

# Notice of meeting and agenda



## Cabinet

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

**Date:** Tuesday, 31 May 2016

**Time:** 11:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Gordon Aitken

Clerk Telephone: 0131 271 3159

Clerk Email: [gordon.atiken@midlothian.gov.uk](mailto:gordon.atiken@midlothian.gov.uk)

**Further Information:**

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

**Audio Recording Notice:** Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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

## **3 Declarations of Interest**

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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 Minutes**

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- 4.1** Minutes of Cabinet of 19 April 2016 submitted for approval. **5 - 12**

## **5 Public Items (Education Interest)**

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- 5.1** Education Appointment Committee of 4 May 2016 **13 - 14**
- 5.2** School Session Dates for the Academic Year 2017-18 - Report by Director, Education, Communities and Economy **15 - 22**
- 5.3** Mobile Library Service Provision - Report by Joint Director, Health and Social Care **23 - 28**
- 5.4** National Employability Fund Programmes - Funding Reduction - Impact in a Midlothian Context - Report by Director, Education, Communities and Economy **29 - 38**
- 5.5** Update on Midlothian Residential Houses - Report by Director, Education, Communities and Economy **39 - 42**
- 5.6** Midlothian Small Grants Programme - Report by Director, Education, Communities and Economy (To Follow)

## **6 Public Items (No Education Interest)**

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- 6.1** Creation of a Pan Scotland Local Authority Business Loan Fund-Progress Update by Head of **43 - 48**

## Communities and Economy

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|------------|---|----------------|
| <b>6.2</b> | Lothian Joint Health Protection Plan - Report by Director, Education, Communities and Economy           | <b>49 - 52</b> |
| <b>6.3</b> | Environmental Health Food Service Plan 2016-17 - Report by Director, Education, Communities and Economy | <b>53 - 86</b> |
| <b>6.4</b> | Inspection of Newbyres Care Home - Joint Director, Health and Social Care                               | <b>87 - 90</b> |
| <b>6.5</b> | Forth Estuary Local Flood Risk Management Plan 2016 to 2022 - Report by Head of Commercial Operations   | <b>91 - 96</b> |

### **7 Private Items (Education Interest)**

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No private reports with an Education Interest to be discussed at this meeting

### **8 Private Items (No Education Interest)**

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No private reports without an Education Interest to be discussed at this meeting



# Minute of Meeting

Cabinet  
Tuesday 31 May 2016  
Item No 4.1



## Cabinet

Date	Time	Venue
19 April 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Johnstone	Councillor Bryant
Councillor Parry	
Councillor Rosie	

### Religious Representatives:

Mrs M Harkness Rev.R Halley	Mr V Bourne
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## 1 Apologies

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1.1 Apologies received for Councillor Constable

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of the Meetings of the Cabinet of 1 March 2016 were submitted and approved as correct records.

## Reports

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Agenda No	Title
4.2	Minutes of Education Appointment Committees of 11 March 2016

### Outline and summary of item

There was submitted the Minutes of Education Appointment Committees of 11 March 2016 with regard to the appointment of Head Teacher, St Matthew's R.C. Primary School.

### Decision

That the post of Head Teacher, St Matthew's R.C. Primary School be offered to A Chidgey.

### Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
4.3	Inspection of Midlothian Council Residential Services for Young People	Head of Children's Services

### Outline of report and summary of discussion

Care Inspectorate is the Independent scrutiny and improvement body for care services in Scotland. They inspect all registered care services and local authority social work department on a regular basis to ensure that providers were meeting standards required and were working to improve the quality of care for everyone. Every time they inspected these services they produced an inspection report.

Based on the findings of this Inspection the Care Inspectorate awarded the following grades:

Quality of care and support	Grade 5 – Very Good
Quality of Environment	Grade 5 – Very Good
Quality of Staffing	Grade 5 – Very Good
Quality of Management and Leadership	Grade 5 – Very Good

The Inspectors reported that the service was operating to a very good standard in relation to all areas that were inspected.

The Inspection Team noted the following strengths:

- At the time of the Inspection all of the young people were attending school, involved in training or in employment. Care plans evidenced that staff worked with education resources to support the young person in their learning.
- We found a good range of methods to involve young people in the assessment and improvement of the service.
- The houses were equipped and decorated to a high standard. They were comfortable and attractive and a plan was in place to continually update and improve.

The Inspection Team reported that the authority could do better in the following areas:

- The service provider should review the recording of care plans and risk assessments to make them clear about young people's target and strategies, and to identify progress and next steps.
- The service should continue to build in staff training and cohesion of the team and further develop the training programme to ensure they keep up to date with current themes in child care practice.
- Managers need to ensure that all required notifications are submitted to the care inspectorate.

#### Decision

- (a) To note the content of the Inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for consideration; and
- (c) To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People.

Action
Head of Children's Services

Agenda No	Report Title	Presented by:
4.4	Inspection of Midlothian Council Fostering Services.	Head of Children's Services

Outline of report and summary of discussion

The report highlighted that The Care Inspectorate was the Independent scrutiny and improvement body for care services in Scotland. They inspected all registered care services and local authority social work department on a regular basis to ensure that providers were meeting standards required and are working to improve the quality of care for everyone. Every time they inspected these services they produced an inspection report.

Based on the findings of this Inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 4 – Good
Quality of Staffing	Grade 5 – Very Good
Quality of Management and Leadership	Grade 4 – Good

The Care Inspectorate noted that since the last inspection the service had further developed:

- The service continued to offer a good quality of service to foster carers and those wanting to become foster carers: The past year has been a period of rapid development with the appointment of a new manager.

The Inspection Team noted the following strengths:

- Foster Carers told us they currently received a very good service which supported them and their families.
- The service has made a concerted effort to develop and improve group support opportunities.
- The management and leadership of the service was highlighted as a positive for those providing feedback to the inspectors.

The Inspection Team reported that following areas for improvements:

- Where the service has identified delay issues, they should target resources to improve assessment and planning.
- There have been some missed opportunities for the involvement of service users.
- The service would benefit from a clear, outcomes focussed, service development plan.

The Inspection Team concluded that changes in management had had a positive impact on the staff morale and had empowered what was a knowledgeable and experienced group of practitioners to continue to improve the service. The provider was committed to further improvement but specific planning for this service must be improved to build upon what had been achieved.



## Decision

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the Management and staff connected with the Midlothian Council Fostering Service on the strengths identified in the report; and
- (d) To note that the Council will continue to challenge, support and monitor the service in relation to the delivering excellence framework.

## Action

Head of Children's Services

Agenda No	Report Title	Presented by:
4.5	Inspection of Midlothian Council Adoption Services.	Head of Children's Services

## Outline of report and summary of discussion

There was submitted a report dated 24 February 2016, by the Head of Children's Services.

The report highlighted that The Care Inspectorate was the independent scrutiny and improvement body for care and children's services and they inspected every registered care service, and local authority social work department on a regular basis to make sure that providers were meeting standards required and are working to improve the quality of care for everyone.

Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 4 – Good
Quality of Staffing	Grade 4 – Good
Quality of Management and Leadership	Grade 4 – Good

The Care Inspectorate noted the significant improvements in relation to the following:

- The service had significantly improved the way they tracked the planning for children in their area.
- This tracking system has reduced the amount of delay in decision making for children.
- Greater partnership working across teams has supported flexible working aimed at promoting positive outcomes for children in need of adoption.

The Inspection Team noted the following strengths:

- Adopters told us about the good quality of support they received from

- their Supervising Social Worker.
- Staff were skilled and experienced in their work and had good access to training.
- Staff worked effectively together to identify children in need of permanent care.

The Inspection Team reported that the following areas for improvements were:

- We could do more to provide life history information for children and adoptive families in a more child friendly way.
- The agency should adopt a more comprehensive approach to planning how the service will develop and share this with people who use the service and stakeholders.
- The adoption agency gave appropriate attention to detail when linking and matching children. This meant that adopters were better able to meet adopters' needs.

The Inspection Team concluded that there was a continued commitment from Midlothian Council to improve adoption services for children in their area. Staff and adoptive families were committed to providing good quality care to children and young people.

#### Decision

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the Management and staff connected with the Midlothian Council Adoption Service on the strengths identified in the report; and
- (d) To note that the Council would continue to challenge, support and monitor the service in relation to our delivering excellence framework.

#### Action

Head of Children's Services

Agenda No	Report Title	Presented by:
4.6	. Borders Rail - Access Initiatives	Head of Commercial Operations

#### Outline of report and summary of discussion

There was submitted a report dated 1 April 2016, by the Head of Commercial Operations.

The report outlined a potential bid for funds that would maximise opportunities for economic activity by developing Midlothian as a destination for walking and cycling through improved access opportunities to the area brought about by the Borders Railway.

There were three proposals contained in the report for which funding would be Sought:-

- Gateway to Midlothian - Create a gateway to explore Midlothian from Eskbank Station along Midlothian's spinal Cycle Walkway
- Station to Station - Making the Most of Midlothian's Stations to Walk and Cycle in the area
- Connecting Gorebridge – Creating links from the station to the Gore Glen Woodland Park and the wider countryside

Further details of these proposals including the estimated costs were contained within an Appendix to the report. The overall estimated cost of the works including manufacture, production and preparation of the various features was £109,500.

#### Decision

(a)To note the bid to the a range of funders including the Borders Rail Blueprint Fund to promote Midlothian as a destination for walking and cycling from the City Region in particular; and

(b)To note that a further report would be provided once the outcome of the various bids were known.

#### Action

Head of Commercial Operations

The meeting terminated at 11.12am.



**MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE** held in the Conference Room 1 Room, Fairfield House, Dalkeith on Wednesday 4 May 2016 at 1.00pm.

**Councillors Present:-** Muirhead and Wallace.

**Religious Representative Present:-** Mr V Bourne

**St Matthew's RC Primary School Parent Representatives Present:-** Ms N Laing, Ms A MacDonald and Dr E Theofanidou.

**In Attendance:-** Ms N McDowell (School Group Manager).

**Exclusion of Members of the Public**

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appointment of Head Teacher, St Andrew's RC Primary School.

The meeting terminated at 2.00pm



## School Session Dates for the Academic Year 2017/18

### Report by Mary Smith, Director, Education, Communities & Economy

#### 1 Introduction

This paper refers to the setting of school session dates for academic year 2017/18.

#### 2 Background

Midlothian Council has recommended that the session dates for Midlothian schools be synchronised with our neighbouring council areas in particular with the City of Edinburgh Council and East Lothian Council, bearing in mind some differences in local holidays.

Council Officers have sought to align school session dates more closely with neighbouring local authorities, mainly Edinburgh and East Lothian. For school session 2017/18 Edinburgh and East Lothian have set their return date as Monday 14<sup>th</sup> August 2017. If Midlothian were to set the same return date it would result in 14 teacher days in August 2017 and 199 working days in the 2016/17 teacher leave year. Within the parameters set by the Scottish Negotiating Committee for Teachers (SNCT) teachers cannot work more or less than 195 days in the leave year. The implication of this for school session dates is that the number of teaching days in August cannot vary from year to year if they are to comply with the SNCT Handbook.

Following significant discussion on this matter at the Midlothian Negotiating Committee for Teachers (MNCT) the management side wrote to SNCT requesting them to determine if there are exceptions or developments which would permit more than 195 days for teachers to fall within the teacher leave year.

The response from the SNCT Joint Secretary has reiterated the relevant section from the SNCT Handbook “that the leave year for teachers and music instructors *“shall run from 1 September in any year until 31 August the following year” (Part 2, paragraph 5.1) and the working year “shall consist of 195 days of which 190 will coincide with the school year for pupils with the remaining 5 days being worked by the individual teachers on duties as planned by the Council” (Part 2, paragraph 3.5).”*

The letter further confirms that in the leave year teachers cannot work more or less than 195 days and that the Council should work within the parameters set by SNCT. In other words, the leave year in 2017-18 must comply with the Handbook. (Appendix 3)

In procedural terms, if Midlothian Council does not accept the advice of the Joint Secretaries, the next step is to refer the matter to the Joint Chairs for determination. It is proposed that this course of action is pursued and the outcome reflected in the setting of school session dates for 2018/19 and future years.

The setting of school session dates for 2017/18 is required imminently so time does not permit this course of action to be pursued for the 2017/18 school session. The first day of the 2017/18 school session is therefore determined, in line with the SNCT handbook, to be Friday 18 August 2017.

The possible 2017/18 school session dates, which are attached to this report (Appendix 1 & 2), have been drawn up with a start date of Friday 18 August 2017. These school session dates coincide across the three authorities on the timing of the October, Christmas and Easter breaks and on the last day of the school session which will be Friday 29 June 2018.

Officers will consult with staff and parents on the preferred dates for the February break. One option will have a February break of one week for pupils and a break of three days for staff. The other option will have a break of two days for pupils and a one day break for staff. Edinburgh and East Lothian will have a full week break for both staff and pupils in February 2018. This break will take place in the same week in February in all three authorities.

Officers will present the preferred school session dates for approval to the June meeting of Council.

#### **4 Report Implications**

##### **4.1 Resource**

There are no human resource implications associated with this report.

##### **4.2 Risk**

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

##### **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

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

#### 4.5 Adopting a Preventative Approach

Not applicable.

#### 4.6 Involving Communities and Other Stakeholders

Consultation will be undertaken with parents and staff of school establishments as soon as agreement has been made on the preferred options being presented to the emergency MNCT group. Efforts have been made to synchronise session dates with the City of Edinburgh Council and East Lothian Council as far as possible.

#### 4.7 Ensuring Equalities

The proposed report will have a neutral effect on equalities groups.

#### 4.8 Supporting Sustainable Development

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

#### 4.9 IT Issues

There are no IT issues arising from this report.

### 5 Recommendation

Cabinet is recommended:

- i. to agree the school session start date for 2017/18 as Friday, 18 August 2017;
- ii. to note that preferred school session dates will be presented for approval to the June meeting of Council;
- iii. to authorise officers to refer the matter of permitting more or less than 195 working days for teachers to fall within the teacher leave year to the Joint Chairs of SNCT for determination in the setting of school session dates for 2018/19.

20 May 2016

**Report Contact: Sandra Banks**

**Tel No:** 0131 271 2737

**E-mail:** [sandra.banks@midlothian.gov.uk](mailto:sandra.banks@midlothian.gov.uk)

Background Papers:

Appendix 1 - School Session Dates 2017/18

Appendix 2 - School Session Dates 2017/18 (including February week)

Appendix 3 - Failure to Agree Letter



## MIDLOTHIAN COUNCIL

## EDUCATION, COMMUNITIES AND ECONOMY

## PROPOSED DAY SCHOOL SESSION DATES 2017 / 18

<b>TERM 1</b>	Staff Resume	Friday **	18	August	2017
	Pupils Resume	Tuesday	22	August	2017
	Autumn Holiday	Friday	15	September	2017
		Monday	18	September	2017
	All Resume	Tuesday	19	September	2017
<b>Mid Term</b>	All Break	Friday	13	October	2017
	All Resume	Monday	23	October	2017
	Term Ends	Friday	22	December	2017
<b>TERM 2</b>	Staff Resume	Monday*	8	January	2018
	Pupils Resume	Tuesday	9	January	2018
<b>Mid Term</b>	Pupils Break	Wednesday	14	February	2018
	Staff Break	Thursday*	15	February	2018
	All Resume	Monday	19	February	2018
	Term Ends	Thursday	29	March	2018
	<i>Good Friday</i>	<i>30<sup>th</sup> March</i>			
	<i>Easter Monday</i>	<i>2<sup>nd</sup> April</i>			
<b>TERM 3</b>	All Resume	Tuesday	17	April	2018
	May Day	Monday	7	May	2018
	All Resume	Tuesday	8	May	2018
	Victoria Day	Monday*	21	May	2018
	Pupils Resume	Tuesday	22	May	2018
	Term Ends	Friday	29	June	2018

**\* Staff In Service Days:** Friday 18<sup>th</sup> & Monday 21<sup>st</sup> August 2017,  
Monday 8<sup>th</sup> January 2018,  
Thursday 15<sup>th</sup> February 2018,  
Monday 21<sup>st</sup> May 2018.

## MIDLOTHIAN COUNCIL

## EDUCATION, COMMUNITIES AND ECONOMY

## PROPOSED DAY SCHOOL SESSION DATES 2017 / 18

<b>TERM 1</b>	Staff Resume	Friday **	18	August	2017
	Pupils Resume	Tuesday	22	August	2017
	Autumn Holiday	Friday	15	September	2017
		Monday	18	September	2017
	All Resume	Tuesday	19	September	2017
<b>Mid Term</b>	All Break	Friday	13	October	2017
	All Resume	Monday	23	October	2017
	Term Ends	Friday	22	December	2017
<b>TERM 2</b>	All Resume	Monday	8	January	2018
<b>Mid Term</b>	Pupils Break	Friday	9	February	2018
	Staff Break	Tuesday**	13	February	2018
	All Resume	Monday	19	February	2018
	Term Ends	Thursday	29	March	2018
	<i>Good Friday</i>	<i>30<sup>th</sup> March</i>			
	<i>Easter Monday</i>	<i>2<sup>nd</sup> April</i>			
<b>TERM 3</b>	All Resume	Monday	16	April	2018
	May Day	Monday*	7	May	2018
	Pupils Resume	Tuesday	8	May	2018
	Term Ends	Friday	29	June	2018

**\* Staff In Service Days:** Friday 18<sup>th</sup> & Monday 21<sup>st</sup> August 2017,  
Monday 12<sup>th</sup> & Tuesday 13<sup>th</sup> February 2018,  
Monday 7<sup>th</sup> May 2018

Dawn Farquhar  
Jim Glen  
MNCT Joint Secretaries

Ref: DM/EN  
16 May 2016  
dmorrice@eis.org.uk

Dear Dawn and Jim,

Your letter of 19 April has been discussed by the Employers' Side Joint Secretary and Teachers' Side Joint Secretary.

In procedural terms determination would lie with the Joint Chairs or full SNCT. The Joint Secretaries are able to provide initial advice which, if you do not accept, will be referred to the Joint Chairs.

You will be aware from the Handbook that the leave year for teachers and music instructors *"shall run from 1 September in any year until 31 August the following year"* (Part 2, paragraph 5.1) and the working year *"shall consist of 195 days of which 190 will coincide with the school year for pupils with the remaining 5 days being worked by the individual teachers on duties as planned by the Council"* (Part 2, paragraph 3.5).

In the leave year teachers cannot work more or less than 195 days. You have to work within the parameters set by SNCT. In other words, the leave year in 2017-18 must comply with the Handbook.

Yours sincerely

Drew Morrice  
Joint Secretary



**Mobile Library Service Provision****Report by Eibhlin McHugh, Joint Director, Health and Social Care****1. Purpose of the Report**

- 1.1** The purpose of the report is to advise Cabinet of the re-launch of the Mobile Library Service within Midlothian and to provide details of a new shared service agreement with East Lothian Council.

**2. Background**

- 2.1** Midlothian Libraries have delivered a much-loved mobile library service to a number of rural communities across Midlothian where there are no physical libraries, since the early 1950s.
- 2.2** The existing mobile library required to be replaced due to the significant age of the vehicle and a replacement vehicle was planned in capital estimates and purchased in early 2015. This presented the opportunity to review provision and to re-launch an enhanced service which would better meet customer demand.
- 2.3** A review of the existing mobile route was undertaken which identified a number of stops where there had been no customer visits for a period of 12 months or more. The removal of these stops allowed for a redesign of the route and the capacity to add new stops in response to customer demand.
- 2.4** The review also identified stops with visits from a single household. These customers were transferred to the bespoke Midlothian Libraries Housebound delivery service in order to provide more targeted support.
- 2.5** During this period East Lothian Council approached Midlothian Council to assess if a service could be provided to East Lothian Council villages to the west of the county. They had recently withdrawn their mobile library service as a result of staff illness and numerous mechanical failures in their ageing mobile library vehicle.
- 2.6** The East Lothian villages of Whitecraig, Pencaitland, Humbie, Macmerry, East Saltoun and Gifford were included as part of the development of the new route for the Midlothian Mobile Library Service and availability was identified every second Thursday and part of the day every second Friday.
- 2.7** A Service Level Agreement was developed between Midlothian Council and East Lothian Council with costs of £5,974.46 payable to Midlothian Council on a yearly basis.

- 2.8** There has been extensive consultation with current customers of the mobile library service and also across communities throughout Midlothian with regard to the proposed new route and also generally in relation to the new service provision. 93% of respondents were happy with the new route and the other 7% of respondents will have access delivered through the Midlothian Libraries Housebound service or be able to visit a branch library.
- 2.9** Customers in East Lothian have also been consulted and have recently been provided with the opportunity to opt-in to automatic joining the Midlothian Mobile Library Service, which has been accepted by the majority of customers.
- 2.10** A local designer has created bespoke illustrations for the mobile library vehicle's livery which represent popular Midlothian landscapes.
- 2.11** The new service will begin on Monday 23<sup>rd</sup> May 2016 with stops in East Lothian commencing during that week.

### **3. Report Implications**

#### **3.1 Resource**

There are no resource implications as the current Library Assistant (Mobile Driver) post will transfer directly to the new service.

Midlothian Council's Library service is currently undergoing a service review as part of the overall Customer Service review and the role of Mobile Library Driver will be considered as part of this review with plans to develop the role to incorporate wider customer service functions. Any potential cost increases based on any changes to the role have been provided to East Lothian and accepted.

#### **3.2 Risk**

Failure to deliver the new service at the identified time will impact negatively on customer satisfaction in both Midlothian and East Lothian communities.

#### **3.3 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:

- ☐ Early years and reducing child poverty
- ☐ Economic Growth and Business Support
- ☐ Positive destinations for young people.

The themes addressed in this report impact on the delivery of the Single



Midlothian Plan outcomes particularly in terms of priorities in relation to improving opportunities in Midlothian by increasing access to council services for rurally excluded communities and by transforming business to provide effective services making best use of council funds particularly in relation to delivering efficient shared services.

- ☐ 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 recommendations in this Report impact positively upon achieving the following Customer Service Strategy outcomes:

- Listen, engage and involve our customers in the design and delivery of our services
- Provide excellent customer service with first time resolution at first point of contact
- Improve customer access by fully utilising all available channels for the delivery of transactions
- Improve our customer experience by transforming the way we deliver services

### **3.5 Adopting a Preventative Approach**

The proposed changes ensure a continued focus on providing access to council services for citizens across Midlothian and also East Lothian who may be excluded in terms of rural or social isolation.

### **3.6 Involving Communities and Other Stakeholders**

All current customers have been directly consulted with through face to face discussion and printed survey. Wider communities across Midlothian have also had an opportunity to be involved through survey response. The launch of the new service will be widely advertised and current customers will receive direct mail to advise of route changes and starting date.

### **3.7 Ensuring Equalities**

An EQIA has been carried out as a new service provision.

### **3.8 Supporting Sustainable Development**

Not applicable.

### **3.9 IT Issues**

There are currently no IT issues.

External funding has recently been received from the Scottish Government to allow free public WiFi to be made available from the new mobile library vehicle which will increase digital access for communities across Midlothian.

## **4 Recommendation**

Cabinet is recommended to note the content of this Report.

**Date:** 2 May 2016

**Report Contact**

**Name:** Kevin Anderson, Head of Customer and Housing Services

**Tel No.** 0131 271 3225

**Email:** kevin.anderson@midlothian.gov.uk

## Proposed Mobile Library Timetable

### Monday Week 1

Damhead/Lothianburn	9.30 am	-	10.00 am
Bilston	10.15 am	-	11.15 am
Silverburn	11.30 am	-	12.00 am
Nine Mile Burn	12.05 pm	-	12.45 pm
Loanstone	1.45 pm	-	2.10 pm
Leadburn	2.15 pm	-	2.45 pm
<i>New stop Hopefield Estate</i>	3.00 pm	-	4.15 pm

### Tuesday Week 1 & 2

Newbattle Abbey Crescent	1.15 pm	-	1.45 pm
Maryburn Terrace	2.00 pm	-	2.30 pm
Burnside Crescent	2.35 pm	-	2.50 pm
Dundas Crescent	3.05 pm	-	3.30 pm
Larkfield Road	3.35 pm	-	3.55 pm
Weir Crescent	4.00 pm	-	4.20 pm

### Wednesday Week 1 & 2

Milton Bridge/Nursery	9.30 am	-	10.00 am
Greenlaw Grove	10.00 am	-	10.20 am
Stevenson Road	10.25 am	-	10.55 am
Belwood Cresc	11.00 am	-	11.25 am
Aaron Nursing Home	11.30 am	-	12.00 pm
Cuikenburn	12.40 pm	-	1.10 pm
Eskvale Drive	1.20 pm	-	1.40 pm
Salamanca Crescent	1.50 pm	-	2.10 pm
Boyd Orr Drive	2.15 pm	-	2.45 pm
Bilston	3.00 pm	-	4.00 pm

### Thursday Week 1

Temple	9.30 am	-	10.00 am
Middleton	10.15am	-	10.40am
Cranston Nursery	11.00 am	-	11.30 am
Edgehead	11.30 pm	-	12.30 pm
Woodburn Terrace	1.30 pm	-	2.15 pm
Whitehill	2.30 pm	-	3.00 pm
<i>New stop Woodburn Estate</i>	3.15pm	-	4.00pm

### Friday Week 1

Cousland	9.45 am	-	10.30 am
Humbie	10.30 am	-	12.30 am
Roman Camp Way	1.40 pm	-	2.00 pm
Chapel	2.05 pm	-	3.00 pm
Crichton Terrace	3.05 pm	-	4.00 pm

### Monday Week 2

Auchendinny	9.30 am	-	10.00 am
Bilston	10.15 am	-	11.15 am
<i>New stop Bilston</i>	11.30 am	-	12.00 pm
Rosewell	1.15 pm	-	2.00 pm
Cameron Crescent	2.10 pm	-	2.30 pm
Polton Bank	2.35 pm	-	2.55 pm
Bairds Way	3.00 pm	-	4.15 pm

### Thursday Week 2

Whitecraig	9.30 am	-	10.00 am
Macmerry	10.15 am	-	11.45 am
Pencaitland	12.45 am	-	2.15 pm
East Saltoun	2.30 pm	-	3.30 pm

### Friday Week 2

Cousland	9.45 am	-	10.30 am
Gifford	10.45 am	-	12.15 am
Roman Camp Way	1.40 pm	-	2.00 pm
Chapel	2.05 pm	-	3.00 pm
Crichton Terrace	3.05 pm	-	4.00 pm



**National Employability Fund Programmes  
Funding Reduction, Impact in a Midlothian Context****Report by Director, Education, Communities and Economy****1 Purpose of Report**

The purpose of this report is to explain the changes in employability programme funding and the implications for Midlothian. This along with historical income targets has created a funding gap within Lifelong Learning and Employability. There will be a direct reduction in the number of young people and adults achieving a positive destination. The report will put forward potential options to mitigate some of the impact.

**2 Background**

- 2.1** The budget pressures on the Scottish Government have resulted in various reductions to programmes either through the withdrawal of staff or a reduction in the funding available to run programmes. Competition for the reduced resources has also increased. Following an estimated 87% budget cut by the UK government in the first year of devolved employability services in Scotland, Scottish Ministers have stepped in to provide up to £20 million in additional funding, to replace the UK Government's Work Choice and Work Programme schemes. This trebles the funding being made available to exercise new devolved powers on employability from 1 April 2017.

Aspects of employability support, benefits and sanctions will become a devolved matter for Scottish Government, funding to operate these programmes has been reduced. Informally through the national Employability Conference we were informed that the principles and values behind the programmes would be more inclusive and that there would be a likelihood of three year commissioning for these services. This would take the form of partnership cluster bids not one for each local authority but described as optimum package areas. The newly devolved programmes require to be operational by April 2017.

The Skill Development Scotland Employability Fund has been reduced by 40% nationally due to the funding settlement. This has traditionally funded programmes where a trainee allowance is paid over a 13 week period where work is carried out to increase qualifications, work skills and secure a positive destination. Over recent years the time period for working with trainees has reduced from 26 weeks to 13 weeks. This reflects the reduction in funding over time.

In addition, the national team for Developing Young Workforce (DYW), secondments have been brought to an early conclusion this is another indication of reduced funding. We have had DYW funding over the last two years, the DYW programme is a seven year intervention however we do not know if further funding will be received for 16/17 and beyond.

## **2.2 Implications for Midlothian**

The reduction in available employability funding for 16/17 has a direct impact on the services and programmes we can offer within Midlothian through the Lifelong Learning and Employability Service. This will reduce the number of opportunities for those at risk of a negative destination both young people and adults.

For the local authority area of Midlothian there were 221 employability fund places for 14/15, this was reduced to 214 for 15/16 and 124 for 16/17. At the contract award co-decision meeting for 16/17 these places were awarded to a variety of third, public and private sector providers. Lifelong Learning and Employability had 70 places in 15/16 for Midlothian and 35 for East Lothian, for 16/17 they have been awarded 0 places for Midlothian and 8 for East Lothian. The places for Further Education Colleges in our case Edinburgh College and SRUC (previously Oatridge College) have been ring fenced.

At the time of writing this report the providers who have successfully secured a contract to deliver for Midlothian have not been publically released; they are likely to be a mixture of local and Edinburgh based third and private providers.

## **2.3 Summary of Feedback of Approaches for Other Local Authorities**

Six local authorities have provided feedback on their approaches and to employability; these were East Renfrewshire, North Lanarkshire, Clackmannanshire, West Dunbartonshire, Aberdeenshire and Scottish Borders. They all provide a consistent message regarding the advantages of local authorities having a key role in the co ordination of the employability pipeline along with a key delivery role. The benefits are avoidance of duplication, co-ordination of partnership working and a focus on those with multiple barriers being supported across the pipeline over a number of years. Local authorities can commit to the long term support required to provide consistency of contact and development. The relationship formed over a sustained period of time between the service user and the key worker is fundamental to increasing the chances of achieving a sustained positive outcome. Employability staff within local authorities are uniquely placed to maximise the supply and demand side of employability through the links the council has with small and larger businesses and other public sector providers, including the opportunities provided through community benefit clauses.

The City Deal and inter-authority working provides a unique opportunity for Midlothian employability services to take advantage of these funding streams to grow and ensure a very localised approach within Midlothian. However we also need to ensure we take advantage of regionalisation to support local people to have a broader range of supported employability across the region but localised support especially in the early stages of the pipeline are crucial to success.

## **2.4 Historical Financial Income Targets from Contracts**

When Midlothian Training Services started bidding for contracts approximately 20 years ago an income target was incorporated in to the budget. This income target was aligned with expenditure to run programmes such as management costs, staffing and trainee allowances.

Over the years there has been a significant reduction from approximately 25 to 10 members of staff equating to a reduction of 60%. However the income budget for the service was not reduced accordingly. The financial position was managed on annual basis according to the priorities of that time and the levels of income generated.

Through the service review we have merged youth and adult services linked to contracts and direct employability support which means that this aspect of the LLE service has been reduced to 10 staff members. These staff deliver individual support, delivery of employability programmes for schools and referral agencies; support both adults and young people to achieve positive outcomes.

In order to manage and realign income targets over the last two financial years the service management team have reduced actual and budgeted expenditure to offset the unachievable income targets. This has bridged the budget gap internally by £207,000.

The strategic plan for 16/17 was to identify further savings and use these to permanently reduce the income target to a realistic goal for the funding contracts available. However due to the loss of the main contract and the delay in being able to put in cluster bids for the new devolved programmes this will now not be a realistic strategy.

## **2.6 Service Delivery in 2016/17**

The LLE service in 2016/17 is required to maximise the opportunities available, and to date they have been successful in securing the Modern Apprenticeship Contract for 16/17 to the value of £85,000. We have also received the Scottish Employment Recruitment Incentive (SERI) fund places. Approval for the European Social Fund (ESF) programme application has been received which aims to support 900 unemployed people facing multiple barriers over 20 months. The majority of the ESF programme will be procured. In addition to this we will build on the employability fund places already allocated for East Lothian. These achievements will help to mitigate to a degree the extent of the impact on positive destinations.

To increase mitigation of those at risk of a negative destination, we can continue to deliver a variety of programmes from the current staffing structure without the trainee allowance component.

### 3 Report Implications

#### 3.1 Resource

In order to address the financial gap we have looked at the income and expenditure across the entire LLE service.

The following steps have been implemented to reduce the financial gap:

- Prior to the actions described in section 2.4 the income target across LLE was £743,000,
- Therefore the current budget and income target for 16/17 is £536,000 across LLE
- The maximum level of confirmed income for 16/17 is £157,000
- After a further review of expenditure budgets, we can carry out a further realignment and deliver an additional reduction of £147,000 through reducing budgets linked to trainee allowances, stationary, programme delivery, specialist equipment and other supplies and service across the full LLE service.
- Single year 16/17 income generation and re-profiling of DYW funding which equates to £70,400 (details attached in Appendix One).
- The income target of £536,000 for LLE is projected to be unachievable in 16/17 due the combination of the historic income targets and the reduction in employability fund contracts. LLE have a predicted overspend of £162,000 for 16/17. An income target review will take place for the as part of the development 17/18 budget.
- This table summarises the actions described so far:

Income Target 16/17	Confirmed Income 16/17	Additional reduction in expenditure across LLE	Single Year income	Projected Overspend
£536,000	£157,000	£147,000	£70,400	£162,000

#### 3.2 Risk

We need to mitigate risks which are financial however there is also a high risk of negative impact on local people who experience multiple barriers to securing employment; many of these are from protected characteristic groups. The reduction in the level of support available and the decrease in locally accessible provision will compound the affect on those most vulnerable. Those most likely to be affect will live in the priority target areas and have additional needs for example, care experienced young people, adults with physical and or learning disabilities, people with mental health issues and those recovering from and drug and alcohol misuse or those with experience of the criminal justice system.



Young people leaving school are an increased risk of a negative destination as there will be less employability fund trainee places than last year. These have been reduced by 42% locally and in real terms means that there will be 90 less young people on paid local trainee programmes. Within the report we attempt to reduce this risk by offering 25 young people a place on a paid trainee programme funded by re-profiling DYW funding.

If we do not reduce the income targets and plan to increase income generation targets there will be a significant risk of the LLE budget being overspent in 16/17. The recommendations set out within this report reduce the level of unplanned for financial risk.

Over the next year there will be new opportunities to attract funding through the revised employability programmes, there is a risk that these will not be maximised if the LLE service is not in a position to take advantage of these. The actions outlined to increase income for 16/17 will reduce this risk along with active participation in the City Deal and the national employability network.

### **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**

Directly relates to improving positive destinations for adults and young people as well as developing the young workforce.

### **3.5 Impact on Performance and Outcomes**

This work has a direct impact on positive destination for both adults and young people.

### **3.5 Adopting a Preventative Approach**

The mitigation activities will support those both young people and adults at risk of a negative destination to secure a positive outcome

### **3.6 Involving Communities and Other Stakeholders**

None currently, if some of the mitigation actions agreed then DYW would need to be informed due to funding implications.

### **3.7 Ensuring Equalities**

An EQIA has not been completed as this report does not recommend a policy change. However as outlined in the risk section it is likely that the greatest impact will be felt by those in the target priority areas, who have complex needs and face the greatest inequalities due to the reduction in employability support available locally.

The report enables support to be offered to an additional 25 young people who are at risk of negative destinations; previous participants have been from protected characteristic groups for example those with care experience.

As the national changes will be developed over this forthcoming financial year it is important to influence the plans in order to take into account the needs of Midlothian residents and work to reduce the inequality gap through increased access to jobs/income, opportunities and qualifications. Retaining a contract delivery arm of the LLE service means we can rapidly respond to forthcoming opportunities and support those who are most vulnerable within Midlothian.

### **3.8 Supporting Sustainable Development**

### **3.9 IT Issues**

None

## **4 Summary**

This report presents the current changes in devolved employability programmes, highlights the potential impact on equality groups due to the reduction in funding. In addition it indicates that there is a predicted over spend of £162,000 for 16/17 and the need to review income targets for 17/18.

## **5 Recommendations**

Cabinet is recommended to:

- Note that the income target of £536,000 for LLE is projected to be unachievable in 16/17 due to the combination of the historic income targets and the reduction in employability fund contracts. LLE have a predicted overspend of £162,000 for 16/17. An income target review will take place as part of the development of the 17/18 budget; including the resolution of the predicted overspend in 16/17.
- Recognise the continued negative impact of funding and service reductions for those in equality groups.
- Note the funding and delivery of a paid trainee programme for 25 young people by realigning the DYW funding from the Further Education widening access programme to direct delivery of the trainee programme.
- Support the LLE service to undertake the mitigating actions to support those at risk of a negative destination and reduce the funding gap.
- Raise awareness of the associated issues through COSLA and other mechanisms.

**5 May 2016: Report Contact:**

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## Appendix One

### One Year Mitigation Table

Proposal Title	Description	Income	Recurring income or just for 16/17
DYW Mapping of Science Park Opportunities	Mapping of existing opportunities and key contacts within science park  LLE deliver and dedicated existing member of staff to complete mapping.	£25,000	Only for 16/17 there may be additional DYW income for 16/17
Employability paid trainee programme funded through reprioritisation of widening access programme funded by DYW	Use funding to run a 12 week paid trainee programme for 25 young people	25 Participants Costs: Training Allowances – 25 x £55.00 x 12 Weeks = £16,500  Travel based on standard travel costs of £3.00 per day – 25 x £15.00 x 12 Weeks = £4,500  PPE Costs – 25 x £40.00 = £1,000  Material Cost– based on £120.00 per person x 25 = £3,000  £0	Only 16/17 no income generated but mitigates against negative destinations
Explore vocational school/workshop and target 8/10 young people who would normally wish to leave after 4 <sup>th</sup> year – funding follows young person	Explore vocational school workshop (similar to the Inverclyde Model) aimed at those who would leave school after 4 <sup>th</sup> year into a negative destination.	Target 8/10 yp  Approx £3,200 x 8 = £25,600 through claiming allowance for staying on at school and the funding following the young person.	Pilot could be annual if successful
Run industry based courses for businesses or other providers Safety Construction Certificates, A1 SQA assessors training	Run within existing staff costs as staff are contracted to work occasional weekends and evenings	£5,000	Annual if successful

Increase vocational evening/day and weekend classes	Use existing staff to increase offer so no additional staffing costs	£433.50 per course (half full fee half concessions 12 people 8 week course  £2,000 income target many will be concessions payment or could use ILAs	Annual if successful
ICT training and work with young people/adults training to other sectors within MC	ICT training and work with young people/adults training to other sectors within MC	£100 per person  20 people  £2,000	Annual if successful
Vocational Training to Schools	Trade and industry related vocational opportunities for pupils during the school timetable.	£10,800	Annual if successful
<b>Total One Year Mitigation</b>		<b>£70,400</b>	



## **Update on Midlothian Residential Houses**

### **Report by Joan Tranent, Head of Children's Services, Education, Communities and Economy**

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide an update to Cabinet on:
- I. The requirements of Part 9, 10 and 11 of the Children & Young People (Scotland) Act 2014.
  - II. The additional funding received by Midlothian Council to meet the secondary duties and responsibilities in relation to care leavers.
  - III. How Midlothian Council intend to use the additional funding to support existing provision and future planning commitments.

#### **2 Background**

- 2.1 The Children & Young People (Scotland) Act 2014 received Royal Assent on the 27<sup>th</sup> of March 2014 and contains several changes to how children and young people in Scotland will be cared for.

- 2.2 Under Parts 9-14 of the Act, there are a number of significant changes to the range of duties and powers that affect those in care and care-leavers. Specifically;

- Part 9 – provides for a clear definition of Corporate Parenting, and defines the bodies to which it will apply and what can be expected from them.
- Part 10 – refers to the new Aftercare duties and outlines that young people who leave care after the age of 16, (from April 2015 onwards) are entitled to local authority support until age 26.
- Part 11 – introduces continuing care – an entitlement to stay in a care placement when they reach 16 years of age (foster, residential and kinship) with the right to stay in that or a similar care placement until the **age of 21**.
- Local Authorities supporting looked after young people will also have to provide 'advice, guidance and assistance' to care leavers up to the **age of 26**.

- 2.3 The Act is premised on reducing the inequality and poor outcomes that currently exists between care leavers and their wider peer group; such as lower educational qualifications, higher instances of mental health issues, early pregnancy etc. all of which is well documented.

#### **3 Financial Information**

To ensure implementation of the key changes in the 2014 Act, Scottish Government assigned additional funding to all Councils. Midlothian Council's allocation of the funds are as follows:

## **Additional Funding**

### **2015-16**

Looked after Children up to 25	£83,000
Eligibility for Aftercare	£12,000
Continuing Care (eligibility to stay until 21)	£65,000
Continuing Care – Kinship Allowance	£58,000

**Total** **£218,000**

### **2016-17**

Looked after Children up to 25	£ 65,000
Eligibility for Aftercare	£ 22,000
Continuing Care (eligibility to stay until 21)	£117,000

**Total** **£204,000**

## **4 Local Resource Provision**

- 4.1** In preparing for the 2014 Act we provided additional staffing capacity to the Through Care team to enable them to become more outward-facing and work with an increased care leaver group; residential care; foster care; kinship care and care at home etc.
- 4.2** Funding is also used to support the associated costs of developing our Young Champions.

## **5 Future Resource Proposal**

- 5.1** Midlothian has been at the forefront of continuing to care for our young people in advance of the legislation coming into force and our commitment towards this 'staying put' agenda has meant a number of young people have chose to stay in their care placements longer. We have seen an increase in all areas including kinship, foster care and residential care homes.
- 5.2** While our practice is in keeping with the national and local policy direction, we need to acknowledge that young people choosing to stay in care longer will significantly impact on our ability to provide placements to children entering into the care system.
- 5.3** Our current residential provision includes 3 x 4 bedroom houses. We have sought and been granted Care Inspectorate registration for a 3 bedded flat provided by Melville Housing in Bogwood Road, Mayfield. The flat was originally provided to Hawthorn Children and Families resources to allow the service to carry out assessments.
- 5.4** The **core-cluster approach** would consist of a 'cluster' of buildings; e.g. using the Melville flat and the residential home at Lady Brae, Gorebridge to allow 16-18 year olds to live there, thus having the younger children residing in Woodburn Court, Dalkeith and Pentland Way, Penicuik. Lady Brae and where appropriate the flat shall help support young people to live independently and teach them relevant life skills whilst continuing to offer emotional support. This allows us to utilise our buildings more effectively.
- 5.5** The recent commissioning of external staff in one of our residential homes was costly both in terms of the financial implication and the negative impact it had on community relationships. Instead of commissioning external staff we propose that we increase our existing workforce to provide dedicated support to ensure the safe and effective running of the 'cluster' buildings.



- 5.6 The provision of our own staffing means that we are able to direct their efforts and we have the flexibility to extend our contract the workforce depending on the needs of care leavers. The fluid nature of the services will provide an opportunity to explore the wider implications for care leavers in relation to further sublets, group vs. Individual living etc.

- 5.7 We will assess and evaluate the effectiveness of this model after 2 years.

## 6 Resource Implications

- 6.1 While we cannot accurately predict the increase in young people electing to stay put we can anticipate a significant increase, particularly in relation to foster care and our residential care homes.

- 6.2 To ensure the growing numbers of young people are supported within the 'core-cluster' environment we will use the remainder of the additional funding to assign dedicated staff on call and support the 'cluster' buildings.

- 6.3 This increase to the current resources would enable Children and Families to drive the changes contained in the 2014 Act through provision of a dedicated team of Children's Practitioners primarily based within Lady Brae, Gorebridge who are able to provide 24 hour support to a range of care leavers living within our local community.

4 x FTE Children's Services Practitioner = **£135,000**

- 6.4 The increase in the current TCAC structure to support the increased work load within this area of work will incur an additional **£12,495** with workers changing roles and one previous pathway co-ordinator qualifying to become a social worker.

### Previous Staffing

Through Care Team

2 x Pathway Coordinator

1x Children's Services Practitioner = £97,557

### New Staffing Requirement

Through Care Team

2 x Social Worker

2 x Children's Services Practitioner = £110,052

## 7 Risk

- 7.1 There is a requirement to report back to Scottish Ministers in relation to the use of the funding and the expectation is that the total monies are used for the purpose as described.

### 7.2 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

### **7.3 Key Priorities within the Single Midlothian Plan**

- Giving children and young people the best start in life and improve life chances for children, young people and families.
- Improve outcomes for children and young people by continuing to implement Getting it Right for Every Child and putting in place changes required by the laws.
- Improve outcomes for vulnerable or at risk children and young people.

### **7.4 Impact on Performance and Outcomes**

The policy work will be linked to the Key Performance Indicators identified within the Service and Community plans.

### **7.5 Adopting a Preventative Approach**

The legislative and policy requirement / implications are underpinned by the preventative spend agenda. In addition to improving outcomes for young people through staying in care longer, there is a reduction in the longer-term associated costs of alternative accommodation and placements.

### **7.6 Involving Communities and Other Stakeholders**

The Children and Young People (Scotland) Act 2014 and the key parts of the legislation have involved wide consultation with a number of stakeholders.

### **7.7 Ensuring Equalities**

The commitment of a dedicated resource / team to drive change will reduce the current inequalities that exist between care leavers and their wider peers.

### **7.8 Supporting Sustainable Development**

The rationale for the legislative and political change is to ensure outcomes for care leavers are improved.

### **7.9 IT Issues**

Not applicable as there are no identified IT implications arising from this report.

## **8 Recommendation**

It is requested that Cabinet:

- Note the content of this report regarding meeting the requirements of the Children & Young People (Scotland) Act 2014, Parts 9-14.

**Date:** 09 May 2016

#### **Report Contact:**

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#### **Background Papers:**

None

## **Creation of a Pan Scotland Local Authority Business Loan Fund – Progress Update**

### **Report by Ian Johnson, Head of Communities and Economy**

#### **1 Purpose of Report**

- 1.1** The purpose of this report is to provide an update on progress with the proposed creation of a Pan Scotland Local Authority Business Loan Fund and to outline the course of action that has been taken, to date, in terms of Midlothian Council's proposed participation in the new Loan Fund.

#### **2 Background**

- 2.1** At its meeting on 3 March 2015, Cabinet considered and approved the content of a report entitled 'Proposed Creation of a Scottish Local Authority Business Loan Fund'.
- 2.2** The report highlighted that since Autumn 2014, detailed discussions have been underway at national level to create a Pan Scotland Local Authority Business Loan Fund modelled on the successful East of Scotland Investment Fund (ESIF) and the West of Scotland Loan Fund (WSLF). These discussions have involved representatives from the Scottish Local Authorities Economic Development Group, the Scottish Government and the Fund Managers for ESIF and the WSLF. A collective bid from Scottish Local Authorities has been actively encouraged by the Scottish Government. The initial aim was to have the new Fund operational from April 2015, with lending commencing around July 2015. Unfortunately a time lag has been encountered during the setting up process due to delays regarding the availability of European Structural Funds support and the Scottish Government tendering process. It is now unlikely that the Loan Fund will be open for business until early July 2016, at the earliest.
- 2.3** The proposed new Scotland wide fund will build on the existing East of Scotland and West of Scotland Loan Funds. Midlothian Council has been involved in ESIF since its inception in 2010. ESIF comprises nine Councils which have worked together to provide loan finance to new and growing businesses within the East of Scotland. The Council's Economic Development Manager has served as a member of the ESIF Board and also it's Corporate Working Group.
- 2.4** The West of Scotland Loan Fund has operated since 1996 and together with ESIF, these Funds have made a substantial contribution to economic development and business support / growth in East and West Scotland in line with national, regional and local strategies.
- 2.5** The current state of play with the establishment of the new Fund is that on 5 January 2016, the tender for the "Fund Managers Service for the Scottish Government" was published in the Official Journal of the European Union (OJEU) and on the Scottish Government's Public Contracts Scotland website. The Scottish Government is seeking to competitively select up to six organisations to become Fund Managers, with at least one Fund Manager for microfinance, at least one for debt finance and at

least one for early stage equity. Business Loans Scotland is targeting the debt finance strand. The Scottish Government held an Open Day on the procurement process on 15 January 2016 and on 3 February 2016 a Pre Qualification Questionnaire (PQQ) was submitted to the Scottish Government by Business Loans Scotland. On 11 March 2016, the Scottish Government advised that Business Loans Scotland had been successful in qualifying from the PQQ stage of the Fund Managers Service. The tender was released on 21 April 2016 with a closing date of 26 May 2016. Subject to a successful tender, the Fund has a potential start date of 01 July 2016 running until 31 December 2018, a timescale of 30 months to deliver the full value of the Fund.

- 2.6** Once fully established and operational, the Scottish Local Authority Business Loans Fund Limited will be a consortium of Scotland's 32 Local Authorities, incorporated as a company limited by guarantee and providing loan finance of up to £100,000 to new and growing small and medium sized enterprises across Scotland.
- 2.7** Details of the proposed operation of the new Loan Fund, a draft Business Plan 2015-18 and a Members Agreement in respect of the operation of the new Fund have been placed in the Members' Library. It should be noted that the documentation is subject to ongoing review and refinement prior to the launch of the new Fund.
- 2.8** Key points to note from the new Fund documentation include:
- a new company, limited by guarantee, has been incorporated in December 2014 with the name Scottish Local Authority Business Loan Fund, with the option to trade as Business Loans Scotland.
  - a Members Agreement and new Articles of Association have been drafted for adoption by the new company. These documents will regulate the running of the new company. Copies of the documentation have been scrutinised and approved by staff in the Council's Legal Section.
  - the existing business and assets of the West of Scotland Loan Fund and the East of Scotland Investment Fund will be transferred to the new company.
  - any cash contained within the West of Scotland Loan Fund and the East of Scotland Investment Fund, together with monies received from debtors in these companies will be transferred to the new company. **It is emphasised that monies allocated to a Local Authority will be held exclusively for that Local Authority. Additional funds are not being requested from the Council for Business Loans Scotland;**
  - the new Loan Fund is seeking to benefit from an award of circa £ 6 million from the European Regional Development Fund. Matched with funding from a Bank Term Loan (to be advised) of circa £ 4.5 million and financial contributions from Member Authorities totalling circa £4.5 million, a Loan Fund of circa £15 million will be created to be invested over a contract length period to 31 December 2018. Annually, the Fund will have the capacity to invest circa £5.5 million, support circa 150 businesses and help create over 600 new jobs;
  - the Fund and its Local Authority members will operate across three regional delivery areas covering the whole of Scotland. These are East, West, and Highlands and Islands areas; and

- the Fund's governance structure will consist of five elements:
  - i) The Board of Directors.
  - ii) Corporate Governance Working Group.
  - iii) Regional Management Group.
  - iv) Regional Investment Panels.
  - v) Regional Officers Groups.

The Council's Economic Development Manager represented the Council at a meeting of the Business Loans Scotland Regional Management Group on 21 April 2016. Four Director nominations were sought to cover the undernoted East of Scotland areas:

- Fife
- Edinburgh and the Lothians
- Forth Valley
- Aberdeen / Angus / Dundee / Perth and Kinross

It is likely that Edinburgh and Lothians will be represented by an Elected Member or Senior Officer from The City of Edinburgh Council. With regard to Midlothian Council involvement in the governance arrangements for Business Loans Scotland, it is recommended that the Council's Economic Development Manager represents the Council on the Regional Management Group, the appropriate Regional Investment Panel(s) and the appropriate Regional Officer Group(s).

- 2.9** As is the current practice with ESIF applications made to the Council, the initial Business Loans Scotland application appraisal will be undertaken by suitably trained / briefed Business Gateway staff members from this Council's Economic Development Section. An appropriate report will be prepared for Cabinet recommending approval or rejection of the loan application. In line with the Fund's (draft) Articles of Association and Members Agreement, final decisions for loans between £50,000 and £100,000 will be the responsibility of the (to be formed) Regional Investment Panels.
- 2.10** The new Fund will use a web based online loan application system, allowing loan applications, appraisals, compliance checking, approval, drawdown, customer care and monitoring to be undertaken online. Appropriate staff training will be required, in due course, to effectively utilise these systems.

### **3 Report Implications**

#### **3.1 Resource**

In terms of human resource implications, participation in the new Fund will be undertaken by Economic Development Section staff, particularly those staff working on Business Gateway issues, in close liaison with Council officer colleagues and the managing body for the new Fund. Business Gateway staff will be involved in loan application appraisal and monitoring.

In addition, it is recommended that the Council be represented by the Economic Development Manager on the undernoted Business Loans Scotland governance groups:

- Regional Management Group
- Regional Investment Panel(s)
- Regional Officer Group(s)

With regard to financial resource implications, the (draft) Business Plan 2015-18 for the new Local Fund highlighted an ambition to put in place an overall Fund of circa £18 million. This figure has been revised downwards, due to delays in setting up the Fund which has reduced the effective operating period to around two and a half years, to circa £15 million and comprises:

- Circa £6 million European Regional Development Fund support;
- Circa £4.5 million Bank Term Loan (to be advised) funding support; and
- Circa £4.5 million Member Authorities funding support.

It is anticipated that each Council will transfer the balance from its current business loan accounts into the new Fund. For Midlothian this would comprise funds currently held in its East of Scotland Investment Fund. Figures highlighted in the Members Agreement, recently prepared by Wright, Johnston and Mackenzie (Solicitors) on behalf of Business Loans Scotland show that Midlothian's anticipated size of Fund is likely to be circa £485,000. This sum includes a Midlothian ESIF balance transfer of circa £145,500 to Business Loans Scotland. The Midlothian balance will be further topped up with a share of European Regional Development Fund support amounting to circa £194,000 and a share of Bank Term Loan funding. Once a contribution has been made towards the overheads incurred in running Business Loans Scotland, it is anticipated that the net amount available for lending in Midlothian will be circa £447,000. It should be noted that these figures are very much indicative at this stage and may well be subject to change. However, they provide a guide as to what sum is likely to be available for future Business Loan Scotland lending in Midlothian. Indicative loan targets have also been set out for Midlothian in the Members Agreement and these are as follows:

- 2016 - £ 89,361
- 2017 - £ 178,723
- 2018 - £ 178,723

It should be noted that these are very much indicative figures at this stage and may well change.

### **3.2 Risk**

There is a risk that the Council's failure to participate in the new Loan Fund will reduce the potential access to loan funding to enable Midlothian based businesses to develop and grow. Midlothian Council's participation in ESIF has been active since December 2010.

In any loan scheme of this nature, there is an inherent risk that businesses will default on loan payments. This risk will be mitigated by rigorous credit checks, due diligence controls, the taking of appropriate security and regular after care monitoring visits. The (draft) Business Plan for the new Fund proposes the implementation of a debt management policy with the aim of acting swiftly to safeguard the interests of the Fund.

There is also a relatively low risk that Business Loans Scotland will not come into operation if the tender for the work is lost. If that eventuality did occur then the ESIF and WSLF Boards would have to reconvene to consider an alternative course of action. One option might be the continuation, in some shape or form, of both Loan Funds.

### **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**

A supportive business environment is a strategic priority highlighted in the Scottish Government's Economic Strategy. The Strategy includes the provision of advice and support to help small and medium sized enterprises grow. This supports Ambitious Midlothian (Midlothian Economic Recovery Plan) and the Single Midlothian Plan 2016/17 by contributing to economic growth and business support within Midlothian.

### **3.5 Adopting a Preventative Approach**

In assisting businesses to grow, the new Loan Fund may save the business from ceasing to trade and may, as a consequence, safeguard jobs as well as create them.

### **3.6 Involving Communities and Other Stakeholders**

Appropriate consultation has been undertaken with other Council staff during the preparation of this report. Once the new Loan Fund is operational, staff from the Fund management body will be fully consulted throughout the application process and be fully advised of caseload developments.

### **3.7 Ensuring Equalities**

Appropriate checks will be undertaken to ensure that applicants comply with employment legislation.



### **3.8 Supporting Sustainable Development**

All businesses participating in the new Loan Fund will be informed about services to enable their uptake of good environmental practice. This has been standard practice during the operation of ESIF. Relevant schemes include the Green Ticks scheme operated by the Business Partnership. The proposed funding model for the new Loan Fund consists of investment in the Fund by Member Authorities, a Bank Term Loan (to be advised) and the European Regional Development Fund. The proposed revolving nature of the new Fund, consisting of capital and interest loan repayments, will help to ensure its sustainability as successive generations of borrowers meet their debt obligations to the Fund.

### **3.9 IT Issues**

There are no IT issues although it should be noted that it is planned that the new Fund will use a web based online loan application system. It is not anticipated that this will pose any problems from an IT perspective.

## **4 Recommendations**

### **4.1 It is recommended that Cabinet:**

- notes progress with the proposed establishment of a Pan Scotland Local Authority Business Loan Fund;
- agrees that the Council continues to fully participate in the proposed establishment of a Pan Scotland Local Authority Business Loan Fund;
- agrees that the Council's Economic Development Manager represents the Council's project governance interests on the Business Loan Fund Regional Management Group, appropriate Regional Investment Panel(s) and appropriate Regional Officer Group(s).
- approves, at the appropriate time, transfer of existing balances in the East of Scotland Investment Fund account, and the Midlothian Business Loan account, to the new Pan Scotland Local Authority Business Loan Fund; and
- requires that further progress reports be submitted to Cabinet to advise on the establishment, development and operation of the proposed new Pan Scotland Local Authority Business Loan Fund.

**4 May 2016**

#### **Report Contact:**

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Tel No 0131 271 3431

#### **Background Papers:**

Scottish Local Authorities Business Loan Fund



**Lothian Joint Health Protection Plan 2016- 2018****Report by Director, Education, Communities and Economy****1 Purpose of Report**

This report asks the Cabinet to approve the Lothian Joint Health Protection Plan (JHPP) for the period 2016/2018.

Having regard to the size of the document a copy of the Plan has been made available in the Members' Library.

**2 Background**

**2.1** Section 7 of The Public Health etc. (Scotland) Act 2008 requires that, in conjunction with the relevant Local Authorities, the Health Board must prepare a Joint Health Protection Plan for its area. The guidance relating to the implementation of the Act requires that such plans are formally submitted to the relevant Local Authority Committee for approval and Members will recollect that previous plans have been brought before Cabinet for approval.

**2.2** The Plan has been developed through a consultative process via a working group comprising NHS Lothian's Director of Public Health and Health Policy, a Consultant in Public Health Medicine and the Chief Officer(s) Environmental Health of the City of Edinburgh, East Lothian, Midlothian and West Lothian Councils.

**2.3** The plan aims to:

- Provide clarity about which agency and persons have overall responsibility in protecting the public health.
- Ensure preparedness and enhance co-operation among agencies in combating major emergencies, for example bioterrorism and lessons from Severe Acute Respiratory Syndrome (SARS).
- Resolve gaps and uncertainties in the adequacy of statutory powers that might be required for communicable disease control particularly for emerging hazards, for example early interventions in avian or pandemic flu.
- Update the principles and concepts underpinning public health legislation for the twenty-first century to reflect changes in public health ethics and values, new scientific developments and the response to globalisation.

**2.4** There is a statutory duty that the Plan is to be a public document published by the relevant NHS Board on their website and made available on request. Reference to the plan will be made on the Midlothian Council website with a link to the Lothian Health website.

### **3 Report Implications**

#### **3.1 Resource**

There are no known additional resource implications (human or financial) arising from this report at this time.

#### **3.2 Risk**

Environmental Health is a statutory function and the JHPP is produced in pursuance of the requirements of the Public Health etc. (Scotland) Act 2008. Failure to fully contribute to the production, publication and delivery of a Joint Health Protection Plan for the relevant NHS area would leave the local authority open to the challenge of failing in its statutory duty.

#### **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**

Due to the wide ranging health implications, the Joint Health Protection Plan contributes across the Midlothian Council and its Community Planning Partners key priorities.

The plan specifically contributes to:

- i) the Community Safety Partnership vision that Midlothian is a safe place to live, work, visit and grow up in; and
- ii) addressing health inequalities and strengthening the provision of local health services.

#### **3.5 Impact on Performance and Outcomes**

The JHPP is a statutory requirement that seeks to deliver those aims listed in paragraph 2.3 above. To facilitate this a Joint Health Protection Action Plan is contained at Appendix II of the JHPP.

#### **3.6 Adopting a Preventative Approach**

The JHPP is focused on partnership working through activities, resources and support that strengthen the skills, abilities and confidence of organisations to take effective action.

It contributes to ensuring that emerging situations covered by the plan have swift intervention to prevent crises escalation.

#### **3.7 Involving Communities and Other Stakeholders**

This plan was developed utilising a consultative process which engaged NHS Lothian, Midlothian, City of Edinburgh, East Lothian and West Lothian Councils.

#### **3.8 Ensuring Equalities**

An EqIA has been completed for the JHPP. There are no equalities implications arising.

#### **3.9 Supporting Sustainable Development**

There are no sustainability implications arising from this report.

### **3.10 IT Issues**

There are no IT issues arising from this report.

## **4 Recommendations**

It is recommended that Cabinet:

- (a) approves the Lothian Joint Health Protection Plan(JHPP) 2016/18, and
- (b) remits the JHPP to the Chief Executive to sign off on behalf of Midlothian Council.

**25 April 2016**

**Report Contact: Edel M Ryan**

**Name Tel No 0131 271 3742**

**E-mail [edel.ryan@midlothian.gov.uk](mailto:edel.ryan@midlothian.gov.uk)**

### **Background Papers:**

The Public Health etc (Scotland) Act 2010.

[http://www.opsi.gov.uk/legislation/scotland/acts2008/asp\\_20080005\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2008/asp_20080005_en_1)

JHPP Guidance 2009 - specifically Annex D.

<http://www.scotland.gov.uk/Topics/Health/NHS-Scotland/publicact/Part1Guidancefinal/Q/EditMode/on/ForceUpdate/on>



**Environmental Health Food Service Plan 2016/17****Report by Director, Education, Communities and Economy****1 Purpose of Report**

To advise Cabinet of the Environmental Health Food Service Plan for 2016/2017 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 the FSA with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity and defines a Local Authority's responsibilities in delivering a 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 Food Service Plan for 2016/2017 is attached as Appendix A. An overview of service performance against the 2015/16 Food Service Plan is attached as Appendix B.  
The provisions of the Plan reflect the planning and delivery requirements of feed and food official controls, based on the existing statutory Code of Practice.

**3 Report Implications****3.1 Resource**

There are no budget implications arising from the Plan that cannot be met from within the existing food safety revenue budget.

**3.2 Risk**

Environmental Health and Trading Standards are statutory functions and this Plan is produced in pursuance of these functions. Failure to produce and implement a food service plan leaves the local authority open to the challenge of failing in its statutory duty.

**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 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**

This plan seeks to increase the percentage of food businesses 'broadly compliant' with food safety legislation.

### **3.6 Adopting a Preventative Approach**

Through the implementation of the Food Service Plan Midlothian Council delivers a statutory function and ensures that services are targeted and focused to the most high risk food premises thereby aiming to prevent crises through timely intervention.

### **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**

As this report does not involve the creation of new or amended strategy or policy no equalities impact assessment has been required.

### **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. Recommendation**

It is recommended that Cabinet approves the Environmental Health Food Service Plan 2016/17.

**Date: 25 April 2016**

### **Report Contact:**

Edel Ryan, Environmental Health Manager

Tel No 0131 271 3742

[edel.ryan@midlothian.gov.uk](mailto:edel.ryan@midlothian.gov.uk)

### **Background Papers:**

Background papers: Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities

### **Food Service Plan 2016-2017**

#### **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 safe to eat. We also check that food is described in a way that allows the consumer to make informed choices about what they eat.
- 1.2 The Service carries out the statutory duties which are required of Midlothian Council as a Food Authority.
- 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 well the service carries out its work. These indicators are:
  - the percentage of planned food premises inspections achieved
  - as an outcome measure, the percentage of businesses deemed to be broadly compliant with food legislation.
- 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 2016 to 31st March 2017.

#### **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 experiencing higher than the Scottish average for population growth and housing development. The Council is one of the smallest in Scotland covering a geographical area of 35,527 hectares. Midlothian 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. Rates of unemployment are higher than in other parts of Scotland. 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 population centres are Dalkeith, Bonnyrigg and Penicuik but much of the area is rural in nature with small towns and villages.

### 2.2 Scope of the Food Safety Service

The Environmental Health Food and Safety team carry out a range of activities to meet the requirements of the Service plan. These include regulating food businesses through:

- The regular inspection of food premises for food hygiene and food standards.
- The approval and licensing of certain premises.
- The sampling of food and animal feedstuffs to check on microbiological quality and composition.
- 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.

In addition the Food and Safety team has responsibility for the enforcement of the Health and Safety legislation in many premises in the Midlothian area and contributes to the licensing and regulation of other premises and activities.

The food hygiene and standards elements of the service are delivered by Environmental Health Officers and Food Safety Officers supported by dedicated service administrators. The feeding stuffs element is dealt with by Trading Standards Officers.

The field staff of the Food Service are based at Fairfield House 8 Lothian Road, Dalkeith, EH22 3ZN - Tel 0131 271 3559.

Midlothian Council office hours are: 9-5pm Monday to Thursday and 9-3.45pm Friday. However, the service carries out a significant amount of inspection work “out of hours” in order to access businesses which open in the early mornings, evenings or at weekends.

Outwith these hours contact for emergency purposes is on an ad-hoc “whom-failing” response commencing with the Head of Communities and Economy via the Midlothian Contact Centre - Telephone number 0131 663 7211. Fax Number 0131 271 3246.

The organisational structure, lines of responsibility and establishment of the Environmental Health and Trading Standards sections are illustrated in Figure 1 below.

### 2.3 Staffing Allocation

The amount of time spent by the current number of staff in the Food and Safety Team directly on food law enforcement and related matters equates to approximately 3 full time equivalents (FTE).



## 2.4 Financial Allocation for Food and Safety Team\*

Direct Staffing costs	130570
Inspection Services equipment and maintenance costs	3329
Provision for scientific services	34500
Total	168399

\* *proportion of total budget attributed to 3 FTE for food service*

## 2.5 Staff Development

Food Safety service staff are subject to the Council's appraisal process – Making Performance Matter -which sets and monitors individual performance targets and identifies training and development needs. 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.

## 2.6 Service User Profile

As of 1 April 2016 there were 762 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). There are 7 premises located in the area Approved for the manufacture and supply of food to national and international markets. Currently the non-English speaking population is relatively small but regular use is made of a translation service (particularly for the Chinese food business community) and guidance and information in other languages is provided whenever possible.

## 2.7 Policy on Enforcement

The Authority has a documented food enforcement policy (last reviewed March 2015) that sets out how the food service will deal with infringements of the legislation and will intervene to bring the operation back into compliance. We regulate the activities of food businesses through a mix of enforcement and advisory action. Our efforts are targeted at those of the food business community who present the greatest risk to consumers.

## 2.8 Safe Food and Compliance with the Law

Central to the regulation of food businesses is the concept that the activities of the business are assessed on the basis of the risk they present to consumers. We are required to subject higher risk premises to regular "Official Controls". The greater the risk, or potential risk, the more resources the Service directs to those operations. This means those premises are inspected or audited at more frequent intervals and may have their food products sampled. Lower risk premises may be subject to inspections if resources allow for it or they come to our attention, e.g. through complaint.

The Food Hygiene Information Scheme (FHIS) has been running in Midlothian since October 2010. The Scheme uses our assessment of the risk of the food operations in a business to classify it as having PASSED the last inspection or needing

**IMPROVEMENT.** To obtain a PASS classification a business must be broadly compliant with the law. Broad compliance measures the parameters from the risk assessment which look at hygiene practices, physical structure and confidence in management. Since these are areas where we can intervene to improve matters we use the percentage of businesses that are broadly compliant as one measure of our effectiveness.

Food business operators are given a certificate to display on their premises informing the consumer of their FHIS status. Display is at the discretion of the food business operator. The results for all businesses subject to the scheme are published on the Food Standards Agency Website ( <http://www.foodstandards.gov.scot/fhis/search>)

A PASS classification has been adopted as one of the criteria for a business to be listed in the Midlothian Food and Drink Directory.

About 83% of Midlothian food businesses are part of the scheme and of those 84% have a PASS status.

### 2.9 Food Standards Scotland

Food Standards Scotland(FSS) has now been established for 12 months. It is currently developing its strategic priorities which it proposes will deliver the outcomes;

“Food is safe and authentic; consumers have healthier diets; responsible food businesses flourish; FSS is seen as a trusted organisation which is efficient and effective”

FSS is developing capacity in relation to tackling large scale food fraud and closer working with local food regulators is anticipated. FSS will also revise the Food Law Code of Practice – the document which Local Authority food regulators use as a basis for decision making when enforcing food law. The nature of the audits of local authorities by FSS is likely to change possibly with a greater emphasis being placed on “reality” checking – that is auditors may make more visits to businesses previously inspected. Further tools for securing compliance are also being considered. The FHIS may move to a mandatory basis and the effectiveness of licensing food businesses and of having fixed penalty notices for contraventions are all being actively reviewed.

3 Service Objectives

## 3.1 Inspection work

At the end of March 2016 81.7% of premises were broadly compliant with Food Hygiene legislation. For this plan it remains the intention of the Service to increase the percentage of broadly compliant premises as follows:

**Objective 1 Improve the % of premises which are broadly compliant for Hygiene to 84%**

**Objective 2 Improve the % of premises which are broadly compliant for Food Standards to 75%**

The Service will carry out the following planned inspection work;

**Objective 3 Complete programmed Food Hygiene inspections or audits**

Planned Food Hygiene Inspections		
Premises Risk Rating	Inspection Target	Number of planned inspections
A	100% of High risk	12
B		72
C	95% of Medium risk	133
D	70% of low risk	103
New premises	100%	30
Outstanding missed inspections high and medium risk		7
Total		357

**Objective 4 Complete programmed Food Standards inspections or audits**

Planned Food Standards Inspections		
Premises risk rating	Inspection Target	Number of planned inspections
A	100% of High	2
B	100% of Medium	40
New premises	100%	30
Outstanding missed inspections medium risk		5
Total		77

**Objective 5 Carry out Alternative Intervention at low risk food premises**

Where a premises presents a very low risk to the consumer i.e. those rated as “E” for food hygiene and “C” for Food Standards we will not normally carry out a routine inspection. This reduces the regulatory burden on the business and allows us to direct resources to higher risk operations. Self-assessment questionnaires are sent to premises as an alternative to carrying out an inspection. Where self assessment questionnaires

indicate a significant change in the food operations at the premises or assessments are not returned, the premises is likely to receive an inspection. We may also inspect if we receive a complaint about a premises.

Premises risk rating		Number of premises
Food Hygiene	E	41
Food Standards	C	81

### 3.2 Food Sampling

The sampling of food for microbiological and chemical contamination and for analysis of the ingredients forms an important part of the work of the Service. It provides “end point” monitoring of food safety and the standards of food production. Samples submitted for analysis of their ingredients are often also assessed on the legality of their labeling. There has been increasing emphasis nationally on surveillance for meat and fish species substitution and of alcohol. There are areas where organised criminals are operating more frequently. The Service samples food from outlets within the district and participates in local and nationally organised food sampling campaigns whenever resources allow.

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.

Food Standards Scotland have been working more closely with local food authorities on sampling directed at priorities identified by its intelligence gathering activities. This work is resourced by FSS and organised in collaboration with the Public Analyst. At the time of writing surveys had not been finalised.

The Service plans to take the following samples provided resources allow for it;

**Objective 6 Complete Sampling from Approved Premises**

Sampling from Approved premises		
Food Sampled	Samples for Microbiological Examination	Samples for Chemical Analysis
Processed Milk	6	6
Cream	2	2
Meat Products	3	3
Pizzas and Ready Made Meals	5	5
Savoury dumplings	3	6
Haggis/Savoury Puddings	3	3
Fish	3	3
Pate	1	1
Water used as an ingredient	5	5
Raw milk from production holdings	4	4
Total	35	38

**Objective 7 Complete other targeted sampling**

Food Sampled	No samples	
	Microbial contamination	Chemical Contamination or composition
Cooked sliced meats from manufacturing butchers	4	4
Fresh Cream products from manufacturing bakers and retailers	4	4
Pre-packed sandwiches from Supermarkets	4	4
Sandwiches from sandwich makers	10	6
Ready to eat foods including meals from takeaway premises	20	10
Meals from care premises	10	6
Following Food Complaints	8	8
Packed on premises Vacuum packed foods	10	10
Curry sauce from Chinese style takeaways	10	10
Total	<b>80</b>	<b>62</b>

### **Objective 8 Complete contributions to National sampling surveys**

Foodstuff proposed for sampling	Reason
Non pre-packed fruit and vegetables	Microbiological contamination 20 samples
Noodles and rice dishes	
Unpasteurised cheese	
Ready to eat fish and shellfish	
Grated cheese	
Fruit and vegetable smoothies	
Herbs and spices	Undeclared allergens, colours or preservations species substitution 32 samples
Ethnic breads	
Cakes and tray bakes	
Burgers and sausages	
Meat pies	
Sauces, batters and rice dishes	
Curries, kebabs, meals containing meat	
Fish	

### 3.3 Reactive work

A proportion of the Service's work relates to dealing with requests for service about matters relating to food safety. Approximately 400 requests are received each year.

Requests may relate to such things as;

- Complaints about food that people have bought or consumed
- 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 or premises selling alcohol
- Scrutinising planning applications and building warrants received by the Council relating to food premises and offering advice to applicants regarding premises layout, fittings and so on
- 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

### **Objective 9 Commence investigation of 100% of requests for service made to the service about food and food premises within target working days**

### 3.4 Liaison with Other Organisations

As all Food Service Officers are appointed as investigators under the Public Health etc. (Scotland) Act 2008 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. The service may be required to act in partnership with the 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.

The Food Service is represented at the Lothian and Borders Food Liaison group which meets at approximately two monthly intervals. The group has representation from the Public Analyst and members who attend the Scottish Food Enforcement Liaison Committee (SFELC). Regular liaison also takes place with NHS Lothian's Health Protection Team and Scottish Water on matters of infection control and with the Care Inspectorate.

### 3.5 Enforcement Activity

Food inspectors authorised by the Council have a wide variety of powers to secure compliance with the food safety legislation and to investigate disease related matters. These powers include the service of legal notices, reporting businesses to the Procurator Fiscal and issuing Approvals to manufacturers.

### 3.6 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;

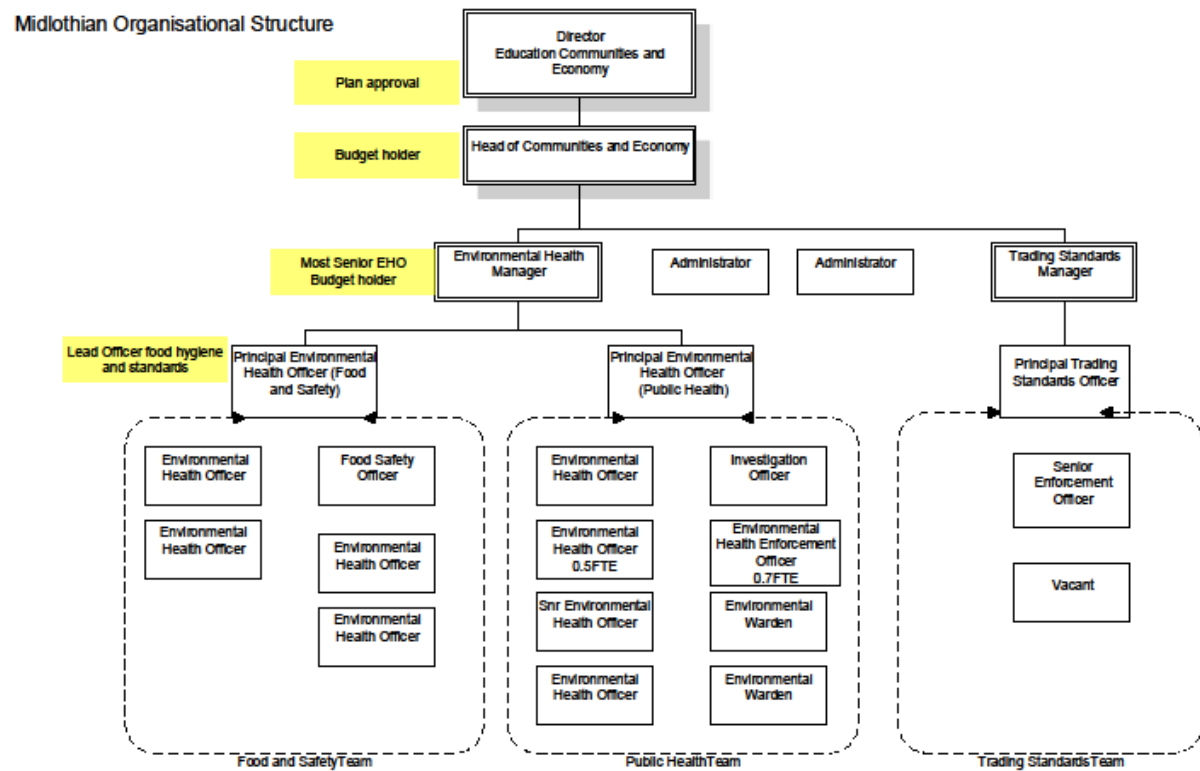
- Continually review our operational procedures to improve our service delivery and to take into account legislative and practice changes.
- Evaluate the consistency of our inspections against our procedures through activities such as accompanied inspections by senior inspectors, team meetings and review 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 the Food Standards Scotland.
- Survey businesses which 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**

# Midlothian Council Food Service Plan 2016-2017



**Figure 1 Organisational Structure**



April 2016



Table 1 Mapping of Food Service activity to Midlothian Single Plan outcomes

<b>Food Service activity</b>	<b>Single Plan Outcome</b>		
	<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.	✓	✓	✓

# Midlothian Council

## Food Service Plan 2016-2017



Table 2 Midlothian Food Businesses

Type of food business	No of businesses
Ancient monument/visitor attraction	1
Army Barracks / Premises	1
Bakehouse	2
Bakehouse - Manufacturing	1
Bakehouse-Manufacturing	3
Bed and Breakfast	4
Bingo Hall	1
Bookmaker with food	1
Bowling Club	1
Brewery	2
Builders Merchant	1
Butcher - Manufacturing	5
Butterfly Farm	1
Cafe	30
Cake decorator/retailer	2
Care Home - Nursing	8
Care Home - Residential	19
Care in the Community Premises	5
Cash and Carry	1
Caterer	11
Childcare, playgroup, nursery - private	30
Childcare, playgroup, nursery -LA	31
Childminder	37
Church with food	23
Club	3
Community Building/Church Hall	13
Confectionery manufacturer	2
Dairy - Pasteurising	1
Day Care - Elderly / Disabled	3
Distribution - Food	10
Domestic Premises based food business	23
Educational Establishment kitchen	2
Factory Kitchen/Staff Canteen	2
Farm - Arable	1
Farm - Milk production holding	5
Farm shop	2
Fishmonger (other than retail)	5
food basket/sandwich retail	1
food distributor - water	1
Food Manufacturer	7
Food Packer or repacker	1
Golf - Driving Range	1
Golf Course	5
Haulier	1
High School kitchen	5
HMO with food	6
Hospital Kitchen	2
Hotel/Guest House	17
Importer	1

# Midlothian Council

## Food Service Plan 2016-2017



Kitchen	4
Licensed Club	34
Market Garden / Pick your own	1
Market trader	5
Materials and Articles Manufacturer/ Sup	1
Midlothian Council Cafe	2
Midlothian Council Community Centre	3
Midlothian Council Day Care for Elderly	2
Midlothian Council Leisure Centre	3
Midlothian Council Residential Care Home	5
Mini market	1
Mobile Shop - Caterer	26
Mobile Shop - Food Retailer	23
Offices - Large with staff canteen	1
Off-Sales	2
Outside Caterer	4
Park pavilion	2
Petrol Station with food	6
Post Office with food	2
Primary school kitchen	30
Private Leisure Centre	1
Public House - Full Catering	17
Public House - Snacks	19
Removals/Haulage	2
Restaurant	39
Retail - Baker	10
Retail - Butcher	2
Retail - Clothes Shop	1
Retail - Craft Shop	1
Retail - Deli	1
Retail - Fishmonger	1
Retail - Food	46
Retail - Freezer Shop	2
Retail - Greengrocer	3
Retail - Haberdashery	1
Retail - Miscellaneous	6
Retail - Newsagent, Confectionery/snacks	14
Retail - Pharmacy/Chemist	17
Retail - Stationery	1
Sheltered Housing with food	2
Sports Ground	3
Supermarket	15
Takeaway Asian style	5
Takeaway Chinese style	20
Takeaway Fish and Chips only	5
Take-Away mixed styles	26
Theatre, Museum, Galleries	1
Warehouse - Food	3
<b>Grand Total</b>	<b>762</b>

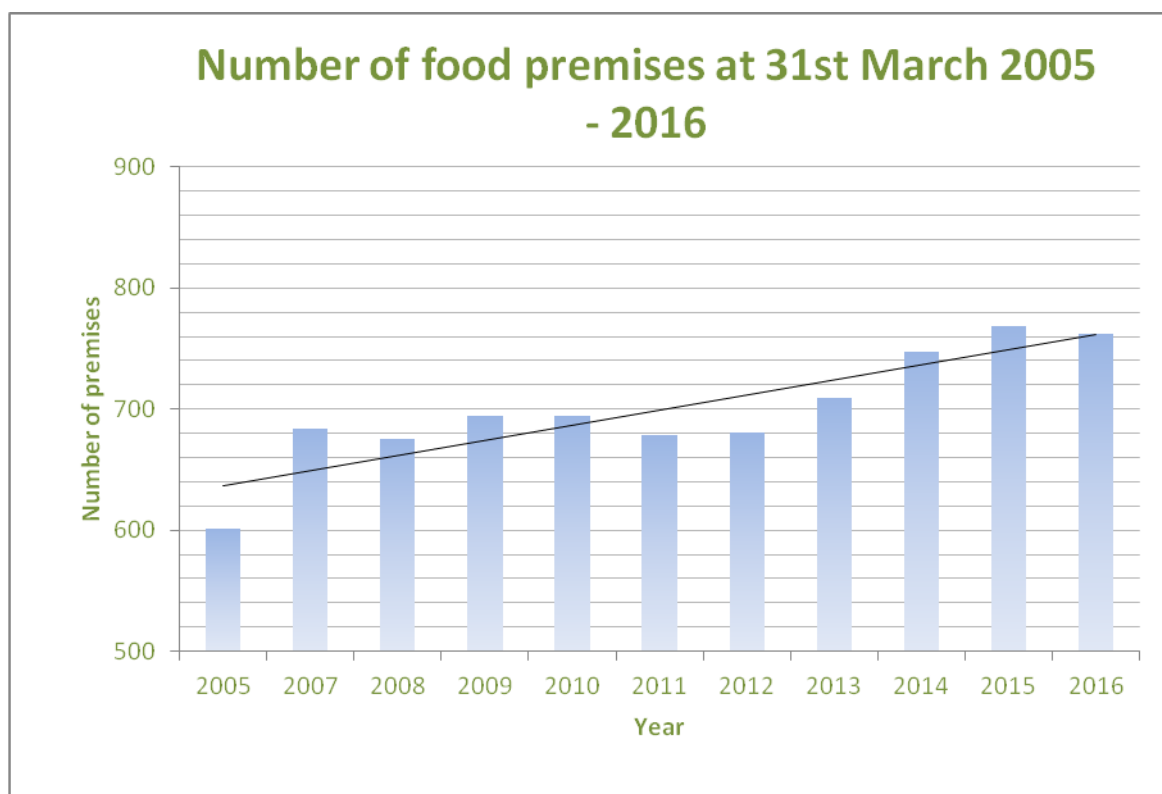


### Midlothian Food Safety Enforcement Service Plan Review 2015-2016

#### 1. Introduction

- 1.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities between local authorities issued by the Food Standards Agency requires food authorities to report 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 the Food Service plan for the period 1 April 2015 to 31 March 2016.
- 1.3 There were no audits of the Food Service by Food Standards Scotland during the 2015-16 plan.
- 1.4 The service was deprived of three long standing members of staff over the course of the year. Protracted recruitment exercises were required throughout 2015 to find suitable candidates and the establishment was finally filled in January 2016.
- 1.5 In May 2015 the service disengaged fully from the pilot partnership project with East Lothian Council to manage the Environmental Health services across both authorities.
- 1.6 The service contributed to the Community Safety and Economic Growth outcomes of the Midlothian Single Plan and provided its food related public protection functions by the following mechanisms;
  - The inspection of food premises 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.
- 1.7 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. 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.
- 2.0 Premises profile
- 2.1 **As of 31 March 2016 there were 762 registered food businesses in Midlothian** (Figure 1). Overall the trend continues to show a very gradual rise in the number of premises.

Figure1

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

A simple analysis of the change in food premises types between April 2007 and April 2016 (see Table 1) suggests that numbers in most sectors have remained fairly static. The net positive change in numbers the last 10 years has been in single figures. Childminding and home based food businesses appear the areas that have seen expansion which reflects the demands from the growing population in the area. Our Approved manufacturers are likely to increase slightly in number.

**Table 1****Change in % of food premises between April 07 and April 15**

Type of premises	April 07	April 13	April 14	April 15	April 16	% change in numbers
Bake houses	9	6	5	3	4	-56%
Bed and Breakfast	12	7	7	7	5	-58%
Butcher – Manufacturing	9	6	5	4	5	-44%
Café	42	24	31	33	37	-16%
Care Home - Nursing/Residential	35	25	35	33	31	-11%
Caterer	26	12	15	19	13	50%
Childcare services, Playgroup, Nursery - private and LA	66	78	58	60	64	-3%
Childminders	12	37	30	35	45	+275%
Educational Establishment kitchen	54	35	37	37	37	-32%

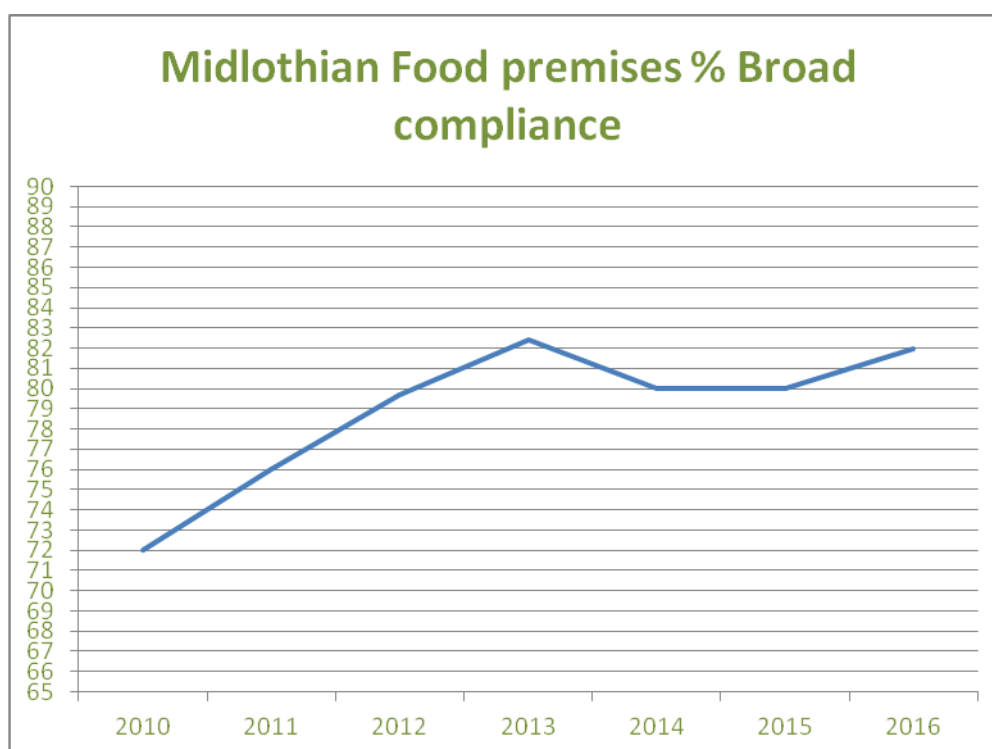
**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

Home Caterer/Domestic Premises based	4	26	30	28	<b>24</b>	+500%
Hotel/Guest House	15	16	18	18	<b>18</b>	+20%
Licensed Club	40	36	37	35	<b>35</b>	-10.3%
Mobile Shop - Caterer/food retail	58	51	52	46	<b>52</b>	-10%
Public House - Full Catering	24	18	19	19	<b>17</b>	-29%
Public House – Snacks	32	23	23	21	<b>20</b>	-37.5%
Restaurant	39	33	32	34	<b>40</b>	+2.5%
Retail – Baker	14	10	11	11	<b>13</b>	-7%
Retail – Butcher	2	2	3	2	<b>3</b>	+50%
Retail - Newsagent, Confectionery	19	12	16	13	<b>18</b>	-5%
Supermarket	14	12	13	14	<b>15</b>	+7. 0%
Take-Away food	71	57	65	59	<b>68</b>	-4%

**3. Premises Inspection**

- 3.1 During the year **the Service carried out 638 visits to food premises** for hygiene and standards inspections.
- 3.2 The proportion of premises which were rated as broadly compliant with the food **hygiene** law following inspection increased only slightly over the previous year's level. However, it should be noted that almost 82% of food businesses are broadly compliant with the food legislation i.e. any contraventions found were not of immediate concern.

Figure 2

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

Overall 6.6% of premises were non-compliant for hygiene, 7.7% for structure and 7.8% for confidence in management. A breakdown of the sorts of business is given in Table 2.

**Table 2 Businesses which were not broadly compliant**

Type of premises	Number of non-compliant premises		
	Area of non-compliance		
	hygiene	structure	Confidence in management
café	7	4	6
hotel/guest house	4	2	3
pubs/clubs	3	1	4
restaurants	5	4	8
retailers	6	6	14
takeaways	18	13	18
others	6	27	5
total	49	57	58

The difficulty with improving on broad compliance involves to a number of factors. There is a level of turnover of businesses. Where a new businesses opens up (or existing ones change hands) this is often without sufficient food safety controls in place. A number of businesses do not become compliant until the food service has become involved with them. Some become non-compliant again between inspections. Premises may operate on the margins of profitability. The food sector is known to be one where there is a high turnover of staff.

The food service has put significant advisory information on the Council website for new businesses. We also scrutinise planning application and building warrant lists to try and pick up businesses prior to opening. Further regulatory tools may help drive up compliance – mandatory display of Food Hygiene Information Scheme certificates, fixed penalty notices



### Midlothian Food Safety Enforcement Service Plan Review 2015-2016

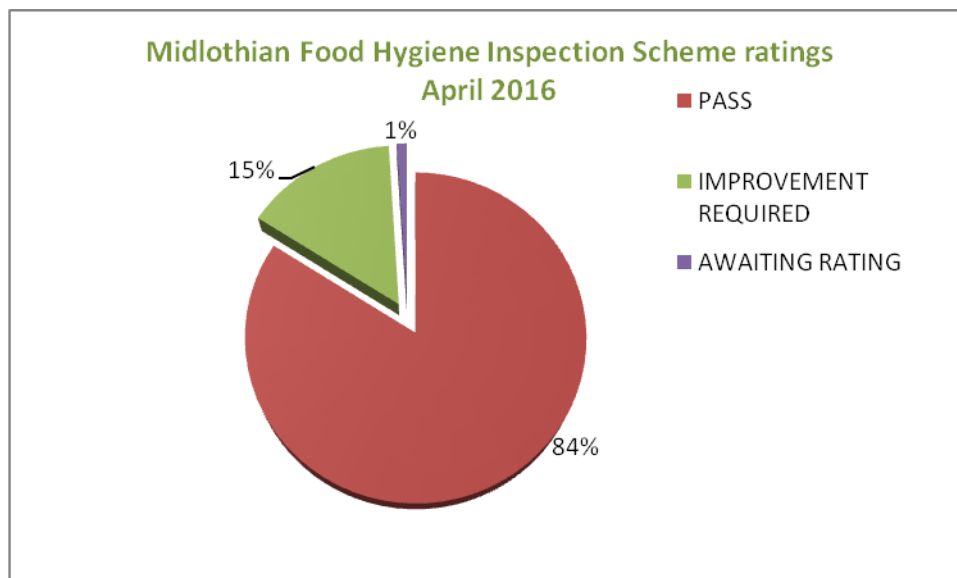
or licences to operate. All are being considered by Food Standards Scotland as part of their review of food regulation.

- 3.3. **The Food Hygiene Information Scheme (FHIS)** was introduced by Midlothian Council during October 2010. It allows consumers to see the assessment made of the business when it was last inspected by the food service. Businesses may 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/>



As of April 2016 all local authorities are operating the scheme in Scotland reporting on the assessment of over 32,000 food premises. Similar schemes operate in the rest of the UK. The Welsh assembly has introduced legislation which makes display of rating certificates compulsory. The 2013 survey of Midlothian premises indicated that only 72% of food businesses awarded PASS certificates were displaying them. This has improved slightly. The FHIS is now part of the Midlothian Food and Drink award scheme and directory in that only businesses with a PASS status will be allowed into the award scheme. The ratings for Midlothian food premises at the end of March 2016 are illustrated in Figure 3.

**Figure 3**



## 4.0 Food Sampling

- 4.1 A total of 203 samples of food were taken for examination or analysis during the service plan. A breakdown of the foods sampled is given in Table 9. About 17% of the samples taken proved to be unsatisfactory. Sampling is often directed at ready to eat foodstuffs which previous experience suggests have the potential to cause harm. This year's 21 unsatisfactory results included instances where vacuum packed foods were being given a use by date in excess of 10 days. Without suitable compositional controls (over acidity, moisture content or salt levels) such extended shelf life foods are at risk of growing botulinum bacteria. There were also cases where the presence of "indicator" bacteria were detected in ready to eat food. These are bacteria whose presence indicates poor handling practices, poor personal hygiene practices and temperature control abuse.

### Midlothian Food Safety Enforcement Service Plan Review 2015-2016

Unsatisfactory results are always followed up by visit or letter to the business concerned to inform them of the matter and to ensure appropriate corrective action is taken. Follow up samples are also often taken. As reported above all failures were for “indicator organisms” and only one of the samples taken by us during the year have failed due to the presence of a potential food poisoning organism. This matter was referred to the Food Authority of the manufacturer.

- 4.2 **76 Compositional samples** were taken to check the make up of food e.g. how much meat there was in a meat pie, the nature and amounts of colouring or additives used, presence of mould toxins or other contaminants, evidence of irradiation or evidence of substitution. Techniques involving DNA extraction now allow the Public Analyst to identify species of meat sold in meat products. Of the results received just over 17% were unsatisfactory. The reasons for the unsatisfactory results are shown below in Table 3.

**Table 3 Unsatisfactory compositional samples**

Foodstuff sampled		Reason
POTTED MEAT x2	READY TO EAT	Botulinum controls not sufficient to justify shelf life
BEEF MINCE	RAW	Illegal preservatives found
STEAK MINCE	RAW	Excess connective tissue
ITALIAN PEPPERONI PIZZA	PROCESSED	Labelling incorrect
COCONUT SQUARE	READY TO EAT	Presence of illegal colourings
BRAISED SAUSAGES & MASHED POTATOES - NURSERY MEAL	READY TO EAT	Insufficient nutrition content for consumer
WELL FIRED ROLLS (X3)	READY TO EAT	Excess acrylamide
PESHWARI NAAN (GROUND ALMONDS)	READY TO EAT	Evidence of peanut contamination found
CHICKEN PAKORA	READY TO EAT	Excess (50%) fat
HAGGIS	PROCESSED	Botulinum controls not sufficient to justify shelf life
WHITE PUDDING	PROCESSED	Botulinum controls not sufficient to justify shelf life
MILK	RAW	Extraneous water

- 4.3 **127 Microbiological samples** were taken to look for the presence of potential food poisoning bacteria and to assess the hygiene of businesses producing foods. The purpose of the business food safety management system is to ensure harmful microbial contamination or multiplication does not take place in the food handled or produced by the business. Food sampling provides a method of checking that a management system is working. Of the samples for which results were received 11% were unsatisfactory. The reasons for the unsatisfactory results are shown below in Table 4.

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016****Table 4 Unsatisfactory microbiological food samples**

Foodstuff etc sampled		Reason
CHICKEN BURGER	Restaurant / Takeaway Food	Elevated colony count – hygiene issues
BAKED POTATO WITH TUNA MAYO	Restaurant / Takeaway Food	Elevated colony count – temperature abuse/hygiene issues
COOKED BEEF ( 3 SLICES)	Meat Products inc Sausages etc	Elevated colony count – temperature abuse/hygiene issues
FRESH CREAM FILLED FINGER JAM DOUGHNUT	Cakes / Confectionary	Elevated colony count – temperature abuse/hygiene issues
MINCED BEEF & POTATO PIE	Meat Products inc Sausages etc	Elevated colony count – temperature abuse/hygiene issues
POTTED MEAT	Meat Products inc Sausages etc	Elevated colony count – temperature abuse/hygiene issues
SPICY BBQ CHICKEN PIZZA	Meat Products inc Sausages etc	Elevated colony count – temperature abuse/hygiene issues
CHOCOLATE ECLAIR (DAIRY CREAM)	Cakes / Confectionary	Elevated colony count – temperature abuse/hygiene issues
TUNA SALAD SUB ROLL	Ready Made Prepared Dishes	Borderline E.coli levels
EGG MAYO FILLED ROLL	Ready Made Prepared Dishes	Elevated colony count – temperature abuse/hygiene issues
HOMEMADE TUNA MAYO SOFTIE	Ready Made Prepared Dishes	Elevated colony count – temperature abuse/hygiene issues
FRESH PASTA IN MIXED VEG SAUCE - NURSERY MEAL	Restaurant / Takeaway Food	Elevated Staphylococcal and colony counts – temperature abuse/hygiene/personal hygiene issues
TUNA MAYO FILLED BROWN ROLL	Ready Made Prepared Dishes	Elevated Clostridium perfringens and colony counts – temperature abuse/hygiene issues
FRESH SCOTTISH WHIPPING CREAM	Other Milk Products	Elevated colony count – temperature abuse/hygiene issues
SMOKE ROASTED PEPPERED SALMON	Fish Products and Processed Fish	Listeria level unsatisfactory
BANOFFEE PIE	Cakes / Confectionary	Elevated colony count – temperature abuse/hygiene issues
VANILLA SLICE	Cakes / Confectionary	Elevated colony count – temperature abuse/hygiene issues
ROASTED HAM WITH HERBS	Meat Products inc Sausages etc	Botulinum controls not sufficient to justify shelf life
INDIVIDUAL TRIFLE	Desserts	Elevated colony count – temperature abuse/hygiene issues
HYGIENE SWAB - MEAT SLICER BLADE	Miscellaneous Foods	Food contact surface not sufficiently clean
HYGIENE SWAB - WEIGHING SCALES - RTE FOODS	Miscellaneous Foods	Food contact surface not sufficiently clean

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016****5.0 Reactive work**

The Service received and responded to 445 service requests during the year of which 398 related to food safety matters. The category breakdown of requests is shown below in Table 5.

**Table 5: Service requests dealt with by Food Service 2015-16**

<b>Type of Service request</b>	<b>Number of requests</b>
Accident - not reported	1
Alcohol Food certificate s50	3
Alleged food poisoning	12
Building Standards Consultation	17
Caravan Sites	17
Complaint about licenced premises	2
Contact from other LA about our premises	2
Employee workplace complaint	4
Engineers inspection defects report	1
Export certification	2
Food Alert	94
Food complaint other	17
Food fraud alleged	3
Food labelling/composition	4
Food premises registration	11
Foreign body contamination	14
Freedom of Info Request	15
HACCP/Cooksafe/training advice	1
Health and safety advice	16
Infectious Diseases	1
Performing Animals Act 1925	1
Planning consultation	26
Poor food premises hygiene/practices	18
Public building water quality	1
Public complaint about workplace	6
Public Entertainments Licence	29
Request for food law/hygiene advice	68
Skin piercing licence	8
Smoking advice	2
Street trader food certificate s39	24
Use by/Best before concerns	7
Waste storage arrangements	18
Zoo licence	1
<b>Grand Total</b>	<b>446</b>

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016****6.0 Enforcement Activity**

- 6.1. The nature and **levels of enforcement activity** were reduced compared to the previous year and is summarised in Table 6. No reports to the Procurator Fiscal were made. The service has relied on being able to secure compliance through legal notices, written warnings and robust advice. Ten licensed premises were visited as part of a national campaign targeting fraudulent alcohol (operation OPSON). No fake alcohol was discovered during these visits but all of the licence holders received warning notices relating to contraventions of their alcohol licence conditions.

**Table 6 Enforcement and regulatory actions**

Enforcement Activity	Number each year									
	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16
Remedial Action Notices							2	3	0	1
Hygiene Improvement Notices	9	14	39	46	32	27	14	13	16	6
Emergency Hygiene Prohibition Notices	0	0	0	0	0	0	0	0	0	0
Voluntary Closures	2	0	0	0	0	1	0	0	1	0
Written Warnings re hygiene or standards contraventions	Data not available		221	194	229	394	338	382	236	276
Reports to the Procurator Fiscal	1	0	0	0	0	0	0	0	0	0
Food surrenders or seizures	0	0	0	1	0	0	1	0	0	3

**7.0 Customer feedback**

- 7.1. A further **customer satisfaction survey** (see format Appendix 1 ) sent to 100 food premises inspected during the 2015-2016 plan produced a 40% return. Findings seem relatively consistent over the last 5 years. There appears to be a more recognition of the Food Hygiene Information Scheme (FHIS) and a greater tendency to display certificates. The results are summarised in Table 7 below.

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016****Table 7**

Survey question results	08-10	10-11	11-12	12-13	13-14	14-15	15-16
Agreed reason for inspection explained	93%	93%	98%	97%	97%	98%	95%
Received sufficient advice or information	95.6%	95.6%	100%	95%	97%	98%	97.5%
Overall impression of inspection good or excellent	90%	93.4%	95%	90%	92%	90%	95%
Written communications good or excellent	83%	90.9%	90.9%	72%	89%	93%	95
Not enough time to rectify contraventions	18%	21.7%	20.5%	18%	21%	16%	22.5%
Have you heard of the Food Hygiene Information Scheme (FHIS)? From <b>2012-13 only</b>	87%				79%	80%	92.5%
Now display their FHIS Pass certificate	72%				58%	74%	82.5%

**8. Summary of Performance against service objectives for 2015-2016**

The 2015-16 Food Service plan contained 11 objectives for the Team. The summary of performance against those objectives are listed below in Table 8.

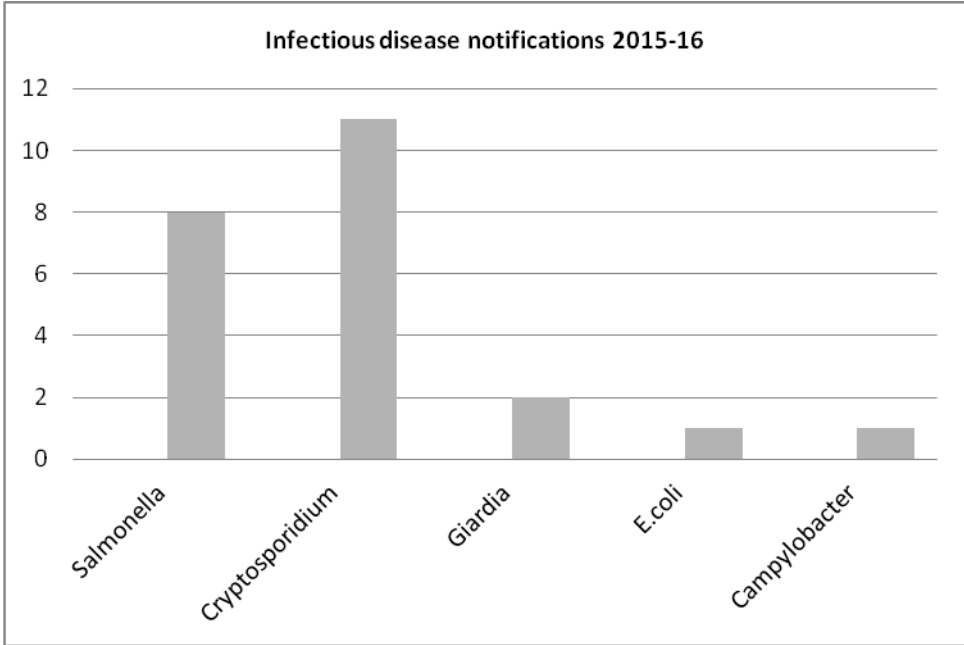
**Table 8**

Objective		Performance	
1	Improve the % of premises which are broadly compliant for Food Hygiene from 80% to 84%	Broad compliance increased to 81.7%	
2	Improve the % of premises which are broadly compliant for Food Standards to 74%	Although broad compliance increased slightly (an increase of 0.6% to 66.8%) did not meet objective	
3	Complete planned % of Food Hygiene Inspections - 305 inspections after adjustment for in plan closure of premises  (target time means no later than 28 days from the date of next scheduled inspection)	High "A" risk	100%
		High "B" risk	98.5% inspected (with 1 premises carried forward to April 16 due to access problems) - 88% within target time

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

		Medium “C” and “D” low risk	96% inspected (with 9 premises carried forward to April 16 primarily due to access problems)-  83% within target time
4	Complete planned % of Food Standards inspections – 23 inspections	High “A” risk	100%
		Medium”B” risk	85%
5	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene “E” risk	87%
		Food standards “C” risk	85%
6	Complete planned % of feeding stuffs inspections	Not undertaken due to lack of staff in Trading Standards Service	
7	Complete planned sampling programme	100 % of the planned programme was achieved	
8	Complete sampling from approved premises		
9	Complete contributions to planned sampling surveys (national and locally organised)		
10	Investigate 100% of complaints and requests for service made to the service within 5 working days	100% investigated with 94% within target time	

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

	<p><u>Food related illness</u></p> <p>24 sporadic cases were notified and investigated... There were no food related outbreaks. Levels of notified food related illness appear to have remained at or below about 5 per 10,000 population over the last 7 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH)</p>  <table border="1"> <caption>Infectious disease notifications 2015-16</caption> <thead> <tr> <th>Disease</th> <th>Notifications</th> </tr> </thead> <tbody> <tr> <td>Salmonella</td> <td>8</td> </tr> <tr> <td>Cryptosporidium</td> <td>11</td> </tr> <tr> <td>Giardia</td> <td>2</td> </tr> <tr> <td>E.coli</td> <td>1</td> </tr> <tr> <td>Campylobacter</td> <td>1</td> </tr> </tbody> </table>	Disease	Notifications	Salmonella	8	Cryptosporidium	11	Giardia	2	E.coli	1	Campylobacter	1
Disease	Notifications												
Salmonella	8												
Cryptosporidium	11												
Giardia	2												
E.coli	1												
Campylobacter	1												
11	<p>Ensure all authorised officer receive a minimum of 10 hours food related competency training</p> <p>Objective achieved</p>												

**Table 9 Details of food samples taken 2015-16**

Category	Food description	Analysis type		
		Chemical composition	Microbial contamination	Total
Bakery Products and Cereal	DONGBEI FINE NOODLES	1		1
	DONGBEI FLAT NOODLES	1		1
	FREE FROM ROCKY ROAD	1		1
	MR. BLOBBY BISCUIT	1		1
	WELL FIRED ROLLS (X3)	1		1
	Total	5		5
Cakes and Confectionary	BANOFFEE PIE		1	1
	CHOCOLATE ECLAIR (DAIRY CREAM)		1	1
	COCONUT SPONGE CAKE	1		1
	COCONUT SQUARE	1		1



**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

	FRESH CREAM & FRUIT MERINGUE (BERRIES, KIWI, PLUM & FIG)		1	1
	FRESH CREAM FILLED APPLE TURNOVER		1	1
	FRESH CREAM FILLED CHOCOLATE ECLAIR		1	1
	FRESH CREAM FILLED FINGER JAM DOUGHNUT		1	1
	FRESH CREAM STRAWBERRY TART		1	1
	JAM FINGER DOUGHNUT (WITH SYNTHETIC CREAM)		1	1
	TOFFEE WAFFLE CHEESECAKE		1	1
	VANILLA SLICE		1	1
	Total	2	10	12
Dairy Products	DOUBLE CREAM		1	1
	FRESH SCOTTISH DOUBLE CREAM 1/2 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED SEMI SKIMMED MILK 1 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED SEMI SKIMMED MILK 1/2 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED SEMI SKIMMED MILK 2 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED WHOLE MILK 1 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED WHOLE MILK 1/2 LTR	1	1	2
	FRESH SCOTTISH PASTEURISED WHOLE MILK 2 LTR	1	1	2
	FRESH SCOTTISH SEMI SKIMMED MILK	3	3	6
	FRESH SCOTTISH WHIPPING CREAM	1	1	2
	FRESH SCOTTISH WHIPPING CREAM 1/2 LTR	1	1	2
	FRESH SCOTTISH WHOLE MILK	3	3	6
	MILK	1	1	2
	RAW COWS MILK		1	1
	RAW MILK	2	1	3
	WHIPPING CREAM		1	1
	Total	18	20	38
Eggs and Egg Products	12 X CLASS A SHELL EGGS MEDIUM SIZE		1	1
	6 X LARGE CLASS A FREE RANGE EGGS		1	1
	Total		2	2
Fish and Shellfish	2 BREADED HADDOCK FILLETS	1		1
	NORWEGIAN SMOKED SALMON GRAVADLAX		1	1

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

	SMOKE ROASTED PEPPERED SALMON	1	1	2
	SMOKED MACKEREL FILLETS		1	1
	Total	2	3	5
Food for Particular Nutritional Uses	GLUTEN FREE EGG MAYO SANDWICH	1		1
	Total	1		1
Fruit and Vegetables	BABY LEAF & ROCKET SALAD		1	1
	BABY LEAF SALAD		1	1
	BLUEBERRIES	1	1	2
	CRISP CARROT & SWEETCORN SALAD		1	1
	DRIED CRANBERRIES	1		1
	DRIED FIGS	1		1
	DRIED PRUNES	1		1
	ITALIAN SALAD		1	1
	KENT RASPBERRIES		1	1
	LARGE VINE TOMATOES	1		1
	SALAD (GARNISH)		1	1
	SAVOY CABBAGE	1		1
	SIDE SALAD		1	1
	SOUR MANGO		1	1
	SWEET & CRUNCHY SALAD		1	1
	TEX MEX SPICY POTATO WEDGES (WITH SOURED CREAM DIP)		1	1
	Total	6	11	17
Herbs and Spices	BRITISH CORAINDER		1	1
	Total		1	1
Ice Cream and Desserts	INDIVIDUAL TRIFLE		1	1
Ice Cream and Desserts	Total		1	1
Materials and Articles in Contact with Food	BLUE BOTTLE CAPS (X2)		1	1
	EMPTY 1 LITRE CREAM BOTTLE		1	1
	EMPTY 1/2 LITRE BOTTLE		1	1
	EMPTY 2 LITRE CREAM BOTTLE		1	1
	GREEN BOTTLE CAPS (X2)		1	1
	WHITE BOTTLE CAPS (X2)		1	1
	Total		6	6
Meat and Meat Products, Game and Poultry	ARROSTO ALLE ERBE		1	1
	BEEF MINCE	3		3
	BEEF STEAK MINCE	1		1
	BLACK PUDDING	2	2	4
	BRIDIE	1		1
	BURGERS	1		1
	CHICKEN CURRY PIE		1	1
	COOKED BEEF ( 3 SLICES)		1	1
	COOKED CHICKEN LEG PORTIONS		1	1
	COOKED SLICED HAM		1	1
	COOKED SLICES HAM		1	1
	DONGBEI BEEF & CHILLI CRISPY DUMPLINGS	1		1
	DONGBEI CHICKEN CRISPY DUMPLINGS	1		1

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	DONGBEI SALT & PEPPER CHICKEN WINGS	1		1
	DONGBEI SPICY CHICKEN WINGS	1		1
	DONGBEI SPICY PORK RIBS	1		1
	DONGBEI SWEET & SOUR PORK RIBS	1		1
	FROZEN CHICKEN BREAST FILLETS	1		1
	HAGGIS	1	1	2
	HAGGIS	1	1	2
	HONEY ROAST AYRSHIRE HAM		1	1
	INDIVIDUAL STEAK PIE		1	1
	ITALIAN PEPPERONI	1	1	2
	JDW HAGGIS	1	1	2
	M&S PORK HAGGIS	1	1	2
	MINCED BEEF & POTATO PIE		1	1
	PORK & CHINESE LEAVES BOILING DUMPLINGS	1		1
	PORK & CORIANDER BOILING DUMPLINGS	1	1	2
	POTTED MEAT	2	4	6
	RAW FREE RANGE CHICKEN BREASTS	1		1
	ROASTED HAM WITH HERBS		1	1
	SAUSAGE ROLL		1	1
	SCOTTISH ARRAN MUSTARD HAM		1	1
	SMOKED ARGYLL HAM	1	1	2
	SPICY BBQ CHICKEN PIZZA	1	2	3
	STEAK & GRAVY PIES		1	1
	STEAK MINCE	1		1
	WHITE PUDDING	1	1	2
	Total	29	29	58
Nuts and Nut Products, Snacks	GROUND ALMONDS	1		1
	Total	1		1
Others	COLD PRESSED RAPESEED OIL	1		1
	HYGIENE SWAB - MEAT SLICER BALDE (2 X 20CM AREA) - BEFORE CLEANING		1	1
	HYGIENE SWAB - MEAT SLICER BLADE (2 X 20CM AREA) - POST CLEANING		1	1
	HYGIENE SWAB - WEIGHING SCALES - RTE FOODS (10 X 10CM AREA)		1	1
	SQUEEZY PURE CLEAR HONEY		1	1
	Total	1	4	5
Prepared Dishes	1/4 POUND 100% BEEF HOT DOG	1		1
	BAKED POTATO WITH TUNA MAYO		1	1
	BRAISED SAUSAGES & MASHED POTATOES - NURSERY MEAL	1		1
	CHEESEBURGER WITH		1	1

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ONIONS			
CHICKEN & BACON LAYERED SALAD	1		1
CHICKEN & RICE BOX		1	1
CHICKEN AND BACON MAYO		2	2
CHICKEN BURGER		1	1
CHICKEN CURRY & FRIED RICE		1	1
CHICKEN FAJITA WRAP		1	1
CHICKEN FRIED RICE		1	1
CHICKEN MAYO & SALAD SUB ROLL		1	1
CHICKEN MAYO SANDWICH (MALTED BREAD)		1	1
CHICKEN PAKORA	1		1
CHICKEN WRAP		1	1
CHIPS	1		1
CORONATION CHICKEN AND SALAD FILLED ROLL		1	1
EGG (FRIED SOFT YOLK) & BACON FILLED ROLL		1	1
EGG MAYO & SPRING ONION		1	1
EGG MAYO FILLED ROLL		1	1
FISH & VEG PIE		1	1
FRESH PASTA IN MIXED VEG SAUCE - NURSERY MEAL		1	1
FRIED EGG FILLED ROLL		1	1
HAM & COLESLAW		1	1
HAM & COLESLAW FILLED BROWN ROLL		1	1
HAM & COLESLAW FILLED ROLL		1	1
HAM & COLESLAW ROLL		1	1
HOMEMADE TUNA MAYO SOFTIE		1	1
ICED SPONGE CAKE	1		1
JUST HAM (NO MAYO) SANDWICH PLATTER		1	1
LOW FAT TUNA & CUCUMBER SANDWICH (ON MALTED BREAD)		1	1
MACARONI CHEESE		1	1
MARGHERITA	1	1	2
MUSHROOM SOUP - NURSERY MEAL		1	1
PESHWARI NAAN (GROUND ALMONDS)	1		1
ROAST PORK		1	1
SAVOURY MINCE	1		1
SMALL FRIES	1		1
SWEET CHILLI CHICKEN FILLED ROLL		1	1
TRIPLE CHEESE	1	1	2
TUNA MAYO AND ONION ROLL		1	1
TUNA MAYO AND ONION SUB		1	1
TUNA MAYO FILLED BROWN ROLL		1	1

## Appendix B

### Midlothian Food Safety Enforcement Service Plan Review 2015-2016

	TUNA MAYO FILLED ROLL		1	1
	TUNA SALAD FILLED BROWN ROLL		1	1
	TUNA SALAD SUB ROLL		2	2
	WHOPPER		1	1
	Total	11	40	51
<b>Grand Total</b>		<b>76</b>	<b>127</b>	<b>203</b>

**Midlothian Food Safety Enforcement Service Plan Review 2015-2016**

**Appendix 1**

**INSPECTIONS OR VISITS TO YOUR PREMISES**

1. When a Food Safety Inspector last called at your premises:-
  - a) What do you think the reason for the inspection was?  
-----
  - b) Did the Officer clearly explain the reason for the visit? ☐ Yes ☐ No
2. How would you describe the Officer's manner? - *tick all of the boxes that apply*  
☐ Professional ☐ Courteous ☐ Helpful ☐ All right ☐ Unhelpful  
☐ Surly ☐ Hostile
3.
  - a) In your opinion was the time spent at your premises:  
☐ too long ☐ too short ☐ about right
  - b) Do you feel the Officer you gave sufficient information or advice during the visit? ☐ Yes ☐ No
  - c) What was your opinion of any information or advice given to you?  
☐ Poor ☐ Fair ☐ Good ☐ Excellent
  - d) What was your overall impression of the inspection/visit  
☐ Poor ☐ Fair ☐ Good ☐ Excellent
4. How often do you think your premises needs to be inspected by us? Every -  
☐ 6 months ☐ Year ☐ 2 Years ☐ 3 Years ☐ Never

**AFTER THE INSPECTION**

1. Did you receive any written requirements or advice? ☐ Yes ☐ No  
(a Record of Inspection, a Report or a Notice)
2. Was this information easy to read and understand? ☐ Yes ☐ No
3. Was a clear distinction made between what were contraventions of the law and what were recommendations of good practice? ☐ Yes ☐ No
4. Do you think you were given enough time to comply with the legal requirements? ☐ Yes ☐ No
5. Was the timescale for compliance with the legal requirements agreed with you? ☐ Yes ☐ No
6. What was your overall impression of the letter/Report you received?  
☐ Poor ☐ Fair ☐ Good ☐ Excellent
7. Have you heard of the Food Hygiene information Scheme (FHIS)? ☐ Yes ☐ No
8. Do you display your FHIS PASS certificate or sticker? ☐ Yes ☐ No

## **Inspection of Newbyres Care Home**

### **Report by Eibhlin McHugh, Joint Director Health and Social Care**

#### **1 Purpose of Report**

This report summarises the outcome of the above unannounced inspection carried out by the Care Inspectorate in April 2016

#### **2 Background**

**2.1** Newbyres Care Home is a purpose built care home for older people. The home is made up of 5 self contained streets, each with individual dining/lounge areas. The home accommodates 60 residents and 1 respite bed. There are care staff on hand 24 hrs a day. All staff are trained and qualified within the criteria set by the Scottish Social Service Council's, National Care Standards.

**2.2** The Care Inspectorate is the independent scrutiny and improvement body for care services in Scotland. They inspect all registered care services and local authority social work services on a regular basis to ensure that providers are meeting standards required and are working to improve the the quality of care generally. Following an inspection the Care Inspectorate publish a report.

**2.3** Based on the findings of the recent inspection the Care Inspectorate awarded Newbyres the following grades:

Quality of care and support	Grade 3
Quality of environment	Grade 3
Quality of staffing	Grade 3
Quality of management and leadership	Grade 4

The inspectorate reported that the service had worked hard since the last inspection and that there were clear plans to continue to make improvements. To achieve this there needs to be a consistent approach by senior staff to support, guide and develop the staff team. However the improvements noted has resulted in an increase in the grades awarded at this inspection in comparison with the grades awarded at the September 2015 inspection.

**2.4** The Inspection Team noted the following strengths:

1. The service provides a comfortable and clean environment with ample shared and private areas for residents to use.
2. Residents looked comfortable and at ease in the home and with the staff team. Residents also spoke positively about the care and support they received from staff and of how well they were treated. The comfort, cleanliness and the quality of meals were also praised.

3. The Inspection Team saw a calm and organised approach to resident care and staff did not appear unduly rushed and were able to assist residents at a pace which suited the individual.
- 2.5 The Inspection Team reported that further work is needed to fully implement all of the aspects of the requirements made at the last inspection. They noted that Newbyres could do better in the following areas: care planning and record keeping, management of medicines, safety of the environment and audits undertaken in the service.
- 2.6 An action plan is being developed to address these areas for improvement. These measures are being implemented in the context of a broader transformation of Newbyres Care Home.
- 2.7 A project board was established in January 2016 whose remit is to maintain oversight of the improvement work and redesign plans. The objective is to establish a new service which provides high quality care to people with advanced dementia and/or who are very frail. This service will be organised, resourced and managed in a way which ensures a committed, skilled workforce and operates within its allocated financial resources. Quality Assurance systems will be in place to ensure that there are no dips in performance in any of these respects.
- 2.8 This project board met weekly for the first two months and is now meeting on a fortnightly basis. The Board is chaired by the Joint Director with support from the Head of Services Adult Care, Head of Health and Chief Nurse.
- 2.9 A transformation plan has been developed; a communication strategy is in place; a new training plan is in development; and weekly incident reports are collated and considered by the Board. These weekly reports focus on issues such as the number of falls, violent incidents, building maintenance and environmental issues.

### **3 Report Implications**

#### **3.1 Resource**

There are no direct 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 service users 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.

A project board is in place to manage the improvements arising from this report as well as the longer term transformation of the service.

### **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**

Providing high quality care for people with advanced dementia supports the priority of reducing health inequalities.

### **3.5 Impact on Performance and Outcomes**

Performance and outcomes will continue to be measured through the quarterly reporting, review and evaluation process. e.g. to support the rebalancing of care for older people.

### **3.6 Adopting a Preventative Approach**

Improving the quality of care and transforming the model of care with the inclusion of nursing staff will enable Newbyres to support older people more effectively and reduce the likelihood of hospital admissions.

### **3.7 Involving Communities and Other Stakeholders**

The Care Inspectorate meets with residents and staff as part of the inspection process.

### **3.8 Ensuring Equalities**

An Action Plan has been prepared to address the areas for improvement recommended in the report. The action plan will be screened for equalities implications.

### **3.9 Supporting Sustainable Development**

As well as addressing the issues arising from this report work is underway to establish a new service which provides high quality care to people with advanced dementia and/or who are very frail.

### **3.10 IT Issues**

There are no IT issues arising from this report.

## 4 Recommendations

Cabinet is asked to:

- i. Note the content of the Inspection report.
- ii. Acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Newbyres Care Home

**Date 16 May 2016**

**Report Contact:** Name Dawn Barrett Tel No0131 271 3681  
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**Background Papers:**

**Forth Estuary Local Flood Risk Management Plan, 2016 to 2022****Report by Ricky Moffat, Head of Commercial Operations****1 Purpose of Report**

This report provides information with regard to the Council's first Local Flood Risk Management Plan, covering the period July 2016 to June 2022. The Plan identifies areas vulnerable to flooding from all sources, potential mitigation actions, and arrangements for coordination, funding and implementation of these actions.

**2 Background**

- 2.1 The Flood Risk Management (Scotland) Act 2009 seeks to promote a proactive approach to flood risk management. The Act aims to reduce the adverse consequences of flooding on communities, the environment, transport, cultural heritage and economic activity. More thought is to be given to alternative means of reducing flood risk either by avoiding the likelihood of flooding through effective land use planning, maintenance and better control or management of run-off.
- 2.2 The Council has been working in partnership with SEPA, Scottish Water and neighbouring local authorities to identify flooding from various sources and the impact of this flooding. This information formed the basis of a public consultation exercise launched by SEPA from December 2014 to June 2015. SEPA built on this work and has published the Flood Risk Management Strategy for Scotland which is available on their website (see Background Papers).
- 2.3 The Strategy is in three sections and provides:
  - a) background on the approach to flood risk management;
  - b) the causes and consequences of flooding, the agreed objectives and actions that will be taken in areas considered to be potentially vulnerable to flooding; and
  - c) shares the information on the sources of flooding, including surface water.
- 2.4 The Strategy identifies 14 Local Plan Districts (LPDs) covering Scotland. These districts are based on river catchments and therefore may cross administrative and institutional boundaries. The Council is one of 13 neighbouring local authorities within the Forth Estuary LPD. The Act requires each LPD to produce a Local Flood Risk Management Plan specific to their catchment area.

- 2.5 The Council has entered into a Memorandum of Understanding with the Forth Estuary LPD Parties, namely, neighbouring local authorities, SEPA and Scottish Water, for the preparation of the Forth Estuary Local Flood Risk Management Plan. The Memorandum of Understanding sets out and documents the willingness of the Parties to publish the Plan by 22 June 2016.
- 2.6 Each LPD has a Lead Local Authority, and in the case of the Forth Estuary LPD, the Lead Local Authority is the City of Edinburgh Council. It is the lead authority's responsibility to compile and publish the Plan, through collaboration with, and input and assistance from, the LPD Parties and other relevant "responsible authorities".
- 2.7 The City of Edinburgh Council, as Lead Local Authority, will seek their council approval of the Forth Estuary Local Flood Risk Management Plan at their meeting to be held on 7 June 2016. Accordingly, the City of Edinburgh Council has requested that each LPD Party adopt the Forth Estuary Local Flood Risk Management Plan prior to this meeting.
- 2.8 The final draft of the Forth Estuary Local Flood Risk Management Plan has now been compiled by the lead authority and can be found on the City of Edinburgh Council's website (see Background Papers). The lead authority does not expect the final draft to change materially following its approval by each LPD Party.
- 2.9 The Forth Estuary Local Flood Risk Management Plan is in three sections and should be read in conjunction with the Strategy. The Plan provides:
- a) background information on the approach taken and the duties of organisations involved in managing flood risk and how this is delivered locally;
  - b) an overview and details the goals and objectives and the actions to be delivered between 2016 and 2022 (the first of three six year flood cycles); and
  - c) an Annex, which is the main section of the Plan, which details the causes and consequences of flooding in discrete areas with potential actions to mitigate the risk of flooding.
- 2.10 Actions in the Local Flood Risk Management Plan are identified from a list of standard Actions that are applicable to all LPDs. Specific Actions identified for the Council are:
- a) Flood Protection Studies (Lasswade & Newbattle);
  - b) maintenance of existing flood protection schemes;
  - c) Surface Water Studies (some in partnership with the City of Edinburgh Council, East Lothian Council and Scottish Water);
  - d) assessment and maintenance of watercourses;
  - e) flood risk awareness raising; and
  - f) emergency planning and response.

- 2.11 Outcomes from Studies will inform the potential for future flood protection schemes or mitigation measures where a significant benefit may be achieved. Such schemes or measures would be programmed for future six year flood cycles.
- 2.12 The Strategy and Plan will be updated every six years to coincide with the three six year flood cycles.

### **3 Report Implications**

#### **3.1 Resource**

Implementation of the Forth Estuary Local Flood Risk Management Plan will be undertaken by current staff resources and within current budget allocations.

The need for delivery of individual Actions identified in the Local Flood Risk Management Plan will be considered against all other capital and revenue priorities as part of future budget setting processes over the six year flood risk cycle.

The Council has received this year an additional £71,000 in the General Capital Grant from the Scottish Government to cover flood related issues and Actions in the county. Further capital funding may be forthcoming over the six year flood cycle based on the number of properties at risk of flooding. This funding is primarily intended for new flood prevention/protection schemes or improvement of existing schemes, and may not be available to undertake Studies identified for the Council to action.

Current maintenance of existing flood protection schemes and watercourses will continue to be funded by the existing Road Services Revenue budget with an annual allowance of £30,000.

#### **3.2 Risk**

The Forth Estuary Local Flood Risk Management Plan is a statutory requirement of the Act. The inclusion of specific flood risk mitigation Actions in the Plan does not commit the Council to delivering them.

However, there is a risk to the Council that it will not meet the objectives under the Strategy and the Plan should the Plan not be adopted.

The Local Flood Risk Management Plan objectives are to:

- a) reduce overall flood risk;
- b) reduce the risk to people from flooding;
- c) reduce economic damages to residential and non-residential properties caused by flooding; and
- d) avoid an overall increase in flood risk.

### 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

Adoption of the Forth Estuary Local Flood Risk Management Plan will contribute towards the key priorities of economic growth and business support and may also be applicable to the Council's Community Planning partners.

### 3.5 Impact on Performance and Outcomes

Adoption of the Forth Estuary Local Flood Risk management Plan and realization of its outcomes will increase the Council's understanding of sources of flooding and the areas at risk and level of risk.

Council resources for managing flood risk and implementing and maintaining flood protection measures will be better prioritised and targeted.

### 3.6 Adopting a Preventative Approach

Scottish Planning Policy supports catchment-scale approach to sustainable flood risk management to ensure that flooding is tackled effectively and not moved to another part of the river or wider catchment area. The Council's flooding personnel will work with our Planners to ensure that appropriate policies and measures are adopted to reduce existing and future flood risk.

Outcomes from flood protection and surface water studies will inform effective measures to mitigate risk from future flooding, and allow higher risk areas to be prioritised for emergency planning and response management.

Prevention of flooding through ongoing assessment and routine maintenance of flood protection measures and drainage systems will continue within available resources.

### **3.7 Involving Communities and Other Stakeholders**

The Council were involved in a major public engagement and consultation exercise, launched by SEPA from December 2014 to June 2015. This resulted in the publication of the Flood Risk Management Strategy, and from that, the Forth Estuary Local Flood Risk Management Plan has been developed.

The Council has been working effectively with 12 neighbouring local authorities in the Forth Estuary Local Plan District, SEPA and Scottish Water, to deliver the Local Flood Risk Management Plan.

Outcomes from the Local Flood Risk Management Plan will result in Council engagement with other responsible authorities regarding emergency planning, and local community groups, land owners and residents with respect to raising awareness of flood risk, and self help flood protection measures.

The Council will continue to work with SEPA and Scottish Water to enhance flood forecasting and flood warning through studies and flood modelling work.

### **3.8 Ensuring Equalities**

There are no equalities issues associated with this report.

As Lead Local Authority for the Forth Estuary Local Plan District, the City of Edinburgh Council will publish the Local Flood Risk Management Plan on their council website, and make available hard copies in public buildings and offices. The City of Edinburgh Council will make available translated hard copies, or copies in Braille, on request.

Internet links will be provided on the Council website to the SEPA Strategy and the Forth Estuary Local Flood Risk Management Plan. The Council will also retain a limited number of hard copies of the published Plan in Midlothian House which can be viewed or borrowed on request.

### **3.9 Supporting Sustainable Development**

SEPA undertook a Strategic Environmental Assessment to compliment the FRM Strategy. Confirmation has been given by the Scottish Government (SEA Gateway) that as the Local Flood Risk Management Plan is considered to be consistent with the Strategy, no further assessment is required at this stage. If further consideration is required, this will be undertaken at a project level.

As Lead Local Authority, the City of Edinburgh Council prepared a Habitats Regulations Appraisal to ensure that the Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protected Areas. Scottish Natural Heritage was consulted as part of this process and their views have been taken into account in the appraisal.

### 3.10 IT Issues

There are no IT implications associated with this report.

## 4 Recommendations

The Cabinet is recommended to adopt the Forth Estuary Local Flood Risk Management Plan 2016 to 2022, with a view to:

- a) fulfilling the Council's statutory obligations under the Flood Risk Management (Scotland) Act 2009;
- b) assisting the City of Edinburgh Council, as Lead Local Authority for the Forth Estuary catchment area, to publish the Forth Estuary Local Flood Risk Management Plan; and
- c) proceeding with implementation of Actions for the Council identified in the Local Flood Risk Management Plan.

25 April 2016

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### Background Papers:

1. Flood Risk Management (Scotland) Act 2009.  
(available at <http://www.legislation.gov.uk/asp/2009/6/contents>)
2. (SEPA) Flood Risk Management Strategy  
(available at <http://apps.sepa.org.uk/FRMStrategies>)
3. Memorandum of Understanding for the preparation of the Forth Estuary Local Flood Risk Management Plan in 2016.
4. Forth Estuary Local Flood Risk Management Plan  
(available at <http://www.edinburgh.gov.uk/flooding>)
5. Strategic Environmental Assessment Screening Report  
(available at <http://www.gov.scot/Topics/Environment/environmental-assessment/sea/SEAG>)
6. Habitats Regulations Appraisal  
(available at <http://www.edinburgh.gov.uk/flooding>)