

Notice of Meeting and Agenda



Midlothian Council

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

Date: Tuesday, 25 June 2019

Time: 11:00

Director, Resources

Contact:

Clerk Name: Verona MacDonald

Clerk Telephone: 0131 271 3161

Clerk Email: verona.macdonald@midlothian.gov.uk

Further Information:

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

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1 Welcome, Introductions and Apologies

2 Order of Business

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

3 Declaration of Interest

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

4 Deputations

None

5 Minutes

Minute of Meeting of Midlothian Council of 7 May 2019 for approval as a correct record.

Minutes of Meetings for noting, information and consideration of any recommendations contained therein - Minute Volume attached

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6 Questions to the Council Leader

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7 Motions

7.1 Motion by Councillor Alexander, seconded by Councillor Parry 9 - 10
Redacted

7.2 Motion by Councillor Parry, seconded by Councillor McCall 11 - 12
Redacted

7.3 Motion by Councillor Imrie, seconded by Councillor Hackett 13 - 14
Redacted

7.4 Motion by Councillor Curran, seconded by Councillor Muirhead 15 - 16
Redacted

8 Public Reports

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8.3	Medium Term Financial Strategy - Report by the Chief Executive and Head of Finance and Integrated Service Support (to follow)	
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8.15	Micro Grants Budget - Report by Director, Education, Communities and Economy	333 - 338
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8.19	Standards Commission Decisions - Report by Monitoring Officer	387 - 406

IN TERMS OF PARAGRAPH 8 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 THE FOLLOWING REPORT IS NOT FOR PUBLICATION

9 Private Reports

9.1 Danderhall Combined Community Facility Update - Report by Head of Property and Facilities Management

- 8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

10 Date of Next Meeting

The next meeting will be held on 20 August 2019

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 25 June 2019**

1 Minutes of Meetings submitted for Approval

Midlothian Council 7 May 2019	3 - 24
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2 Minutes of Meetings submitted for Consideration

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

Performance, Review and Scrutiny Committee 11 December 2018	25 - 32
Community Asset Transfer Committee 21 January 2019	33 - 34
Police and Fire and Rescue Board 18 February 2019	35 - 38
Business Transformation Steering Group 11 March 2019	39 - 44
Audit Committee 12 March 2019	45 - 50
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3 Minutes of Meetings submitted for Information

Approved Minutes of Outside Organisations to which Council appoints representatives

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Short Life Working Group

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Councillor
Kelly Parry

Ward 4
Midlothian West
SNP

Midlothian Council
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6 June 2019

Question to the Leader

As Council Leader, will you join me in congratulating Loanhead Gala Committee for organising almost 100 events, running until the end of June, to mark the 350th Anniversary of the Royal Charter to permit Loanhead to have an annual 3 day fair; in the run-up to Loanhead Gala on 22 June

Councillor Kelly Parry



SNP Group

Notice of Motion

Extending the distance of provision of school transport from 2 to 3 miles

“Midlothian Council believes that every child should have an equal opportunity to access the excellent and inclusive education we have in Midlothian. Extending the distance of provision of school transport from 2 to 3 miles will disadvantage the pupils living in this extended radius. The extended radius covers Mayfield and Easthouses, some of our most deprived areas, and may impact on their future attainment, and success in life.

Council also notes that this change was done without consultation with parents and care givers and without a specific policy change agreed by Councillors or a comprehensive equality impact assessment. With immediate effect, Council will therefore reverse this decision and prepare a full equality assessment and consult with parents, care givers, pupil representatives and head teachers before reviewing the decision further”.

Proposed By:

Councillor Dianne Alexander



Seconded By:

Councillor Kelly Parry



Date: 6 June 2019



SNP Group

Notice of Motion

Buffer zones

"Midlothian Council notes with concern demonstrations at NHS facilities, especially activity targeted at women and staff attending sexual and reproductive health services and NHS hospitals accessed by Midlothian residents.

Council further notes the distribution and display of misleading information and distressing images, which can intimidate women and jeopardise access to legal healthcare services.

Council believes in upholding the right to peaceful protest, but also believes that the right to peaceful protest should not interfere with the fundamental right for women to make individual reproductive choices, or NHS professionals to do their job without fear or abuse. Council further notes that campaigns against women exercising their sexual health rights can continue without occupying the space immediately outside clinics and services.

Midlothian Council therefore supports the principle of buffer zones outside NHS Lothian reproductive health clinics and hospitals, to protect individuals from obstruction or harassment when accessing vital reproductive health services and advice.

Council instructs the Chief Executive to liaise with NHS Lothian & neighbouring Local Authorities, Police Scotland, COSLA and the Scottish Government to assess the legal instruments that could be used to implement such buffer zones within the Lothian Health Board boundary.

Council further instructs the Chief Executive to bring forward a report to this Council, detailing potential courses of action."

Proposed By:

Councillor Kelly Parry



Seconded By:

Councillor Debbi McCall



Date: 6 June 2019

Midlothian Council

Labour Group

Item 7.3

Midlothian Council
Tuesday 25 June 2019

Notice of Motion

Resolution encouraging Lothian Pension Fund to divest from companies involved in the production, maintenance or development of nuclear weapons in the UK or other Nuclear Weapon States

- Midlothian Council is a member of the Nuclear Free Local Authorities (NFLA) the national body of Councils working for almost 4 decades to promote multilateral nuclear disarmament and a more peaceful world.
- Lothian Pension Fund manages the pension contributions of Council employees. Lothian Pension Fund is known to hold shares in companies that are involved in the production or maintenance of nuclear weapons or their delivery systems, including some that undertake work on the UK's nuclear weapons programme.

Midlothian Council therefore calls on Lothian Pension Fund to:

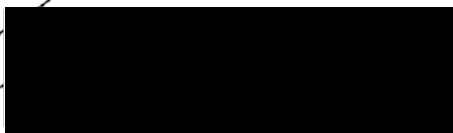
1. Work towards eliminating current and future financial exposure to companies that are involved in the production or maintenance of nuclear weapons and their delivery systems, giving due regard to fiduciary duty.
2. Council asks the Chief Executive to write to the convenor of Lothian Pension Funds pension committee to urge them to take full consideration of this resolution.

Moved:



Councillor Russell Imrie

Seconded:



Councillor John Hackett

Midlothian Council

Labour Group

Item 7.4

Midlothian Council
Tuesday 25 June 2019

Notice of Motion

Rent Support for Care Experienced Students

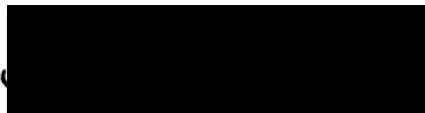
Midlothian Council recognises the Care Experienced Student Bursary, provided by the Students Awards Agency Scotland, is designed to provide financial support for costs while studying. We also recognise that many care experienced students will be unable to access the same family support while studying, that many other young people receive. Care experienced students are unlikely to be eligible for benefits out with the Care Experienced Bursary therefore resulting in a rent liability.

Part of our role as proud corporate parents is to promote educational development. We need to be ambitious to attract more care experienced students into further and higher education, as research evidences that those with a care experienced background are more likely to enter a negative post school destination.

We are determined to look after our care experienced young people as we would look after our own children.

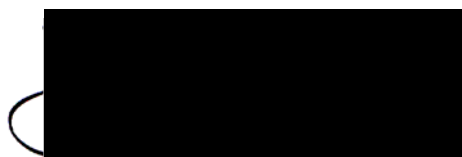
Midlothian Council therefore agrees to work with the Integration Joint Board to provide financial support for care experienced students who are our tenants and in receipt of the Care Experienced Bursary. Officers are requested to implement and evolve policy in line with the principles of this motion.

Moved:



Councillor Stephen Curran

Seconded:



Councillor Jim Muirhead

Best Value Assurance Report

Report by: Dr Grace Vickers, Chief Executive

1. Purpose of Report

The purpose of this report is to advise council of the initial findings and recommendations of the Best Value Assurance Report for Midlothian Council considered by the Accounts Commission at their meeting on 13 June 2019 and to note that a final report, with the Accounts Commissions Findings, will be published on 4 July 2019.

2. Background

- 2.1** Audit Work to support the Best Value Assurance Report for Midlothian Council was carried out between January and March 2019. The audit focused on 5 key questions:
- 2.2** The audit work was carried out by a team of auditors and best value auditors from Ernst & Young and Audit Scotland and involved an extensive review of documentation and interviews with elected members, council officers and partners. The draft report was produced in June and the final report with the Accounts Commission's findings will be published on 4 July 2019. The draft report is attached as an appendix.
- 2.3** The report concludes that the Council has delivered a number of ambitious projects since the Council's last Best Value report, in particular in relation to schools, community campuses, housing and transport. Other key points in the report include:
- The council still needs to focus on some key requirements for Best Value, including financial sustainability, financial management and transformation.
 - There are risks around the council's successful delivery of change due to its past track record and the scale of the challenge in both the medium and longer term.
 - Elected members need to work together to urgently agree the medium-term financial strategy and transformation programme.
 - Performance across services is mixed and the council is among middle performing councils using benchmarking indicators.
 - The council makes good use of data to understand and improve its performance.
 - Partnership working continues to be a strength at the council.
- 2.4** The report includes a set of recommendations for the Council. These are detailed below and will inform the improvement action plan which will be presented to Council following publication of the final report:

- As a matter of urgency, officers and elected members need to work together to develop and agree the medium-term financial strategy and progress the council's transformation plans.
- The council needs to develop and sustain more constructive relationships between members and between members and officers. It needs to implement effective cross-party governance arrangements to ensure that it delivers the medium-term financial strategy and transformation plans.
- The council needs to ensure that workforce planning reflects the medium-term financial strategy.
- The council should undertake a review of its capital programme, to ensure that the timeframes for delivery are achieved going forward and that monitoring and reporting mechanisms are enhanced to drive more accurate analysis and planning around capital work.
- The council need to continue to implement financial planning arrangements to address budget gaps, underpinned by robust financial budgeting and monitoring arrangements.
- The council should refine its vision in light of the outcome of consultation work through the Services with Communities transformation workstream and to ensure that it focuses its activity most effectively.
- Elected members need to exercise appropriate scrutiny at all times, take ownership for personal development plans and take up relevant training opportunities.
- The council should continue to build on positive elements of community empowerment. It should look to increase community ownership of local neighbourhood plans and work with communities to improve how they monitor progress.

2.5 The Accounts Commission will also issue a set of findings based on the Best Value Assurance Report and its recommendations as part of the final report to be published in July. These findings will also inform the improvement action plan.

2.6 The Council has a duty to respond to the Commission's findings and the recommendations set out in the report. To respond to this duty Council will be presented with the proposed improvement action plan following the summer recess and publication of the final report in July 2019.

3 Report Implications

3.1 Resource

No additional resources are required as a result of this report, however future improvement planning actions will consider any future resource requirements.

3.2 Risk

The Council has a duty to respond to the Accounts Commissions findings and this will be addressed following publication of the final report on 4 July 2019.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- Reducing inequalities in learning outcomes
- Reducing inequalities in health outcomes
- Reducing inequalities in economic circumstance

Best Value guidance identifies two cross-cutting themes which Best Value organisations should fully embrace across all activities by which they deliver their outcomes. The cross-cutting themes are Equality and Sustainability.

3.5 Impact on Performance and Outcomes

The duty of Best Value in Public Services is as follows:

- To make arrangements to secure continuous improvement in performance whilst maintaining an appropriate balance between quality and cost; and in making those arrangements and securing that balance,
- To have regard to economy, efficiency, effectiveness, the equal opportunities requirements, and to contribute to the achievement of sustainable development.

The above considerations inform the developing Medium Term financial Strategy.

3.6 Adopting a Preventative Approach

The Best Value duty supports the need to consider preventative approaches where appropriate and possible.

3.7 Involving Communities and Other Stakeholders

The report was produced following engagement with both officers and partners and following a significant review of documentation available, including documents from partners and communities.

3.8 Ensuring Equalities

Whilst equalities is a key requirement for Best Value organisations, there are no equalities issues to be considered for this report.

3.9 Supporting Sustainable Development

Sustainability is a key requirement for Best Value organisations and this will inform the developing improvement plan to be brought to Council post summer recess.

3.10 IT Issues

There are no IT issues arising from this report.

4 Summary

The council recognises the need to deliver against the duty of Best Value and this will be considered further following publication of the final Best Value Assurance Report and the development of the improvement action plan which will be brought to Council following the summer recess.

5 Recommendations

Council is asked to note the initial Best Value Assurance Report. Following the publication of the final report in July 2019, an improvement action plan will be submitted to Council for consideration in August 2019.

Appendices: **Midlothian Council - Best Value Assurance Report**

Date: 3 June 2019
Report Contact: Myra Forsyth
Tel Number: 0131 271 3445
Email: myra.forsyth@midlothian.gov.uk

Background Papers: **None**

Midlothian Council

Best Value Assurance Report

ACCOUNTS COMMISSION 

Prepared for the Accounts Commission by the Controller of Audit

June 2019

The Accounts Commission

The Accounts Commission is the public spending watchdog for local government. We hold councils in Scotland to account and help them improve. We operate impartially and independently of councils and of the Scottish Government, and we meet and report in public.

We expect councils to achieve the highest standards of governance and financial stewardship, and value for money in how they use their resources and provide their services.

Our work includes:

- securing and acting upon the external audit of Scotland's councils and various joint boards and committees
- assessing the performance of councils in relation to Best Value and community planning
- carrying out national performance audits to help councils improve their services
- requiring councils to publish information to help the public assess their performance.

You can find out more about the work of the Accounts Commission on our website: www.audit-scotland.gov.uk/about-us/accounts-commission

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. We help the Auditor General for Scotland and the Accounts Commission check that organisations spending public money use it properly, efficiently and effectively.

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Key facts



136.6
square
miles

Area

91,340

Population

3764

Workforce

18

Elected members

7 Scottish National Party
6 Scottish Labour
5 Conservative

6,864

Council houses

£201
million

2018/19
revenue budget*

£28.4
million

2018/19
capital budget**

£14.5
million

Budget gap
2020/21 – 2022/23

*Revenue budget covers day-to-day costs like wages

**Capital budget covers the cost of major projects such as schools and housing

Audit approach

1. The statutory duty of Best Value was introduced in the Local Government in Scotland Act 2003. The audit of Best Value is a continuous process that forms part of the annual audit of every council. Findings are reported each year through the Annual Audit Report. In addition, the Controller of Audit will present a Best Value Assurance Report to the Accounts Commission at least once during the five year audit appointment for each council. This is the first assurance report on Midlothian Council. The findings from previous Best Value reports on the council are summarised in [Exhibit 14](#).

2. This report seeks to provide the Commission with assurance on the council's statutory duty to deliver Best Value, focusing particularly on the Commission's Strategic Audit Priorities. We are looking for councils to demonstrate Best Value by showing continuous improvement in how they deliver services. Depth of improvement refers to the extent to which services implement improvements across a council. The pace and depth of this improvement is key to how well councils meet their priorities in the future.

3. Our audit approach is proportionate and risk-based, and so reflects the context, risks and performance of the individual council. It also draws on the intelligence gathered from audit and scrutiny work carried out in previous years. In keeping with this approach, we did some initial work to identify risks and council initiatives to build into the scope of our audit. This included a review of previous audit and inspection reports and intelligence, review of key council documents, initial meetings with senior officers and reflecting on our wider public sector knowledge and experience. Key areas of focus for our audit are shown in [Exhibit 1](#):

Exhibit 1

Key areas of focus for our audit



Leadership and strategic direction – how well the leadership of the council works together to deliver the priorities identified in the Single Midlothian Plan.



Performance and outcomes - an overall assessment of outcomes and performance with a focus on key service areas, and the council's reporting on these.



Change and improvement plans including:

- delivery of significant initiatives
- delivery of services to children and young people and adult social care
- delivery of council transformation.



Process and results of self-evaluation – how effectively the council implements methods of self-assessment to drive continuous improvement.



Financial management and financial planning – how well it is planning its finances now and for the future.



Workforce planning – how well it is planning the workforce that it needs to deliver services now and in the future.



Community and citizen engagement – what is being done to make sure people have a say in the planning of services and how they are provided.



Transformational change and service redesign – how new and more effective ways of providing local services are developed.

Source: Audit Scotland

4. The detailed audit work for this report was undertaken between January and March 2019. Our audit work included:

- interviews with elected members and senior officers
- observing a range of council and committee meetings
- reviewing relevant documents.

5. The audit work was carried out by a joint team from Audit Scotland and Ernst & Young LLP, the appointed auditor. Audit work in future years, performed as part of annual audits, will include a follow-up on the findings from this report and additional audit work on other Best Value characteristics as appropriate.

6. We gratefully acknowledge the cooperation and assistance provided to the audit team by all elected members and officers contacted during the audit.

Key messages

- 1** The council has delivered a number of ambitious projects since the last Best Value report, including schools, community campuses, housing and transport. Its overall pace of improvement is mixed. The council still needs to focus on some of the key requirements for Best Value, including financial sustainability, financial management and transformation. From 2016 onwards, the council has used its reserves rather than making some difficult decisions.
- 2** The council has made limited progress on its corporate transformation programme. This has contributed to its difficulties in reaching a sustainable financial position. The council has a lot to do to address the challenges that it faces and to deliver continuous improvement. It is focused on key priorities, but there are risks around the council's successful delivery of change due to its past track record and the scale of the challenge.
- 3** Midlothian Council has the fastest growing population in Scotland. Along with an increasing funding gap, this means the council is facing significant challenges in the medium and longer-term. It has set out its plans for delivering education and housing to meet its increasing population, but it has still to agree and implement its medium-term financial strategy. Officers plan to present this to Council in June.
- 4** There has been a lot of change in political leadership at the council in recent years. The council has had a minority administration since 2012 and elected members and officers have had to adapt and work in different ways. There are some tensions in relationships that can impact on the effectiveness of council business. Political leadership needs to improve through a shared responsibility to deliver Best Value. Elected members need to work together to urgently agree the medium-term financial strategy and transformation programme, required to address the council's challenges.
- 5** Performance across services is mixed and the council is among the middle performing councils using benchmarking indicators. There is evidence of improvement in some of the council's priority areas, including improving outcomes for children and young people. The council makes good use of data to understand and improve its performance.
- 6** Partnership working continues to be a strength at the council. It works well with its partners on the Community Planning Partnership (CPP) and the Integrated Joint Board (IJB). The council and its partners are working to a shared vision for the area through the Single Midlothian Plan. The council is working with its communities to deliver improvements and needs to build on this further with greater community involvement. It is taking action to further improve its relationships with the third sector.

Part 1

Does the council have clear strategic direction?



Midlothian Council faces significant challenges from a fast-growing population. This impacts on housing, schools, transport and broader infrastructure. Since our last Best Value audit, the council has delivered several ambitious initiatives.

The council and CPP have one shared vision for Midlothian. The vision is broad with short-term priorities that reflect local needs. The council could refine its vision to ensure that it focuses its activity effectively.

The council has a lot to do to address its challenges and to deliver continuous improvement. It is focused on key priorities, but political leadership needs to improve through a shared responsibility to deliver Best Value.

All elected members need to work together to urgently agree the medium-term financial strategy and the changes to service delivery required to achieve financial sustainability and deliver the council's priorities.

Midlothian council faces a number of challenges with the highest population growth and high rates of housing and transport development.

7. Midlothian council is based around 16 communities with a mix of towns and rural areas. It is the fifth smallest Scottish mainland council by population and is the fastest growing by population according to 2026 estimates. Compared with the rest of Scotland, Midlothian has:

- a larger than average percentage of young people
- a smaller than average percentage of working-age people
- a pensionable age population in line with the average.

8. Between 1998 and 2018 Midlothian's population increased by 14 per cent, the fifth highest change in Scotland. Based on 2016 projections, the population of Midlothian is expected to increase to 100,410 by 2026, an increase of

approximately 13.3 per cent.¹ Midlothian council is responding to this growth through its local development plans (LDPs). These designate areas for housing and economic development ([Exhibit 2](#)).

9. The LDPs identify two phases of growth 2009 – 2019 with 8,080 new homes, and 2019 – 2020 with 4,410 new homes being built. The financial crash of 2008 meant that private developers held back from building homes, resulting in the current acceleration in house building. During the first phase of growth 5,590 new homes were built of the 8,080 target. Since 2008/09 Midlothian has ranked in the top four council areas for new homes built per 1,000 households across all sectors, including the private sector.² Midlothian's new housing brings with it a rise in the school-age population, with a projected 18 per cent rise in the under 16 population by 2026. This presents challenges for the council because of the costs of developing and staffing new schools and in delivering social care services.

10. Midlothian is part of the Edinburgh and South East Scotland City region. The Midlothian economy is rooted in the traditional and primary industries, but with a growing number of high technology enterprises. Key business sectors include animal biosciences, life sciences, marine engineering and construction. Many such businesses are situated in the Midlothian Science Zone. The public sector is the largest employer.

11. Transport statistics show that 47.5 per cent of the Midlothian population in 2011 travelled to Edinburgh while 19.5 per cent of people working in Midlothian live in Edinburgh. More recent figures indicate a fairly static picture based on survey data.³ Unemployment in Midlothian in 2018 was 3.7 per cent, compared with a Scottish average of 4.3 per cent. Median weekly earnings for residents and employees in Midlothian in 2018 were £537.20 and £544.40 respectively. This is lower than the median weekly earnings of £562.70 across Scotland.⁴

12. The LDPs also set out areas of natural beauty such as the Pentlands, Moorfoot and the Esk Valley. On the eastern slope of the Pentlands is the council's snowsports centre, Hillend, which has Britain's biggest artificial slope.⁵

13. The area has six wards - Bonnyrigg, Dalkeith, Midlothian East, Midlothian West, Midlothian South and Penicuik - each represented jointly by three councillors. There are 16 community councils across Midlothian.

¹ [National records of Scotland](#)

² [Scottish Government Statistics, New house building completion rates 2018](#)

³ [Transport and Travel in Scotland, Transport Scotland 2017](#)

⁴ [NOMIS Official Labour Market Statistics](#)

⁵ [Sport Scotland Website](#), 2013

Exhibit 2

Map of Midlothian showing some of the principal towns and roads, and some of the areas identified for housing and economic use.

The Midlothian Science Zone is an established bioscience location for research and development. The Midlothian Gateway sits on the A701 corridor development area, and includes improvements to the current Straiton Commercial centre and creation of a mixed use development.



Source : Midlothian Council Local Development Plan 2017

14. Midlothian's profile of deprivation suggests that relatively few households are at the extremes, that is, relatively few are in the most- or least-deprived areas ([Exhibit 3](#)). There are 13 datazones in the 20 per cent most-deprived areas, and 18 datazones in the 20 per cent least-deprived areas. The Midlothian CPP targets three areas of deprivation - Dalkeith Central/Woodburn, Mayfield/Easthouses and Gorebridge.

Exhibit 3

The distribution of deprivation in Midlothian and the other council areas in the city region area

In Midlothian overall, a higher proportion of households are in more-deprived than in less-deprived areas.



Note: The top of the shape shows the proportion of the population in the least deprived areas, working down to the proportion of the population in the most deprived areas.

Source: Open Data Manchester using Scottish Index of Multiple Deprivation (SIMD), 2016. SIMD is the official tool for identifying the most deprived areas in Scotland. It looks at multiple aspects of deprivation such as resources and opportunities as well as low income.

Since our last Best Value audit, the council has delivered several ambitious initiatives.

15. The last Best Value report on Midlothian Council was published in 2012. Since then, the council has delivered several ambitious initiatives such as:

- The Learning Estate Strategy:** the council completed a school catchment review in December 2015. This informed the council's Learning Estate Strategy which was approved by council in 2017. Since 2015/16 it has invested £35 million in secondary schools and £37.2 million in primary, nursery and early years establishments. This includes building five new schools and additions to four schools (see [Case study 1, page 21](#) on the Newbattle Digital Centre of Excellence). As a growing council, Midlothian anticipates that its schools will reach their highest capacity in 2042 and its Learning Estate Strategy seeks to avoid over provision.
- Improvements to transport links:** in September 2015, four new railway stations in Midlothian, on the Edinburgh to Borders line, opened. The council had a key role in coordinating the work required to open these stations through the Borders Railway Blueprint Partnership. This group still meets to maximise the opportunities created by these railway links, including tourism growth and improved access to labour markets, education centres and new housing developments.
- Commencing work on Shawfair new town:** the council has planned for a new community at Shawfair, merging with the community at Danderhall. This will consist of 4,000 new homes, businesses, schools, community facilities and a new town centre around the Shawfair Railway station, constructed as part of the Border's rail project. Planning permission was granted in 2015/16. The first phase includes green space for residents and traditional housing. The council's Learning Estate Strategy includes delivering school provision at all levels. An energy-from-waste plant has been built at Millerhill, near the eastern boundary of Shawfair, and it began producing energy from its turbine in December 2018. Heat from waste will be generated via a district heating scheme in the new Shawfair settlement. Shawfair and Danderhall will have an estimated population of 12,000. This will make it one of the larger Midlothian towns, compared with Penicuik (16,300) and Dalkeith (13,700).
- Building social housing:** the need for social housing in Midlothian is great, with over 4,000 applicants on the council's housing waiting list. The council

is responsible for 6,864 dwellings, and its stock has increased by 15 per cent over the past ten years. The council has improved the condition of its housing stock, increasing the percentage that meet Scottish Household Quality standard criteria from 40.2 per cent in 2009/10 to 96.4 per cent in 2017/18. The council's Strategic Housing Investment Plan for 2019/20 to 2023/24 states that it is committed to building 1,000 new council houses by March 2022 and requires 25 per cent of any new private development to be affordable housing.

The council and its partners have a broad vision and a clear focus on short-term priorities.

16. There is a single vision for the Midlothian area, the Single Midlothian Plan. This sets out the vision of the council and its partners in the CPP and directs the council's work.⁶ The vision is structured around five broad objectives and three short-term priorities ([Exhibit 4](#)). The five themes are:

- Adult health and care
- Sustainable Growth Midlothian
- Getting it right for every Midlothian child
- Community safety
- Improving Opportunities Midlothian.

17. The vision is very broad but the three short-term priorities give it focus on reducing inequality in economic circumstances, learning outcomes and health outcomes. The council and the CPP use comprehensive performance indicators to evaluate performance in terms of progress towards achieving the five objectives and three priorities, as detailed in [Part 2](#). There are clear links between the Single Midlothian Plan and the service plans that direct the work of individual services and departments.

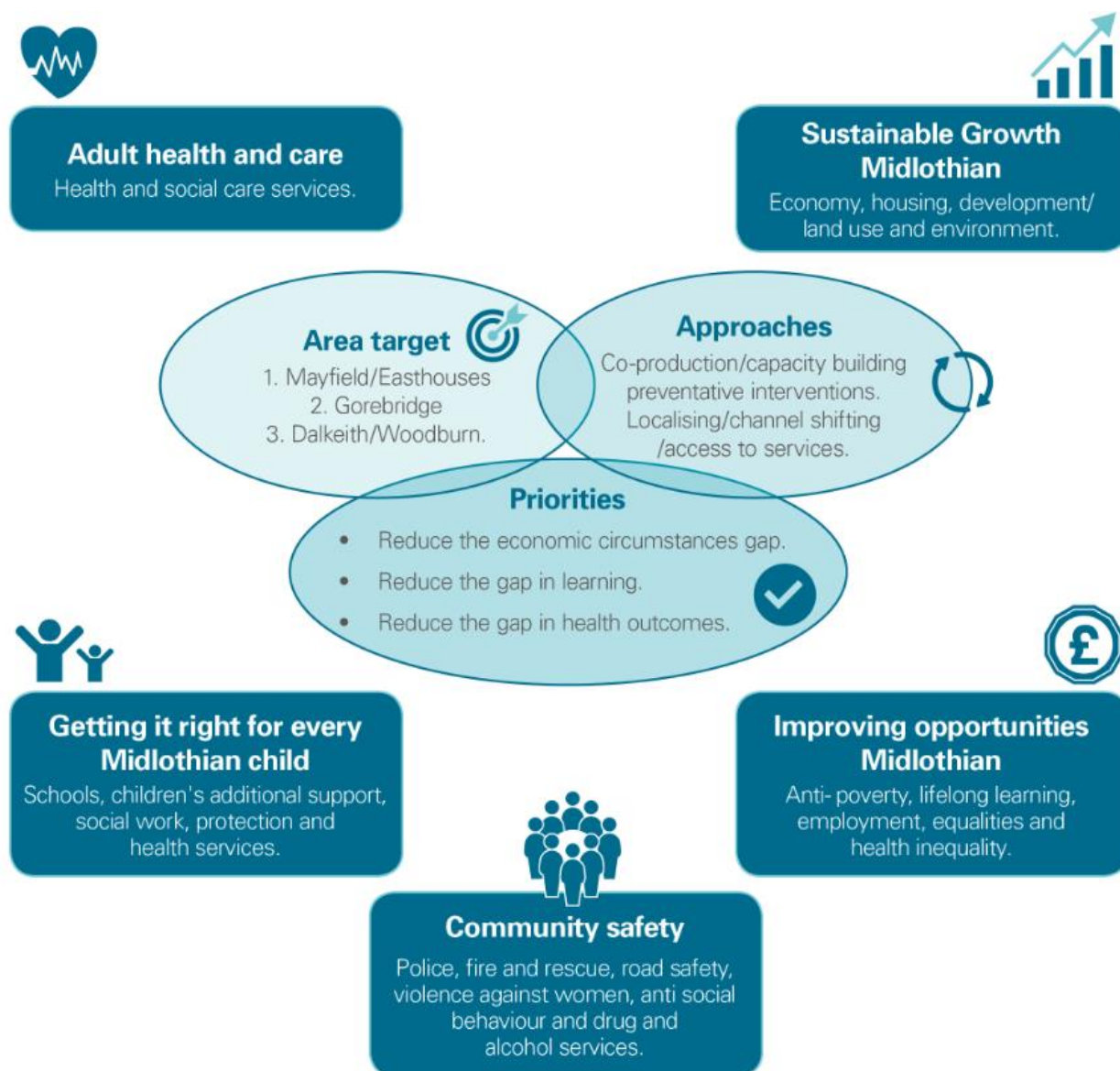
18. The CPP, supported by the council, has adopted an inclusive approach to developing the vision. It holds annual away days and these have been very well attended by community groups and third sector bodies. These days are used to discuss the vision and update the Single Midlothian Plan on an annual basis. At the 2019 planning day, the CPP agreed that continuing to focus on reducing inequality was important.

⁶ Partners include Midlothian Voluntary Action, Midlothian Council Community Safety, Midlothian Integration Joint Board, Scottish Fire & Rescue Service, Police Scotland, NHS Lothian, Federation of Community Councils, Scottish Enterprise, Skills Development Scotland, Chamber of Commerce and Industry, Armed forces and SEStran.

Exhibit 4

The vision set out in the Single Midlothian Plan 2018/19

The vision has five broad themes, three short-term priorities and three geographical target areas.



Source: Single Midlothian Plan 2018/19

19. Current work at the council will impact on its future vision. In February 2018, the council established a programme 'Services with Communities' aimed at transforming services through working more closely with communities (see [paragraphs 125 - 126](#)). At the beginning of 2019, a member of staff was seconded to lead this project. This will include consulting with communities to get their views on the area's challenges and how communities could become more involved in planning and co-producing services. A co-production approach gives more power to community organisations, involving them in defining the issues, designing the response and delivering the actions that are identified. Once this work is complete, the council should refine its vision. The council needs to be realistic about what it can deliver, given the scale of its current challenges and the capacity of its workforce.

There has been a great deal of change in the political leadership of the council.

20. The past two local government elections have brought a great deal of change in the political leadership of Midlothian council:

- 2017 election – this resulted in close three-party representation in Midlothian for the first time, with seven Scottish Labour, six SNP and five Scottish Conservatives members. Labour formed a minority administration. A by-election in 2018, after the death of the Labour provost, saw the SNP win the seat. Two-thirds of elected members were newly elected.
- 2012 election – eight SNP, eight Labour, one independent and one Green. The SNP formed a minority administration for the first time in the council's history, working with the independent member. The leader of the council changed four times over the course of the administration.
- 1996 to 2012 – 16 years of a majority Labour administration.

21. These changes have meant that officers and elected members have needed to find new ways of working together, particularly working with a minority administration, when they have been used to a Cabinet arrangement under a majority. Elected members have also needed to find new ways of working together and they need to continue to build on this.

The council needs to develop and sustain more constructive relationships between members and between members and officers.

22. There are tensions in some of the relationships between members. Elected members have opted out of attending and participating in some important cross-party groups, such as the group overseeing the council's business transformation programme, the Business Transformation Steering Group (BTSG). Elected members have felt that political point-scoring within the public chamber has prevented more of a consensus from being reached across parties. These tensions could impede elected members of all parties taking responsibility for addressing the council's current and future financial challenges.

23. There are signs that relationships between members are improving, with some recent examples of elected members working together, constructively and across political parties, to good effect. The IJB has cross-party membership and has worked well, agreeing the three-year IJB strategic plan and scrutinising service performance. An education working group was established in October 2018 and again, this is a cross-party group. The group has become more proactive since it started, asking for further information and providing a forum for frank and open discussion before matters are debated and decided on at the full council. Elected members should build on these positive examples of effective cross-party working.

24. The council also needs to develop and sustain more constructive relationships between elected members and officers. In the past, elected members have used the mechanism of presenting motions to alter the recommendations set out by officers within a report. There is a risk with this method of decision-making that officers will not have been able to work through the implications of amended recommendations in their entirety. There have been occasions when elected members of the Planning Committee have decided to waive developer contributions to local infrastructure, meaning that officers have to identify further sources of funding for the infrastructure needed to support the areas of growth. There is also a perception among some elected members that some officers are reluctant to discuss new ideas and how the council could do things differently.

25. It is a steep learning curve for newly elected members to develop the skills necessary for making decisions in a council. The Accounts Commission has produced guidance to support members in their roles such as the *How Councils*

Work reports Roles and Relationships: are you getting it right? and *Safeguarding Public Money: are you getting it right?*⁷ Elected members should consider whether they need additional training to help them fulfil their role ([paragraphs 59 - 62](#)).

The chief executive is focused on a number of key areas for improvement. The senior management team will need to work together to address current challenges.

26. The council is aware of where it needs to improve. Its focus is on putting in place a medium-term financial strategy that sets out the implications of available resources on current and future service delivery. This will be supported by improved financial planning to support its longer-term plans and improving financial management so that it can deliver those plans. It can demonstrate good examples of working across council services (see [Part 4](#)) but recognises that it can do more. Therefore, it launched its one council initiative in June 2016, encouraging a culture where there is greater understanding by officers of responsibilities and pressures across service areas, to encourage better decision-making.

27. There have been a number of changes at senior officer level which, when combined with the changes in elected members, has added to a period of significant change since the last local government election. The current chief executive took up post in August 2018 and has focused on a number of key areas for improvement. The council is working towards transformation including working with communities to identify how they can plan and deliver services together in future, in the context of the council's financial challenges (see [Part 5](#)). The Strategic Leadership Group (SLG) needs to continue to work collectively, finding solutions to service pressures and capacity difficulties, to address the challenges facing the council.

Political leadership needs to improve through recognising a shared responsibility to deliver Best Value.

28. It is essential that all members recognise that they share the responsibility for delivering Best Value. All members need to come together, demonstrate shared ownership and accountability and work together to agree the medium-term financial strategy and transformation programme. It is important that the council moves from investing significant staff energy into an annual budget process and instead takes a longer-term view in order to support its vision for Midlothian, another reason why it is so important that the council agrees the medium-term financial strategy.

Part 2

How well is the council performing?



Overall the council's performance against the objectives and short-term priorities in the vision is mixed. Service performance is also mixed.

There are good examples of the council taking action to improve performance. Performance has improved in some priority areas, particularly in services for children and young people.

The council makes good use of data to understand and improve its performance.

The level of scrutiny by elected members is improving but remains inconsistent.

29. In this section we consider performance against the five broad themes and three short-term priorities in the council's vision, and how performance compares with others using national data. We also comment in more detail on young people's services, adult social care and customer care. The council has delegated services to the IJB, including adult health and social care and supported housing services. The Midlothian Health and Social Care Partnership is responsible for delivering those services.

Overall performance against the objectives and priorities in the council's vision is mixed.

30. As outlined in [Part 1](#), the vision of the Single Midlothian Plan has five broad objectives and three short-term priorities. The CPP tracks performance against this vision and [Exhibit 5](#) shows performance against the five broad themes. There are different results because the Annual Performance Report presents information across indicators for all partners in the CPP. The Balanced Scorecard presents information on indicators for services for which the council is directly responsible.

Exhibit 5

Performance against target for objectives in the Midlothian Vision, Annual Performance Report and Balanced Scorecard 2017/18

Overall performance is mixed. The council is meeting more of its targets for 'Improving Opportunities in Midlothian' and 'Sustainable growth'.

Vision objective	Annual performance report (CPP indicators)		Balanced scorecard (Council-only indicators)	
	Indicators with a target	On target	Indicators with a target	On target
Adult health and care	14	71.4%	7	66.7%
Community safety	17	50.0%	6	33.3%
Getting it right for every Midlothian child	18	40.0%	20	72.2%
Improving opportunities in Midlothian	34	58.1%	8	83.3%
Sustainable growth	44	86.0%	14	80.0%

Source: Audit Scotland analysis of Midlothian Council Annual Performance Report 2017/18 and Balanced Scorecard 2017/18

31. Midlothian Council is meeting more of its targets for 'Improving opportunities in Midlothian' and 'Sustainable Growth' than it is for its other objectives and priorities. Examples of what it is doing well include the number of environmental awards which were obtained, such as green flags, and completing all neighbourhood plans. Community safety is an area where the council is not performing as well, missing its targets for the number of antisocial behaviour orders breached and number of community payback orders completed.

32. [Exhibit 6](#) shows performance against the three short-term priorities in the Single Midlothian Plan. The council has met more of its targets for reducing the gap in economic circumstances. The council has not met as many of its targets in the area of reducing the gap in learning outcomes, although it has improved in this area (see [paragraphs 46 - 51](#)).

Exhibit 6

Performance against the short-term priorities, 2017/18

The council is meeting more of its targets for reducing the gap in economic circumstances than for the other short-term priorities.

	Indicators with a target	On target
Reducing the gap in economic circumstances	7	71.4%
Reducing the gap in health outcomes	5	66.7%
Reducing the gap in learning outcomes	8	50.0%

Source: Audit Scotland analyses of Midlothian Council Balanced Scorecard 2017/18

33. The council tracks its performance against a wide number of indicators for information. There are a total of 139 indicators shared across the CPP (92 without targets) and 92 indicators for the council (46 without targets). The CPP and the council also consider updates against actions. These track progress against the actions which sit alongside corresponding performance indicators. It is not appropriate for all indicators to have targets but the council should consider whether it could provide greater clarity on its use of targets. It could more clearly

state which are its priority indicators against its five broad objectives. It could also state why some of its targets are only to maintain or reduce performance.

National indicators show that the council's overall performance across services is mixed.

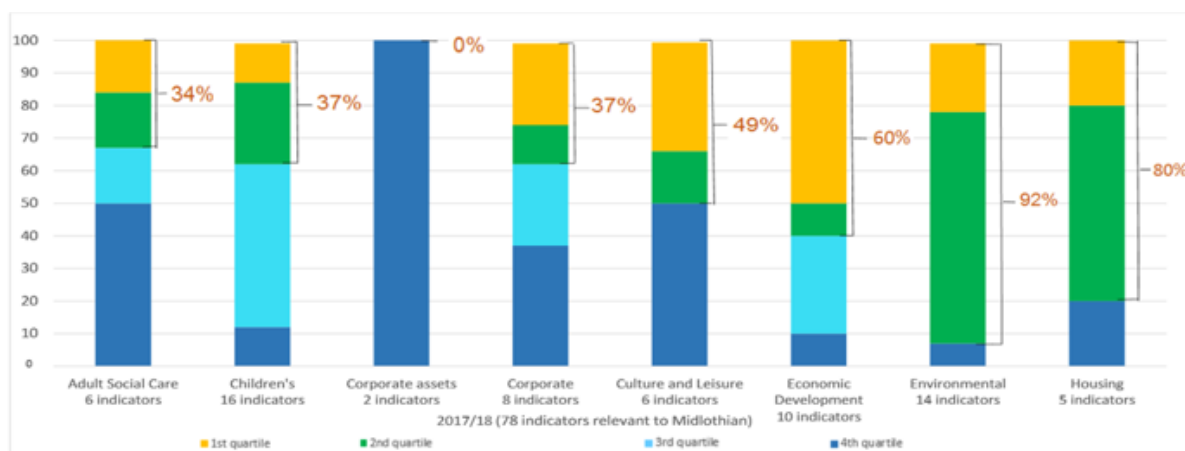
34. The council presents annual reports analysing the Local Government Benchmarking Framework (LGBF) indicators to Cabinet and to the Performance Review and Scrutiny Committee ([Exhibit 7](#)). The LGBF brings together information about how all Scottish councils perform in delivering services. The framework lets the council compare its performance against the Scottish average and other councils. Indicators are divided into service areas and performance relative to other councils can be seen by the proportion of indicators in each quartile.

35. For Midlothian Council, the majority of housing, environmental and economic development indicators are in the top two quartiles, indicating comparatively better performance in these areas. However, Scottish Housing Regulator (SHR) indicators for housing services do not show as positive a picture of performance. These show poorer performance with service quality and for services to homeless people and gypsy/travellers. The SHR has indicated that it will work more closely with the council because of these concerns.

Exhibit 7

Council's own reporting on 2018/19 LGBF performance indicators, February 2019

There is a spread of performance across council services



Notes: 1. Children's services includes education 2. Childrens' services is missing 11 indicators which were not available at the time of publication 3.'Corporate' includes indicators of sickness absence; council tax collection; spend on support services etc. Corporate Assets includes indicators on the suitability and condition of council buildings

Source: Midlothian Council's analysis of 74 LGBF indicators based on 2017/18 data, February 2019

36. [Exhibit 8](#) shows our analysis of council performance since 2013/14, based on selected LGBF indicators which mostly relate to outcomes. This does not show an overall pattern of improvement, with the percentage of indicators in the top two quartiles fluctuating between 47 and 53 per cent. Midlothian has 51 per cent of selected LGBF indicators in the top two quartiles, ranked 13 out of 32 councils in Scotland in 2017/18.

37. Comparative performance can also be measured using the Community Planning Outcomes Profile (CPOP) data set. These indicators are relevant to the CPP as a whole, including the IJB and its delegated service areas. This shows a more positive picture, with improving performance in twelve indicators, decline in

The Community Planning Outcomes Profile is a tool that can assess if the lives of people in a community are improving, using a set of core measures on important life outcomes.

Source: Improvement Service

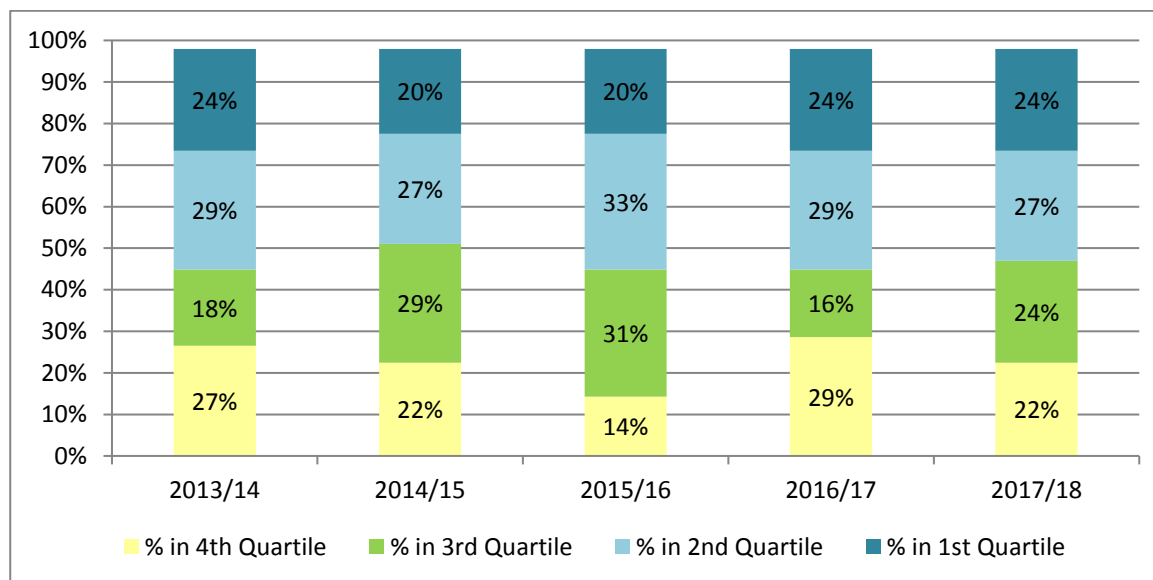
five and static performance in one indicator. Examples of improving and declining CPOP indicators are:

- Percentage of primary 1 pupils with a healthy Body Mass Index improved by 1.9 percentage points between 2007/08 to 2017/18.
- Early mortality reduced by 5.7 percent between 2007/08 and 2017/18.
- There were 4,740 more unplanned hospital attendances in 2017/18 compared to 2007/08.
- Emergency admissions increased by 1,098 between 2007/08 and 2017/18.

Exhibit 8

Analysis of LGBF indicators, 2013/14 to 2017/18

Audit Scotland's analysis shows that the number of indicators in the top two quartiles has fluctuated.



Audit Scotland LGBF performance analysis is based upon 49 single year, mainly outcomes based, indicators which were reported on as part of the LGBF every year within the five year period. Where a council did not supply data for one of the 49 indicators we have excluded this from our analysis and so reported totals may not equal 100 per cent.

Source: Audit Scotland

The Integration Joint Board is taking action to address priority areas in adult health and social care services.

38. Midlothian Council receives performance reports from the IJB for adult health and social care. The IJB has acknowledged that performance is mixed. A major programme of service change is outlined in the Midlothian Health and Social Care Partnership's Adult Health and Social Care Strategy and Delivery Plan 2019-22. The changes are designed to promote prevention and recovery.

39. The IJB is taking action in the area of preventative services. It recently extended its Wellbeing Service to all 12 GP practices in Midlothian after a successful pilot. This service offers members of the public the opportunity of a 'good conversation' with a trained practitioner, exploring life issues that may be affecting health and wellbeing, such as family, relationships, money, housing and mental health. The aim is to support people to develop their own personal outcomes and methods of self-management and to be more able to live well.

40. An evaluation of the pilot demonstrated the positive impact the service was having on helping people to manage their wellbeing. This is the result of a partnership between the IJB and the Thistle Foundation, a charity supporting people living with long-term health conditions. In November 2018, partners were successful in securing funding until 2022 from a range of sources, including the Scottish Government.⁸

41. The IJB acknowledges that its biggest challenge is its capacity to provide care both at home and in care homes. One of the council's external care-at-home providers is facing continuing difficulties in delivering the service it is commissioned to deliver. The IJB is working with this provider to improve that service. It has also increased capacity through other external providers, by reorganising its in-house service and by working closely with the voluntary sector to see how it can provide alternatives to care at home. The IJB is monitoring the situation to determine whether it should consider further action.

42. The IJB is exploring options for providing extra care housing in Dalkeith and Bonnyrigg, following successful initiatives such as Cowan Court in Penicuik. This was opened in 2013 and provides 32 homes with extra-care housing support, designed for older people, with the option of co-habiting with their spouse/partner, sibling, parent or child. It received a positive inspection from the Care Inspectorate in March 2017. Teviot Court opened in 2017, providing specialist support services to people with autism, learning disabilities and complex support needs. It provides specialist 24-hour support, including overnight support staff provided by the Richmond Fellowship. As at March 2019, the IJB reported that no one with learning disabilities was being cared for in hospital, and all were being cared for within the community.

43. Work is also underway to develop models of support for homeless people with complex lives. Multi-agency meetings and a broader workshop have already taken place with the plan for homelessness support to be developed by June 2019.

44. Performance against national CPOP data, relevant performance measures for the IJB and other satisfaction-based indicators shows mixed performance. There has been a decline in some health indicators, for example, in unplanned hospital attendances and emergency admissions ([paragraph 37](#)).

45. Performance against key waiting time and service user satisfaction targets could be improved. Waiting times for occupational therapy and social work services are above target. Performance is below target for the time taken to deal with complaints. Adult health and social care services rank very low for LGBF satisfaction indicators related to people receiving any care or support who rate it as good or excellent; and people who agree that their services or support had an impact on maintaining or improving their quality of life. Despite a reduction in satisfaction, these services are ranked fifth in Scotland for the percentage of people aged 65 or over with long term care needs receiving personal care at home, increasing by four percentage points between 2011/12 and 2017/18.

The council has improved against most of its priorities for education and is aware of where further improvements are required.

46. At the time of the last Best Value audit report, we reported that improvements were required in some areas of education. Since then the council has embarked on an ambitious Learning Estate Strategy, which we refer to in [Part 1](#). One significant project totalling £38 million has been the Newbattle Community Campus, which opened in June 2018 ([Case study 1](#)).

Case study 1

Newbattle Community Campus – Digital Centre of Excellence

The campus is the result of a partnership between Midlothian Council and Edinburgh University. The Campus has a secondary school of around 850 pupils, a public library, a gym, sports facilities, a swimming pool and community meeting spaces. It also provides workspaces for self-employed businesses and provides access to and training in the latest technology. The partnership has links to the Data Driven Innovation Programme and the City Deal. The aim is to provide high quality, industry-led skills for learners, including digital skills. There are not yet performance measures to quantify the improvements that this facility has made to outcomes for pupils, and performance measures will likely be longer-term in nature by assessing school leaver destinations. However, school attendance has already improved from 85.3 per cent to 86.6 per cent, and exclusions have reduced from 56 to nine. Staff believe this to be the result of the better facilities offered by the Digital Centre of Excellence, as well as increased pupil engagement in learning.

Source: Audit Scotland

47. The council has worked with partners to improve against its priority that more pupils achieve positive destinations after leaving school ([Case study 2](#)).

Case study 2

Positive destinations

The CPP identified improving positive destinations for school leavers as a priority in 2013, to reverse the trend of five years of underperformance. Work began by establishing which council services (schools, children and families social work and economic development) and external partners (Skills Development Scotland, local colleges, universities) would be essential to a new approach. The council worked with partners to achieve:

- more flexible and practical skills and training for young people to help everyone achieve their potential
- closer working between parents, employers and further education establishments to help young people manage the change from school to their next step
- investing in individual school leavers who were considered at risk of not achieving a positive destination by identifying lead staff members to work directly with the at-risk young people, to help them achieve a positive destination.

School leavers who are engaged in higher education, further education, training, voluntary work, employment or activity agreements are classified as having a 'positive destination'

Source: Scottish Government

This collaborative approach has led to improved outcomes: the percentage of pupils entering a positive destination increased from 85.8 per cent in 2011/12 to 94.4 per cent in 2017/18. The percentage of 16 to 19 year olds participating in learning, training or work in 2017/18 was also 94.4 per cent, higher than the Scottish average.

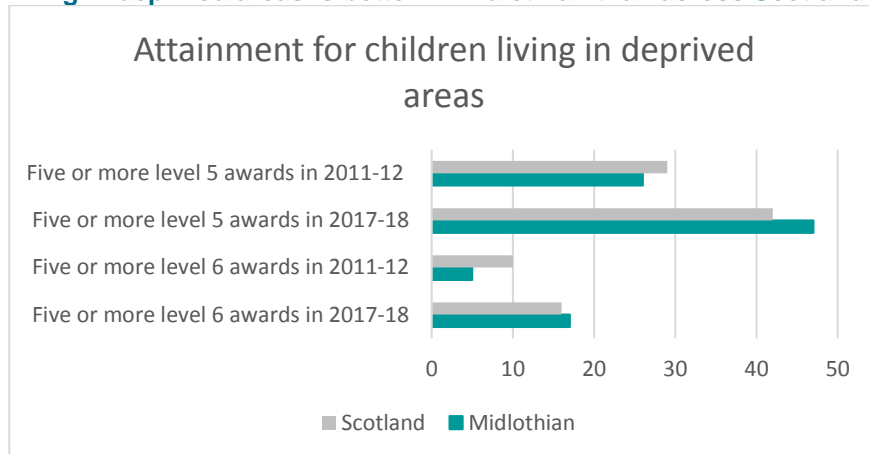
Source: Audit Scotland

48. The council has improved significantly for performance in the educational attainment of pupils living in areas of higher deprivation. Midlothian's rate of improvement for pupils living in the 20 per cent most-deprived areas is particularly good, with levels of attainment now above the Scottish average ([Exhibit 9](#)).

Exhibit 9

Improved performance in educational attainment for children living in deprived areas

The rate of improvement for pupils gaining five or more awards at Level 5 and Level 6 for children living in deprived areas is better in Midlothian than across Scotland.



Source: Audit Scotland using LGBF data

49. For nine of the 11 LGBF attainment indicators, Midlothian's rate of improvement is either in line with or exceeds the Scottish rate of improvement. This includes improvements in terms of positive destinations for pupils. The council's overall tariff scores have improved, as well as total tariff scores for pupils across all levels of deprivation. Tariff scores are calculated by accounting for the total number of tariff points for each award in education.

50. While Midlothian's rate of improvement for tariff score measures since 2011/12 is consistent with the trend across Scotland, the council still performed below the Scottish average for the total tariff score measures for most deprivation groupings in 2017/18. Insight data also shows that it performs less well than its virtual comparator for breadth and depth measures, which show the performance of S4 – S6 pupils in the range of qualifications taken and the level at which they are achieved.

51. The council is aware of where further improvements are required, including increasing attendance and reducing exclusions of pupils, including looked after and accommodated children. The council has appointed additional staff using its attainment fund for care experienced young people to support improved outcomes.

Insight is an online benchmarking tool which provides schools with information about attainment outcomes in the senior phase. It uses a 'Virtual Comparator' which contains a sample group of school leavers from similar schools in other local authorities.

Source: Education Scotland

Children's services was an improving area at the time of the last Best Value audit and it has continued to improve.

52. At the time of the last Best Value audit in 2012, we reported that there had been significant improvements to children's services. In January 2014, Midlothian's services for children and young people were inspected by the Care Inspectorate and Education Scotland. The report concluded that these services are having a largely positive impact on children and young people and their families. Particular strengths are the meaningful involvement of children and young people in shaping policies and services, and creative approaches to encouraging physical, social and emotional wellbeing. Planning and the leadership of improvement were identified as areas for further improvement.

53. In November 2017 the council introduced its Permanence and Care Excellence Programme with the aim that 75 per cent of children under the age of 12 would have a permanent care accommodation plan within 7.5 months of their first involvement with social services. Permanent care includes care with birth families, kinship care, foster care or adoption. Within the year, this target had been

surpassed with 80 per cent of children receiving a decision on long-term care within that time-frame. By April 2019 that had risen to 95 per cent.

54. The council introduced the Mind of My Own app in April 2018 which has increased the level of feedback from young people with experience of living in care about the service they receive. Thirty-one young people are using this app to communicate with their workers in a way that better suits their needs. The council has also established a virtual headteacher, not attached to an educational establishment, but with responsibility for these young people, to focus on their educational outcomes.

The council has improved its overall approach to customer care but service user satisfaction is comparatively low.

55. Customer care was an area that needed to improve at the time of the last Best Value audit. The council now has a much clearer focus on reporting feedback. Each service performance report has a section titled 'Valuing customer feedback', where complaints and waiting times are reported. The council's website is well laid out, with good customer accessibility and functionality. The Society of IT Practitioners (SOCITM) rated the council website as among the best performing in the UK in 2018, based on a continuous assessment during 2017/18.⁹ Midlothian was one of only 40 of the 414 local authority websites to achieve the highest number of stars.

56. The council has introduced a self-service approach in the libraries in four of Midlothian's main towns. This allows libraries to remain open for longer periods but only staffed at allocated times. This approach has been adopted in the Loanhead Library facility, which operates as a multi-functional centre ([Case study 3](#)). Innovative developments such as this allow communities to become more involved in how services are delivered, helping to improve outcomes for local people.

Case study 3

The Loanhead hub offers frontline services and support to communities

The Loanhead Centre has been developed through work with local communities to deliver services while making effective use of local assets. A budget of £15.4 million was allocated to create a multi-purpose hub for people in Midlothian. The project delivered one integrated building which contains a new primary school, GP practice, a refurbished library, leisure centre, after-school facilities, nursery and early years family support centre. This has allowed a variety of local services to be delivered using an efficient and integrated approach, bringing people together in one community space. Library visits have increased to 88,634 since opening in August 2017 compared with 30,665 over the same length of time in the previous building. There has also been an increase in GP registrations and leisure centre memberships. Positive feedback has further demonstrated the project's success, via the Loanhead and District Community Council forum.

Source: Midlothian Council / Audit Scotland

57. National datasets have demonstrated a reduction in satisfaction across most services. Satisfaction in Midlothian is slightly higher for leisure facilities and street cleaning relative to the Scottish average. However it is lower than average for parks and open spaces, and museums and galleries, where the decline has been at a faster rate than Scotland. The council uses its citizen's panel, made up of 1,000 residents, to collect community satisfaction information. We have compared citizen panel results with LGBF results where there is some similarity between services ([Exhibit 10](#)). According to citizen panel results, satisfaction with the standard of education and library services is much higher than according to the

figures measured through the LGBF. The council should seek to understand these different results and work to improve user satisfaction.

Exhibit 10

Comparison of satisfaction measures between the citizen's panel and the LGBF indicators

Satisfaction with services is higher according to the citizen's panel indicators.

Comparative service satisfaction indicators	LGBF indicators					Citizen's Panel indicators	
	Name	2015-18 Results	Scotland results	% change from baseline	Scotland % change from baseline	Name	2017/18 results
Schools/education	% of adults satisfied with local schools	79%	72%	-3.3	-10	Satisfaction with standard of education	90%
Libraries	% of adults satisfied with libraries	66%	73%	-14.6	-9.5	Satisfaction with library service	92%
Refuse collection	% of adults satisfied with refuse collection	90%	79%	10.3	-3.6	Satisfaction with Council's refuse service	91%

Note: LGBF data is collected at three-year intervals and the most recent results are for the 2015–2018 period

Source: Audit Scotland using the Local Government Benchmarking Framework satisfaction measures from 2015-2018 and Midlothian Council Citizen's Panel Survey 2017/2018

The council is committed to using evidence and provides comprehensive performance information to elected members and the public.

58. The council is committed to using evidence and provides comprehensive performance information to elected members and the public. The council performs well in relation to reporting performance to the public, with a good range of information in different formats. The council demonstrates a commitment to being open and transparent with a good balance between reporting areas of strength and areas for improvement.

Elected member scrutiny is improving but officers should do more to help elected members with this role.

59. The level of scrutiny at the council has improved, as elected members have grown into their roles. With the major changes in political representation, it has taken time for members to understand all aspects of their role. Now members can be seen asking questions and seeking assurance around performance and council policy decisions. However, the level of scrutiny is not consistent and members need to ensure that they consistently exercise appropriate scrutiny.

60. Officers should improve this further by ensuring that all reports are of high quality and that elected members are clear on what they are being asked to decide on. Some committee reports can be very long. Reports are also sometimes issued late, reducing the time for elected member to read and understand them. Some reports presented as part of previous budget-setting processes did not contain a sufficiently thorough assessment of the level of savings that were achievable.

61. Officers and members need to work together to ensure that ongoing training and development are appropriate to meet members' needs, and members need to take up such opportunities. The attendance of elected members at training events is recorded via the council's website, providing a training history for each individual councillor. This approach to monitoring the uptake of training is limited, as it does not provide an overview of training and development. Moreover, a third of elected members have not recorded their uptake of the induction programme.

62. The council also organises seminars and informal briefing sessions on various topics, which are well received. Elected members should ensure that they take up the offer of such seminars, briefing sessions and training. The re-introduction of personal development plans would allow elected members to state the areas in which they want to improve their skills or knowledge, giving them something to work towards.

Part 3

Is the council using its resources effectively?



The council faces significant challenges in achieving a sustainable financial position. It is facing a funding gap of £14.5 million between 2020/21 and 2022/23.

The council needs to end its reliance on reserves. Since 2016, it has used £16.1 million of reserves and they are now at a low level.

The new chief executive has made good progress with starting to address the council's financial position. She implemented a recovery plan for 2018/19, and the council has reduced the projected overspend from £3 million to nil.

The council recognises it needs to develop its medium and long-term financial planning processes. Progress has been slow but developing a medium-term financial strategy is now a priority.

The council has faced substantial financial pressures over the past three years and faces significant challenges in achieving a sustainable financial position.

63. A funding gap is the difference between the council's income and the amount it needs to spend. In its financial strategy paper to the council in February 2019, the council forecast a cumulative funding gap for 2020/21 to 2022/23 of £14.5 million. Since the council agreed its budget, officers have continued to update their projections of the funding gap and this will be shared regularly with members. The budget shortfall by 2022/23 equates to six per cent of the cost of providing services in the year (net cost of services). The council prepares its funding gap analysis with a range of scenarios: best case (£1.6 million) to worst case (£27.2 million).

64. For the past three years the council has not delivered on its approved budget. As part of the annual audit process, for the last two years the external auditor concluded that the council had failed to operate within established budgets and that this was predominantly through failing to achieve financial savings planned through its transformation programme ([paragraph 122 - 124](#)).

65. The council needs to make difficult decisions about its services and how they are provided to ensure it balances its finances. This is clear from the range of savings options approved and not approved by members as part of the 2019/20 budget process, where some difficult decisions about cutting services were deferred.

The new chief executive has made good progress in starting to address the council's financial position.

66. Prior to 2018/19, these financial pressures had not been addressed and budgetary pressures were likely to increase. However during 2018/19 the council implemented a recovery plan. This reduced the anticipated overspend for 2018/19 from £3 million to nil. There is a strong tone from the chief executive in her message that overspending is an unacceptable position. She has instructed directors and heads of service to deliver within their set directorate budgets.

The council needs to end its continued reliance on using reserves as part of the budget setting process.

67. Elected members have been unwilling to take potentially unpopular decisions which are necessary to balance its finances in times of extreme financial difficulty. Instead members and officers have been choosing to use reserves to balance the council's finances. In the last three years, members have approved the use of £11.1 million of general fund reserves. The council used £6.4 million to balance budgets, £1.4 million to fund additional expenditure, £1.2 million to support transformation and £3.1 million to fund voluntary severance costs, and used £1 million from other savings.

68. [Exhibit 11](#) shows use of general fund reserves of £16.1 million (projected to 31 March 2019), £5 million above approved usage). The external auditor noted in their 2017/18 audit report that the council could not continue to use the reserves to secure a balanced budget and the level of uncommitted general reserves pose a significant risk to the financial sustainability of the council.

69. The council has low uncommitted General Fund Reserves. Uncommitted reserves have depleted over the years with the council projecting, in their reserves strategy, an uncommitted reserves balance of £3.7 million at 31 March 2019, with an improvement projected to £4.3 million as at May 2019.

70. A prudent level of uncommitted reserves is seen by the sector to be between two and four per cent of net expenditure. Excluding the resources delegated to the IJB, this equates to between approximately £3.3 million and £6.6 million. The uncommitted reserves of £4.3 million projected is therefore within this range and above the two per cent set out in the council's reserves strategy.

71. There will be further risks around use of available reserves due to additional one-off costs associated with service transformation (in line with the new programme discussed in [Part 5](#)) and workforce reductions. The results of the 2019/20 budget setting process include a reduction in 136.84 full-time equivalent (FTE) posts at the council. The council has identified these costs and set out how they will be addressed in the reserves strategy.

Exhibit 11

Use of general fund reserves (committed and uncommitted), 2014/15 to 2018/19

General reserves have been depleted from 2016/17

	£'000	£'000	£'000	£'000	£'000
	31/03/2015	31/03/2016	31/03/2017	31/03/2018	31/03/2019*
General fund reserves	21,315	24,625	17,651	10,777	8,488
Use of reserves	-804	-3,310	6,974	6,874	2,289

* projected at May 2019, finalised figures unavailable

Source: Audited financial statements

72. In response to the audit recommendation, elected members approved a reserves strategy in February 2019. This notes the need to maintain an adequate level of General Reserve to provide a contingency for unforeseen or unplanned costs and that in the current financial context two per cent of net expenditure should be considered a minimum. Members agreed that where projections indicate that the two per cent minimum balance will be breached, officers should implement an immediate plan to recover the position, failing which they would need to increase reserves by the next available budget.

The council is developing a medium-term financial strategy and will have approved it by the summer.

73. The Accounts Commission's *Local government in Scotland: performance and challenges 2017* report highlights the importance of medium to long-term financial planning given the continuing pressures that councils will face in the future.

74. The new chief executive acknowledges this and has stressed the importance of a medium-term financial strategy and the need for all members to work together to develop and agree the strategy. The council is developing the medium-term financial strategy and plans to present it to full council by June 2019, before summer recess.

The council needs to do more to improve its financial reporting arrangements to better support budget holders and elected members in their roles.

75. Historically, not all budget holders have been able to identify variations against budget soon enough during the financial year. Whilst budget holders, service managers and Strategic Leadership Group have access to online financial reports these do not always provide them with the financial management information they need or they have not used the available information to help them effectively manage their budget.

76. The usefulness of financial information was limited for a variety of reasons including information not being maintained accurately and delays in feeder systems data and other financial transactions being processed. This meant managers were over dependent on the finance team to interpret the available financial information and to explain the financial performance to them.

77. As a consequence, in some areas there was a lag in managers being able to take early action on projected overspends. This time lag, coupled with a complex financial framework with various savings and efficiency strands, makes it more difficult to assess the financial performance during the year. This in turn makes it more difficult for budget holders, officers and elected members to fulfil their duties with respect to financial management.

78. There have been signs of recent progress in this area with improvements in the completeness of financial information and plans to make it easier for both managers and elected members to have greater insight into the available financial data by introducing financial dashboards. There has been a clear message from the chief executive on the necessity of strict budget management. There is also a clear governance structure on the delivery of savings and in relation to the medium term financial plan.

79. The council still needs to do more, however, specifically around simplifying reports, improving the completeness and accuracy of financial information so that it can be relied upon throughout the financial year and so in turn enabling managers to make a timely response to variations.

The council has a large capital budget reflecting the needs of its growing population, but it has experienced slippage on capital projects.

80. The council continues to under-deliver against its capital plans, due to recurring slippage in delivering various capital projects such as Cuiken Primary School and Sacred Heart Primary School extensions. For a number of years slippage, or “rephasing”, has occurred beyond what the council has forecast. This is due to a variety of issues including, but not limited to, supply chain pressures, issues arising during the consultation process, and internal capacity issues. In February 2019, the 2018/19 capital plan budget of £32.4 million was rephased to £28.4 million (a decrease of £4 million). The capital plan is a significant part of transforming the council and ongoing slippage or unrealistic budgets have the potential to impede delivery of change.

81. The 2019/20 Housing Revenue Account revised budget shows an average number of houses of 6,962, increasing from 6,864 in the 2018/19 budget, showing the increasing housing demands being faced by the council. Seventeen per cent of all dwellings in Midlothian are council housing stock, compared to 12 per cent for Scotland overall.¹⁰ The number of houses is continuing to increase due to the growing population (see [paragraph 9](#)).

82. The council has a total borrowing requirement of £239.7 million to support its capital strategy in the period to 2022/23, reflecting the pressures on services due to the growing population ([Exhibit 12](#)). The 2018/19 - 2022/23 general services capital plan shows budgeted expenditure totalling £97.3 million for Education, Community and Economy, again reflecting the needs of the growing population and the increasing pressures.

Exhibit 12

Borrowing requirements, 2018/19 to 2022/23

The treasury management strategy projects significant borrowing requirements over the next 5 years

Item	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Total £'000s
Total capital expenditure	43,126	99,892	156,893	89,852	48,424	438,187
Available financing	(38,410)	(38,799)	(59,851)	(45,462)	(37,947)	(220,469)
Loans	10,452	9,201	9,282	1,534	1,554	32,023
Borrowing secured	(10,000)	0	0	0	0	(10,000)
Borrowing required	5,168	70,294	106,324	45,924	12,031	239,741

Source: Treasury management strategy, presented to Council, February 2019

83. The council will benefit from funding as part of its involvement in the Edinburgh and South East Scotland City region deal (City region deal). Agreements were formally signed in August 2018. The UK and Scottish Governments will each invest £300 million over the next 15 years, with Midlothian Council and other regional partners investing an additional £700 million. The University of Edinburgh has a programme of development where city deal funding will contribute to a World Class Data Infrastructure Hub at Easter Bush, providing a key strand of innovation in Midlothian. The deal will also facilitate the development of the A701 and A702 road schemes, improving transport links in Midlothian. Midlothian will also benefit from

¹⁰ Scottish Government Housing Statistics for Scotland and Scottish Housing Regulator Stock data

programmes within the City region deal, as it is within a ten-mile radius of other projects outwith the council area. The investment is expected to generate a £5 billion increase in Gross Value Added for the south east area's economy.¹¹

A number of weaknesses in the systems of internal control relating to payments made procuring roads services were identified by the council.

84. The external auditor reported in the 2017/18 Annual Audit Report, that the council had an effective governance structure in place overall. However, they noted a number of aspects of the internal control framework that required improvement. They highlighted the results of the investigation into the council's road division which identified a number of weaknesses in the systems of internal control at the council. Progress on the 14 internal control actions was reported to Audit Committee on 12 December 2018 and these matters have all been addressed accordingly. A police investigation into alleged fraud is currently being undertaken.

85. The council has a robust procurement strategy that is updated every three years. The strategy includes a review of progress from the previous strategy and sets out the council's strategic goals to be taken forward through their procurement activity over the next five years. In 2018 the council achieved F2 status on the new procurement improvement assessment which is carried out externally by Scotland Excel. Scoring can range from F1 (Highest) to F12 (Lowest).

The council recognises it needs to revise its workforce strategy to complement delivery of the medium-term financial strategy.

86. The council currently has individual workforce plans for each service (2017-2022). Its workforce strategy 2017 – 2022 was approved at Council Committee in December 2017. It is aware it will need to revise its workforce strategy and individual service workforce plans to complement the new medium-term financial strategy that it is developing.

87. The council is committed to finding alternative roles for staff at risk of being displaced as a result of the budget changes and it has a policy framework in place that supports redeployment. A key part of this has been upfront and regular communication with staff. The reduction of 136.84 FTE posts at the council as part of the 2019/20 budget will be achieved through a combination of vacancy management and voluntary redundancy. In 2017/18 the council spent £853,000 on voluntary severance.

88. Midlothian experiences challenges in workforce as a smaller council but has developed some shared services and shared roles to help address this. The joint chief internal officer appointment with Scottish Borders Council in 2018 is an example of where this has operated successfully. The council should look at how it can expand the use of shared services/roles across the council.

The council has an effective approach to managing sickness absence.

89. The council has an attendance management policy to reduce sickness absence in the workplace and help managers dealing with absence appropriately. It has also prepared guidance for managers on interventions to maximise attendance at work, to support them in difficult situations.

90. The council has a low sickness absence rate as a result of their effective approach to managing absence. As at quarter three of 2018/19, the council had lost 9,450 full time equivalent (FTE) days which equates to a sickness absence rate of 2.53 per cent. National data using the LGBF also measures sickness absence across councils. Midlothian performs well and is among the top five

ranking councils for both measures of sickness absence (teachers and non-teachers). In 2017/18 sickness absence days for teachers in Midlothian were 4.59 days, compared to the Scottish average of 5.93 days. Sickness absence for non-teachers was also below the Scottish average, at 8.59 days compared to the Scottish average of 11.41 days.

Staff feedback on the council is generally positive and it has a commitment to fair working practices.

91. The council's most recent Employee Engagement Survey generated a 50 per cent response rate. The survey assessed a variety of key employee issues as well as views on the council. Out of 13 common questions between the 2016 and 2018 survey, the overall percentage of staff satisfied dropped in 11 questions.

92. Results show that there is a good appreciation for employee wellbeing, although this could be improved at senior management level. Generally, employees have a positive view of their roles, however only 44 per cent of respondents agree that they have enough time to carry out their work effectively. Employees' perceptions of Midlothian as an organisation are largely positive, however responses suggest that many staff do not feel that the council is reactive to staff feedback. As a result of the survey, officers produced and shared a managers' guide to action planning meetings in a bid to respond to the key issues and take timely action.

93. The council has been a living wage employer for three years and has achieved Living Wage employer accreditation through the Living Wage foundation in addition to being nominated for a national award. This is part of the council's commitment to fair working practices. It also promotes and encourages the payment of the Living Wage in all contracts. In addition to delivering on the Living Wage requirement, Midlothian developed a broader evaluation to ensure that a fit-for-purpose framework for the future was in place, for example by adapting terms and conditions. The positive approach taken by the council has been recognised by other local authorities, who have reached out to the council to share best practice.¹²

¹² Living Wage Foundation, May 2018

Part 4

Is the council working well with its partners?



Partnership working was an area of strength in the 2012 Best Value audit and continues to be strong. The council and its partners are committed to a shared vision for the area.

The council works well across departments and with its partners to deliver improvements in services. It also works well with communities to deliver both large projects and local initiatives.

There is a good history of the council and the third sector working together. The council has taken steps to further improve how it works with the third sector so that it is more consistent.

The council and communities have developed neighbourhood plans for the three priority areas. It has struggled to build effective community oversight of progress across all neighbourhood areas.

Partnership working was an area of strength in the 2012 Best Value audit and continues to be strong.

94. The council and its partners are committed to a shared vision for the area. Single Midlothian Plan priorities are agreed on at annual community planning development days, at which partner, third-sector and community views are represented. The event held in November 2018 was well attended, with 140 representatives from public and private sector agencies, the council, community councils, third sector organisations and approximately 50 young people, discussing the plan's priorities. These days are valued by all partners, particularly the third sector, for being inclusive and effective.

95. Other bodies responsible for scrutinising and auditing the council have also highlighted strengths in partnership working, including joint working with East Lothian Council on public protection.¹³

96. There continue to be positive signs around the operation of the IJB including:

- a strategic approach to planning from the previous Health and Social Care partnership's (HSCP) three-year strategic plan (2016–2019) to the current strategic plan (2019 – 2022)
- the three-year financial strategy for 2019 to 2022
- the delivery of a £1m underspend for the IJB in 2017/18 and projected £1.5m underspend in 2018/19
- investment in workforce planning since the establishment of the IJB
- extensive public consultation during 2018 to inform the HSCP's strategic plan 2019 – 2022. This used a wide range of methods including social media and community events. A total of 1,600 responses were received and fed into the strategic plan and related service plans. These have fed into strategies to support carers and on mental health, learning disabilities and autism.

97. In Part 2, we set out examples of how the IJB is improving outcomes for local people ([paragraphs 38 - 45](#)).

The council has worked well across departments, with its partners and service users to improve services for young people.

98. There are good examples of some council services working effectively across departments and with partners. This had led to improved outcomes for service users, such as an increase in the number of young people moving on to positive destinations after they have left school ([Case study 2, page 21](#)).

99. Young people's mental health is another area where partners have worked together. More than 16 organisations from across the CPP and the third sector are now working together on a project to redesign mental health and wellbeing support services. The starting point was a survey of 374 young people carried out by the Midlothian Youth Platform in February 2018 ([Exhibit 13](#)).

Exhibit 13

Key themes from survey on young people's mental health, February 2018



Source: Midlothian CPP

100. This survey helped the council and its partners secure £836,000 of funding from the Big Lottery Early Action Fund over five years. A further £100,000 will be on testing

and learning from measures to prevent mental health issues. This could also help reduce pressure on Child and Adolescent Mental Health Services.

101. The outcome of Education Scotland's Community Learning and Development (CLD) inspection of Midlothian Council in 2016 was very positive.¹⁴ CLD practice covers a range of activities such as youth work, adult learning, family learning and community development. The inspection findings highlight that both the council and its partners were taking an increasingly holistic approach to learning and this was having a positive effect on outcomes for young people, adults and communities in Midlothian. Across all four of the quality indicators, the council and its partners were assessed as 'very good'.

Engagement and partnership working with the third sector is effective at a community planning level. The council has recently taken steps to ensure a more consistent approach across the council.

102. Engagement and partnership working with the third sector is good at a community planning level. The Third Sector Interface (TSI) is the representative body for over 700 third sector organisations in Midlothian. It works with and supports a broad range of organisations and volunteers that deliver services to communities across Midlothian. The TSI reports that it feels a valued member of the CPP and shares the vision and priorities in the Single Midlothian Plan. The TSI also values the support the council gives in terms of attending meetings, sharing information and facilitating links with wider partners. Individual staff within the council have contributed to positive relationships, helping to answer queries and give advice.

103. There is a strong, historical and supportive link between the council and the third sector in Midlothian. However, there have been some challenges in terms of the relationships between some third sector organisations and the council such as inconsistencies in communication and working partnerships, and the transparency of some decisions made by the council.

104. The chief executive recently met with the TSI and proposed working together to refresh the existing agreement between the council and the voluntary sector, the Compact, which defines the principles for joint working between the council and third sector partners. The council is aware of the benefits of working well with community organisations and is keen to further develop relationships and working partnerships.

The council is making progress putting in place what is needed to deliver the Community Empowerment Act.

105. Midlothian Council has made progress in taking forward actions to deliver the requirements of the Act. In 2017 the council launched a social media campaign to raise awareness about the Act. To date, the council has received and processed two participation requests – that is requests by community bodies to take part in making decisions about council services. Prior to the introduction of the Act, the council had completed community asset transfers – that is where communities have taken responsibility for land or buildings. At the time of this audit work, the council was supporting communities with six asset transfer requests, which were at various stages of development or submission.

106. Midlothian Council has been piloting a participatory budgeting approach. For example, the council and NHS Lothian have jointly allocated £48,000 for the 'Food Glorious Food' project in the three priority community areas. The council has still to set out plans for participatory budgeting.

¹⁴ [Inspection of Community Learning and Development in Midlothian Council, Education Scotland, December 2016](#)

107. The council has rolled out online training on the Community Empowerment Act across council staff, community councils, elected members and the third sector. The target was for 150 staff and volunteers to complete the training in 2018/19 and at May 2019, 108 staff had completed training. To demonstrate support for the voluntary sector, the council recently introduced a scheme where council staff can request between two to four days per year to volunteer with community groups that are tackling a local social issue or providing an entrepreneurial partnership.

108. Closely aligned to the Community Empowerment Act is the Scottish Government's intention that empowering communities will help reduce disadvantage and inequality and improve outcomes for communities. Since 2016/17 the council has had a strong focus on reducing inequalities and developing more preventative approaches through the Single Midlothian Plan ([Part 1, paragraph 14 and Exhibit 4](#)).

The council works with service users and community groups to improve services and build community capacity.

109. Community empowerment is a gradual process that involves continual learning and the constant building of a community's capacity to articulate and address its priorities. There are good examples of where the council has involved communities and service users in the design of services. These include designing and developing the Loanhead hub ([Case study 3, page 23](#)) and Newbattle Campus ([Case study 1, page 21](#)).

110. There are also good examples of where the council has worked with communities to build capacity. These include the Mayfield and Easthouses Community Empowerment Project, funded by community planning partners between 2015 and 2017 and led by third sector organisation Midlothian Voluntary Action. It involved working with the community to explore local solutions to issues identified within the neighbourhood plan. This led to a number of initiatives including the Recovery Cafe and a wellbeing group. Some of this work is ongoing and provided helpful insight on how to build community capacity. In [paragraphs 39 - 40](#), we mentioned the roll-out of the wellbeing service.

111. Community empowerment also involves communities having greater influence on and input to decision-making. The council conducts or participates in a wide range of public engagement activities across Midlothian's communities. The public consultation for the 2019/20 council budget was, for the first time, led by elected members from the administration. Various events were held over a ten-week period for staff, voluntary groups and the wider public to explore the spending options for 2019/20. The council got more than 2,000 responses. However, the events were poorly attended by the public and the number of responses was down by a third from the year before.

112. The council has found it difficult to get communities to participate in a proactive way, although communities have responded to specific services affected by cuts. The council is attempting to change this and is planning to engage directly with those who criticised previous cuts to get their input on how to transform services in light of the council's financial position. It is important that elected members provide effective and consistent cross-party leadership when informing communities about the council's financial position and considering their views.

The council is working with its communities to deliver improvements. The council should encourage community ownership of these plans and improve how the community monitors progress.

113. Communities within Midlothian have identified themselves into 15 areas that have their own sense of community. The council and local community groups have developed neighbourhood plans for these areas. The neighbourhood plans for the three priority areas of Dalkeith/Woodburn, Mayfield/Easthouses and Gorebridge

are the Locality Outcome Improvement Plans (LOIPs) required under the Community Empowerment Act 2015.

114. The absence of a formal mechanism for reporting performance against all 15 neighbourhood plans makes it difficult for us to assess what has been achieved overall. Community representatives can give examples of successes by community groups and local authority partners, including improving local spaces and services.

115. Community councils represent communities in the neighbourhood plans and coordinate and monitor actions alongside other partners. The council and communities acknowledge that progress has been slow for some actions as a result of small numbers of volunteers and limited resources. The council should encourage community ownership of these plans and work with communities to improve how they monitor progress. A wider approach to membership of community councils or formalising a wider network of community groups would be beneficial. The council has facilitated some very useful community networking events, which is a good step on which to build.

116. Midlothian Council uses a citizen's panel (see [paragraph 57](#)) to gather the views of communities, particularly on perceptions of community cohesion and influence. Results in 2018 show that 84 per cent of the 619 respondents agreed with the view that people help each other when there is a problem, compared with 70 per cent in 2016. However, the 2018 survey also highlighted that people in Midlothian feel less able to influence decisions (42 per cent) and feel less involved in their communities (48 per cent) than in 2016.

117. The council is clear on the benefit of involving communities further in designing and delivering services and is taking this forward through its transformation workstream, Services with Communities (see [paragraphs 125 - 126](#)). However, recent budget reductions across council services that work directly with communities may affect the future capacity of the council to provide sufficient support and expertise in this area.

Part 5

Is the council demonstrating continuous improvement?



The council's overall pace of improvement is mixed. It still needs to focus on some of the key requirements for Best Value, including financial sustainability, financial management and transformation.

The council has made limited progress on its corporate transformation programme. This has contributed to its difficulties in reaching a sustainable financial position. Given the acute financial position facing the council there is a need for a significant improvement in the pace of transformation.

The council is aware of what it needs to do and the new chief executive is focused on key areas for improvement. There needs to be agreement and effective governance across the political parties to address the challenges.

The council has a lot to do and there are risks around its successful delivery of change due to its past track record and the scale of the challenge.

The council has improved in a number of areas since the last Best Value audit and recognises that it urgently needs to make further progress given the scale of the challenges it faces.

118. The council can demonstrate that it has improved in a number of areas such as children's services, educational outcomes, and lifelong learning and employability. It has maintained strong and effective partnership working. However, there are other areas where progress has been slow. For example, progress has been slow in establishing a longer-term financial strategy and delivering the council's corporate transformation programme. [Exhibit 14](#) shows what we reported in 2008 and 2012 and what we have found in this audit work. The council urgently needs to make further progress against the recommendations in this report, given the scale of the challenges it faces.

Exhibit 14

A comparison of selected Best Value judgements

The council has shown that it can deliver change and improvement when focused on initiatives and specific service areas. The rate of wider improvements has been slow.

2008 Controller of Audit judgement	2012 Controller of Audit judgement	2019 Controller of Audit judgement
Leadership and strategic direction: The council has an ambitious vision based on its understanding of the local needs and issues. Improvements in scrutiny need to be sustained to ensure that elected members are well informed about service weaknesses.	Leadership and strategic direction: There have been significant improvement in corporate management, officer and elected member leadership and leadership development.	Leadership and strategic direction: The council and its partners have a shared and well-supported vision that reflects local needs. Political leadership needs to improve through a shared responsibility for delivering Best Value and building on effective cross-party working. The new chief executive is focused on a number of key areas for improvement.
Service performance: The council's service performance is mixed. It is investing heavily to improve the quality of its school estate and to build new affordable homes, but it still needs to improve below average educational attainment and weaknesses in housing and homelessness services. It is responding positively to serious weaknesses identified in its child protection services and social work services more generally. Customer care is inconsistent in delivering accessible services and requires significant improvement.	Service performance: Council services are generally improving, although half the Statutory Performance Indicators still perform below the Scottish average. There have been some improvements in how the council provides its education service, particularly in pre-school and primary provision. However, there is room to increase the pace of improvement in some aspects of secondary. The council has been slow in developing its approach to responding to customer requests and enquiries.	Service performance: Overall service performance remains mixed. However, the council has improved in its target service areas. The council tracks performance against its vision and short-term priorities effectively.
Use of resources: The council's arrangements are generally effective in managing finances within budget and to support risk management, equalities and sustainability. Service improvements are needed in people management, medium term financial planning, asset management, procurement and in demonstrating competitiveness. The council generally knows where it needs to improve and has work under way in most of these areas.	Use of resources: The council manages its budget well. Its Business Transformation Strategy provides a clear focus and direction for efficiency and improvement. There is a financial risk if its planned savings are not achieved. The council has improved its approach to how it manages its workforce. Although it is at an early stage, the council is progressing its proposals for a shared education and children's service with East Lothian Council.	Use of resources: The council needs to put in place a sustainable and deliverable medium-term financial strategy. It needs to improve its financial management and financial planning. It faces significant challenges in terms of achieving a sustainable financial position.
Partnership working: The council needs to take a more strategic approach to Community Planning. Partnership working has contributed to some positive outcomes for communities but a more coordinated approach to	Partnership working: Partnership working is strong in Midlothian and the council and its partners are making progress in delivering their local outcomes. The council and its partners are good at consulting and involving	Partnership working: Partnership working continues to be strong. There is solid evidence of involving communities in the redesign and delivery of services. More remains to be done to ensure

2008 Controller of Audit judgement	2012 Controller of Audit judgement	2019 Controller of Audit judgement
working with partners is required. The council works effectively with the voluntary sector but this has not been the case with all partners across important areas of service delivery.	local communities and can demonstrate how this has contributed to service delivery. The partnership is committed to further increasing community involvement through its development of neighbourhood planning.	wider community participation and ownership in local neighbourhood planning.
Customer focus: The council revised its management structure in April 2007 with the aim of increasing customer focus, encouraging innovation, improving efficiency and productivity, and promoting joined-up working and strong accountability. However it was not able to demonstrate that the new structure represents the optimum arrangement for Midlothian.	Customer focus: The council has been slow in developing its approach to responding to customer requests and enquiries, but in the last year has put in place the building blocks to allow it to improve the way it delivers customer services. It now needs to increase the pace of change in this area.	Customer focus: The council's approach to its customer focus has improved. Further developments are planned through its workstream on digitally-led transformation but at this point these are not well progressed.
Continuous Improvement: The council has many processes in place to support performance management and continuous improvement but needs to apply these more rigorously if it is to deliver its priorities and improve services. It faces a challenging improvement agenda with limited resources. Past improvement plans have proved unrealistic and it now needs to set clearer priorities linked to available resources to meet its responsibilities to deliver Best Value.	Continuous improvement: Since 2010, the council has developed a prioritised business transformation savings (BTS) approach to address key improvement areas. Good progress has been made through this strategy in a short period of time – eg People Workstream. There remain a number of challenges to take forward its improvement agenda. The council now needs to ensure that these plans are implemented.	Continuous improvement: The council has delivered a number of significant projects but it has not yet made the progress needed on its transformation programme. It launched a new programme in 2018. The council is aware of where it needs to improve and it is focused key priorities.

The council has completed some successful service reviews but has lacked a corporate approach to self-evaluation.

119. The Best Value report in 2012 noted the council's approach to self-evaluation. It recognised its intention to develop a programme of self-assessments, based on the Public Services Improvement Framework. The council did not implement this programme immediately, but carried out a programme of self-evaluation during 2014/15. The council introduced its 'Delivering Excellence Framework' in June 2015 and this included a corporate self-evaluation. In addition to stand-alone reviews, the council's service plans and service performance reports have a good focus on improvement activity. Performance is monitored on a quarterly basis by Cabinet and by the Performance Review and Scrutiny Committee.

120. Until recently, services took forward their own self-evaluation programmes. The chief executive has now introduced a more corporate approach. The Corporate Management Team now has oversight of the self-evaluation programme and senior officers are challenging each other on their performance, another element in one council working.

121. The council has improved in a number of areas, and this can be seen from the outputs of some successful service reviews. The council completed a review of its Life Long Learning and Employability service in November 2015. This clarified the scope of the service and the support it would deliver. As a result of the review, community development and capacity building have been moved to another team so that the Lifelong Learning and Employability service can focus on supporting people to build core skills for learning, life and work, including positive destinations (see [Case study 2, page 21](#)). This refocusing contributed to a very positive inspection of Community Learning and Development ([paragraph 101](#)). Other examples of successful service reviews include the children's service review in October 2016, which led to greater clarity in roles and responsibilities.

The council has made limited progress against its corporate transformation programme. This has contributed to its financial difficulties.

122. The council has not fully delivered BTS, its previous corporate transformation programme. Some successes include: developing and launching a new responsive council website to improve customer accessibility and functionality; securing funding for the upgrade and extension of free public WiFi provision across libraries and hub buildings; and launching a new mobile library service into communities across Midlothian. However, the changes that the council has made have not transformed services, or how it delivers services, on the scale required.

123. The council spent £6.5 million on its transformation programme between 2011 and 2018 and delivered £14.9 million of the £16.1 million planned savings by March 2018. This shortfall has contributed to the council's financial difficulties.

124. Given the acute financial position facing the council there is a need for a significant improvement in the pace of transformation, supported by clear reporting and effective cross-party scrutiny. The council's budget report in February 2019 analyses the funding gap within the context of elements of the budget that are fixed or difficult to change. It estimates that this means the impact on other elements of the budget, such as less protected services, is significant. The council has estimated that the budget shortfall is 11 per cent of these other elements of the budget for 2019/20 and could increase to 45 per cent by 2022/23. It therefore needs to urgently transform how services are delivered for the future.

The council adopted a clearer approach to transformation in February 2018. Progress against the workstreams is mixed.

125. The council adopted a clearer approach to transformation in February 2018. At that point it had five transformation workstreams as the Integrated Health and Social Care Transformation Programme was within its overall programme. In February 2019 it updated its programme to focus on the following four workstreams:

- Services with Communities – changing the council's relationship with communities from a paternalistic one focused on service provision to one based on partnership and co-production and working together.
- Entrepreneurial Council – covers property development, income generation, asset utilisation and energy. It focuses on the commercial opportunities associated with these. This includes the business plan for Destination Hillend, the council's snow sports centre.
- Digitally-Led Transformation/Customer Services – the council aspires to be at the forefront of digitally enabled change, which will support customer services transformation. This workstream builds on and refocuses the customer services strand of the previous transformation programme.
- Shared Services – focuses on service sharing and collaborative working as key considerations for sustaining services.

126. The council has made a good start with the Services with Communities workstream, evidenced through its clear commitment to engagement and co-production with communities. Across all the workstreams, it is at an early stage in making the cultural shift necessary to progress its transformation. There has been less progress against its digital transformation workstream. The current focus is on an on-line payment system and it is yet to propose more fundamental deliverables. The council should seek to learn from other authorities where it can and utilise support from the Improvement Service and other bodies where appropriate.

The council is aiming to make £21 million of savings through its new transformation activity and savings plans.

127. In February 2018, as part of its budget setting process, the council set out its Change Programme. This identified the savings it planned to achieve from five transformation programmes and additional saving streams. At that time the council identified it needed to make £32.4 million of savings by 2021/22 with £11.4 million of savings in 2018/19. The council updated these saving plans as part of the budget setting process in February 2019 ([Exhibit 15](#)). These revised figures show the council is seeking to save £21 million, with £9.2 million coming from its transformation programme and £9.7 million coming from other council service savings. Officers are continuing to develop and update the savings projections.

Exhibit 15

Savings from new transformation programme and additional savings streams, projected at February 2019, cumulative totals

The council has set out savings plans to the end of 2022/23.

Programme name	2019/20 £ million	2020/21 £ million	2021/22 £ million	2022/2023 £ million
Reduced IJB allocation and efficiency target	1.51	1.51	1.51	1.51
Previous transformation programme	0.98	1.13	1.22	1.22
Transformation- Services with Communities	0.0	0.10	1.10	1.10
Transformation- Entrepreneurial Council	0.12	1.72	4.03	4.13
Transformation- Digitally Led /Customer Services	0.05	0.15	0.65	0.65
Transformation- Shared Services	0	1.06	2.06	2.06
Resource allocation changes	7.25	9.79	9.71	9.71
Income from fees and charges	0.15	0.30	0.45	0.6
Totals	10.06	15.76	20.73	20.98

Source: Appendices to Financial Strategy 2019/20 (including projections to 2022/23). Midlothian Council, February 2019

128. The council's savings include what it terms resource allocation changes. These involve:

- reviewing the services currently delivered by the council and considering options for future delivery, including whether services could be outsourced or transferred
- savings from efficiency targets for services.

129. For 2019/20 the Education, Communities and Economy directorate needs to make £2.67 million of savings, Customer and Housing Services and non-delegated health and social care services £0.59 million and the Resources directorate £2.49 million. The council plans to deliver savings of £4.13 million by 2022/23 through its Entrepreneurial Council Programme, a combination of past and current transformation programmes. The council reports variations from budget each quarter. In order to help elected members scrutinise performance against the council's transformation and savings plans, officers should provide a report summarising what has been achieved for 2018/19.

130. Officers should ensure that savings proposals are robustly forecasted. Recent monitoring has shown that this is still an issue, such as the delivery of savings from lifeguard reduction and reducing housing voids standards. These have been reported as unachievable. Forecasting savings obviously involves staff spending a great deal of time working through the implications of savings proposals. Moving to a three-year financial strategy should help ensure that staff time can be spent on strategic, rather than reactive, planning.

There needs to be effective cross-party governance arrangements to agree and implement the medium-term financial strategy and streamlined transformation programme.

131. The cross-party Business Transformation Steering Group (BTSG) has not worked effectively. Different political parties have been unwilling to participate in the group at various times. There is frustration among elected members across all political parties that the group does not have a clearer focus on transformation. The detail of papers is more concerned with progress against savings rather than how to generate the ideas and actions needed to transform. Although this is the reality for the council at the moment, it must continue to look forward. The BTSG has been a difficult forum. It has not allowed the frank and open exchange of views, needed to better equip the council for meeting its financial challenge – either through difficult savings decisions or by transforming so that the council does less or generates more income.

132. It is essential that effective cross-party governance arrangements are put in place to enable the council to agree and implement its medium-term financial strategy and have honest conversations regarding how to transform. All elected members have a responsibility to contribute constructively. It is for the council to determine the best governance arrangements to support this, but a greater role for elected member leads in a particular service or outcome area, within cross-party forums, as now happens for education, may help support this. The council may wish to refer to Audit Scotland's guidance on openness and transparency to help work through its governance arrangements.¹⁵

The council is focused on key areas for improvement. However, there are risks around the council's successful delivery of change due to its past track record and scale of the challenge.

133. The council is aware of the difficulties it will have in truly transforming what it currently delivers. It has identified the opportunities and risks for each of the

¹⁵ Audit Scotland, 2017/18 Audits: Notes for guidance on openness and transparency

transformation workstreams. These are regularly monitored by senior officers and by the cross-party BTSG, and with reports shared with the Audit Committee to note as deemed necessary.

134. The council is aware of the risks that it may not have the skills or capacity needed to transform how it operates. The council has assessed the savings it plans to achieve from the transformation of education, children's services, and housing and customer care as lower risk than those within commercial operations, finance integrated service support and property and facilities management. It is essential that services respond to the challenges set out within their transformational workstreams.

135. The council recognises that it needs to take urgent attention given the scale of the challenge it faces, and the new chief executive is taking appropriate action. The Corporate Management Team and elected members from across political parties will need to work together, collaboratively and constructively, to make the changes required. The council has successfully delivered a number of large projects, but it has not yet been able to make the transformation required. There are risks due to the council's capacity to deliver the changes required at this time given the scale of these challenges.

Recommendations



Recommendation – As a matter of urgency, officers and elected members need to work together to develop and agree the medium-term financial strategy and progress the council's transformation plans (see paragraphs 28, 64 – 65, 73 – 74, 130 – 132).

Recommendation - The council needs to develop and sustain more constructive relationships between members and between members and officers. It needs to implement effective cross-party governance arrangements to ensure that it delivers the medium-term financial strategy and transformation plans (see paragraphs 22 – 25, 28, 74, 131 - 132).

Recommendation - The council needs to ensure that workforce planning reflects the medium-term financial strategy (see paragraphs 76 - 88).

Recommendation – The council should undertake a review of its capital programme, to ensure that the timeframes for delivery are achieved going forward and that monitoring and reporting mechanisms are enhanced to drive more accurate analysis and planning around capital work (see paragraphs 80 – 82).

Recommendation – The council need to continue to implement financial planning arrangements to address budget gaps, underpinned by robust financial budgeting and monitoring arrangements (see paragraphs 75 – 79).

Recommendation - The council should refine its vision in light of the outcome of consultation work through the Services with Communities transformation workstream and to ensure that it focuses its activity most effectively (see paragraph 19).

Recommendation - Elected members need to exercise appropriate scrutiny at all times, take ownership for personal development plans and take up relevant training opportunities (see paragraphs 25, 59 – 62).

Recommendation - The council should continue to build on positive elements of community empowerment. It should look to increase community ownership of local neighbourhood plans and work with communities to improve how they monitor progress (see paragraphs 113 – 117).

Appendix 1

Best Value audit timeline



Midlothian Council

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Single Midlothian Plan 2019-20

Report by Grace Vickers, Chief Executive

1 Purpose of Report

The Community Planning Partnership (CPP) Board approved the attached annual plan, outcomes and indicators at its meeting of 23 April 2019. This report to Council seeks formal endorsement of the attached plan, outcomes and indicators, and their adoption as the strategic plan for Midlothian Council under which the service plans for Council services will operate.

2 Background

The Community Planning Partnership established under the Local Government Act 2003, and now strengthened legislatively by the Community Empowerment (Scotland) Act 2015, is required to submit a Local Outcomes Improvement Plan each year to the Scottish Government. This plan must set out what shared local outcomes the partners are pursuing within the outcomes framework established by the National Delivery Group for Community Planning led by Scottish Ministers and including COSLA, SOLACE, Accounts Commission and Improvement Service representation.

- 2.1** The Midlothian Community Planning Partnership Board, in which the Council is a leading partner, is now a statutory board, under the terms of the Community Empowerment Act 2015. New governance documents have been approved by all partners including the Council last year. The revised governance proposals extended elected member direct involvement in the partnership structures with all 3 parties represented at the CPP Board. The governance proposal confirms the links between statutory boards for adult health and social care (Integrated Joint Board, IJB) and community safety and justice (CSJPB) and the CPP Board, and notes elected member representation arrangements in these are set out in separate legislation. The revised governance arrangements also proposed nomination of elected members to join the three other thematic partnership groups: Getting It Right for Every Midlothian Child (GIRFEMC), with its statutory duty to deliver an integrated children and young people's plan; Improving Opportunities for the People of Midlothian, with a remit for addressing inequality, increasing employability and delivering the statutory duty to have a plan for learning and community development; and Sustainable Growth, which brings together physical development planning with economic development, housing and the environment.
- 2.2** Key requirements of the Act in respect of community planning are set out in appendix 1. The Council agreed in 2012/13 to adopt the Single Midlothian Plan (SMP) as its strategic plan, and to require services to have regard to the outcomes set out in this when creating their annual service plans.

2.3 Community Planning Partnerships (CPPs) are required under the new Act to mobilise public sector assets, activities and resources, together with those of the voluntary and private sectors and local communities, to deliver a shared plan to improve outcomes in Midlothian. This document is now referred to in the Act as the Local Outcomes Improvement Plan. The Midlothian version of this, “The Single Midlothian Plan”, uses an evidence-based approach, underpinned by data, to drive improvement in meeting the differing needs of local populations and client groups. It includes performance commitments leading to demonstrable improvements in people’s lives; focuses upon reducing outcome gaps within populations and between areas; and promotes early intervention, co-production and preventative approaches aimed at reducing outcome inequalities. It also identifies priorities for interventions that include plans for prevention, integration and improvement to promote better partnership working and more effective use of public assets and resources.

2.4 The shared planning cycle of the partners is as follows:

- **Annual revision of the Midlothian Profile: March-April**
(a comprehensive data set of information about the area, updated annually by the community planning research and information group)
- **Revision of the Strategic Assessment: April–June**
(a business planning and risk assessment process undertaken by the thematic partnerships)
- **Public engagement processes: July – September**
(Citizens panel and stakeholder engagement led by the community engagement sub group of the partnership)
- **Drafting of budgets and one year priorities: October – December**
(Each partner agency is able to use the priorities to contribute to their budget setting processes)
- **Achieving formal approval of plans and budgets: January – March**

2.5 Local Priorities

As a final part of this planning cycle, the CPP as a whole (up to 130 delegates from public and private sector partner agencies, council, community councils and third sector representatives) meets annually in November to debate progress and identify forward priorities.

The CPP remains focussed on the following three priorities for the period 2019-22:

- Reducing the gap in learning outcomes
- Reducing the gap in health outcomes
- Reducing the gap in economic circumstances

It is clear that these new priorities build on work previously undertaken within Midlothian. They recognise the importance of learning and attainment from early years through to positive destinations, the criticality of addressing health inequalities as set out in the Midlothian Integrated Joint Board’s Integration Plan, and the significant negative impact of inequalities in economic circumstances and opportunity. Whilst developed locally they reflect the national priorities of addressing health inequality; closing the gap in learning and inclusive economic growth and the CPP has committed to working together to address these priorities. The young people of Midlothian, 550 of whom were involved in the preparation of the SMP in 2018/19, made clear that their first priority was safety. The CPP Board has asked that the GIRFEMC and Community Safety and Justice Boards collaborate in 2019-20 to investigate the nature of the concerns being expressed by children and young people and agree appropriate actions.

2.6 The three “approaches” - Preventive intervention; Changing access; Capacity building and co-production

At the beginning of 2012-13 Midlothian Council initiated a project to consider how it should reshape its values and its operating systems. This project, known as the “Future Models of Service Delivery”, was the subject of public engagement alongside the CPP’s engagement processes, seeking views on partnership priorities. The recommendations from this were approved by the Council in January 2013. Agreement was reached by all partners to adopt, as far as possible in their context, the same three principles as appropriate ways for local public services to develop. These three ways are:

Preventive intervention

The term prevention refers to the ways in which public services, including the voluntary sector (and citizens), can act now to prevent increased need for public services in future by helping people to retain their independence in the face of age, ill health, disability or other challenges; or to achieve self-supporting life circumstances requiring much reduced future public support by overcoming difficulties associated with poverty, unemployment, addiction or exposure to crime and related issues.

Building communities’ capacity to manage their own affairs and co-production of public services with service users and communities

Working with communities of place, interest or need to plan, develop and maintain public services; potentially transferring some public assets to community ownership or management; co-designing with service users and their families.

Shifting where and how the public can access services

For example: making access local through shared public buildings; changing working hours; moving to online, digital or telephone access; delivering a variety of services through community owned buildings.

2.7 Area targeting

At the 2013 annual planning event the CPP agreed to add a further dimension to how it sets priorities. For many years there has been a significant statistical gap between the outcomes for residents living in parts of the County and the average outcomes for Midlothian and Scotland as a whole.

These areas have been identified nationally by Scottish Government by use of 7 sets of statistical data about living circumstances known as the Scottish Indicators of Multiple Deprivation (SIMD). The national approach is to recognise that areas which fall into the top 20% of SIMD (i.e. most deprived) and require a particular focus to reduce the gap between the outcomes for people in these communities and the Scottish averages. In Midlothian there are three communities within which there are concentrations of statistics which place parts of these areas in the top 20% of SIMD.

These communities are:

Dalkeith Central/Woodburn, Mayfield/Easthouses, and Gorebridge. New small areas have also emerged in the 2016 SIMD in Bonnyrigg and Loanhead.

The CPP has therefore decided to set a clear shared target of closing the gap between the outcomes experienced in these parts of Midlothian and the average outcomes experienced by residents across the County. It is also recognised that there are areas of relative disadvantage in other communities across Midlothian and so closing the outcomes gap for residents affected across all areas of the county is also important.

This decision means that partners will work together to give priority to actions in these three geographies, developing ideas in partnership with local people and the community agencies they lead.

Indicators of performance must now consider the outcomes gaps between local geographies and between Midlothian and Scotland averages

3 Report Implications

3.1 Resource

The Single Midlothian Plan for 2019-20 comprises outcome indicators agreed with Community Planning partners. The designated members of the CPP Board are now required by law under the Community Empowerment Act 2015 Section 9 (3) to provide joint resourcing of actions to improve agreed outcomes, and to jointly resource the CPP processes to enable community participation in decision making. In particular 5 core partners (Council, NHS, Fire, Police and Scottish Enterprise) must co-facilitate the arrangements for community planning.

The Council has already agreed to align its planning, both operational and financial, with the priorities in the Single Midlothian Plan; and service plans have been constructed to support the priorities set in the plan, within the resource constraints affecting the Council.

The Council has also piloted mechanisms for sharing of resource decisions with its communities by developing and piloting the process of participatory budgeting as previously reported to Council in November 2015, June 2017 and October 2018. A pilot in the Dalkeith/Danderhall ward is planned in 2019-20 to develop a mechanism for citizen participation in the allocation of budgets formerly held by elected members for small capital works.

3.2 Risk

By ensuring that appropriate, measurable outcome indicators are in the Plan, the Partnership is in a better position to ensure it is working effectively towards improving quality of life in Midlothian.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

The CPP has chosen to focus on three priorities:

- Reducing the gap in learning outcomes
- Reducing the gap in health outcomes
- Reducing the gap in economic circumstances

This does not describe all the outcomes across the 5 strands of CPP activity, which are set out in the attached plan, but reflects the consensus on top priorities for improvement arrived at by partners through the annual planning cycle.

Whilst being clear about the focus on the council's contribution to these three key outcomes, Council service plans will also demonstrate links to the wider set of shared outcomes and statutory requirements.

3.5 Impact on Performance and Outcomes

The Plan outlines how the Community Planning Partnership will deliver our priorities for Midlothian and therefore contribute to the achievement of the 15 national outcomes outlined by Scottish Government.

Performance management reports are produced every six months, and enable the contributions of partners to be seen. The Board and the Council have agreed to focus on the three key priorities set out earlier in this report, and a dashboard of performance indicators has been developed to give the Board an overview of performance on these three areas specifically.

3.6 Localising Access / sharing decision making

The CPP has established an area targeting model to take forward co-decision making with local community agencies and partners as required by the Community Empowerment Act 2015. The remit of the priority areas partnership group is:

“To ensure the engagement of all relevant stakeholders and to oversee the development and implementation of local co-produced action plans to reduce the identified outcome gaps for residents in Dalkeith/Woodburn, Mayfield/Easthouses and Gorebridge”.

Recognising that access to high quality, rapidly responding, locally accessible services that prevent escalation of issues for residents is core to success in closing the outcomes gap.

3.7 Involving Communities and Other Stakeholders

Consultation/engagement on proposed priorities took place during the period June to September through community planning strategic groups, their sub groups on specific topic areas, citizens' panel, on line and in stakeholder meetings, and at the annual community planning day in November 2018

3.8 Ensuring Equalities

Equalities issues are key and a separate section of the plan identifies the proposed specific improvement actions by partners for 2019-20. Each theme has also considered the implications of their work through an impact assessment

3.9 Supporting Sustainable Development

The necessary processes are in place to examine progress in agreeing the plan to ensure any requirements for a Strategic Environment Assessment are met.

3.10 IT Issues

There are no specific IT issues

4 Summary

This report presents the updated Single Midlothian Plan, some minor changes in the document will still be made prior to publication to improve layout. As in the past 2 years, a short summary version will also be published for wider use in public engagement.

5 Recommendations

It is recommended that Council:

- i notes the legal requirements of the Community Empowerment (Scotland) Act 2015 as set out in appendix 1;
- ii Approves and endorses the Single Midlothian Plan 2019-20 (appendix 2) as the strategic document for Council service planning.

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Background Papers:

Community Empowerment Act extract
Single Midlothian Plan summary

Appendix 1 - Community Empowerment (Scotland) Act 2015 (as amended) – Extracts setting out planning requirements

4. Community Planning

- (1) Each local authority and the persons listed in schedule 1 must carry out planning for the area of the local authority for the purpose mentioned in subsection (2) (“community planning”).
 - (2) The purpose is improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1.
 - (3) in carrying out community planning, the local authority and the persons listed in schedule 1 must—
 - a) Participate with each other, and
 - b) Participate with any community body (as mentioned in paragraph (c) of subsection (6)) in such a way as to enable that body to participate in community planning to the extent mentioned in that paragraph.
 - (4) Outcomes of the type mentioned in subsection (2) (“local outcomes”) must be consistent with the national outcomes determined under section 1(1) or revised under section 2(5)(c).
 - (5) In carrying out the functions conferred on them by this Part in relation to the area of a local authority—
 - a) The local authority for the area and the persons listed in schedule 1 are collectively referred to in this Part as a “community planning partnership”, and
 - b) The authority and each such person is referred to in this Part as a “community planning partner”.
 - (6) Each community planning partnership must—
 - a) consider which community bodies are likely to be able to contribute to community planning having regard in particular to which of those bodies represent the interests of persons who experience inequalities of outcome which result from socio-economic disadvantage,
 - b) make all reasonable efforts to secure the participation of those community bodies in community planning, and
 - c) to the extent (if any) that those community bodies wish to participate in community planning, take such steps as are reasonable to enable the community bodies to participate in community planning to that extent.
- ...
- (9) In this section, “community bodies”, in relation to a community planning partnership, means bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) resident or otherwise present in the area of the local authority for which the community planning partnership is carrying out community planning.

5. Socio-economic inequalities

In carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so.

6. Local outcomes improvement plan

- (1) Each community planning partnership must prepare and publish a local outcomes improvement plan.
- (2) A local outcomes improvement plan is a plan setting out—
 - a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes,
 - b) a description of the proposed improvement in the achievement of the outcomes,
 - c) the period within which the proposed improvement is to be achieved, and
 - d) a description of the needs and circumstances of persons residing in the area of the local authority to which the plan relates.
- (3) In preparing a local outcomes improvement plan, a community planning partnership must consult—
 - a) Such community bodies as it considers appropriate, and
 - b) Such other persons as it considers appropriate.
- (4) Before publishing a local outcomes improvement plan, the community planning partnership must take account of —
 - a) any representations received by it by virtue of subsection (3), and
 - b) the needs and circumstances of persons residing in the area of the local authority to which the plan relates.

...

9. Localities: comparison of outcomes

- (1) Each community planning partnership must, for the purposes of this Part, divide the area of the local authority into smaller areas.
- (2) The smaller areas mentioned in subsection (1) (“localities”) must be of such type or description as may be specified by the Scottish Ministers by regulations.
- (3) Having carried out the duty under subsection (1), the community planning partnership must identify each locality in which persons residing there experience significantly poorer outcomes which result from socio-economic disadvantage than—
 - a) those experienced by persons residing in other localities within the area of the local authority, or
 - b) those experienced generally by persons residing in Scotland.
- (4) In carrying out the duty under subsection (3), a community planning partnership must take account of the needs and circumstances of persons residing in the area of the local authority.
- (5) Regulations under subsection (2) may specify areas of a type or description subject to any conditions specified in the regulations.

- (6) The Scottish Ministers may by regulations specify that localities within the area of a local authority must each be of the same type or description as may be specified in regulations under subsection (2).
- (7) In this section, references to the area of a local authority mean, in relation to a community planning partnership, the area of the local authority for which the partnership is carrying out community planning.

10. Locality plan

- (1) Each community planning partnership must prepare and publish a locality plan for each locality identified by it by virtue of section 9(3).
- (2) A community planning partnership may prepare and publish a locality plan for any other locality within the area of the local authority for which it is carrying out community planning.
- (3) A locality plan is a plan setting out for the purposes of the locality to which the plan relates--
 - a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality,
 - b) a description of the proposed improvement in the achievement of the outcomes, and
 - c) the period within which the proposed improvement is to be achieved.
- (4) In preparing a locality plan, a community planning partnership must consult—
 - a) such community bodies as it considers appropriate, and
 - b) such other persons as it considers appropriate.

...

13. Governance

- (1) For the area of each local authority, each person mentioned in subsection (2) must—
 - a) facilitate community planning,
 - b) take reasonable steps to ensure that the community planning partnership carries out its functions under this Part efficiently and effectively.
 - (2) The persons are—
 - a) the local authority,
 - b) the Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978 whose area includes, or is the same as, the area of the local authority
- ...
- d) the chief constable of the Police Service of Scotland,
 - e) the Scottish Fire and Rescue Service,
 - f) Scottish Enterprise.

14. Community planning partners: duties

- (1) Despite the duties imposed on community planning partners by this Part, a community planning partnership may agree—
 - a) that a particular community planning partner need not comply with a duty in relation to a particular local outcome, or

- b) that a particular community planning partner need comply with a duty in relation to a particular local outcome only to such extent as may be so agreed.
- (2) Each community planning partner must co-operate with the other community planning partners in carrying out community planning.
 - (3) Each community planning partner must, in relation to a community planning partnership, contribute such funds, staff and other resources as the community planning partnership considers appropriate--
 - a) with a view to improving, or contributing to an improvement in, the achievement of each local outcome referred to in section 6(2)(a), and
 - b) for the purpose of securing the participation of the community bodies mentioned in section 4(6)(a) in community planning.
 - (4) Each community planning partner must provide such information to the community planning partnership about the local outcomes referred to in section 6(2)(a) as the community planning partnership may request.
 - (5) Each community planning partner must, in carrying out its functions, take account of the local outcomes improvement plan published under section 6 or, as the case may be, section 7(5).

Midlothian

A Great Place to Grow

Community Planning Partnership



**Single Midlothian Plan
2019-20**

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اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (بڑا پڑھنے والا) کے لیے، بھرے ہوئے حروف کی لکھائی (بڑے حروف کی لکھائی) میں، نیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔

Contact 0131 270 7500 or email: enquiries@midlothian.gov.uk

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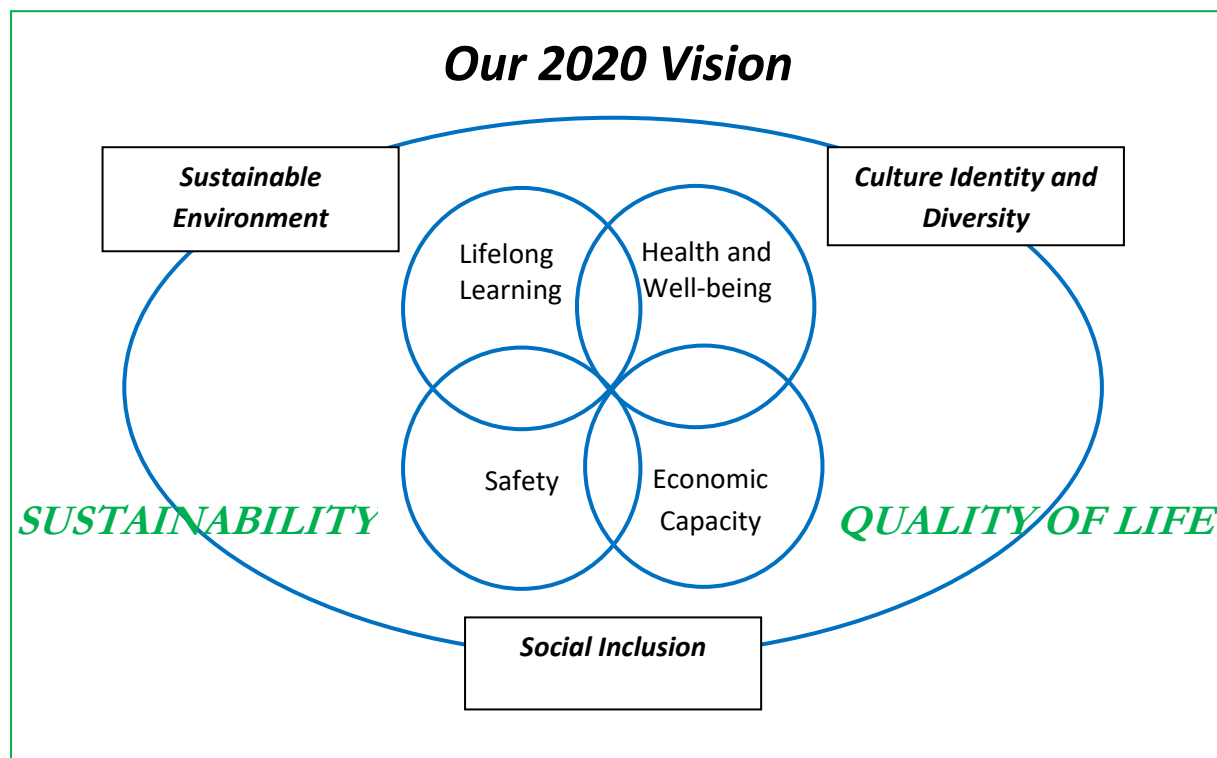
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SINGLE MIDLOTHIAN PLAN 2019-20

The local outcomes improvement plan for Midlothian

VISION

In 2003 the Community Planning Partners, after extensive public debate and engagement, set out a vision for the long term future of Midlothian up to 2020 based on 2 key principles of 'People' and 'Place'. This was spelt out as the following shared tasks:



The Community Planning Partnership (CPP) Board encapsulated these concepts in its revised vision statement in 2015/16:

“Midlothian – A Great Place to Grow”

PURPOSE

Community Planning Partnerships (CPPs) draw together public sector assets, activities and resources, together with those of the voluntary and private sectors and local communities to deliver a shared 'plan' that uses an evidence based approach to drive improvement in meeting the differing needs of local populations. CPPs have to have clear performance measures and make demonstrable improvements in people's lives, by reducing outcome gaps within populations and between areas, promoting preventative approaches that reduce demand for public services, and working with communities to increase their influence in decision making and managing their own needs.

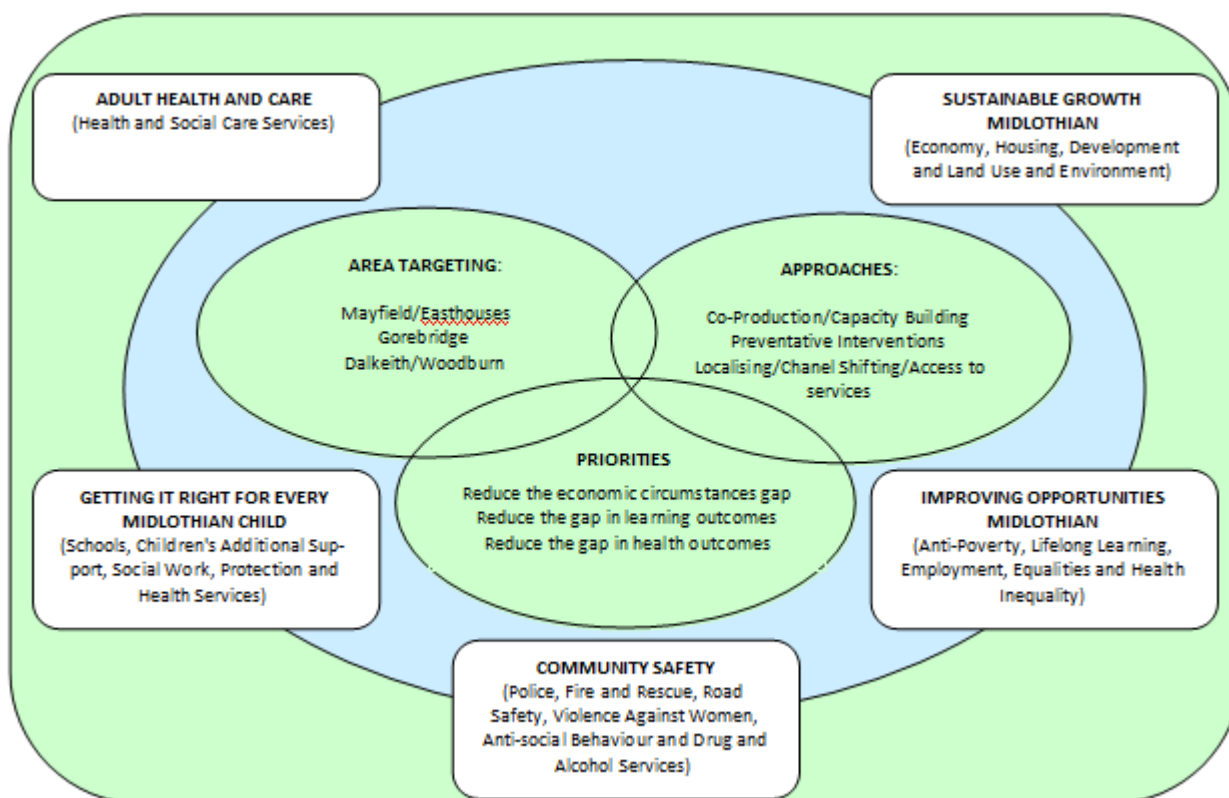
PROCESS

The Midlothian CPP undertakes an annual data collection exercise, gathering together key available published data about the Midlothian area. The [Midlothian Profile](#) is produced by the Community Planning Research and Information Group, and is used by the CPP as the starting point for an annual "Strategic Assessment" of Midlothian.

A [Strategic Assessment](#) is a review of statistics, followed by a review of the political, social, economic, technological, environmental and legal (PESTEL) changes either currently or in the next immediate period affecting the area, followed by an assessment of the level of impact (business risk) that these are likely to have on the communities of Midlothian. The shared planning cycle of the partners is as follows:

Annual revision of the Midlothian Profile:	March - April
Revision of the Strategic Assessment:	April – June
Public engagement processes:	July – September
Drafting of budgets and one year priorities:	October – December
Achieving formal approval of plans and budgets:	January – March

MAP OF THE CPP AND ITS MAIN PRIORITIES



STRUCTURE

The full structure of the CPP, including remits

- membership of each thematic group
- governance documents
- sub groups
- and sub group action plans

are all available on the Midlothian Council website at:

- [Community Planning web pages](#)

The current partnership structure can be accessed by following the link below

- [Community Planning Structure](#)
- [Community Planning Board membership list](#)

AREA TARGETING

The CPP is aware that for many years there has been a significant statistical gap between the life outcomes for residents living in some parts of the County and the average outcomes for Midlothian and for Scotland as a whole. These areas have been identified nationally by Scottish Government by use of 7 sets of statistical data about living circumstances known as the Scottish Indicators of Multiple Deprivation (SIMD).

Examples of the gaps include poorer levels of employment; lower wage rates; lower average life expectancy and greater concentrations of people who are elderly or disabled; poorer access to physical amenities such as shops, health care, public spaces and play facilities; lower than average qualifications; higher levels of crime.

In Midlothian there are three communities within which there are concentrations of statistics which place parts of these areas in the top 20% of SIMD (i.e. most deprived). These communities are Dalkeith Central/Woodburn; Mayfield/Easthouses and Gorebridge. The CPP has therefore set a clear shared target of closing the gap between the life outcomes experienced in these parts of Midlothian, and the average life outcomes experienced by residents across the County.

Each of these areas must now by law (Community Empowerment (Scotland) Act 2015) also have a “Locality Outcome Improvement Plan” in which local residents have been actively engaged in creating the content with public bodies; responding to local needs and aspirations. The CPP’s existing Neighbourhood planning arrangements fulfil this requirement with plans in place for Dalkeith/Woodburn and Gorebridge, and the Mayfield/Easthouses plan under revision with local residents but the existing plan still being delivered. The 2016 SIMD has also identified a single datazone in Loanhead and one in Bonnyrigg which fall into the top 20%. In addition SIMD data indicates that there are individual features of other areas that fall into the top 20%, notably crime indicators and qualification level indicators.

LEGAL POSITION

In 2015 an Act of the Scottish Parliament was passed into law, significantly affecting the operations of the CPP.

The Community Empowerment (Scotland) Act (2015)

- CPPs have been made statutory (required by law) and new duties have been placed on public sector partners to play a full and active role in Community Planning. The Act makes clear that Community Planning is the process by which public bodies must work together and with community bodies to plan for, resource and provide services which improve local outcomes in the local authority area;
- The Act confirms that the role of a CPP is to prepare a plan for improving local outcomes, in consultation with community bodies and others. These outcomes are to be consistent with the national outcomes determined by the Scottish Ministers under Part 1 of the Act.
- The CPP must publish the plan, monitor progress being made and report annually on progress.
- The Act extends the list of key partners to include a wider range of public authorities, including Scottish Natural Heritage, Further Education Colleges, Skills Development Scotland, and the integrated health and

care boards. Individual partners now have a legal duty to work collaboratively and to take into account the plan when setting their individual priorities, and to commit resources to delivery of the plan and report to the CPP on their contribution.

- The Scottish Government expects that all public sector organisations engage with communities and support their participation in setting priorities and in the design and delivery of services. Community bodies must in turn ensure that ensure they are open, inclusive and truly represent their communities.
- Where an appropriate community body, or a group of bodies, believes it could help to improve the outcome of a service, it is now entitled to make a request to a public body that delivers that service, asking to take part in a process to improve that outcome. The public body must agree to the request for dialogue unless there are reasonable grounds for refusal. If it refuses the request, it must explain the reasons.
- If a community body proposes to deliver a service itself, the public body will need to decide whether the community body has an appropriate corporate structure and the capacity to take on that role;
- The Act makes amendments to the community right to buy, making it easier for communities to define their community in a greater variety of ways. It gives the initiative to communities to identify unused public property they are interested in and place a duty on public authorities to agree to the request unless they can show reasonable grounds for refusal. Community bodies are able to approach public authorities for detailed information about a property they are interested in before making a formal request. There is more information on the [Community Asset Transfer](#) page on the Council's website.

EQUALITIES

The Community Planning Partnership is fully committed to ensuring the legislative requirements placed on all public service delivery agencies in the Equality Act are met. The partners have in place processes for equality impact assessment (IA) to monitor the potential impact of any changes in service planned individually or jointly. The impact assessment of this plan is published on the community planning pages of the Council website.

THE PLAN

The CPP undertook an engagement process in 2018/19 reviewing the priorities for the next three financial years 2019-20 to 2021/22. Taking into consideration evidence about the comparative quality of life of people living in Midlothian, where it is clear that less well-off residents experience poorer health, have fewer or no choices in how they use low incomes, and where there is a proven relationship between these factors and their learning; as a result the top three priorities for the three year period continue to be:

- **Reducing the gap in learning outcomes**
- **Reducing the gap in health outcomes**
- **Reducing the gap in economic circumstances**

Safer Midlothian

The 2018 engagement process also highlighted views of young people in particular that their safety in the community was a matter of concern to them. The CPP Board, working group and GIRFEMC Board debated this issue and agreed to use 2019 to further investigate the nature of this concern, working with the GIRFEMC and Community safety and justice partnership bodies within the CPP to take additional actions that will support children and young people.

This will build on the existing core of services such as the Mid and East Lothian Public Protection Unit, Children's Services, Schools' guidance, pupil support and behaviour management systems, youth work practice, adult health and social care work on addiction, youth justice service, the criminal justice social work team, police, fire and rescue, road safety staff, NHS staff in child health, the work of voluntary organisations such as women's aid, victim support and others who support young people affected by crime and violence. The decision by Midlothian Council to cease the Council community safety staff team as part of its budget cuts but to continue to provide significant additional funding to the Police service is leading to a review of the service level agreement with the Police regarding the duties of posts funded by the Council. The views of

young people expressed during the 2018 public engagement process will form part of this review. Some secondary schools now have a Police officer located on site.

In response to the three priorities, the five themes of Community Planning aim to achieve the following medium term outcomes (an “outcome” is a statement of how conditions will be, at the end of a process, and is a way for describing the culmination of a number of actions that can be measured) over the 3 year period. **These outcomes are that, by the end of the 2021/22 budget year:**

COMMUNITY SAFETY

3 YEAR OUTCOMES

- Fewer people are victims of crime, abuse or harm
- People feel safe in their neighbourhoods and homes
- Communities take a positive role in shaping their future

SUSTAINABLE GROWTH

3 YEAR OUTCOMES

- The local economy is more productive and inclusive
- Sustainable town centre regeneration is visible
- Midlothian Science Zone has developed, benefitting the local economy and community

IMPROVING OPPORTUNITIES

3 YEAR OUTCOMES

- Poverty levels in Midlothian are reduced
- Health inequalities are reduced and the health of people in Midlothian is improved
- The public is informed and engaged in service development and delivery

GETTING IT RIGHT FOR EVERY MIDLOTHIAN CHILD

3 YEAR OUTCOMES:

- All care experienced children and young people are being provided with quality services
- Children in their early years and their families are being supported to be healthy, to learn and to be resilient
- All Midlothian children and young people have access to timely and appropriate support
- Children and young people are supported to be healthy, happy and reach their potential
- Inequalities in learning outcomes have reduced

ADULT HEALTH AND CARE

3 YEAR OUTCOMES

- People are able to look after and improve their own health and wellbeing and live in good health for longer
- People, including those with disabilities/long term conditions or who are frail are able, wherever possible, to live independently and in their own home
- Health and Social Care have contributed to reducing health inequalities
- Unpaid carers are supported to look after their own health and wellbeing

ACTION PLANS FOR 2019/20

The priorities and actions for 2019/20 set out under the 5 themes of community planning are designed to improve life outcomes for the people of Midlothian. These one year priority actions are intended to take steps towards achieving the three year outcomes and long term vision of the partnership.

GETTING IT RIGHT FOR EVERY MIDLOTHIAN CHILD

Priorities for 2019/20:

- Improving mental health and wellbeing of children and young people
- Closing the educational attainment gap between children from better off and disadvantaged families
- Managing risk taking behaviours by children and young people

COMMUNITY SAFETY

The Local Police plan sets out in detail the contribution being made by the Police to the safety of the public of Midlothian and is available on the [Police Scotland website](#). The priorities below are shared by all CPP partners.

Priorities for 2019/20:

- Reduce violent crime
- Reduce re-offending (people going on to commit another crime)
- Reduce domestic abuse and protect women and girls
- Reduce serious and organised crime to make communities safer
- Reduce dishonesty crimes (including housebreaking, vehicle crime and shoplifting)

SUSTAINABLE GROWTH

Priorities for 2019/20:

- Support regeneration of Town Centres
- Deliver further affordable housing
- Increase use of Renewable Energy
- Increase sustainable travel
- Work with key start-ups or groups of new businesses that are able to grow without causing displacement and that will increase economic activity in Midlothian

IMPROVING OPPORTUNITIES FOR PEOPLE IN MIDLOTHIAN

Priorities for 2019/20:

- Reduce the number of children living in poverty
- Support people out of poverty and welfare dependency
- Reduce health inequalities

2019/20 ACTION PLANS

The following sections set out the work of the five thematic partnerships, beginning with a summary of the strategic assessment and then the detailed action plan for 2019-20.

ADULT HEALTH AND CARE (AHC)

The Midlothian Health and Social Care Partnership is responsible for services that help adults live well and get support when they need it. This includes all community health and social care services for adults in Midlothian and some acute hospital-based services. Many voluntary sector and independent providers contribute to the objectives of the Health & Social Care Partnership.

The delivery of Health and Social Care services has to change. Hospitals, GPs and Care at Home are struggling to manage the growing demand on their services. Change will take time and the [Strategic Plan](#) explains how the Partnership intends to improve services for people in Midlothian over the next 3 years (2019-2022). This will mean developing new ways of working and also some difficult decisions will have to be made about services we may need to reshape, reduce or no longer provide.

While the Health & Social Care Partnership is governed by the Integration Joint Board it is also a thematic group of the Midlothian Community Planning Partnership; working with partners will be essential to achieve its ambitions.

Our Vision

Everyone in Midlothian will have the right advice, care and support; in the right place; at the right time to lead long and healthy lives.



People are able to look after and improve their own health and wellbeing and live in good health for longer.



People are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.



People who use health and social care services have positive experiences of those services, and have their dignity respected.



Health and social care services contribute to reducing health inequalities.



People who work in health and social care services are engaged with their work and improve information, support, care and treatment they provide.



Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.



Resources are used effectively and efficiently.



People who provide unpaid care are supported to look after their health and wellbeing.









People using health and social care services are safe from harm.

Our Values

We will achieve this ambitious vision by changing the emphasis of our services, placing more importance and a greater proportion of our resources on our key values. Changes in the way in which health and care services are delivered take time.

	Prevention	Deal with the causes rather than consequences of ill health. Support people to take more responsibility for their health and wellbeing.
	Independence, Choice and Control	Enable people to manage their condition and control their support. Support people to live independently at home.
	Support the person not just the condition	Support/treatment should consider key issues affecting a person's life as well as supporting them to manage their condition.
	Recovery	Support people to recover good health and independence as far as possible.

	Co-ordinated care	Services working in partnership.
	Local	Support provided as close to home as possible and people should only go to hospital if they really have to. Work in partnership with unpaid carers, volunteers and communities.
	Public Protection	People should feel safe at home and in their community. Work in partnership to identify and protect people from any form of abuse including physical; sexual; emotional and psychological; financial; and neglect. Also committed to ending violence against women and girls.
	Equality	People should not be disadvantaged due to their ability, ethnicity or caring responsibilities. The Partnership will reduce health inequalities and respect dignity and human rights in the planning of health and social care.
	Evidence Based Decisions	Services commissioned based on identified need. Listen to people who use services, and the people who care for them.
	Quality	Provide the highest quality health and care services, with a very strong emphasis upon improving the quality of services, responding to user feedback and internal and external audit.

Our Challenges

A growing and ageing population

There are 90,090 people in Midlothian; the second smallest local authority in mainland Scotland but the fastest growing. 12,000 new houses will be built in the next 3 years. This will pose challenges for all our health and social care services whilst also changing the face of some of the local communities.

As people live for longer many more will be living at home with frailty and/or dementia and/or multiple health conditions. An increasing number of people live on their own, and for some this will bring a risk of isolation.

Higher Rates of Long-Term Conditions

Managing long-term conditions is one of the biggest challenges facing health care services worldwide, with 60% of all deaths attributable to them. Midlothian has a higher incidence than the national prevalence of cancer, diabetes, depression, hypertension, Chronic Obstructive Pulmonary Disease (COPD) and asthma. Older people are more susceptible to developing long-term conditions; most over 65s have two or more conditions and most over 75s have three or more conditions. (This is referred to as 'multiple morbidity').

People living in areas of multiple deprivation are at particular risk with, for example, a much greater likelihood of early death from heart failure. They are also likely to develop 2 or more conditions 10-15 years earlier than people living in affluent areas. It is estimated that people with long-term conditions are twice as likely to be admitted to hospital and have a longer length of stay accounting for 80% of all GP visits and for 60% of hospital admissions.

High rates of mental health needs

Many mental health problems are preventable, and almost all are treatable, so people can either fully recover or manage their conditions successfully and live fulfilling healthy lives as far as possible.

The incidence of mental health issues in Midlothian, while similar to the rest of Scotland, is a major concern for the Partnership. 19.7% of the population is on medication for anxiety, depression or psychosis. Living in poverty increases the likelihood of mental health problems but also mental health problems can lead to greater social exclusion and higher levels of poverty. People who have life-long mental illness are likely to die 15-20 years prematurely because of physical ill-health.

Our services are under pressure

People expect to receive high quality care services when these are needed whether as a result of age, disability or long term health conditions. Yet there are a number of pressures on our services.

- **Financial pressures.** There is no doubt that we need to do things differently: the traditional approach to delivering health and care services is no longer financially sustainable.
- **Workforce Pressures.** Recruitment and retention is a growing problem in health and social care. There is a shortage of GPs; a significant proportion of District Nurses are nearing retirement; while care at home providers find it difficult to attract and keep care at home workers despite measures such as the Living Wage and guaranteed hours. The aging population means these pressures will almost certainly increase. Family and other unpaid carers have always been vital to enabling older people and those with disability or longer term health conditions to manage their lives. It is essential that the increased emphasis on care at home does not put intolerable pressure on family carers; this is a risk if we fail to address the workforce challenges.
- **Acute hospitals.** We must reduce avoidable admissions and enable people to be discharged as quickly as possible.

Inequality across Midlothian

People affected by poverty and social disadvantage have poorer health and are more likely to die at a younger age than their neighbours with more resources. People also experience disadvantage through: gender; sexual orientation; social position; ethnic origin, including gypsy travellers; geography; age; and disability.

New Technology

Technology can contribute to service redesign and support new care models. This approach is in line with the wider impact of new technology in our day to day lives. This can include technology that improves communication, for example with carers.

Evidence base for Strategic Plan

The following **evidence** guided the development of the three year Strategic Plan

1. Facts and Figures – data and predictions about service use, health measures, demographic information and so on. This is available in the Joint Needs Assessment on the webpage below
2. Views of the public and staff – groups who use services, service users and carer representatives, public consultation and staff consultation. 1,600 people (including 200 staff) took part.
3. Performance Measures - routine and published performance measures
4. Local Policies and Strategies

Reports referred to above are available on the [Midlothian Health and Social Care Integration](#) webpage [available here](#)

Reference Code	Adult Health and Care 2019-20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
AHC - supporting people to stay healthy and well							
AHC - Isolation – Develop approaches to prevent or address isolation and reduce the detrimental impact on physical and mental health							
	Continue to strengthen both formal and informal approaches to addressing isolation. This will involve working with voluntary organisations; local communities; and improving information about community resources	31/3/20	The number of older people using local services, facilities and activities through participation in 1:1 or group sessions	830	739	2017-18 825	Planning Older People
			The number of older people using local services, facilities and activities through participation in community services	380	357	2017-18 375	Planning Older People
AHC - Physical Activity - Contribute to the implementation of a local strategy by working with older people, people with disabilities and those at greatest risk of inequalities							
	Promote Weight Management Programmes to help address and prevent obesity and type 2 diabetes	31/3/20	Number of people who go through Weight Management Triage	480	109	15/16-109 16/17-172 2017 6 months – 159 18/19 – 6 months 215	Public Health (NHS)
	Work with Ageing Well to support older people	31/3/20	Total number of people attending activity groups hosted by Ageing Well each year	20,000	22,000	22,000 in 18/19	Ageing-Well Project
	Work with Midlothian Council Active Choices to support people with longer term health needs including Mental Health	31/3/20	Number of people attending activity groups hosted by Midlothian Active Choices (MAC)	10,000	10,280	10,280 in 18/19	MAC, Sport and Leisure
		31/3/20	Number of people attending one to one sessions with MAC	950	816	2018/19 984	Sport and Leisure

Reference Code	Adult Health and Care 2019-20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
AHC – Workforce – Support teams to work in an integrated way and address the workforce challenges including recruitment and retention of health and social care staff							
	Support Team Leaders to develop effective integrated teams that deliver positive outcomes for Midlothian adults and older people.	31/3/20	Number of Team Leaders that complete the Team Leader Development Programme	8	New	new	Workforce Development, H&SC Partnership
	Increase skills and knowledge of the CPP workforce in Midlothian in relation to suicide prevention.	31/3/20	Number of people attending suicide prevention training (Safe Talk or ASIST)	120	awaited	awaited	Mental Health Lead, H&SCP
			Number of organisations with representative(s) attending suicide prevention training.	10	awaited	awaited	Mental Health Lead, H&SCP
	Increase capacity in care at home services	31/3/20	Increase hours of care delivered per week in Midlothian by Council and external providers	6582 hours per week	6082 hrs/week	2018/19 6082 hrs/week 2017/18 6638 hrs/week	Service Manager, H&SC Partnership
AHC - Health and Social Care have contributed to reducing health inequalities							
AHC - Financial Inclusion _ Work with MFIN to maximise income of people who are vulnerable or at particular risk of inequalities							
	Deliver Welfare Rights service to people with health care needs	31/3/20	Number of people supported with cancer	250	250	16/17 – 283 18/19 - 250	Welfare Rights Team
		31/3/20	Number of people supported with mental health needs	140	140	16/17 – 135	

Reference Code	Adult Health and Care 2019-20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
						18/19 - 360	
		31/3/20	Midlothian Council Welfare Rights Team (WRT) will generate an additional benefit income maximization of £500k per quarter	£2.5m		16/17 - £1.5m 18/19 £2.5m	Welfare Rights Team
	Work with Red Cross to support people who are frail to access financial support available to them.		Additional benefit income to Midlothian residents identified as frail	£150,000	new	New so no baseline	H&SC Partnership
AHC – Health Inequalities - Develop a programme of work across agencies to reduce health inequalities in Midlothian							
	Deliver a holistic health assessment to people undertaking Unpaid Work Programme Deliver a holistic health assessment to people undertaking Unpaid Work Programme	31/3/20	Number of people on Unpaid Work Programme attending at least one appointment with a nurse from the Community Health Inequalities Team (CHIT)	20	new	New so no baseline	Community Health Inequalities Team
	Introduce Housing First for people with multiple and complex needs. This includes people who have a range of experiences including childhood and early years trauma, mental ill health, addictions as well as time spent in local authority care or prison. Housing First recognises that a safe, secure home is the best base for recovery and for addressing any other life issues.	31/03/20	Number of people supported through Housing First (Target will be 10 per year but starting in year.)	7	new	New so no baseline	Homelessness Team

Reference Code	Adult Health and Care 2019-20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
	Implementation of the Community Planning Partnership Type 2 Diabetes Strategic Plan	31/3/20	Number of CPP Thematic Groups delivering actions in line with the strategy (5 thematic groups and 3 area 3 targeting groups)	8	new	new	Public Health, H&SCP
	Implementation of the new specialist employment project for people with mental health issues	31/3/20	Number of people in employment following intensive intervention.	6	new	new	Mental Health Lead, H&SCP
AHC – Engaging Communities							
	Work closely with local Libraries on the Midlothian Libraries Bibliotherapy Programme ‘Braw Blether’	31/3/20	Number of people who engage with the service	100	new	New so no baseline but awaiting old project figures	Mental Health Lead, H&SCP
	Have a dialogue with community members around local services and approaches that support health and wellbeing	31/3/20	Number of people attending local consultation events such as Hot Topics and local Assemblies (for example Older People’s Assembly)	125	2017/18 - 117	2017/18 - 117	Community members & organisations and H&SC Partnership
	Widely disseminate newsletters, directories and specific service information	31/3/20	Number of newsletters produced	4	4		Communications, H&SCP
	Work with Community Planning partners, in particular community & third sector partners to identify opportunities for integrated working that supports people to stay healthy and independent.	31/3/20	Number of Voluntary Sector Forums	3	3	3	Learning and Development, H&SCP

Reference Code	Adult Health and Care 2019-20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
AHC – Support people to live at home							
	Training to encourage earlier conversations by all involved in someone's care to ensure housing needs are considered early on to allow people time to plan for their future.	31/3/20	Roll out training for staff on Housing Solutions to support staff to have earlier conversations about housing - focusing on staff who are often the first point of contact such as podiatrists and practice nurses.	80	2018/19 - 50	2018/19 – 50 (Programme began 2018/19)	OT Team Leads, Health & Social Care Partnership
	Working with Primary Care and the voluntary sector to support people identified with mild frailty in order that they are able to stay well at home for longer.	31/3/20	As part of mild frailty assessment, Red Cross Link Workers will undertake an assessment for home adaptations (that would have previously required referral to social care.)	40 assessments	new	new	Strategic Planning, H&SCP
	Review with the Fire Service opportunities for closer working in relation to risk assessment including people with sensory impairment	31/03/20	Include vision and hearing on the tick box risk assessment which Firefighters complete during fire safety visits.	Vision and hearing on assessment check	Not included	new	Planning Officer, Physical Disability and Sensory Impairment

COMMUNITY SAFETY AND JUSTICE PARTNERSHIP

Community Safety is essential to the quality of life of people in Midlothian. The Community Safety and Justice Partnership embraces a range of issues including crime prevention; antisocial behaviour; drug and alcohol misuse; domestic abuse; road safety; fire safety and accident prevention. It is about ensuring everyone has the right to live in safe and secure communities, feeling safe and with reduced incidence of crime. The Partnership aims to support and manage offenders in the community in such a way as to reduce re-offending and arrange services so that offenders may access and use them. The Partnership's key aim is **to ensure Midlothian is a safe place to live, grow up, work and visit**. To achieve this aim the Partnership works towards the following outcomes:

- Fewer people are victims of crime, abuse or harm
- People feel safe in their neighbourhoods and homes
- Our communities take a positive role in shaping their future

The Community Safety Team was disbanded at the recent Council budget meeting on 12th February 2019. As such there is a review of all roles and responsibilities linked to the Community Safety Team. Notably, there is no current co-ordination of the Community Safety and Justice Strategy. Without this, there is uncertainty around the ownership and associated leadership of the action plan and Performance Indicators. Until such clarity has been determined, there is no up-date on projected activity. At this point, assurances can be made that Community Safety partners will continue to strive to ensure that Midlothian is a safe place to live, work, visit and grow. Further, Community Justice Partners will continue to plan and create environments which reduce and aim to prevent offending behaviour through the delivery of the 'Community Justice Outcomes and Improvement Plan'.

Key Strategic documents

The Community Safety & Justice Partnership produces a Strategic Assessment, which is a forward-looking and predictive document informing the work of the Partnership. It is an analysis of issues impacting on community safety within Midlothian, with each issue prioritised through an evidence-based process of analysis, environmental and horizon scanning and risk assessment. This Scottish Government priority-setting matrix model was applied and has resulted in an evidence-led ranking of priorities that the Partnership has used to focus resources on for the year ahead. We will continue to develop community justice analytical capacity, working with partners to deliver on and service the requirements of the national strategic outcomes improvement framework.

The Midlothian Community Safety and Justice Strategy sets out how the partnership will utilise systematic and collaborative approaches to ensure Midlothian is a safe place to live. The strategy action plan ensures regular, organised, planned and integrated work to support individuals and families involved in offending to reduce this pattern through preventative approaches, early intervention and diversionary activity that focuses on community level problem solving. Due to the removal of the Community Safety team which incorporates the Resolution service the strategy will now have to be comprehensively reviewed.

The Community Justice Outcomes Improvement Plan has been developed in response to the Community Justice (Scotland) Act 2016 which came into effect on 1st April 2017. The Act has brought planning for reducing offending and reoffending back to a local level where decisions can be made by people that know their area

best. After carrying out analysis of offending over a three year period, strategic assessments of the causes of offending and engagement and consultation with members of the public and community bodies the Midlothian Outcomes Improvement Plan was published on 1st April 2017. The consultation told us that the public felt that provision of support to address mental health issues, victims of abuse, drug abuse and tackling youth anti-social behaviour should be our main priorities. These have been reflected in the plan.

Priorities

The following areas have been highlighted as priorities for 2019-20. All priorities are included in the Community Safety and Justice Strategy however only those marked as high priorities and the Community Justice (reducing reoffending) priority are included in the Single Midlothian Plan. The reducing re-offending priority has been included in the Single Midlothian Plan due to the need to work across the Community Planning Partnership to deliver an improved model for Community Justice. Detailed information about each of the priorities is available within the Community Safety and Justice Strategy and Community Justice Outcomes Improvement Plan. However as stated earlier the Community Safety and Justice strategy will have to be reviewed as a result of the removal of the Community Safety team and a decision has to be made about who will co-ordinate and report on the strategy.

- Reduce violent crime
- Make our communities safer and reduce re-offending (people going on to commit another crime)
- Reduce domestic abuse and protect women and girls
- Reduce serious and organised crime to make communities safer
- Reduce dishonesty crimes (including housebreaking, vehicle crime and shoplifting)

Local Policing Plan

Police Scotland is a core partner in the delivery of Community Planning in Midlothian and under the terms of the Community Empowerment Act shares a new statutory duty to facilitate community planning with Scottish Fire and Rescue, Scottish Enterprise, NHS Lothian and Midlothian Council. Police Scotland has a legal duty to produce a local policing plan, which is available on the [Police Scotland website](#). Work is being carried out towards full integration of the local policing plan as part of the Single Midlothian Plan in the future.

Local Fire Service plan

The Scottish Fire and Rescue Service is a core partner in the delivery of Community Planning in Midlothian and under the terms of the Community Empowerment Act shares a new statutory duty to facilitate community planning with Scottish Enterprise, Police Scotland, NHS Lothian and Midlothian Council. The Local Fire and Rescue planning cycle was amended to match the 3 year cycle of the Single Midlothian plan, and the new Fire and Rescue plan will be developed alongside the next 3 year SMP cycle to allow for better connection and integration across the partnership.

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
Substance Misuse							
	Undertake a range of communication and engagement activity regarding responsible alcohol consumption	31/3/20	Increase the number of licensed premises participating in the Best Bar None Scheme <u>Proposed new PI</u> Increase the number of licensed premises who receive an award in the Best Bar None scheme	15 new 2019/20 target 8 7 received an award in 2019	4 (15/16) 7 (18/19)	40 (18/19) 14 (17/18) 4 (16/17) 4 (15/16) 4 (14/15) 3 (13/14)	Police Scotland (PS)
			Reduce the number of alcohol related hospital stays (patients per 100,000 population)	Reduce on the 16/17 rate – Off target as slightly higher in 17/18	16/17: 537.8 17/18: 541.6	16/17: 537.8 15/16: 563.0 14/15: 587.7 13/14: 545.2	MELDAP
			Recovery College: number of people engaging in education, training, volunteering and employment	74	73	15/16: 35 16/17: 70 17/18: 75	MELDAP
	Develop substance misuse services to reduce immediate harm, future harm and promoting recovery	31/3/20	Increase the percentage of clients successfully completing the LEAP 12 week rehabilitation programme	60%	60%	15/16: 60% 17/18: 60% 18/19: 75%	MELDAP
			Increase the weekly attendance at Horizons Cafe	75 per week	65 per week	15/16 Avg. 65 people per week 17/18: 70 18/19: 75	MELDAP

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
			Pink Ladies: 80% of women completed the 10 week course which consisted of 2 programmes providing course work and one-to-one sessions.	Provide two programmes providing course work and one to one sessions	84% 16/17	16/17: 84% (SLA 75%) 17/18 75%	MELDAP
Gender based violence							
	Raise awareness of Violence Against Women and Girls with services and communities and strengthen support for survivors in the “Safe and Together” model	31/3/20	% of repeat referrals to MARAC within one year	Within expected level for population 28%-40% (Safe Lives)	2016/17 41% (46)	2018/19 33% (35) 2017/18 33% (25)	Violence Against Women Delivery Group (VAWDG)
			% of VAWG training attendees reporting that they have enough information to put their learning into practice	2019/20 target to be set shortly	96% (191/200)	18/19 first recording year	VAWDG
			% of Citizen Panel respondents that show an awareness of what actions characterise VAWG	10% increase	Not previously measured	Not previously measured	VAWDG
			Number of secondary schools that deliver VAWG awareness	3	0	0 in 16/17 5 in 2018/19 according to ERCC Prevention Worker	VAWDG

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
			Proportion of MAPPA clients convicted of a further sexual offence	2%	2%	18/19: 1.69%	Criminal Justice/ MAPPA
			Cannot count Level 1 or Level 2 as information is no longer gathered in this way			15/16: 0%	
						14/15: 0%	
					13/14: 0%		
			Number of domestic abuse incidents recorded	TBC	18/19 currently the subject of an embargo	17/18: 979	Police Scotland
			<u>Suggested new PI</u>			16/17: 978	
			Total number of domestic abuse crimes and incidents				
			Proportion of men who successfully complete the Caledonian programme who do not have any crime reports completed for domestic abuse in the following 12 months	TBC	TBC	18/19: 100%	Criminal Justice
Crimes of dishonesty							
	Raise public awareness of crime prevention through campaigns and crime prevention initiatives.	31/3/20	Decrease the number of bogus workmen crimes recorded by the Police	Continuous improvement	2018/19 – 4 Off target by 1	H1 17/18: 3 (not reported 16/17)	Police Scotland
			Number of Domestic housebreaking crimes recorded	Continuous improvement	2018/19 - 145	17/18: 159	Police Scotland
					16/17: 154		
			Number of crimes of dishonesty (all group 3)	Continuous improvement	2018/19 – 2296 Off target	17/18: 2408	Police Scotland
						H1 16/17: 1076	

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
Violent Crime							
	Work with partner agencies to prevent violent behaviour, manage violent offenders and develop a programme of interventions to reduce levels of violent crime	31/3/20	Number of violent crimes	Continuous improvement	18/19 currently the subject of an embargo	H1 17/18: 28 H1 16/17: 39	Police Scotland
Antisocial Behaviour							
	Work in partnership to take early action to prevent young people from offending	31/3/20	Reduce the number of Acceptable Behaviour Contracts(ABC) breached	5% reduction on 3 year average	Baseline/trend: 14/15: 51.9%	14/15: 51.9% 18/19: 26.25%	Community Safety Team
			Reduce % of initial warning cases escalating to ABC	5% reduction on 3 year average Off target	Baseline/trend: 14/15: 2.56%	16/17:0.8 15/16: 2.0 14/15:2.56% 18/19: 3%	Community Safety Team
			Reduce % of ASBOs breached	5% reduction on 3 year average	16/17:50%	16/17:50% 15/16: 20% 14/15: 35.3% 13/14: 25% 18/19: 20%	Community Safety Team
			The number of young people referred to SCRA on offence grounds	5% reduction on 3 year average	16/17: 60	18/19: 38 16/17: 60 15/16: 47 14/15: 57	Children & families

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
	Work in partnership to decrease the number of victims of antisocial behaviour and hate crime in Midlothian	31/3/20	Number of antisocial behaviour incidents	Continuous improvement	2019 - 4404	16/17: 6745 15/16: 6333	Police Scotland
			Number of hate incidents <u>Suggested new PI</u> Total number of hate crimes and incidents	Continuous improvement	2019 currently the subject of an embargo	H1 17/18: 52 H1 16/17: 42	Police Scotland
	Work with residents to build their resilience and help them resolve their own problems	31/3/20	% of resolution cases with a positive outcome (no repeat complaints received)	80%	97%	2016: 97% 18/19: 83%	Midlothian Resolution Service
			Number of Midlothian resolution service referrals received	110 – Off Target Team being disbanded and service started to wind down in February/March	122	2016/17: 117 H1 17/18: 51 2018/19: 95	Midlothian Resolution Service
Community Justice							
	Deliver the Midlothian Community Justice Partnership communication	31/3/20	% of people who are aware of what Community Justice is	50%	17/18: 45%	17/18:45% 16/17: 28%	Community Justice Team

Ref Code	Community Safety and Justice 2019-20						Ownership
	Actions	Due Date	Performance Indicator	2019/20 Target	Baseline	Previous trend data	Lead Partner
	plan to help raise the profile of Community Justice		18/19: No data available This is an annual PI. Community Justice consultation usually takes place around November.			18/19: No Data currently	

GETTING IT RIGHT FOR EVERY MIDLOTHIAN CHILD (GIRFEMC)

NHS Lothian and Midlothian Council have a shared statutory responsibility for delivery of this annual plan, which forms part of the three year Integrated Children's Services Plan. It is important to emphasise that the voluntary sector and the community planning partners have a key role in the development of all aspects of the plan and this year's priorities have been directly informed by the views of children and young people. Our priorities for 2019/20 are to work with children and young people and our community planning partners to achieve our shared endeavour to:

1. Manage and reduce risk taking behaviour
2. Reduce the poverty related attainment gap
3. Improve mental health and wellbeing.

These annual priorities will further the GIRFEMC Board's three-year (2017-2020) outcomes so that:

1. Children in their early years and their families are being supported to be safe, healthy, to learn and to be resilient
2. All Midlothian children and young people are being offered access to timely and appropriate support
3. All care experienced children and young people are being provided with quality services
4. Children and young people are supported to be healthy, happy and reach their potential
5. Inequalities in learning outcomes have reduced.

GIRFEMC has four sub-groups that manage the overall GIRFEMC work programmes and report into the GIRFEMC Board. These are:

1. Midlothian Early Action Project - Children and Young People's Mental Health
2. Vulnerable Children
3. Strategic Oversight - Attendance and Exclusions
4. Early Years.

The Voluntary Sector Children and Young People's Group supports all of the sub-groups to ensure that the services and priorities of the sector inform the work of GIRFEMC. In addition, elements of the work of the Community Planning Partnership, such as the work of the Child Poverty Working Group, feed into the work of GIRFEMC.

Significant reductions in public sector funding is particularly challenging for Midlothian. The current funding settlement from the Scottish Government does not reflect the unprecedented growth in population in Midlothian as the fastest growing local authority in Scotland. All GIRFEMC partners are committed to taking up the challenge of shifting resources to prevention and early intervention and to work closely together to align our resources to the outcomes that have been agreed.

In 2019/20 GIRFEMC will develop a revised three-year Integrated Children's Services Plan. This will give us an opportunity to build on the successes of the work of GIRFEMC partners. In addition to learning gained from work previously undertaken, there are a number of key strategic drivers that will inform the GIRFEMC Board's priorities.

The Community Empowerment (Scotland) Act 2015 requires Community Planning Partnerships to develop a Local Outcome Improvement Plan. This plan provides the overall objectives to tackle deprivation and reduce inequalities and these are embedded throughout the actions and measures of GIRFEMC. The focus on reducing inequalities will be strengthened this year with the production of the Local Child Poverty Action Report as part of the Child Poverty (Scotland) Act 2017. The Children and Young People's (Scotland) Act 2014 continues to

provides the statutory framework for the delivery of children and young people's services. We have embedded wellbeing indicators, corporate parenting and an unwavering commitment to support children and young people who are looked after and accommodated. The GIRFEMC Board is fully committed to realising the children's rights approach to all of our work and making sure that we embed the principles of the United Nations Conventions on the Rights of the Child.

The Education (Scotland) Act 2016 is a driver for reducing inequalities in our children's learning. The National Improvement Framework sets out the vision and priorities for improving education in Midlothian with a clear focus on raising standards and closing the poverty-related attainment gap, reducing exclusions and increasing attendance. The Pupil Equity Fund will be a key resource to help close the attainment gap between the most and least disadvantaged children and young people. In July 2018 Scottish Government announced funding through the Scottish Attainment Challenge to provide additional support for care experienced children and young people, to help improve their educational outcomes. Midlothian Education and Children's Services have jointly devised a plan around how this additional money shall be utilised in order to better support our care experienced children and young people. A range of new ideas have already been implemented such as having a Virtual Head Teacher for all looked after children, additional training for staff and bespoke packages of support for individuals. Additional investment in early years, with the commitment to provide 1140 hours of free early learning and childcare by 2020, will make a significant contribution to reducing inequalities in early learning.

In 2017, a group of people from the Midlothian Youth Platform carried out research on young people's views of mental health. The young person-led research has inspired the GIRFMEC Board to change how we do things. In 2018, community partners worked together to secure £836,000 in funding from the Big Lottery Early Action fund, over five years. The project is about changing our system so that children, young people and young adults get the best possible mental health support and have the resilience to deal with life's challenges. In January 2019, the Midlothian Early Action Project commenced, with three '100 Day Challenge' projects, in collaboration with Healthcare Improvement Scotland's Improvement Hub and Nesta (Innovation Foundation). These projects involve trying out new ideas on effective, early action. In the longer term, we aim to change our system so that children, young people and young adults get the best possible mental health support and have the resilience to deal with life's challenges.

Child Poverty reduction targets and actions are led through the Improving Opportunities Midlothian Partnership Group. A sub group on delivery of the Child Poverty Act requirements is established. Annual reporting is in place. Poverty proofing the school day was successfully piloted in 11 schools in the priority areas 2018/19. Work continues to develop poverty proofing across all Midlothian schools.

Public Protection

GIRFEMC Board has a shared endeavour to maximise the partnership to help keep all children and young people safe. The Joint East and Midlothian Public Protection service is a successful collaboration of two local authorities working together to identify and manage risk in an integrated 'lifespan' approach. The services include bringing together partners from multiple professions to manage child protection, adult support and protection, violence against women and children, and offender management. This holistic approach aims to promote safer communities and improve outcomes for those in need of support and protection. This year there continues to be a focus in Midlothian on reducing problematic risk taking behaviour and also to embed a set of core messages to help achieve this

Reference Code	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Managed by
GIRFEMC - All care experienced children and young people are being provided with quality services (3 year priority)							
1. Manage and reduce risk taking behaviour (1 year priority)							
New	Ensure children and young people are meaningfully engaged in the development of initiatives and policies	31/03/2020	Increase the usage of Mind of My Own App with looked after children	300	74 young person and 124 worker accounts, 274 statements sent by young people	New Measure	Jo Foley
			Increase the number of care experienced young people attending the Champions Group	40	35	New Measure	
New	Continue to work with the PACE programme to reduce the timescale in decision-making for children achieving permanent placements	31/03/2020	Increase the percentage of Looked after and accommodated children (under 12 years) having a decision for permanence within 7.5 months (33 weeks) from the date a child is accommodated	80%	75%	New Measure	Jo Foley
			Percentage of children who have been looked after at home for more than 2 years will have a Review looking at their whole period of time being looked after	100%		New Measure	

			Percentage of children who have had a recommendation for permanence away from home will have the decision ratified by the Agency Decision Maker within 14 weeks of the Looked After Review that recommended permanence	100%		New Measure	
			Percentage of Court submissions will be lodged within 16 weeks of the Agency Decision Maker sign off.	100%		New Measure	
New	Support young people who are pregnant or a parent to enable them to reach their full potential	31/03/2020	Implement and evaluate Midlothian's teenage pregnancy pathway	Pathway implemented.		New Measure	Jo Foley
New	Reduce the attainment gaps for care experienced young people	31/03/2020	Improve the attainment level of Care Experienced Young People	135	126.8	2018- Midlothian average tariff score LAC- 126.8 (S4) Virtual - 262 National - 159.2	Jo Foley
P.G.CS.2.1	Involve children and young people with communities of place and interest in co-design and co-delivery of services	31/03/2020	Evidence of collaboration with neighbourhood planning, parent, carer, service user, youth work, care leaver and pupil groups in development of plans and in delivery of services	600	550 young people involved in CPP planning process		Alasdair Mathers

GIRFEMC - Inequalities in learning outcomes have reduced (3 year priority)
2. Reduce the poverty related attainment gap (1 year priority)

P.G.E.3.5	Individualise approaches to attainment for Looked After at Home pupils	31/03/2020	Improve the performance of Looked After at Home Children in line with Curriculum for Excellence levels at P1, P4 and P7	P1 N 86.68% R 87.21% W 83.69% L&T 92.68% P4 N 78.84% R 79.47% W 76.37% L&T 85.12% P7 N 74.75% R 79.47% W 75.94% L&T 83.63%	P1 Numeracy 85.71% Reading 57.14% Writing 57.14% L&T 71.43% P4 N 42.86% R 42.86% W 42.86% L&T 57.14% P7 N 20% R 80% W 80% L&T 100%		Andrew Sheridan
New	Ensure the Scottish Government's recommendations for embedding LGBTI curriculum is delivered through wider partnership working.	31/03/2020	Personal and Social Education in secondary schools will include LGBT. School visits and discussions with staff will evidence this	6 Secondary Schools	6 Secondary Schools	New Measure	Andrew Sheridan
New	Newbattle learning community (PEF project) deliver a summer programme providing food, physical activity and creative arts	31/03/2020	Increase the number of families participating in the summer programme by working in partnership with other agencies	60 families	84 children from 56 families	New Measure	Heather Ritchie

New	Improve educational outcomes of our looked after children (LAC/LAAC & Kinship) through joint work with Education	31/03/2020	Average tariff score each Care Experienced Young Person (CEYP) gains	171	169.4		Keith Millar
			Measure number of CEYP continuing into 5th & 6th year	13	13		
			Reduce the number of CEYP are on part time timetables	10	13		
New	Develop a strategy that supports care experience young people into further education and independent living.	31/03/2020	Reduction of care experienced young people going into homeless accommodation	23	27		Keith Millar
			Measure the increase in percentage of care experienced young people going to college/university/employment	82.72%	72.78%		
GIRFEMC - Children in their early years and their families are being supported to be healthy, to learn and to be resilient (3 year priority)							
GIRFEMC - Children and young people are supported to be Healthy, happy and reach their potential (3 year priority)							
3. Improve mental health and wellbeing (1 year priority)							
P.G.CS.1.1	Reduce the number of young people referred to Child and Adolescent Mental Health Services (CAMHS) by providing alternative support	31/03/2020	Annual number of CAMHS referrals	580	774	17/18 - 591 18/19 - 774	Dawn *Carmichael; Richard *Murray
P.G.CS.1.2	Establish a framework for partnering with those who experience domestic violence and intervening with domestic violence perpetrators in order to enhance the safety and wellbeing of children	31/03/2020	Framework for partnering with those who experience domestic violence and intervening with domestic violence perpetrators established	Framework established		18-19 – 1	Veronica *Campanile; Lesley Watson
P.G.CS.1.3	Ensure CAMHS meet HEAT targets for waiting times	31/03/2020	Annual percentage seen within 18 weeks for first treatment	90%	52.2%	17/18 - 48.8% 18/19 – 52.2%	Dawn *Carmichael; Richard *Murray

P.G.CS.1.6	Gather data and undertake research to analyse population level data, to really understand the mental health needs and service use of children and young people	31/03/2020	Data gathered and analysed, enabling the identification of what needs to change at a local level, across Midlothian	Yes	This activity will provide a baseline	No comprehensive trend data available for public and social aspects of mental health system	Dee *Kieran
P.G.CS.1.9	Create a Children and Young People's Wellbeing and Mental Health Strategy for Midlothian, focussing on skills based programmes, preventive work, the identification of difficulties and targeted intervention	31/03/2020	Children and Young People's Wellbeing and Mental Health Strategy approved and in place	Strategy approved and in place			Dee *Kieran
New	Identify and implement Tests of Change projects	31/03/2020	Test of Change projects in place	Yes		New Measure	Dee *Kieran
New	Tests of Change: Undertake three '100 Day Challenge' collaboration projects, focused on improving children and young people's mental health	31/03/2020	Evidence of impact and effective collaboration across three projects, leading to future recommendations of what can be tested further and scaled up	Yes		New Measure	Dee *Kieran
P.G.E.5.1	Develop capacity and support structures for the Early Learning and Childcare expansion to 1140 hours per year with an unrelenting focus	31/03/2020	Increase the number of expanded places delivered in local authority settings	880	376		Rob Beal
		31/03/2020	Increase the number of expanded places delivered in private and third sector settings	300	150		

	on ensuring high quality provision.	31/03/2020	Increase the number of Early Learning and Childcare Modern Apprentices recruited	95	55		
		31/03/2020	Increase the number of eligible 2 year olds taking up funding	180	160		
P.G.E.5.3	Establish a family learning approach to early years services that promotes a positive attitude to lifelong learning, encourages socio-economic resilience and challenges educational disadvantages.	31/03/2020	Increase the number of families actively engaged in family learning initiatives (eg PEEP, Big Bed Time Read, Parents involved in Children's Learning)	950	794		Rob Beal
		31/03/2020	Percentage of parents involved in family learning initiatives who report an improvement in their knowledge, skills and confidence in supporting children's learning	80%	New Measure		
		31/03/2020	Increase the number of parents accessing parenting programmes from most deprived SIMD areas	30	14		
		31/03/2020	Increase the number of practitioners trained in Parents Involved in their Children's Learning (multi agency) approach	72	0		
P.G.E.2.3	Work with partners to increase activity to promote breastfeeding as an option and ensure that Midlothian women who decide to breastfeed are supported to succeed.	31/03/2020	Work to reduce the drop off rate of babies being breast fed at the Health Visitor's first review	19.50%	21.2%	17/18 -21.2% Scotland 19.5%	Chris *Ridley
		31/03/2020	Work to reduce the drop off rate of babies being breast fed between the Health Visitor's first review and 6-8 week review	34.40%	38.6%	17/18-38.6% Scotland 34.4%	
P.G.E.2.4	Work with partners to increase dental registration of 0-2 yr olds and 3-5 yr olds	31/03/2020	Work to increase the percentage registered with a dentist between 0-2	47%	44.8%	16/17 - 44.8% 17/18 - 45.2% 18/19 - 44.8%	Chris *Ridley

			Work to increase the percentage registered with a dentist between 3-5 yrs	93%	91.2%	16/17 - 91.6% 17/18 - 91.4% 18/19 - 91.2%	
P.G.E.2.5	Work with partners to decrease the percentage of those found to be clinically overweight or obese at P1 entry and to reduce the percentage of those at risk	31/03/2020	Work to reduce percentages in the combined overweight and obese clinical thresholds at P1 to be below Clinical Lothian average of 14.2%	14.2%	14.6%	15/16 - 15.3% 16/17 - 17.8% 17/18 - 14.6%	Chris *Ridley
P.G.E.2.6	Develop rights respecting schools approach across Midlothian schools	31/03/2020	Increase the percentage of schools adopting rights respecting schools by 10%	Primary = 41% Secondary = 38%	2 secondary and 10 primaries		School Group Managers

IMPROVING OPPORTUNITIES FOR THE PEOPLE OF MIDLOTHIAN (IOM)

Improving Opportunities for People Midlothian Plan 2019/20

The long term aim of the IOM is to build resilient communities and reduce inequalities.

The Improving Opportunities for People (IOM) Midlothian plan has been prepared to inform the Community Planning Partnership (CPP) of emerging themes, agreed actions and measures for 2019/20. In 2018 the IOM agreed three priority areas following the annual CPP planning day. The 2018 Midlothian Profile shows, whilst there have been some improvements; continued work is needed in the following priority areas:

- Reduce the number of children living in poverty
- Support people out of poverty and welfare dependency
- Reduce health inequalities

With the introduction of the Child Poverty Act, and new reporting requirements from April 2019, there is an opportunity for the IOM to deliver a coordinated approach to reduce the number of children living in poverty. The universal credit roll out continues to impact on families out of and in work, in work poverty is now an increasing feature of local economic circumstances. The Midlothian employment rate (80%) is above the Scotland average (75%), and 74% of jobs are full time (74% Scotland). The most recent data available shows that there are 5,556 workless households in Midlothian, this figure includes post working age. 37% of pupils are entitled to free school meals (Scotland 38%). Unemployment in Midlothian has decreased overall between 2008 and 2018, from 2,200 to 1,000, having climbed during the recession there has been a continuing decline since 2015, although the rate of decline has recently slowed. The unemployment rate for 16-24 year olds has fallen from 2015-16 (14% to 9%), and there has also been a drop from 15% to 14% at a Scottish level. Around 11,600 people in Midlothian are work-limiting disabled (21%) in line with the Scotland proportion (21%). 94% of 16-19 year olds are participating in education (64%), employment (27%) or other training and development (3%). Average median workplace earnings in Midlothian (£446) are below the Scottish average (£453), but resident based earnings (£461) are above the Scottish average (£452). Qualifications in the working age population (2017) now show above the Scottish averages at all levels except SVQ level 1 where it is marginally below, and SVQ level 4 and above there is still a 2% lower level of HND, Degree and above qualifications in the workforce.

The IOM partnership has responsibility for monitoring and supporting implementation of a number of plans, including:

- The learning and development in our communities plan 2018-21 (a statutory plan under the Education Act) The full plan can be found here:
https://www.midlothian.gov.uk/downloads/file/3084/learning_and_development_in_midlothian_communities_-_3_year_plan_2018-21
- The action plan of Midlothian Financial Inclusion Network (MFIN)
- The child poverty strategy
- The employability and learning Midlothian action plan
- The action plan of Social Enterprise Action Midlothian (SEAM)

The IOM action plan is based on the medium term priorities for 2019-22 in the Single Midlothian Plan and the priorities identified by the residents of Midlothian in the 2018 Citizens Panel Survey. A PESTEL analysis is included in the 2018 strategic assessment.

https://www.midlothian.gov.uk/downloads/download/381/community_planning_-_strategic_assessment

The assessment should be read in conjunction with Midlothian Profile 2018
www.midlothian.gov.uk/download/.../id/.../midlothian_profile_2018.pdf

Medium Term IOM Outcomes for 2019-22

- Poverty levels in Midlothian are reduced
- Health inequalities are reduced and the health of people in Midlothian is improved
- The public is informed and engaged in service development and delivery

Key to the delivery of learning and development services within Midlothian is the community and voluntary sector. This diverse and creative range of groups and organisations is coordinated in community planning by the Third Sector Interface Partnership and its individual member groups, who are represented at all levels of the community planning partnership in Midlothian. The Midlothian Third Sector Interface Partnership works across core strategic areas of:

- Volunteering
- Social Enterprise
- Sector support
- Empowering & engaging local voluntary action

The Interface is made up of three organisations: Midlothian Voluntary Action (MVA), the Social Enterprise Alliance Midlothian (SEAM), and Volunteer Midlothian. Across the three organisations, the third sector interface. The Interface is represented at the IOM partnership, as are third sector partners from SEAM, and MFIN.

Reference Code	IMPROVING OPPORTUNITIES – 2019/20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
IOM - Poverty Levels in Midlothian overall are reduced (3 year)							
IOM - Support people out of poverty and welfare dependency (1 year)							
IOM – Reduce the number of children living in poverty (1 year)							
	Provide high quality and localised welfare advice and support, targeted at the areas with the highest levels of poverty	31/03/20	Midlothian Council Welfare Rights Team (WRT) will generate an additional benefit income maximization of £625k per quarter	£2.5 million	£1.5Million	2017/18 - £3.41m 2018/19 - £4.41m	Welfare Rights Team
		31/03/20	Midlothian Citizen Advice Bureaux (CABs) will generate an income maximization of £625k per quarter	£2.5 million	£2.5 million	16/17 £3.8m 17/18 £3.7m 18/19 £3.3m	CAB's
		31/03/20	Midlothian CABs will provide benefit advice sessions in the 3 targeted areas	160	153	18/19 - 153	CAB's
	Reduce barriers to learning by poverty proofing the school day with the Child Poverty Action Group in 11 primary schools in the priority areas. Extend this offer to all primary schools	31/03/20	Increase the number of schools that receive additional funding to poverty proof the school day	15	11	17/18 - 4 18/19 - 11	Communities & Learning Team
	Research in-school child poverty measures and interventions	31/03/20	Undertake 2 primary research projects with Edinburgh University to identify ways of increasing uptake of free school meals and maximising Pupil Equity Funding	2	2	18/19 - 2	

	Deliver the actions in the child poverty plan	31/03/20	Relative to Scotland, Midlothian can demonstrate a 1% reduction in child poverty. Currently the Scottish Average is 22% and Midlothian is 22.5%	21.5%	22.5%	22.5%	Child Poverty Working Group
	Provide short term support to people experiencing significant hardship. This will include practical interventions including access to food banks; travel vouchers and trial energy vouchers for households experiencing fuel poverty	31/03/20	Midlothian Foodbank will provide people with emergency food supplies	2,500	2,200	2018 - 1869	Midlothian Foodbank
		31/03/20	500 hot meals to people in food poverty, homeless or in isolation	500	1000	18/19 - 1000	
	Provide training to front line workers on the Welfare Reform Act so they can provide high quality support to people experiencing poverty	31/03/20	MC Welfare Rights Team will train advice staff and volunteers on welfare rights issues, in particular, the new requirements of the Welfare Reform Act	100	50	50	Welfare Rights Team
	Increase the interventions and support to unemployed adults	31/03/20	Ensure the number of unemployed adults in Midlothian does not increase beyond existing levels	3.5%	3.7%	2016 -3.9% 2017 – 3.2% 2018- 3.7% 2019-3.6%	DWP and Employment and Learning Midlothian
	Increase the interventions and support to workless households	31/03/20	Ensure the number of workless households in Midlothian does not increase beyond existing levels	12.4%	12.4%	2015-15.1% 2016-18.2% 2017-12.4%	
	Increase the number of people receiving support from the LLE job club.	31/03/20	Increase the number of people receiving support from the LLE job club	108	64	18/19 - 64	Lifelong Learning & Employability , and contracted organisations

IOM - Poverty Levels in Midlothian are reduced (3 year)

IOM - Support people out of poverty and welfare dependency (1 year)							
	Deliver the actions and targets in Developing Scotland's Young Workforce (DSYW) Plan	31/03/20	% of 16-19 years olds secure a positive destination annually the 'participation measure'. DSYW plan details the actions required to achieve this	95%	88.7%	2017-18 - 94.3% 2016-2017 - 93.6%	DMYW group
	Increase the level of achievement in mainstream youth work	31/03/20	Number of attendees at Youth Clubs achieving accreditations	210	179	179 young people achieved 191 accreditations in 2018-19	Lifelong Learning & Employability
			Number of young people achieving Duke of Edinburgh Award	220	156	18/19 - 211	
	Ensure there is a youth work offer in each geographical cluster for all young people P6 to S6	31/03/20	Increase the number of young people attending Youth Clubs in each geographical cluster	173 610 670 167	165 581 638 159	Dalkeith 165 L'wade 581 N'battle 638 Penicuik 159	
	Target approach to increase engagement with care experienced young people	31/03/20	Increase the number of care experienced young people engaged in mainstream youth work	17	15	15 attending Champion's Board	
	Ensure that transitional support is offered to young people from p7 to S1 and then for S4, 5, 6 who are at risk of leaving school without a destination	31/03/20	Increase the number of young people attending transition projects	86	81	81 Young People attended Transition	

						Projects 2018-19	
	Deliver the actions identified in Employability and Learning Midlothian (previously Midlothian Adult Learning Partnership) so that qualification levels are improved at all levels (SVQ1-4)	31/03/20	Increase % of NVQ4 and above qualification levels of Midlothian residents	41%	39.6%	2018 – 39.6% 2017 – 42% 2016 – 38.6% 2015 – 39.9%	Employability & Learning Midlothian
		31/03/20	Increase % of NVQ3 and above qualification levels of Midlothian residents	59%	57.7%	2018 – 57.7% 2017 – 62.4% 2016 – 59.7% 2015 – 59.5%	
		31/03/20	Increase % of NVQ2 and above qualification levels of Midlothian residents does not increase	74%	72.4%	2018 – 72.4% 2017 – 77.9% 2016 – 78.3% 2015 – 77.1%	
		31/03/20	Increase % of SVQ1 and above qualification levels of Midlothian residents	85%	83.2%	2018 – 83.2% 2017 – 87.7% 2016 – 88.2% 2015 – 87.4%	

		31/03/20	Reduce the % of Midlothian residents with no qualifications have reduced	7%	9.6%	2018 – 9.6% 2017 – 7.2% 2016 – 6.4% 2015 – 7.9%	
	Volunteer Midlothian, LLE and Third Sector partners will develop new volunteering roles and recruit new volunteers in line with the Volunteer Charter	31/03/20	Number of Saltire Awards achieved by young people (12-25) for volunteering in their community	442	421	2014 – 363 2018 – 421	Volunteer Midlothian and partners
		31/03/20	Based on Midlothian Citizens Panel, the number of volunteers will increase by at least 1% a year	32%	31%	2016 - 29% 2017- 29% 2018 – 31%	Volunteer Midlothian and partners
	Provide one-to-one or group ICT tuition to 95 older people and vulnerable adults over the age of 50 as part of the Connect Online Programme	31/03/20	Older people and vulnerable adults will receive one-to-one IT tuition at home	30	25	2018 – 13 2019 - 27	Volunteer Midlothian
			Older people and vulnerable adults will receive group IT tuition to improve their digital literacy	140	88	2018 – 88 2019 - 136	
	Provide training and support to Third Sector organisations to improve the quality of their volunteer placements and volunteer management	31/3/19	Third Sector organisations who have access to support and training report that they are better able to recruit, manage and retain volunteers as a result of receiving training and support	100%	100%	2018 – 100%	Volunteer Midlothian and partners
	Deliver an annual TSI training programme, of 10 training events	31/03/20	Third sector organisations can access the training they need to sustain and improve	10		2018 - 13	Third Sector Interface
	Implement actions arising out of the Midlothian Technology Conference	31/03/20	All actions delivered	yes			Technology Steering Group
IOM – Health inequalities are reduced and the health of people in Midlothian is improved (3 year)							

IOM - Reduce health inequalities (1 year)							
	Professionals that work with children and young people reporting an increase in knowledge, skills or confidence in order to provide preventative support for children with mental wellbeing issues	31/03/20	Increase the % of professionals who report this increase in knowledge and skills	50%	50%		JHIP
	Support people to attract additional income through the AIM HI project	31/03/20	Total number of people assisted by AIM HI project	80	64	64	JHIP
		31/03/20	Total increase in household income (£) for families engaged with AIM HI Project	£184,000	£66,915	£66,915	JHIP
	Provide support and direction to programmes and partnerships to ensure they undertake work to tackle health inequalities	31/03/20	Number of organisations or services benefit from advice and information related to health inequalities	15		15	JHIP
	Implement a Type 2 Diabetes/Obesity Prevention Strategy that involves the breadth of the Community Planning Partnership	31/03/20	Deliver the strategy in partnership with the breadth of community planning partners and captures their contribution to reducing type 2 diabetes and obesity	1	0	New measure	JHIP
IOM - The public is informed and engaged in service development and delivery (3 year)							
IOM - Citizens are engaged with service development and delivery							
	Review Neighbourhood Planning arrangements with partners and participants	31/03/20	Review recommendations reported to CPP Board	1	0	New measure	CPWG
	Provide support to Third Sector and community groups to increase their capacity	31/03/20	Provide support to community and voluntary groups on funding, capital projects, governance, income generation,	80	150	80	Communities and Learning / TSI staff teams

			influencing and organisational development				
	Undertake the Citizens Panel survey as a way of informing service development and delivery	31/03/20	Complete two citizen panel surveys with a response rate of at least 60%	64%	63%	2014 - 61% 2016 – 62% 2017 – 63%	Community Planning Management
	Test new approaches to funding that enable more community involvement in budgeting decisions	31/03/20	Attract external funding to test at least 2 new approaches that enables public engagement in the decision making processes	2	2	2	Communities & Learning Team
	Support community groups to improve access the CPP decision making as part of the Community Empowerment Act, Including Participation Requests	31/03/20	No more than one formal Participation Requests per quarter, early high quality engagement will prevent the need for formal Participation Requests	1	2	2	Communities & Learning /TSI staff
	Provide support to Asset Transfer applicant community organisations	31/03/20	15 organisations are supported through an expressions of interest and all organisations that apply for a formal transfer are responded to within the statutory timescales.	15	7	3	Communities & Learning Team
	Support Community Organisations with applications to the Armed Forces Covenant Fund	31/03/20	Provide bespoke 1-1 support to develop applications to the Armed Forces Covenant Fund	7	5	5	Communities & Learning Team

SUSTAINABLE GROWTH

The CPP merged into one theme three complementary dimensions of 'promoting economic growth'; 'ensuring a sustainable environment'; and 'developing housing to meet communities' needs'. These three dimensions are the underpinning principles of planning legislation in Scotland. It was the view of the CPP that by aligning the structure of the CPP in this way there would be opportunities for improved links between the Community Planning and local development planning processes. Progress has been made in linking the outputs of neighbourhood planning to the development planning process. The production of Midlothian Local Development Plan number 2 has been completed. Midlothian has previously been complimented nationally for the extent to which its local development plan process has undertaken engagement throughout its development phase.

The rapid expansion of Midlothian due to the impact of the SESplan (Edinburgh, Lothian's Fife and Borders structure plan) expectations for large scale housing development across 2 development corridors in Midlothian and delays in bringing forward housing allocations due to the 2008 recession have combined to put pressure on existing settled communities and those providing public services.. Midlothian is now the fastest growing Council area in the whole of Scotland.

The concerns of communities affected by this pace of change include:

- The need for rapid parallel investment in retail, health, education and community facilities to match the needs of the new population, including how the funds available from Developers are used to contribute to this
- Conservation of green space and natural environment,
- Improvements in the town centres of Midlothian small towns,
- Local sustainable transport links to employment, learning and health facilities
- Steps to integrate new and old communities into a common sense of place that strengthens the identities of each community.

New Planning legislation is being prepared which is expected to further bring together community planning and development planning strengthening public engagement in the latter, and building on Community Empowerment Act principles

Developing the Midlothian Economy

The economic recession that started in mid/late 2008 created enormous challenges for CPP partners such as the Council, Scottish Enterprise, Edinburgh College, the Federation of Small Businesses, and Midlothian and East Lothian Chamber of Commerce. Significant progress has been made in Midlothian in the past 10 years in terms of addressing the adverse socio-economic impact of the economic downturn against a background of a continuing aftermath of higher taxation to fund borrowing /government debt repayment; significant public sector budget cuts, rising demand for services from a growing and ageing population and the impact of the decision to leave the European Union.

Productivity measured by GVA rose by 3.9% in Midlothian between 2011 and 2016, 1.1% of the national total, largely due to Wholesale and retail trade: repair of motor vehicles (14%); Real Estate activities (13%); Education (11%) and Construction (11%)., business growth rates, Productivity levels (at £42,415 GVA per worker) remain below the Scottish average (£47,755). There has been an 8.1% increase between 2012 and 2016, this is below the Scottish average increase (12.5%). Average median workplace earnings in Midlothian (£446) are below the Scottish average (£453), but resident based earnings (£461) are above the Scottish average (£452). The business base continues to grow broadly in line with Scotland from 2012, with 315 business births (2016) which equals 36 per 10,000, this is below the Scotland rate (41). Midlothian has proportionally fewer business "deaths" (2016) at 240 (27 per 10,000 vs 39 per 10,000 Scotland) which means

a higher proportion of local businesses have continued to trade. It is notable that only 10 businesses employ 250+ employees, with 87% of local private businesses employing less than 10 employees.

Local Midlothian based employment fell -2% between 2010-17, behind Scotland (1%) and UK averages (6%). Midlothian based employment is now at 29,000 (below 2010 levels), which reflects an increased outward commuting pattern, especially when seen against the growth in resident population. Top 3 employing sectors are- Retail (4,000 13%); Health (3,800, 12%); Education (3,500, 11%). The other Midlothian based employment concentrations are in construction; motor trades and education. Agriculture, forestry and fishing, financial and insurance services; mining, quarrying and utilities employment continue to be under-represented relative to the Scottish average distributions.

The highest % employment in professional occupations (16%); associate technical and professional roles (13%); Caring, leisure and other occupations (13%). A lower share are employed in process, plant and machine operations (5%)

The greatest decline has been in skilled trades occupations (-3.6%, between 2008-18). The employment rate (80%) is above the Scotland average (75%). 74% of jobs are full time (74% Scotland).

Across Edinburgh, East and Midlothian there are predicted to be 189,800 job openings between 2018 and 2028. Almost 39,000 of these will be new roles, with the remainder consisting of replacement demand. There will be the greatest number of opportunities at the top and bottom of the 'hour glass' of skills and qualifications. Population growth in Midlothian will be pronounced at both the older (post working age) and younger age ranges.

Unemployment in Midlothian has decreased overall between 2008 and 2018, from 2,200 to 1,000. The unemployment rate for 16-24 year olds has fallen from 2015-16 (14% to 9%), and there has also been a drop from 15% to 14% at a Scottish level. Around 11,600 people in Midlothian are work-limiting disabled (21%) in line with the Scotland proportion. (21%) 94% of 16-19 year olds are participating in education (64%), employment (27%) or other training and development (3%). There are 5,556 workless households in Midlothian in 2017, however this has been declining overall since 2015

The proportion of school pupils entitled to free school meals is 37%, just below the Scottish average (38%).

At a national level, the Scottish Government (SG) launched of a refreshed Economic Strategy in March 2015. This refreshed strategy sets out an overarching framework for a more competitive and a fairer Scotland. The national strategy is driven by the following four priorities:

- **Investing in our people and our infrastructure in a sustainable way**
- **Fostering a culture of innovation and research and development**
- **Promoting inclusive growth and creating opportunity through a fair and inclusive jobs market and regional cohesion**
- **Promoting Scotland on the international stage to boost trade and investment, influence and networks**

Priorities for 2019/20 are:

- Support for business; maximising the socio-economic benefits of projects including the Borders Railway and infrastructure developments and spin offs from the City Region Deal.
- Driving forward inclusive economic growth by working in partnership with stakeholders, and ensuring business community benefits in the supply chain to maximise opportunities for local people.

- Maximise opportunities for digital connectivity to exploit Midlothian's sustainable tourist offer and harness inward investment potential.

City Region Deal

The Midlothian area is part of the Edinburgh and South East Scotland City Region "City Deal" bid. City Deal offers access to retrospective UK Treasury and Scottish Government investment if projects achieve specified economic impact levels. The Edinburgh City Region City Deal includes all Lothian's Councils, Fife, Scottish Borders and City of Edinburgh Councils. .Proposals affecting Midlothian directly include capital infrastructure investment to improve connectivity, with a focus on the Midlothian Science Zone; skills and learning investment in widening access to and achievement from further and higher education; support for public transport improvements -especially connections around the city bypass to improve links to employment in the wider travel to work area. A series of integrated employability and skills (IRES) programmes coordinated through IOM theme of the CPP have been initiated focussing on Housing and Construction Industries, Digital Development and Innovation, Recruitment and Skills pipeline development, transport access and labour market intelligence. These link to and support capital investments across the City Region including housing, science and digital research, transport infrastructure and cultural developments using Community benefit procurement and other methods to seek to ensure inclusive benefits accrue to the most disadvantaged residents for the CRD investments

NATURAL ENVIRONMENT

Production of a new Midlothian Local Biodiversity Action Plan and re-establishment of a Midlothian Biodiversity Partnership were identified as CPP as priorities. These appeared as actions and were delivered in 2018/2019. The actions of the newly produced Midlothian Local Biodiversity Action Plan will be delivered by the Midlothian Biodiversity Partnership and other partners as necessary. One of the objectives of the Midlothian Local Biodiversity Action Plan is to engage the public in more biodiversity events to increase engagement with and understanding of biodiversity matters.

The Midlothian Green Network Supplementary Guidance for the Midlothian Local Development Plan (2017) was prepared and adopted by Midlothian Council in 2018. This document will help secure paths and planting through new developments and help connect path networks across Midlothian and with adjoining local authorities

HOUSING IN MIDLOTHIAN

The key priorities for housing in Midlothian are increasing the supply of affordable housing and the addressing homelessness. There is a high need for affordable housing in the area, and this need is exacerbated by the projected population increase and by the already high levels of housing need, with around 4,500 applicants on the Housing List, and almost 1,000 homeless households.

Midlothian Council has worked in partnership with housing associations and house builders in Midlothian to develop a Strategic Housing Investment Plan covering the period 2019/20 – 2023/24. This provides details of new investment of 2,202 new affordable homes, including at least 1,000 additional council homes. To support this level of development a record level of affordable housing investment is being made by the Scottish Government (£25.9 million allocated to Midlothian during the last three years).

The Scottish Government established a Homelessness and Rough Sleeping Action Group (HARSAG) in 2017, which has made recommendations on ending rough sleeping and transforming the use of temporary accommodation through a Rapid Rehousing approach for homeless households, and also Housing First for people with complex needs.

Rapid rehousing is about taking a housing-led approach for rehousing people that have experienced homelessness, making sure they reach a settled housing option as quickly as possible rather than staying in temporary accommodation for too long. Transition to a rapid rehousing approach means that some local

authorities and partners will have to redress the balance of housing and support options that are available, and how quickly they are accessed. Each local authority has been asked by the Scottish Government to prepare a Rapid Rehousing Transition Plan demonstrating how they will move to a rapid rehousing model over a term not longer than five years. This will need to demonstrate not only how homelessness demand will be addressed, but also how any backlog of demand from homeless households currently in temporary accommodation will be addressed.

This Rapid Rehousing Transition Plan for Midlothian has now been published and the identified actions for improvement will be a focus for Midlothian Council and a range of partners in order that more homeless people are able to access settled housing and the time spent in temporary accommodation is reduced

Reference Code	SUSTAINABLE GROWTH 2019/20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Team
Support for business; maximising the socio-economic benefits of projects including the Borders Railway and infrastructure developments and spin offs from the City Region Deal.							
	Encourage innovation and continue to work with Business Gateway and Scottish Enterprise, endeavouring to maximise growth client potential for the region.	31/3/20	List of growth potential business created, up to date and in use	yes	0	0	Scottish Enterprise/ Midlothian Council
	Work with key groups of business start-ups to increase economic activity	31/3/20	Increase the number of business start-ups assisted	200	155		Business Gateway
	Increase visibility by utilising digital technologies to maximise uptake and increase revenues of Midlothian's tourism assets.	31/3/20	Increase level of income generated in Midlothian by tourism assets	£112m	Report published April 2017 on year to March 2015: £110.09m	Report published April 2016 on year to March 2015: £79.71m	Sustainable growth/ Tourism Forum
	Review public services procurement arrangements to identify a baseline of local procurement from Midlothian businesses	31/3/20	Ensure alignment with Procurement strategy and promote Supplier Development Programme	Yes	To be established by November annually		Sustainable growth partners
	Prepare a refreshed Economic Development Strategy to ensure conditions for inclusive sustainable economic growth.	31/8/20	Formal consultation with community planning/ business community partners will be underway Q3 2019	Yes	New Measure	-	Midlothian Council (lead) and partners

	Increase take up of economic land supply along the Borders Rail corridor which comprises Shawfair, Dalkeith, Bonnyrigg, Rosewell, Newtongrange and Mayfield/Easthouses, Gorebridge, Pathhead)	31/3/20	% of hectarage of available land in the corridor taken up. Reviewed through the LDP process and annual land audit. Annual Report on promotion of economic land as part of Borders Rail blueprint programme	Data Only	1.4%		Midlothian Council and Landowners
Driving forward inclusive economic growth by working in partnership with stakeholders, and ensuring business community benefits in the supply chain to maximise opportunities for local people.							
	Increase connections between local business and the Midlothian Science Zone (MSZ)	31/3/20	Hold 2 meetings annually to increase engagement	2	New Measure		Midlothian Council and Landowners
	Deliver on maximising projects through the IRES offer, to deliver jobs and training relevant to the skills base and needs of local employers.	31/3/20					Midlothian Council/ IRES Board
Maximise opportunities for digital connectivity to exploit Midlothian's sustainable tourist offer and harness inward investment potential.							
	Work with Midlothian businesses and MBTAG to exploit local tourist offer and increase inter-regional connectivity.	31/3/20					Midlothian Council/MB TAG/ Business Community
	Create and develop a platform to showcase Midlothian's prospectus of employment land, opportunity, quality of life, and potential for sustainable growth and expansion.	31/3/20					Midlothian Council/Bus iness Community
SG Sustainable town centre regeneration(3 year outcome)							
Support regeneration of Town Centres (1year action)							

	<p>Improve the viability, vitality and environmental quality of Penicuik Town Centre by;</p> <ul style="list-style-type: none"> Secure and start implementation of the Penicuik Heritage Regeneration project (TH and CARS project) – need to secure funding from The Heritage Lottery Fund and Historic Environment Scotland Securing the long term future of the Town Hall building 	31/3/20	Take up of grants by building owners for the repair and restoration of their buildings	1 Annual Measure	New Measure	0	Penicuik Heritage Regeneration Project Team
	Increase community involvement in decision making in investment in town centres	31/3/20	Number of town centre projects communities are involved in and number decisions affected by community involvement	3 Annual Measure	0 – New Measure	0	Midlothian Council
	Build upon the setting up of the Penicuik Business Improvement District and support the implementation of BIDS activities	31/3/20	Number of BIDS projects completed from BIDS action plan	10	0	0	Penicuik BIDS group
	Develop a Dalkeith BIDs initiative	31/3/20	Application made to Scottish Government Borders Railway Blueprint funding programme to provide support for a Dalkeith BIDs initiative	1	0	0	Midlothian Council/One Dalkeith
	Engage with One Dalkeith about Dalkeith Town Centre redevelopment	31/3/20	Evidence of engagement between One Dalkeith and Council on Dalkeith town centre regeneration through minutes of meetings and consultations	Data Only		0	Midlothian Council
SG Deliver LEADER projects (EU funding programme) (1 year action)							
		31/3/20	Percentage of LEADER funds allocated	80%		17/18 34%	Leader Action

	Encourage Tyne Esk LEADER Programme applications from Midlothian eligible areas					18/19 15.85%	Group (LAG)
		31/3/20	Number of community facilities created	5	0	17/18 4 18/19 1	LAG
		31/3/20	Number of community facilities improved	5	0	17/18 0 18/19 0	LAG
SG - More social housing has been provided taking account of local demand(3 year outcome)							
SG - Homelessness has reduced, and people threatened with homelessness can access advice and support services(3 year outcome)							
SG - Deliver further affordable housing (1year action)							
	In partnership between the Council, Registered Social Landlords and private developers, deliver 165 new affordable homes	31/3/20	Number of new homes completed	165	56 (2014/15)	16/17 80 17/18 114 18/19 188	MC Housing/ RSL's/ Developers
	Investigate accelerated development of affordable housing via use of innovative approaches and consequent economic benefit	31/3/20	Number of units currently under construction	1 - Annual Measure	0	16/17: 80 17/18: 114 18/19: 0	Housing/ RSL's/ Developers
		31/3/20	Number of Units complete	1 - Annual Measure	0	16/17: 0 17/18: 114 18/19: 20	MC Housing/ RSL's/ Developers
	Develop affordable housing to meet specialist needs	31/3/20	Number of complete unit complex care development and plan additional provision of extra care housing	12 - Annual Measure	4	17/18 - 12 18/19-0	MC Housing/ RSL's
		31/3/20	Number of other specialist provision housing units complete	1 - Annual Measure	1	17/18 : 2 18/19: 3	MC Housing/ RSL's

SG - Homelessness has reduced, and people threatened with homelessness can access advice and support services(3 year outcome)							
SG - Deliver further affordable housing							
	Increase the support to young people through the Youth Homelessness Prevention Service	31/3/20	% of young people approaching the homelessness service who engage with Youth Homelessness Prevention Service	95%	33%	16/17: 33% 17/18: 65% 18/19:100 %	MC Housing/ Third sector
	Ensure an increased number of council house allocations to homeless households	31/3/20	Number of allocations	200	165	17/18 165	MC Housing
	Reduce bed and breakfast accommodation use by 50% by 2020.	31/3/20	Number of households at any time living in bed and breakfast accommodation	20	80	17/18: 46 18/19: 42	MC Housing / RSL's / Landlords
	Deliver "Leaving Home" education programme in Schools	31/3/20	Number of secondary schools delivering "Leaving Home" education programme	6	6	17/18 :6	MC Housing
	Raise awareness of energy saving or fuel poverty advice and assistance schemes.	31/3/20	Increase the number of households accessing energy saving or fuel poverty advice and assistance schemes.	2,500	1,800 2013/14	16/17: 2449 17/18: 2583 18/19: 2131	MC Housing/ Third sector partners
SG - Environmental limits are better respected, especially in relation to waste, transport, climate change and biodiversity(3 year outcome)							
SG Increase walking and cycling (1 year action)							
	Undertake active travel promotional work	31/3/20	Roll out IBike programme to Newbattle High School and its catchment primary schools	Yes - Annual Measure	New measure	0	Midlothian Council Transport

		31/3/20	Update (online) Midlothian Walking and Cycling Maps	Yes - Annual Measure	New measure	0	Midlothian Council Transport
		31/3/20	Refresh the current Midlothian Local Transport Strategy	Yes - Annual Measure	New measure	0	Midlothian Council Transport
		31/3/20	Investigate funding sources for production of leaflets for new residential properties	Yes - Annual Measure	New measure	0	Midlothian Council Transport and Planning
SG - Environmental limits are better respected, especially in relation to waste, transport, climate change and biodiversity(3 year outcome)							
SG Promote Biodiversity (1 year action)							
	Promote the restoration and creation of pesticide free, flower rich habitats in the countryside and urban areas	31/3/20	Create at least 100m ² per year of pollinator habitat.	Yes - Annual Measure	New measure	0	Midlothian Council (Land Services & Ranger Service) supported by the Midlothian Biodiversity Partnership
	Promote the restoration and creation of pesticide free, flower rich habitats in the countryside and urban areas	31/3/20	Create at least 100m ² per year of pollinator habitat.	Yes - Annual Measure	New measure	0	Midlothian Council (Land Services & Ranger Service) supported

							by the Midlothian Biodiversity Partnership
	Run workshops on the construction, installation, maintenance and monitoring of homes for wildlife in gardens and greenspaces	31/3/20	1 workshop per delivery partner (4 in total)	Yes - Annual Measure	New measure	0	Midlothian Council (Land Services & Ranger Service), RSPB, Scottish Wildlife Trust and Newbattle Abbey College supported by the Midlothian Biodiversity Partnership
	Promote removal/ modification of fish barriers on the River North Esk	31/3/20	Remove or modify 1 barrier	Yes - Annual Measure	New measure	0	SEPA, owners, communities and businesses supported by the Midlothian Biodiversity Partnership

SG - Environmental limits are better respected, especially in relation to waste, transport, climate change and biodiversity

SG – Climate Change (1 year actions)

	Establish actions Midlothian Council and the Midlothian Integration Joint Board are undertaking to help mitigate climate change	31/3/20	Undertake an audit across Midlothian Council and the Midlothian Integration Joint Board (Midlothian Council and NHS Lothian) to establish what work is being undertaken to reduce carbon emissions and improve sustainability	Yes - Annual Measure	New measure	0	Midlothian Council Estates, Planning and Community Planning Partners
		31/3/20	Establish across Midlothian Council and the Midlothian Integration Joint Board plans for further work on reducing carbon emissions and improving sustainability	Yes - Annual Measure	New measure	0	Midlothian Council Estates, Planning and Community Planning Partners
		31/3/20	Identify possible additional measures Midlothian Council and the Midlothian Integration Joint Board might reasonably undertake to reduce carbon emissions and improve sustainability	Yes - Annual Measure	New measure	0	Midlothian Council Estates, Planning and Community Planning Partners
	Investigate a Sustainable Growth Agreement between Midlothian Council and SEPA	31/3/20	Discussion and investigation has occurred within Midlothian Council and between Midlothian Council and SEPA	Yes - Annual Measure	New measure	0	Midlothian Council and SEPA

EQUALITIES

Equality, Diversity and Human Rights are cross-cutting and underpin all that the Community Planning Partnership does, plans and provides. The Equality Act 2010 & Public Sector Equality Duty requires public organisations, both as an employer and in the planning and delivery of services to have due regard to the need to (1) eliminate unlawful discrimination, harassment and victimisation, (2) advance equality of opportunity and (3) foster good relations between people who share a protected characteristic and those who do not.

Success/failure to meet this overarching outcome will be reported on to the Community Planning Working Group and Board throughout 2019/20 and to the Equality & Human Rights Commission by 30 April 2021.

This year the equalities impacting actions of the partnership are embedded in and across the 5 themes rather than being set out as a separate action plan template. Key actions that are intended to reduce inequalities affecting protected characteristics groups are:

Getting it Right for Every Midlothian Child

GIRFEMC- Manage and reduce risk (children and young people)

GIRFEMC- Reduce the poverty related attainment gap (children and young people)

GIRFEMC- Improve mental health and wellbeing (children and young people)

Improving Opportunities for People of Midlothian

IOM - Support people out of poverty and welfare dependency (all protected characteristics groups)

IOM – Increase the positive destinations of young people (all protected characteristics groups)

IOM - Increase the skills and qualifications of working age adults (all protected characteristics groups)

IOM - Increase access to digital services (all protected characteristics groups)

IOM - Citizens are engaged with service development and delivery (all protected characteristics groups)

IOM - Increase public engagement in the design and delivery of services (all protected characteristics groups)

Adult Health & Care

AHC - Isolation – Develop approaches to prevent or address isolation and reduce the detrimental impact on physical and mental health (older people, people with disabilities)

AHC - Physical Activity - Contribute to the implementation of a local strategy by working with older people, people with disabilities and those at greatest risk of inequalities (named protected characteristics groups and those affected by poverty)

AHC - Financial Inclusion _ Work with MFIN to maximise income of people who are vulnerable or at particular risk of inequalities (all protected characteristics groups)

AHC – Health Inequalities - Develop a programme of work across agencies to reduce health inequalities in Midlothian (all protected characteristics groups)

AHC – Support people to live at home (older people, people affected by disability)

Sustainable Growth Action Plan (all protected characteristics groups)

SGM -Driving forward inclusive economic growth.... to maximise opportunities for local people.

SGM-More social housing has been provided taking account of local demand

SGM - Deliver further affordable housing

Safer Communities

CSJP -Gender based violence (women, children)

CSJP- Violent Crime (men and women – other protected groups facing threat of hate crime)

CSJP- Antisocial Behaviour (all protected characteristics groups)

Reference Code	EQUALITIES 2019/20						Ownership
	Actions	Due Date	Performance Indicator	Target	Baseline	Previous trend data	Managed by
	Contribute in terms of equality issues & initiatives to the Midlothian Equality Plan 2017-21	31/3/20	Evidence of equalities work/issues from 5 thematic partnership groups and sub groups is reflected in the minutes of these groups	5	5	None	Community Planning Working Group
	Address LGBT prejudiced based bullying/discrimination/inappropriate behaviour in our schools and colleges	31/3/20	Level of LGBT/Equalities support groups activity in secondary schools	6	6	0	Council Equalities Engagement Officer/ MYPAS/ LGBT Youth
	Create equality resources and networks to support neighbourhood planning	31/3/20	Equalities resources available and accessible	2	1	1	Communities team/ NP groups/partners equalities leads
	Find opportunities for equalities characteristics groups to maximise influence by working together	31/3/20	Number of joint working actions undertaken (projects)	3	2	3	Midlothian Peoples Equalities Group
	Work in partnership to explore and set up local adult LGBT+ group	31/3/20	Adult LGBT+ group meeting on a regular basis	1	0	0	LLE Equalities Engagement Officer

Revision of the Council's Standing Orders and associated documents

Report by Acting Director, Resources

1 Purpose of Report

The purpose of this report is to advise Council of the requirement for a review of Standing Orders which may include the 2 associated documents, namely, the Scheme of Administration and Scheme of Delegation.

2 Background

2.1 Standing Orders were last considered and approved by the Council on 19 December 2017. At that time, it was agreed an annual review, commencing 2019, would be undertaken. This report is therefore in line with the decision taken on 19 December 2017.

2.2 It is proposed that a Short Term Elected Member Working Group be established for the purposes of undertaking the review; the Group consist of 2 Elected Members from each of the 3 political groups; the Group meets as and when determined by its members and reports back to the Council once the review is concluded. The Short Term Working Group will be assisted by officers identified by the Acting Director, Resources including the Monitoring Officer and the Democratic Services Team Leader.

2.3 The Scheme of Delegation was last approved by the Council on 27 September 2016. The review of Standing Orders can include the Scheme of Delegation. However, Council may wish to postpone this meantime pending any changes to the senior management structure.

2.4 The Scheme of Administration was last approved by the Council on 29 August 2017. The review of Standing Orders can include the Scheme of Administration. However, Council may wish to postpone this until the next review of the composition of the Council and its various Committees, Sub-Committees etc is undertaken. Meantime, changes made to the Scheme resulting from decisions taken by the Council since 2017 can be incorporated within the current Scheme and reported to Council by the end of 2019.

3 Report Implications

3.1 Resource

The resource implications relating to this report will be officer time on reviewing and producing amended documents and reports to Council.

3.2 Risk

The Standing Orders and associated documents provide the fundamental governance arrangements of the Council. If these are not reflective of the current ways of working, there is a potential for

challenges to be made to decisions made by the Council, Cabinet and Committees.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

This report does not impact on the key priorities within the Single Midlothian Plan.

3.5 Impact on Performance and Outcomes

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

3.6 Adopting a Preventative Approach

The report does not directly impact on actions and plans in place to adopt a preventative approach.

3.7 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

3.8 Ensuring Equalities

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

3.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

3.10 IT Issues

There are no IT issues arising from this report.

4 Recommendations

The Council is invited to:

- (a) consider whether to instruct a review of Standing Orders by creating a Short Term Elected Members' Working Group consisting of 2 Elected Members from each of the 3 political parties which will meet as and when determined by its members and once the review is complete, report back to the Council on its findings;
- (b) nominate the Elected Members to serve on the Working Group;
- (c) note the Working Group will be assisted by officers identified by the Acting Director, Resources to include the Monitoring Officer and Democratic Services Team Leader;
- (d) determine whether, after a review of the senior management structure of the Council takes place, a review of the Scheme of

- Delegation is undertaken with the Chief Executive thereafter bringing forward a revised Scheme of Delegation for consideration;
- (e) determine whether, after a review of the composition of the Council, its Committees, Sub-Committees etc takes place, a review of the Scheme of Administration is undertaken;
 - (f) request the Acting Director, Resources to report back to Council before the end of 2019 with an updated Scheme of Administration incorporating changes made by the Council since the last update in 2017.

Date: 23 May 2019

Report Contact:

Verona MacDonald, Democratic Services Team Leader

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0131 271 3161

**Background Papers: Minute of Midlothian Council of 19 December 2017
– Revision of the Council's Standing Orders**

Midlothian Integration Joint Board – Appointment of Chair

Report by Allister Short, Chief Officer, Midlothian Integration Joint Board

1 Purpose of Report

- 1.1** This report invites Council to nominate one of the four Midlothian Councillors currently serving as voting members on the Midlothian Integration Joint Board as Chair for a two year period until 2021.

2 Background

- 2.1** Under the Public Bodies (Joint Working) (Scotland) Act 2014, and associated Regulations, Local Authorities and Health Boards were required to jointly submit Integration Schemes for Ministerial approval by 1 April 2015. Following preparation of, and consultation on, a proposed Midlothian Integration Scheme, on 24 March 2015, Midlothian Council authorised the submission of the Integration Scheme to the Scottish Government for approval. The NHS Lothian Board had agreed similarly at its meeting on 4 March 2015.
- 2.2** The Midlothian Integration Scheme was subsequently submitted to and approved by Scottish Ministers and The Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2015 laid before the Scottish Parliament on 29th May 2015, coming into force on 27th June 2015.
- 2.3** The inaugural meeting of the Midlothian Integration Joint Board was then held on 20th August 2015.
- 2.4** The Midlothian Integration Scheme has recently been updated to include the new functions arising from the Carers (Scotland) Act 2016.

3 Membership of the Midlothian Integration Joint Board - Voting Members, Chair and Vice-Chair

- 3.1** The “Local Governance Arrangements” for the Midlothian Integration Joint Board are set out in the Midlothian Integration Scheme, an extract of which is shown in the **Appendix** hereto. Under the Scheme Midlothian Council requires to nominate four Councillors, who will be voting members of the Integration Joint Board. There will also be four non-executive directors nominated by NHS Lothian who will likewise be voting members.

- 3.2** The four Councillors appointed by the Council following the local government elections in May 2017 were Councillors Milligan, Muirhead, Johnstone and Winchester. With Councillor Milligan being nominated and currently serving as the Vice-Chair.
- 3.2** The Integration Joint Board also comprises a number of non-voting Professional Advisors and Stakeholder members, appointed by the Board. The Chair and a Vice-Chair will however be appointed from amongst the voting members nominated by the Council and NHS Lothian.
- 3.3** The initial Chair was appointed by Midlothian Council and the initial Vice-Chair by NHS Lothian. They each served for two years from the date on which the Integration Joint Board was established until the second anniversary of that date. At the end of that period the Chair fell to be appointed by NHS Lothian and the Vice-Chair by Midlothian Council. Thereafter, the appointments will continue to alternate on a two yearly basis between the parties.
- 3.4** The Council and NHS Lothian can change its appointee as Chair (or, as the case may be, Vice-Chair) at any time and it is entirely at the discretion of each of the appointing parties to decide who it shall appoint and how they shall be appointed.
- 3.5** The fourth anniversary of the establishment of the Midlothian Integration Joint Board falls on 20th August 2019 and the Council is therefore invited to nominate one of the four Midlothian Councillors currently serving as voting members on the Midlothian Integration Joint Board as Chair from that date until the sixth anniversary in 2021.

4 Term of Office of Integration Joint Board Members

- 4.1** Except as stated below, the term of office of a member of the Integration Joint Board is to be determined by the constituent authorities, but this is not to exceed three years. At the end of this period the member may be re-appointed for a further term of office.
- 4.2** The above is subject to Articles 9 (resignation of members) and 10 (removal of members) of The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.
- 4.3** It is perhaps worth noting at this juncture that the three year term of office of all the Council appointed nominees comes to an end in May 2020.

5 Report Implications

5.1 Resource

There are no resource implications arising from this report.

5.2 Risk

Failure to nominate a Chair from the four Councillors appointed as voting member of the Midlothian Integration Joint Board would mean that the Council was not meeting its statutory obligations and this in turn would restrict the Board in fulfilling its statutory duties.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

5.4 Key Priorities within the Single Midlothian Plan

One of the key objectives of the Integration Joint Board is to have a positive impact on healthy inequalities. This will entail collaborating closely with Community Planning Partners, particularly in targeted work in areas of deprivation.

5.5 Impact on Performance and Outcomes

The Integration Joint Board will have a duty to publish an annual performance report which measures progress against a suite of nationally agreed outcome indicators. Of critical importance will be those indicators which measure the shift in balance of care reducing delayed discharge and repeat emergency admissions.

5.6 Adopting a Preventative Approach

In keeping with the Christie Report on the future of public services the move towards integration of health and social care is driven by the recognition that the current model of service delivery will become unsustainable. Preventing ill health and enabling people to recover as far as possible from ill health, whether physical or mental, is a central theme of the strategic direction of the Integration Joint Board.

5.7 Involving Communities and Other Stakeholders

The regulations accompanying the Public Bodies (Joint Working) (Scotland) Act 2014 are quite unequivocal about the importance of working with localities and involving in a meaningful way all key stakeholders. This includes staff, users, family carers, voluntary sector, housing and independent providers of health and social care. Locally a Strategic Planning Group has been established in line with these regulations. Alongside this the Integration Joint Board has taken a particularly strong interest in developing effective mechanisms for communicating with users, carers and the general public.

5.8 Ensuring Equalities

An equalities impact assessment has not been considered necessary for this report.

5.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

5.10 IT Issues

There are no IT issues arising from this report.

6 Recommendations

The Council is invited:-

- (a) to nominate one of the four Councillors currently serving as voting members on the Midlothian Integration Joint Board as Chair;
- (b) to note that the term of office of the four Councillors appointed to serve as voting members on the Midlothian Integration Joint Board comes to an end in 2020;
- (c) to note that Members may be re-appointed for a further term of office;
- (d) to instruct the Chief Officer to bring forward a further report at the appropriate time; and
- (f) to otherwise note this report.

16 May 2019

Report Contact: Mike Broadway Tel No 0131 271 3160
E-mail mike.broadway@midlothian.gov.uk

Extract from Midlothian Integration Scheme

3. Local Governance Arrangements

3.1 Membership

3.1.1 The IJB shall have the following voting members:

- a) 4 councillors nominated by the Council; and
- b) 4 non-executive directors nominated by NHS Lothian, in compliance with articles 3(4) and 3(5) of the Integration Joint Boards Order.

3.1.2 The Parties may determine their own respective processes for deciding who to nominate as voting members of the IJB.

3.1.3 Non-voting members of the IJB will be appointed in accordance with article 3 of the Integration Joint Boards Order.

3.1.4 The term of office of members shall be as prescribed by regulation 7 of the Integration Joint Boards Order.

3.2 Chairperson and Vice Chairperson

3.2.1 The IJB shall have a chairperson and vice-chairperson who will both be voting members of the IJB.

3.2.2 The term of office of the chairperson will be two years, with the Council appointing the first chairperson for the period from the date on which the IJB is established until the second anniversary of that date, and NHS Lothian appointing the second chairperson for the period from the second anniversary of the date on which the IJB is established until the fourth anniversary of that date.

3.2.3 As from the fourth anniversary of the date on which the IJB is established, the power to appoint the chairperson will continue to alternate between each of the Parties on a two-year cycle.

3.2.4 The term of office of the vice chairperson will be two years, with NHS Lothian appointing the first vice chairperson for the period from the date on which the IJB is established until the second anniversary of that date. The provisions set out above under which the power of appointment of the chairperson will alternate between the Parties on a two-year cycle will apply in relation to the power to appoint the vice chairperson, and on the basis that during any period when the power to appoint the chairperson is vested in one Party, the other Party shall have power to appoint the vice-chairperson.

- 3.2.5 The Parties may determine their own processes for deciding who to appoint as chairperson or vice-chairperson.
- 3.2.6 Each Party may change its appointment as chairperson (or, as the case may be, vice chairperson) at any time; and it is entirely at the discretion of the Party which is making the appointment to decide who it shall appoint.

Glyphosate Weed Killers

Report by Kevin Anderson, Acting Director Resources

1 Purpose of Report

This report is presented to inform Council of actions following the undernoted motion submitted at the 7 May, 2019 meeting:

“Glyphosate weed killers are being widely used by our Land and Countryside Services at Midlothian Council. This is a herbicide that has a very controversial history so much so it has been banned from use in France due to safety concerns. Recently I have had complaints about our Council spraying Dandelions in the Midlothian area. Dandelions are the first food that bees feed on at the beginning of spring, we as a Council have a responsibility to ensure the continuation of our wildlife and natural habitats. I would therefore urge elected members to support a ban on the use of these chemicals by Midlothian Council”.

Council agreed a moratorium on the use of Glyphosate chemicals meantime, with a decision in relation to the terms of the substantive Motion being delayed for 6 weeks to allow officers to provide a full report for consideration at the next meeting of the Council.

2 Background

The weed killer product we use may vary however the chemical is glyphosate. This is not a poison but a trans-locative herbicide. This is a hormone weed killer. Once this has dried (i.e. about ten minutes after it has been sprayed) the advice is that it is then safe for children and animals. The contractor we employ for streets and pavements also uses a glyphosate with a low hazard rating. In fact the adjuvant (chemical carrier in the weed killer) in the weed killer is the most likely thing to affect dogs and this would only be in the period when it is still wet.

We spray all roads and pavements and grass edges and shrub beds twice a year. Shrub beds may be sprayed more often if required.

We do not use selective weed killers on grass areas at this time to control dandelions in fact our usage is very limited. i.e. to an occasional treatment of a pitch or Bowling Green. Treatments with selective weed killers can certainly effect bees. Dandelions are in fact only sprayed when they are in evidence in shrub beds, pavements, roads or growing in grass edges. Unlike in Agricultural practice we only spray the edges of plots of land.

Midlothian was one of the first Councils to introduce Grassland meadows that encourage wildlife particularly bees, as we worked with the Bumblebee Conservation Trust to provide a good example.

3 The Glyphosate product

Information sourced from the Health & Safety Executive details that Glyphosate is the active substance in many herbicides (weed killers) and is widely used around the world. It is a non-selective, systemic herbicide/weed killer and was first used in the UK in 1976.


Glyphosate is effective in controlling most weed species including perennials and grasses in many situations including amenity, forestry, aquatic and industrial situations. It is used by lots of people from farmers to foresters to gardeners to biologists trying to control invasive exotic plants.

Since it is approved for use in many countries, it has been subject to extensive testing and regulatory assessment in the EU, USA and elsewhere, and by the World Health Organisation

In pure chemical terms glyphosate is an organophosphate. However, it does not affect the nervous system in the way that other organophosphates do, and does not cause the same effects on human health.

Glyphosate is not a neonicotinoid; these types of pesticides are insecticides and are used to treat crops against the actions of certain insects such as pollen beetles.

In addition to the UK process, all pesticides are subject to the regular EU wide initial approval and review programme for active substances. The review programme makes sure that the data supporting their approvals meets modern safety standards.

Glyphosate is currently approved for use as a herbicide (weed killer) in the EU. Approval was granted in 2002, based on a review of mammalian toxicology, ecotoxicology and other data. Further detailed information about the EU regulatory process with respect to Glyphosate can be found on the [Official Journal of the European Union](#) 

The UK Government considers that the regulatory process for authorising plant protection products (PPP) is a robust system. The authorisation process takes into account all scientific knowledge available.

All products which contain glyphosate must be individually authorised in Member States. Applicants for authorisation must show that their products are effective, humane and pose no unacceptable risks to people or the environment. If their products were to pose such risks, they would not be authorised; or if such effects were discovered later, they would be withdrawn.

Neither the EU's assessment of glyphosate as an active substance nor the UK's assessments of applications for authorisation of products which contain it have found the substance unacceptable for use.

The risks associated with the use of pesticides in amenity areas such as parks are specifically considered as part of the authorisation process.

Legally enforceable conditions of use are imposed on the way products can be applied to ensure the public are not exposed to levels of pesticides that would harm health or have unacceptable effects on the environment. It is important that users (or those who cause or permit others to use pesticides) not only comply with the authorised conditions of use but also use products in a responsible and sustainable fashion. The responsible use of pesticides in amenity areas as part of an integrated programme of control can help deliver substantial benefits for society. These include: management of conservation areas, invasive species and flood risks; access to high quality sporting facilities; and safe public spaces (for example, by preventing weed growth on hard surfaces creating trip hazards), industrial sites and transport infrastructure

4 Concerns Raised over bees

A new study published in a reputable journal finds that Monsanto's global weed killer harms honey bees. The paper 'Glyphosate perturbs the gut microbiota of honey bees' reports that bees fed glyphosate at concentrations chosen to mimic environmental levels lose beneficial gut bacteria, which then leaves them vulnerable to deadly infections. Glyphosate, now facing fresh demands for a ban based on this new research.

The suggestion is that this new study is flawed and fails to address whether changes observed in the bees gut microbiome play any part in its health or that glyphosate is responsible for anything at all.

This is 1 study out of 800 studies that have been undertaken.

<https://www.pnas.org/content/115/41/10305>

The science and evidence shows that glyphosate is safe when used correctly. This has been the conclusion reached by regulatory bodies around the world, including the EU's two leading regulatory bodies – the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA).

5 Operational issues

The suspension of the use of Glyphosate is causing the Councils Land and Countryside section operational issues as there is not a suitable alternative on the market. According to product label information any herbicide products that are available are far more hazardous to staff, the Public and to Bees.

At present we are unable to fulfil our contractual obligations to SKANSKA, BAM and Melville Housing and this is putting contracts worth a total in excess of £200K at risk.

This has also resulted in some hard standing areas, shrub beds and grass edges remaining untreated during the peak growing season.

We have also been unable to treat Giant Hog weed, Japanese Knot weed and other invasive species. The Giant Hog weed is poisonous and could put members of the public at risk. The plant will also be coming to flower shortly which will lead to a further spread of this highly invasive weed. Japanese Knot weed can be a threat to property so this is also of concern.

An increase in complaints are being received.

6 Report Implications

6.1 Resource

Alternatives to the use of Glyphosate herbicide are limited and there is no suitable alternative. Most other weed killers have been withdrawn from the market, as they are less environmentally friendly.

Alternatives to Glyphosate, which we are aware of, are more likely to be hazardous to wildlife and particularly bees foraging on weeds. They are also less effective and more expensive. Hot water, Foam, steam procedures are all lethal to bees, the chemical alternatives to glyphosate all also have a bee warning on the labelling.

Other alternatives such as brushing, sweeping, hoeing and hand weeding are all far more labour intensive and therefore much more costly.

If the Council was to ban the use of Glyphosate along with a range of additional equipment such as sweepers, flame guns, hot water or foaming machines, a manual based approach would require 20 staff and this would require a budget increase in the region of £360K if the present service levels were maintained.

A submission received by Midlothian Council from the National Farmers Union Scotland has indicated that no large-scale study has found any link between glyphosate, colony collapse disorder or other causes of hive losses and that pollinators like honey bees are crucial to helping farmers produce abundant crops. (Appendix)

6.2 Risk

There is a risk that banning the use of Glyphosate when the weight of scientific evidence and the guidance from National and International bodies suggest the product is safe to use may bring the Council into disrepute.

The Land and Countryside section could potentially lose significant contract work.

The standards of maintenance across Midlothian would deteriorate.

Costs in manual operations would increase with a continued suspension on the use of Glyphosate.

6.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

6.4 Key Priorities within the Single Midlothian Plan

This report does not impact on the key priorities within the Single Midlothian Plan.

6.5 Impact on Performance and Outcomes

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

3.6 Adopting a Preventative Approach

The report does not directly impact on actions and plans in place to adopt a preventative approach.

6.7 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

6.8 Ensuring Equalities

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

6.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

6.10 IT Issues

There are no IT issues arising from this report.

7 Summary

Glyphosate is one of the most studied herbicides in the world – and, like all crop protection products, it is subject to rigorous testing and oversight by regulatory authorities. There is an extensive body of research on glyphosate and glyphosate-based herbicides, including more than 800 scientific studies and reviews submitted to U.S., European and other regulators in connection with the registration process, that confirm that glyphosate and our glyphosate-based formulated products can be used safely and are not carcinogenic. The EFSA, the U.S. EPA and other regulatory authorities around the world have comprehensively and routinely reviewed glyphosate and glyphosate-based herbicides for more than 40 years and their conclusions consistently support the safety of glyphosate and glyphosate-based herbicides when used as directed.

Banning the use of Glyphosate when the weight of scientific evidence and the guidance from National and International bodies suggest the product is safe to use may bring the Council into disrepute.

The Land and Countryside section would potentially lose £200k of contract work.

The standards of maintenance within Midlothian would deteriorate. Costs would dramatically increase with a continued suspension on the use of Glyphosate. Additional funding in the region of £360K would be required to cope with alternative measures from a ban on Glyphosate.

Alternative products would have a far more detrimental effect on bees.

5 Recommendations

Council is recommended to;

- i. sanction the continued use of Glyphosate, and that the Council continues to use herbicides with a low hazard rating where possible to safeguard the Public, staff, insects and the environment.
- ii. the Council continues to develop Grassland meadows as a haven for insects.
- iii. that Land and Countryside Service continues to keep the usage of selective weed killers to a minimum, where a clear need can be demonstrated.

6 June 2019

Report Contact:

Kevin Anderson Tel No 0131 271 3102
Acting Director
kevin.anderson@midlothian.gov.uk

Background Papers:

Letter from NFU Scotland

Email from Supplier

key links:

HSE 'Frequently Asked Questions about Glyphosate'

<http://www.hse.gov.uk/pesticides/topics/using-pesticides/general/glyphosate-faqs.htm>

Bayer's 'Let's talk about glyphosate' pages:

<https://www.bayer.com/en/glyphosate-roundup.aspx> and these lead on to more pages and resources

European Food Safety Authority

<https://www.efsa.europa.eu/en/topics/topic/glyphosate>

EFSA on 'Facebook Science'

<https://www.youtube.com/watch?v=ivQ0Ph9OWZU>

Glyphosate Task Force www.glyphosate.eu

Amenity Forum www.amenityforum.co.uk

NFU Scotland

Rural Centre - West Mans Ingliston Newbridge, Midlothian EH26BLT
T 0131 472 4000 F 0131 474010
www.nfus.org.uk

Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
MIDLOTHIAN
EH221DN
BY EMAIL ONLY

20 May 2019

Dear Councillors

I'm writing to you in my capacity as President of NFU Scotland representing over 8,500 farming, crofting and arable businesses in Scotland. A number of NFU Scotland members have contacted me expressing concern over Midlothian Council's recent decision to temporarily suspend the use of glyphosate across its services while it investigates concerns about its safety.

Plant protection products, including glyphosate, are among the most tightly regulated chemicals in the world. The European Chemicals Agency (ECHA) has concluded that glyphosate is not a carcinogen and does not cause genetic or reproductive effects.

This conclusion followed an extensive review of the available scientific evidence and supports those made by regulatory bodies around the world. Regulatory bodies have looked at the scientific evidence and concluded that glyphosate poses no risk to people when used correctly. The European Food Safety Authority (EFSA) carried out a review which concluded that glyphosate poses minimal risk to non-target plants and animals when used appropriately. As part of this process, regulatory authorities specifically evaluate the potential for effects on non-target organisms, including bees, and only products that pose no unreasonable risk are approved. Glyphosate is one of the safest plant protection products in the world.

These conclusions were consistent with the outcome of other regulatory evaluations of glyphosate around the world, in countries including the United States, Canada, Australia, New Zealand, Germany and Switzerland - all of which supported the conclusion that glyphosate posed no unacceptable risk when used correctly. This view was also upheld in a joint report from the World Health Organisation and the Food and Agriculture Organisation of the UN.

Glyphosate products have been extensively tested in the laboratory and in the field to evaluate potential toxicity to bees. This extensive testing has found that glyphosate products pose no acute or chronic adverse effects to honey bees. For example, a comprehensive study by Thompson et al (2014) found no adverse effects on adult bee survival or bee brood survival or development in honeybee colonies treated with glyphosate at levels that exceed environmentally realistic exposures.

No large-scale study has found any link between glyphosate, colony collapse disorder or other causes of hive losses. Pollinators like honey bees are crucial to helping farmers produce abundant crops. The good news is that global honey bee populations have actually increased by 65 percent since the early 1960s.

I urge that Midlothian Council should deeply consider scientific evidence when considering any decision on the use of glyphosate and other plant protection products. I welcome any further engagement with you on this matter.

Yours sincerely



Andrew McCornick

President, NFU Scotland

Proposed Developer Contributions Committee

Report by Kevin Anderson, Acting Director Resources

1 Purpose of Report

This report is presented to inform Council of a proposed Developer Contributions Committee being established following the motion agreed at the 7 May, 2019 meeting, where Council resolved:

- *To investigate creating a Developer Contributions Committee and;*
- *Instructed the Director, Resources to bring forward a paper to Council before the summer recess 2019 with proposals and options for a Section 75 Developer Contributions Committee.*

2 Background

Developer Contributions are required to enable new development to take place including the provision of essential infrastructure and contributions towards local facilities and amenities brought about by the proposed development.

Midlothian Local Plan acknowledges the need for significant investment in essential infrastructure and facilities in order to deliver the development strategy. The plan led approach adopted by the Council provides landowners and developers with not only an early identification of the infrastructure and facilities requirements in Midlothian, but also the means by which these will be secured.

The scale of growth in Midlothian (committed, planned, and cumulative through windfall and future allocations by way of the strategic and local development plan process) is such that only a partnership approach involving the public and private sectors will ensure the managed implementation of the development strategy. Much public and private investment has already been made in infrastructure and community facilities but more is still needed.

The Council has played an active part in this process by forward funding the community schools replacement programme, building in excess of 1000 new social houses for rent and by making funding contributions to Borders Rail. However, on its own, the Council does not have the ability to provide the entire physical and social infrastructure associated with major planned development.

Managing the scale of growth proposed in Midlothian also places an obligation on the Council to apply best practice in current “place making” principles and for developers to demonstrate that new development can successfully integrate with existing settlements and urban areas. This brings with it an added understanding and requirement for partnership

and co-operation with the Council and communities to make appropriate provision for facilities and services to support the expanding towns and villages.

3 Developer Contributions

Planning officers may seek contributions from a developer, which are secured through a Section 75 legal agreement or a unilateral undertaking. Usually developer contributions are for:

- Roads
- Transport improvements and travel initiatives
- Community or recreation facilities
- Education
- Health
- Affordable housing

The contributions are to reduce the impact of a new development and to make sure it does not place additional pressure on existing infrastructure. Planning officers negotiate with the developer so the proposed development is acceptable in planning terms. Developers are asked to pay for, or contribute towards, the cost of additional infrastructure needed to service the new development. The level of contribution will be related to the scale of the new development and its impact on the local environment. However, contributions cannot compensate for a proposed development that is considered unacceptable.

Midlothian Council recognise that it is essential to maintain elected member involvement in significant decision making, as a way of implementing effective community input within the planning framework.

As such, the Council believes that councillors should have a greater input over the application of developer contributions as communities in Midlothian are faced with growing numbers of housing developments and it is essential that Councillors are able to fully represent their electorates as to potential for community benefit, and ensure that the interests of ward members are represented at the setting of developer contributions.

It is therefore appropriate that Midlothian, consider establishing a committee to consider and set acceptable developer contributions in the interests of local residents.

4 Establishing a Contributions Committee

The establishment of a new committee would require a change in the Scheme of Administration, which was last approved by the Council on 29 August 2017. Changes made to the Scheme resulting from decisions

taken by the Council since 2017 can be incorporated within the current Scheme and reported to Council by the end of 2019.

It is proposed that consideration of a proposed Developer Contribution Committee is included within the suggested Review of Standing Orders Short Term Elected Member Working Group recommended in a separate report to Council on the meeting agenda for the purposes of undertaking the remit review.

5 Report Implications

5.1 Resource

The resource implications relating to this report will be officer time on reviewing and producing amended documents and reports to Council.

5.2 Risk

The Standing Orders and associated documents, including the Scheme of Administration provide the fundamental governance arrangements of the Council. If these are not reflective of the current ways of working, there is a potential for challenges to be made to decisions made by the Council, Cabinet and Committees.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

5.4 Key Priorities within the Single Midlothian Plan

This report does not impact on the key priorities within the Single Midlothian Plan.

5.5 Impact on Performance and Outcomes

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

5.6 Adopting a Preventative Approach

The report does not directly impact on actions and plans in place to adopt a preventative approach.

5.7 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

5.8 Ensuring Equalities

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

5.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

5.10 IT Issues

There are no IT issues arising from this report.

6 Recommendations

Council is recommended to agree the proposal to establish a Developer Contribution Committee is included with the review remit of the suggested Short Term Elected Members Working Group for Standing Orders.

6 June 2019

Report Contact:

Kevin Anderson
Acting Director

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Accident Analysis and Leadburn Junction

Report by Kevin Anderson, Acting Director Resources

1 Purpose of Report

This report is presented to inform Council of the investigations and findings following the amended motion agreed at 26 March, 2019 meeting, where Council resolved to:

1. *To engage with officers at Scottish Borders Council to seek support for a roundabout at Leadburn Junction*
2. *Instructs the Director, Resources to bring forward a paper to Council before summer recess 2019 with updated costings for a possible solutions at Leadburn Junction*
3. *Further instructs the Director, Resources to seek any other avenues of support or funding.*
4. *for the paper referred to in paragraph 2 to include the professional opinion of officers as to the priority of this junction measured against other road safety issues in the county.*

2 Background

- 2.1 The Council records all injury accidents on a computer database called "Key Accidents" which is a piece of software used by many local authorities throughout the country. From this we produce a priority list based on the number of road injury accidents within a set distance of the roundabout, junction, bend etc. The priority list is refreshed regularly once accidents are confirmed by the police.

Leadburn locality is currently ranked joint 8th (with 5 other sites) on the Council's priority list which considers all accidents in the last 3 years to the end of December 2018.

The priority list excludes a number of other sites with more accidents which are located on trunk roads, as trunk roads are not the responsibility of Midlothian Council.

Over the years Midlothian Council has carried out a number of alterations to the junction which have resulted in a reduced number of casualties.

- 2.2 Following a fatal accident in 2005, which was not attributed to the junction and was the first fatality since we began keeping records in 1981 (January 2010 was the second fatality), the Council undertook a feasibility study to consider what improvements, if any, could be made

to the junction as it was recognised that there was a growth in traffic from developments in the Scottish Borders.

The feasibility study, undertaken by consultants on behalf of the Council, reported in March 2006 and concluded that a roundabout at the location would give the greatest benefit and indicated that costs might be in the region of £351,000. A signalised junction was also considered but the benefits were not considered to be as great as with a roundabout, at an estimated cost of £253,000. The study also recommended some short term measures at the junction to improve visibility for traffic exiting the A6094 from Howgate and for traffic exiting the A701 from Moffat.

The Cabinet agreed at its meeting of 13 June 2006 to take forward the preferred option of a fully compliant roundabout to the detailed design stage.

As it was recognised that the majority of people who would benefit from an improved junction at Leadburn would be Scottish Borders' residents the scheme was submitted to the Regional Transport Partnership, SEStran, for consideration as part of its capital programme.

A report was submitted to Cabinet in October 2006 outlining progress to date. The report included a proposed plan for the roundabout and noted that safety audit and land ownership investigations were almost complete. The report also noted that the temporary works were about to commence (value around £10,000) and proposed that plans be progressed ready for tendering the project in accordance with the Council's tendering procedures.

SEStran agreed to the inclusion of the scheme in their draft capital programme and allocated the following funding provision:

2006-07	£50,000
2007-08	£50,000
2008-09	£300,000

The programme and funding provision was agreed in principle by the Scottish Executive and funding for the first year was approved by the Minister. It was anticipated that funding for the second and third years would be approved in due course.

The design work was tendered with a return date of 30 March 2007 and the successful consultants subsequently appointed to progress the detailed design for the preferred option i.e. a roundabout.

Detailed design work took place during the summer of 2007 and a number of problems were identified including the requirement for some additional land and the presence of substantial BT cabling that would require diverting. The BT cable work is designed by BT and this delayed the detailed design work for the roundabout. Estimated cost for the construction of the roundabout rose to £900,000 and this figure was reflected in SEStran's proposed capital programme for 2011 onwards. By November 2007 design work was nearing completion and the consultant was instructed to tender for some site investigation work which was deemed necessary. This was done and a Ground Investigation Contractor subsequently appointed.

2.4 Decision to Cancel

The SEStran Board was informed at its meeting of 14 December 2007 that the Scottish Government had informed all the Regional Transport Partnerships that they would not be receiving any capital funding for 2008/09. Through subsequent discussions with Government Officials over December 2007 and January 2008 we were informed that unlike previous years there would be no facility to carry forward any money into 2008/09. This meant that any proposed work had to be completed by 31 March 2008. SEStran were keen to maximise spend on SEStran projects and not have to return any unspent money at the yearend so set a deadline of mid-February for any unspent SEStran grant money to be returned.

Poor weather and difficulties in getting permission from a landowner to access to an area of land delayed the site investigation work to the point where the Council had no option but to cancel the proposed site investigation works.

Under the Single Outcome Agreement, Midlothian Council received a "share" of the SEStran capital budget amounting to some £545,000 for each of the years 2008/09, 2009/10 and 2010/11. This was an insufficient sum to deliver the previously identified SEStran projects which, in addition to Leadburn, included Lothianburn P&R, A701 public transport improvements and completion of National Cycle Route 1 through Midlothian.

Monitoring of the junction by officers from Commercial Operations will continue.

The most recent estimated cost for constructing a roundabout at the location was £900,000 but this figure is now dated and will likely have risen to around £1.3M to £1.4M using the BCIS confirmed index. These are estimated costs and do not take into account changes to design standards and or new technology.

The rough estimate for the construction of traffic signals in 2006 was £253,000. Applying the BCIS confirmed index as above this would be £360,000 to £400,000, although signals do not provide as many benefits as a roundabout.

Consideration could also be given to developing further the traffic signals option identified in the original feasibility study. A budget of around £30,000 would probably be required to develop this.

Informal approaches have been made to Officers of Scottish Borders Council, and they have advised that SBC is unable to contribute to a roundabout at Leadburn. Previous attempts by SBC to raise developer contributions for Leadburn from housing sites in the Borders have apparently been overturned by The Scottish Government's Reporter. SBC have agreed to co-operate on investigating any further improvements to signage on the approaches to the junction.

2.5 Accident Cluster sites

Accident cluster sites are identified using the KeyAccs programme with our database of information, supplied by the Police, on injury road accidents.

The programme searches the data for a minimum number of accidents meeting the criteria in a given diameter. If the number found reaches the minimum other accidents nearby are checked to see if they are close enough to be included. The criteria was injury road accidents with dates from 2016 to 2018 inclusive, with 3 or more injury accidents in the 3 years, in a diameter of 100m.

9 sites were found with 5 or more accidents, another 8 sites had 4 accidents each and 9 sites had 3 accidents each. Of the total of 26 sites, 5 were on trunk roads, so for the Scottish Government to deal with.

The largest number of accidents in a cluster was 16, at the Trunk Road Sheriffhall Roundabout which is positioned mostly in Midlothian, including immediate approaches, at the A720 City Bypass junction with the A7 and A6106 (a). Of the 16 accidents 3 were serious, and 13 were slight.

Other trunk road sites were:

- (b) A702 at the Hillend triple junction with A703 and C36 Pentland Road (5 accidents – all slight),
- (c) A68 at the junction with the B6372 for Dewarton/Gorebridge (4 accidents - 2 serious, 2 slight),
- (d) A702 at the junction for Hillend Ski Centre (4 accidents – all slight),
- (e) A68 at the junction with the A6106 for Dalkeith (3 accidents – all slight).

(1) The largest number of accidents on Council designated roads was at Eskbank Toll Roundabout, junction of the A6094, A768, B6392, and B703 (8 accidents - 2 serious and 6 slights)

(2) The second largest number was nearby on the B6392 on the bends between Eskbank and Elginhaugh Bridge (7 accidents – 1 serious and 6 slights)

Third equal were 5 sites with 5 accidents each:

(3) A6106 King's Gate (1 fatal, 3 serious, 1 slight) (of 9 fatal accidents in 2016-8 only one at a cluster)

(4) A6094 Dalkeith High Street (1 serious, 4 slight) (another nearby slight was excluded as it was on a separate street)

(5) A6094 Eskbank Road near Croft St (all slight)

(6) A701 Straiton B702 junction (all slight)

(7) A7/A6094 Eskbank Road roundabout (all slight)

In joint 8th place were 6 sites with 4 accidents each:

(8) A701/A703/A6094 Leadburn crossroads (2 serious, 2 slight)

(9) A6094 bends east of Howgate (2 serious, 2 slight)

(10) A6094/B6372 crossroads (1 serious, 3 slight)

(11) A701/A703 Ploverhall junction (all slight)

(12) B6373 Buccleuch St/London Rd/Lothian St/Lothian Rd junction (all slight)

(13) B6482 Bryans Rd/Morris Rd/Suttieslea Rd junction (all slight)

In joint 14th place were 8 sites with 3 accidents each:

(14) A6094 Eskbank Rd, Dalkeith near Morrisons car park (2 serious, 1 slight)

(15) A703 bend south of Hillend (2 serious, 1 slight)

(16) A701 Seafield Moor Rd/Seafield Rd/Bush Farm Rd junction (all slight)

(17) A701 Gowkley Moss roundabout (all slight)

(18) A701/C36 Pentland Road junction (all slight)

(19) A768 The Loan/McNeill Ave (all slight)

(20) B704 Cockpen Road near Bonnyrigg Primary (all slight)

(21) B6482/Crawlees Rd Mayfield Industrial Estate (all slight)

Some of these sites are more easily treatable than others. For example the surface at site 2 (B6392 Eskbank - Elginhaugh) has already been treated following some of these accidents and a change in speed limits is being proposed. At site 1 (Eskbank Toll roundabout) the existing layout and surrounding buildings make meaningful changes difficult, as has been reported previously. Further details of the sites are available in the Members Library including a location map.

3 Report Implications

3.1 Resource

Funding will be required to take forward any further options for Leadburn. The amount of work required to update costs and benefits of any option would depend on those which Council prefer to progress. Any one option could cost between £30-50,000 to take to design stage. while £50,000 is currently allocated from Roads Capital Budget to cover any improvements identified through the cluster site analysis, traffic calming (justified by accidents and speeds) and school routes across the whole Council area.

The potential for CCTV has been considered. A quote of £15,000 was received for traffic monitoring and analysis over one week at Leadburn. Notwithstanding the high cost, there is no evidence to suggest that this would identify any trends that we are not aware of, or any additional measures that could be justified at this location.

3.2 Risk

There is a risk of not achieving the best accident reduction outcome if the Leadburn site is given priority over other sites with more significantly ranked problems or which are more easily treatable. The Council may be required to demonstrate how accident reduction funds were prioritised in any subsequent accident inquiries or court proceedings.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

The aims and objectives of investigating and prioritising accident cluster sites is to reduce injuries due to accidents on the road. This also supports the active travel theme encouraging walking cycling and public transport use and the health, air pollution and climate change benefits associated.

3.5 Impact on Performance and Outcomes

Midlothian Council has adopted the Scottish Government accident reduction targets for 2020. Further to this the Council is committed to

reducing carbon emissions and improvements on the road network support this aim.

3.6 Adopting a Preventative Approach

The objective of accident analysis is to prevent injury and deaths on the road.

3.7 Involving Communities and Other Stakeholders

The Road Safety Forum meets quarterly to discuss road safety and accidents across Midlothian with partners including Police Scotland, the trunk road operators and other Midlothian Council departments. Mitigation measures by all partners are logged and tracked and progress against the agreed 2020 targets measured.

3.8 Ensuring Equalities

This work stream aims to help people, children and the Midlothian community live a happier, healthier and longer life.

3.9 Supporting Sustainable Development

Improvements on the road network will aim to offer a more sustainable form of transport use which in turn will lead to lower carbon emissions.

3.10 IT Issues

There are no IT issues associated with this report.

4 Recommendations

Council is asked to instruct officers to;

1. work with Scottish Borders Council to improve advance speed activated signing at Leadburn
2. work with Safety Camera Programme to consider installing fixed speed cameras or average speed cameras in place of occasional use of mobile camera van.
3. continue works on prioritising sites for accident remedial works alongside traffic calming and school safety.

6 June 2019

Report Contact: Lindsay Haddow
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Background Papers:

Interim evaluation results

Financial Monitoring 2018/19 – General Fund Revenue**Report by Gary Fairley, Head of Finance and Integrated Service Support****1 Purpose of Report**

The purpose of this report is to provide Council with information on performance against revenue budget in 2018/19 and details of the material variances.

2 Background**2.1 Budget Performance**

The budget performance figures shown in appendix 1 result in a net underspend of £0.495 million for the year which is 0.24% of the revised budget and a £0.697 million improvement on the position reported to Council on 12th February 2019.

The non-essential vacancy freeze and the moratorium on non-essential spend remain in place and continue to contribute to containing expenditure within budget.

As recommended in the August report a Financial Monitoring 2018/19 Recovery Plans report was prepared and presented to Council on 2nd October. This laid out:

- A net reduction of £0.270 million in the General Fund Balance as a consequence of a supplementary estimate for Christmas Lights and the likelihood of the 2018/19 pay award exceeding existing budget by approximately £0.200 million;
- An adjustment to Quarter 1 projections of £0.370 million for Planning and Building Warrant Fees; and
- A detailed recovery plan with actions to reduce the projected overspend at quarter 1 by £2.636 million.

£1.714 million of the Recovery Plan target was achieved in 2018/19 and this is covered in more detail throughout the additional information in appendix 2. This figure includes full recovery of the Adult Social Care position.

The main areas of variance for 2018/19 are outlined below:

Demand Led Pressures totalling £1.714 million:

- Delegated Adult Social Care services, particularly the Community Care Resource Panel and in Home Care packages of £0.719 million;
- Additional running costs for Care Homes for Older people of £0.052 million;

- Residential Placements in Children's Services of £0.716 million, and
- Bed and Breakfast budgets of £0.227 million for Homeless clients.

This is a reduction of £0.206 million from that reported in Quarter 3.

Other pressures totalling £3.817 million including:

- £2.672 million slippage in delivering the package of £9.356 million of transformational, operational and service cost reductions and income generation measures as outlined in detail in Appendix 2; and
- Housing Benefit overpayment recoveries of £0.533 million as a consequence of DWP rule changes and an increase in the volume and value of outstanding debt;
- Insurance settlements in excess of budget by £0.374 million as a consequence of the unusually high volume of claims during the severe winter of 2017/18 and a higher than anticipated volume and value of claims made during the 2018/19 winter;
- Price inflation and policy related pressures on energy spend of £0.238 million.

These are more than offset by some favourable movements totalling £5.011 million as follows:

- External advice from the Council's Treasury consultants recommended that the Council consider revising the methodology used to apportion costs associated with external borrowing. This results in a £1.332 million underspend in loan charges;
- Schools are underspent by £0.461 million after allowing for carry forwards of a maximum of 1% in accordance with current Devolved School Management rules;
- A continued growth of properties in Midlothian generated an improvement on budget of £0.439 million for Council Tax Income;
- One-off Scottish Government Grant funding of £0.545 million to partially offset costs associated with the severe winter and also as a result of distribution of grant which in some areas is higher than anticipated;
- Planning and Building Warrant fee income of £0.528 million;
- The impact of vacant posts across the Council of £1.186 million;
- The impact of the MIJB recovery plan of £0.524 million.

Detailed information on material variances is contained in appendix 2 which identifies each variance, explains why it happened, outlines what action is being taken to control variances and details the impact of that action.

2.2 Delegation of resources to Midlothian Integration Joint Board

The approved budget provided for the allocation of £39.750 million to the Midlothian Integration Joint Board (MIJB) for the provision of delegated services. In addition there have been minor movements which increase the budget by £0.182 million with a revised allocation to the Board of £39.932 million.

The outturn reflects the impact of the MIJB recovery plan which indicated that despite in-year projections of adverse variances, spend would be contained within the revised budget of £39.932 million in accordance with the Integration Scheme.

The outturn was a net underspend of £0.524 million and in accordance with the Integration Scheme this has been retained by MIJB as a reserve.

2.3 Council Transformation Programme

Council approved utilisation of £7.718 million of General Fund Reserve to fund costs associated with the ongoing transformation programme.

At the report date £5.397 million has been applied in prior years and a further £1.197 million applied in 2018/19 which includes £0.783 million of one-off severance costs associated with the 2017 Voluntary Severance Scheme.

A review of commitments for future years identifies £0.750 million that is expected to be utilised during the period to 31st March 2022. This leaves £0.374 million as uncommitted.

The Reserves Strategy reported to Council on 12th February 2019 brought to Members attention the Capital Receipts Flexibility Scheme introduced by the Scottish Government in December 2018. Members approved recommendations to use scheme as the mechanism for funding future severance and transformation costs. As a consequence the uncommitted element of Council Transformation funding of £0.374 million, as shown above, is now included within the non-earmarked element of the General Fund.

2.4 General Fund Reserve

The balance on the General Fund as at 31 March 2019 is as follows:

	£ million	£ million
Reserve as at 1 April 2018		10.777
Less earmarked reserves utilised in 2018/19		(4.425)
General Reserve at 1 April 2018		6.352
<i>Planned movements in reserves</i>		
Planned Enhancement	0.199	
Supplementary Estimates	(0.947)	
Council Transformation Programme Costs (section 2.3)	(1.197)	
Other	0.151	
		(1.794)
Underspend per appendix 1		0.495
Devolved School Management carry forward		0.364
Budgets carried forward for use in 2019/20		3.220
General Fund Balance at 31 March 2019		8.637

An element of the General Fund is earmarked for specific purposes and this is shown below:

	£ million
General Fund Balance at 31 March 2019	8.637
<i>Earmarked for specific purposes</i>	
Budgets carried forward for use in 2019/20	(3.220)
Budgets earmarked for Council Transformation	(0.750)
Enhancement to Reserves earmarked for training	(0.199)
Devolved School Management carry forward	(0.364)
General Reserve at 31 March 2019	4.104

The uncommitted element of the General Fund is £0.682 million more than projected at Quarter 3.

The Reserves Strategy approved by Council on 12 February 2019 needs the Council to maintain an adequate level of General Reserve to provide a contingency for unforeseen or unplanned costs and that in the current financial context approve the adoption of 2% of net expenditure (excluding resources delegated to the IJB) to be considered a minimum. This equates to £3.3 million. Council also agreed that where projections indicate that the 2% minimum General Reserve balance will be breached an immediate recovery plan be implemented to recover the position, failing which, the next available budget would need to provide for the restatement of reserve position.

The General Reserve of £4.104 million is £0.804 million above the minimum set in the Reserves Strategy and can accommodate the additional expenditure approved by Council on 7 May 2019 without the need to apply the interventions provided for in the Reserves Strategy.

3 Report Implications

3.1 Resource

Whilst this report deals with financial issues there are no financial implications arising directly from it.

3.2 Risk

Section 95 of the Local Government (Scotland) Act 1973 requires all Local Authorities in Scotland to have adequate systems and controls in place to ensure the proper administration of their financial affairs.

The assessment of performance against budgets by services is underpinned by comprehensive financial management and budgetary control arrangements. These arrangements are central to the mitigation of financial risk.

Ensuring that adequate systems and controls are in place minimises the risk of significant variances arising, and where they do arise they help to ensure that they are identified and reported on and that appropriate and robust remedial action is taken. The primary purpose of this report is to provide an assessment of performance for the full year based on activity in the first quarter of the year. The material variances detailed in appendix 2 highlight that the financial management and budgetary control arrangements require continual review and enhancement if financial risk is to be effectively mitigated during the year.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Impact on Performance and Outcomes

The decisions taken to balance the budget will have fundamental implications for service performance and outcomes. The Council's Transformation Programme aims to minimise the impact on priority services.

3.5 Adopting a Preventative Approach

The proposals in this report do not directly impact on the adoption of a preventative approach.

3.6 Involving Communities and Other Stakeholders

No consultation was required.

3.7 Ensuring Equalities

There are no equality implications arising directly from this report.

3.8 Supporting Sustainable Development

There are no sustainability issues arising from this report.

3.9 IT Issues

There are no IT implications arising from this report.

4 Recommendations

It is recommended that Council note the contents of this report and consider the financial outturn for 2018/19 in the context of the Medium Term Financial Strategy.

4th June 2019

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Background Papers:

MIDLOTHIAN COUNCIL

Appendix 1

GENERAL FUND OVERVIEW 2018/19

Function	Revised Budget Expenditure	Revised Budget Income	Revised Budget Net £	Outturn £	(Underspend) / Overspend £
Management and Members	1,865,518	(10,640)	1,854,878	1,913,090	58,212
<u>Education Communities and Economy</u>					
Childrens Services	15,658,720	(310,946)	15,347,774	15,722,040	374,266
Communities and Economy	5,618,261	(2,199,075)	3,419,186	2,573,833	(845,354)
Education	97,730,433	(7,436,969)	90,293,464	89,188,630	(1,104,834)
<u>Health and Social Care</u>					
Midlothian Integration Joint Board - Adult Social Care - Delegated	59,410,179	(19,478,467)	39,931,712	39,931,712	0
Midlothian Integration Joint Board - Adult Social Care - Non-delegated	802,035	0	802,035	806,147	4,112
Customer and Housing Services	35,927,495	(25,538,043)	10,389,452	11,296,497	907,046
<u>Resources</u>					
Commercial Operations	16,868,806	(2,474,893)	14,393,913	14,700,938	307,025
Finance and Integrated Service Support	10,290,296	(357,170)	9,933,126	10,407,804	474,678
Properties and Facilities Management	21,736,900	(8,028,536)	13,708,363	14,625,349	916,985
Lothian Valuation Joint Board	550,551	0	550,551	522,904	(27,647)
Central Costs	49,806	0	49,806	549,212	499,406
Non Distributable Costs	1,493,602	0	1,493,602	1,358,203	(135,399)
GENERAL FUND SERVICES NET EXPENDITURE	268,002,602	(65,834,739)	202,167,862	203,596,358	1,428,496
Loan Charges	7,560,000	0	7,560,000	6,227,528	(1,332,472)
CFCR	59,760	0	59,760	59,760	0
NDR Discretionary Relief	70,300	0	70,300	160,078	89,778
Investment Income	0	(406,420)	(406,420)	(438,375)	(31,955)
Savings Targets	-350,950	0	(350,950)	0	350,950
Allocations to HRA, Capital Account etc.	-4,843,669	0	(4,843,669)	(4,859,876)	(16,208)
	270,498,043	(66,241,159)	204,256,884	204,745,473	488,589
less Funding:					
Scottish Government Grant	0	(154,302,379)	154,302,379	154,847,361	(544,982)
Council Tax	0	(47,319,000)	47,319,000	47,757,747	(438,747)
Utilisation of Reserves	270,498,043	(267,862,538)	2,635,505	2,140,365	(495,140)

Financial Monitoring 2018/19 – General Fund Revenue – Material Variances**Management and Members**

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Employee Costs	One-off costs.	20	27	50	58	
Gross Overspend		20	27	50	58	

Education, Communities and Economy**Children's Services**

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Residential and Day Education Placements	The requirement for residential placements was higher than anticipated and provided for in the budget.	884	873	653	716	<p>This represents a 21% overspend on the Multi Agency Resource Group (MARG) budget of £3.4 million.</p> <p>Placements that go through MARG can be extremely expensive and of uncertain timing. As a consequence it is likely that forecasts will change throughout the year.</p> <p>The unpredictable nature of this area of work continues to be a challenge. Whilst the MARG group have robust processes in place to minimise the use of external placements, often decisions are made out-with council agreement (sheriff or Childrens Hearing) requesting an external provision. Children with severe and complex needs often require a placement in crisis with little or no planning. This</p>

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
						places a further pressure upon the service to find a local and sustainable solution.
Non-Residential services commissioned and provided for children with and without disabilities	Overspend on respite, direct payments and taxi services commissioned for children with disabilities due to higher than anticipated levels of demand for these services.	84	62	97	148	The spend on children with disabilities is an area of increasing demand within the service. Whilst the service are looking at more efficient ways of managing this area of work, it is anticipated that due to increasing population within Midlothian this will be an area that will continue to challenge available budget. Taxi spend is being looked at across Education, Childrens Services and Adult Services to look for possible efficiencies.
	Overspend on respite, taxi and day care services commissioned for children without disabilities.	40	12	(9)	45	
	Overspend on rent and allowances for Throughcare and Aftercare clients.	57	130	141	149	Continuing care and aftercare are growth areas due to the 2014 legislation. Whilst the principles of the legislation are fully supported there has been insufficient additional funding provided to implement or support this new way of working going forward.
	All other services commissioned for clients.	16	(36)	(6)	11	
Gross Overspend		1,081	1,041	876	1,069	
<i>Offset by:</i>						
Family Placements	The number of children in foster care placements has fallen since 2017/18. In addition three placements previously with expensive external agencies have moved to Midlothian Carers resulting in a significant saving. Unbudgeted income has been received for the provision of adoption placements to another local authority.	(217)	(274)	(286)	(323)	The reduction of children coming into care is as a result of a significant and successful piece of work over the past year (PACE) supported by the Scottish Government and CELCIS. Ongoing work in this area will continue and the learning shared with other local authorities across Scotland. Work goes on with neighbouring local authorities regarding Foster Care recruitment and placements.
Vacancies and performance factor	There is an underspend mainly resulting from maternity leave within	(76)	(212)	(209)	(328)	The service plans to recruit to vacancies created by staff returning from maternity leave on reduced

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	the Early Intervention and Prevention service and vacant day-time posts in the residential units.					hours.
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Children's Services budget.	0	(36)	(90)	(44)	Minimal impact on frontline service.
Net Overspend		788	519	291	374	

Communities and Economy

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
City Deal and Borders Rail	There are ongoing commitments to large projects that exceed the approved budget.	0	75	115	73	Additional budget has been provided in 2019/20 for work required to progress the City Deal and the budget position for Borders Rail looking forward will be discussed by Council in due course.
Grants to External Organisations	The value of payments to external organisations exceeds budget. This was for grants to Visit Scotland and Business Commerce which were not provided for in the 18/19 budget.	63	63	63	63	This is offset by an underspend in Economic Development as shown below. The budget for Grants to external organisations will be considered as part of the Medium Term Financial Strategy.
Approved Budget Savings	Council agreed a range of budget reductions for Communities and Economy. There was slippage in delivery anticipated earlier in 2018/19. The outturn shows full delivery.	44	44	10	0	Overspends projected earlier in 2018/19 were offset in 2018/19 by vacancies elsewhere in the service as shown below.
Achievement of Income Targets	Income targets in Pest Control and in Trading Standards are not fully achieved.	0	0	0	20	Options to re-dress this are being considered.
Gross Overspend		107	182	188	156	
<i>Offset by:</i>						

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Planning and Building Warrant Income	A significant spike in income during Q2 in addition to the £0.370 million identified in the recovery plan as a Q1 adjustment.	0	(521)	(555)	(528)	The Recovery Plan presented to Council on 2 nd October 2018 identified £0.370m of planning and building control income that was not included in Q1. Continued income levels in excess of target have been experienced and this has been reviewed during development of the 2019/20 budget.
Vacancies and Performance Factor	The number of vacancies across the service exceeds the performance factor.	(109)	(128)	(92)	(92)	There are vacancies in Economic Development, Planning and Trading Standards that are being held pending delivery of planned Service Reviews within Communities and Economy.
Planning Subscription	Annual Maintenance charges for 2018/19 that were accounted for in 2017/18.	0	(65)	(65)	(86)	One-off underspend in 2018/19.
European Social Fund Income	Income received in 2018/19 which contributes to the cost of Welfare Rights officers.	0	(35)	(35)	(34)	One-off in 2018/19.
Financial Discipline	Savings of £72k were identified as part of 19/20 budget deliberations and they have been achieved in 2018/19.	0	0	(72)	(106)	The moratorium on non-essential spend during 2018/19 has delivered further savings.
Landlord Registrations	Income exceeds budget.	0	0	(20)	(44)	Landlord registrations are renewed on a 3 yearly basis with a higher than average impact in 2018/19.
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Service budget.	2	0	(6)	(111)	The majority of this underspend is a consequence of the moratorium on non-essential spend.
Net Underspend		0	(567)	(657)	(845)	

Education

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Charging for Music Tuition	An under recovery on charging to schools for SQA music tuition. Additional income generated from the new charging policy for music tuition.	87 20	87 20	153 (5)	198 27	The reduced uptake in SQA pupils, which is 31.8% lower than school year 2017/18 has resulted a lower than budgeted recharge to schools for music instructors.
School Estate Expansion	There are revenue commitments as a consequence of capital projects that have no approved revenue budget.	101	128	130	34	Slippage in spend has reduced the projected overspend shown at Q3. This will be addressed as part of developing the Financial Strategy with more rigorous work to ensure that all revenue consequences of Capital Expenditure are identified when Capital Budgets are being considered.
Inclusion Review savings	Council approved savings of £0.100 million in 2017/18. £0.030 million of these have been realised.	70	70	70	70	Underspends elsewhere in the service offset the overspend in the current year. Action has been taken to address this in 2019/20.
Lifelong Learning and Employability Income	Based on contracts within Employability and Accreditation there is an over recovery of income.	43	35	39	(7)	A further underspend in LLE, mainly due to vacancies, is shown below as part of the vacancies and performance factor variance.
Hearing Services	Communication Support Workers required in schools that were not provided for in the 2018/19 budget.	0	90	106	104	Unbudgeted costs in 18/19 are offset by in-year savings due to vacancies and an over achievement of the performance factor within the Education service. Due to the growing need for this service a budget has been provided for in 2019/20.
Long-Term Absence and Maternity Cover	Budget is provided for Long-Term absence and Maternity cover. Actual absence exceeds budget.	0	0	61	216	Under DSM rules cost associated with absences longer than 20 days are not incurred by schools and are funded centrally. In 2018/19 the cost was £1.137 million which is £0.326 million more than 2017/18.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Service budget.	51	17	69	(105)	Impact of the moratorium on non-essential spend.
Gross Overspend		372	447	623	537	
<i>Offset by:</i>						
Schools	Schools budget are underspent by a total of £1.041 million, however part of this relates to long-term absence and maternity cover as shown above thus reducing the underspend to £0.825 million. £0.364 million has been carried forward into 2019/20.	(725)	(314)	(284)	(677)	The underspend includes budgets allocated to schools under the DSM scheme in excess of the allowable 1% carry forward, unallocated central education budgets and NQT funding from the Scottish Government.
Vacancies and Performance Factor	There are a number of vacancies and part-vacancies across the Education service.	(106)	(354)	(542)	(631)	The Recovery Plan presented to Council on 2 nd October 2018 identified £107k of savings that could be achieved by not filling vacancies that existed for the duration of the financial year. In addition to posts identified in the recovery plan there are a number of other posts that were vacated during 2018/19 and were not filled. Management action is in place to minimise any impact on frontline service provision.
Home to School Transport	The cost of transporting eligible young people to and from school was lower than budgeted.	0	0	0	(177)	
PPP Contracts	The net impact of refunds and additional costs as a consequence of PPP contractual conditions shows an underspend of £0.157 million. This covers insurance arrangements, malicious damage costs, utilities costs, benchmarking of employee pay rates for PPP2 and inflationary changes.	0	(117)	(142)	(157)	The ongoing impact of contractual changes is reflected in the 2019/20 budget.
Net Underspend		(459)	(338)	(345)	(1,105)	

Health and Social Care

In accordance with the Integration Scheme a budget of £39.932 million was delegated to the Midlothian Integration Joint Board. The Joint Board manages the provision of services within the delegated budget with the underspend for the year being retained as a reserve. The variances are noted below for information but are not taken into account in calculating the Council's position.

Midlothian Integration Joint Board – Delegated

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Community Care Resource Panel	There are significant demands for services across all demographic profiles. There was also an underlying overspend in 2017/18 of £0.210 million. Whilst savings have been made against existing packages of care and support and good progress is being made in reviews of long-term cases, the number of young people coming through transitions with complex needs means that managing spend within budget remains challenging. Within this financial year it is estimated that additional costs amounted to £0.400 million with no uplift provided in the approved budget.	1,028	571	874	543	<p>The budget amounts to around £32 million, is demand led and subject to demographic pressures. Individual packages of care are sometimes in excess of £0.100 million per annum and as a consequence projections in this area can be volatile.</p> <p>Within the overall position there is a projected underspend within Older People's services which offsets the overspend within Home Care (as shown below).</p> <p>An element of new monies to support carers is being utilised to support respite availability.</p> <p>New fieldwork service arrangements will ensure ongoing reviews and focus on redesign of services.</p>
Home Care / Midlothian Enhanced Rapid Response and Intervention Team (MERRIT)	Additional employee costs due to the volume of care packages being provided. There is a shortage of external supplier capacity which results in continued pressure to address package of care requirements from our internal service. There was	376	223	170	178	This service supports the aspiration to shift the balance of care and support people to live in their own homes for as long as possible. The pressures on the budget are a reflection of the capacity issues within the external market, with additional demand currently being met by the internal home care service. A new model of care is being trialled with

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	also high absence within the Complex team.					external providers to provide additional capacity. The IJB agreed to non-recurring resource being allocated to pressures within home care during 2018/19 in advance of further transformational work in 2019/20 to redesign service delivery for care at home.
Care Homes for Older People	Overspend on staffing due to the requirement to cover rotas, mainly at Newbyres Care Home.	228	186	54	52	This continues to show an improving position. Spend on both staffing and running costs continues to be scrutinised, and in particular, where possible, agency staff is kept to a minimum. Additional spend was incurred during the summer period due to levels of annual leave being taken. New annual leave processes are now in place to spread the impact more evenly over the year, and the locum bank is being developed to reduce agency staff spend.
Gross Overspend		1,632	980	1,098	773	
<i>Offset by:</i>						
Service User Income	Contributions from service users towards their care packages are higher than provided for in the budget.	(152)	(193)	(443)	(520)	Most charges are financially assessed and the level of income achieved is therefore dependant on the financial means of service users which can change over time. Income has increased across service user groups, and particularly in relation to care homes.
Learning and Development	Delivery of some training has slipped into 2019/20.	0	0	(73)	(116)	No impact on frontline service and offsets the cost of essential cover for front-line staff with mandatory training requirements.
Public Protection	Scottish Government Funding provided specifically for Adult Support and Protection requirements. Some spend relevant to this funding is in the form of care packages and is met from the Resource Panel budget.	(72)	(58)	(57)	(146)	This underspend offsets care and support costs related to protection issues.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Criminal Justice	An element of Scottish Government Funding is used to fund the management and administration of this service.	(70)	(70)	(66)	(109)	No impact on frontline service.
Joint Equipment Store / Aids and Adaptations	Demand during 2018/19 for both areas of spend is less than budgeted.	(56)	(30)	(26)	(138)	These are demand led budgets thus spend can be volatile.
Learning Disability Day Services – Cherry Road, Community Access Team and Shared Lives	Underspend in non-staffing costs across all elements of the service.	0	0	0	(73)	Minimal impact on frontline service.
Mental Health	This includes an underspend for a Mental Health Employment post that is vacant.	0	0	0	(66)	Plans are in place to use available funding in 2019/20.
Reduction in Bad Debt Provision	Overall client related debt has reduced and debt recovery percentages have increased.	0	0	0	(56)	No impact on frontline service.
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Adult Social Care budget.	(85)	(100)	(157)	(73)	Minimal impact on frontline service.
Net Overspend / (Underspend)		1,197	529	276	(524)	
	MIJB Recovery Plan		(529)	(276)		
	Budgets retained and held in MIJB reserves in accordance with the Integration Scheme.				524	
Adjusted Net Overspend / (underspend)		1,197	0	0	0	

Midlothian Integration Joint Board – Non-Delegated

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Community Safety	Posts deleted to deliver the savings target were filled until the end of June. Other favourable variances reduced the projected overspend.	49	37	42	4	The Community Safety retained team element has now transitioned into the redesigned Community Safety and Justice Team within Adult Social Care.
Net Overspend		49	37	42	4	

Customer and Housing Services

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Housing Benefit Overpayments recoveries	The volume and value of unpaid accounts to clients that have been overpaid has increased from the position a year ago. There is a high level of bad debt provision associated with recovery.	0	0	0	286	The bad debt provision is calculated annually as part of the year end closedown procedures.
Homelessness – Savings Target Unachieved	Proposals are proceeding to convert a property in Jarnac Court into temporary HMO accommodation and other initiatives are being investigated to reduce the requirement for Bed and Breakfast accommodation. These were not in place in 18/19 resulting in an overspend against budget.	260	260	250	250	Spend on Bed and Breakfast will be reduced through this approach. In addition there is provision within the HRA Capital Plan for new build temporary accommodation. The Tenancy Support contract for prevention and support services is being reviewed for cost effective options.
Housing Benefits Overpayments recovered through DWP subsidy.	Changes to DWP rules have resulted in a considerably smaller value than expected of Housing Benefit Overpayment subsidy.	0	0	0	247	Despite rule changes starting in April 2018 there was no significant reduction in income until the final quarter of the year. This will impact on 2019/20 also.
Homelessness accommodation	Demand for placements exceeds budget.	246	203	169	164	The budget provided for an average 36 B and B places per week. Average occupancy is currently 54

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
						places. Out of area placements are no longer taking place. Localised work is ongoing to reduce specific spend on B and B places.
Homelessness storage	Storage facilities provided for homeless households furniture and goods.	0	65	54	63	<p>This cost was previously charged to homeless clients but recovery was negligible from vulnerable households and costs are now mainstreamed into the Homeless budget. The increase in provision of temporary housing stock has also contributed to the increase in demand relative to budget.</p> <p>Work has been undertaken to appoint a new supplier for storage and removal of goods in relation to temporary accommodation. The new contract will be awarded in line with approved budget and service provision will be reduced in line with this.</p>
Housing – Savings Target unachieved	Savings proposals are being developed but will not be fully implemented in 2018/19.	57	57	57	57	It is planned to drive more Housing services on-line and through a range of digital services and platforms. Further transformation is required to develop and promote digital services to adopt a mobile first approach for online customers. Work to deliver this saving is likely to be part of corporate automation transformation or with regard to work around introduction of a choice-based letting model.
Housing Benefit Subsidy	Housing Benefit subsidy of approximately £24m was provided for in the budget for 2018/19. Actual subsidy received was £51k less than this.	0	0	0	51	The Housing Benefit budget is demand led and the final figure for subsidy is not available until after the end of the financial year.
Travelling Peoples site	Essential unbudgeted expenditure.	0	0	0	20	When upgrades and improvements to the site are required the impact on the Revenue budget will need to be considered.
Revenues Service – Planned Savings	A Revenues service review is planned but will not deliver the full value of planned savings of £0.400 million in	21	21	20	12	Shared Service options are being investigated. Revenues Service Review will begin in 2019/20.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	2018/19. Additional one-off monies from DWP partially offsets this.					
Gross Overspend		584	606	550	1,150	
<i>Offset by:</i>						
Homelessness Service Charge income	Service charge income for Pentland House is now allocated to the Homelessness Service rather than to the Housing Revenue Account.	0	0	0	(222)	Following a review of accounting treatment income now flows to the General Fund. Performance against the 2019/20 budget will also benefit from this change.
Customer Services Vacancies	Following the recent review of the service posts remained unfilled for longer than planned.	(80)	(68)	(58)	(30)	Management action is in place to minimise any impact on frontline service provision.
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Customer and Housing Services budget.	4	(15)	(25)	9	
Net Overspend		508	523	467	907	

Resources

Commercial Operations

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Roads Maintenance	<p>The recovery plan presented to Council on 2nd October 2018 indicated that maintenance expenditure would be restricted to statutory repairs and those required as a consequence of a risk-based assessment. Actions necessary to implement this and deliver the target of £0.250 million did not take place.</p> <p>Due to a lower than typical winter-related workload during normal working hours the opportunity was taken to instead utilise the workforce on minor works. This resulted in the repairs budget being exceeded by £185,000.</p>	0	(250)	(377)	185	<p>Projections on delivery of the Recovery Plan at Q3 were based on an assessment made by the service but were in absence of any detailed costing information from systems due to backlogs.</p> <p>Action is now being prioritised to review the cost-base, business processes and budget management responsibilities within the service with the aim of ensuring that these together can ensure both effective service delivery and effective budget management in 2019/20 and beyond.</p>
Review of travel arrangements associated with the grey fleet.	A budget reduction of £150,000 in 2017/18 was approved but only partial savings are projected.	150	115	115	115	The Recovery Plan presented to Council on 2 nd October 2018 indicated that the projected overspend reported at Q1 could be reduced by £40k over the remainder of 2018/19. £35k of this was delivered.
Street Lighting	Consumption and supply charges are similar to last year but distribution charges are considerably higher.	108	110	113	61	Capital works to install more energy efficient lighting has helped to mitigate distribution price increases.
Land Services	An external project identified on the work programme with a value of £300,000 has been delayed due to external developer factors.	0	0	79	59	

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Review of Sports Pitches	A budget reduction of £10,000 was approved in 2017/18 with a further £50,000 added in 2018/19.	60	60	30	30	Some savings have been achieved and service review consultation is ongoing.
Supplier Management	A savings target of £50,000 was approved. To date no savings have been delivered.	50	50	50	50	Services are exploring options to achieve this saving.
Charges for Boxes and Bins	Housing Developers are charged for boxes and bins with an income budget of £50k being included in the 2018/19 budget.	0	0	0	50	Income of £54k has been received from Developers but none of the bins and boxes that the service expected to be issued during 2018/19 have been thus income relates to 2019/20.
Savings Targets	Financial Discipline savings of £0.100 million were approved in setting the 2018/19 budget with £0.050 allocated to Commercial Operations. To date only a small element has been realised.	0	48	48	48	Projections at Q1 assumed that the target would be achieved in 2018/19.
Trade Waste Charges	An income generation target of £40,000 was approved for 2018/19. However, price increases have resulted in the customer base reducing and consequently less income being generated than expected.	27	29	32	39	The Recovery Plan presented to Council on 2 nd October 2018 identified a £10k reduction in the projected overspend at Q1 as a consequence of targeting existing and new customers to offer new and enhanced services. This has not resulted in any additional income.
Charge for Commercial Waste at Stobhill Community Recycling Centre	An income generation target of £35,000 was approved for 2018/19. Implementation slipped but it was originally anticipated that the target would be partially met in 2018/19.	25	25	35	35	The Recovery Plan presented to Council on 2 nd October 2018 identified a £5k reduction in the projected overspend at Q1 as a consequence of targeting new customers. This target has not been achieved.
Bulky Uplift Income	The income budget for Bulky Uplifts is £96k of which £14k relates to an additional target for 2018/19.	0	0	0	20	
Sales force spend to generate	An income budget of £25,000 was approved for 2018/19.	25	25	25	18	Sale of surplus plant at auction generated some one-off income.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Winter Maintenance	The number of occasions of footways and roads gritting as a consequence of weather forecasts was marginally greater than provided for in the budget.	0	0	0	16	
Advertising on Council Vehicles	An income generation target of £15k was approved for 2018/19. There are interested parties but this proposal will not now be implemented until 2019/20.	0	15	15	15	PIN notice response from advertisers being progressed for advertising on vehicles and site locations.
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the Commercial Services budget.	(20)	39	48	(22)	Minimal impact on frontline service.
Gross Overspend		425	266	213	719	
<i>Offset by:</i>						
Commercial Operations Service Review	A budget reduction of £250,000 was approved in 2017/18 and a further £150,000 was added in 2018/19. £229,000 has been realised to date leaving an outstanding target of £171,000. Staff vacancies have been offset against this target in the current year whilst reviews progress.	21	(124)	(109)	(117)	The Recovery Plan reported to Council on 2 nd October 2018 anticipated an improvement of £138k in the position reported at Q1 as consequence of freezing vacancies.
Fleet Services Running costs	The cost of repairs to council fleet and to external hires was lower than budgeted.	0	0	0	(66)	Regular investment in the Council's fleet has reduced repairs costs.
Parking fines / parking charges	Income from parking fines and paid parking has generated more than provided for in the budget.	0	(88)	(76)	(65)	Decriminalised parking was introduced in the early part of the financial year. Projections for Q2 and Q3 were based on historic information. It is difficult to assess whether this relates to a seasonal fluctuation or from changing behaviour from parking enforcement.
Waste Disposal Charges	Tonnages are lower than expected and prices associated with newly	(50)	(54)	(172)	(128)	Volume of tonnage can be volatile.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	tendered contracts are lower than anticipated.					
Bus Shelter Maintenance	Demand for repairs was lower than budgeted.	0	0	0	(36)	
Net Overspend / (Underspend)		396	0	(144)	307	

Finance and Integrated Service Support

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Employee Performance Factor	The performance factor for the service is £478,000. The application of a vacancy freeze has helped to reduce the projected shortfall identified earlier in the year.	253	203	129	9	The recovery plan presented to Council on 2 nd October 2018 indicated that only filling critical posts would improve the projection at Q1 by £45k. The final position shows an improvement of £244k.
Integrated Service Support Review	The ISS savings to be achieved in 2018/19 total £1.127 million, £0.347 million from savings targets brought forward and a further £0.780 million from an increase in the savings targets agreed as part of the 2018/19 budget. Savings of £736,000 have been secured with a delivery plan in place to secure the shortfall in 2019/20.	157	300	300	391	The recovery plan presented to Council on 2 nd October 2018 indicated that planned ISS savings for 2019/20 could be accelerated to bring the 2018/19 position back within budget. A detailed assessment was subsequently undertaken which concluded that savings for the year might amount to £0.827 million. The final position is a saving of £0.736 million. A detailed delivery plan is in place to address the shortfall and help secure financial balance for the service in 2019/20.
Procurement Savings	A target of £0.350 million for procurement savings was set for 2017/18 which reflected slippage in targeted savings for previous years.	108	61	100	101	The recovery plan presented to Council on 2 nd October 2018 indicated that the procurement delivery plan would be prioritised in order to maximise opportunities to secure the remaining

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
						<p>outstanding target. Projections at Q3 reflected an updated assessment of the likely realisation of savings. Two newly awarded tenders have seen cost reductions that cannot not be yet be translated into budget reductions. In addition savings have been secured on contracts which contribute to the Integrated Joint Board recovery plan.</p> <p>Continuing inflationary pressures are such that it is challenging to secure budget reductions as contracts are being re-tendered.</p> <p>Contract savings have also been made which impact on the Capital Account and the Housing Revenue Account.</p>
Central Postages and printing costs	The volume of postages and printing exceeds budget.	69	10	(15)	9	The recovery plan presented to Council on 2 nd October 2018 indicated there would be a reduction of £70k from the projected spend at Q1 coming from more rigorous restrictions on staff access to printing and postage. The final outturn shows a reduction of £60k demonstrating positive action and behavioural changes.
Bank Charges	The shift towards electronic payments has led to increased transaction costs.	35	35	44	51	A review of bank charges is underway with the aim of negotiating lower rates with service providers. There has been a growth in the use of credit and debit cards, with a corresponding increase in charges.
Supplies and Services	Planned underspend on the non-staffing budget to offset shortfall in ISS Savings.	0	(100)	(38)	(67)	The recovery plan presented to Council on 2 nd October 2018 indicated a reduction in expenditure of £50k with expenditure limited to contractual obligations and critical service delivery. The Final Outturn shows a reduction in expenditure of £67k..
Other non-material variances	Miscellaneous over and underspends covering the remaining areas of the	7	5	0	(19)	

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	Finance and Integrated Service Support budget.					
Gross Overspend		629	514	520	475	

Properties and Facilities Management

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Energy Costs	Price inflation for gas and electricity purchase exceeds what was provided for in the budget. For some sites price inflation for electricity is as much as 16% and gas is 25%.	0	199	344	197	Projected consumption in 2018/19 is marginally lower than anticipated. A new Energy Policy introduced to support a drop in overall consumption.
	Carbon Reduction Commitment	0	0	0	(99)	2018/19 allowances are not submitted until July 2019 but the amount provided is less than budget. The scheme ceases at the end of 2018/19.
	Council approved a saving of £140,000 in February 2018 as a consequence of a new heating policy. At Q1 it was anticipated that the policy would be implemented in time to generate savings in 2018/19, the majority of which would accrue during the winter months. A consultation exercise on the new policy is now underway thus implementation will be later than expected.	0	140	140	140	Energy prices have significantly increased during this year and has made savings unachievable despite a drop in consumption.
	Savings proposals were approved in 2017/18 for Salix energy projects	0	40	40	40	SALIX improvements have been completed but reduced energy costs are still to follow.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
	(£25k) and introduction of energy management controls (£20k).					
Janitorial Services	Approved savings for Janitorial Services in 2018/19 totalled £347,000 involving merging staff with Leisure Staff and sharing Janitors in Primary Schools. Current proposals will deliver a full year saving of £294,000 with a part year saving in 2018/19 of £171,000.	176	120	120	120	<p>A delay in recruiting to the new structure resulted in a few posts being vacant during Q2 thus reducing the projected overspend further than the £18k reported in the Recovery Plan presented to Council on 2nd October 2018.</p> <p>A merged role has been created and the facilities service review will further reduce staff costs during this financial year and contribute to the Recovery Plan position. This is currently being monitored to ensure the appropriate staff cover is in place for evening and weekend facility opening. In the meantime vacancies have been frozen.</p>
Non Domestic Rates	Charges have been incurred in 2018/19 for some land and buildings that were previously exempt.	0	108	120	83	These are additional charges outwith the control of the Council. The appropriateness of these charges is being reviewed with any ongoing charges reflected in future years' budgets.
Reduced Lifeguard cover	Proposals are still being developed so implementation will be delayed.	100	100	100	100	Reduction in lifeguard cover is a limited option, although the remit of coaches during swimming lessons may partially mitigate the projected overspend.
Closure of Newbattle Pool and Mayfield Leisure Centre	A £542,000 saving was approved in respect of the closure of the facilities. This was delayed pending opening of the new Newbattle Centre.	90	122	127	132	Demolition is complete at both premises.
EWiM planned building closures	Evolving plans for buildings that were planned to be sold or demolished through approved EWiM projects have resulted in anticipated revenue savings not materialising.	80	98	149	179	The planned disposal has not occurred as other Council services continue to operate from or plan to redevelop these buildings and as a result cannot dispose of them. Unbudgeted costs in 2018/19 relate to Dundas Buildings, Eskdail Court and Penicuik Town Hall.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
						The Q2 position did not account for Non Domestic Rates at Dundas as it was expected that relief would be granted. Further work indicates this is unlikely to be the case.
Reduced Housing Voids Standards	No progress has been made in delivering this saving.	80	80	80	80	Costs properly chargeable to the Housing Revenue Account are being reviewed.
Concessionary Charging Policy	Council agreed to increase charges for over 60's using the Golden Years Scheme to the equivalent of the bronze rate for Tonezone. £100,000 was approved in respect of this scheme. The Golden Years pass price increase was initially implemented on a phased basis which led to a projected overspend in 2018/19.	76	25	24	24	Council on 2 nd October 2018 approved price increases effective from 1 st December 2018 which reduced the projected overspend shown at Q1.
Sport and Leisure income targets and group session charges.	As part of the 2018/19 budget Council approved an increase to income targets for Sport and Leisure. Based on uptake information for casual use and for group sessions. There is be an under recovery in 2018/19.	62	102	89	74	There has been some improvement in uptake for group sessions. Initiatives to increase income have been launched such as reduced membership joining fees to attract greater footfall during the popular period following New Year.
Energy Costs – Energy Performance Contract	Council in June approved a proposal to enter into an Energy Performance Contract with a contractor to deliver energy conservation measures and cost savings.	60	60	60	60	The project was appraised over a ten year period and there was a marginal net impact on the revenue budget during this period. Beyond ten years there are expected to be savings of approximately £150,000 per annum. It is anticipated that some cost reductions have been achieved during 2018/19, which are included in the Energy Costs figure above. Data to support this and to separate out the impact is still under review.

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Property and Facilities Management Service Review	A budget reduction of £60,000 was approved in 2017/18 with a further £90,000 added in 2018/19. £93,000 has been achieved to date.	57	27	57	57	The review is ongoing. The recovery plan presented to Council on 2 nd October indicated that part year savings of £30k may be achieved through targeted VSER. This will not now be delivered until 2019/20.
Maximise use of PPP schools	Budget savings of £50,000 have been approved. To date there have been no savings delivered.	50	50	50	50	Additional income was expected from the recently upgraded astro surface at Dalkeith Campus. This has not materialised.
Supplier Management	A savings target of £50,000 was approved. No savings have been delivered.	50	30	50	50	Options are being explored to deliver this saving.
Savings Targets	Financial Discipline savings of £0.100 million were approved in setting the 2018/19 budget with £0.050 allocated to Property and Facilities Management. To date only a small element has been realised.	0	47	47	47	Projections at Q1 assumed that the target would be achieved in 2018/19.
Non-school catering	Income targets are projected to under achieve with a projected deficit of £20k for community cafes and £19k for vending and office services.	0	48	86	39	Whilst some of the cafes are generating a surplus income is falling short of targets. One café is running at an overspend of £30k.
Wrap Around Care	An income proposal of £25,000 was approved for the provision of wrap around care during summer and Easter holidays. Proposals were not sufficiently developed to allow schemes to run during the summer break so this will not be achieved in 2018/19.	25	25	25	25	Planned implementation in 2019/20.
Other non-material variances		0	11	(5)	(31)	
Gross Overspend		906	1,432	1,703	1,367	

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional information / Action taken
Repairs and Maintenance	Non HRA repairs will be restricted to wind, water-tight and emergency repairs for the remainder of 2018/19.	0	(300)	(295)	(264)	The recovery plan presented to Council on 2 nd October 2018 explained that the workforce would concentrate on housing projects rather than non-housing repairs.
Catering Staffing	The service have experienced difficulty in recruiting to vacant posts and retaining staff within the school catering service. This has resulted in an underspend of £114k.	0	(193)	(191)	(114)	Some posts have been filled but difficulties remain in recruiting and retaining staff.
	School meal uptake has been lower than budgeted resulting in underspend in food costs offset by an underachievement of income.	0	0	0	(99)	Meal uptake is regularly reviewed. Changes entitlements to free meals can impact on income.
Net Overspend		906	939	1,217	890	

Other

Description of Variance	Reason for Variance	Quarter 1 £000	Quarter 2 £000	Quarter 3 £000	Quarter 4 £000	Additional Information / Action taken
Central Costs	The volume of public liability insurance claims rose considerable over the winter months and have resulted in settlements to claimants early in 2018/19 in excess of budget.	267	243	250	374	Total claims made in Q4 in 2017/18 was 110 compared to 60 in 2016/17. 53 new claims were made in the last quarter of the year, 5 of which hold a reserve value in excess of £10k.
	Additional audit fee from EY for phase 1 work carried out in respect of their appointment by Audit Scotland as External Auditor associated with the investigation on Roads Contract management.	27	39	39	39	One-off.
	Additional audit fees above those set out in the annual audit plan as a result additional time incurred by the audit team due to additional work being required to satisfy the audit objectives given the resultant increase in the risk profiles.	0	10	10	10	
	Services commissioned from EY for Phase 2 investigative work.	52	52	72	81	One-off.
	Services commissioned in accordance with Standing Order 19.2 to support investigations and associated costs.	45	80	112	120	One-off.
	The bad debt provision relating to sundry debt is calculated on an annual basis and has increased since	0	0	0	77	Gross sundry debt has increased during 2018/19.

	2017/18. The Council has some shared interest in Shawfair with the City of Edinburgh Council and following a review of financial arrangements is due a share of net income.	(152)	(152)	(152)	(152)	One-off income.
Loan Charges	Revised methodology for apportioning interest costs associated with external borrowing between General Fund and HRA has resulted in a considerably reduced cost to the General Fund.	(1,131)	(1,269)	(1,269)	(1,332)	External advice from the Council's Treasury consultants recommended that the Council consider revising the methodology used to apportion interest costs associated with borrowing. The rationale for this was founded upon the relative certainty of the HRA Capital Plan compared to the General Services Capital Plan and longer term borrowing decisions that have made in line with this.
Savings Targets	An outstanding target from previous years of £0.177 million for the Customer Services Transformation strand was carried forward into 2018/19. There was no delivery in 2018/19. An additional target of £0.173 million for fees and charges was agreed in setting the 2018/19 budget. Implementation of this has slipped.	117 142	117 173	117 173	177 174	
Scottish Government Grant	Additional grant to partially offset costs associated with the severe winter.	(149)	(149)	(149)	(545)	One-off funding.
Council Tax Income	A continued growth in Band D equivalents results in a higher than budgeted Council Tax yield.	(250)	(500)	(442)	(439)	The continued growth in Band D equivalents is factored into Council Tax income budgets for future years.

**Housing Revenue Account
Revenue and Capital Final Outturn 2018/19 and Capital Plan 2019/20 -
2023/24****Report by Gary Fairley, Head of Finance and Integrated Service Support****1 Purpose of Report**

The purpose of this report is to provide Council with:-

- The final outturn position for 2018/19 for both the Housing Revenue Account (HRA) Capital Plan and the Revenue Account;
- A revised capital plan for 2019/20 to 2023/24 reflecting the carry forwards from 2018/19.

2 Background**2.1 Capital Plan 2018/19**

The Capital Plan reported to Council on 12th February 2019 allowed for investment of £14.738 million in 2018/19. Budget of £0.057 million will require to be brought forward from 2019/20, as shown in Appendix 1 due to:-

- Delays in the tendering process and various remediation works of £0.856 million for Phase 2 of New Social Housing;
- Continuing Solar Panel Investigation works for Phase 1 New Social Housing of £0.102 million;
- Slippage in the Central Heating programme of £0.567 million due to concerns of the Contractors going into Administration;
- Structural issues at Jarnac Court have caused slippage on the refurbishment of the building of £0.091 million;
- General slippage on the buy backs project of £0.074 million.

Offset by:-

- General acceleration of New Social Housing Phase 3 and SHQS repairs resulting in budget to be brought forward from 2019/20 of £0.996 million and £0.751 million respectively.

There is an underspend of £0.077 million against the revised budget of £14.795 million, as shown in Appendix 1, due to slightly lower demand for disabled adaptations.

The variations explained above result in a reduction in borrowing against the budget of £3.632 million of £0.068 million for the year.

2.2 Revenue Account 2018/19

The projected underspend reported to Council on the 12th February 2019 was £0.311 million. This has increased by £0.514 million to £0.824 million, as shown in Appendix 2. This is primarily due to:-

- Higher demand of reactive repairs relating to prior years SHQS works on kitchens of £0.150 million;
- The court of appeal made an award of expenses in favour of Bracewell Stirling following the Court Action of recovery of costs relating to Newbyres resulting in legal fees being overspent by £0.154 million.

Offset by

- Lower debt charges of £0.112 million due to earlier receipt of Scottish Government Grant for New Social Housing of £7.317 million;
- The level of Bad Debt write offs and also level of provision required was £0.660 million lower than anticipated due to Temporary Accommodation, previously on Universal Credit now being restated to Housing Benefit, thus reducing the level of outstanding debt.

There is a presentational matter of Service Charge income for Pentland House being charged to Rents, this will be dealt with when reviewing the Financial Model later in 2019.

The HRA reserve balance is £39.084 million at 31st March 2019. The longer term financial projections demonstrate that the majority of this will be required to finance existing investment commitments to 2033/34.

2.3 Capital Plan 2019/20 – 2023/24

The capital plan has been updated to reflect the cross year movements from 2018/19 and is detailed in Appendix 3. A fuller review of the Capital Plan and other potential investment plans will be completed over the summer and reported to Council later in the year.

3 Report Implications

3.1 Resource

There are no direct resource implications arising from this report.

3.2 Risk

The principal risks are around the issue of affordability, ensuring that the investment in new build and the existing stock can be made without having to impose unacceptable increases on weekly rents.

Whilst the HRA reserve balance is £39.084 million at 31 March 2019, the longer term financial projections demonstrate that the majority of this will be required to finance existing investment commitments.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Impact on Performance and Outcomes

This report links to the Corporate Priority 1a. "Provide quality, affordable housing including increasing homelessness accommodation".

3.5 Adopting a Preventative Approach

There are no issues arising directly from this report.

3.6 Involving Communities and Other Stakeholders

No external consultation has taken place on this report.

3.7 Ensuring Equalities

There are no equality issues arising directly from this report.

3.8 Supporting Sustainable Development

There are no sustainability issues arising from this report.

3.9 IT Issues

There are no IT issues arising directly from this report.

4 Summary

The summarised financial performance for 2018/19 is:

- Capital Investment in the year totalling £14.718 million;
- A net underspend of £0.824 million on the Revenue Account;
- An HRA reserve at 31st March 2019 of £39.084 million.

5 Recommendations

Council is recommended to note the contents of this report.

Date 24th May 2019

Report Contact:

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Background Papers: HRA Capital Plan and Revenue Budget

HOUSING REVENUE ACCOUNT CAPITAL PLAN 2018/19

	Approved Budget 2018/19 £'000	Carry Forward to /from 2019/20 £'000	Revised Budget 2018/19 £'000	Final Outturn £'000	Variation (Under)/Over £'000
Item 8.10					
FUNDING					
Net Receipts from Sales	24	0	24	24	0
Grants					
-Incentivising New Build	2,708	7,357	10,065	10,065	0
-Mortgage to Rent	154	0	154	154	0
-Buy Backs Funding	480	0	480	480	0
Council Tax on Second Homes	88	0	88	79	(9)
Developer Contributions	284	0	284	284	0
Borrowing Required	11,000	(7,300)	3,700	3,632	(68)
TOTAL AVAILABLE FUNDING	14,738	57	14,795	14,718	(77)

APPROVED EXPENDITURE	£'000	£'000	£'000	£'000	£'000
New Build Houses Phase 1	102	(102)	0	0	0
New Build Houses Phase 2	2,054	(856)	1,198	1,198	0
New Build Houses Phase 3	3,631	996	4,627	4,627	0
Buy Backs	2,440	(74)	2,366	2,366	0
Aids & Adaptations	410	0	410	333	(77)
Homelessness - Mortgage to Rent	235	0	235	235	0
Homelessness - Temporary Accommodation Prov	117	(91)	26	26	0
Scottish Housing Quality Standard					
-Upgrade Central Heating Systems	1,432	(567)	865	865	0
-SHQS Repairs	4,317	751	5,068	5,068	0
Total Expenditure	14,738	57	14,795	14,718	(77)

MIDLOTHIAN COUNCIL

HOUSING REVENUE ACCOUNT 2018/19

Appendix 2

	Revised Budget	Projected Outturn	Variation (Under)/Over
Average No of Houses	6,864	6,927	63
	£000's	£000's	£000's
Repairs and Maintenance			
General Repairs	6,202	5,950	(252)
Decant/Compensation	59	28	(31)
Grounds Maintenance	713	734	21
	6,974	6,712	(262)
Administration and Management	5,016	4,859	(157)
Loan Charges	10,618	10,258	(360)
Other Expenses	2,546	2,470	(76)
TOTAL EXPENDITURE	25,154	24,299	(855)
Rents			
Houses	27,993	27,798	195
Garages	584	590	(6)
Others	975	1,133	(158)
TOTAL RENTS	29,552	29,521	31
NET EXPENDITURE/(INCOME)	(4,398)	(5,222)	(824)
BALANCE BROUGHT FORWARD	(33,862)	(33,862)	0
BALANCE CARRIED FORWARD	(38,260)	(39,084)	(824)

HOUSING REVENUE ACCOUNT CAPITAL PLAN 2019/20 - 2023/24

	Proposed Budget 2019/20 £'000	Proposed Budget 2020/21 £'000	Proposed Budget 2021/22 £'000	Proposed Budget 2022/23 £'000	Proposed Budget 2023/24 £'000
FUNDING					
Grants					
-Incentivising New Build	0	8,714	2,259	9,139	0
-Mortgage to Rent Subsidy	114	114	114	114	114
-Buy Backs Funding	800	800	800	320	0
Council Tax on Second Homes	90	92	94	96	98
Developer Contributions	1,382	0	0	0	0
Borrowing Required	52,076	82,566	48,431	10,575	7,889
TOTAL AVAILABLE FUNDING	54,462	92,286	51,698	20,244	8,101

	£'000	£'000	£'000	£'000	£'000
APPROVED EXPENDITURE					
New Build Houses Phase 1	102	0	0	0	0
New Build Houses Phase 2	16,492	21,203	0	0	0
New Build Houses Phase 3 & 4	18,032	58,703	39,317	11,637	0
Buy Back Properties	2,674	2,600	2,600	1,027	0
Aids & Adaptations	420	431	442	453	464
Homelessness - Mortgage to Rent	224	224	224	224	224
Bonnyrigg District Heating Scheme Boiler	1,300	0	0	0	0
Environmental and Fire Safety Improvements	2,000	2,000	2,000	2,000	2,000
Temporary Accommodation Provision	1,980	2,000	2,000	0	0
Scottish Housing Quality Standard					
-Upgrade Central Heating Systems	2,103	1,590	1,629	1,417	1,927
-Future Works	9,135	3,535	3,486	3,486	3,486
Total Expenditure	54,462	92,286	51,698	20,244	8,101

Annual Treasury Management Report 2018/19

Report by Gary Fairley, Head of Finance & Integrated Service Support

1. Purpose of Report

The purpose of the report is to inform members of the Treasury Management activity undertaken in 2018/19 and the year-end position.

2. Background

The main points arising from treasury activity in 2018/19 were:

- Total new long term borrowing taken in the year amounted to £10.700 million, comprising the following:-
 - One £10.000 million Equal Instalment of Principal loan sourced from Deutsche Pfandbriefbank, drawn on 15 November 2018 following loan execution and hedging of interest rate in February 2016.
 - One £0.700 million Equal Instalment of Principal loan sourced from Salix, drawn in two phases on 19 December 2018 (£0.560 million) and 04 March 2019 (£0.140 million), at a rate of 0.00% and offered to the Council to part finance the Non-Domestic Energy Efficiency Framework project;
- Total long term borrowing maturing in the year amounted to £10.452 million, comprising the following:-
 - One £10.000 million Maturity Loan with PWLB matured on 15 November 2018 (original tenor 8.5 years at an interest rate of 3.41%), refinanced by the EIP loan from Deutsche Pfandbriefbank;
 - £0.034 million of PWLB Annuities of various tenors and interest rates;
 - £0.357 million of Annuity loan from Deutsche Pfandbriefbank;
 - £0.061 million of Salix interest free loans.
- No new long term investments were placed;
- The average rate of interest paid on external debt was 3.64% in 2018/19, up from 3.37% in 2017/18 and reflecting the lower average carrying value of temporary loans during the year compared to 2017/18;
- The average rate of return on investments was 0.86% in 2018/19, exceeding the benchmark of 0.79% for the fifteenth year in succession;

- The pooled internal loans fund rate for General Fund and HRA increased marginally from 3.08% in 2017/18 (2nd lowest in mainland Scotland – see Appendix 1) to 3.12% in 2018/19, which is again expected to be one of the lowest when benchmarked against all mainland Authorities in Scotland;
- Were the pooled internal loans fund rate to have equated to the Scottish weighted average of 3.96%, this would have generated loan charges in 2018/19 of £18.8 million. The Council's actual 2018/19 loan charges for General Services and HRA were £16.5 million, representing a cash saving (compared to the Scotland average) of £2.3 million in 2018/19;
- The appointment of interest between HRA and General Fund was changed in 2017/18, with the HRA charged interest at the weighted average interest rate on the Council's long-term debt, removing interest rate risk for the HRA to support the long-term rent setting strategy. The interest charged to the General Fund provides support to the Council's medium term financial strategy and capital plans. This methodology was retained in 2018/19.
- No debt rescheduling was undertaken during 2018/19.

A detailed report "*Annual Treasury Management Review 2018/19*" on the activity during 2018/19 is attached as Appendix 2.

The Treasury Portfolio at the start and end of the financial year is shown in Tables 1 and 2 below.

Table 1: Loan Portfolio at 1 April 2018 and 31 March 2019

Loan Type	Principal Outstanding £000's	Principal Outstanding £000's	Movement £000's
PWLB Annuity	708	674	-34
PWLB Maturity	197,224	187,224	-10,000
LOBO	20,000	20,000	0
Forward Starting Loans	9,821	19,464	+9,643
Temporary Market Loans	13,000	9,000	-4,000
Salix Loans	277	916	+639
Total Loans	241,031	237,279	-3,752

Table 2: Investment Portfolio 1 April 2018 and 31 March 2019

Investment Type	Principal Outstanding £000's	Principal Outstanding £000's	Movement £000's
Bank Call Accounts	0	0	0
Money Market Funds	8,026	9,767	+1,741
Bank Notice Accounts	49,985	49,985	0
Other Local Authorities	15,000	15,000	0
Total Investments	73,011	74,752	+1,741

3. Other Issues

As recommended by the Code, this report will be considered by Audit Committee on 24 June 2019 and Council will be updated verbally on the outcome of the Audit Committee consideration.

4. Report Implications

4.1. Resources

Although benefits from Treasury Management activity continue to accrue there are no direct financial implications or other resource issues arising from this report.

The loan charges associated with Capital Expenditure and Treasury Management activity during 2018/19 are reported in the Financial Monitoring 2018/19 – General Fund Revenue report elsewhere on today's agenda and reflected in the draft Capital Strategy.

4.2. Risk

As the Council follows the requirements of CIPFA Code of Practice and the Prudential Code this minimises the risks involved in Treasury Management activities place. For those risks that do exist there are robust and effective controls in place to further mitigate the level of risks. These include further written Treasury Management Practices, which define the responsibilities of all staff involved.

4.3. Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

5.4 Impact on Performance and Outcomes

The strategies adopted are an integral part of the corporate aim to achieve Best Value as they seek to minimise the cost of borrowing by exercising prudent debt management and investment. This in turn helps to ensure that the Council's capital expenditure is sustainable in revenue terms.

5.5 Adopting a Preventative Approach

The proposals in this report do not directly impact on the adoption of a preventative approach.

5.6 Involving Communities and Other Stakeholders

Although no external consultation has taken place, cognisance has been taken of professional advice obtained from Link Asset Services, the Council's appointed Treasury Consultants.

5.7 Ensuring Equalities

There are no equality issues arising from this report.

5.8 Supporting Sustainable Development

There are no sustainability issues arising from this report.

5.9 IT Issues

There are no IT issues arising from this report.

5. Summary

Treasury Management activity during the year has been effective in minimising the cost of borrowing and maximising investment income within the parameters set by the strategy for the year.

6. Recommendations

It is recommended that the Council:-

- a) Note the Treasury Management Annual Report for 2018/19;

Date 13 June 2019

Report Contact:

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Appendices:-

Appendix 1: Loans Fund Rate Comparison with other Scottish Local Authorities

Appendix 2: Annual Treasury Management Review 2018/19

Appendix 3: Investment Benchmarking Analysis 2018/19

Appendix 1:-

Loans Fund Pooled Rate Comparison 2017/18

Authority	2017/18
West Dunbartonshire	3.070%
Midlothian	3.078%
Dumfries & Galloway	3.090%
Perth & Kinross	3.247%
East Lothian	3.340%
Aberdeenshire	3.510%
Inverclyde	3.600%
Fife	3.630%
North Lanarkshire	3.660%
Falkirk	3.790%
East Dunbartonshire	3.830%
South Lanarkshire	3.850%
East Renfrewshire	3.860%
Dundee City	3.887%
Scottish Borders	4.010%
Moray	4.010%
Highland	4.010%
West Lothian	4.048%
South Ayrshire	4.090%
Argyll & Bute	4.095%
North Ayrshire	4.177%
Stirling	4.207%
Glasgow City	4.230%
Renfrewshire	4.340%
Angus	4.400%
East Ayrshire	4.700%
Aberdeen City	4.957%
Clackmannanshire	5.060%
Edinburgh City	5.120%

The Pooled Loans Fund Rate combines the interest paid by the Council on money borrowed, with the interest earned by the Council on money invested, along with other charges such as internal interest allowed, premiums written off and treasury-related expenses to arrive at a weighted average “loans fund rate” figure for each authority, as noted in the final column above.

Appendix 2

Annual Treasury Management Review 2018/19

Midlothian Council
June 2019

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This Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2018/19. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2018/19 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 13/02/2018);
- a mid-year, (minimum), treasury update report (Council 13/02/2018);
- an annual review following the end of the year describing the activity compared to the strategy, (this report);

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit Committee before they are reported to the full Council.

1. The Council's Capital Expenditure and Financing 2018/19

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

Table 1: Capital Expenditure + Financing			
	2017/18	2018/19	2018/19
	Actual	Budget	Actual
	£000	£000	£000
General Fund			
Capital Expenditure	16,984	36,076	18,209
Available Funding	13,106	24,050	18,045
Borrowing Required	3,878	12,026	164
HRA			
Capital Expenditure	10,571	40,785	14,718
Available Funding	4,989	5,071	11,086
Borrowing Required	5,582	35,714	3,632
General Fund and HRA			
Capital Expenditure	27,555	76,861	32,927
Available Funding	18,095	29,121	29,131
Borrowing Required	9,460	47,740	3,796

2. The Council's Overall Borrowing Need

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and what resources have been used to pay for the capital spend. It represents the 2018/19 unfinanced capital expenditure (see above table), plus prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLb] or the money markets), or utilising temporary cash resources within the Council.

Reducing the CFR – the Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Scheduled Debt Amortisation (or loans repayment), to reduce the CFR. This is effectively a repayment of the borrowing need. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the minimum loan repayment each year through an additional revenue charge.

The Council's CFR for the year is shown below, and represents a key prudential indicator.

Table 2: Council's Capital Financing Requirement			
	31-Mar-18	2018/19	31-Mar-19
CFR:	Actual	Budget	Actual
	£000	£000	£000
Opening balance	£ 278,783	£ 285,875	£ 280,511
Add Borrowing Required	£ 9,460	£ 47,740	£ 3,797
Less scheduled debt amortisation	£ (7,969)	£ (8,419)	£ (9,429)
Closing balance	£ 280,274	£ 325,196	£ 274,879

Borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit.

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2017/18) plus the estimates of any additional capital financing requirement for the current (2018/19) and next three financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

Table 3: Council's Gross Borrowing Position			
	31-Mar-18	2018/19	31-Mar-19
	Actual	Budget	Actual
	£000	£000	£000
Gross Borrowing	£ 241,032	£ 290,770	£ 237,279
CFR	£ 280,274	£ 325,196	£ 274,879

The authorised limit – this Council has kept within its authorised external borrowing limit as shown by the table below. Once this has been set, the Council does not have the power to borrow above this level.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

Table 4: Gross Borrowing against Authorised Limit / Operational Boundary	
	2018/19
Authorised limit - borrowing	£482,021
Operational boundary - borrowing	£325,196
Maximum gross borrowing position	£248,652
Average gross borrowing position	£234,727

3. Treasury Position as at 31 March 2019

The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the Purpose section of this report, and through officer activity detailed in the Council's Treasury Management Practices. At the beginning and the end of 2018/19 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

Table 5: Treasury Position						
	31 March 2018 Principal	Rate/ Return	Average Life (Yrs)	31 March 2019 Principal	Rate/ Return	Average Life (Yrs)
Debt						
Fixed Rate Debt						
PWLB	£ 197,933	3.74%	26.87	£ 187,899	3.75%	27.27
Market	£ 28,099	1.92%	20.19	£ 34,380	2.32%	23.20
Total Fixed Rate Debt	£ 226,032	3.51%	26.03958	£ 222,279	3.53%	26.64
Variable Rate Debt						
PWLB	£ -	n/a	n/a	£ -	n/a	n/a
Market	£ 15,000	4.63%	32.71	£ 15,000	4.63%	31.71
Total Variable Rate Debt	£ 15,000	4.63%	32.71	£ 15,000	4.63%	32.71
Total debt/gross borrowing	£ 241,032	3.47%	26.4547	£ 237,279	3.47%	27.02
CFR	£ 280,274			£ 274,879		
Over/ (under) borrowing	£ (39,242)			£ (37,600)		
Investments						
Fixed Rate Investments						
In House	£ 15,000	0.79%	2.00	£ 15,000	1.70%	1.0000
With Managers	£ -	n/a	n/a	£ -	n/a	n/a
Total Fixed Rate Investments	£ 15,000	0.79%	2.00	£ 15,000	1.70%	1.00
Variable Rate Investments						
In House	£ 58,011	0.69%	0.42	£ 59,751	0.96%	0.41
With Managers	£ -	n/a	n/a	£ -	n/a	n/a
Total Variable Rate Investments	£ 58,011	0.69%	0.42	£ 59,751	0.96%	0.41
Total Investments	£ 73,011	0.71%	0.74	£ 74,751	1.11%	0.53
Net Borrowing	£ 168,021			£ 162,528		

The maturity structure of the debt portfolio was as follows:

Table 6: Maturity Structure of Debt Portfolio						
	31-Mar-18		2018/19		31-Mar-19	
	Actual		Original Limits		Actual	
	£000	%	%		£000	%
Under 12 months	£ 23,034	10%	0% to 50%		£ 18,263	8%
12 months to 2 years	£ 8,437	4%	0% to 50%		£ 9,266	4%
2 years to 5 years	£ 9,956	4%	0% to 50%		£ 3,827	2%
5 years to 10 years	£ 1,609	1%	0% to 50%		£ 5,509	2%
10 years to 20 years	£ 55,590	23%	0% to 50%		£ 62,653	26%
20 years to 30 years	£ 9,821	4%	0% to 50%		£ 15,179	6%
30 years to 40 years	£ 85,535	36%	0% to 50%		£ 75,534	32%
40 years to 50 years	£ 42,049	18%	0% to 50%		£ 42,048	18%
50 years and above	£ 5,000	2%	0% to 50%		£ 5,000	2%
Total	£ 241,031	102%			£ 237,279	100%

The maturity structure of the investment portfolio was as follows:

Table 7: Maturity Structure of Investment Portfolio		
	31-Mar-18	31-Mar-19
	£000	£000
Investments		
Under 1 Year	£ 58,011	£ 74,751
Over 1 Year	£ 15,000	£ -
Total	£ 73,011	£ 74,751

The exposure to fixed and variable interest rates on debt was as follows:-

Table 8: Fixed/Variable Interest Rate Exposure of Debt Portfolio						
	31-Mar-18		2018/19		31-Mar-19	
	Actual		Original Limits		Actual	
	£000	%	%		£000	%
Fixed Interest Rate Exposure	£226,032	94%	0% to 100%		£ 222,279	92%
Variable Interest Rate Exposure	£ 15,000	6%	0% to 30%		£ 15,000	6%
Total	£ 241,032	100%			£ 237,279	98%

4. The Strategy for 2018/19

During 2018-19, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

A cost of carry remained during the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost – the difference between (higher) borrowing costs and (lower) investment returns.

The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Head of Finance & ISS therefore monitored interest rates in financial markets and adopted a pragmatic strategy to avoid taking new long term borrowings based on the Council's capital plans seeing significant rephasing from 2018/19 to 2019/20 and the expectation that longer term interest rates would not increase significantly through 2019/20.

Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2018/19 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

Link Asset Services Interest Rate View 2.1.18													
	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank Rate	0.50%	0.50%	0.50%	0.50%	0.75%	0.75%	0.75%	0.75%	1.00%	1.00%	1.00%	1.25%	1.25%
5yr PWLB rate	1.60%	1.60%	1.70%	1.80%	1.80%	1.90%	1.90%	2.00%	2.10%	2.10%	2.20%	2.30%	2.30%
10yr PWLB rate	2.20%	2.30%	2.40%	2.40%	2.50%	2.60%	2.60%	2.70%	2.70%	2.80%	2.90%	2.90%	3.00%
25yr PWLB rate	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.20%	3.30%	3.40%	3.50%	3.50%	3.60%	3.60%
50yr PWLB rate	2.60%	2.70%	2.80%	2.90%	2.90%	3.00%	3.00%	3.10%	3.20%	3.30%	3.30%	3.40%	3.40%

Investment returns remained low during 2018/19. The expectation for interest rates within the treasury management strategy for 2018/19 was that Bank Rate would rise from 0.50% to 0.75%. At the start of 2018-19, and after UK GDP growth had proved disappointingly weak in the first few months of 2018, the expectation for the timing of this increase was pushed back from May to August 2018. Investment interest rates were therefore on a gently rising trend in the first half of the year after April, in anticipation that the MPC would raise Bank Rate in August. This duly happened at the MPC meeting on 2 August 2018. During this period, investments were, therefore, kept shorter term in anticipation that rates would be higher later in the year.

It was not expected that the MPC would raise Bank Rate again during 2018-19 after August in view of the fact that the UK was entering into a time of major uncertainty with Brexit due in March 2019. Value was therefore sought by placing longer term investments after 2 August where cash balances were sufficient to allow this.

Investment rates were little changed during August to October but rose sharply after the MPC meeting of 1 November was unexpectedly hawkish about their perception of building inflationary pressures, particularly from rising wages. However, weak GDP growth data after December, plus increasing concerns generated by Brexit, resulted in investment rates falling back again.

Continued uncertainty in the aftermath of the 2008 financial crisis has promoted a cautious approach whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

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5. The Economy and Interest Rates

UK. After weak economic growth of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over Brexit, this weak growth in the final quarter was as to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 came in at 1.4% y/y confirming that the UK was the third fastest growing country in the G7 in quarter 4.

After the Monetary Policy Committee raised Bank Rate from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. We are unlikely to see any further action from the MPC until the uncertainties over Brexit clear. If there were a disorderly exit, it is likely that Bank Rate would be cut to support growth. Nevertheless, the MPC has been having increasing concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January. British employers ramped up their hiring at the fastest pace in more than three years in the three months to January as the country's labour market defied the broader weakness in the overall economy as Brexit approached. The number of people in work surged by 222,000, helping to push down the unemployment rate to 3.9 percent, its lowest rate since 1975. Correspondingly, the total level of vacancies has risen to new highs.

As for CPI inflation itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.

The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e. a real terms increase. Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months.

Brexit. The Conservative minority government has so far, (8.4.19), been unable to muster a majority in the Commons over its Brexit deal. The EU has set a deadline of April 12 for the House of Commons to propose what form of Brexit it would support. If another form of Brexit, other than the proposed deal, does get a majority by April 12, then it is likely there will need to be a long delay to Brexit to allow time for negotiations with the EU. It appears unlikely that there would be a Commons majority which would support a disorderly Brexit or revoking article 50, (cancelling Brexit). There would also need to be a long delay if there is no majority for any form of Brexit. If that were to happen, then it increases the chances of a general election in 2019; this could result in a potential loosening of monetary policy and therefore medium to longer dated

gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.

USA. President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the strong rate of growth; this rose from 2.2%, (annualised rate) in quarter 1 of 2018 to 4.2% in quarter 2, 3.5% in quarter 3 and then back to 2.2% in quarter 4. The annual rate came in at 2.9% for 2018, just below President Trump's aim for 3% growth. The strong growth in employment numbers has fed through to an upturn in wage inflation which hit 3.4% in February, a decade high point. However, CPI inflation overall fell to 1.5% in February, a two and a half year low, and looks to be likely to stay around that number in 2019 i.e. below the Fed's target of 2%. The Fed increased rates another 0.25% in December to between 2.25% and 2.50%, this being the fourth increase in 2018 and the ninth in the upward swing cycle. However, the Fed now appears to be edging towards a change of direction and admitting there may be a need to switch to taking action to cut rates over the next two years. Financial markets are now predicting two cuts of 25 bps by the end of 2020.

EUROZONE. The European Central Bank (ECB) provided massive monetary stimulus in 2016 and 2017 to encourage growth in the EZ and that produced strong annual growth in 2017 of 2.3%. However, since then the ECB has been reducing its monetary stimulus measures and growth has been weakening - to 0.4% in quarters 1 and 2 of 2018, and then slowed further to 0.2% in quarters 3 and 4; it is likely to be only 0.1 - 0.2% in quarter 1 of 2019. The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019. The ECB completely ended its programme of quantitative easing purchases of debt in December 2018, which means that the central banks in the US, UK and EU have all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. With its refinancing rate already at 0.0% and the deposit rate at -0.4%, it has probably reached the limit of cutting rates. At its March 2019 meeting it said that it expects to leave interest rates at their present levels "at least through the end of 2019", but that is of little help to boosting growth in the near term. Consequently, it also announced a third round of TLTROs; this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new TLTROs will include an incentive to encourage bank lending, and they will be capped at 30% of a bank's eligible loans.

CHINA. Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.

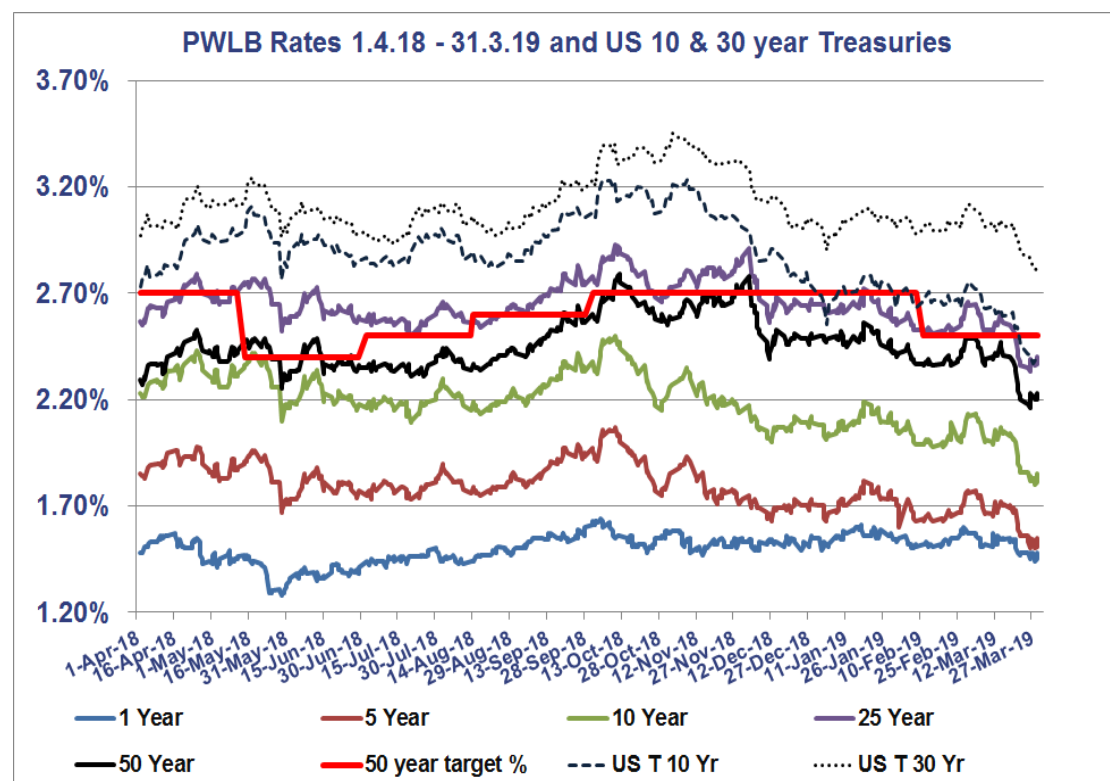
JAPAN - has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

WORLD GROWTH. Equity markets are currently concerned about the synchronised general weakening of growth in the major economies of the world: they fear there could even be a recession looming up in the US, though this fear is probably overdone.

6. Borrowing Rates in 2018/19

Since PWLB rates peaked during October 2018, most PWLB rates have been on a general downward trend, though longer term rates did spike upwards again during December, and, (apart from the 1 year rate), reached lows for the year at the end of March. There was a significant level of correlation between movements in US Treasury yields and UK gilt yields -which determine PWLB rates. The Fed in America increased the Fed Rate four times in 2018, making nine increases in all in this cycle, to reach 2.25% – 2.50% in December. However, it had been giving forward guidance that rates could go up to nearly 3.50%. These rate increases and guidance caused Treasury yields to also move up. However financial markets considered by December 2018, that the Fed had gone too far, and discounted its expectations of further increases. Since then, the Fed has also come round to the view that there are probably going to be no more increases in this cycle. The issue now is how many cuts in the Fed Rate there will be and how soon, in order to support economic growth in the US. But weak growth now also looks to be the outlook for China and the EU so this will mean that world growth as a whole will be weak. Treasury yields have therefore fallen sharply during 2019 and gilt yields / PWLB rates have also fallen.

The graphs and tables for PWLB rates show, for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year.



	1 Year	5 Year	10 Year	25 Year	50 Year
02/04/2018	1.48%	1.85%	2.23%	2.57%	2.29%
29/03/2019	1.48%	1.55%	1.85%	2.40%	2.23%
Low	1.28%	1.50%	1.80%	2.33%	2.16%
Date	29/05/2018	26/03/2019	28/03/2019	26/03/2019	26/03/2019
High	1.64%	2.07%	2.50%	2.93%	2.79%
Date	04/10/2018	10/10/2018	10/10/2018	10/10/2018	12/10/2018
Average	1.50%	1.80%	2.20%	2.66%	2.47%

Short-dated market money:- sourced from other UK public bodies, rates fluctuated throughout the year from 0.23%-0.70% for 1 to 12 month maturities.

7. Borrowing Outturn for 2018/19

New Treasury Borrowing:-

New loans were drawn to fund the net unfinanced capital expenditure and naturally maturing debt.

The loans drawn were:-

Table 9: New Loans Taken in Financial Year 2018/19						
Lender	Date Taken	Principal £000's	Interest Rate	Fixed/ Variable	Maturity Date	Term (Yrs)
Deutsche Pfandbriefbank	15 Nov 2018	£ 10,000	2.73%	Fixed	15 May 2044	25.50
Salix	19 Dec 2018	£ 560	0.00%	Fixed	01 Apr 2024	5.30
Salix	14 Mar 2019	£ 140	0.00%	Fixed	01 Apr 2024	5.05
Market	Various	£ 82,280	0.33%-0.81%	Variable interest rate	Various	0.09-0.18
Total		£ 92,980				

Market loans of £82.280 million reflect an average carrying value of £7.685 million of Temporary Borrowing at an average rate of 0.49%. This compares against a budget assumption of new short-term market borrowing of £39.0 million at an average interest rate of 0.53%.

Medium-long term borrowing of £10.700 million taken at a weighted average rate of 2.55% compares with a budget assumption of new borrowing of £23.576 million at an average interest rate of 2.86%.

Maturing Debt:-

The following table gives details of treasury debt maturing during the year:-

Table 10: Maturing Debt in Financial Year 2018/19						
Lender	Date Repaid	Principal £000's	Interest Rate	Fixed/ Variable	Date Originally Taken	Original Term (Yrs)
PWLB	Various (Annuities)	£ 34	8.72%	Fixed	Various	59.75
PWLB	15 Nov 2018	£ 10,000	3.41%	Fixed	28 May 2010	8.50
Salix	Various	£ 61	0.00%	Fixed	Various	7-8 years
Deutsche Pfandbriefbank	Various	£ 357	2.63%	Fixed	29 Jun 2017	28.00
Market	Various	£ 86,280	0.33%-0.68%	Variable interest rate	Various	0.09-0.18
Total		£ 96,732				

Rescheduling:-

No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

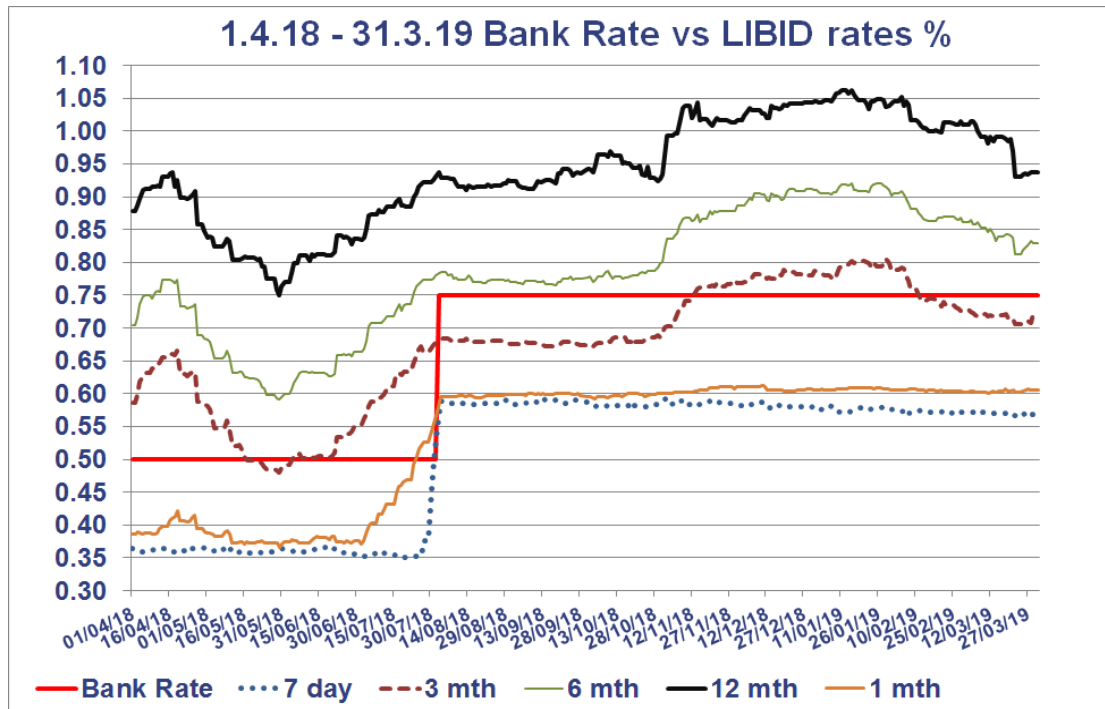
Summary of debt transactions:-

The average interest rate payable on external debt increased marginally from 3.57% at the start of 2018/19 to 3.59% at the end of 2018/19. The average life

of debt within the loan portfolio lengthened marginally from 26.45 years to 26.96 years.

8. Investment Rates in 2018/19

Money market fund rates started the year between 0.41%-0.46%, trending at base rate levels throughout the year, and mirroring the increase of 0.25% in Base Rate in August before finishing the year at just north of base rate (0.75%-0.78%).



9. Investment Outturn for 2018/19

Investment Policy:-

The Council's investment policy is governed by Scottish Government Investment Regulations, which have been implemented in the annual investment strategy approved by the Council on 13 February 2018. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments held by the Council:-

The Council maintained an average balance of £77.0 million of internally managed funds. The internally managed funds earned an average rate of return of 0.86%. The comparable performance indicator is the average 6-month LIBID un-compounded rate, which was 0.79%.

10. Performance Measurement

One of the key requirements in the Code is the formal introduction of performance measurement relating to investments, debt and capital financing activities.

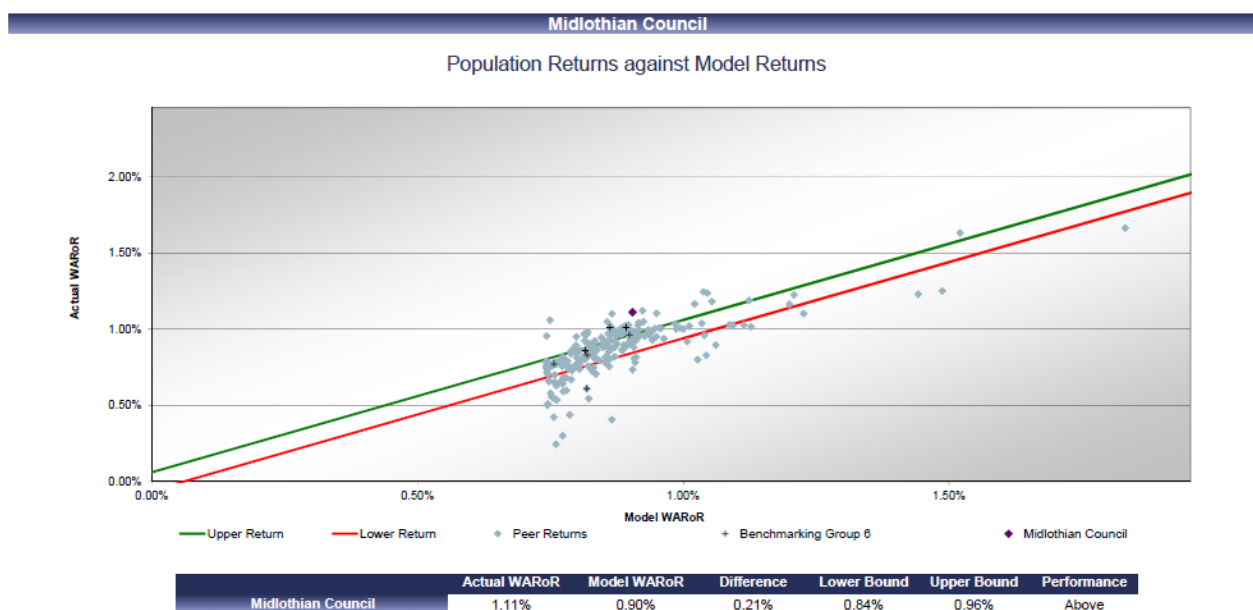
Loans Fund Rate

Combining the interest paid (earned) on external debt (investments) with charges for premiums written off and internal interest allowed into an average Loans Fund Rate, Midlothian's result of 3.08% for 2017/18 was the second lowest Loans Fund Rate amongst all mainland authorities in Scotland (see Appendix 1).

The comparative Loans Fund Rate for 2018/19, of 3.12%, is once again expected to be one of the lowest when benchmarked against all mainland authorities in Scotland (note that at present, these benchmark figures are not yet available).

Investment Benchmarking

The Council participates in the Scottish Investment Benchmarking Group set up by its Treasury Management Consultants, Capita. This service provided by Capita provides benchmarking data to authorities for reporting and monitoring purposes, by measuring the security, liquidity and yield within an individual authority portfolio. Based on the Council's investments as at 31 March 2018, the Weighted Average Rate of Return (WARoR) on investments of 1.11% against other authorities is shown in the graph below:-



** Models for 30 June 2018, 30 September 2018 and 31 December 2018 are attached as Appendix 3.*

As can be seen from the above graph, Midlothian is performing above the Capita model benchmarks (red to green lines), and is achieving one of the highest Weighted Average Rates of Return (WARoR) for the Weighted Average Credit Risk held, not only amongst peer Councils within the Benchmarking Group but also amongst the population of authorities across the UK.

Debt Performance

Whilst investment performance criteria have been well developed and universally accepted, debt performance indicators continue to be a more problematic area with the traditional average portfolio rate of interest acting as the main guide. In this respect, the relevant figures for Midlothian are incorporated in the table in Section 3.

11. Conclusion

The Council's overall cost of borrowing continues to benefit significantly from proactive Treasury Management activity.

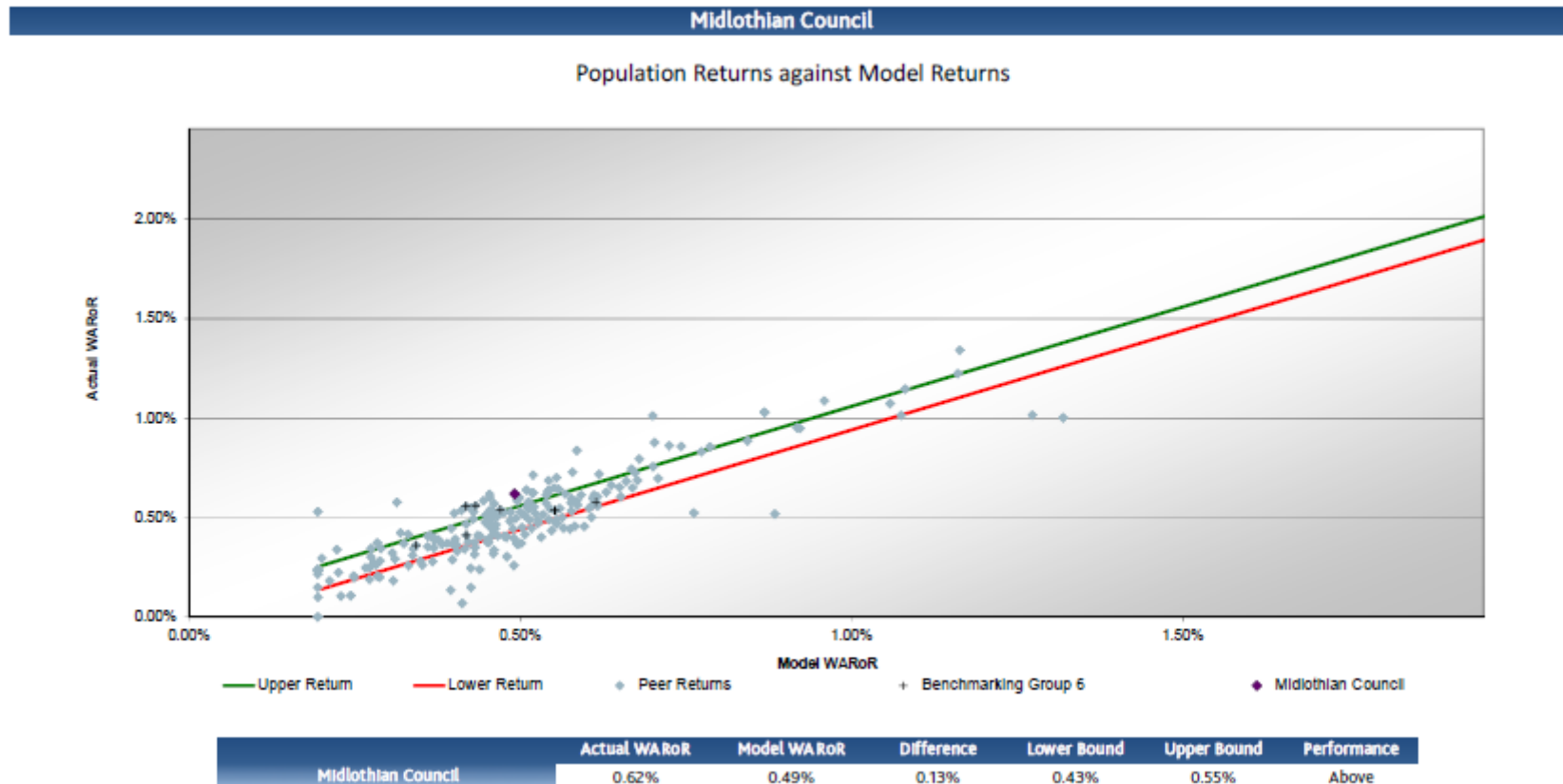
The cost of long term borrowing has been maintained by taking up opportunities to borrow from the PWLB at low interest rates whilst advantage has also been taken of the low rates available for temporary borrowing.

A better than average return on investments has been achieved for the tenth consecutive year and Midlothian continues to perform above the Sector model benchmarks and is achieving one of the highest Weighted Average Rates of Return (WARoR) for the Weighted Average Credit Risk held, not only amongst peer Councils within the Benchmarking Group but also amongst the population of authorities across the UK.

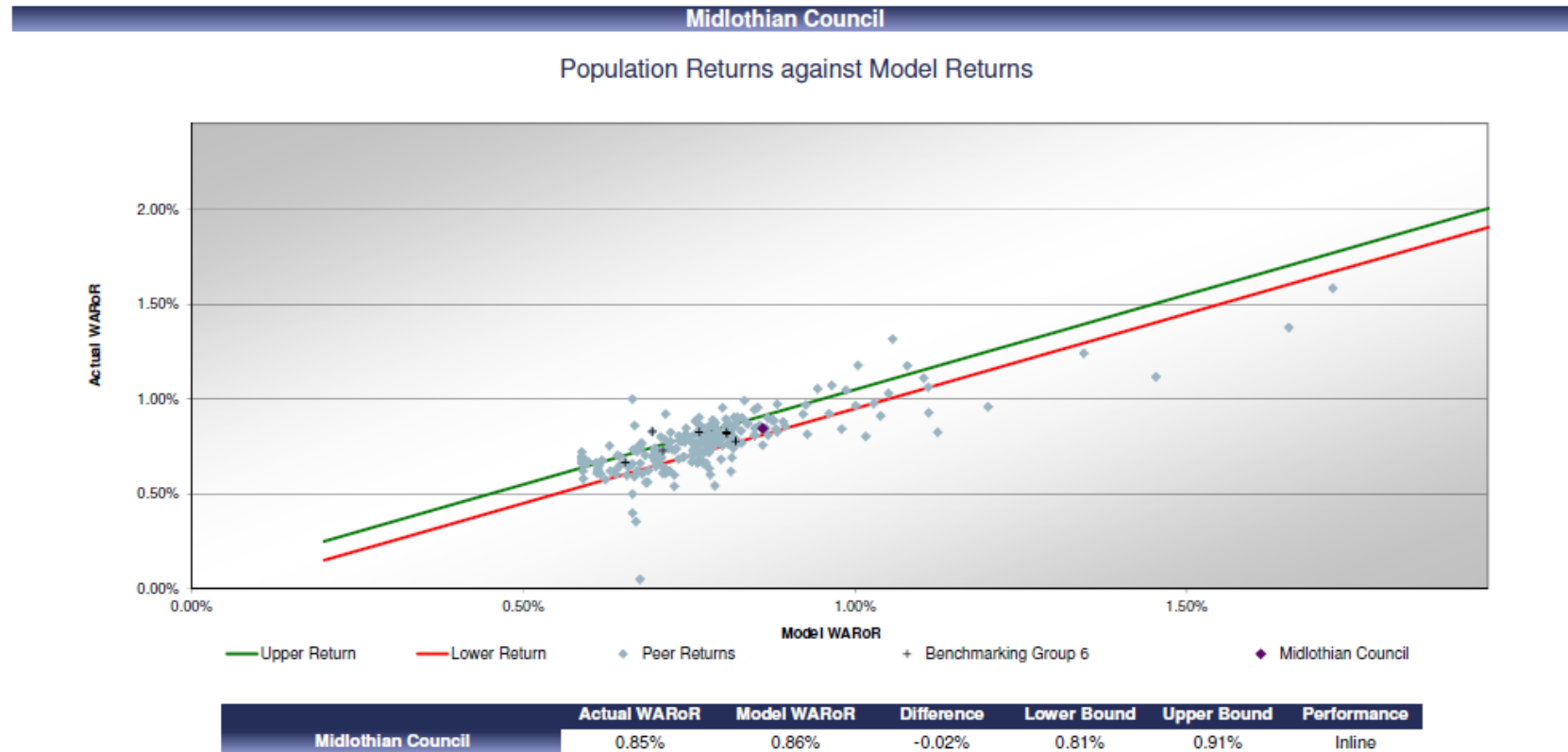
Overall Midlothian's Loans Fund Rate of 3.08% for the year is expected to be one of the lowest when benchmarked against all mainland Authorities in Scotland.

Appendix 3

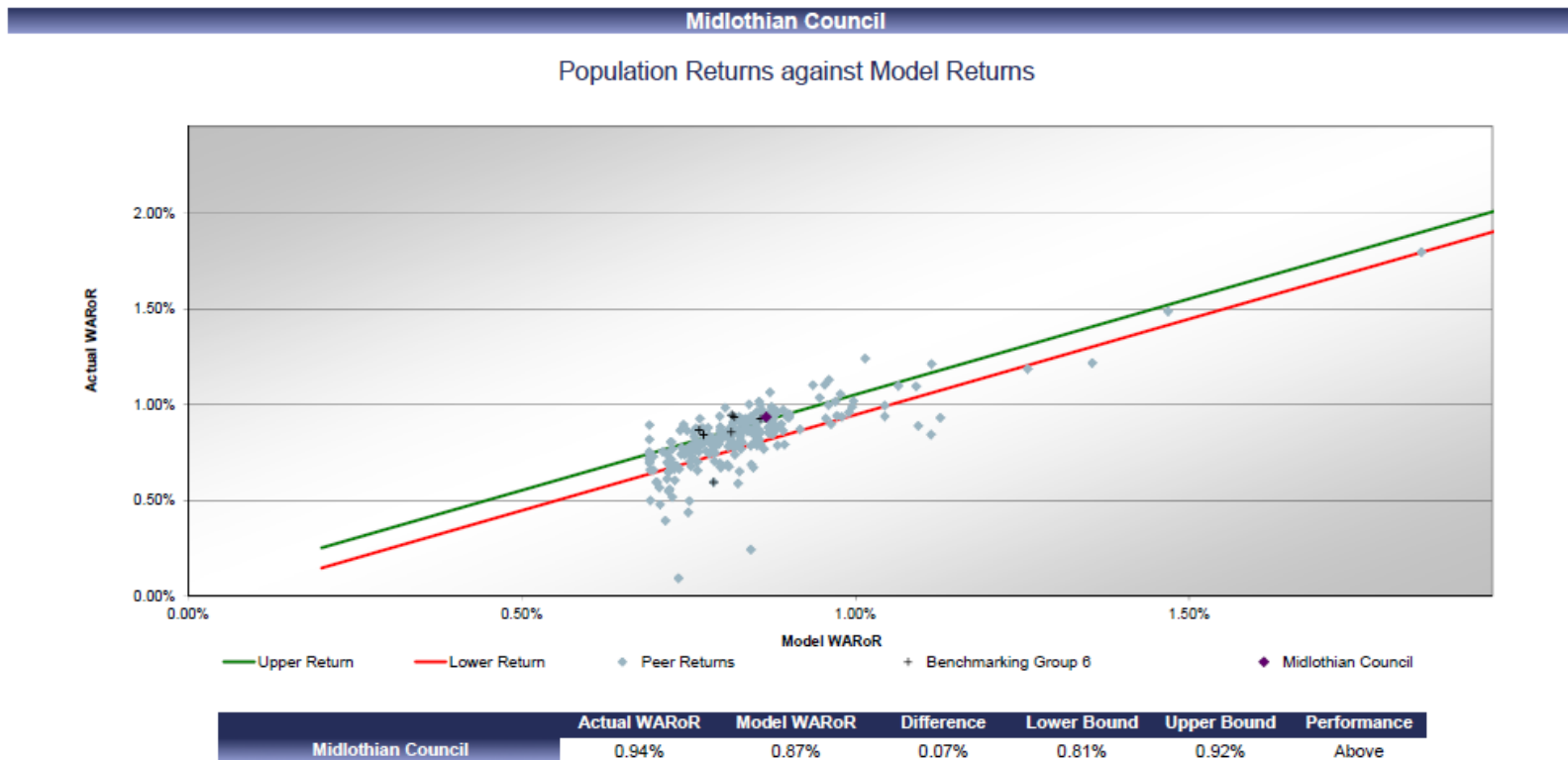
Midlothian Council Investment Portfolio return as at 30 June 2018



Midlothian Council Investment Portfolio return as at 30 September 2018



Midlothian Council Investment Portfolio return as at 31 December 2018



General Services Capital Plan 2018/19 Final Outturn

Report by Gary Fairley, Head of Finance and Integrated Service Support

1 Purpose of Report

This report presents the final outturn for 2018/19 on the General Services Capital Plan and an update on future years.

2 Background

2.1 Expenditure

The latest 2018/19 General Services Capital Plan was approved by Council on 12 February 2019, with an expenditure budget of £29.568 million.

After reflecting rephasing of 2018/19 budgets to/from 2019/20 as shown in Appendix 1, the final budget for the year is £19.479 million. Material rephasing of budgets are shown in tables 1 and 2 below:-

Table 1: Material rephasing of budgets from 2019/20 back to 2018/19

Project	2018/19 Budget £000's	2018/19 Actual £000's	Rephased Amount £000's	Notes
Front Office – Hardware, Software & Services	150	645	+495	Opportunity to advance purchase of hardware, software and services to de-risk cost & supply chain pre Brexit. Suppliers were issuing notices around reducing stock levels and lead times for provision of new stock. To maintain the integrity and the delivery of the Asset management plan, hardware and software assets were purchased to mitigate this risk.
Rosewell Development Trust	122	176	+54	Accelerated completion of pre-tender and tender phase to ensure compliance with Scottish Government RCGF grant funding conditions
Others	3,610	3,902	+292	
Total	3,882	4,723	+841	

Appendix 1 contains detail on rephasing of budgets on a project by project basis.

Table 2: Material Rephasing of budgets from 2018/19 forward to 2019/20

Project	2018/19 Budget £000's	2018/19 Actual £000's	Rephased Amount £000's	Notes
A701/A702 Works	904	284	-620	Compensation events that have happened during the ground investigation works have still to be agreed with contractor with any settlement paid in 2019/20. District Valuer still to provide decision on outstanding landowner compensation claims and land agent costs.
Modular Units – Session 2017/18	2,475	1,902	-573	Ongoing negotiations over final account due to changes in civil scope of project (paths/car parks etc) with remainder of costs rephased to 2019/20
New Depot: EWiM Phase III	744	172	-572	Delay to project due to environmental issues during the planning process.
New Hopefield Primary School	1,500	983	-517	Cash flow provided by contractor's was overly optimistic.
Newbattle High School	726	246	-480	Planned works in 2018/19 have been rephased into 2019/20 along with consultant and fee expenses.
Street Lighting Upgrades	1,323	859	-464	Rephasing of works into 2019/20 due to contractor experiencing supply issues.
Gorebridge Connected	908	516	-392	Delays outwith the control of the Council in receiving site investigation information which delayed the start of the restoration works of the former Gorebridge train station building.
Modular Units – Session 2018/19	415	24	-391	Design development has taken longer than expected with impact on overall programme.
Property Upgrades	1,406	1,136	-270	Delays to various individual projects as a result of changes to specifications, changes to tender procedures, no applications being received for carrying out the work for certain projects,
Sacred Heart Primary School Extension	400	152	-248	Site investigation took longer than anticipated, the project was more complex for the design team than first envisaged with new staged warrant requirements impacting on the programme together with agreeing design based on complex phasing solutions to maintain the smooth running of the school during the works.
Digital Services – Corporate Solutions / Back Office / Network / Schools	1,173	941	-232	Other projects have been prioritized (such as supporting the Early Year's property programme) which has resulted in resource being diverted away from these core strands of the asset management plan
Cuiken Primary School Extension	390	205	-185	Delay in project commencement due to the Christmas break which pushed the 3 rd valuation payment into the following financial year. Project is still projected to complete in accordance with programme.
32-38 Buccleuch Street Ground Floor Refurbishment	180	9	-171	Stage 1 design process has been prolonged due to conservation issues and planning challenges.
Non-domestic Energy	1,330	1,196	-134	Internal costs will now be incurred in

Efficiency Projects				2019/20 as opposed to 2018/19.
New Gorebridge North Primary	125	9	-116	Payment of retention delayed to 2019/20 as contractor taking longer than expected to complete remedial works.
Others	3,643	3,381	-261	
Total	17,642	12,015	-5,626	

Appendix 1 contains detail on rephasing of budgets on a project by project basis.

In addition, the purchase of land in Shawfair Town Centre has been delayed until 2019/20 due to the conditionality in the back-to-back agreement which is required with Shawfair LLP before the land transaction can settle. This includes the requirement to vary the Masterplan via a Section 42 application, modify the Section 75 agreement, amend the overage agreement which also requires City of Edinburgh Council's agreement.

Actual expenditure in the year was £18.209 million, giving an underspend of £1.270 million against the rephased budget as detailed in Appendix 2.

This includes construction projects that are now either complete or are at a sufficiently advanced stage where the final outturn cost of the project can be reliably calculated and allow all, or a portion, of the remaining budget to be released. Table 3 below outlines the release of contingency for these projects.

Table 3: Project Under/Over Spends in 2018/19

Project	Rephased Project Budget 2018/19 £000's	Actual Outturn 2018/19 £000's	(Under)/ Over Spend 2018/19 £000's	Notes
Roslin Primary School	573	160	-413	£100k retained to resolve any outstanding issues following year end defect works in 2019/20. Total contingency released to date is £621k.
Danderhall Primary School	809	459	-350	Release of project contingency following receipt of tender returns which were lower than budgeted
Paradykes Primary School	545	295	-250	Remaining budget of £821k in 2019/20 to meet £421k retention that is still due, together with further £400k retained to cover both expected and unforeseen works (with expectation that a significant proportion of this will be returned). Total contingency released to date is £350k.
Hillend Jumpslope	208	0	-208	Removal of original project in capital plan, replaced by wider Destination Hillend project
Geogrid – Barleyknowe Lane	40	0	-40	Project complete
Bilston Primary School	126	115	-11	Project complete allowing remaining project budget released (total project contingency released of £61k).
Purchase of 7 Eskdaill Court	29	23	-6	Project complete
King George V Park Outdoor Fitness Equipment	4	0	-4	Project complete – original £21k budget incorrectly allowed for VAT which is reclaimable by the Council
Contact Centre Telephony	22	19	-3	Project complete
Electric Vehicles – Powerpoint installation	0	16	+16	Fully funded by Scottish Government & Energy Saving Trust grant funding
Total	2,357	1,087	-1,270	

2.2 Funding

After adjusting for carry-forwards the Plan budgeted for funding of £18.029 million, as shown in Section 2.4.

Actual funding was £18.045 million, £0.016 million more than budget, with the variance relating to additional Grant Funding from the Scottish Government and the Energy Savings Trust for the Electric Vehicles – Powerpoint Installations.

2.3 Borrowing

After adjusting for carry forwards the Plan budgeted for in-year borrowing of £1.449 million.

Actual borrowing was £0.164 million. The reduction in borrowing reflects:-

- the net underspend of £1.270 million as described in

Section 2.1; and

- the additional funding of £0.016 million as noted in Section 2.2.

2.4 Summary

A summary of the final outturn position for 2018/19 is outlined in the table below.

GENERAL SERVICES CAPITAL PLAN OUTTURN

	2018/19 Budget	2018/19 Carry Forward	2018/19 Revised Budget	2018/19 Outturn	2018/19 Variance
	£'000	£'000	£'000	£'000	£'000
EXPENDITURE					
Resources	12,231	1,664	10,567	10,326	-241
Education, Community & Economy	16,798	8,445	8,353	7,327	-1,026
Health & Social Care	504	-54	558	558	0
Council Transformation	35	34	1	-2	-3
Total Approved Expenditure	29,568	10,089	19,479	18,209	-1,270
FUNDING					
Government Grants – Base	9,898	0	9,898	9,898	0
Government Grants – Early Years	2,527	937	1,590	1,590	0
Government Grants - Others	1,404	279	1,125	1,141	+16
Transfer to Capital Fund	-3,098	-2,641	-457	-457	0
Receipts from Sales	3,635	3,178	457	457	0
Land Transfer from HRA applied to Capital Plan	1,090	-2,190	3,280	3,280	0
Developer Contributions	2,801	1,067	1,734	1,734	0
Other Contributions	6,417	6,016	401	401	0
Total Available Funding	24,674	6,645	18,029	18,045	+16
Approved Borrowing Required	4,893	3,444	1,449	164	-1,286

2.5 Capital Fund

The Capital Fund at the start of the financial year was £19.711 million. Capital Receipts of £0.457 million were received in the year, all of which have been transferred to the Capital Fund. The current balance on the Capital Fund is fully earmarked as follows:-

Item	Amount £000's
Balance at 01 April 2018	19,711
Capital Receipts transferred in year	457
Balance at 31 March 2019	20,168
Committed to fund Hopefield Primary	-2,437
Committed to fund City Deal Projects	-7,694
Committed support Capital Investment ¹	-10,037
Available balance at 31 March 2019	0

¹ In total, £22.573 million is earmarked from the Capital Fund to support investment over the life of the capital plan (with the additional amount of £12.536 million fully funded from expected future receipts).

3 Capital Plan Update 2019/20 to 2021/22

3.1 Approved Projects

Since the previous report to Council on 12 February 2019, the following projects have received approval by Council for inclusion in the General Services Capital Plan.

Council 7 May 2019

- **Destination Hillend:-** Creation of major tourist attraction at Hillend serving Midlothian and the UK as a whole. Expenditure budget of £13.793 million phased over 2019/20 to 2021/22, funded by capital receipt of £1.450 million and prudential borrowing of £12.343 million. Removal of previous £0.208 million expenditure budget for Hillend Jumpslope;
- **Rosewell Development Trust:-** Construction of Community Facility in Rosewell by Rosewell Development Trust. Grant funding provided by Midlothian Council to the project increased by £0.143 million as a result of higher than expected construction contract tender returns, to be fully funded by Prudential Borrowing.

Business Transformation Board 15 August 2018

- **Contact Centre Telephony:-** Delivery of a digital led transformation of the Council's Contact Centre Telephony System. Expenditure Budget of £0.022 million phased over 2018/19 and 2019/20 fully funded by prudential borrowing.

3.2 Projects Presented for Inclusion in plan

The following new projects are being presented for inclusion in the General Services Capital Plan:-

- **Lasswade High School Chromebooks:-** purchase of Chromebooks. £0.060 million incurred in 2018/19. This will be fully funded through a technical adjustment in 2018/19 and is for noting only.
- **Cashless Catering:-** increase of £0.085 million to project budget phased over 2019/20 and 2020/21 (to £0.135 million) due to expansion of the new system to replace existing systems at Newbattle and Beeslack to secure operational consistency between sites. Additional cost to be funded by prudential borrowing;

3.3 Projects presented at today's Council meeting for approval

The following projects are being presented to Council on today's agenda for approval in the General Services Capital Plan:-

- **Danderhall Primary Hub:-** Replacement of current Danderhall Primary, Leisure Centre and Library with a new hub community & school facility. Reduction in project expenditure budget of £0.350 million to £16.784 million following receipt of tenders being lower than budgeted.

3.5 Updated General Services Capital plan 2018/19 to 2021/22

In addition to the rephasing of project expenditure and funding from 2018/19 to/from 2019/20 as reported in Section 2, expenditure and income forecasts covering the remainder of the period of the plan have been rephased to reflect the most recent information available from project managers and service leads. These expenditure and income forecasts are the budgets that project managers and service leads are working towards as targets.

However, as reported in the General Services Capital Plan report in February, planning assumptions have been included to rephase project spend. These have been retained other than adjustments to projects that have not yet reached tender award / contractor on-site stage, where the rephasing adjustment has been amended from 45% to 50%.

Similarly, the planning assumption for those projects that are currently approved in principle (following adoption in the General Services Capital Plan on 18 December 2018 of provisional budgets for those projects approved in the Capital Investment Strategy by Council on 13 November 2018) is to rephase, into the following financial year, the 2021/22 budgeted expenditure by 50%.

It should be noted that Service Leads and Project Managers will still be monitoring their project expenditure budgets against the original budgeted expenditure forecasts they have provided. This information will be used to assist in-year and future year rephasing of project expenditure during quarterly General Services Capital Plan monitoring, outturn and future year budget setting reports. The Capital Plan and Asset Management Board's will monitor delivery of projects against both budget and schedule and direct appropriate remedial action where project slippage is identified.

The inclusion of these projects, if approved by Council today, along with the impact of the expenditure and funding outturn position for 2018/19, will revise the overall levels of expenditure, funding and borrowing required over the period 2018/19 to 2022/23 as shown in the table below.

GENERAL SERVICES CAPITAL PLAN 2018/19 to 2022/23	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total Budget
	£'000	£'000	£'000	£'000	£'000	£'000
EXPENDITURE						
Resources	10,326	19,498	28,237	16,905	18,325	93,291
Education, Community & Economy	7,327	28,479	38,295	16,358	5,566	96,024
Health & Social Care	558	4,198	5,503	1,679	336	12,273
Council Transformation	-2	18	5,364	10,414	5,308	21,102
Provision for return of contingencies	0	-431	-1,287	-1,903	-1,126	-4,746
Total Approved Expenditure	18,209	51,762	76,112	43,452	28,408	217,943
FUNDING						
Government Grants – Base	9,898	10,721	8,760	8,587	8,418	46,383
Government Grants - Early Years	1,590	3,500	8,811	4,605	0	18,507
Government Grants - Others	1,141	1,654	0	0	0	2,795
City Deal Funding (Scot. Government)	0	0	5,346	5,554	0	10,900
City Deal Funding (Capital Fund)	0	0	0	7,694	0	7,694
Receipts from Sales	457	8,083	0	8,940	0	17,481
Transferred to Capital Fund	-457	-8,083	0	-8,940	0	-17,481
Transfer from Capital Fund to Cap Plan	0	1,454	2,000	3,000	2,000	8,454
Land Transfers/Purchases from HRA	3,280	0	2,120	0	0	5,400
Developer Contributions- GSCP Comm	1,734	4,581	1,942	814	2,186	11,258
Developer Contributions - LES New	0	1,970	7,165	2,978	1,846	13,958
Developer Contributions - Others	0	165	425	425	425	1,440
Other Contributions	401	1,469	15	0	0	1,885
Total Available Funding	18,045	25,514	36,583	33,657	14,875	128,675
Approved Borrowing Required	164	26,248	39,529	9,795	13,534	89,269

4 Report Implications

4.1 Resource

The 2018/19 borrowing requirement has reduced from £1.449 million to £0.164 million, with the resultant impact on loan charges reported in the Financial Outturn 2018/19 – General Fund Revenue report presented elsewhere on today's agenda.

The reduction in borrowing in 2018/19 is largely due to rephasing of a number of projects, with expenditure subsequently carried forward / rephased into 2019/20. As such, any saving in loan charges in 2018/19 will largely be unwound in 2019/20 and 2019/20, once the capital expenditure relating to these projects is incurred.

4.2 Risk

The inherent risk in the Capital Plan is that projects will cost more than estimated thus resulting in additional borrowing. The monitoring procedures ensure that significant variations are reported at an early stage so that remedial action can be taken to mitigate this risk.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:-

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

4.4 Impact on Performance and Outcomes

There are no issues arising directly from this report.

4.5 Adopting a Preventative Approach

There are no issues arising directly from this report.

4.6 Involving Communities and Other Stakeholders

No external consultation has taken place on this report.

4.7 Ensuring Equalities

There are no equalities issues arising directly from this report.

4.8 Supporting Sustainable Development

There are no sustainability issues arising directly from this report.

4.9 IT Issues

There are no IT implications arising from this report.

5 Recommendations

Council is asked to:-

1. Note the General Services Capital Plan outturn position for 2018/19.
2. Approve the additions to the General Services Capital Plan as set out in sections 3.2 and 3.3;

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gary.thomson@midlothian.gov.uk

Background Papers:

Appendix 1: General Services Capital Plan 2018/19 Expenditure Outturn

Appendix 2: General Services Capital Plan 2019/20 to 2022/23

Appendix 1: General Services Capital Plan 2018/19 Expenditure Outturn

	Rephased 2018/19	Rephased 2018/19	2018/19	2018/19	2018/19
GENERAL SERVICES CAPITAL PLAN	Budget	Budget	Actual	Variance	Carry
OUTTURN POSITION 2018/19	Q3	Outturn	Outturn	Outturn	Forward Outturn
	£000's	£000's	£000's	£000's	£000's
RESOURCES					
Customer Services					
Newbattle Centre of Excellence	373	329	329	0	44
Business Applications	101	74	74	0	27
DS Corporate Solutions	100	55	55	0	45
Front Office - Hardware, Software & Services	150	645	645	0	-495
Back Office - Hardware, Software & Services	547	465	465	0	82
Network, Software & Services	150	109	109	0	41
Schools - Hardware, Software & Services	376	312	312	0	64
Commercial Operations					
Street Lighting Upgrades	1,323	859	859	0	464
Footway & Footpath Network Upgrades	477	521	521	0	-44
Road Upgrades	2,309	2,256	2,256	0	53
Millerhill Access Road / Site Services	0	0	0	0	0
Zero Waste Capital Contribution	0	0	0	0	0
Cycling, Walking & Safer Streets Projects	108	108	85	0	0
Footpath Lighting: Bonnyrigg Bypass to Gorton	44	44	0	0	0
B6482 Newbattle/Easthouses Road Cycleway	29	29	0	0	0
A6094: Bonnyrigg Bypass Cycleway & Toucan	26	26	0	0	0
Ironmills Park Steps	-1	-1	-1	0	0
New recycling facility - Penicuik	0	0	1	1	0
Vehicle & Plant Replacement Programme	760	764	764	0	-4
Electric Vehicles - Powerpoint Installation	0	0	16	16	0
Geogrid - Barleyknowe Lane	18	40	0	-40	-22
King George V Park Outdoor Fitness Equipment	4	4	0	-4	0
Outdoor Play Equipment - Rosewell	3	3	3	0	0
Outdoor Play Equipment - Gorebridge	94	89	89	0	5
Arniston Park Synthetic Pitch	29	42	42	0	-13
Cuiken Glen Paths & Woodland	228	255	255	0	0
Mauricewood Bing Cycling and Walking Path	109	101	101	0	8
A701 / Beeslack Bus Shelter	28	28	28	0	0
Mauricewood Road Bus Shelter	13	0	0	0	13
Riverside Park Paths & Woodland	0	0	0	0	0
Property & Facilities					
Stobhill Depot Upgrade	0	0	0	0	0
New Depot: EWiM Phase III	744	172	172	0	572
Property Upgrades	1,406	1,136	1,136	0	270
Midlothian House 3rd Floor Reconfiguration	0	0	0	0	0
Purchase of 7 Eskdail Court, Dalkeith	29	29	23	-6	0
Purchase of 49 Abbey Road, Dalkeith	12	0	0	0	12
Hillend Freestyle Jump Slope Upgrade	208	208	0	-208	0
Hillend Preparatory Works	60	11	11	0	49
Destination Hillend	0	0	0	0	0
32-38 Buccleuch Street Ground Floor Redevelopment	180	9	9	0	171
Leisure Management System (Legend)	161	95	95	0	65
Cashless Catering	25	0	0	0	25
Non-Domestic Energy Efficiency Projects	1,330	1,196	1,196	0	134
Salt Dome	76	76	76	0	0
Demolition Costs - Various	601	601	601	0	0
TOTAL RESOURCES	12,232	10,566	10,326	-241	1,567

	Rephased 2018/19 Budget Q3	Rephased 2018/19 Budget Outturn	2018/19 Actual Outturn	2018/19 Variance Outturn	2018/19 Carry Forward Outturn
EDUCATION, COMMUNITY AND ECONOMY	£000's	£000's	£000's	£000's	£000's
Early Years					
Gorebridge Development Trust	116	151	151	0	0
Gorebridge Development Trust (EYG Funded)	38	38	38	0	0
Primary					
New Bilston Primary	100	126	115	-11	0
New Gorebridge North Primary	125	9	9	0	116
Paradykes & Roslin Primaries Preparatory W	0	0	0	0	0
Paradykes Primary Replacement	500	545	295	-250	-45
Roslin Primary Replacement	200	573	160	-413	0
New Hopefield Primary School	1,500	983	983	0	517
Inspiring Learning Spaces	35	1	1	0	35
New Danderhall Primary hub	750	809	459	-350	-59
Cuiken & Sacred Heart Primaries - Design Te	0	0	0	0	0
Cuiken Primary School Extension	390	205	205	0	185
Sacred Heart Primary School Extension	400	152	152	0	248
Lawfield Primary Extension	40	5	5	0	35
Easthouses Primary School	0	0	0	0	0
Secondary					
Lasswade High School inc. 2nd MUGA	0	0	0	0	0
Newbattle High School	726	247	247	0	480
Beeslack Community High School Pitch	0	0	-5	-5	0
General					
ParentPay	58	67	69	2	-9
Saltersgate Alterations Phase III - Playground	9	8	8	0	0
Saltersgate Phase IV - Internal Alterations	63	0	0	0	63
Modular Units - Session 2017/18	2,475	1,902	1,902	0	573
Modular Units - Session 2018/19	415	24	24	0	391
Lasswade High School - Chromebooks	0	60	60	0	0
Children and Families					
Communities & Economy					
Rosewell Development Trust	122	176	176	0	-54
Planning & Development					
Members Environmental Improvements	100	87	87	0	13
Public Sector Housing Grants	336	343	343	0	-7
Contaminated Land	100	114	114	0	-14
Borders Rail - Economic Development Project	63	0	0	0	63
Property Asset Management System	0	0	0	0	0
East High Street Public Realm & Burns Monu	4	2	2	0	2
Shawfair Town Centre Land Purchase	5,305	0	0	0	5,305
Track to Train	478	478	479	1	0
Gorebridge Connected	908	516	516	0	392
Penicuik THI	435	447	447	0	-12
Mayfield Town Centre Regeneration	52	0	0	0	52
Participatory Budgets	50	0	0	0	50
A701 & A702 Works	904	284	284	0	620
TOTAL EDUCATION, COMMUNITY AND EC	16,797	8,352	7,326	-1,026	8,940
HEALTH AND SOCIAL CARE					
Adult & Social Care					
Assistive Technology	100	129	129	0	-29
Travelling Peoples Site Upgrade	17	0	0	0	17
Homecare	0	0	0	0	0
Recovery Hub	340	329	329	0	11
Highbank Intermediate Care Reprovisioning	47	81	81	0	-34
Customer & Housing Services					
Online Payments & Services	0	0	0	0	0
Contact Centre Telephony	0	22	19	-3	0
TOTAL HEALTH AND SOCIAL CARE	504	561	558	-3	-35
COUNCIL TRANSFORMATION					
Purchase to Pay	6	2	2	0	4
EWiM Phase 2	0	0	0	0	0
Online Housing Applications	-4	-4	-4	0	0
Corporate Telephony Services Upgrade	0	0	0	0	0
EWiM - Buccleuch House Ground Floor	33	0	0	0	33
Website Upgrade	0	0	0	0	0
City Deal	0	0	0	0	0
TOTAL COUNCIL TRANSFORMATION	35	-2	-2	0	37
GENERAL SERVICES CAPITAL PLAN TOTAL	29,567	19,477	18,208	-1,270	10,089

Appendix 2: General Services Capital Plan 2019/20 to 2022/23

GENERAL SERVICES CAPITAL PLAN	2018/19	2019/20	2020/21	2021/22	2022/23	Total
2018/19 to 2022/23	Budget	Budget	Budget	Budget	Budget	Spend
	£'000	£'000	£'000	£'000	£'000	£'000
RESOURCES						
Customer Services						
Newbattle Centre of Excellence	329	79	43	0	0	450
Business Applications	74	72	105	90	134	476
DS Corporate Solutions	55	185	274	241	254	1,010
Front Office - Hardware, Software & Services	645	331	702	661	435	2,774
Back Office - Hardware, Software & Services	465	313	457	520	868	2,623
Network, Software & Services	109	252	377	449	238	1,425
Schools - Hardware, Software & Services	312	538	773	754	1,036	3,412
Commercial Operations						
Street Lighting Upgrades	859	1,464	1,000	1,000	1,186	5,509
Footway & Footpath Network Upgrades	521	456	500	500	913	2,890
Road Asset Management Plan	2,256	1,554	1,500	1,500	2,443	9,253
Road Asset Management Plan - Additions	0	62	247	0	593	902
Millerhill Access Road / Site Services	0	0	0	0	0	0
Zero Waste Capital Contribution	0	0	7,380	0	0	7,380
Cycling, Walking & Safer Streets Projects	85	172	98	108	204	666
Footpath Lighting: Bonnyrigg Bypass to Gorton Road	0	0	0	0	0	0
B6482 Newbattle/Easthouses Road Cycleway	0	0	0	0	0	0
A6094: Bonnyrigg Bypass Cycleway & Toucan Crossing / Rd	0	0	0	0	0	0
Ironmills Park Steps	-1	3	3	0	0	6
New recycling facility - Penicuik	1	0	0	0	243	244
Vehicle & Plant Asset Management Plan	764	2,859	1,707	4,234	0	9,564
Vehicle & Plant Asset Management Plan - Additions	0	2,722	-657	-217	2,237	4,085
Electric Vehicles - Powerpoint Installation	16	0	0	0	0	16
Geogrid - Barleyknowe Lane	0	0	0	0	0	0
King George V Park Outdoor Fitness Equipment	0	0	0	0	0	0
Outdoor Play Equipment - Rosewell	3	23	23	0	0	49
Outdoor Play Equipment - Gorebridge	89	20	20	0	0	129
Arniston Park Synthetic Pitch	42	1	1	0	0	45
Cuiken Glen Paths & Woodland	255	0	0	0	0	255
Mauricewood Bing Cycling and Walking Path	101	4	4	0	0	109
A701 / Beeslack Bus Shelter	28	0	0	0	0	28
Mauricewood Road Bus Shelter	0	7	7	0	0	13
Riverside Park Paths & Woodland	0	15	15	0	0	30
Birkenside Grass Pitch Drainage	0	0	12	18	0	30
Open Spaces - Midlothian Wide Play Areas	0	0	0	0	338	338
Property & Facilities						
Stobhill Depot Upgrade	0	0	0	0	568	568
New Depot: EWIM Phase III	172	3,728	4,742	1,014	0	9,655
Property Asset Management Plan	1,136	1,620	1,000	1,000	1,186	5,942
Property Asset Management Plan - Additions	0	208	841	130	5,170	6,349
Midlothian House 3rd Floor Reconfiguration	0	0	0	0	0	0
Purchase of 7 Eskdail Court, Dalkeith	23	0	0	0	0	23
Purchase of 49 Abbey Road, Dalkeith	0	6	6	0	0	12
Hillend Freestyle Jump Slope Upgrade	0	0	0	0	0	0
Hillend Preparatory Works	11	24	24	0	0	60
Destination Hillend	0	1,994	6,618	4,903	279	13,793
32-38 Buccleuch Street Ground Floor Redevelopment	9	175	175	0	0	360
Leisure Management System (Legend)	95	70	0	0	0	165
Cashless Catering	0	68	68	0	0	135
Non-Domestic Energy Efficiency Projects	1,196	172	172	0	0	1,540
Salt Dome	76	0	0	0	0	76
Demolition Costs - Various	601	300	0	0	0	901
TOTAL RESOURCES	10,326	19,498	28,237	16,905	18,325	93,291

	2018/19	2019/20	2020/21	2021/22	2022/23	Total
EDUCATION, COMMUNITY AND ECONOMY	Budget	Budget	Budget	Budget	Budget	Spend
Early Years	£'000	£'000	£'000	£'000	£'000	£'000
Gorebridge Development Trust (EYG Funded)	0	0	0	0	0	0
Gorebridge Development Trust	151	0	0	0	0	151
Gorebridge Development Trust (EYG Funded)	38	0	0	0	0	38
Further Early Years Provisions inc. 1140 hours	0	0	0	0	0	0
Primary				0		
New Bilston Primary	115	0	0	0	0	115
New Gorebridge North Primary	9	177	0	0	0	186
Paradykes & Roslin Primaries Preparatory Works	0	0	0	0	0	0
Paradykes Primary Replacement	295	821	0	0	0	1,116
Roslin Primary Replacement	160	100	0	0	0	260
Former Hopefield Primary School	983	9,018	970	0	0	10,970
Inspiring Learning Spaces	1	17	17	0	0	35
New Danderhall Primary hub	459	5,186	7,686	2,968	469	16,767
Cuiken & Sacred Heart Primaries - Design Team	0	0	0	0	0	0
Cuiken Primary School Extension	205	856	907	51	0	2,019
Sacred Heart Primary School Extension	152	1,842	1,943	101	0	4,038
Lawfield Primary Extension	5	302	302	0	0	610
Easthouses Primary School	0	500	4,000	5,000	2,892	12,392
Secondary						
Lasswade High School inc. 2nd MUGA	0	0	0	0	0	0
Newbattle High School Preparatory Works	247	331	331	0	0	908
Newbattle High School - Future Extension	0	0	0	0	0	0
Beeslack Community High School Pitch	-5	0	0	0	0	-5
General						
Online Payments for Schools (Parent Pay)	69	0	0	0	0	69
Saltergate Alterations Phase III - Playground Improvements	8	126	126	0	0	261
Saltergate Phase IV - Internal Alterations	0	31	31	0	0	63
Modular Units - Session 2017/18	1,902	329	329	0	0	2,559
Modular Units - Session 2018/19	24	553	553	0	0	1,130
Lasswade High School - Chromebooks	60	0	0	0	0	60
Early Years Additions						
Hawthorn Centre	0	515	2,062	0	0	2,577
Rosewell Primary School Alteration	0	74	295	0	0	369
Mount Esk Nursery School	0	307	1,227	0	0	1,533
Dalkeith primary school	0	170	1,019	510	0	1,699
Rosewell Primary School New Build	0	127	510	0	0	637
Easthouses primary school (Newbattle HS)	0	0	0	0	0	0
Gorebridge standalone (Beacon?)	0	274	1,097	0	0	1,371
Vogrie Park	0	40	160	0	0	200
Penicuik Estate	0	40	160	0	0	200
Catering kitchens	0	53	320	427	0	800
Settings' kitchens	0	9	56	75	0	140
Capital grants to partner providers	0	100	600	800	0	1,500
Learning Estate Strategy New						
Woodburn Primary extension (1 class plus)	0	127	507	0	0	634
Lasswade High - core facilities for 1600 pupils	0	378	1,510	0	0	1,888
Kings Park PS extension to 3 stream incl EY	0	489	2,932	1,466	0	4,887
Area 23 Primary School (Dalkeith/Easthouses)	0	327	2,942	3,677	1,226	8,171
Newtongrange refurb & expansion to 2 stream	0	0	202	555	252	1,009
Strathesk Primary one class extension	0	31	183	92	0	305
Children and Families						
Communities & Economy						
Rosewell Development Trust	176	764	764	0	0	1,704
Planning & Development						
Members Environmental Improvements	87	73	73	73	73	380
Public Sector Housing Grants	343	198	198	198	198	1,135
Contaminated Land	114	186	186	186	186	858
Borders Rail - Economic Development Projects	0	63	63	0	0	125
Property Asset Management System	0	0	0	0	0	0
East High Street Public Realm & Burns Monument	2	1	1	0	0	4
Shawfair Town Centre Land Purchase	0	2,653	2,653	0	0	5,305
Track to Train	479	0	0	0	0	479
Gorebridge Connected	516	563	563	0	0	1,643
Penicuik THI	447	108	108	0	0	664
Mayfield Town Centre Regeneration	0	40	40	0	0	80
Participatory Budgets	0	270	360	180	270	1,080
A701 & A702 Works	284	310	310	0	0	904
TOTAL EDUCATION, COMMUNITY AND ECONOMY	7,327	28,479	38,295	16,358	5,566	96,024

	2018/19	2019/20	2020/21	2021/22	2022/23	Total
	Budget	Budget	Budget	Budget	Budget	Spend
	£'000	£'000	£'000	£'000	£'000	£'000
HEALTH AND SOCIAL CARE						
Adult & Social Care						
Assistive Technology	129	70	70	70	70	410
Health & Social Care ICT	0	155	160	222	178	715
Travelling Peoples Site Upgrade	0	9	9	0	0	17
Homecare	0	28	28	0	0	55
Recovery Hub	329	250	250	0	0	829
Highbank Intermediate Care Reprovisioning	81	3,572	4,872	1,388	88	10,000
Customer & Housing Services						
Online Payments & Services	0	114	114	0	0	228
Contact Centre Telephony	19	0	0	0	0	19
TOTAL HEALTH AND SOCIAL CARE	558	4,198	5,503	1,679	336	12,273
COUNCIL TRANSFORMATION						
Purchase to Pay	2	2	2	0	0	6
EWiM Phase 2	0	0	0	0	0	0
Online Housing Applications	-4	0	0	0	0	-4
Corporate Telephony Services Upgrade	0	0	0	0	0	0
EWiM - Buccleuch House Ground Floor	0	17	17	0	0	33
Website Upgrade	0	0	0	0	0	0
City Deal	0	0	5,346	10,414	5,308	21,067
TOTAL COUNCIL TRANSFORMATION	-2	18	5,364	10,414	5,308	21,102
PROVISION FOR RETURN OF CONTINGENCIES						
2.5% Provision over full capital plan	0	-431	-1,287	-1,903	-1,126	-4,746
GENERAL SERVICES CAPITAL PLAN TOTAL	18,208	51,762	76,112	43,452	28,408	217,943

Midlothian Equality Mainstreaming & Outcomes Progress Report 2017 - 2019**Report by: Dr Grace Vickers, Chief Executive****1. Purpose of Report**

The purpose of this report is to advise Council of the publication of the Midlothian Equality Mainstreaming & Outcomes Progress Report 2017 – 2019 as required to meet statutory requirements as set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, 2015 and 2016.

2. Background

- 2.1** The Equality Act 2010, the Equality Act 2010(Specific Duties) (Scotland) Regulations 2012, 2015 and 2016 require public bodies such as the Council, Education Authority and Licensing Board to produce and publish an Equality Mainstreaming & Outcomes Progress Report for the period 2017 – 2019.
- 2.2** The Equality Mainstreaming & Outcomes Progress Report provides an update on work undertaken during the period 2017 – 2019 to progress equality, diversity and human rights in both our communities and workplace.
- 2.3** The Equality Mainstreaming & Outcomes Progress Report is designed to ensure the Council, Education Authority and Licensing Board (separated as required by the Act), progress the requirements of section 149 (1) of the Equality Act 2010 to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 2.4** The report presented today meets the legal requirements of the Equality legislation as detailed in section 2.1, and supports a positive way forward for the Council, Education Authority and Licensing Board.

3 Report Implications

3.1 Resource

There are no resource implications arising directly from this report other than the time of the Council's corporate Equality, Diversity & Human Rights Officer.

3.2 Risk

The Council has a statutory duty to comply with the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, 2015 and 2016.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- Reducing inequalities in learning outcomes
- Reducing inequalities in health outcomes
- Reducing inequalities in economic circumstance

Equality, diversity and human rights underpin all three priorities.

3.5 Impact on Performance and Outcomes

Completion of actions and the meeting of outcomes within this report will enhance equality, diversity and human rights performance and outcomes.

3.6 Adopting a Preventative Approach

By adopting a pro-active approach to equality, diversity and human rights a preventative approach will be engendered.

3.7 Involving Communities and Other Stakeholders

This is a progress report based on the first two-year period of the Equality Plan 2017 – 2021 which was the subject of public consultation in 2017. As such, no further consultation is required for this report.

3.8 Ensuring Equalities

The content of this report relates to best practice and compliance with the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, 2015 and 2016. As this is a progress report no separate Integrated Impact Assessment is required.

3.9 Supporting Sustainable Development

The content of this report contributes to a sustainable approach to the continuous improvement of equality, diversity and human rights within Midlothian Council and its communities.

3.10 IT Issues

There are no IT issues arising from this report.

4 Summary

The Council, Education Authority and Licensing Board are subject to equality legislation as detailed in the Equality Act 2010 and subsequent Regulations in 2012, 2015 and 2016. This means that the three bodies are required to develop, publish and report progress on equality outcomes and mainstreaming activities on a two-year cycle and produce a new Equality Plan every four years. These reports need to demonstrate how the three bodies are working towards eliminating unlawful discrimination, victimisation and harassment, advancing equality of opportunity and fostering good relations to all people irrespective of their age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex sexual orientation, or poor socio-economic status now known as the Fairer Scotland Duty.

5 Recommendations

Council is asked to note the contents of the Midlothian Equality Mainstreaming & Outcomes Progress Report 2017 – 2019.

Appendices: **Midlothian Equality Mainstreaming & Outcomes Progress Report 2017 – 2019**

Date: 22 May 2019
Report Contact: Lesley N Crozier, Equality, Diversity & Human Rights Officer
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Background Papers: None



Midlothian

Midlothian Council
Equality
Mainstreaming &
Outcomes Progress
Report
2017 - 2019

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Foreword by the Chief Executive, Midlothian Council

Welcome to the Midlothian Council Equality Mainstreaming & Outcomes Progress Report for the period 2017 - 2019.

Over the past two years, the Council has continued to work towards developing its approach to equality and fairness. The Council has set out an ambitious programme of work through the Midlothian Community Planning Partnership to build a Midlothian which is built on fairness and prosperity.

It is my opinion that this principle of equality must underpin all of the work the Council plans and does, and I am determined that the Council will do this through:

- Recognising that some people are not always treated fairly and can experience discrimination and inequality;
- Ensuring that our services meet the needs of all people in our communities, and that communities have choice and control over the services they use where appropriate;
- Challenging ourselves to tackle the inequality that exists in our communities, and working with community planning partners to improve outcomes for equality groups; and
- Tackling prejudice and negative attitudes towards people and celebrate the diversity within our communities

Work already underway to reduce inequality helps the Council to be in a good position to respond to the requirements of the Fairer Scotland Duty which came into force in April 2018. We will also shortly launch a new British Sign Language Plan and Gaelic Language Plan.

I am proud of the work that the Council has done to raise awareness of Mental Health amongst our employees, and the drive to celebrate equality and diversity with the Equal Midlothian Week & Mela which resulted in us winning the Scottish Diversity Awards 2019. Initiatives such as these are tangible examples of equality work within our organisation and our local communities.

I look forward to continuing our work over the coming years to achieve our vision of a fairer and more equal Midlothian.

Yours sincerely

Dr Grace Vickers

Chief Executive, Midlothian Council

1.0 Purpose of Report

- 1.1 The purpose of this report is to outline how the Council has taken forward work to mainstream equality across the Council both in its role as a service provider and as an employer. The report also demonstrates current progress against equality outcomes detailed in the Midlothian Council Equality Plan 2017 – 2021.
- 1.2 This report uses the terms 'Midlothian Council/Council' as shorthand for the Council, Education Authority and Licensing Board (all three bodies).

2.0 Legislative Background

- 2.1 In October 2010 the Equality Act 2010 (the Act) came into force. This was a consolidating piece of legislation gathering together 40 years of previous discrimination legislation.
- 2.2 On 05 April 2011 the Public Sector Equality Duty (PSED) came into force. The PSED replaced the separate duties on public bodies relating to race, disability and gender equality.
- 2.3 The new PSED extended the scope of equality legislation to include not only race, disability and gender but also age, gender re-assignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation.
- 2.4 These nine categories are now known as the protected characteristics.
- 2.5 In April 2018 the Scottish Government enacted the socio economic duty. The Equality Act requires us to actively consider how we can reduce the inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. This is known as the Fairer Scotland Duty.
- 2.6 The PSED as set out in the Act is known as the 'general equality duty' (GED).
- 2.7 The GED requires public listed authorities in the planning and exercising of their public duties and functions to have 'due regard' to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - Foster good relations between people who share a relevant protected characteristic and those who do not

- 2.8 These three areas are sometimes known as the ‘three needs’.
- 2.9 Having ‘due regard’ in relation to advancing equality of opportunity includes:
- Removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
 - Taking steps to meet the needs of persons with protected characteristics that are different from persons who do not share it; and
 - Encouraging participation in public life and other areas where representation is disproportionately low
- 2.10 Having ‘due regard’ in relation to the need to foster good relations includes:
- Tackling prejudice; and
 - Promoting understanding
- 2.11 As previously noted at present there are nine protected characteristics and there is no hierarchy to those nine. In alphabetical order they are:
- Age
 - Disability (learning difficulties, mental health, physical and sensory)
 - Gender re-assignment
 - Marriage and civil partnership (restricted to elimination of unlawful discrimination in employment)
 - Pregnancy and Maternity
 - Race
 - Religion or Belief
 - Sex
 - Sexual orientation
- 2.12 On 27 May 2012 the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force.
- 2.13 These Regulations imposed duties on listed public bodies for the purpose of enabling the better performance by the listed authority of the duty imposed by section 149(1) of the Equality Act 2010, the PSED.

2.14 These duties are to:

- Report progress on mainstreaming the equality duty;
- Publish equality outcomes and report progress;
- Assess and review policies and practices;
- Gather and use employee information;
- Publish gender pay gap information;
- Publish statements on equal pay, etc;
- Consider award criteria and conditions in relation to public procurement;
- Publish in a manner that is accessible, etc;
- Consider other matters; and
- Scottish Ministers to publish proposals to enable better performance

2.15 The 2012 Regulations dictate when reports and progress reports have to be published (outcome reports every four years, progress reports every two years starting on 30 April 2013). The Regulations also state that all new and/or revised policies must be impact assessed against the needs of the GED, and that workforce profiling, gender pay gap and equal pay statements should form part of the mainstreaming report for organisations who have more than 150 employees at prescribed times. Finally, the Regulations look for listed bodies to improve their procurement activities and to publish all materials in a manner that is accessible to all.

2.16 On 11 June 2015 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 came into force.

2.17 This set of Regulations increased the number of listed bodies who are required to adhere to the Act and includes Integration Joint Boards established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 (3).

2.18 This means that the Midlothian Integration Joint Board (MLIJB) is now subject to the duties and responsibilities of the Equality Act 2010 and its subsequent Regulations. The MLIJB has its own Equality Reports and is therefore out with the scope of this report.

2.19 On 18 March 2016 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2016 came into force.

2.20 This new set of Regulations:

- Introduced a new requirement on listed public authorities to publish the gender composition of their Boards, and to produce succession plans to increase the diversity (across all protected characteristics) of their Boards; and to
- Lower the threshold for listed bodies to publish information on their gender pay gap and equal pay statements, from those authorities with more than 150 employees to those with more than 20 employees

2.21 Local authorities, licencing boards, and education authorities are not considered 'relevant listed authorities' in respect of the first bullet point in 2.20 above.

2.22 It is important to note that the Council as an Education Authority must also meet the requirements of the Act and subsequent Regulations. Further, as the Council also administers the Licensing Board it too needs to meet the requirements of the Act and Regulations when undertaking its duties. Accordingly, at the relevant points within this report reference will be made to all three bodies.

3.0 Mainstreaming Equality 2017 – 2019 - context

3.1 In the Council's last Equality Mainstreaming & Outcome Reports 2015 – 2017 it was said that:

- Mainstreaming equality meant making equality part of the day to day business of the Council, Education Authority & Licensing Board both as service planners, providers and employers, rather than a 'bolt-on' at the end of projects and other programmes of work;
- By mainstreaming equality, the Council, Education Authority & Licensing Board could ensure that equality of opportunity was part of the culture of the organisations, and that both employees and customers could benefit from organisations where they felt valued and their interests and issues on a level par with all others' issues and values;
- Further, by mainstreaming equality the Council, Education Authority & Licensing Board could demonstrate its commitment to the general duty by publicly demonstrating that they would not condone unlawful discrimination, victimisation and harassment; and that
- The Council, Education Authority & Licensing Board could also demonstrate that they would work to advance equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not

within their own organisations and through partnership and joint working practices with neighbours and community planning partners.

The Council, Education Authority & Licensing Board remain committed to these considerations, and during the period 2017 – 2019 have worked hard to embed each of the needs of the General Equality Duty for each protected characteristic throughout all of its work.

4.0 Progress made 2017 – 2019 to mainstream equality throughout all three bodies (Council, Education Authority & Licensing Board)

4.1 Ensuring genuine commitment to equality through all levels of the Council structures and planning procedures

The service planning structure of the Council includes the Single Midlothian Plan (SMP) and supporting plans including service plans.

In Midlothian, partners work together through the Midlothian Community Planning Partnership (MCP) which is the overarching partnership for this local authority area. MCP brings together public services, the third sector, the business community and community organisations that are based or working in Midlothian.

The three priorities for the MCP are to reduce inequalities in: learning outcomes; health outcomes; and economic circumstances. The strapline of the partnership is 'Midlothian - A Great Place to Grow'. Actions in relation to outcomes given in the 2017 – 2021 Equality Plan will be given in the outcomes section of this report.

4.2 Understanding the impact of our work – the new Integrated Impact Assessment (IIA)

Since 2016, the Council has implemented an Integrated Impact Assessment Tool to ensure that we consider equality and the impact of our decisions on those with protected characteristics. The Council considers that our decision making process needs to consider a bigger picture and therefore the IIA also considers socio-economic inequality, health inequalities, environmental and sustainability matters thereby giving service providers the bigger picture that allows them to identify priorities now and in the future.

In early 2019 we began a further refresh of the IIA process, considering the need to include further focus on human rights and a greater emphasis on ensuring we consider the impact of our policies on care experienced young people.

Completed impact assessments are published on the Council website as required by the Act and can be found [here](#).

4.3 Equalities Monitoring

The Council continues to use equalities monitoring to gather and analyse information about service users. During 2019 the Council intends to produce 'A Guide to Monitoring Equalities in Council Services'. Through this we hope to continue to develop our approach to equality monitoring and data collection to ensure we meet the requirements of General Data Protection Regulation (GDPR), and also ensure that any information collected reflects the most up to date approach to monitoring, and gives us the information we need to develop responsive services.

4.4 Building Organisational Capacity

Equality & Diversity Training

Training continues to be an important method of mainstreaming equality, diversity and human rights throughout the Council, Education Authority and Licensing Board. As part of the Equally Safe at Work Accreditation Process and Equality Plan 2017 – 2021, in the second half of 2019 a programme of equality, diversity and human rights awareness training will commence. This will:

- Ensure that Midlothian Council is able to meet its general and specific duties under equalities and human rights legislation.
- Provide employees with opportunities for learning and awareness of their role and responsibilities under equality and human rights legislation.
- Develop a skilled, motivated and culturally capable workforce that can bring about changes that will improve services and tackle inequalities.

In addition, updates for the Council's Corporate Management Team and Elected Members on Equality, Diversity and Human Rights Awareness and the new Integrated Impact Assessment focusing on the benefits that this process gives to service planning and delivery as well as staff wellbeing have been, and will continue to be delivered.

Further, over the last two years all staff have been encouraged to undergo refresher equality and diversity training, and those involved in developing service planning and delivery to request more detailed training in the need for and use of the Integrated Impact Assessment tool. This will continue over the next two year period.

4.5 Council's Equality Working Group (EWG)

In the 2015/17 Mainstreaming Report it was noted that the structure and purpose of the Equality Working Group (EWG) required review.

At that time it was agreed that membership of this group needed to be elevated to third tier officers service-wide which would mean that there was a senior management buy in to the group and what it plans and does. This group would be supported and guided by the Council's Equality & Diversity Officer and would in essence be responsible for the embedding of equality and diversity throughout the organisation and within the Community Planning Partnership.

Work on this review has been delayed. After further consideration it has been agreed that mainstreaming of equalities throughout the organisation should be undertaken by the about to be formed Equalities Forum. This Forum will be made up of employees representing all nine protected characteristics and the Equalities Engagement Officer and will support the Equality and Diversity Officer to embed equality and fairness of opportunity organisation-wide as well as helping to undertake employee and community equality initiatives. Where required equality and diversity training will be provided to Forum members.

Initial actions of this group will be to:

- Provide a briefing note to the Council and the Community Planning Partnership as to its remit and membership;
- Identify those within each service who must have Impact Assessment training in order to ensure the service planning and delivery does reflect the needs of all citizens within Midlothian;
- Embed into the organisation an equality and diversity newsletter that continually enforces the need for a process that protects individuals from unlawful discrimination, victimisation and harassment, and progresses the need to advance equality of opportunity and foster good relations between persons who have/have not protected characteristics.

4.6 Joint Community Planning Equality Forum (CPEF)

Work on the remit and membership of the Joint East Lothian and Midlothian Community Planning Equality Forum (JE&MCPEF) has not progressed as planned. This work needs to be carried out during the period 2019 – 2021. This Forum, which is jointly run by East Lothian Council, is in need of refreshment, and work is about to begin with Community Partners to see who is best placed and qualified to take part in this important group. Initial work for the Forum will involve:

- Developing a strategic plan and way of working that will ensure that all service planning and delivery of the Community Planning Partners is underpinned by the principles of equality and diversity;

- Working further with the Community Planning Equality Engagement Officer in activities undertaken by the about to be formed Equalities Forum, Midlothian People's Equalities Group (MPEG), Neighbourhood Planning exercises, community initiatives, and other Community Planning activities;
- Ensuring that whilst the Community Planning Partnership has agreed to target actions aimed at closing the outcome gap for residents in the parts of the county identified in the top 20% of SIMD, that this does not adversely affect members with protected characteristics in other Midlothian areas

4.7 Working with the Procurement Section

Further work with the procurement section is required in order to:

- Develop further equality issues within our procurement strategy such as buying with other community planning partners and increasing supplier diversity;
- Identify need and build a business case by reviewing the current provision for equality in procurement; building equality into the business case and engaging with service users;
- Introduce equality requirements in contract specifications including;
 - Specify positive action and reasonable adjustments as well as workforce requirements;
 - Use more inclusive advertising and selection of tenderers' processes;
 - Develop an inclusive award process as well as implementing equality contract conditions and monitoring them;
 - Learn lessons at the end of a contract

This will ensure that the procurement process is informed by the responsibilities and obligations within the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, particularly to consider the use of award criteria and conditions in relation to public procurement.

4.8 Participation in LGBT (Lesbian, Gay, Bi-sexual & Transgender) History Month 2017

On 20 February 2017 the Council in association with Midlothian Young Peoples' Advice Service (MYPAS), LGBT Youth Scotland and East Lothian's Sense of Place Initiative held an event in the Dalkeith Arts Centre to understand and celebrate the past, present and future of LGBT life in Midlothian.

In particular the event was celebrating the birth of a new young person's LGBT Midlothian Group and learning about the experiences others had gone through in previous years in Midlothian.

It was an evening of sorrow, hope and joy and was enjoyed by all. The evening also allowed valuable input from the Midlothian LGBT community into actions that they would like to see the Council undertake in order to fulfil its responsibilities under the Equality Act 2010.

During the period 2017 – 2019 the MYPAS LGBT Youth Group has gone from strength to strength.

4.9 SWAN (Scottish Workplace Networking) for LGBT People

SWAN was founded in 2008 by Ian Arnot and Robert Cole, who were involved with British Telecom's (BT) LGBT Networking Group, Kaleidoscope.

At the time, many companies and public sector employers had their own networking organisations but there was nothing that connected them. SWAN was created in order to fill this gap and provide a network in Scotland to bring people from different sectors together.

SWAN has become synonymous with networking within the LGBT professional community. As an organisation they have been hosted at many major businesses in the central belt of Scotland and attendance is consistently growing. SWAN aims to provide LGBT people with access to networking opportunities and with the help of corporate hosts they are able to do this absolutely free.

The Council in partnership with East Lothian Council have been approached by SWAN and asked if we would host an event. It is now anticipated that this will take place within the period 2019 – 2021.

4.10 Stonewall Scotland

The Council is pleased to be a member of Stonewall Scotland's Diversity Champion's Programme.

Stonewall Scotland works to achieve equality and justice for lesbian, gay, bisexual and transgender people.

By working with Stonewall we can help LGBT people to become more involved in the education, service planning and delivery in our area.

4.11 LGBT Youth Scotland

LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender (LGBT) people in Scotland. The charity's mission is to:

“Empower lesbian, gay, bisexual and transgender young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community.”

The Council is a member of the Lothian LGBT Development Group and as can be seen in section 4.8 above has co-hosted an event with LGBT Youth in LGBT History month in 2017.

The Council's Equality Engagement Officer has also co-ordinated group attendance at Edinburgh Pride marches with LGBT Youth Scotland.

4.12 Participation in Equality & Rights Network (EaRN)

The Equality and Rights Network (EaRN), is a member-led network that seeks to advance equality, promote human rights and tackle inequality and poverty in Edinburgh and surrounding areas.

Midlothian Council along with East Lothian Council has been extended an invitation to join this network and is looking into this possibility and how it could best benefit our communities by attending meetings as a sleeping partner at present.

It was anticipated that further details about participation with this network would be forthcoming in the next equality progress report in 2019 but this matter is still under discussion.

4.13 NHS Gypsy/Traveller Health Steering Group

NHS Lothian approached the Council in 2014 requesting that the Equality & Diversity Officer attend this group which looks after the specific health issues relating to Gypsy/Travellers in the East & Midlothian areas. The group was refreshed during 2015/17 and Midlothian Council remains an active participant in this group.

4.14 Gathering information about the experiences of equality groups

The Council continues to recognise that gathering information/ evidence about the needs and experiences of those with protected characteristics is an important way for the Council to deliver services that meet the needs of the community. The Council does this in different ways including community engagement, participation and desk based research. Since the publication of the initial Equality Plan in 2013 and update in 2017 a number of key developments have strengthened the knowledge we have about our communities:

- Continued development and growth of the Local Neighbourhood Plans which provide opportunities for local people to engage with local issues and improvements for their local communities. These Plans are focused on reducing inequality and offering opportunities for participation and good community relations.
- Development of the Community Planning Annual Planning Day events giving local communities the opportunity to hear more about and get involved in broader community planning work.
- Continued support for Midlothian Community Councils
- Development of the Midlothian Citizen's Panel as a mechanism to gather the views of local people on key issues.
- Development of the 'The Champions' Board' whose remit is to provide a platform for looked after children to engage with their corporate parent and make their needs known.
- Successful working relationships with regional and national equality groups to provide information / evidence about particular groups that have no local representation
- Use of National Resources including 'Equality Evidence Finder' developed by the Scottish Government/ Improvement Service.

5.0 Other ongoing work in support of equal opportunities Council-wide

5.1 2017

September 2017

Midlothian People's Equality Group – Annual General Meeting

Midlothian People's Equality Group (MPEG) 2016-2017 held their Annual General Meeting (AGM) to present their annual report and accounts. Midlothian People's Equality Group are a friendly group of local people with diverse backgrounds who aim to:

- Promote equality and challenge prejudice
- Build relationships across Midlothian's communities of interest where people feel valued and trusted
- Provide a platform for Midlothian people to learn, educate and communicate about local equality issues of concern and interest; and have a voice in local policy and planning.

Midlothian Council's Equality Engagement Officer supports the group on an ongoing basis: attending board meetings; giving guidance and support with practical tasks such as funding

applications/ OSCR submissions; and working in partnership with MPEG to host events and projects.

October 2017

Hate Crime Sessions in Midlothian Schools (ELREC, Midlothian Council and Police Scotland)

Edinburgh and Lothian's Regional Equality Council (ELREC) were successful in obtaining funding to deliver Hate Crime Sessions in Midlothian Schools. In order to deliver the project successfully a collaborative approach was taken involving Midlothian Council's Equalities Engagement Officer and Police Scotland who worked together to plan and devise an appropriate programme. Midlothian High Schools were approached with the offer and Lasswade High School were keen to progress this opportunity. ELREC delivered this successful project across a number of weeks with the support of Police Scotland.

December 2017

STEM Talks events

The Equalities Engagement Officer and STEM Coordinator worked together to deliver two STEM events to Midlothian primary schools. The objectives were to:-

- Increase understanding of STEM industries (i.e. jobs available and different entry routes into these careers)
- Provide positive life stories of people overcoming stereotypes to pursue their career goals
- Challenge stereotypes and in doing so, help young people recognise that careers within the STEM industry, and others, are open to all (i.e. not governed by age, sex, race, sexuality, gender identity, background etc.).

The first event was held in December 2017 at Woodburn Primary where three Primary 5 classes had the opportunity to meet a range of STEM professionals over an afternoon. This included representation from female scientists, engineers and construction workers in addition to male nurses and a stay at home dad. A second event hosted by Kingspark Primary in February 2018 enabled seventy Primary 7 pupils to also benefit from a morning of conversations.

5.2 2018

February 2018

Talking Books event in celebration of LGBT Youth's Purple Friday (a day to stand up to Homophobia, Biphobia and Transphobia) at Lasswade High School. The Talking Books model is a collaboration between Midlothian People's Equality Group and Midlothian Council which seeks to challenge prejudice and discrimination by facilitating respectful conversations that can positively change people's attitudes and behaviours towards members of our communities who are at risk of exclusion and marginalisation. 165 school pupils attended the event in small groups and had the opportunity to speak with 9 Talking Book volunteers who spoke about their personal experiences of overcoming challenges, prejudice and discrimination. Volunteers spoke about different perspectives including faith beliefs, sexuality, gender identity, physical and learning disabilities and mental health issues.



Pupils were asked what they would change as a result and here are some of the comments:

"I will change the way that I think about others because I don't know their background.... I will feel more confident if I ever meet a person like them again"

"I will be more understanding of people who are different and try not to do anything offending or use any of the words to describe people in the wrong way."

"I will be more aware about others and their opinions and feelings"

"I thought it was a really good experience because it was really eye opening"

One member of staff commented on how he believed it to be "one of the most meaningful workshops he had ever seen in education". Overall the event was a great success!

March 2018

Equal Midlothian Week and Midlothian Mela 2018

Equal Midlothian Week has become an exciting annual programme of events. A range of organisations come together to offer a variety of events which promote and celebrate equality, raise awareness and reach out to all communities. Events on offer in 2018's programme were:-

Decisions Decisions Decisions by People First Scotland

Coffee and Chat by Woodburn Women's Health and Motivation

Human Library/ Talking Books event by Midlothian People's Equality Group and Midlothian Council

Open Information Day for Kinship Carers by Grandparents Parenting Again and Kinship Carers

Cultural Awareness in Mental Health by Health in Mind

Employability and Advice Surgery by Linknet

Housing Information Morning by Midlothian Council Tenant Participation

The week of events culminated in the annual multi-cultural celebration ***Midlothian Mela 2018*** which was a partnership event hosted by Midlothian People's Equality Group, Midlothian Council and Health in Mind. The Midlothian Mela 2018 was held at the Glencorse Centre and saw approximately 100 people attend to enjoy the range of music and dance workshops and performances and family friendly activities.

June 2018

Equali-Teas Story Café event – Midlothian People's Equality Group

EQUALITEAS (www.equaliteas.org.uk) is an annual UK-wide celebration of our democratic equality. In 2018 the UK Parliament celebrated 100 years since the first women gained the right to vote, however, full equal voting rights for men and women over the age of 21 were not granted until *The Representation of the People (Equal Franchise) Act 1928* became law. In the run-up to the centenary in 2028, EQUALITEAS are encouraging communities to come together for cake, a cuppa and a slice of debate. Midlothian People's Equality Group celebrated by holding a Story Café with Midlothian's Bibliotherapist who brought some interesting pieces of literature which related to the theme. Some great discussion and debate was had along with a cuppa and some delicious home baking.

September 2018

Funeral Poverty - Short Film

The Midlothian Faith Communities Partnership and Midlothian Communities Team hosted an event to highlight the growing issue of Funeral Poverty in Penicuik Town Hall. The Equalities Engagement Officer and Senior LL&E Worker Adults and Families (Newbattle Cluster) worked in partnership to create a short film which introduced the topic and examined different perspectives and the complexities which lead to funeral poverty. Feedback from delegates was that this would be a useful tool to use with groups in order to open up discussion about end of life and funeral planning and it was agreed that the film would be made available for such purposes.

October 2018

Midlothian People's Equality Group AGM

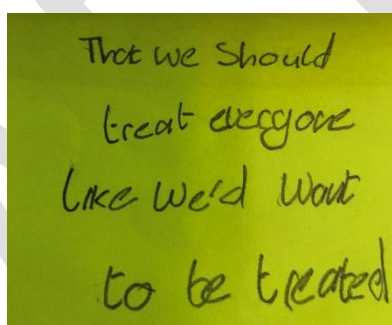
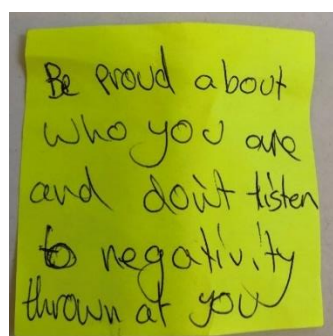
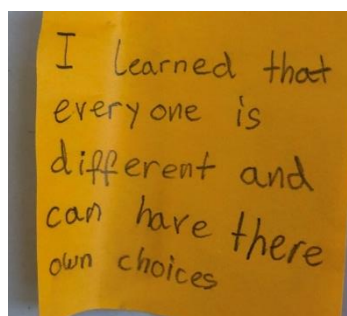
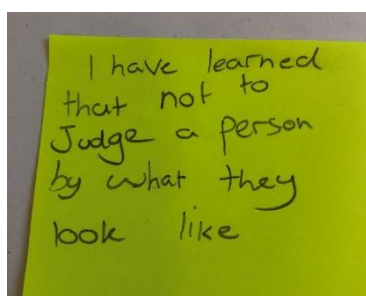
MPEG members were supported to present the annual report and talk about successes throughout the year. This included attending more public facing events such as Gala Days and partnership/ networking events as well as the success of the Midlothian Mela 2018 and the Winter Raffle fundraiser. Throughout 2017-2018 Midlothian People's Equality Group (MPEG) continued to receive support from Midlothian Council's Equalities Engagement Worker. The Equalities Engagement Officer provides support to the group on an ongoing basis, attending monthly meetings and offering practical support and advice where necessary.

November 2018

Talking Books event at Mauricewood Primary School

Another Talking Books event was held at Mauricewood Primary where Talking Book volunteers visited Primary 7 pupils. A preparatory session was carried out by the Equalities Engagement Officer a few days before the event took place. This enabled the primary 7 pupils to look at profiles of the volunteers who would be visiting and to think about questions they would like to ask. This session was particularly valuable for the pupils to think about how they could ask questions in a respectful way and there was some interesting discussion that took place around the use of language and respecting personal boundaries.

51 primary 7 pupils attended the Human library and spoke to the volunteers in small groups. The volunteers rotated round the room so that each group had the opportunity to speak to 6 volunteers. The volunteers represented a range of different and intersecting equality perspectives including gender identity, black and minority ethnicity, religion and belief, refugee, care experienced, physical and learning disability. Pupils were engaged and enthusiastic during the event. At the end of the event pupils were asked to write down something that they learned....



5.3 2019

February 2019

Talking Books event in celebration of LGBT Youth's Purple Friday (a day to stand up to Homophobia, Biphobia and Transphobia) 2019 at Lasswade High School. After the success of the 2018 event Lasswade High School were keen to host this event again. This year 10 Talking Books volunteers visited the S1 year group (approx. 165 pupils) and both pupils and teachers again expressed a positive learning experience.

March 2019

Equal Midlothian Week 2019

A range of organisations came together again to offer an exciting and varied programme of events. On offer in 2019 were:-

- Bereavement and Life Skills Groups for Men 65+ at The Grassy Riggs
- Midyouth – LGBT Group for 12-21 Year Olds
- Cultural Awareness in Mental Health by Health in Mind

- Macular/ Visual Impairment Support Group at The Grassy Riggs
- Seen but Not Heard – Understanding Eating Disorders by CAPS Independent Advocacy
- Language Taster Menu by the ESOL (English for Speakers of Other Languages) Service
- Open Information Day for Kinship Care in Midlothian by Grandparents Parenting Again and Kinship Carers Midlothian
- LGBT Ageing Together Support Group at The Grassy Riggs
- Domestic Abuse and BME Women Training by Shakti
- Disability Hate Crime event by Midlothian People's Equality Group
- The Wizard of Oz Singalong Film Showing by Women's Aid
- To Kill a Mockingbird Film Showing by Moorflix Cinema

The week of events culminated with the annual multi-cultural celebration the **Midlothian Mela 2019** at a new venue - The Gorebridge Beacon - which was a great success and saw more than 200 people come through the doors to enjoy music, dancing, food, family activities, workshops and alternative therapies. The Midlothian Mela 2019 was a partnership event hosted by Midlothian People's Equality Group, Midlothian Council and Health in Mind.





Other work 2017-2019

The Equalities Engagement Officer has been involved in ongoing work and attendance at groups including Midlothian's Community Faith Partnership; NHS Weight Management and Diabetes Prevention Working Group; Midlothian Muslim Community Centre; Health in Mind LGBT+ Working Group; LGBT Youth Scotland Development Group; Early Action on Mental Health: 100 Day Challenge; pupil LGBT+/ Equality Groups in Midlothian High Schools and others.

Equalities training has also been delivered during this period including Community Council Training Day; Unconscious Bias Training delivered to the Lifelong Learning and Employability Team (Midlothian Council); equalities inputs within Crèche worker training, Care Academy, Childcare Academy and PAVE.

PLANNED WORK for 2019 – 2021

- Support to Midlothian People's Equality Group to increase membership, representation across the protected characteristics, and increase funding for project based work.
- Support to Midlothian Muslim Community Centre to implement Weight Management and Diabetes Prevention Project.
- Continue to network with minority groups in Midlothian and support community equalities groups where there is evidence of need.
- Continued support to schools to address equalities issues including supporting pupil LGBT/ Equalities groups and coordinating the Talking Books programme.
- Continued support towards the establishment of LGBT representative groups within Midlothian, LGBT events and encourage commitment to the LGBT Youth Charter Mark.
- Training for staff and partners to enable them to have better understanding of the barriers to accessing services and better engagement with equalities group.
- Deliver Equalities actions as allocated on the Single Midlothian Plan.

6.0 Areas of development for 2019 – 2021

6.1 In addition to ongoing projects/work noted in section 4, the following areas of work will be further developed in the period 2019 – 2021:

- A priority for 2019- 2021 is to consider the implications of the Fairer Scotland Duty and how the Council, Education Authority and Licensing Board can ensure that we meet the requirements of this new aspect of the Equality Act. This will require us to update the Council's Equality Plan to incorporate the requirements of the Fairer Scotland Duty and to refocus our efforts on achieving our aims;
- The Council will ensure that all training offered reflects the socio economic duty. The Council will also work to ensure we focus on key policy areas and new legal requirements including the BSL Plan, and the Gaelic Language Plan;
- The Council will also implement the revised Integrated Impact Assessment Toolkit and Guidance to ensure that the Council can take forward a strong focus on human rights and improve policy making through the use of the tool;
- Continue to develop our approach to equality monitoring and data collection to ensure we meet the requirements of GDPR and also ensure that any information collected reflects the most up to date approach to monitoring and gives us the information we need to develop responsive services;
- We (the Council) will conduct an interim evaluation to make sure we are up to speed with the actions and outputs needed to meet our equality duties;
- Build relationships with individuals and organisations who can assist us by getting involved in progressing equality outcomes;
- Meet with managers and other stakeholders within the Council who can assist the Equality & Diversity Officer in mainstreaming progress and plans for the future;
- Consider further how we prepare for the inclusion of race and disability in our equal pay policy and occupational segregation information;
- Evaluate and improve further our approach to the duties on Procurement;
- Further develop the process to be followed in the gathering of data and information for the next Equality Plan and Mainstreaming & Outcomes Progress Report in 2021;
- Make sure that the people we involve in equality outcome setting are empowered and have the capacity to be involved;

- Ensure that the Equal Pay Statement and the Gender Pay Gap information covers all the requirements of the Act.

7.0 Employee Information Analysis for the year 2017/2018

7.1 Key Findings

- It is still the case that far too many employees are reluctant to answer equality monitoring questions, and understanding and resolving the reason/(s) for this continues to be a priority action for the Council within the period 2019 – 2021.
- The Council continues to need to address what data and information it gathers in relation to its standing workforce, those leaving the organisation, and those it attracts to apply for positions within the organisation. This will give the Council a robust knowledge about its workforce, the reasons why individuals leave, and what attracts new applicants to want to work for the authority.
- Action/(s) are required to attract a more diverse workforce from across all protected characteristics that will fully reflect those within Midlothian's communities.
- In round terms the organisation attracts and recruits on a 70% female, 30% male basis which is in sync with the standing workforce. The Council needs to look into ways of attracting more males into the workforce particularly into traditionally seen female roles such as teaching. Further, the Council needs to look at attracting women into traditional male areas such as waste, transport, amenity, and STEM (science, technology, engineering and mathematics) professions.
- The Council continues to need to address an ageing workforce profile.

7.2 Workforce Profile Analysis (for period 01/04/17 – 31/03/18)

Age

During the year 2017/18 the age profile of the workforce was:

Age Band	Number	Percentage
16-24	539	9.44
25-39	1551	27.16
40-55	2288	40.07
56-59	512	8.97
60-64	430	7.53
65+	390	6.83
Total	5710	100.00

The greatest number of employee remains as during 2015/16 and 2016/17 within the age band 40 – 55. There is a slight increase (0.22%) in the number of 16 – 24 year old employees since last year. However, the number of employee within the 60+ cohort continues to grow and is up 0.88% in 2017/18.

Disability

During the year 2017/18 the disability profile of the workforce was:

Type of Disability	Number	Percentage
Did Not Answer	2843	49.79
No disability	2638	46.20
Prefer not to answer	156	2.73
Yes - Learning Disability	11	0.19
Yes - Longstanding Illness	21	0.37
Yes - Mental Health Condition	8	0.14
Yes - Other, such as disfigurement	*	*
Yes - Physical Impairment	20	0.35
Yes - Sensory Impairment	8	0.14
Total	5710	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Since last year there has been a slight reduction (3.58%) in the number of employees who did not answer the disability question, but it is still disappointingly high at 49.79%.

The number of employees who 'prefer not to answer' remains double the number since 2015/16 and the reason/(s) for this along with the number who 'did not

answer' will be fully investigated during the remaining period of the Equality Plan 2017 – 2021.

In relation to the year 2016/17 percentages remain steady where employees have disclosed that they have a disability and the type of their disability (1.28% (16/17) and 1.28% (17/18)). A confidential survey needs to be undertaken to understand why employees are reluctant to provide details, and to contrast this with reasons given from the majority of employees who do not provide any information.

Gender Re-assignment

Answer	Number	Percentage
Did not answer	4781	83.73
No	907	15.88
Prefer not to answer	21	0.37
Yes	*	*
Total	5710	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

In answer to the question 'have you ever identified as a Transgender person or Trans person?' in 2015/2016 no positive responses were recorded. As the table above shows in 2017/2018 positive responses were recorded. This would indicate that those responding feel safe and happy to do so within the organisation, and it would be a very positive step forward if they would share with the Equality Officer why this is so. (It would also be important to ascertain if they had previously recorded a 'yes' to this question, as there were positive responses in 2014/15, and had not felt confident to do so in 2015/16). Sensitive enquiries in this regard will be carried out during the remaining period of the Plan.

Notwithstanding this, it is still very disappointing that only 15.90% employees are prepared to answer this question, (either yes or no), and flags up the need for detailed work to understand why this is the case within the workforce.

Marriage and Civil Partnership

In 2017/2018 the workforce profile in this category was as follows:

Status	Number	Percentage
Did Not Answer	871	15.25
Divorced/Separated	239	4.19
Living with partner	216	3.78
Married/Civil Partnership	2701	47.30
Prefer not to answer	345	6.04
Single	1279	22.40

Widowed	59	1.03
Total	5710	100.00

As with other protected characteristics the Council needs to look into why 21.29%, nearly one quarter of its workforce, are reluctant to provide details of their marriage, civil partnership or other status.

Pregnancy and Maternity workforce profile (period 01/04/16 – 31/03/17 (latest data available))

Age	Number	Percentage
16-24	*	*
25-39	126	85.71
40-55	20	13.61
Total	147	100.00

Disability Type	Number	Percentage
Did Not Answer	105	71.43
No	38	25.85
Prefer not to answer	*	*
Yes - Mental Health Condition	*	*
Yes – Sensory Impairment	*	*
Total	147	100.00

Gender Re-assignment	Number	Percentage
Did Not Answer	122	82.99
No	25	17.01
Total	147	100.00

Marital Status	Number	Percentage
Did Not Answer	18	12.24
Divorced/Separated	*	*
Living with partner	*	*
Married/Civil Partnership	86	58.50
Prefer not to answer	9	6.12
Single	28	19.05
Total	147	100.00

Ethnic Origin	Number	Percentage
Did Not Answer	100	68.03
White - Eastern European (e.g. Polish)	*	*
White Other	*	*
White Other British	8	5.44
White Scottish	34	23.13
Total	147	100.00

Nationality	Number	Percentage
British	33	22.45
Did Not Answer	76	51.70
English	*	*
Other, please specify	*	*
Scottish	34	23.13
Total	147	100.00

Religion or Belief	Number	Percentage
Church of Scotland	6	4.08
Did Not Answer	120	81.63
None	15	10.20
Other Christian	*	*
Prefer not to answer	*	*
Roman Catholic	*	*
Total	147	100.00

Sex (Gender)	Number	Percentage
Female	147	100.00
Total	147	100.00

Sexual Orientation	Number	Percentage
Did Not Answer	119	80.95
Heterosexual/Straight	26	17.69
Prefer not to answer	*	*
Total	147	100.00

Caring Responsibilities	Number	Percentage
Did Not Answer	122	82.99
No	17	11.56
Yes - Under 18	8	5.44
Total	147	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

In 2015/16 no data was available at the time of reporting for pregnancy and maternity.

From 2016/17 data across all protected characteristics is available for pregnancy and maternity. What this data shows is that within the specific characteristic of pregnancy and maternity there is still a substantial reluctance to record disability, gender re-assignment, race, religion and faith, sexual orientation and caring responsibility.

The reason/(s) for this reluctance to record needs to be understood if the Council is to be considered an employer of choice. This action will be carried out within the remaining period of the Equality Plan 2017 – 2021.

As for the previous year, for those employees who are pregnant or on maternity leave their roles are risk assessed to determine any potential negative health impacts and they are, in line with statute and best practice, given special leave to attend appointments associated with their pregnancy. During maternity leave they are again, in line with statute, offered the opportunity and actively encouraged to take part in 'keep in touch days'. Employees on maternity leave are also communicated with on a regular basis in terms of keeping them up to date with any changes.

There is much emphasis on the importance to foster good relations in order that when an employee returns to work after a period of maternity leave the transition back to work is one where the employee feels fully integrated as soon as possible. Many of those returning from maternity leave apply for and are granted part time and/or flexible working opportunities.

Race

Ethnic Origin	Number	Percentage
African (inc Scottish/British)	*	*
African Other	*	*
Any other Asian background	*	*

Ethnic Origin	Number	Percentage
Any other White background	*	*
Asian Bangladeshi (inc Scottish/British)	*	*
Asian British	*	*
Asian Chinese (inc Scottish/British)	*	*
Asian Indian (inc Scottish/British)	*	*
Asian Other (inc Scottish/British)	*	*
Asian Pakistani (inc Scottish/British)	7	0.12
Bangladeshi	*	*
Black (inc Scottish/British)	*	*
Caribbean or Black (other)	*	*
Did Not Answer	2744	48.06
Ethnicity, if Other please specify	*	*
Irish	*	*
Mixed - any other mixed background	16	0.28
Pakistani	*	*
Prefer not to answer	31	0.54
White - Eastern European (e.g. Polish)	6	0.11
White and Asian	*	*
White and Black African	*	*
White and Black Caribbean	*	*
White Gypsy/Traveller	*	*
White Irish	38	0.67
White Other	89	1.56
White Other British	267	4.68
White Scottish	2477	43.38
Total	5710	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

During the remaining period of the Equality Plan 2017 – 2021 investigation will take place as to why just under half the workforce do not wish to provide their ethnic origin details.

Nationality

Nationality	Number	Percentage
British	1451	25.41
Did Not Answer	2318	40.60
English	31	0.54
Northern Irish	18	0.32
Other, please specify	114	2.00
Prefer not to answer	27	0.47
Scottish	1748	30.61

Nationality	Number	Percentage
Welsh	*	*
Grand Total	5710	100.00

Since 2016/17 there has been a 4.45% reduction in the number of employees who did not provide details of their nationality. This is a positive sign but further work must be undertaken during 2019 – 2021 to reduce this further.

Religion or Belief

Religion or Belief	Number	Percentage
Buddhist	8	0.14
Church of Scotland	374	6.55
Did Not Answer	4554	79.75
Hindu	*	*
Muslim	6	0.11
None	428	7.50
Other Christian	65	1.14
Other Religion or Belief	8	0.14
Prefer not to answer	145	2.54
Roman Catholic	121	2.12
Total	5710	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

With over 75% of the workforce not being prepared to state their religion or belief there is again a great need to investigate the reason for this during the period 2019 – 2021.

Sex (Gender)

Sex (Gender)	Number	Percentage
Female	4027	70.53
Male	1683	29.47
Total	5710	100.00

The gender mix of the Council's workforce remains in line with previous reports in 2016/2017 (female 71.78% and male 28.22%).

Sexual Orientation

Sexual Orientation	Number	Percentage
Bisexual	*	*
Did Not Answer	4498	78.77

Sexual Orientation	Number	Percentage
Gay	9	0.16
Heterosexual/Straight	961	16.83
Lesbian	*	*
Prefer not to answer	234	4.10
Grand Total	5710	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

With over 75% of the workforce not being prepared to state their sexual orientation, there is again a great need to investigate the reason for this during the period 2019 – 2021.

Caring Responsibilities

Last year and this employees were asked 'do you have caring responsibilities'. The table below shows data received in relation to this question.

Do you have caring responsibilities?	Number	Percentage
Did Not Answer	4750	83.19
No	565	9.89
Prefer not to answer	14	0.25
Yes - Over 18	93	1.63
Yes - Under 18	266	4.66
Yes - Under and Over 18	22	0.39
Total	5710	100.00

As with previous characteristics investigation needs to take place as to why over four fifths of the workforce does not wish to divulge if they have caring responsibilities.

Disciplinary Cases

Less than five disciplinary actions have been taken on the grounds of any of the protected characteristics.

Resolution Cases

Less than ten resolution cases were lodged on the grounds of any of the protected characteristics.

7.3 Leavers Profile Analysis

Data/information was collected and analysed as from 2016/17.

For the period 01/04 2017 – 31/03/2018 the figures/percentages are as follows:

Age Profile

Age Band	Number	Percentage
16-24	92	13.28
25-39	235	33.91
40-55	192	27.71
56-59	64	9.24
60-64	67	9.67
65+	43	6.20
Total	693	100.00

In 2017/18 as in the previous year, over one third of leavers from the Council were in the age bracket 25 – 39. Investigations need to be undertaken as to how the Council can make itself more attractive with regard to career progression of this cohort rather than losing this talent and resource.

Disability

Type of Disability	Number	Percentage
Did Not Answer	301	43.43
No	374	53.97
Prefer not to answer	13	1.88
Yes - Learning Disability	*	*
Yes - Longstanding Illness	*	*
Yes – Sensory Impairment	*	*
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

With less than one percent of leavers declaring information on disability when leaving, the Council needs to understand why there is such a reluctance to acknowledge disability on leaving the workforce.

Gender Re-assignment

Response	Number	Percentage
Did not Answer	612	88.31
No	78	11.26
Prefer not to answer	*	*
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

As with previous characteristics investigation needs to take place as to why just under 90% of the leaving workforce do not wish to answer a question regarding gender re-assignment.

Marriage & Civil Partnership

Marital Status	Number	Percentage
Did not answer	123	17.75
Divorced/Separated	19	2.74
Living with partner	27	3.90
Married/Civil Partnership	287	41.41
Prefer not to answer	22	3.17
Single	211	30.45
Widowed	*	*
Total	693	100.00

Again, as with previous characteristics investigation needs to take place as to why one fifth of the leaving workforce do not wish to divulge their marital status.

Race

Ethnic Origin	Number	Percentage
African (inc Scottish/British)	*	*
African Other	*	*
Arab (inc Scottish/British)	*	*
Asian Bangladeshi (inc Scottish/British)	*	*
Asian British	*	*
Asian Indian (inc Scottish/British)	*	*
Asian Pakistani (inc Scottish/British)	*	*
Chinese	*	*
Did Not Answer	269	38.82
Mixed - any other mixed background	*	*
Prefer not to answer	*	*
White – Eastern European (e.g. Polish)	*	*
White Irish	7	1.01
White Other	20	2.89
White Other British	41	5.92
White Scottish	336	48.48
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

There has been a 10% increase this year in workforce leavers answering a question about ethnic origin. This is a positive movement and needs to be built on in the succeeding years.

Nationality

Nationality	Number	Percentage
British	208	30.01
Did Not Answer	239	34.49
English	*	*
Northern Irish	*	*
Other, please specify	28	4.04
Prefer not to answer	*	*
Scottish	205	29.58
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

The Council needs to understand why over a third of leavers either did not answer or preferred not to answer the nationality question.

Religion, Faith or Belief

Religion or Belief	Number	Percentage
Church of Scotland	33	4.76
Did Not Answer	598	86.29
Muslim	*	*
None	29	4.18
Other Christian	7	1.01
Prefer not to answer	15	2.16
Roman Catholic	10	1.44
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Since last year there has been a 3.96% drop in the percentage of leavers who either did not answer or preferred not to answer the religion, faith or belief question.

Gender

Sex (Gender)	Number	Percentage
Female	476	68.69
Male	217	31.31
Total	693	100.00

The leavers profile corresponds to the standing working profile at around a 70/30 female/male split.

Sexual Orientation

Sexual Orientation	Number	Percentage
Did Not Answer	591	85.28
Gay	*	*
Heterosexual/Straight	83	11.98
Prefer not to answer	18	2.60
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

With over 85% of leavers not prepared to answer the sexual orientation question, the Council needs to investigate any negative undercurrents that may be causing this to happen. However, on a positive note, this figure is down 4.69% on last year.

Caring Responsibilities

Do you have caring responsibilities?	Number	Percentage
Did Not Answer	610	88.02
No	52	7.50
Prefer not to answer	*	*
Yes - Over 18	10	1.44
Yes - Under 18	17	2.45
Yes – Under and Over 18	*	*
Total	693	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

With just under 90% of leavers not prepared to answer the caring responsibilities question, the Council needs to investigate why this is the case.

7.4 Recruitment Profile Analysis

Age Profile

Age Band	Number	Percentage
16 - 24	1653	18.64
25 - 39	3911	44.09
40 - 55	2564	28.91
56 - 59	314	3.54
60 - 64	177	2.00
65 +	42	0.47
Did not Answer	209	2.36
Total	8870	100.00

Successful Candidates	Number	Percentage
16 - 24	121	15.86
25 - 39	317	41.55
40 - 55	251	32.90
56 - 59	28	3.67
60 - 64	18	2.36
65 +	*	*
Did not Answer	24	3.15
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

It is interesting to note that there are small percentages of both applicants and successful candidates who did not answer the age question. Enquiries into why this is should be undertaken.

Disability

Job Applicants	Number	Percentage
1. Learning disability	161	1.82
2. Longstanding illness	75	0.85
3. Mental health condition	80	0.90
4. Physical impairment	53	0.60
5. Sensory impairment - Visual	8	0.09
6. Sensory impairment - Hearing	14	0.16
Did Not Answer	8463	95.41
Prefer not to answer	16	0.18
Total	8870	100.00

Successful Candidates	Number	Percentage
1. Learning disability	11	1.44
2. Longstanding illness	*	*
3. Mental health condition	*	*
4. Sensory impairment - Hearing	*	*
Did Not Answer	745	97.64
Prefer not to answer	*	*
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

In both applicants and successful candidates the number not answering the disability question remains high. Investigations as to why this is needs to be undertaken.

Gender Re-assignment

Job Applicants	Number	Percentage
Did not Answer	135	1.52
No	8645	97.46
Prefer not to answer	58	0.65
Yes	32	0.36
Total	8870	100.00

Successful Candidates	Number	Percentage
Did not Answer	21	2.75
No	738	96.72
Prefer not to answer	*	*
Yes	*	*
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

The Council needs consider whether there are any barriers to employment for trans-gender individuals.

Marriage & Civil Partnership

Job Applicants	Number	Percentage
Did not answer	145	1.63
Divorced	364	4.10
Living with partner	1292	14.57

Married/Civil Partnership	2939	33.13
Prefer not to answer	94	1.06
Separated	200	2.25
Single	3774	42.55
Widowed	62	0.70
Total	8870	100.00

Successful Candidates	Number	Percentage
Did not answer	21	2.75
Divorced	30	3.93
Living with partner	112	14.68
Married/Civil Partnership	310	40.63
Prefer not to answer	7	0.92
Separated	11	1.44
Single	267	34.99
Widowed	*	*
Total	763	100.00

It is interesting to note that neither applicants nor successful candidates appear to have issues with reporting marriage and civil partnership status whereas around one fifth of the standing and leaving workforce do. The organisation would benefit from understanding why.

Pregnancy and Maternity

Data/information not available at the time of reporting

Race

Job Applicants	Number	Percentage
African - (Inc. Scottish/British)	28	0.32
African - Other	50	0.56
Any Mixed or Multiple	57	0.64
Asian - Bangladeshi (Inc. Scottish/British)	17	0.19
Asian - Chinese (Inc. Scottish/British)	40	0.45
Asian - Indian (Inc. Scottish/British)	68	0.77
Asian - Other (Inc. Scottish/British)	20	0.23
Asian - Pakistani (Inc. Scottish/British)	59	0.67
Black - (Inc. Scottish/British)	24	0.27
Caribbean - (Inc. Scottish/British)	*	*
Caribbean or Black (Other)	7	0.08
Did not Answer	190	2.14
Other - Arab (Inc. Scottish/British)	28	0.32

Job Applicants	Number	Percentage
Prefer not to answer	68	0.77
White - Eastern European (e.g. Polish)	80	0.90
White - Irish	102	1.15
White - Other British	776	8.75
White - Other white ethnic group	562	6.34
White - Polish	171	1.93
White - Scottish	6520	73.51
Total	8870	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Successful Candidates	Number	Percentage
African - Other	*	*
Any Mixed or Multiple	*	*
Asian - Chinese (Inc. Scottish/British)	*	*
Asian - Pakistani (Inc. Scottish/British)	*	*
Black (inc Scottish/British)	*	*
Did not Answer	23	3.01
Prefer not to answer	*	*
White - Eastern European (e.g. Polish)	*	*
White - Irish	14	1.83
White - Other British	74	9.70
White - Other white ethnic group	24	3.15
White - Polish	*	*
White - Scottish	610	79.95
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Disclosure rates relating to race for applicants and successful candidates are on the whole better than for the standing and leaving workforce. Why this is needs to be looked into.

Nationality

Job Applicants	Number	Percentage
British	1565	17.64
Did not Answer	1163	13.11
English	201	2.27
Northern Irish	49	0.55
Prefer not to answer	103	1.16

Job Applicants	Number	Percentage
Scottish	5772	65.07
Welsh	17	0.19
Total	8870	100.00

Successful Candidate	Number	Percentage
British	132	17.30
Did not Answer	71	9.31
English	17	2.23
Northern Irish	6	0.79
Prefer not to answer	9	1.18
Scottish	528	69.20
Total	763	100.00

Again as for some previous categories of applicants and successful candidates disclosure rates are greater here than for the standing and leaving workforce. Why this is needs to be looked into.

Religion, Faith or Belief

Job Applicants	Number	Percentage
Buddhist	27	0.30
Church of Scotland	1181	13.31
Did Not Answer	344	3.88
Hindu	27	0.30
Humanist	112	1.26
Jewish	*	*
Muslim	102	1.15
None	4975	56.09
Other Christian	758	8.55
Other Religion or Belief	42	0.47
Pagan	11	0.12
Prefer not to answer	434	4.89
Roman Catholic	849	9.57
Sikh	*	*
Total	8870	100.00

Successful Candidates	Number	Percentage
Church of Scotland	126	16.51
Did Not Answer	34	4.46
Humanist	14	1.83
Muslim	*	*

Successful Candidates	Number	Percentage
None	419	54.91
Other Christian	65	8.52
Other Religion or Belief	*	*
Prefer not to answer	38	4.98
Roman Catholic	62	8.13
Total	763	100.00

*Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Again as for previous categories of applicants and successful candidates disclosure rates are greater here than for the standing and leaving workforce. Why this is needs to be looked into.

Sex (Gender)

Job Applicants	Number	Percentage
Female	5636	63.54
Male	3076	34.68
Prefer not to answer	26	0.29
Did not Answer	132	1.49
Total	8870	100.00

Successful Candidates	Number	Percentage
Female	521	68.28
Male	221	28.96
Prefer not to answer	*	*
Did not Answer	20	2.62
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

In round terms the organisation attracts and recruits on a 70% female, 30% male basis which is in sync with the standing workforce. It would be considered good practice to look into ways of attracting more males into the workforce particularly into traditionally seen female roles such as teaching.

Sexual Orientation

Job Applicants	Number	Percentage
Bisexual	123	1.39
Did not Answer	191	2.15

Job Applicants	Number	Percentage
Gay	133	1.50
Heterosexual/Straight	8000	90.19
Lesbian	74	0.83
Other	40	0.45
Prefer not to answer	309	3.48
Total	8870	100.00

Successful Candidates	Number	Percentage
Bisexual	*	*
Did not Answer	21	2.75
Gay	9	1.18
Heterosexual/Straight	701	91.87
Lesbian	*	*
Prefer not to answer	26	3.41
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

The organisation needs to consider whether barriers exist which impact it being seen as an employer of choice for Lesbian, Gay, Bisexual and Transgender (LGBT) applicants. Further consideration of this will be undertaken during the period 2019 – 2021 the Council through its membership of Stonewall Scotland's Diversity Champion's programme.

Caring Responsibilities

Do you have caring responsibilities?	Number	Percentage
Did Not Answer	153	1.72
No	5490	61.89
Prefer not to answer	59	0.67
Yes (Children under 18)	2988	33.69
Yes, other	180	2.03
Total	8870	100.00

Successful Candidates	Number	Percentage
Did Not Answer	21	2.75
No	464	60.81
Prefer not to answer	*	*
Yes (Children under 18)	262	34.34
Yes, other	13	1.70
Total	763	100.00

* Where the number reported is five or less we are required to respect anonymity and the number is therefore withheld.

Although the percentage not answering or preferring not to answer is very small in comparison to the standing or leaving workforce, the organisation still needs to understand why there is any reluctance to answer this question. Work to understand why will be undertaken during the period 2019 – 2021.

7.5 Training Profile Analysis

The Council continues to use different approaches to training such as one-to-one, group coaching sessions and leadership management courses for identified learning needs. The range of options available for training continues to facilitate inclusion for all employees irrespective of protected characteristic.

7.6 Conclusion

The Council remains fully committed to the ethos of the Equality Act 2010 and is determined to provide employees with a workplace of choice that is fit for the 21st century.

Gathering data and information for this analysis has highlighted a number of areas for the Council to focus on in the years ahead. The main points of note are:

- The age profile of the Council continues to represent challenges to workforce planning within the organisation.
- Further work needs to be done to ensure that the Council is a positive workplace for lesbian, gay, bi-sexual and transgender (LGBT) employees and new recruits. Continuing and promoting our work with Stonewall Scotland is an important element in this work.
- Engagement with employees in relation to equal opportunities is an important means of giving the Council a more qualitative insight into the issues concerning employees, and allows the Council to take these on board when reviewing and developing new policies. The Council needs to encourage employees to feel confident about declaring their disability, sexual orientation and information about all other protected characteristics.

- The Council needs to continue to develop its reputation as a modern, inclusive and welcoming workplace both for existing employees and for new recruits.
- The Council needs to further develop the data and information it gathers on existing employees, leavers, and new potential new recruits in order to be a modern employer of choice.

8.0 Employee information analysis for the year 2018/2019

- 8.1 Analysis of the 2018/19 employee data is not available at the time of this publication. The full analysis will be published in due course on the Council website under equality and diversity.

9.0 Gender Pay Gap

- 9.1 The gender pay gap between average hourly rates of pay for male and female – all Council employees as at 31st March 2018 was 2.32%.
- 9.2 The gender pay gap between average hourly rates of pay for male and female – all Council employees as at 31st March 2019 was 3.94%.

10.0 Equal Pay Statement

10.1 Equal Pay Statement

Midlothian Council believes in equal opportunities in employment and is committed to the fundamental principle that procedures to determine the pay and conditions of employment of all our employees do not discriminate unlawfully and aims to eliminate any sex bias or any form of discrimination. The Council recognises that in order to achieve equitable pay it should operate a pay system which is transparent and based on objective criteria.

The Council believes that pay is one of the key factors affecting motivation and relationships at work and therefore considers it important to develop pay arrangements that reward employees fairly. The Council will work with Trade Unions to develop fair and non-discriminatory pay and progression systems which are understood and accepted by employees and by the managers who operate the system. All aspects of the pay package will be reviewed and monitored regularly to ensure it delivers equal pay. Any pay inequalities which cannot be justified will as far as is possible be eliminated.

The Council will aim to:

- Continue to use objective, justifiable and proportionate job-related information and an analytical job evaluation scheme to determine the salaries of jobs and the Council's salary structures.
- Monitor existing and future pay practices and the impact or potential impact on men and women.
- Assess and review the findings of monitoring activities and take action where necessary.
- Provide development and guidance for managers and others directly involved in decisions about pay and benefits.
- Continue to work with the recognised Trade Unions on equal pay and equalities in employment.
- Inform employees of how our pay practices work and how their own pay is determined.
- Respond promptly and investigate where necessary grievances on equal pay.

Our commitment to equal pay extends to both race and disability and whilst unable to monitor this as our systems are developed to check for bias we will be in a position to more accurately report this in late 2019.

11.0 Progress on Equality Outcomes set in the Midlothian Equality Plan 2017- 2021

- 11.1 In the Council's Equality Plan 2017 – 2021 it was noted that: *'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.'* UK Equalities Review 2007. During the period 2017-2019 Midlothian Council has been working to achieve this fairness of opportunity and existence through the Equality Plan.
- 11.2 The Council has been doing this through the 2017 agreed equality outcomes and submits for noting its progress over the last two year period.

11.3 Progress on Equality Outcomes Table

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
1. Midlothian Council is a positive workplace for all employees	<ol style="list-style-type: none"> 1. Midlothian Council is a workplace free of discrimination, harassment and victimisation 2. Midlothian Council will continue to work to eliminate any pay gap between employees on the grounds of disability, gender or race 3. Midlothian Council will have a range of flexible working policies in line with business need 4. Midlothian Council will have a range of opportunities for employees to develop successful career paths 5. Midlothian Council will develop opportunities for young people 	<ol style="list-style-type: none"> 1. The Equality & Diversity Officer is working with the Council's Human Resources (HR) section on a suite of policies specifically designed to free the workplace of discrimination, harassment, and victimisation. To date the Council has developed a Gender-based Violence Policy, a Sexual Harassment Policy, and a Transgender Equality Policy. 2. The Council already reports gender pay gap, and work is underway to be in a position to report on pay gap between employees on the grounds of disability or race by the close of 2019. 3. The Council continues to develop its range of flexible working policies in line with business need. At present we have a Flexible Working Policy & Flexible Working Hours Scheme Policy. 4. The Council has at present a Training & Development policy and a Learning Development & Training Scheme. Review of these documents is required. 5. The Council is developing opportunities for young people particularly through the Community Planning Partnership. In 2018-2019 a priority is to: 'Increase the numbers of care experienced young people accessing education, employment and training'.
2. All of Midlothian's young people are successful learners, confident individuals, effective	<ol style="list-style-type: none"> 1. Close the gap in literacy rates between boys and girls in primary school and SIMD areas 2. Reduced incidence of identity based bullying in youth settings e.g. homophobia 3. All children are ready to start primary school 	<ol style="list-style-type: none"> 1. A number of actions are being undertaken including: <ul style="list-style-type: none"> • Monitoring the proportion of children achieving expected levels by Primary 1 and 4;

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
<p>contributors and responsible citizens</p>		<ul style="list-style-type: none"> Ensuring pupils are secure at First level by end P4 in reading, writing, listening and talking, maths and numeracy; Identifying the current gaps in educational attainment at individual school level and implementing a range of targeted strategies to close the gap <p>2. It has been ensured that there are robust policies and practice in areas such as behaviour, antibullying and diversity, including tackling prejudice and stigma around mental health.</p> <p>3. Developed capacity and support structures for the Early Learning and Childcare expansion to 1140 hours with an unrelenting focus on ensuring high quality provision:</p> <ul style="list-style-type: none"> Progressed towards opening the integrated Family Learning Centres in Gorebridge and Mayfield; Established a family learning approach to early years services that promotes a positive attitude to lifelong learning, encourages socio-economic resilience and challenges educational disadvantages Improved the attendance patterns of children in Early Learning and Childcare settings and take up of entitled 2s; Improved reach of families accessing parenting programmes from priority areas; Ensured that children in their early years receive appropriate services/timely interventions through wellbeing meetings and Team around the Child Process

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
<p>3. In Midlothian we live healthier, more active and independent lives</p>	<p>This outcome and associated deliverables, as noted in the Midlothian Equality Plan 2017-2021 fall within the remit of the Midlothian Health and Social Care Partnership.</p> <p>The Midlothian Health and Social Care Partnership brings together parts of Midlothian Council and NHS Lothian and is governed by the Integrated Joint Board (IJB). The vision of the partnership is that everyone in Midlothian will have the right advice, care and support; in the right place; at the right time to lead long and healthy lives.</p> <p>The Partnership's long term Strategic Plan and plans for specific groups are available via the following link:</p> <p>https://www.midlothian.gov.uk/info/1347/health_and_social_care/200/health_and_social_care_integration</p> <p>The Midlothian Health and Social Care Delivery Plan 2018-19 sets out how the Partnership provides services during 2018-19 and takes into account progress made during 2017-18. Details of the delivery plan and progress against the identified outcomes is available on the Health and Social Care Integration website accessed via the link above.</p>	<p><i>Deliverables noted in the Delivery Plan include:</i></p> <ol style="list-style-type: none"> 1. Weight Management - During 2017-18, 334 people were referred to the Service, which offers community based programmes, as well as specialist support involving NHS Lothian dietetic, psychology and physical activity programmes. 2. The Wellbeing Service in partnership with the Thistle Foundation gives people time and space to consider what is going on in their lives and to develop their own ways to better manage their health and wellbeing. The 'good conversation' demonstrates the 'House of Care' approach to seeing the whole person. The top issues reported are family, relationships, money, housing and mental health. 3. Teviot Court - New purpose built accommodation for 12 people with complex needs opened in Penicuik in October 2017. This enables more people to remain in Midlothian whilst ensuring their specialist needs can be met. 4. Approaches focusing on peer support, such as the Recovery Cafe and SPRING are part of our commitment to having the appropriate support and pathways in place for those at particular risks. 5. Reducing times for help with mental health issues - Midlothian offers a responsive and accessible drop-in service, Midlothian Access Point. 6. The MARC building in Woodburn was refurbished to enable the Grassy Riggs drop-in café and carer support service to open to older people at risk from social isolation and loneliness. Between 165 and 370 people use the drop-in every month and the

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
		<p>venue is well used by a range of services. Opportunities for social interaction are vital and Broomhill Day Centre in Penicuik offers 125 places very week for older people who would find it difficult to leave their home independently.</p> <p>7. SPRING supports women with complex needs who are at risk of or have been involved in offending. Fresh Start engages with individuals at the point of arrest and links them into relevant services such as substance misuse and mental health services. Spring Service has increased support to women linked to the criminal justice system.</p> <p>8. Safe and Together - Work with schools around child poverty, school absence & smoking prevention</p> <p>9. The "Safe and Together" approach involves working with both parents, with the aim of keeping children safe and together with the non-abusing parent. The Spring Service for women involved or at risk of offending worked in close partnership with a range of organisations including Women's Aid, Community Health Inequalities Team and MELD. Staff have been trained in Mentalisation Based Therapy particularly useful for women who have experienced trauma and as a result have developed personality disorders.</p>
<p>4. Everyone in Midlothian has access to quality sustainable housing</p>	<p>1. In Midlothian people with particular needs are able to get and sustain their choice of housing including independent living</p> <p>2. In Midlothian there will be increased housing supply and improved access to housing including affordable housing</p>	<p>1. Developed affordable housing to meet specialist needs</p> <p>2. In partnership between the Council, Registered Social Landlords and private developers, delivered 165 new affordable homes; Investigated accelerated development of affordable housing via</p>

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
		<p>use of innovative approaches and consequent economic benefit</p> <p>3. Sites have been identified for the development of additional specialist housing consisting of extra care housing, bariatric provision, amenity housing, and wheelchair housing in locations across Midlothian.</p>
<p>5. Fewer people are the victim of crime, disorder and abuse in Midlothian</p>	<p>1. Improved levels of safety for women and children experiencing domestic abuse</p> <p>2. Reduced incidence of hate crime</p> <p>3. Increased confidence in reporting hate crime</p> <p>4. Midlothian Licensing Board will work with license holders and other Council services to support positive behaviour on and around license premises</p>	<p>1. Raised awareness of Violence Against Women and Girls with services and communities and strengthen support for survivors in the “Safe and Together” model.</p> <p>2. Worked in partnership to decrease the number of victims of antisocial behaviour and hate crime in Midlothian.</p> <p>3. Worked with residents to build their resilience and help them resolve their own problems.</p> <p>4. Midlothian Licensing Board continues to work with licence holders and other Council services to support positive behaviour on and around licence premises.</p>
<p>6. Midlothian has strong, vibrant communities where residents have a sense of belonging</p>	<p>1. Midlothian equalities communities can meet to celebrate or raise awareness of cultural heritage or specific issues affecting them</p> <p>2. Midlothian Communities are well informed and can influence decisions that matter in their local areas</p>	<p>1. Midlothian People’s Equality Group (MPEG) are a friendly group of local people with diverse backgrounds who aim to:</p> <ul style="list-style-type: none"> • Promote equality and challenge prejudice; • Build relationships across Midlothian’s communities of interest where people feel valued and trusted; • Provide a platform for Midlothian people to learn, educate and communicate about local equality issues of concern and interest; and • Have a voice in local policy and planning. <p>MPEG are supported in the work they do by the Council’s Equality Engagement Officer.</p>

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
		<p>Actions to date/being undertaken include:</p> <ul style="list-style-type: none"> • Updating Neighbourhood Plans in all 16 Community Council areas; • Providing support to Third Sector and community groups to increase their capacity; • Undertake the Citizens Panel survey as a way of informing service development and delivery; • Testing new approaches to funding that enable more community involvement in budgeting decisions; • Managing clear processes for community groups to improve access the Community Planning Partnership decision making as part of the Community Empowerment Act, Including Participation Requests; • Managing a clear process for Asset Transfers; • Provide bespoke and online training via a new Learn Pro module on the Community Empowerment Act; • Supporting Community Organisations with applications to the Armed Force Covenant Fund; • Developing and providing a new online training module via Learn Pro to raise awareness of the Armed Forces Covenant
<p>7. Fewer people experience poverty in Midlothian</p>	<p>1. People will be supported out of poverty and welfare dependency</p>	<p>1. Actions to date/ongoing include:</p> <ul style="list-style-type: none"> • Providing high quality and localised welfare advice and support, targeted at the areas with the highest levels of poverty; • Reducing barriers to learning by poverty proofing the school day with the Child Poverty

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
		<p>Action Group in 11 primary schools in the priority areas;</p> <ul style="list-style-type: none"> • Extending this offer to all primary schools; • Research in-school child poverty measures and interventions; • Delivering the actions in the child poverty plan; • Providing short term support to people experiencing significant hardship. This will include practical interventions including access to food banks; travel vouchers and trial energy vouchers for households experiencing fuel poverty; • Providing training to front line workers on the Welfare Reform Act so they can provide high quality support to people experiencing poverty; • Increasing the interventions and support to unemployed adults; • Increasing the interventions and support to workless households; • ESF Midlothian Pipeline Project will engage and support clients through its operation to remove the barriers they face to employment and vocational training; • Increasing the number of people receiving support from the Life Long Education job club
<p>8. Midlothian Council services will meet the needs of all those in the community</p>	<ol style="list-style-type: none"> 1. Equality is taken into account when planning and designing services and when making decisions 2. Midlothian Council has increased knowledge and capacity about equality, diversity and poverty 3. Midlothian Council Procurement Practices ensure equality is a core part of the tendering process 	<ol style="list-style-type: none"> 1. Integrated Impact Assessments (IIAs) are required on any 'policy', (the term policy being used in its fullest sense), that affects people. Accordingly, when a report goes before Elected Members for decision an IIA accompanies it, the IIA having been quality-assure checked by the Equality and Diversity Officer. IIAs are completed by a Council

Working Equality Outcomes	Sub Outcomes	Progress 2017-19
	<p>4. Midlothian Council is meeting its responsibilities and duties under the Equality Act 2010 and subsequent Regulations</p>	<p>Officer on the project team, and are signed off by the project team Head of Service. IIAs are then published with the report. The Council is aiming for 100% compliance by 2020.</p> <p>2. The Midlothian Community Planning Partnership's Single Midlothian Plan 2018 – 2019 is focused on outcomes and actions that will address equality, diversity and poverty in Midlothian. This and preceding Plans are developed annually in consultation with Midlothian communities. This process allows the Partnership to increase its data and information regarding all of Midlothian's communities.</p> <p>3. The Council's Procurement Strategy has a section on Equality & Diversity and states that, 'The Council will produce updated guidance on ensuring equality in procurement will work in parallel with the Councils Equality Impact Assessment process'. That Equality Impact Assessment process is now known as the Integrated Impact Assessment process detailed under item 1 above.</p> <p>4. The Council continues to meet its responsibilities and duties under the Equality Act 2010 and subsequent Regulations in terms of legislation, impact assessment, training and development, and initiatives within its communities and employees. The Council is also aware of its Human Rights responsibilities and duties and is working to embed those into all its plans and provides.</p>

12.0 Next Steps

12.1 A new Equality Plan 2021 – 2025 will be published by 30 April 2021.

12.2 This new Equality Plan will continue and develop further the commitment the Council has to equality, diversity and human rights with the aim of further:

- Embedding a culture where respect, choice and understanding is fostered and diversity positively valued;
- Creating an environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated;
- Understanding and addressing the needs of different groups; and
- Embedding the equality agenda in all that we provide and do to ensure that all people, irrespective of their age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or socio economic status have the same opportunity to live and flourish within our communities

13.0 Contact Details

13.1 Should you wish to get in touch regarding this report, please do so by post to:

Lesley Crozier
Equality, Diversity & Human Rights Officer
Policy & Scrutiny Team
Midlothian Council
Midlothian House
Buccleuch Street
DALKEITH
EH22 1DN

Email to:

Lesley.crozier@midlothian.gov.uk or equalities@midlothian.gov.uk

Telephone to:

0131 271 3658

14.0 Alternative Formats

- 14.1 This document can be made available in different formats and in different languages. If you would like a copy in another language or format, please email equalities@midlothian.gov.uk or phone 0131 271 3658.

DRAFT

Midlothian Council British Sign Language (BSL) Plan 2018 - 2024**Report by: Dr Grace Vickers, Chief Executive****1. Purpose of Report**

The purpose of this report is to present a draft British Sign Language (BSL) Plan 2018 -2024 to Council.

2. Background

- 2.1** The British Sign Language (Scotland) Act 2015 received Royal Assent on 22 October 2015. This legislation sets out ambitious plans to make Scotland the best place in the world for BSL users to live, work and visit. The Scottish Government published the National British Sign Language (BSL) Plan in October 2017.
- 2.2** The BSL (Scotland) Act 2015 requires that all 'listed Authorities', (of which Midlothian Council is one), in Scotland must produce an Authority Plan (local plan) demonstrating how they will work towards implementing the national plan and improving services for BSL users throughout the area.
- 2.3** Midlothian Council is required to consult on a draft plan and those to be consulted are to be those who the authority considers are likely to be directly affected by the Authority Plan or otherwise to have an interest in that plan and in particular are to include:
- (a) persons who use BSL, and
 - (b) persons who represent users of BSL.
- 2.4** The Council is required to produce a BSL and English version of both the draft and final plan. The ring-fenced budget allocated by the Scottish Government assists with this and the delivery of actions contained within the final plan.
- 2.5** In February 2018 Midlothian Council in partnership with East Lothian Council, West Lothian Council, the City of Edinburgh Council, NHS Lothian, Scottish Fire & Rescue Service, Police Scotland and the Scottish Ambulance Service held an engagement/consultation event and listened/heard through interpreters and in person the views and needs of the Deaf and Deafblind communities Lothian-wide. This was followed up in October 2018 with a joint Midlothian and East Lothian Council specific consultation event. This involved council officers and included residents who use BSL telling tell us what they would like in the plan.

- 2.6** Based on the consultation events held and the feedback received a draft plan was produced and published for consultation on the Council website from October to November 2018. The report presented today meets the legal requirements of the Equality legislation and supports a positive way forward for the Council, Education Authority and Licensing Board.
- 2.7** The draft BSL Local Plan 2018 – 2024 for Midlothian Council, which is attached as an Appendix to this report, follows the format of the National Plan and sets out an ambitious suite of actions which will improve the way BSL users find out about and access Council services.

3 Report Implications

3.1 Resource

Ring-fenced funding from the Scottish Government of £11,000 has been allocated to Midlothian Council to assist with the development of the BSL Plan. An additional £5,000 per annum will be allocated to the Council during the life of this Plan to assist with the ongoing implementation of the BSL Plan.

3.2 Risk

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

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- Reducing inequalities in learning outcomes
- Reducing inequalities in health outcomes
- Reducing inequalities in economic circumstance

BSL is an equality issue. Equality, diversity and human rights underpin all three priorities.

3.5 Impact on Performance and Outcomes

Completion of actions and the meeting of outcomes within this report will enhance equality, diversity and human rights performance and outcomes.

3.6 Adopting a Preventative Approach

By adopting a pro-active approach to equality, diversity and human rights a preventative approach will be engendered.

3.7 Involving Communities and Other Stakeholders

The plan was available in BSL format on the Council's website and feedback sought over a period of weeks. Development of the plan has also been informed by a joint consultation event with East Lothian Council, West Lothian Council, the City of Edinburgh Council, NHS Lothian, Scottish Fire & Rescue Service, Police Scotland and the Scottish Ambulance Service who together held an engagement/consultation event and listened/heard through interpreters and in person the views and needs of the Deaf and Deafblind communities Lothian-wide.

This was followed up in October 2018 with a joint Midlothian and East Lothian Council specific consultation event. This involved council officers and included residents who use BSL telling tell us what they would like in the plan. Sign interpreters and note takers were provided to make this a totally inclusive event.

3.8 Ensuring Equalities

An Integrated Impact Assessment has been completed with regards to the Draft Plan.

3.9 Supporting Sustainable Development

The content of this report contributes to a sustainable approach to the continuous improvement of equality, diversity and human rights within Midlothian Council and its communities.

3.10 IT Issues

There are no IT issues arising from this report.

4 Summary

The Council recognises the need to deliver services that meet the needs of the diverse communities of Midlothian whilst ensuring legislative compliance. In consultation with BSL users and the deaf community of Midlothian a local plan has been developed that will support progress towards making Midlothian the best place for BSL users and the deaf community to live, work and visit.

5 Recommendations

It is recommended that Council approve the content of the draft BSL Local Plan 2018 – 2024 for Midlothian Council.

Appendices:	Midlothian Council British Sign Language (BSL) Plan 2018 - 2024
Date:	28 May 2019
Report Contact:	Lesley N Crozier, Equality, Diversity & Human Rights Officer
Tel Number:	0131 271 3658
Email:	lesley.crozier@midlothian.gov.uk
Background Papers:	None



Midlothian Council

British Sign Language (BSL) Plan

2018 - 2024

Midlothian Council
5-28-2019

Midlothian Council

British Sign Language (BSL) Plan 2018-2024

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SECTION 2:

2.1 Introduction

The British Sign Language (BSL) National Plan 2017 – 2023 was published on 24 October 2017. It has ten long-term goals which were co-produced with BSL users across Scotland.

This National Plan and the resultant Plan for Midlothian is as required under the terms of the BSL (Scotland) Act 2015.

The BSL Plan for Midlothian reflects the ten long-term national goals, and sets out the actions the Council will take from 2018 – 2024. This Plan also demonstrates how we will:

- Improve communication and access to services for people who use BSL in Midlothian; and
- Promote the use of and understanding of BSL across the county

2.2 About Midlothian

Midlothian has changed significantly in recent years. The county continues to have a growing population including large numbers of young people and a growing elderly population. In Midlothian we have also welcomed new communities including Syrian refugee families, and the needs of existing communities continue to become increasingly diverse. At the same time, the Council's budget is under pressure and the need to reduce costs and modernise the way we deliver our services has never been more important.

The Community Empowerment (Scotland) Act 2015 brings new requirements for the Council and its partners to work with the community and ensure that everyone including BSL Users have the opportunity to participate in local decision making.

This BSL plan sets out our commitment to tackling inequality and promoting inclusion of BSL users. We believe that we need to lead the way in planning and delivering services which meet the needs of our diverse communities and respond to the changes ahead.

2.3 Engagement & Consultation

In developing the Midlothian BSL Plan we have been very conscious of taking into account the views of Deaf and deafblind BSL users. We consider this essential in ensuring the final Plan meets the needs of the Deaf and Deafblind community and will consult and engage with these communities throughout the life of this Plan.

To date in partnership with East Lothian Council, West Lothian Council, the City of Edinburgh Council, NHS Lothian, Scottish Fire & Rescue Service, Police Scotland and the Scottish Ambulance Service we held an engagement/consultation event and

listened/heard through interpreters and in person the views and needs of the Deaf and Deafblind communities Lothian-wide. These views have been reflected in this Plan.

Further, in October we held another event for East Lothian and Midlothian residents with any further needs identified being built into this Plan. This is because we want the Midlothian BSL Plan to be a living document, regularly updated as further needs are identified.

2.4 Continued Commitment

As can be seen from above Midlothian Council is totally committed to continued engagement around:

- 1) Implementing actions; and
- 2) Providing feedback on progress

As such, as and when we are aware of the changing needs of the Deaf and Deafblind community we will update our BSL action plan, and the Council will contribute to the National progress report in 2020.

2.5 Name and contact details of lead officers

If you would like more information about this Plan then please contact:

Lesley Crozier | Equality, Diversity & Human Rights Officer | Midlothian Council |
Midlothian House | Buccleuch Street | DALKEITH | EH22 1DN

Telephone: 0131 271 3658

E-mail: lesley.crozier@midlothian.gov.uk

Jayne Lewis | Planning Officer – Physical Disabilities | Midlothian Health & Social
Care Partnership | Fairfield House | 8 Lothian Road | DALKEITH | EH22 3ZH

Telephone: 0131 271 3665

E-mail: jayne.lewis@midlothian.gov.uk

2.6 Where to find the BSL version of this plan

This Plan is published in BSL and English with English subtitles and can be accessed at www.midlothian.gov.uk/bslplan

SECTION 3:

3.1 Short summary of the plan

Midlothian Council's BSL Action Plan shares the long-term goal for all Scottish public services set out in the BSL National Plan. This long-term goal is that 'the Scottish Government wants to make Scotland the best place in the world for BSL users to live, work and visit'. Midlothian Council will do this by:

- Promoting the use of the Scottish Government's nationally funded BSL online interpreting video relay services contact SCOTLAND-BSL to staff and to local BSL users;
- Increasing staff's awareness, knowledge and understanding of Deaf culture, language and service provision;
- Working with BSL stakeholders to ensure and develop resources and information that are relevant and appropriate;
- Taking forward advice developed by Education Scotland to:
 - 1) Improve the way that teachers engage effectively with parents who use BSL, and;
 - 2) Ensure that parents who use BSL know how they can get further involved in their child's education;
- Where the Council provides a license within Midlothian enabling BSL users to take part in culture and the arts as participants, audience members and professionals; and
- Continuing to support BSL Users to participate in community engagement events

SECTION 4:

BSL NATIONAL PLAN FOR MIDLOTHIAN COUNCIL

4.1: Across all our services

We share the long-term goal for all Scottish public services set out in the BSL National Plan, which is:

“Across the Scottish public sector, information and services will be accessible to BSL users”

Our Actions

By 2024, we will:

Analyse existing evidence we have about BSL users in our organisation; identify and fill key information gaps so that we can establish baselines and measure our progress.

Include a question in our equalities questionnaires/monitoring forms in relation to the use and understanding of BSL which the Scottish Government is developing for the next census.

Improve access to our information and services for BSL users including making our website more accessible to BSL users by:

- Including simplified access to BSL versions of available information;
- Reviewing guidance on accessing interpretation and translation;
- Continuing to use the intranet and internet to promote the use of the Scottish Government’s nationally funded BSL online interpreting video relay services contactScotland-BSL to staff and to local BSL users;
- Continuing to promote staff awareness, knowledge and understanding of Deaf culture, language and service provision issues; and
- Continuing to work with local Deaf organisations to provide a programme of training and awareness raising for front line staff across the Council and third sector organisations

4.2: Family Support, Early Learning and Childcare

We share the long-term goal for all Scottish public services set out in the BSL National Plan, which is:

“The Getting it Right for Every Child (GIRFEC) approach will be fully embedded, with a D/deaf or Deafblind child and their family offered the right information and support at the right time to engage with BSL”

Our Actions

By 2024, we will:

- Review the training levels required by interpreters, support staff and teachers;
- Raise awareness of BSL issues throughout the Education system;
- Consider using BSL from the start of a D/deaf or Deafblind child’s education;
- Provide early years staff with information about BSL and Deaf culture, and about resources that are available in BSL, so that they can meet the needs of families with a D/deaf or Deafblind child;
- Ensure our children’s services have access to nationally developed BSL resources and advice within key programmes such as Bookbug; and
- Work with BSL stakeholders to ensure and develop resources and information that are appropriate and relevant

4.3: School Education

We share the long-term goal for school education set out in the BSL National Plan, which is:

“Children and young people who use BSL will get the support they need at all stages of their learning, so that they can reach their full potential; parents who use BSL will have the same opportunities as other parents to be fully involved in their child’s education; and more pupils will be able to learn BSL at school”

Our Actions

By 2024, we will:

- Contribute to the Scottish Government’s investigation of the level of BSL held by teachers and support staff working with D/deaf and Deafblind pupils in schools, and take account of any new guidance for teachers or support staff working with pupils who use BSL;
- Take forward advice developed by Education Scotland to a) improve the way that teachers engage effectively with parents who use BSL and b) ensure that parents who use BSL know how they can get further involved in their child’s education;
- Contribute to the SCILT programme of work to support the learning of BSL in schools for hearing pupils as part of the 1+2 programme, including sharing best practice and guidance;
- Consider adding BSL as a subject within the education curriculum;
- Identify potential for Teachers to provide BSL Learning in Schools;
- Ensure Deaf Parents have access to information in BSL. This includes Report cards, Parent evenings, routine information, IT apps, etc. and being able to participate in Parent Councils; and
- Consider accessibility of School Trips, Parent Councils, and work placements

4.4: Training, Work and Social Security

We share the long-term goal for training, work and social security set out in the BSL National Plan, which is:

“BSL users will be supported to develop the skills they need to become valued members of the Scottish workforce, so that they can fulfil their potential, and improve Scotland’s economic performance. They will be provided with support to enable them to progress in their chosen career”

Our Actions

By 2024, we will:

- Signpost pupils and students to a wide range of information, advice and guidance in BSL about their career and learning choices and the transition process;
- Work with partners who deliver employment services, and with employer groups already supporting employability to help signpost them to specific advice on the needs of BSL users;
- Work with specialist organisations to improve the Council’s performance in the number of BSL employees within the workforce;
- Raise awareness locally of the UK Government’s ‘Access to Work’ (AtW) scheme with employers and with BSL users (including those on Modern Apprenticeships) so that they can benefit from the support it provides;
- Track young people in partnership with skills development Scotland;
- Look at having transition plans for BSL users in place; and
- Where possible, work with local employment services to help highlight specific advice and guidance required by BSL users

4.5: Health (including social care), Mental Health and Wellbeing

We share the long-term goal for health, mental health and wellbeing set out in the BSL National Plan, which is:

“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”

Our Actions

By 2024, we will:

- Signpost BSL users to health and social care information available in BSL (to be produced by NHS Health Scotland and NHS24), and b) develop complementary information in BSL about local provision, as appropriate;
- Through Integration Boards, ensure that psychological therapies can be offered on a fair and equal basis to BSL users;
- Through Integration Boards, ensure that mental health services can be offered on a fair and equal basis to BSL users;
- Take steps to improve access to information about sport, and to local sports facilities and sporting opportunities: and
- Ensure that any local work to tackle social isolation explicitly considers the needs of BSL users

4.6: Transport

We share the long-term goal for transport set out in the BSL National Plan, which is:

‘BSL users will have safe, fair and inclusive access to public transport and the systems that support all transport use in Scotland.’

Our Actions

By 2024 we will:

- Research technological solutions for providing accessible information in transport hubs (for example bus stations, train stations, airports, etc.) for BSL users;
- Through the Licensing process, we will encourage private transport providers to have access to technology to support communication with BSL users and/or designated drivers have basic BSL awareness;
- Work with Transport providers to raise awareness of the needs of BSL users, and encourage adequate provision of technology to improve the experience and confidence levels of BSL users when accessing public transport

4.7: Culture and the Arts

We share the long-term goal for culture and the arts set out in the BSL National Plan, which is:

“BSL users will have full access to the cultural life of Scotland, an equal opportunity to enjoy and contribute to culture and the arts, and are encouraged to share BSL and Deaf Culture with the people of Scotland”

Our Actions

By 2024, we will:

- Where we provide licences for events within Midlothian, we will enable BSL users to take part in culture and the arts as participants, audience members and professionals;
- For Midlothian events we will increase information in BSL about culture and the arts on relevant websites and at venues;
- Work in partnership with providers of cultural events and activities across Midlothian to increase availability of signed performances and enhance individuals' access to engagement in cultural activities within Midlothian; and
- Explore the use of technology to enhance the experience of BSL users when visiting Midlothian exhibitions or accessing museum collections

4.8: Democracy

We share the long-term goal for democracy set out in the BSL National Plan, which is:

“BSL users will be fully involved in democratic and public life in Scotland, as active and informed citizens, as voters, as elected politicians and as board members of our public bodies”

Our Actions

By 2024, we will:

- Take opportunities to promote the Access to Elected Office Fund locally, which can meet the additional costs of BSL users wishing to stand for selection or election in local or Scottish Parliament elections;
- Continue to support BSL Users to participate in community engagement events;
- Subject to Council IT protocols, provide links on websites to national information on the Access to Elected Office Fund (Scotland) to provide a signpost to BSL users who wish to stand for selection and election;
- Raise awareness amongst Elected Members about ContactScotlandBSL; and
- Ensure that BSL users have access to information about Elected Members/Public Appointments in BSL

4.9: Justice

We share the long-term goal for justice set out in the BSL National Plan, which is:

‘BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland’.

Our Actions:

By 2024 we will:

- Work with Scottish Fire and Rescue Service (SFRS), Police Scotland and Scottish ambulance Service to develop and implement measures to improve access to emergency services for BSL users; and
- Work with SFRS to improve access to SFRS emergency and preventative strategies, (including home fire safety visits), for BSL users

SECTION 5:

5.1 What happens next?

Midlothian Council continues to be interested in your views on this Plan throughout the life of the Plan.

This Plan has been published in BSL and English with English subtitles and can be accessed at www.midlothian.gov.uk/bslplan

If at any time you would like to comment on this BSL Plan then you can do this in the following ways:

- In BSL you can upload a video on to You Tube at www.youtube.co.uk and send this to the following email address: equalities@midlothian.gov.uk
- In English you can comment by email to: lesley.crozier@midlothian.gov.uk or jayne.lewis@midlothian.gov.uk or by post using either of the addresses of the lead officers detailed under section 2.2

Midlothian Council intends to hold follow up events throughout the life of this Plan and these will be well advertised on social media, in newspapers, on the Council website and through National D/deaf and Deafblind organisations and groups.

5.2 About You & Continued Involvement

Please contact Lesley Crozier or Jayne Lewis if you want to continue to be involved with the Council as we further develop/implement the actions in our plan. Contact details are as follows:

Lesley Crozier | Equality, Diversity & Human Rights Officer | Midlothian Council |
Midlothian House | Buccleuch Street | DALKEITH | EH22 IDN
Telephone: 0131 271 3658 E-mail: lesley.crozier@midlothian.gov.uk

Jayne Lewis | Planning Officer – Physical Disabilities | Midlothian Health & Social
Care Partnership | Fairfield House | 8 Lothian Road | DALKEITH | EH22 3ZH
Telephone: 0131 271 3665 E-mail: jayne.lewis@midlothian.gov.uk

Micro Grants Budget
Report by Dr Mary Smith, Director Education, Communities and Economy

1 Purpose of Report

This report is requesting Council to note the recommendations of the Micro Grants Programme for the funding of Third Sector organisations in 2019/22.

2 Background

2.1 In June 2014 the Council approved a set of recommendations following a review of grants to establish a three-year grants programme for the period 2015/16 - 2017/18. This review brought together the various historic grant arrangements into one overall programme. The review was prompted by a need to focus on the areas of greatest need, to ensure a more focused approach and secure financial savings. In 2017 Council agreed to extend the existing grants programme for 2018/19.

2.2 In 2018/19 the overall grants programme has an annual budget allocation of circa £1million. The small and large grants programme are made up of four separate funding streams:

- i) Developing Communities(including Community Councils)
- ii) Employability, Learning, and Training
- iii) Health and Physical Activity
- iv) Poverty

In addition to the four grant streams there is a rents budget that provides grant funding to voluntary organisations who rent council premises.

2.3 On the 22 August 2018 Council approved a revised three years grants programme. The programme was informed by good practice from across Scotland, officers' experience of administering the existing grants programme and feedback from voluntary organisations. The new three year grants programme maintained some of the features of the previous programme and recommended a number of improvements. Key improvements included:

- Introducing an annual upper limit of £33,500 to reflect the reduction in overall Council budget and to help spread the limited resource across the voluntary sector.
- Introducing a new Micro Grant where small organisations can apply for up to £500 with minimal paperwork and reporting requirements.

- Allowing Small Grant applications of under £2,000 a year to apply for funding for a three year period, on the same basis as Large Grant recipients.
- Reviewing all of the grant funded lease arrangements to ensure they are making best use of the Council premises they occupy.

The three year grants programme also reflected key changes in policy such as the Council's decision in May 2018 to remove Citizen Advice Bureau's from the competitive grants programme and fund this service on a different contractual basis. Another key change has been the 2017 enactment of Part 5 of the Community Empowerment (Scotland) Act which provides an alternative framework for grant funding Council premises.

- 2.5 Between August and October 2018 the grants programme was open for applications. A communication and engagement plan was delivered to ensure that as many groups as possible applied. As part of this process community groups were offered bespoke support to help them apply. Particular effort was made to ensure that groups that experience barriers were supported to apply.
- 2.4 The closing date for the new grants programme was 14 October 2018. After this the grant stream leads convened grants panels to assess the applications. All grants were scored carefully against the approved criteria. Where applicants applied for more than one grant, they were cross-referenced to ensure there was no duplication in their applications. Other due diligence checks were carried out such as assessing the level of funding the applicants already received from commissioned contracts from the Council.
- 2.5 Following the scoring process the Council Leader and Deputy Leader were briefed on the proposed awards. Senior managers not involved in the scoring process then quality assured the recommendations of the panels to help ensure consistency, compatibility with policy and equity across the programme.
- 2.6 The Micro Grants are open for application every 6 months. The most recent round was advertised in February and closed on 14th April 2019.

3 Report Implications

3.1 Resource

Funding available for the remainder of 2019/20 for micro grants is £2,900. There is £3,375 and £3,320 in the micro grant budget for 2020/21 and 2021/22 respectively.

The recommended awards and financial analysis of the applications are included in **Appendix 1** of this report.

3.2 Risk

The existing grants programme has been risk assessed and these risks are included in the Council's Risk Register. The new and existing grants programme is subject to internal audit that helps reduce the risks associated with managing the programme. The processes associated with awarding grants includes robust risk assessment procedures to ensure compliance with Following the Public Pound protocols.

The Micro Grants Programme provides financial support to a range of local organisations, many of whom are struggling financially because of a reduction in funding. The risks for these organisations include a reduction in staff and volunteers, increased pressure to fundraise from other sources, loss of external funding leverage and a reduction in services. The Micro Grants Programme helps to mitigate against these risks.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan (SMP)

The SMP has directly informed the criteria used to assess and award all of the micro grant applications for 2019/22.

3.5 Impact on Performance and Outcomes

By supporting the voluntary sector the grants recommendations will have a positive impact on the performance and outcomes of the council.

3.6 Adopting a Preventative Approach

The recommended grants will continue to support the voluntary sector to undertake preventative work by reducing inequalities, promoting healthy activities and supporting people into meaningful employment.

3.7 Involving Communities and Other Stakeholders

Between March and July 2018 a Grants Communication and Engagement plan was delivered to inform the new grants programme. The engagement included coverage in the local press, a social media campaign, an online survey, face-to-face meetings with elected members, senior officials, the Third Sector Interface, Community Councils and Community Planning Partners. Feedback from this engagement has informed and shaped the new programme.

3.8 Ensuring Equalities

A full Integrated Impact Assessment was completed for the new grants programme. The assessment concluded that the revised three year grants programme will have a positive impact on equality groups across Midlothian.

3.9 Supporting Sustainable Development

The revised three year grants programme will help maintain a vibrant voluntary sector in Midlothian. With reductions in statutory funding, the voluntary sector has a key role in developing communities, reducing inequalities and supporting sustainable development.

4 Summary

- 4.1** Officers have implemented the Council's new three year grants programme. Based on the priorities of the Single Midlothian Plan and evidence of good practice the new grants programme has been redesigned to meet the changing needs of Midlothian's communities.

The grant awards detailed in this paper are a key part of the overall Council's contribution to the voluntary sector. The recommended awards will provide a level of security for the voluntary sector, whilst maintaining some budget so applications can be considered every 6 months for the micro grants and annually for the small grants. Retaining a contingency fund to support voluntary organisations in exceptional circumstances will further help safeguard Midlothian's vibrant voluntary sector. The revised three year grants programme represents an opportunity to build on the positive relationships the Council has with the voluntary sector and ensure that we continue to work in partnership to achieve the best outcomes for local residents.

5 Recommendations

- 5.1** It is recommended that Council;
- a. Notes the recommended micro grant awards for the period October 2019 - 2022 as detailed in **Appendix 1** of this report.

Date 22 November 2018

Report Contact: Gillian Cousin
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Background Papers:

Appendix 1: Micro Grants awarded 2019-22

Appendix 1

Micro Grants October 2019 - 2022

Item 8.15

Organisation	Year 1	Year 2	Year 3	Total Requested	AWARDED YEAR 1	AWARDED YEAR 2	AWARDED YEAR 3	Total Amount Awarded	Summary of project/rationale for decision
Rosewell & District Community Council	£500			£500	£250			£250	The funding is to purchase new age kurling equipment. This will help to reduce social isolation within the community.
MAEDT	£240			£240	£240			£240	The funding is to purchase USB sticks for people attending the Job Club. Strong application that will help people prepare for and apply for jobs.
Danderhall After School Club	£471			£471	£280			£280	The funding is to purchase storage for outdoor equipment. This will support learning and healthy lifestyles.
Y2K	£356			£356	£356			£356	The funding is to purchase specialist resources to support young people. Strong application that will reduce risky and antisocial behavior.
Cousland Majority Group	£380	£380	£380	£1,140	£380	£380	£380	£1,140	The funding is to support the costs of health and wellbeing activities for older people in a rural community. Strong application that will reduce social isolation.
Penicuik Community Sports & Leisure Foundation	£500	£500	£500	£1,500	£500			£500	The funding is to support the costs of first aid courses for the whole community. This is a learning opportunity for adults and children.
Newtongrange Community Council	£500	£500	£500	£1,500	£500			£500	The funding is to support the costs of producing a newsletter. It is aimed at the whole community and will assist community cohesion.
Roslin Village Group	£500	£400	£400	£1,300	£380	£220	£220	£820	The funding is to purchase a gazebo for community events and support the costs of website hosting. It is aimed at the whole community and will assist community cohesion.

MICRO GRANTS	Year 1	Year 2	Year 3	TOTAL
Micro Grants Requested	£17,835	£13,903	£13,868	£45,606
Micro Grants Allocated	£2,886	£600	£600	£4,086
Micro Grants Budget	£2,900	£3,375	£3,320	£9,595
Under / Over allocation	£14	£2,775	£2,720	£5,509

Number of Applications

Received 37

Allocated 8

Update on Midlothian Residential Service Provision

Report by Head of Children's Services

1 Purpose of Report

- 1.1** This report outlines the re-design of Midlothian Council's residential services for young people, both with and without complex and enduring needs.

2 Background

- 2.1** Previously, Midlothian Residential Services consisted of three, four-bedded care homes, which could accommodate up to 12 young people in the Penicuik, Dalkeith and Gorebridge areas. The care homes in the Penicuik and Dalkeith areas are purpose built single storey houses while the care home in Gorebridge is on older property on two levels.
- 2.2** The lack of local short and long-stay accommodation for children and young people with complex and enduring needs across Scotland has proved to be a significant challenge in terms of expenditure and assessing resources. Children's Services had previously entered into a successful collaboration with Action for Children that involved them staffing and managing a longer-term house for two young people with complex needs in the Woodburn area.
- 2.3** Co-incidentally, we began to observe a reduction in the usage of our existing 12-bed care home provision for young people. Therefore, through building on the success of an earlier collaboration with Action for Children we entered into another partnership with Barnardos. We agreed that Children's Services would provide the premises and equipment to work with three young people with complex and enduring needs while Barnardos would provide an appropriately skilled and experienced workforce.
- 2.4.** We also ensured that the Care Inspectorate were involved in the discussions at the earliest opportunity and they were able to offer advice about creating additional beds in our existing provision. Midlothian Council residential care home provision for children and young people is:

Dalkeith	5 beds
Gorebridge	4 + 1 emergency bed
Penicuik	4 beds complex care

Report Implications

3.1 Resource

There are no resource issues arising from this report.

3.2 Risk

The Care Inspectorate regulate all care services in Scotland using the [National Care Standards](#), set out by the Scottish Government, as a benchmark for how each type of service should perform. These standards are the minimum that children and young people should expect when using care services.

If the standards are not being fully met, the Care Inspectorate would note this in the inspection report and require the service manager to address these. The Care Inspectorate could impose an additional condition on the service's registration if the provider persistently, substantially or seriously fails to meet the standards or breaches a regulation. They also have the power to issue an improvement notice detailing the required improvement to be made and the timescale for this.

Monitoring, review and evaluation of progress by officers in Children's Services is the control measure in place to reduce the risk of failure of the care services and to demonstrate their capacity to improve.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

The re-design of Midlothian Council's Residential Provision for young people is in line with the 'Getting It Right For Every Midlothian Child' approach. The re-design of this service now means we can now offer local provision for children and young people with complex and enduring needs, thus reducing the inequalities they experience.

3.5 Impact on Performance and Outcomes

Performance and outcomes will continue to be measured through the quarterly reporting, review and evaluation process.

3.6 Adopting a Preventative Approach

The Service will continue to improve its work in line with its improvement plan. The Education, Communities and Economy Directorate will continue to challenge and support the Service in relation to developing and implementing a range of quality improvement strategies.

3.7 Involving Communities and Other Stakeholders

We engaged the young people living in the Penicuik property throughout the process. The local communities were also made aware of the impending changes.

3.8 Ensuring Equalities

Any action plans required will be screened for equalities implications.

3.9 Supporting Sustainable Development

The Service Improvement Plan allows for sustainable development and improvement.

3.10 IT Issues

There are no IT issues

4.0 Summary

5.0 Recommendation

To note the following:

5.1 The residential care home in Penicuik will now provide accommodation for up to four children with complex and enduring needs.

5.2 The care homes in Dalkeith and Gorebridge will provide accommodation for up to ten children who are 'looked after away from home' - this includes the emergency bed.

Report Contact:

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Gorebridge Connected – Update and Leasing of the former Gorebridge Train Station

Report by Mary Smith, Director of Education, Communities and Economy

1 Purpose of Report

- 1.1** This report updates Council on progress with the Gorebridge Connected project and requests delegated authority for Midlothian Council's Acting Director, Resources to sign a 20 year lease for the former Gorebridge train station between Network Rail, owners of the former train station building, and Midlothian Council. Then immediately, or as soon as practicably possible after, sign and enter into a 20 year lease between Midlothian Council and the Gorebridge Community Development Trust to sub-let the building to the Trust for that 20 year period.
- 1.2** The report also advises Elected Members of funding agreement/service level agreement between the Council and the Gorebridge Community Development Trust for the project manager post and the phasing of payment to them.

2 Background

- 2.1** Members will be aware through reports to Council on 26 June 2018 and 12 February 2019 of the Gorebridge Connected project that followed the Gorebridge Conservation Area Regeneration Scheme (CARS).
- 2.2** The 26 June 2018 Council report identified the intention for a lease for the former Gorebridge train station building. That 2018 report required that prior to entering into any lease agreement with Network Rail and/or the Gorebridge Community Development Trust officers provide a report back to Council on the final details of the leases for Council approval.
- 2.3** As reported in the 26 June 2018 report In order to secure £199,981 of funding from LEADER for the Gorebridge Connected project, a long term lease for the former station building is required.
- 2.4** The 12 February 2019 report outlined that officers were in negotiation with Network Rail on the lease. These negotiations are continuing.

3 Gorebridge Connected Project

- 3.1** The three interlinked elements of Gorebridge Connected are:
- Hunter Square public realm heritage enhancement scheme;

- Redevelopment of the former Gorebridge Railway station building into a “Railway Café and Gallery”; and
- the Link project – a heritage enhancement project on Main Street, Gorebridge and signage project connecting Hunter Square and Gorebridge train station with each other, with other parts of Gorebridge, and with the extended rural area and its communities.

- 3.2** The Hunter Square public realm scheme element of Gorebridge Connected is, with the exception of some snagging, complete. The Link project is complete, except for an interpretative panel being placed outside the former station building when it is redeveloped.
- 3.3** The redevelopment of the former Gorebridge train station remains on programme to be completed within the first quarter of the 2020 calendar year.
- 3.4** Funding is secured through Gorebridge Connected and held by the Council for a project manager/building manager post for the restored station building project. The funding for this post will come from developer contributions secured through the 26 June 2018 report to Council. The role of this post would include promoting the project, securing tenants for the restored building, managing the building, and securing external grant funding for the project. The post would be an employee of the Gorebridge Community Development Trust. The Council is preparing a service level agreement between itself and the Gorebridge Community Development Trust to allow the Council to have influence and be involved in the recruitment process of the post, and enable a phased release of funding to the Trust that is subject to regular reporting on progress of the work of the project manager/building manager and completion of their work tasks. The Council is working with the Gorebridge Community Development Trust to enable the project manager/building manager to be in post before the station restoration construction works are complete.

4 Leasing of the former Gorebridge Train Station Building

- 4.1** As described in reports to Council of 26 June 2018 and 12 February 2019, officers are currently working with Network Rail to secure a long term lease for the former Gorebridge train station. This would be on the basis of the Council taking on a long term lease but immediately subletting the building to the Gorebridge Community Development Trust. The Trust would then be responsible for all costs and liabilities associated with the lease of the building.
- 4.2** At the 26 June 2018 Council meeting support was obtained from Council to take on a lease for the former station building from Network Rail and a sublease to the Gorebridge Community Development Trust on these terms. This support was subject to officers providing a report back to Council on the final details of the leases for Council approval.
- 4.3** Progress with Network Rail in producing draft leases has not been as quick as expected and needed. Therefore to help expedite matters, delegated authority is sought from Council for, when the draft leases are ready, the Council's Acting Director of Resources to sign the 20

year back to back leases for the former Gorebridge train station between Network Rail and Midlothian Council and a sub-lease between Midlothian Council and the Gorebridge Community Development Trust for the building. This is on the basis of the Acting Director, of Resources signing the leases and officers not having to come back to Council for authority for the leases to be signed. The Trust would be responsible for all costs and liabilities associated with the lease of the station building when it is sublet to them.

- 4.4** Giving the Acting Director, of Resources delegated authority to sign the leases will allow the project to proceed quicker and allow better and faster working with all partners.

5 Report Implications

5.1 Resource

Capital

Former Gorebridge Train Station Building Lease

There would be no capital commitment for the Council in taking on the lease for the former Gorebridge train station building. The building would be sublet to the Gorebridge Community Development Trust and they would be liable for all costs and liabilities associated with the lease of the building.

Revenue

The funding arrangements for the project give rise to no additional revenue budget implications for the Council.

Officer time is required to help secure the lease. Any ongoing revenue costs would be covered by the budget of the Gorebridge Connected project or by the Gorebridge Community Development Trust.

5.2 Risk

Former Gorebridge Train Station Building Lease

LEADER's grant offer of £199,981 requires a long-term lease to be in place in order to be able to access this grant funding. Not having a long term lease in place between Network Rail and the Council would jeopardise the project by it not being able to access the £199,981 of LEADER grant funding.

VAT

The structure of the lease arrangements with Network Rail and Gorebridge Community Development Trust may give rise to VAT implications to the Council.

The final structure of any lease arrangement and the transactional flow of grant funding arrangements will need to be carefully reviewed by

officers prior to entering into any lease, to ensure any VAT implications to the Council are mitigated as far as possible.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

5.4 Key Priorities within the Single Midlothian Plan

Investment in comprehensive improvement of town centres in Midlothian directly addresses economic inequalities.

5.5 Impact on Performance and Outcomes

As set out in paragraphs 3.4, 4.3 and 4.4.

5.6 Adopting a Preventative Approach

Investment in town centres can arrest and reverse their decline.

5.7 Involving Communities and Other Stakeholders

The Council has worked with the Gorebridge Community Development Trust in delivering the Gorebridge CARS project and developing the Gorebridge Connected project. Joint working with the Development Trust involved preparing the successful grant applications to the Scottish Government Borders Railway Blueprint fund, to LEADER and to the Railway Heritage Trust.

The proposals for Gorebridge Connected have been subject to public engagement in Gorebridge and with Gorebridge Community Council.

5.8 Ensuring Equalities

This report does not relate to a new / revised policy / service change / budget change. It is therefore considered that undertaking an Equalities Impact Assessment (EqIA) in relation to this report is unnecessary.

5.9 Supporting Sustainable Development

A successful Gorebridge Connected project can help create a more vibrant and vital town centre which are contributors to a more sustainable economic and physical environment.

This report does not relate to the adoption by the Council of a strategic document and Strategic Environmental Assessment' ('SEA') legislation does not apply to this report.

5.10 IT Issues

There are no IT implications from this report.

6 Summary

- 6.1** Progress on all three parts of Gorebridge connected is progressing. Restoration works of the former Gorebridge station building are expected to be complete in the first quarter of 2020. The public realm works at Hunter Square are finished and the Link (heritage) project will be complete when the station building restoration is finished. The Gorebridge Connected project has funding for a project manager/operations manager post for a two year period for the restored station building. The Council is preparing a funding agreement for the Gorebridge Community Development Trust for this post which will give the Council influence on the recruitment of this post and control of payments for its cost.
- 6.2** At the 26 June 2018 Council meeting support was obtained from Council to take on a lease for the former station building from Network Rail and a sublease to the Gorebridge Community Development Trust on these terms. That support was subject to officers providing a report back to Council on the final details of the leases for Council approval.
- 6.3** Progress with Network Rail in producing draft leases has not been as quick as expected and needed. Therefore to help expedite matters, delegated authority is sought from Council for, when the draft leases are ready, the Council's Acting Director, of Resources to sign the 20 year back to back leases for the former Gorebridge train station between Network Rail and Midlothian Council and a sub-lease between Midlothian Council and the Gorebridge Community Development Trust for the building. This is on the basis of the Acting Director, of Resources signing the leases and officers not having to come back to Council for authority for the leases to be signed. The Trust would be responsible for all costs and liabilities associated with the lease of the station building when it is sublet to them.
- 6.4** Giving the Acting Director, Resources delegated authority to sign the leases will allow the project to proceed quicker and allow better and faster working with all partners.
- 6.5** The report also advises Elected Members of funding agreement/service level agreement between the Council and the Gorebridge Community Development Trust for the project manager post and the phasing of payment to them.

7 Recommendations

- 7.1** Council is asked to note the content of this report and approve delegated authority for the Acting Director, Resources of Midlothian Council to:
1. have prepared and sign on behalf of Midlothian Council a 20 year occupancy lease signed between Network Rail and Midlothian Council for the former Gorebridge train station, subject to the VAT implications being satisfactory to the Head of Finance & ISS; and
 2. have Heads of Terms prepared for, and sign on behalf of Midlothian Council, a 20 year sub-lease for the former Gorebridge train station between Midlothian Council, as Head Tenant, and the Gorebridge Community Development Trust as sub-tenant, subject to the VAT implications being satisfactory to the Head of Finance & ISS. The sub-lease between Midlothian Council and the Gorebridge Community Development Trust would be signed immediately as a back to back arrangement, or as soon as is practicably possible, after the main lease is signed between Midlothian Council and Network Rail for the former Gorebridge train station building; and for
 3. Elected Members to note the funding agreement/service level agreement between the Council and the Gorebridge Community Development Trust for the project manager post and the phasing of payment to them.

31 May 2019

Report Contact:

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Background Papers: None

Environmental Health Food Service Plan 2019/20

Report by Mary Smith, Director Education, Communities and Economy

1 Purpose of Report

To advise Council of the Environmental Health Food Service Plan for 2019/2020 and to recommend approval of the Plan.

2 Background

2.1 The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides Food Standards Scotland with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. It also defines a Local Authority's responsibilities in delivering the food enforcement service.

2.2 The Framework Agreement states that the Council has a duty to provide an up to date food service plan and stipulates that *"To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."*

2.3 The draft documents are attached as Appendices.

- Appendix A - Food Service Plan for 2019/2020 The provisions of this Plan reflect the planning and delivery requirements of feed and food official controls, based on the existing statutory Code of Practice
- Appendix B - Review of service performance against the 2018/19 Food Service Plan

3 Report Implications

3.1 Resource

3.1.1 In February 2018 the Council approved Financial Strategy determined that the Environmental Health Service must deliver a permanent savings of £145.8K. As 90% of the Environmental Health budget relates to staff costs and the statutory provisions of the mortuary service and the required appointment of a Public Analyst cannot be

avoided, the only way to achieve this level of saving was through a permanent reduction in staffing levels. Overall 24% of Environmental Health FTE has been deleted which means the loss of 33% from the Food & Safety team.

- 3.1.2 From 2019/20 Food Standards Scotland wish local authorities to risk assess food businesses in a different way, combining the hygiene and standards elements into a single “food safety” inspection. In anticipation the inspectorate have been operating in this way for many months. However, there will also be a requirement throughout this plan to spend time changing aspects of the information management system used by the Food Service. In effect two risk assessment regimes will be running in parallel. As a result performance indicators are changed
- 3.1.3 The work as detailed in the draft Food Service Plan has been prioritised to seek to take account of these changes as far as resources allow.

3.2 Risk

- 3.2.1 Environmental Health is a statutory function and the Food Service Plan is produced in pursuance of this function. Failure to produce and implement a food service plan leaves the local authority open to both the challenge of failing in its statutory duty and increased reputational risk.
- 3.2.2 Operating with a reduced inspectorate will result in more difficulty meeting planned objectives and responding to the demands arising from the growth and development in Midlothian. This will provide less opportunity for the Environmental Health Service to:
- detect business non-compliance and failure,
 - investigate complaints,
 - respond to incidents,
 - maintain accurate intelligence about food business activities
 - provide advice to both start up and established businesses, and
 - protect public health.
- 3.2.3 Increased individual workloads, even tempered with such efficiency improvements that can be made, will place greater stress on inspectors. In the event of an incident, for example a food poisoning outbreak, the performance of individual officers is always placed under scrutiny to determine how effectively inspection and enforcement controls have been applied. Staff have recently been reminded of the presence of support mechanisms including Mental Health First Aiders and the Employee Assistance programme.
- 3.2.4 At this time it cannot be said what the implications of a departure from the EU would mean for the Food Enforcement service. Food Standards Scotland and the profession continue to try and prepare for such an event.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

The adoption of the Environmental Health Food Service Plan, attached as appendices, contributes to the key priorities of Economic Growth and Business Support, and Community Safety.

Business intervention occurs on a pre-determined risk based approach which is transparent, consistent and open to scrutiny.

3.5 Impact on Performance and Outcomes

The current level of staff vacancies and the anticipated outcome of the service review means not all Food Service Plan objectives will be achieved as the anticipated workload exceeds the capacity of the staff to deliver it.

There is an anticipated negative impact on the wellbeing of staff.

3.6 Adopting a Preventative Approach

Through the implementation of the Food Service Plan- Midlothian Council delivers a statutory function which seeks to focus services to the most high risk food premises thereby aiming to prevent crises through timely intervention.

The approach to 'identify' businesses prior to significant failure occurring through inspection and intervention has been diminished as a direct result of the reduction in staffing available. A reduced inspectorate means that businesses currently classified as medium or low risk will remain uninspected and changing circumstances may remain undetected.

3.7 Involving Communities and Other Stakeholders

Consultation with the Public Analyst service takes place as part of the preparation for the plan. A copy of the plan is published on the Council's website for business, public information and comment.

3.8 Ensuring Equalities

An equalities impact assessment, a copy of which is attached to this report (Appendix C), indicates there are no known equality issues arising from the provisions of the Plan.

3.9 Supporting Sustainable Development

There are no identified sustainability issues arising from this report.

3.10 IT Issues

There are no identified IT implications arising from this report.

4. Recommendations

It is recommended that Council

- i) note the Review of Performance of the Food Service 2018-19,
- ii) note the reduction in inspectorate, as a result of the Midlothian Council approved financial strategy (February 2018),
- iii) note the likely impact on performance and outcomes as a result of the reduction in inspectorate
- iv) and approve the Environmental Health Food Service Plan 2019/2020.

Date: 04 June 2019

Report Contact:

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Enclosures:

Appendix A: Food Service Plan 2019-20 (as proposed)

Appendix B: Review of Performance of Food Service Plan 2018-19

Appendix C: Equality Impact Assessment (published separately)

Background Papers:

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities

Midlothian Council

Food Safety Service Plan 2019-2020



Food Safety Service Plan 2019-2020

1. Service Aims and Objectives

- 1.1 The main aim of the Food Safety Service is to protect public health by ensuring that food produced or consumed in Midlothian, is described properly to the consumer and is safe to eat.
- 1.2 The Food Safety Service carries out the statutory duties required of Midlothian Council as a Food Authority. The Food Safety Service is part of the Environmental Health Service.
- 1.3 A mapping of how the Service contributes to the Midlothian Single Plan priorities is given at Table 1.
- 1.4 The Council has adopted local performance indicators to measure how the service carries out its work. For this plan these indicators are:
 - the percentage of planned food premises inspections achieved; and
- 1.5 The Food Safety Service Plan has been prepared in accordance with the requirements of the Food Standards Agency Framework Agreement on Official Food and Feed Controls by Local Authorities issued in April 2010. It covers the financial year from 1st April 2019 to 31st March 2020.

2. Background

2.1 Profile of Local Authority

Midlothian Council is located to the south of Scotland's capital city Edinburgh and serves a growing population currently of about 86,200. Midlothian is now pro rata, the fastest expanding area of Scotland for population growth and housing development with consequent pressures on Council services. The Council is one of the smallest in Scotland covering a geographical area of 35,527 hectares. It shares its borders with East Lothian, Edinburgh City and Scottish Borders. Public services, including local government, education and the health service, comprise 31% of Midlothian's employment. The food and retail industry sectors account for about 28% of the workforce – more than 99% of these being small or medium sized enterprises. The main centres of population are currently around Dalkeith, Bonnyrigg and Penicuik with much of the area rural in nature with small towns and villages.

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2.2 Scope of the Food Safety Service

The Food Safety team is part of the Environmental Health Service. The team carries out a range of activities to meet the legal requirements of the Service plan. These include regulating food businesses through:

- The regular inspection of food premises for food safety (hygiene and food standards.)
- The approval and licensing of certain premises.
- The sampling of food to check on hygiene, composition and labelling.
- Investigation of complaints from the public about food, food labelling and food premises.
- Investigation of food related cases of infectious diseases.
- Investigation of food related fraud.
- Enforcement of the legislation in relation to the above activities.
- Providing advice and assistance to new or existing food business operators and to the public.

The Food and Safety team is also responsible for

- enforcement of Health and Safety legislation in many workplaces in the Midlothian area, including the investigation of accidents and incidents;
- enforcement of the Public Health (Scotland) Act and in partnership with Lothian NHS, investigation and control of certain infectious diseases and other public health concerns; and
- *the licensing and regulation of a variety of premises and activities, including caravan sites, zoos and places of public entertainment.*

The Food Service is based at Fairfield House 8 Lothian Road, Dalkeith, EH22 3ZN - Tel 0131 271 3559. Email foodandsafety@midlothian.gov.uk

Midlothian Council core office hours are 9-5pm Monday to Thursday and 9-3.45pm Friday. However, the service carries out a certain amount of inspection work “out of hours” in order to access businesses that open in the early mornings, evenings or at weekends.

Outwith core hours contact for emergency purposes is on an ad-hoc “whom-failing” response via the Midlothian Contact Centre - Telephone number 0131 663 7211.

The organisational structure, lines of responsibility and establishment of the Environmental Health and Trading Standards sections are shown in Figure 1 below.

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2.3 Staffing Allocation

In order to carry out the work described in this plan the team would typically need to use the equivalent of 3.5 full time staff (FTE). In addition to conducting planned work the food team must maintain some capability to deal with unplanned matters – some of which is not food safety related and the nature of which requires that priority is given to it.

At April 2019 the food and safety team had a complement of four staff. Two vacant posts had not been recruited to in order to meet some of the continuing budgetary savings required of the Environmental Health Service in 2018-19.

Maintaining the ability of the team to respond to, for example, serious health and safety or environmental incidents, preparing prosecution reports, new licensing regimes, changes to operational procedures means there is now only the equivalent of 2.3 full time staff to carry out scheduled Food Safety work.

2.4 Financial Allocation for Food and Safety Team*

Direct Staffing costs	127230
Inspection Services equipment and maintenance costs	3708
Provision for scientific services	37358
Total	168296

* *proportion of annual budget of £217738 attributed to 2.3 FTE for food service*

2.5 Staff Development

Food Standards Scotland (FSS) Code of Practice requires all food enforcement officers to obtain at least 10 hours of update training in food related matters during the year to maintain their competency. Food Safety service staff are subject to the Council's appraisal process – Making Performance Matter. This sets and monitors individual performance targets and identifies training and development needs.

2.6 Service User Profile

As of 1 April 2019, there were 815 registered and operating food premises in Midlothian. The majority of the food premises in the area are small to medium enterprises employing less than ten people (see Table 2). Many of these businesses rely on regular contact from the food safety team for advice and guidance on food safety and legal requirements. There are eight premises located in the area approved for the manufacture and supply of food to national and international markets. A small number of businesses export to non-EU countries.

2.7 Service demands

2.7.1 Safe Food and Compliance with the Law

Environmental Health, Food & Safety team regulate the activities of food The service contributed to the Community Safety and Economic growth outcomes of the Midlothian Single Plan by providing its food related public protection functions by the following mechanisms:

- The inspection of food businesses for hygiene and standards purposes and the regulation of those businesses to make sure they produce safe food
- The investigation of requests for service relating to food safety matters,
- The investigation and control of cases of food related disease,
- The sampling of food to check that it was safe to eat and appropriately labelled
- Checking and advising on food premises related planning applications and building warrants.

2.7.2 For businesses the service offers advice and guidance on compliance with the law at the start up stages and within reason, on an on-demand basis. This contributes to the Midlothian Single Plan Economic Growth outcome. It also meets the requirement in the Regulatory Reform (Scotland) Act 2014 which imposes a duty on regulators to *“contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so”*. For many small businesses the Environmental Health Food team are their only source of assistance in understanding and interpreting food law and producing food safely. New businesses are routinely referred by the food team to Midlothian Business Gateway for help with business plans businesses through a mix of enforcement and advisory action.

2.7.3 Central to the regulation of food businesses is the assessment by inspectors of the risk of harm the business present to consumers. Higher risk businesses receive more regular “Official Controls” in the way of inspections and food sampling. Available staff resources are therefore directed at those businesses first with lower risk premises subject to inspections if resources allow for it or they come to our attention, e.g. through complaints or major changes to the sorts of food activity.

2.7.4



Risk rating of food businesses also underpins the Food Hygiene Information Scheme (FHIS). This non-statutory scheme allows consumers to find out how inspectors assessed food hygiene at the last inspection and rates them as a PASS or IMPROVEMENT REQUIRED.

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The public can see the results for all businesses subject to the scheme on the Food Standards Scotland website (<http://www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme>)

Certificates are provided to food businesses to display at their premises at the discretion of the food business operator. As of April 2019, about 87% of Midlothian food businesses in the scheme had a PASS status.

2.7.5 Changes to enforcement practice

In early 2019 Food Standards Scotland issued an updated Food Safety Code of Practice. Changes are introduced from April 2019 in the way in which food businesses are risk assessed during inspections. This is a significantly different system to the one previously used (although the end result is still that the each food business will be “rated” and the rating and type of business will determine the frequency at which it is next inspected). Inspections will assess food safety overall, rather than treating food hygiene and food standards as separate issues. New elements covering exporting and the possibility of food fraud are introduced.

Changes will be required to the Information Management system by the software developer (IDOX) to cope with this and there will be a transitional period of some months as food businesses are moved from one assessment regime to another. As the new system does away with the principal of broad compliance this will not feature as a performance measure for this plan.

The ratings currently used will be reversed. Research done by Food Standards Scotland suggested that an “A” risk business would be perceived by the public as being the lowest risk – under the existing scheme an “A” risk business is considered the most risky. The new risk assessment scheme will result in changes to the frequency of inspections.

The consequence of this for the current plan is that two risk assessment schemes will be run in parallel. As businesses are inspected they will be risk assessed using the new scheme. As the old scheme has an inspection cycle that extends over three years it is hoped that desk top assessment of lower risk business will allow for a shortening of the implementation period.

In addition the way in which Approved premises are inspected is expected to change with more frequent and in depth auditing of their operations being required. Associated with this change in approach are training requirements amounting to 12-16 FTE days.

Following a number of deaths involving allergic reactions to food constituents and high profile coverage in the media the UK Government has asked for a review of current controls to be carried out by the Food Standards Agency. Possible changes being seriously considered are to require any business which packs a

food to have both the ingredients and the allergens highlighted on labels. This would be a major change for businesses such as takeaways and sandwich shops and would require major amounts of regulatory advice from the Food Safety team

2.7.6 The effect of the decision to leave the European Union

At the time of writing the full implications of leaving the EU (should this come about) remain to be fully understood. Work has been on-going at national level to “re-title” existing EU based food legislation so that there is no interruption to regulatory controls or reduction in existing standards in either of the “deal” or “no deal” scenarios. Whatever the outcome of the on-going deliberations it is recognised by both the EH profession, FSS and the Scottish Government that there could be significant demands on the resources of LA food services.

For example, in the event of a “no deal” situation, where the UK becomes a “third-country” in relation to the EU, there will be a greatly increased requirement for export hygiene certificates for food entering the EU. The most obvious business sector affected in Scotland is the fish and fish products one. Businesses in some parts of Scotland export large quantities of fisheries products to the EU. At the moment Scottish LA food services sign very few export hygiene certificates for fish and fisheries products. In a “no deal” scenario each consignment would need an export certificate to enter the EU. It is estimated these would run into thousands of certificates each year. Since the “signing off” of batches of food for export is not a legal requirement of LAs many food services could find themselves spending time doing this instead of their regulatory functions.

Issuing export health certificates is not anticipated to be a concern for Midlothian. However, there is the matter of the inspection of imported food. We have little knowledge of the amount of food currently imported into Midlothian from the EU. One solution to the inability of UK ports to deal with delays induced by extra customs and borders checks is that these are deferred to “inland authorities”. In effect LAs well away from the coast will carry out regulatory checks on food coming into the UK.

2.8 Policy on Enforcement

The Authority has a documented food enforcement policy (last reviewed April 2018) that sets out how the food service will deal with law breaking and how we intervene to bring businesses back into compliance.

3 Service Objectives

3.1 Inspection work

The Service has the following planned food safety inspection work to carry out based on the risk ratings of the existing “old” system. Not that each business

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visited for food hygiene will normally receive a standards inspection at the same time.

Objective 3 Complete programmed Food Hygiene inspections or audits

Planned Food Hygiene Inspections		
Premises Risk Rating	Inspection Target	Number of planned inspections
A (at least at every 6 months)	100% of High risk	11
B (at least every 12 months)		68
C (at least every 18 months)	95% of Medium risk	133
As resources allow		
D (at least every 24 months)		107
New premises		46
Outstanding missed inspections medium risk		
Total		389

Objective 4 Complete programmed Food Standards inspections or audits

Planned Food Standards Inspections		
Premises risk rating	Inspection Target	Number of planned inspections
A (at least every 12 months)	100% of High	9
B (at least every 24 months)	100% of Medium	77
As resources allow		
New premises		46
Outstanding missed inspections medium risk		
Total		89

Objective 5 Carry out Alternative Intervention at low risk food premises

Where a business was rated as a very low risk to the consumer i.e. those rated as "E" for food hygiene and "C" for Food Standards we do not normally carry out a routine inspection at every programmed interval. This reduces the regulatory burden on the business and allows us to direct resources to higher risk

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operations. We can send Self-assessment questionnaires to these premises as an alternative and aim to carry out an inspection every second inspection cycle. We may also inspect where questionnaires are not returned or indicate a significant change in the food operations at the premises or if we receive a complaint about a premises.

Premises risk rating		Number of premises
Food Hygiene	E	55
Food Standards	C	25

3.2 Food Sampling

The sampling of food is integral part of the work of the Service. Sampling programmes can cover local outlets and manufacturers and also nationally organised campaigns. Food “sampling” involves assessing both ingredients and final products. Food sample microbiology gives an indication of the hygiene or cleanliness of the food, where it is produced and of the people producing it. Food standards sample analysis tells what the food has been made from. Food submitted for analysis of their ingredients is also assessed on the legality of their labeling.

Food sampling is targeted at high risk premises and products and is carried out in line with the Authority’s documented procedure. Food samples are submitted to Edinburgh Scientific Services who employ the Authority’s appointed Food Examiner, Public Analyst and Agricultural Analyst.

The Service contributes to sampling surveys organized by Food Standards Scotland, Lothian and Borders Food Liaison Group and the Scottish Food Enforcement Liaison Committee (SFELC).

Sampling programmes and priorities may be identified by Food Standards Scotland or the Scottish Food Enforcement Liaison Committee as issues affecting food in Scotland. Sampling is carried out by local food safety teams across Scotland and the results collated centrally. This work may be resourced by FSS and is co-ordinated by SFELC in collaboration with the Public Analyst. It is delivered by local authority food enforcement services. An indicative list of the FSS sampling projects is given at Objective 8 below.

Given the reduced resources available, the Service will prioritise sample taking as follows:

Objective 6 Priority 1 Sampling from manufacturing premises in Midlothian

These are businesses that make and package food that is supplied to other businesses and have a distribution of their products beyond the Midlothian area

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Sampling from Approved premises		
Food Sampled	Samples for Microbiological Examination	Samples for Chemical Analysis
Processed Milk	6	6
Cream	2	2
Meat Products	6	6
Pizzas and Ready Made Meals	5	5
Savoury dumplings/pasta	5	5
Haggis/Savoury Puddings	3	3
Fish	0	2
Pate	1	1
Total	27	30

Objective 7 Priority 2 Sampling from Producers of High risk foods in Midlothian

These are businesses that produce and sell high risk* foods to consumers in Midlothian

Food Sampled	No samples	
	Microbiological contamination	Chemical Contamination or composition
Cooked sliced meats from manufacturing butchers	4	4
Fresh Cream products from manufacturing bakers and retailers	4	4
Self-serve lunch ingredients Supermarkets	3	3
Sandwiches from sandwich makers	6	6
Ready to eat foods including meals from takeaway premises	3	3
Baked goods	0	9
Meals from care premises	3	3
Following Food Complaints	5	5
Total	28	37

*A high risk food is food that is ready to eat and likely to support the growth of pathogenic bacteria if not cooked properly, stored at chilled temperature or eaten after the "use by" date if packaged. For food sampling purposes it may also be a low risk food manufactured in high volumes.

Objective 8 Priority 3 Contribute to National sampling surveys if resources allow for it

Where this sampling corresponds with a higher sampling priority in Midlothian the team will contribute. Otherwise Priority 3 samples will only be taken if resources allow. Possible sampling projects for this year include;

Microbiological quality of cooked meats and cheeses of EU origin
Microbiological quality of ready to eat fresh produce from EU and 3 rd country origin
Histamine and preservatives in fresh tuna and mackerel from EU and 3 rd country origin
Presence of mycotoxins in dried fruits
Presence of colouring matter in spices
Microbiological quality of dairy and non-dairy cream cakes;
Microbiological quality of smoked fish and fish pates;
PAH levels in smoked meat and fish products at processing establishments;
Meat and fish speciation at catering establishments;
Authenticity of ham and cheese toppings on pizzas at catering establishments;
Presence of undeclared nuts in nut powders and mixes and sauces used in catering establishments;
Presence of undeclared allergens in 'free from' products.
Imported smoked salmon products for the presence of <i>Listeria monocytogenes</i>
Duck meat and duck liver sampled either raw from butchers/retailers or cooked at catering establishments for the presence of <i>Campylobacter</i> and <i>Salmonella</i> .
The identification of meat species in meat free products (e.g. sausages, haggis, soya based products, ready meals) at retail and catering establishments.

3.3 Unplanned work

A proportion of the Service's work relates to dealing with incidents and requests for service about matters relating to food safety. The team receives approximately 450 requests each year. All incidents and service requests, where we have a statutory function, must receive some response. Therefore, this work must take priority over planned inspection work.

Food related requests relate to such things as,

- Complaints about food that people have bought or consumed

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- Food premises which appear to be being run unhygienically
- Requests for advice about starting food businesses, legal requirements, food hygiene training or the layout and fittings of proposed premises
- Licensing of street traders
- Scrutinising planning applications and building warrants received by the Council relating to food premises and offering advice to applicants regarding premises layout, fittings etc.
- Investigating cases and outbreaks of infectious disease in partnership with NHS Lothian associated with the consumption of food or water ("food poisoning")
- Responding to notifications of incidents of public health significance
- Responding to intelligence concerning food or alcohol fraud

Some requests may result in significant amounts of work being required to resolve them. For example, a complaint about an unhygienic premises which leads to enforcement action and a subsequent report to the Procurator Fiscal; a new food manufacturer requiring significant research into the processes involved; a fatal or serious workplace accident; a major infection control or public health incident. Previously we have responded to 95% of service requests within our target times (which range from 1 day to 14 days) but given the reduction in staffing it is unlikely that this response rate will be maintained.

Objective 9 Commence investigation of 100% of requests for service made to the service about food and food businesses within target working days

3.4 Liaison with other Organisations

The Food Service meets at two monthly intervals with representatives of other local authority food enforcement teams at the Lothian and Borders Food Liaison group. The group is also attended by representatives from Food Standards Scotland and the Public Analyst. The group provides a forum for the discussion of relevant topics, sharing best practice guidance, initiating surveys or projects and co-ordinating specific investigations. These local liaison groups support the work of the national Scottish Food Enforcement Liaison Committee (SFELC). The Scottish Food Enforcement Liaison Committee supports the work of FSS by providing information and expert advice in relation to food law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies. <http://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/scottish-food-enforcement-liaison-committee>

Regular liaison also takes place with NHS Lothian's Health Protection Team and Scottish Water on matters of infection control.

All Food Service Officers are appointed as investigators under the Public Health etc. (Scotland) Act 2008 (the Act). They may be involved in dealing with outbreaks of food poisoning and other public health emergencies in partnership with the NHS Lothian Health Protection team. More senior EH staff are

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appointed as “Competent Persons” under the Act. The service may be required to act in partnership with Food Standards Scotland to ensure food which is regionally or nationally distributed and has some problem associated with it, is removed from sale by food businesses in Midlothian.

3.5 Quality Assessment

The Service relies on the professional skills of its authorised officers for the delivery of the service plan. In order to maintain the quality of work we;

- Continually review our operational procedures to improve our service delivery and to take into account legislative and practice changes.
- Evaluate the consistency of our inspections through activities such as accompanied inspections by senior inspectors, team meetings and review of inspection reports to ensure consistency in the work of the Service.
- Ensure that Officers appointed as food inspectors complete at least 10 hours food related training each year as part of the maintaining of their competency.
- Are subject to periodic independent audit by Food Standards Scotland.
- Survey businesses that have been inspected to find out what they thought of the experience.
- Report the performance of a number of our planned objectives to elected members at regular intervals.

Objective 10 Ensure all Authorised Officers receive a minimum of 10 hours food related competency training

Figure 1 Organisational Structure and Establishment

Midlothian Council

Food Safety Service Plan 2019-2020

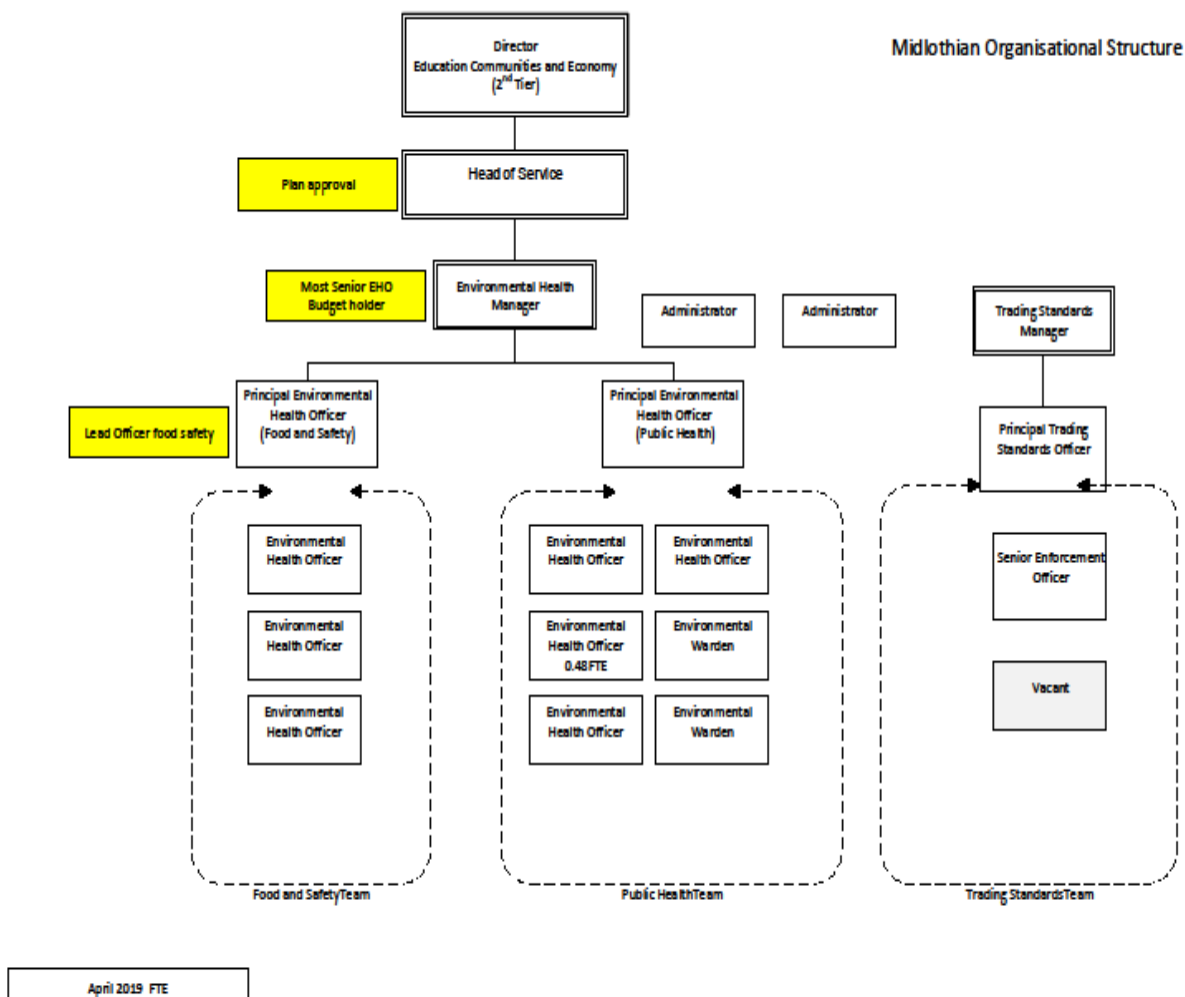


Table 1: Mapping of Food Service activity to Midlothian Single Plan outcomes

	Single Plan Outcome
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Food Service activity	<i>Reducing inequalities in the health of our population</i>	<i>Reducing inequalities in the outcomes of learning in our population</i>	<i>Reducing inequalities in the economic circumstances of our population</i>
The regular inspection of food premises for food hygiene and food standards	✓		✓
The sampling of food and animal feedstuffs to check on microbiological quality and composition	✓		✓
Investigation of food related cases of infectious diseases	✓		✓
Investigation of food related fraud			✓
Investigation of complaints from the public about food, food labelling and food premises.	✓		✓
Enforcement of the legislation in relation to the above activities	✓		✓
Providing advice and assistance to new or existing food business operators and to the public.	✓	✓	✓

Table 2: Types and location of Midlothian Businesses registered for the provision of food

Location of food business	Number of businesses
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Army Barracks / Premises	2
Bakehouse	3
Bakehouse-Manufacturing	3
Bed and Breakfast	1
Bingo Hall	1
Bookmaker with food	1
Bowling Club	4
Brewery	5
Butcher - Manufacturing	5
Cafe	38
Care Home - Nursing	8
Care Home - Residential	15
Care Home - Residential Midlothian	7
Care in the Community Premises	4
Cash and Carry	1
Caterer	10
Childcare, playgroup, nursery - private	38
Childcare, playgroup, nursery -LA	33
Childminder	45
Church with food	23
Club	2
Community Building/Church Hall	13
Confectionery manufacturer	1
Dairy - Pasteurising	1
Day Care - Elderly / Disabled	3
Distribution - Food	10
Distribution food Cold Store	3
Distribution Foodbank	2
Domestic Premises based food business	36
Educational Establishment kitchen	2
Egg Packing Centre	1
Events/Venue Management	1
Factory Kitchen/Staff Canteen	5
Farm - Milk production holding	3
Farm shop	2
Fishery Products	1
Fishmonger Mobile	5
food basket/sandwich retail	1
Food Haulier	2
Food Manufacturer	9
Food Packer or repacker	1
Game larder/dealer	1
Golf - Driving Range	1
Golf Course	5

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High School kitchen	5
HMO with food	3
Holiday let/self-catering	1
Hospital Kitchen	2
Hotel/Guest House	14
House in multiple occupation	6
Importer	1
Indoor activity centre	1
internet food sales	1
Licensed Club	32
Market Garden / Pick your own	1
Market trader	4
Materials and Articles Manufacturer/ Sup	1
Midlothian Council Cafe	4
Midlothian Council Community Centre	1
Midlothian Council Day Care- Elderly/Dis	2
Midlothian Council Leisure Centre	3
Mini market	2
Mobile Shop - Caterer	22
Mobile Shop - Food Retailer	30
Offices - Large with staff canteen	1
Offices - Small	1
Off-Sales	1
Outside/peripatetic Caterer	5
Park pavilion	1
Pasta Manufacturer	1
Petrol Station with food	6
Post Office with food	2
Primary school kitchen	31
Private Leisure Centre	1
Public House - Full Catering	17
Public House - Snacks	18
Removals/Haulage	1
Restaurant	39
Retail - Baker	9
Retail - Butcher	3
Retail - Clothing	2
Retail - Craft Shop	1
Retail - Deli	2
Retail - Food	46
Retail - Freezer Shop	2
Retail - Greengrocer	1
Retail - Miscellaneous	7
Retail - Newsagent, Confectionery/snacks	16

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Retail - Pharmacy/Chemist	17
Retail - Stationery	1
Sheltered Housing with food	2
Sports Ground	3
Street Market	2
Supermarket	16
Takeaway Asian style	5
Takeaway Chinese style	23
Takeaway Fish and Chips only	2
Take-Away mixed comestibles	31
Theatre, Museum, Galleries	1
Warehouse - Food	3
Zoo licensed premises	1
(blank)	
Grand Total	815

Midlothian Food Safety Enforcement Service

Plan Review 2018-2019



Midlothian Food Safety Enforcement Service Plan Review 2018-2019

1. Introduction

- 1.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities, requires food authorities to report publically on the performance of their food enforcement service each year.
- 1.2 This review reports on the activity of the Environmental Health Food Service against their Food Service plan for the period 1 April 2018 to 31 March 2019.
- 1.3 There were no audits of the Food Service by Food Standards Scotland (FSS) during the 2018-19 plan. Due to the burden of preparations for leaving the EU the FSS audit team suspended work on audits.
- 1.4 The Environmental Health budget was reduced as a result of Midlothian Council Financial Strategy budget decisions. To achieve the savings required of the Service two posts were deleted from the Public Health Team and two posts effectively from the Food & Safety team as these were not recruited into. This 33% reduction in food and safety team personnel is equivalent to an effective reduction of food enforcement staff of about 1.5 FTE.

2.0 Service Demands

The work of the Food safety team can be categorised in a number of ways.

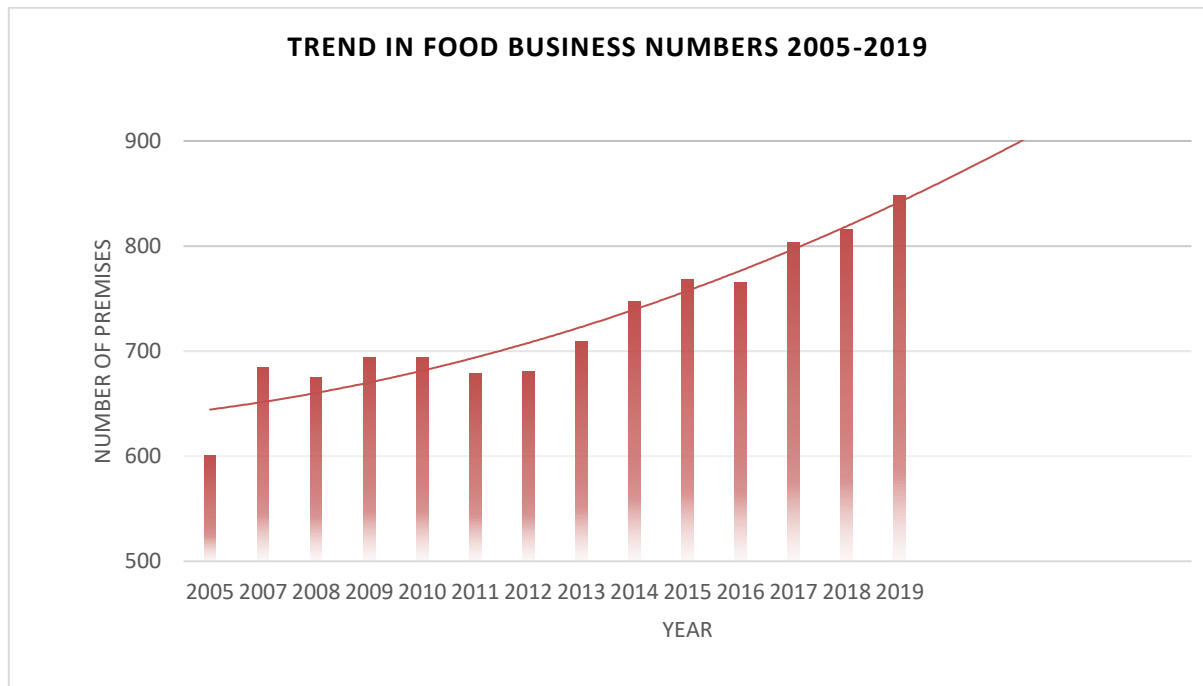
Our role is to ensure that food businesses protect the public of Midlothian from harm that might arise from food – be it food borne infection, lack of labelling of allergens, fraud or contamination. We do this by the regular inspection of businesses, through providing advice and by investigating complaints and concerns. As the “food police” we have enforcement powers to compel compliance with the law and to report offenders to the Procurator Fiscal.

The customer base for our inspection, sampling and other regulatory activity is all of the food businesses operating in Midlothian.

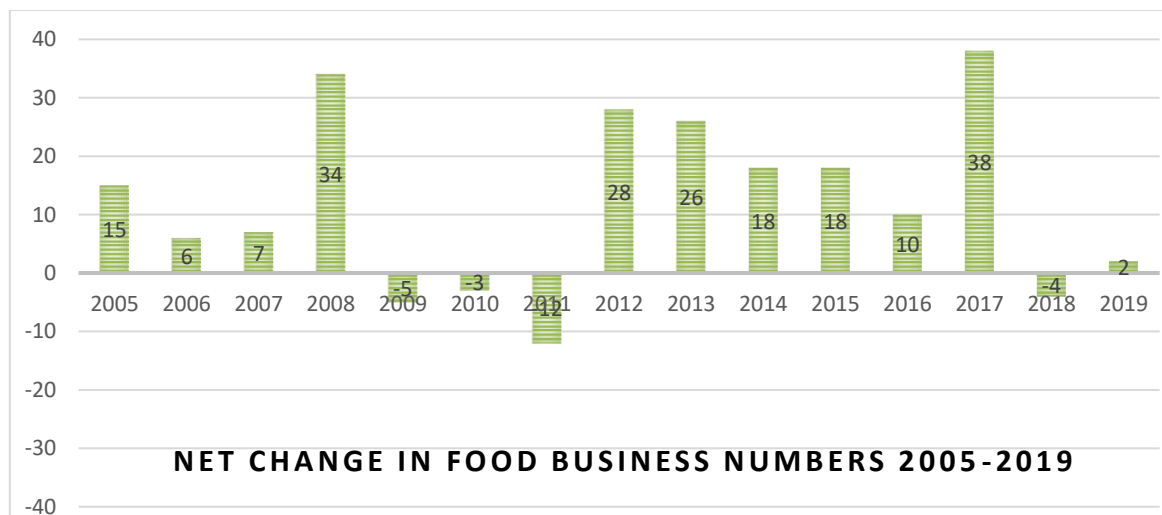
Food Premises profile

- 2.1 **As of 31 March 2019 there were 815 registered food businesses in Midlothian.**

The number of food businesses in Midlothian continues to grow slowly at about 3% a year.

Midlothian Food Safety Enforcement Service Plan Review 2018-2019

The turnover of food businesses varies from year to year. There seems to be some evidence that the banking failures of 2008 had an impact on business start-ups, but generally, variation is probably due to other factors. Whilst the area now hosts six craft brewers and two small distillers, Midlothian has few remaining independent butchers or bakers. Cake decorating and other home based businesses have become popular but these have an average “life-span” of between two and three years.



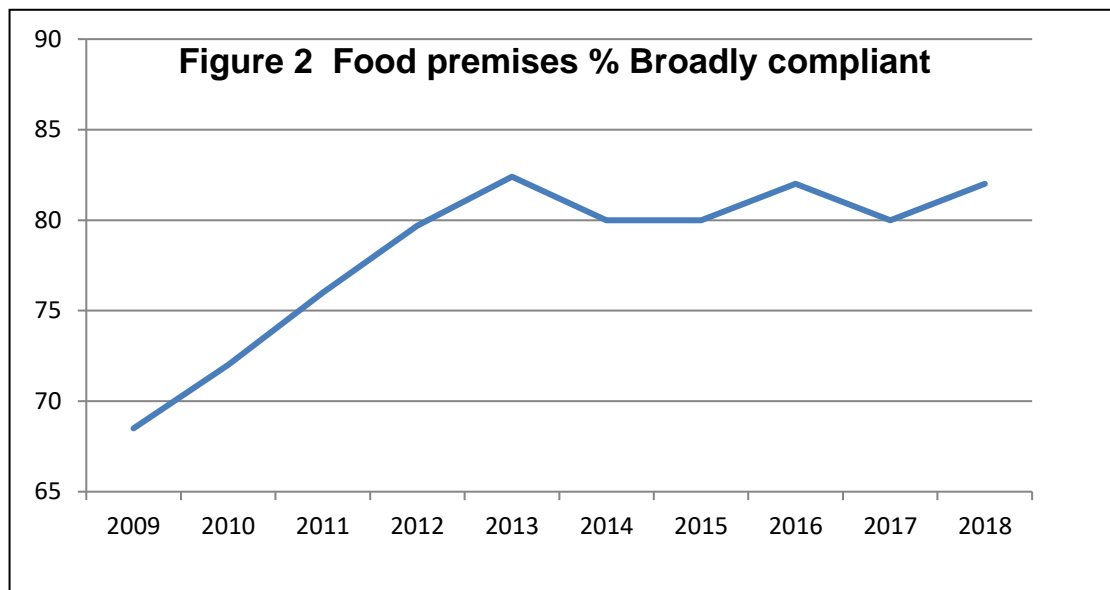
Takeway businesses are more durable, lasting on average 8 to 9 years, although about 25% fail in the first 2 years. Similarly about 33% of independent cafés fail in the first 2 years and the average life span is about 5 years.

Midlothian Food Safety Enforcement Service Plan Review 2018-2019

3.0 Premises Inspection

3.1 During the year **the Service carried out 613 inspections at 385 food businesses to assess food hygiene and food standards.**

3.2 Broad compliance with food hygiene law measures the hygiene and structure of the premises and the confidence in the way in which the business is run. The level of compliance following inspection has remained at about the same level for the last 4 years, between 80 and 82% - that is eight out of ten food businesses are operating with sufficient levels of safety when they are inspected. (Figure 2).



Broad compliance can act as a rough measure of the effectiveness of enforcement staff in bringing about sustained improvements.

However, it appears to be difficult to get beyond the 20% of non-compliant businesses using measures available. There are various possible reasons for this. Some food businesses operate on the margins of profitability and so spend on the structure and facilities in a business will be minimal. Any improvement achieved following an inspection may “cancelled out” by the deterioration in different parts of the structure or facilities by the next inspection. Parts of the food sector are known to experience a high turnover of staff. Wages are low and hours are long. There are no predisposing requirements for training in food safety or to hold a licence. A person intending to operate a food business only has to register with the Council before opening. Often a new businesses opens up (or existing ones change hands) without sufficient knowledge of the food safety controls needed by the operator. A number of businesses do not become compliant until the food service has become involved with them. Businesses often close or change hands between inspection cycles meaning any regulatory gains are lost.

3.3 Apart from the routine inspection of businesses the food service tries to address this issue in a number of ways. We have advisory information on the Council website for new businesses. We scrutinise planning application and building warrant lists to try to pick up businesses prior to opening. We share some

Midlothian Food Safety Enforcement Service Plan Review 2018-2019

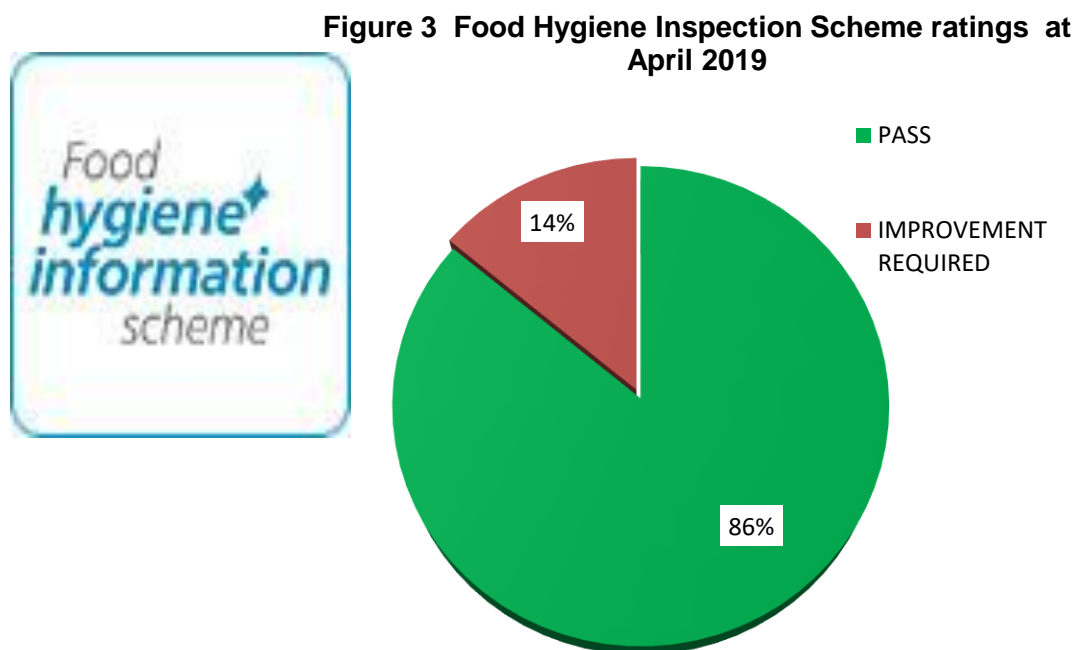
information with the business advisory unit. We also participate in the Food Hygiene Information Scheme.

- 3.4. **The Food Hygiene Information Scheme (FHIS)** allows consumers to see the outcome of the assessment made of a business in the scheme when it was last inspected by the food service. A similar 5 star system operates in other parts of the UK. Businesses can choose to display a certificate at the premises and consumers can check the rating for any premises covered by the scheme on the Food Standards Agency website at <http://www.food.gov.uk/scotland/>

Display of ratings certificates is only compulsory in Northern Ireland and Wales

An FHIS PASS certificate is an “entry requirement” for the Midlothian Food and Drink award scheme and is also used by organisers of events in Midlothian when seeking food vendors.

The ratings for Midlothian food premises at the end of March 2019 are illustrated in Figure 3.



4.0 Food Sampling



4.1 The Food service samples food from all of the major manufacturers in the area and a number of the businesses selling ready to eat “high risk” foodstuffs that have the potential to cause harm. We also sample food as part of local or national campaigns or where there have been complaints.

4.2 167 official control samples of food were taken for examination and/ or analysis during the service plan. A breakdown of the foods sampled for which results are available is given in Table 7.

4.3 About 18% of all samples taken proved to be unsatisfactory but not immediately unsafe. Unsatisfactory results are followed up with the Midlothian business concerned. Further samples may be taken to check that matters have been addressed. **64 samples** were examined to check for the presence of potential food poisoning bacteria and to assess the hygiene of businesses producing foods. Of the samples examined 12 samples from nine businesses were unsatisfactory.

The reasons for the unsatisfactory results are shown below in Table 1 and Table 2

Table 1: Unsatisfactory microbiological samples

What sampled	Reason
Oregano	Borderline levels of Clostridium perfringens in dried sample herb
Fudge coated fresh cream bun	Raised bacterial colony count – no pathogenic bacteria found but indicators of lack of cleanliness
Fresh cream pastry	Borderline levels of pathogenic bacteria
Unpasteurised cheese	Raised bacterial colony count – no pathogenic bacteria found but indicators of cleanliness
Pasteurised cheese	Raised enterobacteria levels but typical of this sort of cheese
Sandwiches x3 – egg mayo baguette, tuna mayo, coronation chicken	Raised bacterial colony count – no pathogenic bacteria found but indicators of cleanliness
Butter analogue	Significant mould growth
Chopping board , takeaway container and white towel from same premises	Various bacteria at raised levels indicative of lack of cleanliness
Tinned sweetcorn from opened container	Raised bacterial colony count and borderline levels of pathogenic bacteria found - all indicators of cleanliness

Table 2: Unsatisfactory compositional samples

Reason	
PEPPERONI PIZZA	Incorrect compositional details on the nutrition labelling to the product
MOROCCAN HAGGIS	Product development samples which failed on compositional controls for Clostridium botulinum growth. No product was available to the public
WILD BOAR HAGGIS	
VENISON HAGGIS	
Chocolate and chilli black pudding 227kg	
VEGETARIAN BURGER Customer complaint	A Piece of string found in the veggie burger had bits of meat in the string. The string probably come from a meat product.
TUNA MAYO SANDWICH	Undeclared allergen information
SCOTCH PIE	No “use by” date on label Misdescription of additives
STEAK PIE	
ECONOMY BEEF BURGERS	
HAGGIS PUDDING	Incorrect description of allergen on label
WHITE PUDDING	
RTE Coronation chicken sandwich	Salt content higher than National guidance for manufactures.
Irish Sea spaghetti Irish Purple laver Flaked Irish wakame seaweed.	Various labelling issues relating to seaweed; No ingredients list, no indication of storage conditions ,no instructions for use were given, the amounts of minerals declared incorrect
Beef Sausages	The labelling of this product indicated a meat content of 30%. This is the minimum permitted by the meat products regulations. Products found to contain 63% meat i.e. 2 times the minimum amount
Takeaway meal containing a beetle	Analysis indicates beetle was cooked suggesting it was incorporated into the meal during preparation

5.0 Reactive work

5.1 The Service received and responded to 575 service requests and complaints during the year of which 526 related to food safety matters. (Table 3)



The market for food supplements based on hemp extracts has increased considerably. Hemp can be cold pressed to produce an oil called CBD which has alleged health benefits. However, the oil can also contain traces of the psycho active substance THC – the active element in cannabis. Legally speaking hemp oils are classified as novel foods. None have authorisation to be on sale in the EU. A small quantity was seized by the food and safety team with assistance from the Police. Investigations are ongoing into a manufacturer of the substance based in Midlothian.

Table 3: Service requests dealt with by Food Service 2018-19

Type of request or area of work	Number requests
Accident - not reported	1
alcohol Food certificate s50	8
Alleged food poisoning	30
Building Standards Consultation	16
Caravan Sites	12
Contact from other LA about our premises	1
employee workplace complaint	5
Engineers inspection defects report	2
Export certification	32
Food Alert for ACTION	1
Food Alert for information	118
food complaint other	12
Food labelling/composition	6
Food premises registration	3
foreign body contamination	10
Freedom of Info Request	26
General Odours	1
Health and safety advice	14
Late hours catering licence	1
Pest activity/infestation	7
Planning consultation	39

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Poor food premises hygiene/practices	43
public complaint about workplace	9
public enquiry	1
Public Entertainments Licence	58
Request for food law advice/new business	55
Skin piercing licence	15
Smoke/ fumes complaint	1
street trader food certificate s39	21
temp public entertainment licence	1
Temporary Market Operators Licence	3
Use by/Best before concerns	3
Waste storage arrangements	20
Grand Total	575

6.0 Enforcement Activity

- 6.1 The nature and **levels of enforcement activity** required is summarised in Table 4.



The food business operator of this takeaway business was reported to the Procurator Fiscal for hygiene offences. Otherwise, the service has relied on being able to secure compliance through legal notices, written warnings and robust advice.

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Table 4: Enforcement and regulatory actions

Enforcement activity	Year							
	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Remedial Action Notices		2	3	0	1	0	5	2
Food detention Notices			0	0	0	0	1	0
Hygiene Improvement Notices	27	14	13	16	6	5	15	12
Emergency Hygiene Prohibition Notices	0	0	0	0	0	0	0	0
Voluntary Closures	1	0	0	1	0	1	0	0
Written Warnings re hygiene or standards contraventions	394	338	382	236	276	202	295	243
Reports to the Procurator Fiscal	0	0	0	0	0	1	0	1
Food surrenders or seizures	0	1	0	0	3	1	1	0

7. Summary of Performance against service objectives for 2018-2019

Table 5: Summary of the performance of the food service against the objectives set for it in the 2018-2019 service plan.

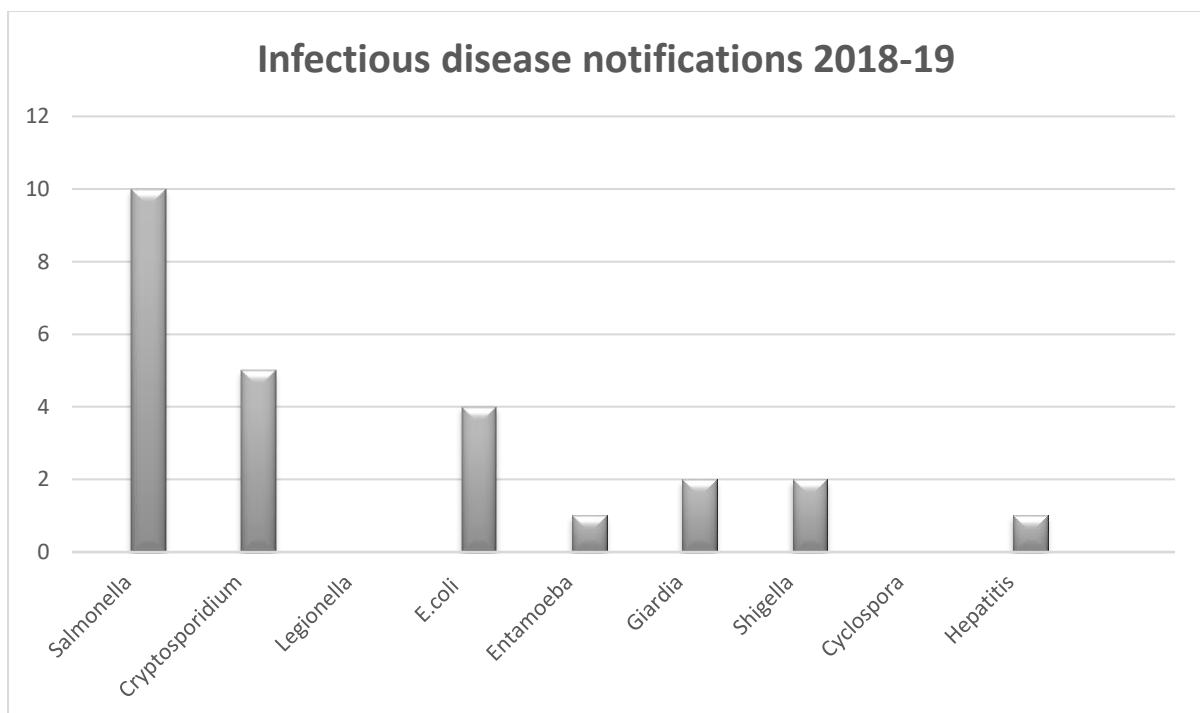
Table 5

Objective		Performance	
1	Improve the % of premises which are broadly compliant for Food Hygiene from 80% to 84%	Broad compliance at 82%	
2	Complete planned % of Food Hygiene Inspections / audits by end of plan	High "A" risk	100%
		High "B" risk	100%
		Medium "C" and "D" low risk	67%
3	Complete planned % of Food Standards inspections by end of plan	High "A" risk	100%
		Medium "B" risk	76%
4	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene "E" risk	32%
		Food standards "C" risk	44%
5 6 7	Complete sampling from approved premises Complete other targeted sampling Complete contributions to planned sampling surveys (national and locally organised)	81 % of the planned programme was achieved	
8	Investigate 100% of complaints and requests for service made to the service within target times	87 % within target time	

Food related illness



Twenty five cases affecting individuals were notified and investigated. There were no identified food related outbreaks. There was one outbreak due to Norovirus investigated at a wedding venue. Levels of notified food related illness appear to have remained at or below about 5 per 10,000 population over the last 9 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH)



- 9 All authorised officers attended a minimum of 10 hours food related competency training. Training included a mix of courses and seminars covering subjects such as, microbiology, modelling shelf life of foods, wild game, brewing, fraud involving fish and the new food safety risk rating scheme to be introduced in 2019.

Midlothian Food Safety Enforcement Service Plan Review 2018-2019**Table 6: Details of food samples taken 2018-19**

Food sampled		Analysis type		
		Composition	Microbiology	Total
Bakery Products and Cereal	BREAD	1		1
	PEARL BARLEY		1	1
Total		1	1	2
Cakes and Confectionary	COCOA AND VANILLA CREAM WHEELS	1		1
	FRESH CREAM BUN	1	1	2
	FUDGE FLAVOURED FRESH CREAM BUN	1	1	2
	PEAR DROPS		1	1
	SALTED CARAMEL CHOCOLATE BROWNIE -GLUTEN FREE		1	1
Total		3	4	7
Dairy Products	BUTTER		1	1
	CUSTARD	1		1
	MILK	1		1
	MOZZARELLA CHEESE	1		1
	PASTUERISED CHEESE		1	1
	RAW MILK	2	4	6
	SEMI SKIMMED 1LTR	1	1	2
	SEMI SKIMMED MILK 2LTR	1	1	2
	SIKIMMED MILK 2LTR	1		1
	SINGLE CREAM 100ML	1	1	2
	SKIMMED MILK 2LTR		1	1
	SKIMMED MILK 500ML	1	1	2
	TESCO INSTANT DRIED MILK POWDER 340G		1	1
	UNPASTUERISED CHEESE		1	1
	WHIPPED CREAM 100ML	1	1	2
	WHOLE MILK 1LTR	1	1	2
	WHOLE MILK 2LTR	1	1	2
Total		13	16	29
Eggs and Egg Products	LARGE CAGED EGGS		1	1
	Total		1	1
Fish and Shellfish	CHINESE FRESHWATER CRAYFISH IN DILL BRINE	1		1
	SALMON AND RICOTTA CHILLED RAVIOLI		1	1
	SALMON AND RICOTTA FROZEN RAVIOLI	1		1
Total		2	1	3
Fruit and Vegetables	MOROCCAN HAGGIS	1		1
	MOULDY ITEM SUSPECTED TO BE GREEN FRESH CHILLI		1	1
	PROCESSED CHICKPEAS AND ONION MIX	1		1
	PROCESSED SWEETCORN		1	1

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	PROCESSED VEGETABLES	1		1
	RTE LEAFY SALAD		1	1
	SWEETCORN		1	1
Total		3	4	7
Herbs and Spices	OREGANO		1	1
Total			1	1
Ice Cream and Desserts	DAIRY FREE LOLLIES	1		1
Total		1		1
Materials and Articles in Contact with Food	CLEANING CLOTH ABOVE VEGE STEAMERS		1	1
	DIRTY WATER FROM INTERIOR OF WET VAC CLEANER		1	1
	DOOR SEAL MODULINE OVEN 1		1	1
	DOOR SEAL MODULINE OVEN 2		1	1
	DOOR SEAL MODULINE OVEN 3		1	1
	DOOR SEAL MODULINE OVEN 4		1	1
	DRIP TRAY MODULINE OVENS 1 & 3		1	1
	DRIP TRAY MODULINE OVENS 2 & 4		1	1
	HAND WASH BASIN RAW AREA DRAIN PIPE		1	1
	OPEN DRAIN BELOW HAND WASH BASIN KITCHEN		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 1		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 2		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 3		1	1
	OVEN CONTROLS SURFACES		1	1
	PROBE THERMOMETER WIRE OVEN 2		1	1
Total			15	15
Meat and Meat Products, Game and Poultry	BALMORAL CHICKEN CHILLED RAVIOLI	1	1	2
	BLACK PUDDING	1		1
	BLACK PUDDING, APPLE AND SULTANA CHILLED RAVIOLI		1	1
	BLACK PUDDING, APPLE AND SULTANA FROZEN RAVIOLI	1		1
	CHICKEN		1	1
	CHICKEN AND MUSHROOM CHILLED RAVIOLI		1	1
	CHICKEN AND MUSHROOM FROZEN RAVIOLI	1		1
	CHICKEN MARYLAND		1	1
	CHICKEN MAYO		1	1
	CHOCOLATE AND CHILLI BLACK PUDDING	1		1
	DUCK LEGS		1	1
	ECONOMY BEEF BURGERS	1		1
	FRESH HALAL CHICKEN		1	1
	FRESH STEAK MINCE	1		1
	GAMMON MEAT	1		1

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	GLUTEN FREE PORK SAUSAGES	1		1
	GLUTEN FREE SAUSAGES	1		1
	HAGGIS PUDDING	1		1
	HAGGIS, NEEPS AND TATTIES	1	1	2
	CHILLED RAVIOLI			
	PORK LOIN CHOP		1	1
	PROCESSED CHICKEN	1		1
	PROCESSED HAGGIS	1		1
	RTE CHICKEN STRIPS		1	1
	SAUSAGES	1		1
	SCOTCH PIE	1		1
	SMOKED BACK BACON	1		1
	STEAK PIE	1		1
	VENISON HAGGIS	1		1
	WHITE PUDDING	1		1
	WILD BOAR HAGGIS	1		1
Total		21	11	32
Others	BUTTERNUT SQUASH AND RICOTTA		1	1
	CHILLED RAVIOLI			
	BUTTERNUT SQUASH AND RICOTTA	1		1
	FROZEN RAVIOLI			
	FLAKED IRISH WAKAME SEAWEEED	1	1	2
	GOAT'S CHEESE AND CRANBERRY		1	1
	CHILLED RAVIOLI			
	GOAT'S CHEESE AND CRANBERRY	1		1
	FROZEN RAVIOI			
	GOAT'S CHEESE AND RED PEPPERS		1	1
	CHILLED RAVIOLI			
	GOAT'S CHEESE AND RED PEPPERS	1		1
	FROZEN RAVIOLI			
	GREEN CHOPPING BOARD		1	1
	IRISH PURPLE LAVER SEAWEEED	1	1	2
	IRISH SEA SPAGHETTI SEAWEEED	1	1	2
	CBD OIL	1		1
	SURFACE SWAB		3	3
	OCEAN SEASONS SEASONING	1	1	2
	PIECE OF CORD	1		1
	RICOTTA AND SPINACH CHILLED		1	1
	RAVIOLI			
	RICOTTA AND SPINACH FROZEN	1		1
	RAVIOLI			
	TAKEAWAY CONTAINER		1	1
	UNREFINED HEMP PASTE		1	1
	WHITE TOWEL		1	1
Total		10	15	25
Prepared Dishes	MINCED BEEF AND MASH READY	1		1
	MEAL WITH ONION AND BEEF GRAVY			
	BACON ROLL WITH BUTTER	1	1	2
	BBQ CHICKEN PIZZA	1		1
	CHICKEN MAYO AND SWEETCORN		1	1
	SANDWICH			
	CORONATION CHICKEN SANDWICH -	1	1	2
	MILD			

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	CORONATION CHICKEN SANDWICH - SPICY	1	1	2
	EGG MAYO AND CHEESE SANDWICH		1	1
	EGG MAYO BAGUETTE W/O BUTTER	1	1	2
	GLUTEN FREE MARGHERITA PIZZA	1		1
	GLUTEN FREE PIZZA	1		1
	HAM AND CHEESE SANDWICH		1	2
	ITALIAN STYLE PASTA	1	1	2
	MOROCCAN PORK CASSEROLE		1	1
	MUSHROOM POTATO STEW	1		1
	PEPPERONI PIZZA	1		1
	PORTION OF FRIES	1		1
	SANDWICH	1	1	2
	TUNA AND SWEETCORN PASTA	1	1	2
	TUNA MAYO SANDWICH		1	1
Total		14	12	27
Soups, Broths and Sauces	BEER AND APPLE CHUTNEY	1	1	2
	EXTRA HOT CHILLI SAUCE		1	1
	FERMENTED CABBAGE, BEETROOT AND GINGER	1		1
	FERMENTED CABBAGE, CARROT, RADISH , SPING ONION	1		1
	GALIC, MAYO, MILK, DRIED OREGANO		1	1
	GRAVY	1		1
	HOT CHILLI SAUCE	1	1	2
	MOROCCAN PRUNE CHUTNEY	1	1	2
	ONION, BLACK PEPPER, RED CHILLI POWDER, OREGANO AND KETCHUP		1	1
	PICKLED BEETROOT	1		1
	PICKLED CUCUMBER	1		1
	PICKLED RED ONION	1		1
	SAUCE	1		1
	SWEET CHILLI & TOMATO RELISH CHUTNEY	1		1
	SWEET CHILLI & TOMATO RELISH CHUTNEY	1		1
Total		12	6	18
Grand Total		80	87	167

Standards Commission Decisions

Report by Monitoring Officer

1 Purpose of Report

This report seeks to advise the Council of the decisions of the Standards Commission regarding complaints against Councillors Margot Russell and John Hackett and invites the Council to consider those findings as required by section 18 (3) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

2 Background

2.1 Following consideration of complaints received against the above Councillors, the Commissioner for Ethical Standards in Public Life in Scotland referred the complaints to the Standards Commission for Scotland to determine if either Councillor had contravened paragraphs 7.3 and 7.4 of the Councillors' Code of Conduct.

2.2 The relevant paragraphs of the Code of Conduct are as follows:

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudge, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

2.3 After a hearing in the Council Chambers on 9 May 2019, the Standards Commission found that:

- a) Councillors Russell and Hackett had both breached paragraph 7.3 of the Code and
- b) Neither Councillor had breached paragraph 7.4 of the Code.

2.4 Following the findings, the Commission agreed to suspend both Councillors for a period of one month from the Council's Planning Committee effective from 1 June 2019. These sanctions are mandatory and cannot be overturned or varied by the Council.

2.5 It should be noted that the Commission did not feel a longer suspension was warranted as the incident had been a one-off and

there was no suggestion or evidence that there had been any deliberate intent to breach the Code. Furthermore the Commission also accepted that neither Councillor had acted dishonestly or made any attempt to conceal the visits to the objectors' property.

- 2.6** There is a further consequence to this decision. Whilst both Councillors can attend all other meetings of the Council and Committees, hold surgeries, raise constituents' concerns as well as continuing to represent their wards, in terms of section 8 of the of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014, any member who has been subject to a sanction other than censure is disqualified from sitting on the Integrated Joint Board. Councillor Russell is the nominated substitute for Councillor Milligan on the board and Councillor Hackett is the nominated substitute for Councillor Muirhead. It is recommended that new substitutes be appointed pending resolution of this anomaly.
- 2.7** The Decision in respect of Councillor Russell is attached as Appendix 1 to this report and the Decision in respect of Councillor Hackett is attached as Appendix 2 and members are invited to consider the terms in full.
- 2.8** The Commission concluded that the actions of both Councillors in
- Failing to take advice and undertaking an unaccompanied site visit
 - Visiting the objectors' property and discussing the proposal with one of them;
 - Failing to make any corresponding visit to the applicants' property or any effort to discuss the proposal or any effort to discuss the proposal or any potential changes to it with them and
 - Actively contributing to the discussions which led to an amended planning consent
- would have given a member of the public a reasonable appearance of unfairness and bias to one of the parties.
- 2.9** The crux of the decision would appear to be the requirement in paragraph 7.3 that members "not only act fairly but also be seen as acting fairly" in taking decisions on quasi-judicial or regulatory matters. In particular it is strongly suggested that members do not take part in unaccompanied site visits and if approached by one party in a dispute, the other party is also invited to state their case. There is further guidance on this matter at Note 88 in the Guidance to the Councillors' Code of Conduct and members are referred to this note for its terms.
- 2.10** These decisions should not prevent elected members from meeting with any parties to discuss planning applications. Members must be aware however that not only would they be unable to take part in the decision making process if it was perceived that they had prejudged the issue but also that they would be similarly de-barred if it was considered that they were exhibiting bias but not giving both sides an equal opportunity to discuss matters.
- 2.11** Lorna Johnston, Executive Director of the Standards Commission has volunteered to meet with the Council once the third hearing connected

to this application has been determined and it is recommended that this offer be accepted at that time.

3 Report Implications

3.1 Resource

No additional resources are required as a result of this report.

3.2 Risk

The Council has a statutory duty in terms of section 18 (2) of the Ethical Standards in Public Life etc.(Scotland) Act 2001 to consider the terms of the Commission's findings within three months. Failure to do so would not only be a breach of the Act but could also lead to an erosion of public confidence in the Council.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

3.4 Key Priorities within the Single Midlothian Plan

This report does not impact on the key priorities within the Single Midlothian Plan

3.5 Impact on Performance and Outcomes

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

3.6 Adopting a Preventative Approach

This report does not directly impact on actions and plans in place to adopt a preventative approach

3.7 Involving Communities and Other Stakeholders

This report does not directly relate to involving communities.

3.8 Ensuring Equalities

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

3.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

3.10 IT Issues

There are no IT issues arising from this report

4 Recommendations

The Council is recommended:

- (a) To consider the findings in the Commission's decision letter of 13 May 2019 in respect of Councillor Margot Russell and to advise the Commission of any feedback;
- (b) To consider the findings in the Commission's decision letter of 14 May 2019 in respect of Councillor John Hackett and to advise the Commission of any feedback;
- (c) To note, in particular, the requirement to take into account the need to consider public perception when Members determine whether to declare an interest under paragraph 7.3 of the Code of Conduct;
- (d) To consider whether to invite the Commission to meet the elected members after the final determination of this matter; and
- (e) To appoint new substitute members to represent Councillors Milligan and Muirhead on the Integrated Joint Board.

Date 11 June 2019

Report Contact:

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Background Papers:

Appendix 1 Standards Commission Decision letter dated 13 May 2019
Appendix 2 Standards Commission Decision letter dated 14 May 2019

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN on 9 May 2019.

Panel Members: Professor Kevin Dunion, Chair of the Hearing Panel
Mrs Tricia Stewart
Mr Paul Walker

The Hearing arose in respect of a Report by Mr Bill Thomson, the former Commissioner for Ethical Standards in Public Life in Scotland (the ESC), further to complaint reference LA/Mi/2166 & 2169 (the complaint) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Margot Russell (the Respondent).

The ESC was represented by Mr Paul Donnachie, Solicitor. Councillor Russell was represented by Mrs Frances Randle, Solicitor.

COMPLAINT

A complaint was received by the ESC about the alleged conduct of the Respondent. Following an investigation, the ESC referred the complaint to the Standards Commission for Scotland on 31 January 2019, in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that she had contravened paragraphs 7.3 and 7.4.

The relevant provisions are:

Fairness and Impartiality

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudice, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

Evidence Presented at the Hearing

Background

The complaints about Councillor Russell concerned her attendance at a meeting of Midlothian Council's Planning Committee on 3 April 2018, at which a planning application by Dalkeith Lawn

Tennis Club for the erection of screen netting was considered. The Panel noted that while objections to the proposal had been submitted by the proprietors of a property adjacent to the tennis club, who were concerned about potential light depletion, the planners' recommendation was that planning consent should nevertheless be granted.

Joint Statement of Facts

The Hearing Panel noted that a Joint Statement of Facts had been agreed between the parties. In this, the parties confirmed that it was not in dispute that, before the meeting on 3 April 2018, Councillor Russell undertook an unaccompanied site visit to the objectors' property, that lasted around 30 to 40 minutes, and discussed the potential impact of the netting with one of them. It was not in dispute that Councillor Russell called-in the application, on 12 March 2018, on the grounds that the views of the objectors should be considered by the Planning Committee.

The Panel noted that it was also not in dispute that Councillor Russell made comments on the proposal and the potentially adverse impact on the objectors' property during the discussion on the application at the Planning Committee meeting on 3 April 2018. Councillor Russell seconded a motion to approve the proposal subject to a change to the type of netting that was to be used. The Panel heard that the motion was approved without dissent and planning consent was granted on that basis.

Submissions made by the ESC's Representative

The ESC's representative advised that Councillor Russell had admitted that she had not sought advice from officers before undertaking an unaccompanied visit to the objectors' property. The ESC's representative advised that it was not in dispute that, during the visit, Councillor Russell spoke to one of the objectors about their concerns regarding the impact of the proposed netting.

The ESC's representative noted that it was accepted as good practice for elected members to ask officers to accompany them on site visits to reduce the risk of the public having concerns that councillors were acting improperly or unfairly. The ESC's representative further noted that the Councillors' Code of Conduct did not differentiate between the size and importance of any planning applications in terms of the obligations it imposed on elected members to act fairly and ensure they were seen to be acting fairly when making any quasi-judicial or regulatory decisions.

The ESC's representative indicated that Councillor Russell had not engaged in any discussions with the applicants about the proposal, nor had she made any corresponding visit to their premises. The ESC's representative contended that Councillor Russell's failure to balance her visit with one to the applicants or to seek their views on any proposal to amend the application, in terms of the type of netting to be installed, meant that she failed to ensure that all the parties involved in the process were dealt with fairly.

The ESC's representative further argued that, by drawing the Committee's attention to a different type of netting than that being sought in terms the planning application, Councillor Russell not only took into account an irrelevant consideration but influenced other members to do so. While the ESC's representative accepted that Councillor Russell may have been trying to act fairly, her failure to ensure that only relevant matters were being considered and that the views of both parties were

fully explored, gave rise to a reasonable perception that she was behaving improperly. As such, the ESC's representative contended that she had breached paragraphs 7.3 and 7.4 of the Code.

Witness Evidence

The Respondent's representative led the Respondent as a witness.

Councillor Russell advised that she had now been a councillor for over 20 years and had been the Deputy Provost since 2017. Councillor Russell explained that she sat on numerous Council Committees and outside bodies and was committed to serving her ward and community.

Councillor Russell indicated that, having received a request sent by the objectors to all members of the Planning Committee, she had contacted them directly and arranged a site visit. Councillor Russell advised that she had considered doing so would be helpful to enable her to gain a better understanding of the potential impact of the netting. Councillor Russell stated that she had not considered it appropriate or necessary to take an officer on the site visit and away from their duties, due to the relatively minor nature of the application and her knowledge of how busy planning officers were.

Councillor Russell confirmed that she had engaged in a conversation with one of the objectors during the visit about their concerns regarding the potential impact of the netting to their property in terms of light depletion, but had not given any indication of how she intended to vote on the proposal. Councillor Russell indicated that while she had walked along the objectors' side of the perimeter fence between their property and the tennis club's premises to ascertain the disparity in height, she had not been able to see this from the other side.

Councillor Russell stated that she had not considered it necessary to undertake a corresponding visit to the tennis club as, having read the application, she was aware of their position. Councillor Russell advised that she had called-in the application to ensure all Committee members were aware of the potential impact of the netting and to allow a full debate on the proposal to take place.

Councillor Russell indicated that, at the Planning Committee meeting, she had only contributed to the debate on the proposal towards the end of the discussion on the item, when she had advised the Committee about her site visit and findings. Councillor Russell advised that she had then proceeded to consider the application objectively and with an open mind, having taken into account all the relevant evidence and submissions, including the comments made by other members. Councillor Russell confirmed that she had seconded a motion to approve the planning application subject to a lighter green netting, which had a different weave, being used.

In response to cross-examination from the ESC's representative, Councillor Russell confirmed that she had not asked anyone to accompany her on the site visit to the objectors' property. When asked if it was an assumption that officers were busy, Councillor Russell replied that she knew they were. Councillor Russell admitted that she did not recall noting that the proposal was not just for further dark green netting to be installed, but for the existing lighter green netting at the site to be replaced with the darker material. Councillor Russell confirmed that she nevertheless considered that the comments on the application she had made at the meeting, to the effect that there was a disparity in terms of the impact of the two different types of netting in terms of the light getting through to the objectors' property, had been relevant. Councillor Russell confirmed that she did not, however,

discuss the application or the difference in the netting with anyone from the tennis club or any officers before the meeting.

Submissions made by the Respondent's Representative

Councillor Russell's representative noted it was up to the local ward member to call-in a planning application. In this case, Councillor Russell had done so in order to ensure there was a proper debate on both the application and the objections to it. Councillor Russell's representative argued that Councillor Russell had been trying to act fairly by undertaking the site visit to ensure that she could reach a fully informed view. While Councillor Russell's representative accepted it would have been good practice for Councillor Russell to have asked an officer to accompany her, in practice this was not always possible or practical. Councillor Russell's representative reiterated that Councillor Russell had not, in any way, indicated her support for, or opposition to, the application before the meeting.

Councillor Russell's representative noted that Councillor Russell had advised the Committee about her site visit during the discussion on the proposal and contended that it was clear from her contribution that she had been attempting to seek a compromise that would be acceptable to both parties. Councillor Russell's representative argued that, as such, it was clearly not the case that she had acted improperly or given any reason for anyone to suspect she had done so, in contravention of paragraph 7.4 of the Code. Councillor Russell's representative further argued that the risk of legal challenge to the Committee's decision, in the circumstances, was negligible.

DECISION

The Hearing Panel considered the evidence and submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Russell.
2. The Hearing Panel found the Respondent had breached paragraph 7.3 of the Councillors' Code of Conduct.
3. The Panel determined that the Respondent did not breach paragraph 7.4 of the Code.

Reasons for Decision

The Hearing Panel noted that it was not in dispute that Councillor Russell called-in the application, on 12 March 2018, on the grounds that the views of the objectors should be considered by the Planning Committee. The Panel further noted that it was not in dispute that, before the meeting on 3 April 2018, Councillor Russell undertook an unaccompanied site visit to the objectors' property, that lasted around 30 to 40 minutes, and discussed the potential impact of the netting with one of them.

The Panel noted that Councillor Russell admitted that she had not made any corresponding visit to the applicants' premises, nor had she discussed the planning proposal with them. While the Panel accepted that Councillor Russell considered she was aware of the applicants' position, it noted that this was only in respect of the dark green netting that was being sought. The Panel noted that the

applicants may well have had views on the suitability of the lighter green netting as a windbreak that Councillor Russell proposed be used, following her site visit to the objectors' property.

The Panel noted that at the Planning Committee on 3 April, Councillor Russell had made comments on the proposal and the potentially adverse impact on the objectors' property (in the course of which she informed the Committee that she had visited the site) and seconded a motion proposing that permission should be granted, but only on the basis of the lighter green netting being installed.

The Panel recognised that paragraph 7.3 of the Code provides that councillors have a duty to ensure that any formal decisions are properly taken and that any parties involved in the process are dealt with fairly. Councillors are not just required to act fairly, but are also obliged to be seen as acting fairly.

In this case, the Panel determined that it would be reasonable for a member of the public to consider that by:

- failing to seek advice from officers before contacting the objectors directly and undertaking an unaccompanied site visit, despite it being best practice for elected members to ask officers to accompany them on such visits;
- making a relatively lengthy visit to the objectors' property and discussing the proposal with one of them;
- failing to make any corresponding visit to the applicants' property or any effort to discuss the proposal, or any potential changes to it, with them;
- calling-in the application so that the objectors' concerns could be considered by the Committee; and
- seconding a motion to change the proposal without having explored the applicants' views on it;

Councillor Russell gave an appearance of unfairness and bias towards one of the parties.

The Panel therefore concluded that Councillor Russell had breached paragraph 7.3 of the Code.

The Panel further noted that paragraph 7.4 of the Code not only obliges councillors to avoid impropriety, but requires them to avoid any occasion for suspicion and any appearance of improper conduct, at all times, in order to reduce the risk of the Council's decision being legally challenged.

The Panel was satisfied that there was no question of Councillor Russell having tried to conceal the visit, or her discussion with one of the objectors, and noted that she had openly declared the fact that she had made a site visit at the Committee meeting. The Panel was satisfied that Councillor Russell's actions did not give rise to any appearance of improper conduct. As such, the Panel determined that she had not breached paragraph 7.4.

Evidence in Mitigation

Councillor Russell's representative advised that Councillor Russell had made a clear and admirable contribution to public life in her 20 years as a councillor. Councillor Russell's representative indicated that Councillor Russell was dedicated to her community and took her responsibilities to her constituents very seriously.

Councillor Russell's representative asked the Panel to note that the breach was a one-off incident and that there had been no deliberate intent on the part of Councillor Russell to breach the Code. Councillor Russell's representative advised that Councillor Russell had reflected on the matter and gained a better understanding of the requirements of the Code. She had co-operated fully with the investigative and adjudication processes and was willing to apologise to the applicants.

Councillor Russell's representative confirmed that there had been no benefit or personal gain to Councillor Russell as a result of the contravention.

SANCTION

The decision of the Hearing Panel is to suspend for a period of one month, the Respondent, Councillor Russell, from Midlothian Council's Planning Committee. This decision is effective from 1 June 2019.

This sanction is made under terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(b)(ii).

Reasons for Sanction

In reaching their decision, the Hearing Panel noted it was obliged under the 2000 Act to impose a sanction where a breach had been found.

The Panel considered the Standards Commission's Policy on the Application of Sanction. In reaching its decision, the Hearing Panel noted, in mitigation, that Councillor Russell had co-operated fully with the investigative and Hearing processes. The Panel further noted the evidence of the substantial contribution Councillor Russell had made to public life and her community in her 20 years as a councillor.

The Panel was satisfied that there was no personal gain to the Respondent and that she had now demonstrated insight and understanding of the importance of compliance with the Code.

The Panel emphasised, however, that the duty on councillors to act fairly and to be seen to be acting fairly when taking quasi-judicial and regulatory decisions is a fundamental requirement of the Councillors' Code of Conduct. The Panel noted that a breach of these provisions had the potential to erode public confidence and trust in how such decisions was being made and in local government itself. The Panel was concerned that Councillor Russell had failed to ensure that she complied with the Code in this regard, and agreed that the sanction should reflect this.

The Panel was nevertheless of the view that Councillor Russell's conduct did not warrant a longer suspension. This was because the incident had been a one-off and there was no suggestion or evidence that there had been any deliberate intent to breach the Code. The Panel also accepted that Councillor Russell had not acted dishonestly or made any attempt to conceal her visit to the objectors' property.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

Date: 13 May 2019



**Professor Kevin Dunion
Chair of the Hearing Panel**

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN on 9 May 2019.

Panel Members: Professor Kevin Dunion, Chair of the Hearing Panel
Mrs Tricia Stewart
Mr Paul Walker

The Hearing arose in respect of a Report by Mr Bill Thomson, then Commissioner for Ethical Standards in Public Life in Scotland (the ESC), further to complaint reference LA/Mi/2169 (the complaint) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor John Hackett (the Respondent).

The ESC was represented by Mr Paul Donnachie, Solicitor. Councillor Hackett was represented by Mrs Frances Randle, Solicitor.

COMPLAINT

A complaint was received by the ESC about the alleged conduct of the Respondent. Following an investigation, the ESC referred the complaint to the Standards Commission for Scotland on 31 January 2019, in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 7.3 and 7.4.

The relevant provisions are:

Fairness and Impartiality

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudice, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

Evidence Presented at the Hearing

Background

The complaint about Councillor Hackett related to his attendance at a meeting of Midlothian Council's Planning Committee on 3 April 2018, at which a planning application by Dalkeith Lawn Tennis Club for the erection of screen netting was considered. The Panel noted that while objections to the proposal had been submitted by the proprietors of a property adjacent to the tennis club, who were concerned about potential light depletion, the planners' recommendation was that planning consent should nevertheless be granted.

Joint Statement of Facts

The Hearing Panel noted that a Joint Statement of Facts had been agreed between the parties. In this, the parties confirmed that it was not in dispute that, before the meeting on 3 April 2018, Councillor Hackett undertook an unaccompanied site visit to the objectors' property, that lasted around 15 to 20 minutes, and discussed the potential impact of the netting with one of them.

The Panel noted that it was also not in dispute that Councillor Hackett made comments on the proposal and the potentially adverse impact on the objectors' property during the discussion on the application at the Planning Committee meeting on 3 April 2018. The Panel heard that a motion, subject to a change to the type of netting that was to be used, was approved without dissent and planning consent was granted on that basis.

Submissions made by the ESC's Representative

The ESC's representative advised that Councillor Hackett had admitted that he had not sought advice from officers before undertaking an unaccompanied visit to the objectors' property. The ESC's representative advised that it was not in dispute that, during the visit, Councillor Hackett spoke to one of the objectors about their concerns regarding the impact of the proposed netting.

The ESC's representative noted that it was accepted as good practice for elected members to ask officers to accompany them on site visits to reduce the risk of the public having concerns that councillors were acting improperly or unfairly. The ESC's representative further noted that the Councillors' Code of Conduct did not differentiate between the size and importance of any planning applications in terms of the obligations it imposed on elected members to act fairly and to ensure they were seen to be acting fairly when making any quasi-judicial or regulatory decisions.

The ESC's representative indicated that Councillor Hackett had not engaged in any discussions with the applicants about the proposal, nor had he made any corresponding visit to their premises. The ESC's representative contended that Councillor Hackett's failure to balance his visit with one to the applicants or to seek their views on any proposal to amend the application, in terms of the type of netting to be installed, meant that he failed to ensure that all the parties involved in the process were dealt with fairly.

The ESC's representative further argued that, by drawing the Committee's attention to a different type of netting than that being sought in terms the planning application, and by suggesting that the netting be taken down when tennis was not being played, Councillor Hackett not only took into account an irrelevant consideration but may have influenced other members to do so. While the ESC's representative accepted that Councillor Hackett may have been trying to act fairly and seeking to reach a compromise that would be acceptable to all concerned, his failure to ensure that the views of both parties were fully explored, gave rise to a reasonable perception that he was behaving

improperly. As such, the ESC's representative contended that he had breached paragraphs 7.3 and 7.4 of the Code.

Witness Evidence

The Respondent's representative led the Respondent as a witness.

Councillor Hackett advised that he had only been a councillor for a year at the time of the events in question. Councillor Hackett advised that he was a Council Cabinet Member, a member of various outside local groups and was committed to serving his ward and community.

Councillor Hackett explained that as he also worked full-time, he tended to undertake any constituent activity outwith normal office hours. Councillor Hackett advised that he was interested in hearing from all parties involved in, or affected by, any proposal and that it was his practice to listen and reflect on any debate at the Planning Committee before reaching his own conclusions on the merits or otherwise of it.

Councillor Hackett indicated that, having received a request sent by the objectors to all members of the Planning Committee, he had contacted them directly and arranged a site visit. Councillor Hackett advised that he had considered doing so would be helpful to enable him to gain a better understanding of the potential impact of the netting. Councillor Hackett stated that as he was undertaking the visit outwith office hours, he had not considered it appropriate or reasonable to ask an officer to accompany him.

Councillor Hackett confirmed that he had engaged in a conversation with one of the objectors during the visit about their concerns regarding the potential impact of the netting to their property in terms of light depletion. Councillor Hackett advised that while he had asked the objector questions about the effect of the light and direction of the wind, and had listened to their concerns, he had not given any indication of how he intended to vote on the proposal. Councillor Hackett indicated that he had walked along the objectors' side of the perimeter fence between their property and the tennis club's premises and had looked over it to get a better perspective on the potential impact of the netting from both sides.

Councillor Hackett stated that he had not considered it necessary to undertake a corresponding visit to the tennis club as, having read the application, he was aware of their position. Councillor Hackett advised that he would have undertaken such a visit had he received any request to do so. Councillor Hackett confirmed that he did not discuss the application with anyone from the tennis club or any officers before the meeting.

Councillor Hackett indicated that he had mentioned making a declaration of interest at the meeting, regarding the site visit. Councillor Hackett confirmed that he should have instead simply made a 'statement of clarity' in the interests of being as transparent as possible as, having applied the objective test, he had been satisfied that he did not have an actual interest that required to be declared in terms of the Code. Councillor Hackett indicated that he was concerned that by mis-speaking, he had given the applicants the wrong impression and a reason for them to have mistakenly concluded that he had an interest in the matter.

Councillor Hackett indicated he had been keen to find a compromise and, as such, had suggested at the meeting that the applicants could remove the netting when no tennis was being played. Councillor Hackett advised that an officer had replied and advised that the suggestion was not feasible on the basis that it would place a too onerous burden on the applicants, and that he had accepted this.

In response to cross-examination from the ESC's representative, Councillor Hackett admitted that his mention, at the meeting, of the potential of black netting being installed and his suggestion that the netting be removed when tennis was not being played was simply hypothetical as the proposal only concerned the installation of dark green netting. Councillor Hackett advised, however, that he was simply trying to see if a compromise could be reached that was acceptable to both the applicants and objectors.

Submissions made by the Respondent's Representative

Councillor Hackett's representative argued that Councillor Hackett had been trying to act fairly by undertaking the site visit to ensure that he could reach a fully informed view. Councillor Hackett's representative reiterated that he had not, in any way, indicated his support for, or opposition to, the application during the visit or at any other time before the meeting.

Councillor Hackett's representative noted that it was clear from the comments he had made at the meeting that Councillor Hackett was seeking to find a solution that was acceptable to all concerned. Councillor Hackett's representative indicated that, in openly advising the Committee about his site visit, it was evident that Councillor Hackett was being transparent and was trying to avoid any suspicion of bias.

While Councillor Hackett's representative accepted it would have been good practice for Councillor Hackett to have asked an officer to accompany him, in practice this was not always possible or practical. Councillor Hackett's representative advised that he had only gone on the site visit as he had been invited to do so and confirmed that, during it, he had tried to act fairly by looking over the fence to try to determine the potential impact of the netting from both sides.

Councillor Hackett's representative noted that the application had been granted, albeit with a minor condition, and argued that, as such, the risk of the Committee's decision being legally challenged was minimal. Councillor Hackett's representative further argued that as it was evident from his actions during the site visit, and the contribution he had made at the meeting, that Councillor Hackett had been trying to act fairly, it was clearly not the case that he had acted improperly or given any reason for anyone to suspect he had done so, in contravention of paragraph 7.4 of the Code.

DECISION

The Hearing Panel considered the evidence and submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Hackett.

2. The Hearing Panel found the Respondent had breached paragraph 7.3 of the Councillors' Code of Conduct.
3. The Panel determined that the Respondent did not breach paragraph 7.4 of the Code.

Reasons for Decision

The Hearing Panel noted that it was not in dispute that, before the Planning Committee meeting on 3 April 2018, Councillor Hackett undertook an unaccompanied site visit to the objectors' property, that lasted around 15 to 20 minutes, and discussed the potential impact of the netting with one of them.

The Panel noted that Councillor Hackett admitted that he had not made any corresponding visit to the applicants' premises, nor had he discussed the planning proposal with them. While the Panel accepted that Councillor Hackett considered he was aware of the applicants' position, it noted that this was only in respect of the dark green netting that was being sought. The Panel considered that it would have been reasonable for a member of the public who was aware of the visit, to have expected Councillor Hackett to have also gone to see the applicants' premises or to have at least discussed the matter with them. The Panel noted that while Councillor Hackett may have been trying to act fairly, he should nevertheless have considered how his actions could have been viewed from an external perspective.

The Panel noted that at the Planning Committee on 3 April 2018, Councillor Hackett had made comments on the proposal and the potentially adverse impact on the objectors' property. The Panel further noted that the applicants had not proposed black netting, as mentioned by Councillor Hackett at the meeting following his site visit to the objectors' property, and that they may well have had views on the feasibility of his proposal that the netting be taken down when tennis was not being played.

The Panel recognised that paragraph 7.3 of the Code provides that councillors have a duty to ensure that any formal decisions are properly taken and that any parties involved in the process are dealt with fairly. Councillors are not just required to act fairly, but are also obliged to be seen as acting fairly.

In this case, the Panel determined that it would be reasonable for a member of the public to consider that by:

- failing to seek advice from officers before contacting the objectors directly and undertaking an unaccompanied site visit, despite it being best practice for elected members to ask officers to accompany them on such visits;
- making a visit to the objectors' property and discussing the proposal with one of them;
- failing to make any corresponding visit to the applicants' property or any effort to discuss the proposal, or any potential changes to it, with them;
- actively contributing to the discussions that gave rise to the amended planning consent's approval;

Councillor Hackett gave an appearance of unfairness and bias towards one of the parties.

The Panel therefore concluded that Councillor Hackett had breached paragraph 7.3 of the Code.

The Panel further noted that paragraph 7.4 of the Code not only obliges councillors to avoid impropriety, but requires them to avoid any occasion for suspicion and any appearance of improper conduct, at all times, in order to reduce the risk of the Council's decision being legally challenged.

The Panel was satisfied that there was no question of Councillor Hackett having tried to conceal the visit, or his discussion with one of the objectors, and noted that he had openly declared the fact that he had made a site visit at the Committee meeting. The Panel was satisfied that Councillor Hackett's actions did not give rise to any appearance of improper conduct. As such, the Panel determined that he had not breached paragraph 7.4.

Evidence in Mitigation

Councillor Hackett's representative advised that Councillor Hackett was a relatively new councillor had only attended seven planning Committee meetings at the time of the events in question. Councillor Hackett's representative indicated, however, that he was deeply involved in his community and that he worked extremely hard for his constituents.

Councillor Hackett's representative advised that Councillor Hackett sincerely regretted the impact of his actions on the applicants and that he may have given them cause to conclude that he had not considered the proposal objectively and without bias. Councillor Hackett's representative indicated that Councillor Hackett would be writing to the applicants to apologise.

Councillor Hackett's representative asked the Panel to note that the breach was a one-off incident and that there had been no deliberate intent on the part of Councillor Hackett to breach the Code. Councillor Hackett's representative advised that Councillor Hackett had reflected on the matter and gained a better understanding of the requirements of the Code. He had co-operated fully with the investigative and adjudication processes and intended to work hard to rebuild his reputation and his relationship with the applicants.

Councillor Hackett's representative confirmed that there had been no benefit or personal gain to Councillor Hackett as a result of the contravention.

SANCTION

The decision of the Hearing Panel is to suspend for a period of one month, the Respondent, Councillor Hackett, from Midlothian Council's Planning Committee. This decision is effective from 1 June 2019.

This sanction is made under terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(b)(ii).

Reasons for Sanction

In reaching its decision on sanction, the Hearing Panel noted, in mitigation, that Councillor Hackett had co-operated fully with the investigative and Hearing processes. The Panel further noted Councillor Hackett's commitment to working hard for his constituents and the wider community. The Panel heard that Councillor Hackett deeply regretted the impact his conduct may have had on the applicants and that he intended to apologise to them. The Panel was pleased to note that

Councillor Hackett also intended to work to regain any trust he may have lost as a result of his actions.

The Panel emphasised, however, that the duty on councillors to act fairly and to be seen to be acting fairly when taking quasi-judicial and regulatory decisions is a fundamental requirement of the Councillors' Code of Conduct. The Panel noted that a breach of these provisions had the potential to erode public confidence and trust in how such decisions were being made and in local government itself. The Panel was concerned that Councillor Hackett had failed to ensure that he complied with the Code in this regard, and agreed that the sanction should reflect this.

The Panel was nevertheless of the view that Councillor Hackett's conduct did not warrant a longer suspension. This was because it accepted the incident had been a one-off and there was no suggestion or evidence that there had been any deliberate intent to breach the Code. The Panel also accepted that Councillor Hackett had not acted dishonestly or made any attempt to conceal his visit to the objectors' property.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

Date: 14 May 2019



**Professor Kevin Dunion
Chair of the Hearing Panel**

