

# Notice of meeting and agenda



## Performance, Review and Scrutiny Committee

**Venue:** Council Chambers      **PLEASE NOTE:** Due to commence at 11 am or on conclusion of Special Council Meeting scheduled for 10 am on that date,

**Date:** Tuesday, 08 March 2016

**Time:** 11:00

**John Blair**  
**Director, Resources**

**Contact:**

Clerk Name: Janet Ritchie  
Clerk Telephone: 0131 271 3158  
Clerk Email: [janet.ritchie@midlothian.gov.uk](mailto:janet.ritchie@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 of Previous Meeting**

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The following minutes were submitted for approval:

- |            |                                                                                                   |                |
|------------|---------------------------------------------------------------------------------------------------|----------------|
| <b>4.1</b> | Minutes of Meeting of Performance Review and Scrutiny Committee of 24 November 2015               | <b>3 - 6</b>   |
| <b>4.2</b> | Minutes of Meeting of Special Performance Review and Scrutiny Committee of 25 November 2015       | <b>7 - 10</b>  |
| <b>4.3</b> | Minutes of Meeting of Special Performance Review and Scrutiny Committee of 25 November 2015       | <b>11 - 12</b> |
| <b>4.4</b> | Minutes of Meeting of Special Performance Review and Scrutiny Committee of 19 and 27 January 2016 |                |

## **5 Public Reports**

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- |              |                                                                                                                                       |                |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>5.1</b>   | Dog Control - Report by Director Resources                                                                                            | <b>13 - 14</b> |
| <b>5.1.1</b> | Dog Control - Report by Director Education, Communities and Economy                                                                   | <b>15 - 22</b> |
| <b>5.2</b>   | Greenhouse Gas Emissions Arising From Business Use of Staff Motor Vehicles ('Grey Fleet') - Report by Director Resources              | <b>23 - 24</b> |
| <b>5.2.1</b> | Greenhouse Gas Emissions Arising From Business Use of Staff Motor Vehicles ('Grey Fleet') - Report by Head of Communities and Economy | <b>25 - 30</b> |
| <b>5.3</b>   | Newbyres Village Care Home – Sub Committee - Report by Director                                                                       | <b>31 - 34</b> |

## **6 Private Reports**

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No Private Business to be discussed

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PERFORMANCE REVIEW AND SCRUTINY COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 24 November 2015 at 11.00 am.

**Present:-** Councillors Milligan (Chair), Beattie, Bennett, Baxter, Imrie, Montgomery, Muirhead, Pottinger, Russell, Wallace and de Vink..

**Apologies for Absence:-** Councillors, Coventry, Imrie and Young

**1 Declarations of Interest**

No declarations of interest were intimated.

**2 Minutes**

The Minutes of Meeting of 20 October 2015 were submitted and approved as a correct record.

**3 Submission to Scottish Government: Compliance with Climate Change Duties 2014/15**

With reference to paragraph of the Minutes of the Cabinet of 17 November 2015, there was submitted report, dated 17 November 2015, by the Director, Resources, incorporating a report, dated 10 November 2015, by the Head of Communities and Economy recommending the submission to Scottish Government of the Council's Statement of Compliance with Climate Change Duties for 2014/15, which accompanied the report. The report explained that 2015/16 would be the first year when there would be a statutory requirement for a report on compliance, in the form of an official template completed by the Council and which required to be submitted to the Scottish Government by 30 November 2016. To test the emerging template, the Council had agreed to a Ministerial request to complete it in respect of 2014/15, for submission by 30 November 2015. A 'Recommended' section of the emerging template, relating to the Council's wider influence (i.e. beyond corporate emissions and associated with the community, etc.) had not been completed for this reporting year; however the intention was to do so for 2015/16. The completed template for 2014/15 was therefore incorporated into the report.

The report highlighted that:-

- The Council's corporate emissions comprised those within the scope of the Council's Carbon Management Plan (i.e. associated with the Council's estate, fleet and street lighting) as well as those associated with staff commuting and non-fleet business mileage (both within the scope of the Council's Travel Plan);

- Total corporate emissions had fallen from 27,237 tCO<sub>2e</sub> in 2006/7 to 23,513 tCO<sub>2e</sub> in 2014/15;
- Corporate emissions within the scope of the Carbon Management Plan had fallen from 23,142 tCO<sub>2e</sub> in 2006/07 to 18,191 tCO<sub>2e</sub> in 2014/15 (although the format of the template did not make this clear);
- Corporate management plan emissions from the Council's estate (i.e. operational buildings) had fallen from 17,850 tCO<sub>2e</sub> in 2006/07 to 12,795 tCO<sub>2e</sub> in 2014/15;
- Corporate emissions associated with staff commuting were estimated to have risen from 3,721 tCO<sub>2e</sub> in 2006/7 to 4,899 tCO<sub>2e</sub> in 2014/15 (although the format of the template did not make this clear);
- Corporate emissions associated with non-fleet business mileage (claimed only, assuming an 'average car') were estimated to have risen from 365 tCO<sub>2e</sub> in 2006/7 to 423 tCO<sub>2e</sub> in 2014/15 (although the format of the template does not make this clear). Although the average car had become "greener" during this period, business miles had been rising fairly consistently, from approximately 1,192,457 in 2006/7 to 1,388,295 in 2014/15; and
- The 'Top 5' priorities for climate change governance, management and strategy for the "year ahead" (2015/16) in paragraph 2f of the template were a positive response to the Minister's call and represented what was increasingly expected of local authorities in terms of climate change response.

The Cabinet, in respect of the report, had agreed, *inter alia*, on 17 November as follows:-

- (a) To approve the statement attached to the report on Compliance with the Public Bodies Climate Change Duties for 2014/15 ; and
- (b) To approve the submission of that statement to Scottish Government by 30 November 2015.

Thereafter, the Head of Communities and Economy, answered questions put by Elected Members.

### **Decision**

- (a) To note that steps were being taken to record unclaimed mileage in respect of Council business;
- (b) To note that local authorities would be seeking improvements to the template to make it more "user friendly" ;
- (c) That officials should analyse the reported increase in business mileage having regard to the reductions in the numbers of buildings in use; the reductions in the overall numbers of staff; and the increase in the incidence of home working;

- (d) To note that not all new development sites would be optimal in reducing carbon emissions;
- (e) To note that the availability of a new “Climate Change Tool” would allow the Council to more accurately measure its progress in measuring carbon emission reduction;
- (f) That officers should produce an interim statement on progress prior to the Summer 2016 recess in respect of this matter;
- (g) To note that it may be possible to reflect in future reports measures taken by the Council to generate renewable energy, which would offset the level of carbon emission;
- (h) To note that all reductions in carbon emissions would result in cost savings to the Council but that the principal priority was to secure reductions in carbon emissions;
- (i) That Elected Members be provided with information on the savings generated and the carbon emissions reduced by the introduction of solar panels in new Council housing; and
- (j) To endorse the decisions on the Cabinet.

(Action: (c); (f); (i) Head of Communities and Economy).

The meeting terminated at 11.40 am.



**MINUTES of SPECIAL MEETING of the MIDLOTHIAN COUNCIL  
PERFORMANCE REVIEW AND SCRUTINY COMMITTEE** held in the Council  
Chambers, Midlothian House, Buccleuch Street, Dalkeith on Wednesday 25  
November 2015 at 11.00 am.

**Present:** Councillors Milligan (Chair), Muirhead, Imrie, Pottinger and Young.

**Apologies for Absence:** Councillors Baxter, Beattie, Bennett, Montgomery, Russell, de Vink and Wallace.

**1 Declarations of Interest**

No declarations of interest were intimated.

**2 Order of Business**

In respect of the submitted reports, the Director, Education , Communities and Economy, advised that the submitted report (which had also been considered by Cabinet on November 2015) in respect of Education Services contained an error and a corrected copy was therefore tabled.

**Decision**

To give consideration to the replacement paper and to refer it to Cabinet for their consideration in due course.

**3 Performance Reports 2015 – 16 – Quarter 2**

There were submitted Performance Reports for 2014/15 in respect of Adult Social Care; Customer and Housing Services; Children's Services; Communities and Economy; and Education. Each report contained a summary of the progress in delivering Strategic Outcomes and a summary of emerging challenges and risks. Thereafter, the Committee received verbal updates in respect of each of the reports.

**Decision**

- (a) To note that in relation to "legal highs" the long term effects of such usage were as yet unclear and that a lead role was being taken by MELDAP in supporting carers; and the Council had been able to make changes to service provision without as yet any financial impact;
- (b) To note that delayed discharges from hospitals could be affected by several factors including possible re-housing; the need for aid or adaptations to property; and clients care home choice;

- (c) To note that there was a wide range of services available to persons with learning disabilities and that the challenge facing the Council was to “future proof” these to cater for the anticipated reduction in the number of patients to be catered for in the Royal Edinburgh Hospital;
- (d) To note that the delays in installing video conferencing facilities in Care Homes had been as a result of security issues relating to confidential information but these had now been resolved and it was anticipated that this would be operational in early course;
- (e) To note that the issue of General Practitioners charging for non medical services would need to be referred to the Integration Joint Board;
- (f) To note that the recently appointed Development Worker to MELDAP was scheduled to submit proposals for future support to clients to a meeting of MELDAP on 8 December 2015 and that Elected Members be provided with a copy of these proposals when available;
- (g) To note the need to improve the public profile of carer posts and their importance to the community;
- (h) To receive a report at their next meeting on staff absence levels in Care Homes and the cost to the Council thereof;
- (i) To note that following environmental improvements at McNeill Terrace, Loanhead, there were no longer any void properties and that measures were in place to ensure that the current high standards were maintained ;
- (j) To note that the number of Housing Officers had been increased to eight as a result of the priorities identified by the last tenants survey;
- (k) To note that the tenants survey had identified Anti Social Behaviour; dog Fouling; and neighbour nuisance as the main concerns of tenants;
- (l) To note that feedback from clients utilising the Mayfield Hub would be utilised to improve service at that location and to influence the design of any future hubs to be provided;
- (m) To note the participation of Housing Associations in initiatives to support young people to avoid homelessness;
- (n) To note the improvement in the percentage of Council Tax collected;
- (o) To note that 48 of 55 tenants who were in receipt of Universal Credit had opted for that element thereof relating to rent payment to be paid direct to the Council;
- (p) To note that the number of children on the Child Protection Register remained below the National average;



- (q) To note the positive feedback from the Care Inspectorate on the operation of Children's Units;
- (r) To note the possibility of the funding bid in respect of the Edinburgh City Deal being submitted during the first quarter of 2016;
- (s) To note the successful outcome of the Tyne Leader funding bid which had secured £3m over five years and which would be available in respect of projects throughout Midlothian and East Lothian;
- (t) To note the imminent combination of Midlothian and East Lothian Trading Standards Services;
- (u) To note that the provision of an Arts Centre in Newtongrange could be assisted via support and possible funding from the Blueprint Group for the Borders Railway and possibly the Edinburgh City Deal;
- (v) To note that a report on the issue of dog fouling was scheduled to be submitted to the Cabinet and notwithstanding that regular quarterly reports be submitted to the Committee providing details of the numbers of penalties imposed and staff resources employed to address this issue and that the initial report give comparable figures over the last five years;
- (w) To note that , with the opening of the Borders Railway, a number of sites earmarked for economic development, would be more actively marketed, including that at Hopefield, Bonnyrigg;
- (x) To note the higher number of pupils from deprived areas leaving school after fourth year although an improvement in this statistic was anticipated; and
- (y) To otherwise note the reports.

(Action: (f); (h) Head of Adult and Social Care; (v) Head of Communities and Economy;

The meeting terminated at 1.01pm.



**MINUTES of SPECIAL MEETING of the MIDLOTHIAN COUNCIL  
PERFORMANCE REVIEW AND SCRUTINY COMMITTEE** held in the Council  
Chambers, Midlothian House, Buccleuch Street, Dalkeith on Wednesday 25  
November 2015 at 2.00pm.

**Present:** Councillors Beattie, Bennett, Coventry, Imrie, Muirhead, Pottinger, and Young.

**Apologies for Absence:-** Councillors Baxter, Milligan, Montgomery, Russell and Wallace

**1 Chair**

In the absence of Councillor Milligan, Councillor Muirhead was appointed to the Chair.

**2 Declarations of Interest**

No declarations of interest were intimated.

**3 2015/16 Performance Reports – Quarter 2**

There were submitted Performance Reports for 2015/16 in respect of Commercial Operations; Finance and Integrated Services, Property and Facilities Management and Midlothian Council. Each report contained a summary of the progress in delivering Strategic Outcomes and a summary of emerging challenges and risks. Thereafter, the Committee received verbal updates in respect of each of the reports.

**Decision**

- (a) To note that as a result of a Health and Safety issue, the commissioning of the waste treatment plant at Millerhill would be slightly delayed and as an interim measure waste would be transferred to the waste treatment plant at Powderhall, Edinburgh;
- (b) To note that work was progressing on the issue of decriminalised car parking and a progress report would be submitted in early 2016;
- (c) To note that a meeting with Network Rail in respect of matters associated with the Borders Rail Project was scheduled for 27 November 2015;
- (d) To note that the Council would be entitled to a share of profits from any electricity generated from the residual waste plant at Millerhill and subsequently sold to the National Grid;

- (e) To note that food waste caddies were being delivered to enable collections of food waste to begin on 7 December 2015;
- (f) To note that as result of a later than usual confirmation of the Council's Scottish Government Grant Settlement, it was likely that the Council's budget for 2016/17 would not be set until 9 February 2016;
- (g) To note that any buildings now surplus following EWiM moves would either be sold to allow reinvestment in the estate;
- (h) To note that the future use or disposal of the former Dalkeith High School site would be determined following the conclusion of the Dalkeith Town Centre feasibility study;
- (i) To note that there was still no decision from the Office of National Statistics which would allow the Newbattle High School replacement project to proceed and that the Council's costs in respect of the project remained protected;
- (j) To note that the process for the demolition of houses at Newbyres had commenced and services to the site were expected to be disconnected by mid December 2015;
- (k) To note the substantial financial challenges faced by the Council and the need to address these by way of business transformation and community partnership, in addition to making the public aware of the extent of the issues facing the Council; and
- (l) To otherwise note the reports.

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Councillor Bennett left the meeting during discussion of the foregoing business (2.55 pm)

The meeting terminated at 3.35 pm.

## **Dog Control**

### **Report by John Blair, Director, Resources**

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

The purpose of this report is to bring to the Committee's attention the attached report by the Director, Education, Communities and Economy.

#### **2 Background**

The report was considered by the Cabinet on 12 January 2016, when it was agreed, as follows:-

- (a) To note the progress made by the Environmental Health Service in addressing the issues of out of control dogs and dog fouling.
- (b) To endorse the approach of seeking to use preventative measures to ensure that all dog owners recognise dog fouling as socially unacceptable; and
- (c) To refer this report to the Performance, Review and Scrutiny Committee for information.

#### **3 Report Implications**

These are as outlined in the attached report by the Director, Education, Communities and Economy.

#### **4 Recommendations**

The Committee is invited to consider the attached report by the Director, Education, Communities and Economy.

**Date 23 February 2016**

**Report Contact:**

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## **Dog Control**

### **Report by Mary Smith, Director, Education, Communities and Economy**

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

This report is to provide Members with an update concerning the activities associated with dog control matters in Midlothian.

#### **2 Background**

##### **2.1 Dog control matters fall into three broad categories**

- i) Out of control dogs as regulated by The Control of Dogs (Scotland) Act 2010
- ii) Dog fouling as regulated by The Dog Fouling (Scotland) Act 2003
- iii) The licensing of dog boarders and dog breeders.

This paper will update members on matters i) and ii) above.

##### **2.2 Out of control dogs that is dogs which cause alarm or apprehensiveness to a “reasonable person”, are regulated under The Control of Dogs (Scotland) Act 2010. The Act focuses on an approach of tackling irresponsible dog ownership rather than restrictions on specific breeds. Throughout Midlothian the Council promotes more responsible dog ownership to ensure that dogs which may be out of control are brought and kept under control.**

The 2010 Act is designed to highlight the dog owner responsibilities and provide measures to change the behaviour of dogs and their owners before a dog becomes dangerous. The Council aims to achieve this initially through constructive engagement in providing support and advice and targeting education opportunities. The Act does provide statutory powers e.g., Dog Control Notices, which are used in appropriate cases.

The Control of Dogs legislation came into force in February 2011. Complaints received by the Council continues to grow in number and complexity and range across dog on dog attack, dog on other animals e.g., horse /livestock and dog on person attack. In terms of the number of complaints received alleging that dogs are out of control the data is shown below.

Year	Reported cases re Out of Control dogs	Dog Control Notices Served
2011-12	23	1
2012-13	34	1
2013-14	57	7
2014-15	78	15
2015-16 up to November 15	42	4

Investigations into allegations concerning a dog being out of control can be complex and time consuming and require hours of research and surveillance to determine the appropriate outcome. Advice and information are always provided to the dog owner or, more formal action, in the form of the service of a Dog Control Notice (DCN), takes place if sufficient evidence can be gathered. A DCN requires the dog owner to bring and keep the dog under control and stipulates exactly which steps must be taken by the dog owner to achieve that; these may include formal training, micro chipping of the animal, neutering etc. It is currently intended that micro-chipping of all canines in Scotland will be required from April 2016.

The service of a DCN places a duty on the Council to enforce the Notice and monitor its effectiveness. Where failure to comply with a DCN is established the matter may be referred to the Procurator Fiscal with a view towards prosecution. A summary conviction for failure to comply can result in a fine up to £1000. On conviction of an offence the court may disqualify a person from owning or keeping a dog for a prescribed period of time, or, if the dog is considered dangerous, may make an order for the destruction of the dog.

Dangerous dog legislation which is enforced by Police Scotland also exists but this legislation triggers Police investigation where the dog is known to be dangerous e.g., where a previous attack or similar has occurred.

The numbers of Dog Control Notices, served on a yearly basis, are also shown in the table above.

The officer time required to deal with reported incidents regards out of control dogs has increased significantly since its introduction in 2011.

### 2.3 Dog Fouling

The Dog Fouling (Scotland) Act 2003 created an offence for any person responsible for a dog, not to remove immediately and dispose of appropriately any excrement after the dog has fouled.

Dog owners must clean up after the dog has fouled in any public open space. Open space includes pavements, footpaths, roads, parks, recreational pitches, cycle ways, communal land, backstairs, closes and any open land the public has access to, with the exception of agricultural land. Any fouling should be picked up and disposed of in a responsible manner by depositing it in the nearest dog waste bin, or litter bin, or domestic waste bin.



A number of the community consultations conducted to date raise concerns regarding dog fouling on paths, footways and grassed areas. The public are concerned for a variety of reasons including the unpleasantness of coming into contact with dog dirt and also the potential health risks associated with it.

### **3 Dog Control Activities**

- 3.1** The Environmental Health Service has two Environmental Wardens whose specific duties include a range of environmental matters; dog control, fly-tipping, littering, pest control etc. In addition the remainder of the Environmental Health staff are authorised to take enforcement action against dog fouling including the service of Fixed Penalty Notices (FPN).

Dog fouling remains a high priority given the views demonstrated by our local community through engagements such as Community Planning, Neighbourhood Planning and Council Housing tenancy surveys etc.

In 2011/12 the service commenced the current zero-tolerance to dog fouling campaign and since that date have used a variety of techniques to make people aware of the legislation, the health effects and the need to be responsible dog owners.

These include:

- Increasing the frequency of out of hours patrols with early morning and evening patrols, including at weekends, both covert and overt patrols.
- Educating dog owners as to their responsibilities.
- Taking enforcement action against offenders.
- Awareness talks to primary school children to commence education at an early age.
- Providing free dog bags from council offices, leisure centres, libraries, including the mobile library service and our more remote communities through a local establishment e.g., "corner shop"
- Dog waste bins are provided at various locations throughout Midlothian and these are maintained and emptied on a regular basis. Where problem areas are identified the bin provision has been reviewed and additional resources provided if appropriate. Where no specific dog waste bin is available dog owners have been re-educated to the fact that bagged dog waste may also dispose of in any public refuse bin or by taking it home and put it in their domestic rubbish bin. Since the start of this campaign the Midlothian Council has provided extra dog fouling bins at a number of "problem" locations.
- Erecting "No Fouling" signs.
- Using pathway stencils on busy walkways, particularly around some primary schools.
- Targeting stray dogs and educating the owners when they reclaim their pet(s).
- Introduction and support of the co-production initiative Green Dog Walkers.

### 3.2 Green Dog Walkers

In adopting the Green Dog Walkers scheme, an initiative developed by Falkirk Council, we set out to engage with community groups and volunteers, providing support and funding for the Green Dog Walkers armbands, pledge brochures and promotional items. To date we have 23 groups and 346 individuals who have either personally pledged to pick up after their own dogs or who encourage other dog owners in a non-confrontational manner to sign a pledge that they will pick up after their dog, carry extra dog bags and wear a green armband (or green collar on the dog) to signify that others can ask them for dog bags. Such community volunteers include school parent councils, community councils, youth clubs, sports clubs/ junior football clubs etc.

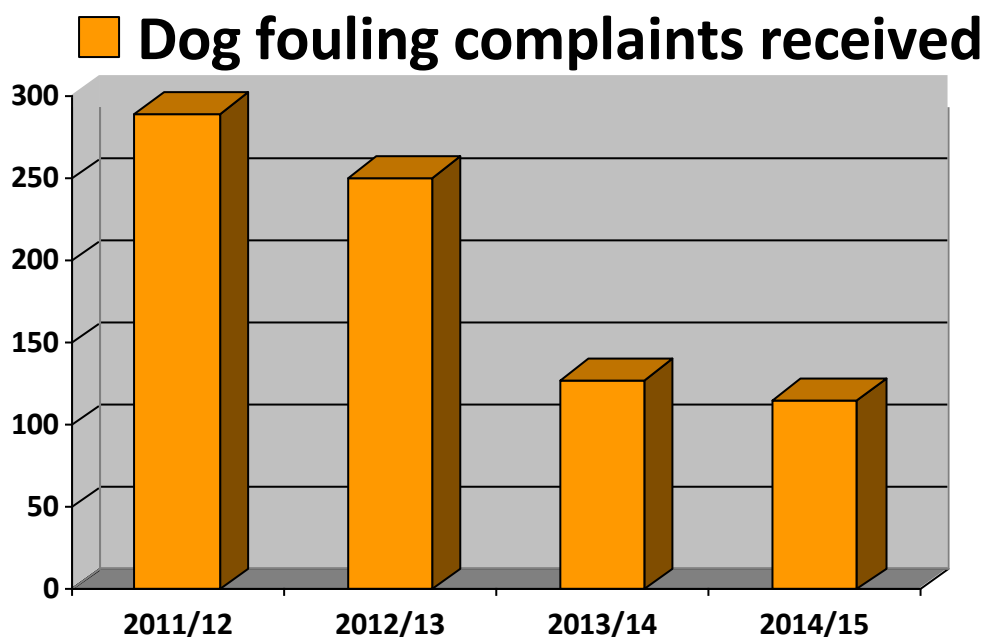
The campaign philosophy is to shift public attitudes so that it becomes socially unacceptable to leave dog fouling lying around. The scheme had been seen to work well when run by community groups (not seen by the public as 'enforcers') along with robust enforcement by local authority officers.

The activities undertaken principally around dedicated patrols, seeking to identify and issue fixed penalty notices to offenders but also seeking to engage with the dog walking community and educate and promote greater responsibility is summarised in the table below.

Year	No. of FPN served	No. of dedicated dog fouling patrols	Staff hours spent	Dogs seen on patrol	Dogs seen fouling	Owners seen picking up	Complaints received re dog fouling
2011/12							290
2012/13	24	559	555	7158	1269	1265	251
2013/14	25	576	547	8116	1628	1624	128
2014/15	15	327	321	5181	1120	1119	115

In particular it is worth noting the decline in the number of complaints Environmental Health receives regards dog fouling. As shown, in the table above and bar chart below, during the four year period between 2011/12 and 2014/15 there was a 60% reduction in complaint numbers. In real terms the percentage reduction in the levels of complaint per head of population is even greater if the growth in residential properties that has taken place over the four year period is considered.

Figures for the 2015/16 year indicate that the level of complaints may well be levelling out; a clear indication that further work is required to address the issue.



#### **4. Report Implications**

##### **4.1 Resource**

At present the dog control activities, including the continued support and promotion of the Green Dog Walkers scheme, is being managed within the current Environmental Health resources. Whilst there is no additional resource implications identified in this paper it is recognised that an increase in the dedicated staff resource to concentrate on dog control would be extremely beneficial in the furtherance of the progress already attained.

##### **4.2 Risk**

There are no defined major issues in risk management, although there is a risk that failure to continue with the programme may allow the situation to deteriorate and thereby lead to a Public Health nuisance.

##### **4.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- X Community safety
- X Adult health, care and housing
- X Getting it right for every Midlothian child

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

The success of the dog control programme plays a significant part in the quality of the environment we live and work in and is a contributory factor in terms of the commitment made by Midlothian Council and its Community Planning Partners regards early years and economic growth.

#### **4.5 Impact on Performance and Outcomes**

In 2011 at the commencement of the current campaign against dog fouling the Council set out to change the mindset of dog owners and walkers in Midlothian. UK research indicted that a typical quote from those who allow dog fouling, includes “everyone else is doing it so why not me?” Our aim was to convert that opinion to one of ‘everyone else clears up and so will I’.

Patrol statistics gathered show that approximately 93 percent of dog owners pick up. It is the 7% of irresponsible owners on whom we continue to concentrate our resources.

#### **4.6 Adopting a Preventative Approach**

Environmental Health will continue with our schools education programme as we consider that enforcement alone will never fully resolve the dog control issues we face rather early education for future prevention is the key.

#### **4.7 Involving Communities and Other Stakeholders**

We seek to engage with all interested parties, particularly local communities. A number of community based groups has provided suggestions and ideas for how the service may be improved and where possible these have been incorporated. Where incorporation of the suggestions has not been possible, for legal or other reasons, we have sought to inform the relevant individuals.

#### **4.8 Ensuring Equalities**

This report is only advising of recent and current activity. It is not proposing any changes to strategy or policy and does not therefore need to be assessed for equalities impact.

#### **4.9 Supporting Sustainable Development**

The dog control programme is designed to ensure the well-being of our population and visitors and seeks to provide a better quality of life for people in Midlothian through improvement in environmental conditions.

#### **4.10 IT Issues**

Our field officers are regularly subjected to significant verbal abuse or other threatening behaviour as a result of investigating dog control matters and other environmental offences. We are currently at the early stages of researching the potential for the provision of personal security cameras, similar to those used by Police Scotland or traffic regulators, with IT colleagues and Data Protection Officer.

## **5 Recommendations**

It is recommended that Cabinet;

- i) notes progress made by the Environmental Health Service in addressing the issues of out of control dogs and dog fouling;
- ii) endorses the approach of seeking to use preventative measures to ensure that all dog owners recognise dog fouling as socially unacceptable; and
- iii) remits this report to the Performance, Review and Scrutiny Committee for information.

**Date 21 December 2015**

**Report Contact:**

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## **Greenhouse Gas Emissions Arising From Business Use of Staff Motor Vehicles ('Grey Fleet')**

**Report by John Blair, Director, Resources**

### **1 Purpose of Report**

The purpose of this report is to bring to the Committee's attention the attached report by the Head of Communities and Economy

### **2 Background**

The report was considered by the Cabinet on 12 January 2016, when it was agreed, as follows:-

- (a) To note this report; and
- (b) To refer this report to the Performance Review and Scrutiny Committee for its information.

### **3 Report Implications**

These are as outlined in the attached report by the Head of Communities and Economy.

### **4 Recommendations**

The Committee is invited to consider the attached report by the Head of Communities and Economy.

**Date 23 February 2016**

**Report Contact:**

Name: Gordon Aitken Tel No 0131 271 3159  
Gordon.aitken@midlothian.gov.uk





## **Greenhouse Gas Emissions Arising From Business Use of Staff Motor Vehicles ('Grey Fleet')**

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

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

- 1.1 The purpose of this report is to brief Cabinet on the estimated levels of greenhouse gas emissions arising from business use of staff motor vehicles over recent years, to highlight possible reasons for the increasing levels of such emissions, and to advise on the intended response.

#### **2. Background**

- 2.1 Since 2007, all Scottish local authorities have been signatories to Scotland's Climate Change Declaration, publicly committing themselves to reducing greenhouse gas emissions, including through operational travel planning. Public body climate change activity became a statutory requirement in 2011 with the coming into force of "climate change duties" in the Climate Change (Scotland) Act 2009; amongst other things, a "public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of [Scotland's greenhouse gas emissions] targets."
- 2.2 At its meeting on 17 November 2015, Cabinet approved the Council's annual report on its climate change activities, for the 2014/15 period; agreed to submission of the report to the Scottish Government; and to its referral to the Performance Review & Scrutiny Committee ('PRS') for information.
- 2.3 Cabinet and PRS noted from the covering reports that greenhouse gas emissions arising from business use of staff motor vehicles (claimed business mileage only, assuming an 'average car') were estimated to have risen from 365 tCO<sub>2e</sub> in 2006/7 to 423 tCO<sub>2e</sub> in 2014/15. These reports explained that claimed business miles have been rising fairly consistently, from an estimated 1,192,457 miles in 2006/7 to 1,388,295 miles in 2014/15.
- 2.4 Both Cabinet and PRS (at its meeting on 24 November 2015) have requested further information on the estimated levels of greenhouse gas emissions arising from business use of staff motor vehicles, and an explanation of the possible reasons for the increasing levels of such emissions.
- 2.5 Business mileage claimed over the period 2007/8 to 2014/15 is as follows:

<b><i>Financial Year</i></b>	<b><i>Total Miles Claimed</i></b>
2007/8	1192457
2008/9	1165728
2009/10	1137228
2010/11	1146410
2011/12	1241424
2012/13	1307004
2013/14	1342322
2014/15	1388295

- 2.6 The proximate cause for increases in estimated levels of greenhouse gases from business use of staff motor vehicles is the above increase in business mileage, itself estimated as it is assumed to equate to the mileage in respect of which staff have made mileage allowance claims. The Head of Commercial Operations, through his responsibility for the Council's operational Travel Plan 2013-2017, has the relevant grey fleet remit, and has consulted heads of service on possible reasons for increases in claimed business mileage. Suggested reasons received to date include, in no particular order:

- Upturn in the economy/increasing Governmental expectations leading to an increase in development site inspections;
- Increasing demand for care in the home arrangements;
- Changes to the location of staff bases;
- Staff increasingly ensuring they claim in respect of all miles to which they are entitled.

- 2.7 Reducing the impact of the Council's business travel is a stated objective of the above travel plan. The Head of Commercial Operations will continue to implement and keep the plan under review with this objective in mind. As part of the latest stage of EWIM at Midlothian House, Dalkeith town centre staff are to be encouraged to make use of the available electric pool cars.

- 2.8 A recent Grey Fleet Review (the Executive Summary of which is appended to this report), commissioned by the Council from the Energy Saving Trust, will be the subject of a report to CMT by the Head of Commercial Operations, who intends to report periodically to Corporate Management Team and the Climate Change & Sustainable Development Group in respect of travel plan progress, including claimed business mileage levels.

### **3. Report Implications**

#### **3.1 Resource**

There are no significant negative resource implications anticipated from the proposals in this report. The proposals in this report have the potential to realise cost-savings whilst maintaining effective service delivery.

### 3.2 **Risk**

Scottish Government guidance states that responsibility for compliance with the public bodies climate change duties rests with the responsible body, which will run the risk of legal challenge or reputational damage if compliance cannot be demonstrated. Scottish Ministers may instruct investigations into compliance.

### 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 impact of unchecked climate change would be significant, including lower economic growth, properties and businesses at higher risk from flooding and extreme weather, higher prices and lower quality of life. Low Carbon Scotland – Meeting Our Emissions Reductions Targets 2013-2027 (June 2013) acknowledges that our economy's sustainability is dependent on a low carbon transition. Scotland's Economic Strategy (March 2015) acknowledges that in the decades to come, climate change will continue to be a key challenge that all economies face and will only increase in importance; and that the Scottish economy is well placed to benefit from the development of the low carbon economy.

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

Reducing Midlothian's greenhouse gas emissions is an outcome area for improvement in the Single Midlothian Plan 2015/16.

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

The Scottish Parliament Finance Committee identified climate change as a major area of policy where preventative spending could have impact. The impacts of a changing climate are likely to fall hardest on the disadvantaged, for example in terms of higher energy bills and greater vulnerability to flooding.

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

Not applicable in respect of the proposals in this report.

### 3.8 **Ensuring Equalities**

No actions with 'people implications' are proposed that would necessitate Equalities Impact Assessment.

### 3.9 **Supporting Sustainable Development**

The Council's travel planning is an integral part of its climate change activity, in turn contributing to sustainable development.

### **3.10 IT Issues**

There are no IT issues arising directly from this report.

## **4. Recommendations**

It is recommended that Cabinet:

- (a) notes the content of this report; and
- (b) refers this report to the Performance Review and Scrutiny Committee for its information.

**Date: 18 December 2015**

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**Background Papers:** None

## Executive Summary

2013/14 data shows that Midlothian Council has 4,954 grey fleet drivers using their own vehicles for council business, who submitted mileage claims for 1,388,295 miles. The grey fleet contributes heavily to the organisation's overall business travel costs and carbon emissions.

The cost to the organisation in mileage claims in 2013/14 was £624,732.75. This cost does not consider lost staff productivity time nor staff time associated with the administration of claims which are factors that should be taken into account when calculating the true cost of grey fleet travel. True costs will therefore be far in excess of the amount noted above.

Though much of the travel within the organisation can be seen as essential, it's accepted that there will be circumstances where alternatives to private car use should be prioritised. Through promotion of the travel hierarchy, increased pool car utilisation and encouraging managerial control of grey fleet mileage, Midlothian Council can expect to achieve a 10% reduction in grey fleet mileage and accompanying mileage costs (£62,473 p.a.). Any reduction in mileage will also lead to carbon savings and would complement the aims of the council under their Carbon Management Plan.

The first action in addressing the grey fleet should be a strong effort to eliminate those journeys which do not have to be made. Video and tele-conferencing facilities are available at a number of the council's sites and promotion of these services should be increased to make all staff fully aware of these options. We have dealt with many organisations where video conference (VC) equipment remains under-used and suggestions for addressing this are covered in the following chapters.

Introducing a strategy to eliminate unnecessary journeys and ensuring that essential journeys take place in the most cost-effective and environmentally friendly manner is the next step. Shifting employees out of grey fleet vehicles has traditionally been a problematic area across many organisations but by assigning grey fleet responsibility to a named person within the organisation, the strongest foundation for success can be laid. Immediate savings can be made by ensuring that no employees are using their own vehicles for journeys over 80 miles. In cases such as these it is more cost effective to use a hire car and national hire car organisations should be engaged with to procure favourable rates and gain access to low carbon hire cars, where available. More details about the break-even point can be found on page 14.

It is recommended that the default choice for all journeys is by public transport, wherever feasible. Promotion of Traveline Scotland to staff will allow them to find public transport routes for any location that they are travelling to. Although, it is acknowledged that public transport is very restrictive within the council area. As well as a likely cost benefit in terms of mileage claim reductions, the amount of lost productive time through driving (approx. 4338 working days per year across the organisation) will be subsequently reduced.

In addition to the significant amount of lost productivity there is a serious risk from a 'Duty of Care' perspective. The systems currently in place to ensure grey fleet drivers have valid driver licenses, MOTs and up-to-date insurance are seen to be sufficient to protect against potential Corporate Homicide Act 2007 breaches, if all procedures are being followed.

Midlothian Council Business Travel and Subsistence policy states;

“Where a driving licence or other paperwork check is required and the information is not provided by the due date, employees will be given up to one additional month to produce the documentation. Payment for any mileage claims during this period will be suspended. After two months, if the employee’s driving licence etc. has still not been produced, Midlothian Council will not pay any mileage claims suspended during that time and the employee may be subject to disciplinary action.”

However anecdotal evidence would suggest that checks are not carried out, this could be detrimental to the council if an accident resulting in a death or serious injury occurred whilst an employee was driving at work without the correct documentation.

Further to this, by undertaking a period of strict mileage claim auditing, the council can seek to eliminate “phantom mileage” claims. Various UK surveys have shown that over a quarter of grey fleet drivers have admitted to exaggerating mileage claims and whilst we have no specific evidence of this amongst the council, it can be seen to be inevitable in any large organisation.

**Newbyres Village Care Home – Sub Committee****Report by John Blair, Director, Resources****1 Purpose of Report**

The report outlines the remit of the Newbyres Village Care Home Sub-Committee which is a Sub-Committee established by the Performance, Review and Scrutiny Committee.

**2 Background**

**2.1** Special meetings of the Performance, Review and Scrutiny Committee were convened on 19 January 2016 and again on 27 January 2016. The sole item of business was to review the operation at Newbyres Village Care Home following the Care Inspectorate report which was published in November 2015.

**2.2** A key action from this special meeting was the formation of a Sub-Committee under the terms of Standing Order 7.4.

**2.3** The overarching role of this Sub-Committee is to monitor the performance and progress of Newbyres Village Care Home in relation to the agreed actions following the Care Inspectorate report from November 2015 and further the recommendations of the Performance, Review and Scrutiny Committee.

**3 Membership**

**3.1** It was further agreed at the special meeting of the Performance, Review and Scrutiny Committee on 27 January 2016 that the membership of the Newbyres Village Care Home Sub-Committee would be:

Councillor Derek Milligan (Chair)  
Councillor Beattie  
Councillor Muirhead  
Councillor Pottinger  
Councillor Russell

**4 Remit**

**4.1** It was agreed at the special meeting of the Performance, Review and Scrutiny Committee on 27 January 2016 that the confirmed remit of the Newbyres Village Care Home Sub-Committee would be agreed at the first meeting of the Sub-Committee.

The remit will incorporate the normal business of the Performance, Review and Scrutiny Committee as outlined in clause 4.2 of the Scheme of Administration i.e.:

## **Performance Review**

- (1) Reviewing performance when viewed against policy objectives arising from:-
  - (a) The Planning and Performance Management Framework and the quarterly performance reports to committee.
  - (b) External inspection reports
  - (c) The Community Planning Partnership and other major partnership projects.
  - (d) Specific performance reports requested by the committee.
  - (e) Ad hoc performance reports presented to the Committee by Chief Officials.
  - (f) Any other reports of a performance-related nature.
- (2) Making recommendations to Cabinet on unsatisfactory performance highlighted in (1) above.

## **Scrutiny**

- (1) Monitoring the delivery of corporate improvement programmes and ensuring that they are progressing in line with corporate aims and objectives. Reporting findings and recommendations to Cabinet.
  - (2) Commenting on decisions and policies agreed by Cabinet and other committees and the impact they have on Midlothian as an area, and making recommendations as appropriate to Cabinet.
  - (3) Inviting Cabinet and Other Committee members to attend and elaborate on Cabinet or Committee decisions or proposals.
  - (4) Where appropriate eliciting views of partners, service users and/or interested parties on Cabinet decisions.
  - (5) Inviting stakeholders to attend and elaborate on any matter relating to the Council eg Police.
- 4.2** The business of the Newbyres Village Care Home Sub-Committee as outlined above will be in relation to Newbyres Village Care Home only.
- 4.3** The Newbyres Village Care Home Sub-Committee will meet as required and determined by the Chair in consultation with the Director, Resources.
- 4.4** The quorum for meetings of the Newbyres Village Care Home Sub-Committee will be 3 Councillors.
- 4.5** Minutes of the Newbyres Village Care Home Sub-Committee will be recorded by the Clerk and submitted to the next ordinary meeting of the Committee for approval. In line with clause 4.2 of the Scheme of Administration , the Newbyres Village Care Home Sub-Committee will



submit meeting minutes to the Performance, Review and Scrutiny Committee for information and to consider any recommendations contained in them which will in turn will be submitted to the full Council for noting and consideration of any recommendations contained in them.

- 4.6** Due to the sensitivity of the discussion of the Newbyres Village Care Home Sub-Committee, meetings will be held in private in terms of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

## **5 Report Implications**

### **5.1 Resource Implications**

There are no direct Resource implications in relation to this report.

### **5.2 Risk Implications**

There are no direct risk implication as a result of the recommendations contained within this report.

### **5.3 Policy Implications**

#### **Strategy**

There are no strategy implications arising from this report.

#### **Consultation**

No consultations have been undertaken in connection with this report.

#### **Equalities**

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

#### **Sustainability**

There are no sustainability implications arising from this report.

## **6 Recommendations**

The Performance, Review and Scrutiny Committee is recommended to:

- (a) Agree the overarching remit of the Newbyres Village Care Home Sub-Committee;
- (b) Confirm the first meeting date of the Newbyres Village Care Home Sub-Committee; and
- (c) Instruct the Director, Resources to update the Scheme of Administration with the inclusion of the Newbyres Village Care Home Sub-Committee when the remit of the Sub-Committee has been confirmed.

**22 February 2016**

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