required dates of delivery.

5 Loan Charges and link to the Medium Term Financial Strategy

5.1 The loan charges figures shown in the above table 4.1 contribute to a Budget Gap for the existing term of the MTFS of £23.562m to 2028/29. These were the loan charges reported to Council in the MTFS report on 27 February 2024.

5.2 Any projects that are not fully funded by external capital grant income, or that generate income that offsets the borrowing and operating costs in full, will result in additional loan changes to the Council's revenue budget

5.3 Any further increase in loan charges above the levels shown in the above table 4.1 must be supported by clear, evidenced progress in bridging the revenue budget gap between annually recurring income and expenditure in order to reduce the expected gap of £23.562m to 2028/29.

6 Capital Plan Prioritisation – Recommended changes

6.1 Destination Hillend Project

It is recommended that the New Building Contract does not proceed, with a revised replacement to reduce the footprint of the building with a focus on facilities essential to the wider business case in order to protect the level of revenue to be generated on site. The extent of saving to be made is currently being reviewed by the design team and will be presented to Council in the form of a revision to the Business Case once this exercise is complete.

6.2   Further work to the Shawfair All Through Education   Campus

Following Council approval in December 2023, the Shawfair Town Centre Site missives are now concluded, and the site acquired from Network Rail Infrastructure Limited for education purposes.

Edge Analytics are appointed to review all school pupil roll projections as they have previously reviewed/advised Renfrewshire & West Lothian Council**.** The output of this exercise will be used to inform the Dalkeith/Shawfair Education Solution and is anticipated to be reported to Council by August 2024.

In addition further action is in progress for:

- **Gorebridge**

- Roll projections continue to be monitored to establish timing of expansion of school provision within this catchment, with
further work to be undertaken to identify sites within the Gorebridge area that would be suitable for a Secondary School (preferably on land owned by Council).

- **Newbattle**

- 300 pupil extension to existing Newbattle High School to be explored within existing site capable of accommodating extension would increase capacity from 1,400 to 1,700.

7   Report Implications (Resource, Digital and Risk)

7.1   Resource

A review continues to reassess the use and conditions of Developer Contributions, with a status report to follow to Council. The application of developer contributions towards infrastructure provides funding towards new facilities for our growing communities. Local communities and their elected members are likely to be involved in considerations about facilities to be delivered, in particular where there is an element about of direction about the spending of contributions e.g. in relation to children's play and community facilities.

The Council is the fastest growing local authority in Scotland and is currently holding developer contributions totalling £49.5 million. Developer Contributions are applied as negotiated.

External legal advice to the Council in late 2023 confirmed that a Section 75 agreement is a contract between the parties i.e., if the agreement provides that a contribution is to be repaid if not applied or legally committed within a prescribed period, that is what the Council is obliged to do.

7.2 Digital

There are no digital implications of this report at this point in time.

7.3 Risk

The risk is of emerging financial risks associated with the need to meet identified affordability targets in the General Services Capital Plan.

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

An IIA is not required at this stage.

7.5 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**

Actively managing priorities within the GSCP will ensure that capital investment required to ensure Midlothian Council's priorities as set out in the Single Midlothian Plan are achieved in a financially sustainable way.

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 Capital Planning process aims to deliver Best Value as making the best use of public resources with clear plans and strategies in place, and with sound governance and strong leadership, the council will be well placed to ensure that all of its resources are deployed to achieve its strategic priorities, meet the needs of its communities and deliver continuous improvement.

A.5 **Involving Communities and Other Stakeholders**

Not applicable

A.6 **Impact on Performance and Outcomes**

Not applicable

A.7   Adopting a Preventative Approach

Utilising our assets base to efficiently deliver services to support our wider transformation aims.

A.8   Supporting Sustainable Development

 Not applicable

Second Review of Scottish Parliamentary Boundaries

Report by Dr Grace Vickers, Chief Executive

Report for Decision

1 Recommendation

The Council are invited to

(a) note the revised proposed boundary reviews for the Midlothian Scottish Parliamentary constituencies; and

(b) determine whether to submit a formal comment/objection to Boundaries Scotland.

2 Purpose of Report/Executive Summary

This report advises members of the terms of the second consultation during the Second Review of Scottish Parliamentary Boundaries and invites members to decide if the Council should make formal comment or objection to the proposals for the new Midlothian South, Tweeddale and Lauderdale and Midlothian North constituencies.

Date: 23 April 2024
Report Contact: Alan Turpie, Legal and Governance Manager
Email: alan.turpie@midlothian.gov.uk

3   Background

3.1   There is a statutory requirement under Schedule 1 of Scotland Act 1998 to review Scottish Parliamentary Boundaries on a regular basis. Boundaries Scotland is an independent, non-political body which has been set up and charged with carrying out reviews of Scottish Parliamentary boundaries.

3.2   The first such review took place 2010/11 and established the constituency boundaries used at the Scottish Parliamentary Elections in 2011, 2016 and 2021. This consultation is part of the second review which will report to the Scottish Ministers on 01 May 2025 and will set the boundaries of constituencies and regions for the 2026 Scottish Parliamentary Elections onwards.

3.3   Members will recall that as part of the first consultation process Boundaries Scotland proposed that Ward 3 Dalkeith will remain as part of Midlothian North and Musselburgh along with wards from East Lothian and Edinburgh whilst the other five wards would form a new Midlothian South Constituency.

Following the close of the first consultation process, Boundaries Scotland held 6 public inquiries, including one in Musselburgh to consider the proposed Midlothian North and Musselburgh constituency. Following the inquiry, it is no longer proposed to proceed with the Midlothian North and Musselburgh constituency but rather to form a Midlothian North constituency and a Midlothian South, Tweeddale and Lauderdale constituency. Details of the new proposed constituencies are set out in Section 4 below.

Boundaries Scotland have now opened a second consultation process which will run from 16 April 2024 until 15 May 2024. Following the end of the second consultation period, Boundaries Scotland will consider all representations received and either confirm the proposed constituencies or, if they consider further changes are required, undertake a further one month consultation. It is not intended to hold any further public inquiries.

3.4 There are 73 Scottish Parliamentary constituencies and 8 regions and these numbers are fixed in the Scotland Act, the review will not therefore affect the number of MSPs (129).

Equally, the size of the three island constituencies are also fixed in statute, the review looks only at the size of the 70 mainland constituencies and seeks to reflect changing populations across Scotland.

In reviewing constituencies, Boundaries Scotland are required to:

1. Take account of Council area boundaries
2. Create constituencies that have broadly the same number of electors
3. Take account of special geographical considerations
4. Take account of local ties and other inconveniences caused by changes to constituencies

Boundaries Scotland have calculated the Electoral Quota for this review (the population of the constituencies under review divided by 70) as 59,902 and the electorate of each constituency must be as near as the electoral quota as is practical having regard to rule 1 (taking account of Council area boundaries).

3.5 The proposals under this second consultation will have the following effect across Scotland:

- 22 Constituencies completely unchanged;
- 3 constituencies renamed but boundaries unchanged;
- 18 constituencies where boundaries have been changed but name unchanged – including Midlothian South, Tweeddale and Lauderdale;
- 30 constituencies where boundaries and names have both been changed – including Midlothian North.

4 Midlothian Constituencies

4.1 In terms of the current Scottish Parliamentary Boundaries, Midlothian is split into two cross boundary constituencies – Midlothian North and Musselburgh and Midlothian South, Tweeddale and Lauderdale. Currently Ward 2 Bonnyrigg, Ward 3 Dalkeith, part of Ward 4 Midlothian West and Ward 5 Midlothian East are in Midlothian North and Musselburgh along with two East Lothian wards whilst Ward 1 Penicuik, the remaining part of Ward 4 Midlothian West and Ward 6 Midlothian South are in Midlothian South Tweeddale and Lauderdale along with some Scottish Borders wards.

The current electorate figures for the current boundaries are as follows:

Midlothian North and Musselburgh – 69,302

Midlothian South, Tweeddale and Lauderdale – 65,410

4.2 In terms of the amended consultation proposals, Ward 2 Bonnyrigg, Ward 3 Dalkeith, Ward 5 Midlothian East and parts of Ward 4 Midlothian West and Ward 6 Midlothian South will form a new Midlothian North constituency whilst the remaining parts of Ward 4 Midlothian West and Ward 6 Midlothian South together with Ward 1 Penicuik will be joined with parts of Scottish Borders to form Midlothian South, Tweeddale and Lauderdale constituency.

The boundaries of the new Midlothian North and Midlothian South, Tweeddale and Lauderdale constituencies are shown in Appendices B and C respectively.

The electorate figures for the proposed boundaries are as follows:

Midlothian North – 53,996

Midlothian South – 60,183

It must be noted that these figures are within the proposed parameters of other constituencies.

5. Report Implications (Resource, Digital and Risk)

5.1 Resource

There are no resource implications arising directly from this report.

5.2 Digital

There are no digital implications related to this report.

5.3 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

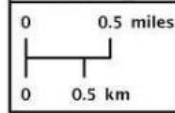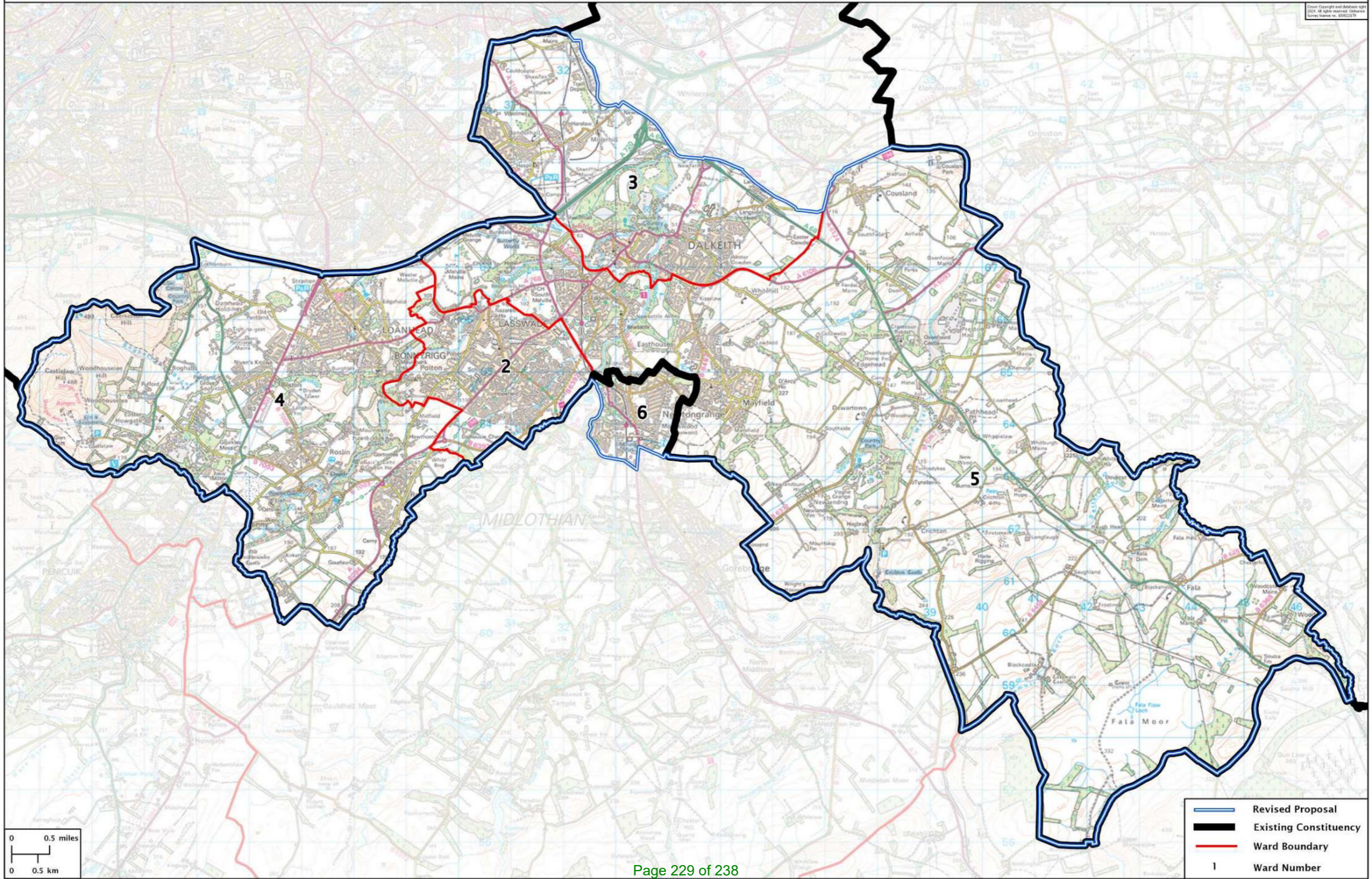**A.7   Adopting a Preventative Approach**

Not applicable

A.8   Supporting a Sustainable Development

Not applicable

Boundaries Scotland
Crìochan na h-Alba

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3

DALKEITH

Cousland

2

4

6

Newtongrange

Mayfield

5

MIDLOTHIAN

PENICUIK

Gorebridge

Fala Moor

	Revised Proposal
	Existing Constituency
	Ward Boundary
1	Ward Number

0   0.5 miles
0   0.5 km

Boundaries Scotland
Criochan na h-Alba

Legend:

— Revised Proposal
— Existing Constituency
— Ward Boundary
M1 Midlothian Ward Number
SB1 Scottish Borders Ward Number

0   1.5 miles
0   1.5 km
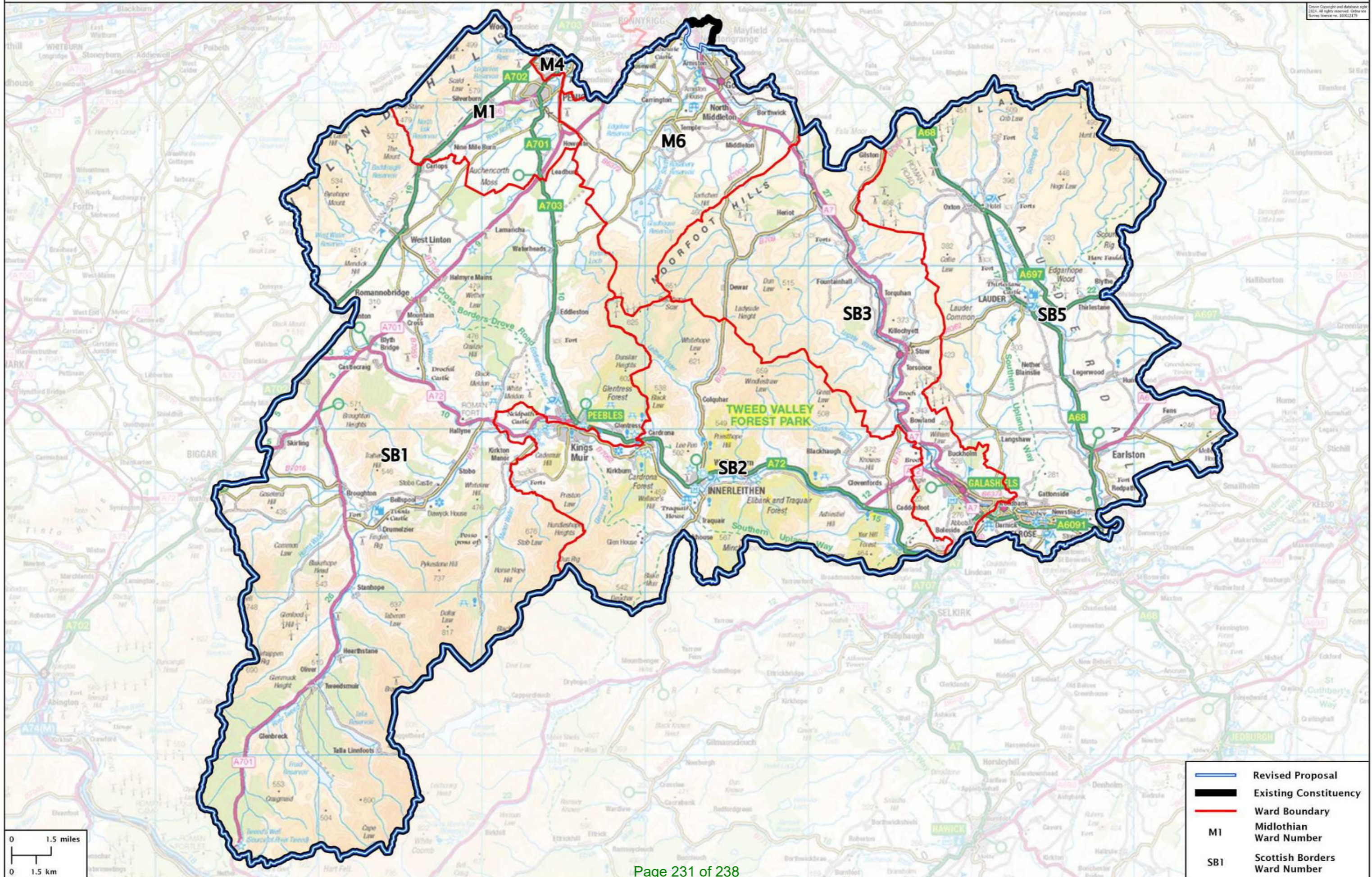
Use of Glyphosate in Weed Control

Report by Derek Oliver, Chief Officer, Place

1 Recommendations

Council is recommended to note the targeted application and continued managed usage of glyphosate in weed control across Midlothian.

2 Purpose of Report/Executive Summary

In March 2021, Council approved the use of glyphosate on a restricted spot application basis, on Midlothian's streets and pavements; agreed the continued reduction in usage in Midlothian's parks and open Spaces, with the exception of invasive species, e.g. giant hogweed and Japanese knotweed and dangerous road junctions and areas of highways that are key to maintaining visibility for the safety of all road users, e.g. laybys and the inside of bends; and agreed information on spraying locations be published as soon as possible.

The purpose of this report is to update Council on the managed and controlled use of glyphosate since March 2021.

Date: 16 April 2024
Report Contact: Derek Oliver, Chief Officer - Place
Email: derek.oliver@midlothian.gov.uk

3   Background

3.1   On 25th June 2019, Midlothian Council determined that glyphosate would be prohibited from use on Council owned land, with the exception of invasive species. This followed an initial moratorium on glyphosate use agreed by Council in May 2019 due to concerns for the environmental impact on bees.

3.2   On 5th May 2020, there was cross party agreement to permit the use of glyphosate on an emergency basis during the pandemic.

3.3   On 18th February 2021, a cross party meeting was held to discuss the use of glyphosate and the practical alternatives as due to the restrictions on workforce and working practices during the pandemic, significantly less quantities of glyphosate were used in 2020 compared to previous years.

3.4   On 23rd March 2021, Council approved the use of glyphosate on a restricted spot application basis, on Midlothian's streets and pavements; agreed the continued reduction in usage in Midlothian's parks and open Spaces, with the exception of invasive species, e.g. giant hogweed and Japanese knotweed and dangerous road junctions and areas of highways that are key to maintaining visibility for the safety of all road users, e.g. laybys and the inside of bends; and agreed information on spraying locations be published as soon as possible.

4   Main Report

4.1   Since March 2021, the managed use of glyphosate by Neighbourhood Services (specifically Land & Countryside Services) delivered a significant reduction in volume of glyphosate used to control weeds, aligned to the spot treatment application process and Council approved direction.

4.2   Table 4.5.1. below illustrates the trend of glyphosate usage and corresponds to the narrative in section 3. Contractor usage volumes from 2015-2019 are included (circa 898 litres per annum 2015-2018, 449 litres in 2019, as per prohibition as detailed in section 3.1). Application of weed killer has all been undertaken internally since 2020.

4.3   On 6th September 2023, cross party agreement was sought for an increased use of glyphosate that would impact the demonstrable downward trend of usage since the 2020 Council approved position. The reason was that 2021 and 2022 had dry summer periods where application and volume was able to be restricted. However, in 2023, a much wetter summer period was experienced, providing optimum conditions for extensive weed growth. By September, Land & Countryside Services had spot treated all identified areas once and three quarters of Midlothian a second time. At that time, 600 litres had been applied, with the west of the county requiring to be spot treated for a second time. It was estimated that 80-100 additional litres would be required. Blanket application would require 450 litres, by comparison.

4.4   This agreed additional volume therefore resulted in a slight increase in volume by comparison to 2022, which, although higher than the previous two years, is significantly less than prior to the change in working practices from blanket to spot treatment.

4.5   Cost comparison for the additional spot treatment to undertaking a delayed weed control programme in Autumn 2023, when grass cutting concluded, in order to free up personnel to utilise plant on urban streets alone (not including rural areas), was calculated to be £69,000 in staff time. This was utilising four ride on sweepers from Waste Services, impacting Waste operations, over an 18 week period. This calculation was based on previous internal trials. This compared to a cost of £15,201 to undertake the final 80-100 litres spot treatment outlined above.

Year	Volume of Glyphosate (Litres)
2015	2398
2016	1238
2017	1823
2018	1843
2019	1374
2020	450
2021	650
2022	605
2023	680

Table 4.5.1.

4.6   Neighbourhood Services continues its commitment to minimise use of glyphosate, so far as is reasonably practicable, and as detailed on our website: **Glyphosate weed killer | Midlothian Council**. The Service will continue to explore alternative methods to further reduce volume of glyphosate.

4.7   There can be extenuating circumstances where there will be a managed increase in use on the previous year, such as outlined in relation to optimum weed growth weather conditions in 2023. Furthermore, the service has taken on the maintenance of three additional housing sites for the 2024 season. These sites will require weed control and therefore glyphosate use. As such, a target for 2024 of 680 litres would represent a comparative reduction in glyphosate use, taking into account additional adopted areas (footways, carriageways, verges and shrub beds). This presents an annual challenge to the service with the development across Midlothian.

4.8   The service is also responsible for the delivery of private grounds maintenance contracts where chemical use is required as part of the agreed specification. As part of the Council's commitment to reduce

glyphosate use, we encourage our private clients to reduce the amount of chemicals used as part of the contract, where possible.

4.8   As part of the ongoing Neighbourhood Services review, the Land and Countryside service and the Street Cleaning service have merged to create a Neighbourhood Environment Team which now forms part of the new Greenspace Service.

4.9   The design and implementation of the Neighbourhood Environment Team is expected to result in improvements to service delivery, which will raise the quality of the local environment in a number of ways, including the way the service controls weeds.

4.10   The Neighbourhood Environment Team will therefore be responsible for weed control as follows;

- Neighbourhood Operatives will carry out hand removal of weeds while carrying out street cleaning duties where practical, reducing the need for glyphosate
- A targeted winter work programme will see a deep clean of key routes targeting the removal of detritus at wall bases and around obstacles such as traffic islands
- Improvements to the way mechanical sweepers are deployed will see a reduction in detritus which will result in a reduction in weed growth
- A removal of poor quality shrub beds, to be replaced by grassed areas with native trees planted, will increase biodiversity and reduce the need for glyphosate use to control weeds within the beds. Thirteen shrub beds have been identified for removal in 2024.

4.11   The Greenspace Service will continue to build on the partnership with community based volunteer groups to jointly tackle weed growth across Midlothian without the use of glyphosate, where practical. The service has agreed to cease or reduced by consequence glyphosate use where community groups have adopted specific locations in the following areas:

- Bonnyrigg
- Newtongrange
- Woodburn
- Roslin
- Danderhall
- Dalkeith
- Gorebridge

4.12   The spraying programme is detailed on the website, as approved by Council in 2021.

5   Report Implications (Resource, Digital and Risk)

5.1   **Resource**

Delivery of current weed control processes is contained within existing budget allocation to Neighbourhood Services. Any reduction in the use of glyphosate will require additional financial allocation to manage weed control, dependent upon the proposed and agreed methods to undertake this function.

5.2   **Risk**

Within current service resources, the standard of weed control across Midlothian will deteriorate without the use of glyphosate, presenting a risk to residents and infrastructure as well as the reputation and image of the authority.

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

Less ambulant residents can be impacted by poor weed control, specifically in relation to slips, trips and falls.

Appendices

Appendix A – Report implication

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan
This report does not impact on the key priorities of 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
Current methods of weed control represents best value.

A.5 Involving Communities and Other Stakeholders
There is ongoing engagement with community groups and residents with regards to weed control.

A.6 Impact on Performance and Outcomes
The report directly impacts on Midlothian Council's performance and outcomes.

A.7 Adopting a Preventative Approach
The report highlights the preventative approach to detrimental impact on infrastructure and the management of slip, trips and falls hazards that would otherwise result in claims costs for the Council.

A.8 Supporting Sustainable Development
Weeds need to be removed to prevent damage to infrastructure and control risks associated with slips, trips and falls. Removal of shrub beds will reduce the use of glyphosate and encourage biodiversity with grass and native tree substitution.