

Notice of Meeting and Agenda



Midlothian Council

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

Date: Tuesday, 21 November 2023

Time: 11:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services

Clerk Telephone:

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

Further Information:

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

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1 Welcome, Introductions and Apologies

2 Order of Business

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

3 Declaration of Interest

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

4 Deputations

None

5 Minutes

5.1	Minute of Meeting of Midlothian Council 10 October 2023 submitted for approval	5 - 22
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6 Questions to the Council Leader

None

7 Motions

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8.6	Chief Social Work Officer Annual Report, report by Chief Social Work Officer & Chief Officer Children's Services, Partnerships & Communities	107 - 142
8.7	ESES City Region Deal regional approach to a Visitor Levy for Midlothian, report by Executive Director Place	143 - 160

Exclusion of Members of the Public

(A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPHS 6, 9 AND 11 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND

(B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

9 Private Reports

Dalkeith Regeneration Development Framework – Early Phase Proposal, report by Executive Director Place

10 Date of Next Meeting

The next meeting will be held on Tuesday 19 December 2023 at 11.00am.

Minute of Meeting

Midlothian Council
Tuesday 21 November 2023
Item No 5.1



Midlothian Council

Date	Time	Venue
10 October 2023	11.00 am	Council Chambers, Midlothian House/Hybrid

Present:

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

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB	Fiona Robertson, Executive Director Children, Young People & Partnerships
Alan Turpie, Legal and Governance Manger/Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer) (Acting)
Derek Oliver, Chief Officer Place	Fiona Clandillon, Head of Development
Joan Tranent, Chief Officer Children's Services, Partnerships and Communities	Myra Forsyth, Continuous Improvement Manager
Saty Kaur, Chief Officer Corporate Solutions (Acting)	Gary Leadbetter, Democratic Services Officer
Lucy Roddie, Democratic Services Officer	

Religious Representatives:

Mrs Anne-Theresa Lawrie	Elizabeth Morton
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1. Welcome and Apology for Absence

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

The Provost noted that two previous Chairs of Community Councils had passed. Archie Pacey, former Chair of Gorebridge Community Council and Janet Irvine, former Chair of Bonnyrigg Community Council.

2. Order of Business

As per the Agenda, noting that Item 8.9 had been withdrawn prior to the meeting.

Noted that the Minute of Council 29 August 2023 has the wrong date recorded, and this will be amended.

3. Declarations of interest

Councillor Pottinger declared an interest in Item 8.10.
Councillor Curran declared an interest in Item 8.8.

4. Deputations

None.

5. Minutes of Previous Meetings

Item No.	Report Title	Submitted by:
5.1	Minute of Council 29 August 2023 and Addendum submitted for approval	Executive Director Place
Outline and Summary of Discussion		
The Minute of the meeting of Council on 29 August 2023 and the Addendum were submitted and approved as a correct record, with the date amended.		
Councillor Milligan noted that, in Item 8.1 of the Minute, they were certain they had requested a report to be brought to Council on the fleet position due to the overspend. Kevin Anderson, Executive Director Place, confirmed that this was an ask. Kevin noted that there is a draft Fleet Management Plan, which is expected to be finalised in the coming weeks, therefore this will come before November or December Council.		
Councillor Curran stated that there was an inference that their motion had been submitted less than 3 days before the previous Council meeting, asking for confirmation that it had been one full week in advance. Councillor Curran noted		

that this was not for an amendment in the Minute. Alan Turpie, Legal and Governance Manager/Monitoring Officer, provided confirmation.

Councillor Virgo noted that on Item 5.1 it is recorded as “moved by Councillor Parry and seconded by McManus,” asking that the Councillor prefix could be added to the latter.

Councillor Parry moved the Minute, as amended. Councillor Virgo seconded.
Councillor Parry moved the Addendum. Councillor Virgo seconded.

Decision

The Minute and Addendum were approved, with necessary amendments to be made, before it is signed by the Provost.

Action

Provost/Democratic Services

Item No.	Report Title	Submitted by:
5.2	Minute of Special meeting of Midlothian Council 13 September 2023, submitted for Approval	Executive Director Place
Outline and Summary of Discussion		
Councillor Parry moved the Addendum. Councillor Virgo seconded.		
Decision		
The Minute was approved, to be signed by the Provost.		
Action		
Provost/Democratic Services		

Item No.	Report Title	Submitted by:
5.3	Minute Volume Index Midlothian Council 10 October 2023 submitted for approval	Executive Director Place
Outline and Summary of Discussion		

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

- Cabinet – 30 May 2023
- General Purposes Committee – 28 March 2023
- Midlothian Integration Joint Board – 13 April 2023
- Planning – 16 May 2023
- Police, Fire and Rescue Board – 15 June 2023
- Midlothian Integration Joint Board – 22 June 2023
- Midlothian Integration Joint Board, Audit and Risk – 28 June 2023

Moved by Councillor Parry. Seconded by Councillor Virgo

Decision

All to note.

Action

Item No.	Report Title	Submitted by:
5.4	Action Log	Executive Director Place
Outline and Summary of Discussion		
Councillor Russell, raising a question in relation to Action 11 – Midlothian House and Dalkeith Town Centre: Briefing/Seminar to be held to further discuss the wider plan for Dalkeith Town Centre, which states to be confirmed, noted that there was a request for a seminar and that they had asked for a date. Councillor Russell requested that assurances were given that this action will be given some priority to discuss in full length at a seminar. Kevin Anderson, Executive Director Place, confirmed that a briefing will be delivered prior to December Council.		
Decision		
Action log updates were all noted. All completed actions to be removed. A briefing on the wider plan for Dalkeith Town Centre to be held before December Council.		
Action		
Democratic Services		

6. Questions to the Leader of the Council

None received

7. Motions

Item No.	Notice of Motion	Submitted by:
7.1	Old Craighall Road	Councillor Curran and Councillor Russell
Outline and Summary of Discussion		
<p>The Notice of Motion was proposed by Councillor Curran and seconded by Councillor Russell.</p> <p>Councillor Curran, in relation to the Motion, raised the following points:</p> <ul style="list-style-type: none">• The road closure has caused significant disruptions for locals and services.• They feel there has been a lack of transparency, as they were not aware of the TTRO process until its publication, noting that when this was published it allowed CALA Homes to continue its work. Councillor Curran explained that it was published two days after they had submitted their urgent motion, which they state has hindered the democratic process. Councillor Curran noted there needed to be scrutiny over the process followed and publication.• The impact the road closure has had on the net-zero ambitions and the lack of information surrounding this.• That dilapidation surveys had not been carried out.• That communities should not have to subsidise developments with road disruptions for an excessive period. <p>Councillor Curran queried whether Dr Grace Vickers, Chief Executive, felt that the publication of the TTRO two days after the Notice of Motion was submitted, was an error. Dr Grace, in response, that Councillor Curran had previously raised this matter, however, that at that stage, they were unable to intervene. Dr Vickers highlighted that due process was followed by the Roads Authority in this matter and would provide more information to Councillor Curran if it would assist.</p> <p>The Provost noted that it was unusual to have a Motion that the mover was not going to vote for and asked Alan Turpie, Legal and Governance Manager/Monitoring Officer, to clarify if it was therefore competent. Alan noted that, whilst Councillor Curran is unable to vote for the Motion, they are still moving it formally and that it is formally seconded by Councillor Russell. Alan explained that there was an amendment moved by Councillor Imrie and seconded by Councillor Milligan, which is competent to hear.</p> <p>Councillor Russell seconded the motion.</p> <p>Councillor Imrie moved an amendment to the motion, namely, to delete the last paragraph and insert the following paragraph: "Therefore agree that a paper be brought back to future full Council with a set of protocols when dealing with road closures around new developments and that this set of protocols are incorporated into any new planning application."</p>		

Councillor Imrie noted that the purpose of the amendment was to allow all aspects of new developments to be taken into consideration, to ensure full and proper consideration is given to the full implications of new developments.

Councillor Milligan seconded the amendment.

Councillor Virgo agreeing that there are disliked disruptions from road works, however highlighted that road closures are a factor of developments. Councillor Virgo noted that they believe there are protocols in place with the Roads Authority which govern how officers allow and plan for road closures. Councillor Virgo queried how far the Council was getting involved in operational activities by consideration of this.

Alan Turpie, in response, noted that in terms of the amendment it concerns only protocols required for TTROs required with planning applications. He explained that it is largely dependent on the wording of the protocol, ensuring it clarifies the difference between strategic and operational. He highlighted that it was their understanding that the amendment only required that the protocols relate to TTROs for large-scale developments.

Councillor Virgo noted that they do not feel comfortable with the amendment.

Councillor Parry noted that they would welcome a report being brought which concerns the timescales asked of contractors to guarantee that their work is completed. Councillor Parry noted that there needs to be consideration of whether this is brought to Council or the Planning Committee.

Councillor Alexander queried whether disruptions to residents could be considered at pre-planning and work done in respect of mitigations to residents as part of the planning process. Councillor Alexander also requested that, in the requested report, mitigations against financial disruptions to the Council with new developments are considered. Councillor Alexander asked that this is also included in planning reports.

Councillor Curran noted that they accepted the amendment to the Motion.

Alan queried whether the movers and seconders of the amendment and motion were content with Councillor Parry's suggestion that the amendment is changed to require that a report be brought back to a future meeting of the Planning Committee. Councillor Imrie, Councillor Milligan, Councillor Curran and Councillor Russell confirmed they were all in agreement.

Decision

The Notice of Motion was moved, amended as follows:

- The last paragraph be deleted and the amendment paragraph, as above, be inserted.
- Request that a report, as described above, is brought to a future Planning Committee.

Action

Executive Director Place

8. Reports

Item No.	Notice of Motion	Submitted by:
8.1	Scotland's Census 2022 – Rounded Population Estimates	Chief Executive
Outline and Summary of Discussion		
<p>Dr Grace Vickers, Chief Executive, presented the report. The purpose of this report is to draw members attention to the recently published Scotland's Census 2022: Rounded Populations Estimates data. This is an initial report designed to draw members attention to this recent publication and notes that further analysis will be undertaken and that a detailed analytical report will be prepared and presented to the Community Planning Partnership (CPP) Board and Council when available. Members are asked to note that further census information will be published by the National Registers of Scotland in spring 2024.</p> <p>Council is recommended to:</p> <ul style="list-style-type: none">(a) Note the publication of the first census outputs in the form of Scotland's Census 2022: Rounded Population Estimates(b) Note the ongoing analysis of this data and that a further report will be presented to the CPP Board and Council including further updates following the publication of additional census data in Spring 2024(c) Write to the UK Government, Scottish Government and Cosla to ask that the 2022 Midlothian Population data be taken into account in respect of allocation for resource, capital and revenue funding and the updating of associated formula. <p>The Provost thanked Dr Vickers for the report and opened it up to questions.</p> <p>Councillor Parry noted both the positive and challenges of growth within Midlothian. Councillor Parry moved the report.</p> <p>Councillor Milligan, in relation to projected growth, queried whether any work has been undertaken to determine where this would have been had Covid-19 not occurred. Dr Vickers explained that further data would be published in Spring 2024 and that the figures presented in the report were indicative. Dr Vickers noted that a further report would be brought back to Council on projected growth.</p> <p>Councillor Milligan seconded the report.</p>		
Decision		
Council moved the report, agreeing to the recommendations as outlined above.		
Action		
Chief Executive		

Report No.	Report Title	Submitted by:
8.2	Medium Term Financial Strategy – 2024/25 to 2028/29	Chief Financial Officer (Section 95 Officer) (Acting)
Outline and Summary of Discussion		
<p>David Gladwin, Chief Financial Officer (Section 95 Officer) (Acting), presented the report. The report sets out the outcome of the most recent review of the Council's financial planning assumptions pointing to an increased budget gap of £7.272 million in 2024/25 rising to £34.677 million by 2028/29.</p> <p>Pressure on budgets across Local Government is severe and as the fastest growing Local Authority in Scotland the position is intensified in Midlothian. Recently published census information showed a 16.1% population growth in Midlothian between 2011 and 2022. This was 3.4% more than the 2nd highest growth figure with sustained growth seen in the Central belt.</p> <p>There is a significant funding gap that will impact on what services the Council can continue to deliver and how they are delivered. Reprioritisation and redesign is crucial to balancing the MTFS and urgent action is needed.</p> <p>Council is recommended to:</p> <ul style="list-style-type: none"> a) Note that the Business Transformation Steering Group (BTSG) will continue to consider measures necessary to support delivery of a balanced Medium Term Financial Strategy (MTFS) before any policy measures are presented to Council. b) Note that the financial outlook remains challenging for this term of Council and note the recommendation of the external Auditor that, <i>“as a matter of urgency, officers and elected members need to work together to develop and agree the medium-term financial strategy and progress the Council's transformation plans”</i>. c) Note the update on Scottish Government grant prospects and ongoing pay negotiations for the current financial year. d) Note the MTFS planning assumptions set out in the report. e) Note that the budget gap for 2024/25, incorporating the planned use of service concession retrospection and a 3% Council Tax increase is projected to be £7.272 million, rising to a projected £34.677 million by 2028/29. f) Note the urgent need to finalise savings proposals, many of which will involve extremely difficult choices, to achieve equilibrium between expenditure and income; and g) Otherwise note the remainder of the report. <p>The Provost thanked David Gladwin for the report and opened it up to questions.</p>		

Councillor Smaill, drawing attention to debates in February 2023 on the agreed balanced budget, queried whether the Council was on track for achieving these and also whether the workforce was becoming an increasing burden and not becoming more efficient. In response, David Gladwin referred back to a discussion in the Q1 Financial Monitoring, in which it was recognised there were a number of projected overspends and some related to delivery of savings. He noted that work continues around this and Members will be given a detailed update in November, as part of Q2 Financial Monitoring. He explained that it was currently difficult to provide concrete figures on the workforce, although noted that posts were not being filled where it was felt they did not need to be.

Decision

Council noted the report.

Action

Report No.	Report Title	Submitted by:
8.3	Midlothian Strategic Housing Investment Plan 2024/25 – 2028/29	Executive Director Place
Outline and Summary of Discussion		
<p>Fiona Clandillon, Head of Development, presented the report. She noted a correction on page 103, explaining that where the report mentions the Newtongrange, St David's, former library site it should read Newtongrange, Church Halls.</p> <p>The report summarises the key points set out in Midlothian's Strategic Housing Investment Plan (SHIP) 2024/2025-2028/29, which details the priorities for investment in new affordable housing in Midlothian.</p> <p>The Scottish Government requires all local authorities to prepare a Strategic Housing Investment Plan (SHIP) that identifies the main strategic investment priorities for affordable housing over a five-year period. This important document is required on an annual basis as the Scottish Government requires detail on the Affordable Housing Supply Programme in each regional area towards meeting the national target of supporting the development of 110,000 new affordable homes.</p> <p>Council is recommended to approve the SHIP 2024/25-2028/29, which will be submitted to the Scottish Government in October 2023 to meet the required dateline, subject to approval by Council.</p> <p>The Provost thanked Fiona Clandillon for the report and opened it up to questions.</p> <p>Councillor McKenzie moved the report.</p> <p>Councillor Scott asked, in respect of Newbyres Crescent, Gorebridge, for clarification on the number of the number of houses built and completed as the numbers are 75 and 150 respectively. Councillor Scott further noted, in relation to Redheugh, Gorebridge Phase 1 and 2, that there seems to be a discrepancy in the</p>		

number of houses that should be getting built. In relation to the latter question, Fiona noted that the discrepancy is likely to be that the site is being taken forward in phases and that this only shows initial, not latter, phases. In relation to the former question, Fiona Clandillon noted that the numbers should both read 75.

Councillor Scott seconded the report.

Councillor Smaill raised concerns around the ambition of the plan, noting that it was a considerable increase in houses planned for building over the next four years than had been built in the preceding four years. Councillor Smaill highlighted that this would have significant financial strain on the housing revenue account and wondered whether these numbers were feasible. Fiona Clandillon noted that, in terms of phasing funding, a budget is available based on the rent setting strategy that was approved by Council, which shaped the strategy and is monitored regularly. David Gladwin, Chief Financial Officer (Section 95 Officer) (Acting), reminded Members of the value of the housing revenue account balance which had been held in anticipation of building houses. He provided assurance that the 20-yr housebuilding revenue model ties together with the detail in the SHIP. Councillor Smaill requested a copy of the model.

In relation to people waiting for houses who are unlikely to receive an offer, Councillor Curran stated that support for them should be explored. Councillor Curran also queried whether a report could be brought to Council on parts of Midlothian becoming rent pressures zones. Kevin Anderson, Executive Director Place, confirmed this can be explored and a report be brought forward to November or December Council.

The Provost declared an interest that they are a private landlord.

Councillor Parry noted that it would be useful to include information on addressing the issues with private rent and mid-market rents in the report suggested by Councillor Curran.

Decision

Council:

- approved the SHIP 2024/25-2028/29 and
- agreed to a report being returned looking at rent pressure zones and private rent to November or December Council.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.4	Council House Building Programme – Progress Update 2023	Executive Director Place

Outline and Summary of Discussion

Fiona Clandillon, Head of Development, presented the report. The purpose of the report is to update the Council on the status of the overall housing programme, on approved sites and proposed new sites for the Council new build affordable housing programme and other initiatives.

Council is recommended to:

- a) Note the content of this report and the progress made on Phases 2 to 5;
- b) Note the sites now underway to complete Phase 4 and Phase 5, projected handover programme and progress related to Open Market Purchases;
- c) Note the potential Phase 5 sites currently under consideration to progress; and
- d) Note the projected costs/budget expenditure in this report.

She noted that, in Table 6: Midlothian Council Passivhaus Sites of the report, there was an error, and the total figure should read 207 not 191.

The Provost thanked Fiona Clandillon for the report and opened it up to questions.

In relation to a concern raised from Councillor Drummond that the report mentions Newtongrange Library as a development site, Fiona Clandillon noted that this is a mistake and that it should read Newtongrange Church Hall site. Councillor Drummond further queried why, given that there is an ongoing consultation, there is a number of planned houses for Newtongrange, Main Street, former swimming pool. Fiona Clandillon noted that an assumption was made based on the basis that it would be a residential let, recognising that this is an ongoing process and this figure would be updated based on the outcome of the consultation.

Councillor Smaill, in respect of page 117, table 7, queried where the additional £350k cost expected refers to as it was not clear. Fiona Clandillon explained that this relates to Conifer Road site and that this would be updated.

Councillor Smaill raised a query in relation to housing allocation and the joint waiting list with the register of social landlords. Kevin Anderson, Executive Director Place, explained that there were some discrepancies between allocation policies. He spoke to the ranking profile in relation to the allocation policy of the Council. He stated that the joint waiting list could be reviewed when the housing allocation policy comes up for review.

Councillor Pottinger, in relation to the Newtongrange Church Hall site, questioned whether more information could be provided on offsite modular construction and whether other developments were using modular units. Fiona Clandillon explained that the site has planning permission for 5 homes, but after review based on modular units, it was determined this could be 6 homes if it meets approval.

Councillor McKenzie moved to pause the use of Passivhaus to allow time to better understand the variance in expected and actual cost. Councillor Curran seconded this, noting they would welcome an analysis to see how efficient Passivhaus housing is in relation to energy efficiency in comparison to standard energy efficient housing and whether there was returned value from the additional cost. Kevin Anderson, Executive Director Place, agreed that an analysis can be brought back to Council. He noted, however, that the Bonnyrigg site would need to continue due to the contract commitment and welcomed direction on the Newbattle site if Members were minded to pause. He also referenced current ongoing work around the capital plan prioritisation and stated that consideration of net zero and climate change could be added to this.

Councillor McKenzie noted that current plans should not be paused, just further commitments. Councillor Curran agreed.

Councillor Virgo queried, given the variance in cost, whether something in the rent strategy that reflects additional costs and allows the difference to be recouped. Fiona Clandillon confirmed there was a difference in the rent charge for new builds which reflects the fact that new homes are more expensive to build but cheaper to run. She noted that post-occupancy evaluation will occur to establish the performance of the buildings and spoke to the Passivhaus certification which guarantees that the energy reduction should be hitting 80% of baseline housing. She also explained that the gap between what is passive housing and is not, is not as significant as it may seem. Fiona Clandillon further noted that there are some sites which have increased costs which are an effect of the location and circumstances there.

Councillor Virgo queried who provided the guarantee and what this meant exactly. Fiona Clandillon explained that plans are sent to a Passivhaus certifier, and the components of the design work must be approved by passing a test, therefore certifying that there is a sufficient level of air tightness to the home. The performance of the house is guaranteed through this certification process.

Councillor Curran queried whether the analysis could be provided more quickly. Kevin Anderson noted that there has been no work beyond the three sites listed in the report. He explained that compliance analysis will be available quickly after completion of the Buccleuch House site and there will also, in time, be lived experience of tenants that will be available. Councillor Curran noted that it may be necessary to form a cross-party working group. Kevin Anderson stated this work could be brought to BTSG.

Councillor Smaill raised a queried in relation to whether there was an ability to claim on the guarantee. Fiona Clandillon explained that they were not aware of any recourse being available, were the houses not to live up to the guarantee, although they would check this.

Decision

Council:

- Noted the report, with the specified amendments.
- Agreed to suspend the use of Passivhaus until analysis is brought back to the Council on the cost variances and its efficiency in comparison to standard energy efficiency housing. It was agreed this would not impact current sites, only further commitments.
- Agreed that net zero and climate change be considered as part of the ongoing work on capital plan prioritisation.

Fiona Clandillon, Head of Development, agreed to check whether there was any recourse on the guarantee.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.5	Housing Services Assurance Statement 2023	Executive Director Place
Outline and Summary of Discussion		
<p>Kevin Anderson, Executive Director Place, presented the report.</p> <p>To comply with the Scottish Housing Regulator's (SHR) Regulatory Framework, the Council must approve and submit an AAS each year providing assurance that it is meeting legislative and regulatory standards for social housing in Scotland. This report explains the Regulatory Framework and appends an Assurance Statement for approval by Council. The AAS confirms the Council fully meets the SHR required standard and outcomes. Following Council approval, the AAS will be published on the SHR and Midlothian Council's websites.</p> <p>Council is recommended to approve the Annual Assurance Statement (AAS) attached at Appendix 1 of the report for submission to the SHR by 31 October 2023.</p> <p>The Provost thanked Kevin Anderson for the report and opened it up to questions.</p> <p>Councillor McKenzie moved the report. Councillor Curran seconded.</p>		
Decision		
Council moved the report, agreeing to the recommendation as outlined above.		
Action		
Executive Director Place		

The Provost adjourned the meeting at 12:36pm for lunch. The meeting reconvened at 13:02pm.

Report No.	Report Title	Submitted by:
8.6	Edinburgh and South East Scotland City Region Deal Annual Report 2022-2023	Executive Director Place
Outline and Summary of Discussion		
<p>Kevin Anderson, Executive Director Place, presented the report. This report summarises the key findings on the appended City Region Deal Annual Report as approved by the City Region Deal Joint Committee on 1 September 2023.</p> <p>Each year, the City Region Deal Programme Management Office is required to produce an annual report to assess how well the City Region Deal is aligning towards the overall vision and inclusive growth outcomes for the city region.</p> <p>Council is recommended to note the Edinburgh and South East Scotland City Region Deal (ESESCRD) Annual Report 2022-2023.</p> <p>The Provost thanked Kevin Anderson for the report and opened it up to questions.</p> <p>Councillor Imrie moved the report. Councillor Parry seconded.</p>		
Decision		
Council noted the report.		
Action		

Report No.	Report Title	Submitted by:
8.7	Edinburgh and South East Scotland Region Deal – Concordat with SEStran	Executive Director Place
Outline and Summary of Discussion		
<p>Kevin Anderson, Executive Director Place, presented the report. This Concordat demonstrates the commitment between SEStran and ESESCRD to work together in support of further integrating economic development, transport and land use planning and delivery in the Edinburgh and South East Scotland city region.</p> <p>It sets out how both bodies will align their activities to ensure that regional plans can deliver shared outcomes through targeted transport interventions. It also describes how new transport interventions will progress, from strategy to delivery, through the appropriate governance structure(s), depending on the activity.</p> <p>Council is recommended to approve the proposed Concordat between Edinburgh and South East Scotland City Region Deal and SEStran and note that this will also be considered for joint approval by the other five constituent Local Authorities in the Edinburgh and South East Scotland City Region (ESESCR).</p> <p>The Provost thanked Kevin Anderson for the report and opened it up to questions.</p>		

Councillor Imrie moved the report.

Councillor Scott noted concerns about transport issues in Midlothian South, stating that the City Deal is not providing benefits or solutions in relation to these issues. Kevin Anderson responded that the issues raised need to be addressed through the local transport strategy

Councillor Cassidy seconded the report.

Decision

Council moved the report, agreeing to the recommendation as outlined above.

Action

Councillor Curran left the meeting at 13:21pm.

Report No.	Report Title	Submitted by:
8.8	Home to School Transport Consultation	Executive Director Children, Young People and Partnerships
Outline and Summary of Discussion		
<p>Fiona Robertson, Executive Director Children, Young People and Partnerships, presented the report. The purpose of this report is to update council on current legislation regarding home to school transport and seek approval to carry out a statutory consultation on a proposal to change Midlothian Council's mainstream home to school transport to be more in line with legislation. The report also seeks council approval to carry out an informal consultation with parents/carers of children attending Saltersgate School and specialist provision on alternative home to school travel options.</p> <p>Council is requested to:</p> <ul style="list-style-type: none">• Delegate authority to the Executive Director Children, Young People and Partnerships to undertake a statutory consultation on a change to mileage limits for mainstream home to school transport;• Carry out an informal consultation with parents/carers of pupils attending Saltersgate School and our specialist provisions; and• Agree that a report on the outcome of the consultation exercises will be brought back to council for consideration and a decision. <p>Fiona Robertson noted that a report will come back to Council for consideration and final decision in May 2024.</p> <p>The Provost thanked Fiona for the report and opened it up to questions.</p>		

Councillor Scott moved the report.

Councillor Scott provided an assurance that this is not a paper exercise and that the consultation would present invaluable evidence that will be used.

Councillor Cassidy seconded the report.

Councillor McEwan, in reference to the consultation to take place in Penicuik regarding catchment areas for the new Beeslack High School, asked that this be embraced fully. Fiona Robertson noted that cognisance would be taken of any planned consultations for changes in catchment areas.

Decision

Council moved the report, agreeing to the recommendations as outlined above.

Action

Executive Director Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.9		
Outline and Summary of Discussion		
This report was withdrawn prior to the meeting.		
Decision		
Action		

Councillor Curran rejoined and Councillor Pottinger left the meeting at 13:26pm.

Report No.	Report Title	Submitted by:
8.10	Standards Commission Decision	Legal and Governance Manager/Monitoring Officer
Outline and Summary of Discussion		
Alan Turpie, Legal and Governance Manager/Monitoring Officer, presented the report.		
In terms of Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and Rule 10.9 of the Standards Commission Hearing Rules, the Council requires to consider, within three months, the terms of a written decision issued by the Standards Commission for Scotland.		
It is recommended that the Council considers the decision of the Standards Commission in relation to complaint reference LA/Mi/3803.		

Councillor Smaill moved the report. Councillor Virgo seconded.
Decision
Council considered the report.
Action

Councillor Pottinger rejoined the meeting at 13:29pm.

Public section of the meeting concluded at 13:29pm.

9. Private

Exclusion of Members of the Public

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

- 9.1** sportscotland Partnership Agreement - Report by Executive Director Place
- 9.2** Appointment of Chief Financial Officer & Section 95 Officer and Chief Officer Corporate Solutions – Report by Chief Executive

Date of Next Meeting

The next meeting will be held on Tuesday 21 November at 11:00am.

The meeting concluded at 13:41pm.

Midlothian Council Minute Volume

Midlothian Council
Tuesday 21 November 2023
Item No 5.2



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

1 Minutes of Meetings submitted for Approval

2 Minutes of Meetings submitted for Consideration

Audit Committee Minute of 26 June 2023	3 - 14
Cabinet Minute of 5 September 2023	15 - 24
General Purposes Committee Minute of Meeting of 22 August 2023	25 - 30
Performance Review and Scrutiny Committee Minute of 20 June 2023	31 - 40
Performance Review and Scrutiny Committee Minute of 19 September 2023	41 - 52
Planning Committee Minute of 12 September 2023	53 - 60
Local Review Body Minute of 19 June 2023	61 - 66

3 Minutes of Meetings submitted for Information

Action Log

Midlothian Council
Tuesday 21 November 2023
Item No 5.3



No	Subject	Date	Action	Action Owner	Expected completion date	Comments
1	Motion - Infrastructure	14/12/2021	Report to Council on the Strategic Investment Framework	Executive Director Place	December 2023	This will be incorporated into the Capital Plan Prioritisation report as in Action No.4 and is scheduled for December 2023 Council
2	Minute Action - CCTV	14/12/2021	To provide a report outlining an expansion of sites for CCTV	Chief Officer Place	October 2023	<p>Recommend to extend completion date to Spring 2024.</p> <p>Phase 1 is now complete and live. It is recommended to extend the completion date of the report on Phase 2 proposals to Spring 2024 to allow time to fully evaluate the benefits of Phase 1.</p>
3	Arm's Length Company to Manage Industrial Sites in Midlothian	28/06/2022	Explore and outline process for creating an arm's length company	Chief Officer Place	January 2024	To be included as part of the Commercialisation Strategy. Work is in progress to develop the strategy and expected to

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
						be presented to Council in Q4 2023/24.
4	Capital Plan Prioritisation	21/02/2023	Refer approved Council report to BTSG on additional affordability scope and projects.	Executive Director Place	August 2023	Updates regularly provided to BTSG. A series of thematic BTSG sessions have been delivered over Oct/Nov 2023 and a report is scheduled for December 2023 Council.
5	Tender Returns – Temporary Units (various)	21/03/2023	Councillor visit to temporary units	Head of Development	TBC	Site visit being scheduled
6	Fees and Charges 2023	21/03/2023	Events Charging Policy to be presented to Council for consideration and approval	Chief Officer Place	Q2 2023/24	In progress – to be presented to Council by end 2023.
7	Midlothian Council Speed Policy Review	9/05/2023	Proposal for roads with other speed limits and an associated action plan for implementation	Chief Officer Place	TBC	In progress
8	Beeslack Community High School and Penicuik Community High School	27/06/2023	Report back to Council on decant strategy and costs for Penicuik High School	Executive Director Place	December 2023	Report scheduled for December 2023 Council

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
9	Standing Order 19.2 Decision – lease Burnbrae Road, Bonnyrigg	29/08/2023	Internal Auditors investigate the position of the retail unit at Burnbrae Road and that the Council are at no undue risk. An update is provided in private on the retail unit currently being constructed adjacent to this building in Buccleuch Street.	Executive Director Place Executive Director Place	TBC October 2023	Audit in progress for report back to Council Retail units construction & handover near completion.
10	Midlothian House and Dalkeith Town Centre	29/08/2023	Briefing/Seminar to be held to further discuss the wider plan for Dalkeith Town Centre	Executive Director Place	Before December 2023 Council	Recommend for closure: Briefing scheduled for Wednesday 15 November 2023.
11	Motion - Old Craighall Road	10/10/2023	Report on protocols when dealing with road closures around new developments be presented to a future Planning Committee	Executive Director Place	TBC	
12	Midlothian Strategic Housing Investment Plan 2024/25 – 2028/29	10/10/2023	Report to be brought to November or December Council on rent pressure zones and private rent	Executive Director Place	Dec 2023	
13	Council House Building Programme – Progress Update 2023	10/10/2023	Update on whether there is recourse in relation to Passivhaus certification/guarantee	Executive Director Place	Dec 2023	

Midlothian Council

Labour Group

Midlothian Council
Tuesday 21 November 2023
Item No 7.1

Midlothian Council
Tuesday 21 November 2023

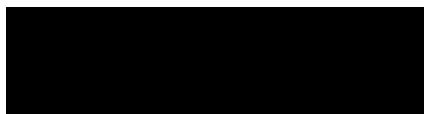
Notice of Motion

Council notes the calls from organisations, including Age Scotland and Independent Age, for a new Commissioner to champion the rights of older people in Scotland. This is to ensure that the long term needs of people in later life are considered in policy and practice across Government. Also, that negative stereotypes are challenged, and the contribution older people make to society is promoted, acknowledges projections that Scotland's population is continuing to age and that by 2040, 1 in 4 people will be aged over 65. Highlights that new statistics from the Scottish Government published in March 2023 reveal that in 2019-22, 15% of pensioners in Scotland were living in relative poverty after housing costs, compared with 14% in the previous period.

Council believes that the COVID-19 pandemic had a profound impact on older people; notes the view that this demonstrates more than ever the need to give older people a strong, independent voice to reflect their views and experiences and protect and promote their human rights.

Further notes that all four nations of the UK now have Commissioners for children; understands that Wales and Northern Ireland already have Commissioners who are improving the lives of older people, and that the campaign for a Commissioner for England is reportedly growing all the time.

Moved:



Councillor Margot Russell

Seconded:



Councillor Russell Imrie



SNP Group

Midlothian Council
21 November 2023
Notice of Motion

Midlothian Council unequivocally condemns the terrorist attacks by Hamas and calls for the unconditional release of all hostages. Council shares the sorrow and outrage of Midlothian's Jewish community and offers our deepest respects to anyone affected.

Midlothian Council also recognises that a humanitarian catastrophe is unfolding in Gaza. Council agrees with the comments on Saturday 21st October 2023 by the Secretary General of the United Nations calling for a "humanitarian ceasefire" and demanding "action to end this godawful nightmare".

Council further recognises that civilians can only evacuate if there is an open border crossing to allow them to leave and they can travel safely without the risk of being caught up in military attacks; further recognises that many people, including the very young, very old and the infirm, cannot leave. Council supports calls for a humanitarian corridor, protected by a ceasefire, to be agreed to allow people to leave and civilian supplies, including food, fuel, water and medical supplies, to reach those who cannot leave.

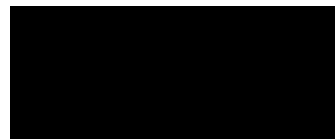
Council further believes international law must be respected, rejects collective punishment, believes that innocent people must not pay the price for the actions of Hamas and is appalled by the escalating civilian death toll in Gaza.

Council recognises that families in Midlothian may be affected by violence in the region; offers condolence to all those who have suffered as a result of this horrific conflict; and resolves to be alert to, and to stand up against, discrimination and hate crime; and resolves that there is no place for antisemitism, Islamophobia, sectarianism, or hatred of any kind in Midlothian.

Midlothian Council calls on the UK Government to support a ceasefire and humanitarian corridor, to commit supplies and aid to mitigate the human tragedy unfolding in Gaza and to be prepared to offer sanctuary and support to Palestinian refugees.

Midlothian Council will hold a 1-minute silence for all those who have lost their lives as part of this conflict.

Moved: Councillor Connor McManus



Seconded: Councillor Colin Cassidy



Financial Monitoring 2023/24 – General Fund Revenue

Report by David Gladwin, Chief Financial Officer and Section 95 Officer

Report for Decision

1 Recommendations

Council is recommended to:

- a) Approve a supplementary estimate of £0.490 million to cover the unbudgeted cost of pay in 2023/24 (sections 3.6 and 3.7);
- b) Note projections of revenue costs and income in 2023/24 against budget;
- c) Note the projected General Fund Reserve Balance at 31st March 2024;
- d) Note recovery actions agreed by the Corporate Management Team in response to areas of projected overspend (section 3.3); and
- e) Note the contents of this report.

2 Purpose of Report / Executive Summary

- 2.1 The purpose of this report is to provide Council with information on projections of performance against service revenue budgets in 2023/24 and to provide commentary on areas of material variance against budget. The budget performance figures as shown in appendix 1 result in a projected net overspend of £1.268 million which is a deterioration of £0.340 million from projections at quarter 1. The projected overspend represents 0.45% of the revised budget.
- 2.2 Projected overspends mainly relate to recurring areas of financial pressure or slower than planned delivery of savings measures. The Corporate Management Team have discussed these in depth and where possible, put in place recovery actions.
- 2.3 The projection of the General Fund balance at 31st March 2024 is £11.399 million, of which £1.727 million is earmarked for specific use and a further £1.260 million relates to VAT claims not yet settled leaving a non-earmarked General Fund balance of £8.412 million.

Date: 9 November 2023

Report Contact: David Gladwin, Chief Financial Officer and Section 95 Officer

David.Gladwin@midlothian.gov.uk

0131 271 3113

3 Background

- 3.1 This report encompasses all performance against revenue budget for General Fund services including additional costs incurred and lost income as a consequence of the Covid-19 pandemic.
- 3.2 In response to the immediate and challenging financial outlook the Chief Executive, during the previous financial year, introduced a moratorium on non-essential spend and a freeze on non-essential vacancies. This moratorium remains in place.

Performance against budget

- 3.3 The main areas of projected overspend against budget at quarter 2 are outlined in the table below also describing mitigating measures and next steps. Projections part-way through a financial year are difficult in some areas and come with a degree of uncertainty.

Table 1: Material variances against budget

Budget	Overspend	Reason	Action Plan / Mitigating Measures	Next Steps
Pupil Transport	£879,000	Volume and value of school pupil transport invoices higher than budgeted.	In October, Council agreed a consultation on pupil transport and this is now underway. A root and branch review of Council Transport is underway as part of the Transformation Blueprint.	Pupil Transport update report to Business Transformation Steering Group (BTSG) on 4th December.
Sport and Leisure	£726,000	Income target shortfall.	Partly offset by reduced in-year running costs of £561,000. Externally commissioned options appraisal reported to BTSG with further work progressed.	Sport and Leisure update report to be presented to BTSG on 4 th December.
Fleet	£754,000	Ageing vehicles and higher volumes of external contracting than planned. External vehicle hire to support service continuity.	Areas of service have been re-provisioned. Cost containment measures in place. Fleet Maintenance Review underway. Multi-year Fleet Asset Management Plan being developed.	Fleet update report to be presented to BTSG on 4 th December.

Energy Consumption	£494,000	Unit prices for electricity as provided by Scotland Excel are higher than budgeted		
Destination Hillend	£483,000	Alpine Coaster not completed during 2023/24 due to delays with civil engineering works.	Project Team aim to accelerate the Alpine Coaster construction.	Regular update reports to governance forums.
Homelessness	£423,000	Service charge income credited to the General for properties used to house homeless clients has reduced due to fewer temporary solutions in favour of permanent tenancies.	Improvement in void property turnaround times thus increasing available supply.	Planned replacement of properties from future voids for temporary use purpose will improve service charge income position.
Additional Support Needs (ASN)	£311,000	Expensive out of authority placements and bespoke packages.	Creation of additional and improved infrastructure in Midlothian.	Continued development of ASN requirements in Learning Estate Strategy and the General Service Capital Plan.
Insurance	£173,000	Cost of Annual Premiums and higher than expected costs of existing claims.	Continual review of claims at the Risk and Resilience Group.	
Trade Waste	£193,000	Income is lower than budgeted targets.	Review of Service.	Waste Recycling Transformation Options presentation to BTSG on 9 th November. Trade Waste Recommendation to BTSG on 4 th December.
Cafes	£184,000	Shortfall in meeting income targets.	Review of offering embedded in Sport and Leisure update report.	Sport and Leisure update report to be presented to BTSG on 4 th December.
Foster Care Allowance	£142,000	Cost of minimum Foster Care allowance exceeds Scottish Government funding		Fair funding discussions with the Scottish Government.

There also remains £1.096 million of Medium Term Financial Strategy cost reductions either to be finalised or fully implemented. A number of these are taking longer than planned to implement with an impact on the 23/24 financial position.

Underspends

- Loan Charges are projected to underspend by £2.649 million in 2023/24. There are three main factors:
 - Higher than forecast and more sustained periods of surplus cash related directly to timing of capital expenditure thus providing opportunity to generate some deposit income;
 - Delays in in longer-term borrowing due to availability of existing funding to support capital programmes in 2023/24; and
 - Higher than budgeted deposit income from cash-backed reserves due to a significant increase in interest rates during 2023/24 from those expected when the budget was set.
- With the exception of ASN, costs across the spectrum of learning settings for children and young people are lower than provided for in the budget mainly due to lower pupil numbers thus giving rise to a positive variance of £0.906 million. Pupil projections in the budget for the following academic year are finalised during base budget development work in December. In the 2023/24 academic year there has been a significant number of primary 1 deferrals and a lower than estimated number of children in Council run Early Years settings;
- The Council continues to hold some non-critical vacancies across the Council, partly to mitigate delivery of planned saving and partly as a financial discipline measure. Management measures are in place to review each vacancy before approving recruitment. The net projected impact in 2023/24 is £0.310 million;
- Fuel prices are now much lower than forecast when the 2023/24 budget was set giving rise to a projected underspend of £0.178 million;
- Income from roads construction charging exceeds budget by £0.195 million due to some large one-off receipts in 2023/24.

- 3.4 The Corporate Management Team have met to consider the financial position agreeing, alongside the continued financial discipline measures referenced in section 3.2, a range of recovery actions and clear timescales for these as outlined in table 1 above.

Pay and funding

- 3.5 The pay offer for employees whose pay negotiations are covered by the Scottish Joint Council (SJC) trade unions and also for Chief Officials has been agreed subject to an ongoing ballot of Unison members which closes on 20th November. The offer is:

From 1st April 2023

- For employees paid the Scottish Local Government Living Wage and National Spinal Column Points (SCP) 19 to 23: an increase in the hourly rate of £1.04.
- For employees on all other SCP an increase in the hourly rate of £1.00 or a 5.5% increase in their pay, whichever is worth more.

From 1st January 2024

- At any SCP where the 1st January 2024 hourly rate in the offer made on 3rd April is greater than the hourly rate effective from 1st April 2023 will receive a further uplift to achieve the full rate in the 3rd April 2023 offer.

3.6 Funding for the 2023/24 involves an assumption of 3% in council budgets. Midlothian Council budgeted at 2.5% for pay in 2023/24 but the positive financial position at the end of 2022/23 allowed the shortfall of 0.5% to be set aside as part of cross year flexibility. Remaining funding:

- The Scottish Government agreed to provide national revenue funding of £155 million equating to approximately £2.7 million for Midlothian.
- A further funding package of £90 million nationally is agreed and involves:
 - £22 million of Scottish Government Capital Grant to be converted to revenue;
 - £7 million funding previously set aside for the Child Abuse Compensation Scheme in 2023/24 used to fund pay and replaced in 2024/25;
 - £21 million Employability Funding. There are underspends in programmes across Scotland in 2023/24. These can be redistributed in 2023/24 and replaced in 2024/25.
 - £30 million Pupil Equity Funding using cross year flexibility between 2023/24 and 2024/25 for unspent balances in 2023/24 to fund pay. The Scottish Government will replace funding in 2024/25.
 - £10 million additional Council contribution.
- Utilisation of Council Reserves in 2023/24 to the tune of £17.2 million nationally with funding being replaced by the Scottish Government in 2024/25.

3.7 Additional Council contributions of £27.2 million outlined in section 3.6 equates to approximately £0.490 million of additional unbudgeted cost for Midlothian and Council are asked to fund this by approving a supplementary estimate.

3.8 Scottish Negotiating Committee for Teachers pay awards for the current financial year have been agreed and are fully funded in the budget.

4 Delegation of resources to Midlothian Integration Joint Board

- 4.1 The approved budget provided for the allocation of £56.593 million to the Midlothian Integration Joint Board (MIJB) for the provision of delegated services. Minor technical adjustments to this allocation during the year to date reduces the allocation to £56.538 million.
- 4.2 In accordance with the Integration Scheme the MIJB is required to deliver delegated services within the budget allocations from the Council and NHS Lothian and where any overspend is projected to put in place a recovery plan to address that. As a last resort the integration scheme allows for the MIJB to seek additional financial support from its partners, either by way of an additional budget allocation or by "brokerage" (provision of additional resources in a year which are repaid in the following year).
- 4.3 Once SJC pay is finalised further consideration will be given to the MIJB in-year position. Financial Monitoring reports covering all of the MIJB activity are presented to the Integration Joint Board and are available on the committee management section of the Council website:-

[Midlothian Integration Joint Board \(cmis.uk.com\)](http://cmis.uk.com)

5 General Fund Reserve

- 5.1 The projected balance on the General Fund as at 31 March 2024 is as follows:

	£ million	£ million
General Fund Reserve at 1 April 2023		34.194
Ukraine Funding finalised during 2023/24		0.770
Updated General Fund Reserve at 1 April 2023		34.964
<i>Planned movements in reserves</i>		
Application of Budgets carried forward from 2022/23 for use in 2023/24	(16.013)	
Utilisation of reserve to balance 2023/24 budget	(1.166)	
Supplementary Estimate for works at Mayfield Primary School and St Luke's Primary School	(0.060)	
Supplementary Estimate for Pay	(0.490)	(17.729)
Overspend per appendix 1		(1.268)
Updated Assessment of VAT Claims		(0.226)
Projected application of Transformation Blueprint funding		(1.342)
Projected application of earmarked reserve to fund Public Realm works		(3.000)
General Fund Balance at 31 March 2024		11.399

An element of the General Fund is earmarked for specific purposes and this is shown below:

	£ million
General Fund Balance at 31 March 2024	11.399
<i>Earmarked for specific purposes</i>	
To support Council Transformation Blueprint	(1.727)
General Reserve at 31 March 2023	9.672
VAT Windfall to be settled	(1.260)
Revised General Reserve at 31 March 2024	8.412

- 5.2 The Reserves Strategy approved by Council on 12th February 2019 requires Council to maintain an adequate level of General Reserve to provide a contingency for unforeseen or unplanned costs. In the financial context at that time Council approved the adoption of 2% of the approved budgeted net expenditure (excluding resources delegated to the IJB) to be considered a minimum. This now equates to £4.524 million. Council also agreed that where projections indicate that should the 2% minimum General Reserve balance be breached an immediate recovery plan be implemented to recover the position, failing which, the next available budget would need to provide for the reinstatement of reserve position.
- 5.3 At quarter 1 the anticipated settlement value of £6.839 million from the outstanding VAT claims was shown in the earmarked element of the General Fund Reserve. During quarter 2 one of the claims was settled to a value of £5.353 million which was £0.160 million more than anticipated and this is now included in the non-earmarked element of the General Fund Reserve. The second claim remains outstanding with recent projections showing a settlement of £1.260 million which is £0.387 million lower than previously anticipated.
- 5.4 The General Reserve is projected to be £8.412 million. This is £3.888 million in excess of minimum reserves strategy. Considering current financial pressures, the General Reserve must be viewed both in the context of £3.875 million of underlying service pressures in 2023/24 (Appendix 1 - General Fund Services Net Expenditure) and the latest Medium Term Financial Strategy (MTFS) projected gap of approximately £35 million through to 2028/29. Until there is significant progress towards a balanced MTFS it remains sound financial practice to maintain a buffer in the General Reserve to offset any further adverse performance against budget or delays in delivering savings measures.

6 Report Implications (Resource, Digital and Risk)

6.1 Resource

The projected performance against budget set out in this report presents the initial projections for the year. Work continues across the council to reduce overspends and to progress at pace delivery of approved savings.

Whilst this report deals with financial issues there are no financial implications arising directly from it.

6.2 **Digital**

Increased reliance and investment in digital solutions and digital first solutions will be a key element of future plans.

6.3 **Risk**

Section 95 of the Local Government (Scotland) Act 1973 requires all Local Authorities in Scotland to have adequate systems and controls in place to ensure the proper administration of their financial affairs.

The assessment of performance against budgets by services is underpinned by comprehensive financial management and budgetary control arrangements. These arrangements are central to the mitigation of financial risk.

Ensuring that adequate systems and controls are in place reduces the risk of significant variances arising, and where they do arise they help to ensure that they are identified and reported on and that appropriate and robust remedial action is taken. The primary purpose of this report is to provide an assessment of performance against budget for the full year. The material variances detailed in the report highlight that the financial management and budgetary control arrangements require continual review and enhancement if financial risk is to be effectively mitigated during the year.

There are some areas where effective forecasting of spend against budget is hindered due to incomplete service information which in previous years has resulted in previously unreported or significantly adjusted variances at the financial year end. Financial Management CMT continues to consider these areas and supports actions to address the underlying issues and mitigate the risk associated with them. Information relating to the Building Maintenance Service has improved although there remains concern with its detail. Work is ongoing to resolve this issue.

The financial projections are predicated on new burdens, including those arising from the Government's 100 day commitments to be fully funded. The position with outstanding pay awards and the potential for unfunded costs arising presents a significant risk to the Council's financial position.

The Council recognises the potential for compensation claims deriving from Scottish Government's Limitation (Childhood Abuse) (Scotland) Act 2017 which removes the three year time limit on claims of child abuse. Some claims will be historic and relate to Lothian Regional Council, Midlothian District Council or their predecessors and some will date post reorganisation and relate to Midlothian Council, and so presents a risk that would further reduce reserves from those currently projected. Further financial obligations may also arise as the implications associate with the The United Nations Convention on the

Rights of the Child (Incorporation) (Scotland) Bill, which has yet to secure Royal Assent, are more fully understood.

6.4 Ensuring Equalities

As changes to existing plans are developed the assessment of the impact of these proposals in relation to their impact on equalities and human rights will be carried out. This will help to ensure wherever possible that there are no negative impacts on equality groups or potential for infringement of individuals' human rights from the any of the proposals.

6.5 Additional Report Implications

See Appendix A

Appendices

Appendix B – Financial tables

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The existing financial plans support the delivery of the key priorities in the Single Midlothian Plan. As the impact on the Council of the pandemic and recovery continues to unfold over the financial year any changes in the availability and allocation of resources will need to be considered in parallel to the actions proposed to continue to delivery key priorities.

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value.

A.5 Involving Communities and Other Stakeholders

The development of the Medium Term Financial Strategy reflects community consultation exercises carried out in 2019 and again in 2022 to help shape the drafting of the “Midlothian Promise” and the development of the Council’s Longer Term Financial Strategy.

In addition there is continued engagement with the recognised Trade Unions on the financial position.

A.6 Impact on Performance and Outcomes

The Financial Strategy facilitates decisions on how Council allocates and uses its available resources and as such has fundamental implications for service performance and outcomes. The financial consequences of the pandemic will impact on the availability and allocation of resources in pursuit of key outcomes as set out in the Single Midlothian Plan for both the immediate and longer term and therefore the ability of the Council to continue to deliver services in a financial sustainable manner.

A.7 Adopting a Preventative Approach

Maintaining the effectiveness of the Financial Strategy will support the prioritisation of resources to support prevention.

A.8 Supporting Sustainable Development

There are no direct sustainability issues arising from this report and we will work to mitigate as far as feasible any sustainability issues which arise as a consequence of any of the changes to existing plans.

Appendix B – General Fund 2023/24 – Performance against budget

			Revised Budget	Revised Budget	Revised Budget		(Underspend)
Function	Approved Budget		Expenditure	Income	Net	Outturn	/ Overspend
					£	£	£
Management and Members	1,942,186		2,046,814	0	2,046,814	2,079,814	33,000
Place	-	-	-	-			
Corporate Solutions	23,361,990		49,635,687	(24,573,513)	25,062,175	25,671,175	609,000
Place	40,506,069		59,190,700	(17,592,549)	41,598,151	44,751,151	3,153,000
Central Costs	1,198,871		5,117,543	0	5,117,543	5,290,543	173,000
People and Partnerships	-	-	-	-			
Midlothian Integration Joint Board	56,593,028		64,955,951	(8,417,325)	56,538,626	56,538,626	0
Non-Delegated Services - Sport and Leisure, Community Safety and Welfare Rights	421,250		587,128	(94,001)	493,126	464,126	(29,000)
Childrens Services, Partnerships and Communities	18,955,577		21,062,760	0	21,062,760	21,002,760	(60,000)
Education	120,906,768		148,187,017	(17,420,133)	130,766,883	130,762,883	(4,000)
Lothian Valuation Joint Board	581,659		581,659	0	581,659	581,659	0
Non Distributable Costs	898,936		898,936	0	898,936	898,936	0

GENERAL FUND SERVICES NET EXPENDITURE	265,366,334		352,264,194	(68,097,521)	284,166,674	288,041,674	3,875,000
Loan Charges	4,435,000		4,435,000	0	4,435,000	1,786,000	(2,649,000)
NDR Discretionary Relief	70,300		70,300	0	70,300	70,300	0
Investment Income	(110,736)		0	(110,736)	(110,736)	(110,736)	0
Allocations to HRA, Capital Account etc.	(5,414,898)		(5,414,898)	0	(5,414,898)	(5,414,898)	0
	264,346,000		351,354,596	(68,208,257)	283,146,340	284,372,340	1,226,000
less Funding:							
Scottish Government Grant	(191,629,000)		0	(195,110,410)	195,110,410	195,110,410	0
Council Tax	(62,836,000)		0	(62,836,000)	62,836,000	62,739,000	97,000
Transfer from Housing Revenue Account	(2,014,000)		2,014,000	0	2,014,000	2,069,000	(55,000)
Service Concessions - in-year	(2,608,000)		2,608,000	0	2,608,000	2,608,000	0
Service Concessions - retrospection	(4,093,000)		4,093,000	0	4,093,000	4,093,000	0
Utilisation of Reserves	1,166,000		353,368,596	(326,154,667)	23,185,929	24,453,929	1,268,000

Housing Revenue Account - Revenue Budget and Capital Plan 2023/24

Report by David Gladwin, Chief Financial Officer and Section 95 Officer

Report for Decision

1 Recommendations

Council is recommended to:

- a) Delegate to the Executive Director Place discretion to apply cross-year budget flexibility to pursue any additional buy-back purchase opportunities that offer best value; and
- b) note the contents of this report.

2 Purpose of Report/Executive Summary

The purpose of this report is to provide Council with a summary of expenditure and income to 29th September 2023 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2023/24.

The summarised financial performance for 2023/24 is:

- Capital Investment in the year totalling £54.366 million;
- A net underspend of £0.224 million on the Revenue Account;
- A projected HRA general reserve at 31st March 2022 of £35.009 million.

Date 25th October 2023

Report Contact:

Name Lisa Young Tel No 0131-271-3111
lisa.young@midlothian.gov.uk

3 Background

3.1 Capital Plan 2023/24

The Capital Plan Budget has been revised to reflect the current profile of spend as shown in appendix C. Capital investment in the year is projected to be £54.366 million and there are currently no material variances to be reported.

The construction industry in Scotland and the UK is currently experiencing unprecedented adverse market conditions, which is leading to significant rises in tender prices for a wide range of materials. There is evidence that inflation of between 10% and 15% beyond BCIS predictions is affecting projects and whilst measures such as value engineering are partially mitigating cost increase there is a risk that the capital budgets provided for delivery of the New Social Housing project will need to be increased with a resultant impact on the funding strategy.

Council on 10th October 2023 agreed to pause the use of Passivhaus for non-contractually committed sites to allow time to better understand the costs involved and levels of improved energy efficiency. Members will be provided with data on this.

3.2 Revenue Account 2023/24

The overspend reported to Council 29th August 2023 was £0.166 million, this has decreased by £0.390 million to a projected underspend of £0.224 million against budget, as shown in appendix D.

This is mainly due to reflection of the most up-to-date version of the HRA capital plan including the New Social Housing Delivery plan giving rise to lower in-year borrowing costs of £0.363 million.

The cost of revenue repairs has increased from quarter 1 with further work underway to examine the relativity of contributory cost drivers for the Building Maintenance Service:

- Including travel time in the labour recovery rates;
- Whether SORs are recovering material costs as per invoiced amounts and are reflecting realistic standard minute value levels;
- If there is a delay in registering invoices on the system resulting in a disparity between income and expenditure.

Projections will be updated as work develops.

The HRA general reserve balance is projected to be £35.009 million at 31st March 2024, which is committed to finance existing investment commitments to 2038/39.

4 Report Implications

4.1 Resource

There are no direct resource implications arising from this report.

4.2 Digital

There are no direct digital implications arising from this report.

4.3 Risk

The principal risks are around the issue of affordability, ensuring that the investment in new build and the existing stock can be made without having to impose unacceptable increases on weekly rents. This is mitigated by the adoption of a long-term financial strategy and modelling which demonstrates that existing investment commitments are sustainable.

There is also the risk of capital spend being lower than projected due to delays on projects, particularly in the current climate, this could result in lower debt charges causing the Housing Revenue Account Reserve balance to increase more than projected.

4.4 Ensuring Equalities

There are no equality issues arising directly from this report.

4.5 Additional Resource Implications

See Appendix A.

Appendices

Appendix A – Additional Resource Implications

Appendix B - Capital Plan 2023/24

Appendix C – Revenue Account 2023/24

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

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

A.7 Adopting a Preventative Approach

The report does not directly relate to adopting a preventative approach.

A.8 Supporting Sustainable Development

The report does not directly relate to supporting sustainable development.

HOUSING REVENUE ACCOUNT CAPITAL
PLAN 2023/24

	Revised Budget 2023/24	Actuals to Date	Projected Outturn	Variation (Under)/Over
	£'000	£'000	£'000	£'000
FUNDING				
Grants				
- Incentivising New Build	12,224	2,089	12,224	0
- Buy Backs Funding	1,213	1,213	1,213	0
Council Tax on Second Homes	110	0	110	0
Borrowing Requirement	40,819	16,117	40,819	0
TOTAL AVAILABLE FUNDING	54,366	19,419	54,366	0
APPROVED EXPENDITURE	£'000	£'000	£'000	£'000
New Build Houses Phase 2, Phase 3 & Phase 4	38,333	13,961	38,333	0
Backdated Additional Developer Contribution	875	0	875	0
Buy Backs	3,000	1,782	3,000	0
Aids & Adaptations	499	140	499	0
Environmental Improvements	1,000	13	1,000	0
BDHS Meters	20	0	20	0
Homelessness - Temporary Accommodation Provision	67	4	67	0
Scottish Housing Quality Standard				0
-Upgrade Central Heating Systems	1,677	490	1,677	0
-EESH 2	2,933	0	2,933	0
-SHQS Repairs	5,962	3,029	5,962	0
TOTAL EXPENDITURE	54,366	19,419	54,366	0

HOUSING REVENUE ACCOUNT 2023/24

			Revised	Projected	Variation
			Budget	Outturn	(Under)/Over
Average No of Houses			7,636	7,470	(166)
			£000's	£000's	£000's
Repairs and Maintenance					
	General Repairs		7,492	7,700	208
	Decant/Compensation		65	70	5
	Grounds Maintenance		891	652	(239)
			8,448	8,422	(26)
Administration and Management			5,433	5,433	0
Loan Charges			14,484	13,784	(700)
Other Expenses			3,028	3,219	191
TOTAL EXPENDITURE			31,393	30,858	(535)
Rents					
	Houses		32,819	32,506	313
	Garages		647	647	0
	Others		569	571	(2)
TOTAL RENTS			34,035	33,724	311
NET EXPENDITURE/(INCOME)			(2,642)	(2,866)	(224)
<u>Movement in HRA Reserve</u>					
Opening HRA Reserve				(32,143)	
Enhancement during 2023/24 as above				(2,866)	
Reserve Earmarked to fund capital investment plans				(35,009)	

General Services Capital Plan - 2023/24 Quarter 2 Monitoring

Report by David Gladwin, Chief Financial Officer & Section 95 Officer

Report for Decision

1 Recommendations

It is recommended that the Council:-

1. Approve the addition of the project budgets set out in Section 3.1;
2. Note the forecast outturn for expenditure (after reflecting rephased project budgets), funding and borrowing, as outlined in Section 4.

2. Purpose of Report

The purpose of this report is to provide Council with:-

- A note of the inclusion of the projects listed in Section 3.1 in the General Services Capital Plan (GSCP);
- Information on the projected performance against budget for 2023/24 (Section 4);
- Update on the Capital Fund (Section 5).

Date 01 November 2023

Report Contact:

Gary Thomson, Senior Finance Business Partner

gary.thomson@midlothian.gov.uk

3 Update of General Services Capital Plan

3.1 Projects presented for endorsement in the Plan

The following additions are being presented for endorsement to be fully adopted within the GSCP:-

- **Millerhill Park Asphalt Path:** Asphalt circular path within Millerhill Park. £0.090 million capital expenditure budget fully phased in 2023/24 and fully funded by £0.090 million of already received developer contributions. Approved by Capital Plan & Asset Management Board (CPAMB) on 26 September 2023;
- **Birkenside Play Equipment:** Provision of Children's Outdoor Play Park Equipment within Birkenside Park. £0.072 million capital expenditure budget fully phased in 2023/24 and fully funded by £0.072 million of already received developer contributions. Approved by CPAMB on 26 September 2023;
- **Nature Restoration Fund 2023/24:** Capital expenditure budget of £0.211 million, to be fully phased in 2023/24 and funded by £0.211 million of Nature Restoration Fund Capital Grant from Scottish Government, for the supply and planting of bulbs and perennial wildflower seeds to support biodiversity and pollinator friendly areas across the county. Approved by CPAMB on 02 November 2023.

4 2023/24 Projection against budget

4.1 2023/24 Budget

After accounting for the following:-

- Rephasing of budgets from 2022/23 to 2023/24 as reported to Council at Quarter 1 on 29 August 2023;
- Including the new projects as outlined in Section 3.

The capital plan expenditure budget for 2023/24 is £84.675 million, funding budget was £38.313 million and in-year borrowing of £46.362 million.

4.2 Rephasing

Project expenditure budgets have been rephased based on the latest information available from Project managers and Service Leads as noted in Table 1 overleaf.

Table 1: Rephasing of project expenditure budgets

Project	Description of rephasing of budget	Previous 2023/24 Budget £000's	Revised 2023/24 Budget £000's	2023/24 Budget Rephasing £000's
CHILDREN, YOUNG PEOPLE & ESTATES PROGRAMME BOARD				
Woodburn Primary School	Change in project profiling due to a slippage of 2 weeks in the commencement of works on site	5,862	5,525	-337
Mayfield & St. Luke's Primary School Campus	Re-programming of enabling works has reprofiled expenditure into 2024/25 along with some fee allowances for design team now matched to milestone payments in pre-construction services agreement	2,887	1,762	-1,125
Lasswade High – Changing Facilities	Changing room proposals will be reviewed in early 2024 with any works to be carried out in summer 2024 at earliest	452	0	-452
Beeslack CHS Replacement	Reprogramming of project programme and expenditure to reflect current project position along with a reprofiling of the professional fees	7,771	4,481	-3,290
Penicuik High School Refurbishment & Expansion		1,272	736	-536
Learning Estate Strategy Development Budget & LES Projects Approved in Principle	Project development expenditure re-profiled to reflect emerging status of projects	2,452	1,046	-1,406

Project	Description of rephasing of budget	Previous 2023/24 Budget £000's	Revised 2023/24 Budget £000's	2023/24 Budget Rephasing £000's
ASSET MANAGEMENT PROGRAMME BOARD				
Business Applications	Acceleration of plan with implementation of Open Text upgrade in 2023/24	63	258	+195
Digital Equipped for Learning	Classroom AV display solution works will now be carried out in the final quarter of the 2023-24 academic year (April – July)	2,520	2,373	-147
Roads: Potholes Upgrades	It is anticipated that £0.8m of the budget will be utilised for the Residential Streets plan in 2023/24. Depending on weather conditions for the remainder of the year it is possible that further work may be able to be completed.	2,500	1,100	-1,400
Temple Ground Stabilisation	Reprioritisation of work and internal resources to the continuation of the Accelerated Roads Upgrades programme.	309	0	-309
B6372 Arniston Bank Stabilisation	Detailed design schemes will be prepared in due course for these essential work to ensure the long term integrity of these sections of the public road network	593	0	-593

Project	Description of rephasing of budget	Previous 2023/24 Budget £000's	Revised 2023/24 Budget £000's	2023/24 Budget Rephasing £000's
REGENERATION & DEVELOPMENT PROGRAMME BOARD				
Destination Hillend	Awaiting clarity from contractor on programme for proposed solution for road junction, which is on the critical path for the wider project programme; Project Team taking mitigating action to offset any delays to the programme where feasible to do so.	10,731	8,993	-1,738
OTHER				
Assistive Technology/ Analogue to Digital Transition	Procurement solution in place from 1 November 2023 which will allow equipment to be purchased with rephasing of expenditure fully into 2024/25	800	500	-300
Polton Street (Highbank Intermediate Care Reprovisioning/ Day Care Centre)	Design Team & Legal Services currently pulling together contractual documentation for tender acceptance and contract award, with anticipated construction/site start date of early 2024 (previous assumption was autumn 2023 start)	1,676	689	-987
Others	Rephasing of other projects	17,920	17,760	-160
Total		57,808	45,223	-12,586

This results in a rephased capital expenditure budget for 2023/24 of £72.090 million as shown in detail in Appendix 1.

In line with this, the expected level of funding available to finance the plan has also been rephased and now totals £36.128 million.

This results in an in-year borrowing requirement of £35.962 million.

The projected performance against budget for 2023/24 is shown in table 2 below:-

Table 2: General Services Capital Plan Projected Performance against Budget 2023/24 – as at Quarter 2

Item	2023/24 Q1 Budget £000's	2023/24 Rephased Budget £000's	Actual To 17.09.23 £000's	2023/24 Projected Outturn £000's	2023/24 Variance £000's	2023/24 Carry Forward
Expenditure	84,302	72,090	10,479	72,040	-50	-12,586
Funding	37,940	36,128	6,203	36,127	-1	-2,186
Borrowing Required	46,362	35,962	4,276	35,913	-49	-10,400

4.3 Expenditure

Expenditure to 17 September 2023 is £10.479 million and at this point project managers and service leads are indicating a forecast expenditure outturn of £72.040 million, a projected net underspend of £0.050 million against the revised budget of £72.090 million.

The net variation of £0.050 million in expenditure reported in this quarterly monitoring report relates to the following:-

- **Outdoor Play Equipment (Gorebridge):** Project complete with expenditure and funding outturn £0.001 million less than budget.
- **Civica Automation:** Release of £0.047 million remaining budget (now subsumed within Business Applications Asset Management Plan budget);
- **Purchase to Pay:** Release of £0.002 million remaining budget (now subsumed within Business Applications Asset Management Plan budget);
- **Early Years Capital Grant Funded Projects:** Overspend on Other Outdoor Spaces projects of £0.064 million, to be funded by application of £0.064 million of Early Years Capital Grant no longer required for Mauricewood Primary School Early Years works which are complete;

Expenditure incurred to 17 September 2023 across all projects in the General Services Capital Plan amounts to £10.479 million, equating to 15% of the projected total expenditure budget for 2023/24.

Given the substantive expenditure currently estimated to be committed in the second half of the year combined with material supply and inflationary pressures, all Project Managers and Service Leads are carrying out a full review of project plans and expenditure profiles and the outcome of this will be reflected in the Q3 report to Council in February 2024.

4.4 Funding

The funding available to finance the Capital Plan in 2023/24 is expected to total £36.127 million.

Funding of £6.203 million has been received to 17 September 2023.

4.5 Borrowing

Based on the forecast expenditure and funding levels as noted above, the revised estimate of the level of borrowing required for 2023/24 is forecast to be £35.913 million. The impact on the Council's borrowing costs is reflected in the Financial Monitoring 2023/24 General Fund Revenue report elsewhere on today's agenda.

5 Capital Fund

The Capital Fund at the start of the 2023/24 financial year was £20.107 million. £7.694 million of this is committed to fund the City Deal, with a further £9.061 million committed to support capital investment including the utilisation of £2.000 million in 2023/24.

The forecast non-committed capital fund balance at 31 March 2024 is £3.229 million, as shown in the table below.

Item	Amount £000's
Balance at 01 April 2023	20,107
Forecast Capital Receipts 2023/24	350
Committed to fund City Deal Project	-7,694
Committed to support Capital Investment	-9,061
Developer Contributions earmarked for specific purposes	-473
Non-committed balance at 31 March 2024	3,229

6. Report Implications

6.1 Resource

The borrowing required to finance the planned investment in 2023/24 is currently £35.913 million and is reflected in the Financial Monitoring 2023/24 General Fund Revenue report elsewhere on today's agenda.

6.2 Digital

There are no Digital Services implications arising from this report.

6.3 Risk

The construction materials supply chain has already been subject to unprecedented disruption through a combination of the Coronavirus (COVID-19) Pandemic, the UK leaving the European Union, the conflict in Ukraine and the global inflationary picture. The Construction Leadership Council (CLC) continues to report shortages of construction materials and forecasts this disruption to continue for the foreseeable future. Ongoing engagement with suppliers confirms that materials shortages, longer lead times and steep price increases are highly likely to continue to impact the supply chain. This potentially exacerbates the inherent risk in the Capital Plan that projects will cost more than estimated thus resulting in additional borrowing, or will be subject to significant delay.

Strengthened financial monitoring & governance procedures have been approved by CP&AMB, which will ensure that significant variations can be captured and reported to Programme Boards and CP&AMB so that remedial action can be taken to mitigate the risks.

In developing the strategy and taking cognisance of the longer term affordability gap it is clear that a number of potential projects which are currently included will only be able to be progressed if they can be delivered on a spend to save basis (i.e. where income or cost savings more than offset the cost of funding the investment) or where they can be delivered on a cost neutral basis or through alternative funding mechanisms.

The Capital Plan includes a provision for the return of contingencies of £0.506 million in 2023/24, equating to 2.5% of project expenditure. The risk is that projects throughout the plan are unable to deliver this which could be in part due to factors outwith the Council's control. Capital Plan & Asset Management Board will monitor the level of return of contingencies against the £0.506 million provision on an ongoing basis to ensure that projects can, where possible, deliver against this provision and that the provision continues to be appropriate.

6.4 Ensuring Equalities

There are no equalities issues arising directly from this report.

6.5 Additional Report Implications

See Appendix A.

Appendix A: Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable.

A.2 Key Drivers for Change

A.3 Key Delivery Streams

Themes addressed in this report:

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

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value.

A.5 Involving Communities and Other Stakeholders

No external consultation has taken place on this report.

A.6 Impact on Performance and Outcome

There are no issues arising directly from this report.

A.7 Adopting a Preventative Approach

Not applicable.

A.8 Supporting Sustainable Development

Not applicable.

Background Papers:

Appendix 1 –General Services Capital Plan 2023/24 Quarter 2 Monitoring

Appendix 1: General Services Capital Plan 2023/24 Quarter 2 Monitoring

Budget is approved in principle - requires approval of OBC before budget is fully approved						
Budget is a "Project Under Development" - requires approval of SOBC before budget is fully approved						
	Rephased	Rephased				
	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24
GENERAL SERVICES CAPITAL PLAN	Budget	Budget	Actual	Forecast	Variance	Carry
Q2 Monitoring	Q1	Q2	to P6	Outturn Q2	Q2	Forward Q2
	£000's	£000's	£000's	£000's	£000's	£000's
CHILDREN, YOUNG PEOPLE & ESTATES PROGRAMME BOARD						
FULLY APPROVED PROJECTS						
Education - Primary						
Woodburn Primary 9 class & activity hall extension	5,862	5,525	470	5,525	-	337
Easthouses Primary School	15,699	15,723	1,473	15,723	-	(24)
Mayfield & St. Luke's School Campus	2,887	1,762	641	1,762	-	1,125
Modular Units 2023/24	2,483	2,483	1,462	2,483	-	-
Education - Secondary						
Beeslack CHS Replacement	7,771	4,481	207	4,481	-	3,290
Penicuik High School	1,272	736	13	736	-	536
Lasswade High - Toilets & Changing to 1,600 pupil capacity	452	-		-	-	452
Education - ASN						
Hawthornden Primary - ASN Unit	1,501	1,404	949	1,404	-	97
Education - Early Years						
King's Park Primary School	6	6	-	6	-	-
Settings/Catering Kitchens	150	150	-	150	-	-
Hawthorn Children & Families Centre Alteration	120	120	1	120	-	-
Mauricewood Primary School	110	110	1	46	(64)	-
Vogrie Outdoor Early Learning Centre	81	81	-	81	-	-
Other Outdoor Spaces	154	154	10	218	64	-
Education - Primary - Projects near completion						
Paradykes Primary Replacement	95	95	21	95	-	-
St. Mary's RC & Early Burnbrae Primary Schools	22	22	9	22	-	-
New Danderhall Primary hub	88	88	(53)	88	-	-
Sacred Heart Primary School Extension	30	30	23	30	-	-
Acoustic Upgrades	150	150	13	150	-	-
Education - General						
Learning Estate Strategy: Development Budget	1,602	846	-	846	-	757
Burnbrae Primary - Conversion of ASN to GP Space	71	71	-	71	-	-
Burnbrae Primary School External Works	56	56	16	56	-	-
TOTAL - CHILDREN, YOUNG PEOPLE & ESTATES PROGRAMME BOARD	40,664	34,094	5,256	34,094	-	6,569
	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24
GENERAL SERVICES CAPITAL PLAN	Budget	Budget	Actual	Forecast	Variance	Carry
2023/24 to 2026/27	Q1	Q2	to P6	Outturn Q2	Q2	Forward Q2
	£000's	£000's	£000's	£000's	£000's	£000's
PROJECTS APPROVED IN PRINCIPLE						
Education - Primary						
Kings Park PS upgrade to existing building	200	50	-	50	-	150
Mauricewood Refurbishment	200	50	-	50	-	150
Rosewell Primary School - extend to 2 stream	200	50	-	50	-	150
Education - ASN						
ASN Provision - Social Complex Needs	250	50	-	50	-	200
TOTAL - CYPP APPROVED IN PRINCIPLE	850	200	-	200	-	650
	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24
GENERAL SERVICES CAPITAL PLAN	Budget	Budget	Actual	Forecast	Variance	Carry
2023/24 to 2026/27	Q1	Q2	to P6	Outturn Q2	Q2	Forward Q2
	£000's	£000's	£000's	£000's	£000's	£000's
PROJECTS UNDER DEVELOPMENT						
Education - Secondary						
Shawfair All-through Campus	1,921	1,921	-	1,921	-	-
TOTAL - CYPP PROJECT UNDER DEVELOPMENT	1,921	1,921	-	1,921	-	-
CYPP - OVERALL TOTAL	43,435	36,216	5,256	36,216	-	7,219

	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24
GENERAL SERVICES CAPITAL PLAN	Budget	Budget	Actual	Forecast	Variance	Carry
Q2 Monitoring	Q1	Q2	to P6	Outturn Q2	Q2	Forward Q2
	£000's	£000's	£000's	£000's	£000's	£000's
ASSET MANAGEMENT PROGRAMME BOARD						
Digital						
Business Applications	63	258	47	258	-	(195)
Front Office - Hardware, Software & Services	399	399	144	399	-	-
Back Office - Hardware, Software & Services	534	534	-	534	-	-
Network, Software & Services	652	652	25	652	-	-
Schools - Hardware, Software & Services	457	457	7	457	-	-
Digital: Equipped for Learning	2,520	2,373	405	2,373	-	147
Roads & Street Lighting						
Street Lighting and Traffic Signal Upgrades - New	1,276	1,276	430	1,276	-	-
Footway & Footpath Asset Management Plan - New	460	460	125	460	-	-
Road Upgrades - Asset Management Plan - New	1,483	1,483	443	1,483	-	-
Accelerated Roads Residential Streets	1,836	1,836	695	1,836	-	-
Roads: Potholes Upgrades	2,500	1,100	-	1,100	-	1,400
Roads Asset Management Plan - Temple Ground Stabilisation	309	-	-	-	-	309
Roads Asset Management Plan - B6372 Arncliffe Embankment Stabilisation	593	-	-	-	-	593
Fleet						
Vehicle & Plant Replacement Programme	1,871	1,871	917	1,871	-	-
Property						
Property Upgrades	615	633	48	633	-	(18)
Open Spaces / Play Areas						
Ironmills Park Steps	7	7	-	7	-	-
Outdoor Play Equipment - Rosewell	46	-	-	-	-	46
Outdoor Play Equipment - Gorebridge	1	1	-	-	(1)	-
Roslin Wheeled Sports Facility	59	-	-	-	-	59
Mauricewood Road Bus Shelter	4	4	-	4	-	-
Millerhill Park Circular Path & Bicycle Pump Track	89	89	-	89	-	-
Millerhill Park Asphalt Path	-	90	-	90	-	-
Birkenside Play Equipment	-	72	-	72	-	-
Welfare Park, Newtongrange	39	39	-	39	-	-
Pump Track, North Middleton	2	2	(1)	2	-	-
Play Park Upgrades: Clarinda Gardens & Ironmills Park	51	51	-	51	-	-
Play Park Renewal 2021/22	9	9	5	9	-	-
Play Park Renewal 2023/24+	162	162	9	162	-	-
Nature Restoration Fund 2022/23	3	3	-	3	-	-
Nature Restoration Fund 2023/24	-	211	-	211	-	-
Contaminated Land	70	70	43	70	-	-
Sport & Leisure Equipment						
Property - Poltonhall Astro & Training Area Resurfacing	37	37	25	37	-	-
Dalkeith Thistle - Pavilion Upgrade	6	6	-	6	-	-
Loanhead Memorial Park Pitch	4	4	-	4	-	-
Flotterstone Car Park Infrastructure & Charging	16	16	-	16	-	-
TOTAL - ASSET MANAGEMENT PROGRAMME BOARD	16,174	14,206	3,367	14,204	(1)	2,341
TRANSPORT, ENERGY & INFRASTRUCTURE PROGRAMME BOARD						
Transport						
A701 & A702 Relief Road City Deal Project	995	995	104	995	-	-
A7 Urbanisation	187	187	-	187	-	-
Cycling, Walking & Safer Streets Projects	1,190	1,190	123	1,190	-	-
FCC Zero Waste - Heat Offtake Facility	1,040	1,040	-	1,040	-	-
TOTAL - TRANSPORT, ENERGY & INFRASTRUCTURE PROGRAMME BOARD	3,412	3,412	227	3,412	-	-
REGENERATION & DEVELOPMENT PROGRAMME BOARD						
Regeneration						
Place Based Investment Fund 2021/22	311	311	60	311	-	-
Place Based Investment Fund 2022/23+	461	461	91	461	-	-
Development						
Destination Hillend	10,731	8,993	856	8,993	-	1,738
Shawfair Town Centre Land Purchase	5,615	5,615	61	5,615	-	-
TOTAL - REGENERATION & DEVELOPMENT PROGRAMME BOARD	17,118	15,380	1,069	15,380	-	1,738

	Rephased 2023/24 Budget Q1 £000's	Rephased 2023/24 Budget Q2 £000's	2023/24 Actual to P6 £000's	2023/24 Forecast Outturn Q2 £000's	2023/24 Variance Q2 £000's	2023/24 Carry Forward Q2 £000's
GENERAL SERVICES CAPITAL PLAN						
Q2 Monitoring						
OTHER (PROGRAMME BOARD NOT YET DEFINED)						
PLACE						
Digital						
Civica Automation	47	47	-	-	(47)	-
Council Hybrid Meetings	52	52	18	52	-	-
Transport						
Food Waste Rural Routes	119	119	119	119	-	-
Property/Development						
Midlothian & Fairfield House Shower Upgrades	5	5	-	5	-	-
Public Sector Housing Grants	291	291	156	291	-	-
Gorebridge Connected	-	-	-	-	-	-
Penicuik THII	171	171	-	171	-	-
CCTV Network	444	444	10	444	-	-
2-4 West Street, Penicuik	48	48	32	48	-	-
Purchase to Pay	2	2	-	-	(2)	-
EWIM - Buccleuch House Ground Floor	33	33	-	33	-	-
Millerhill Pavilion	23	23	14	23	-	-
PEOPLE & PARTNERSHIPS						
Education						
Free School Meal Provision	397	397	126	397	-	-
Children's Services						
Residential House for 5-12 year olds	76	76		76	-	-
Communities & Partnerships						
Members Environmental Improvements	221	221	57	221	-	-
Adult Social Care						
Assistive Technology	209	209	11	209	-	-
Analogue to Digital Transition	800	500	-	500	-	300
Homecare	55	55	-	55	-	-
Highbank Intermediate Care Reprovisioning	1,246	467	-	467	-	779
Day Care Centre	114	43	-	43	-	71
General Fund Share of Extra Care Housing	316	179	18	179	-	137
TOTAL NOT ALLOCATED TO PROGRAMME BOARDS	4,670	3,383	561	3,334	(49)	1,287
			17%			
SUBTOTAL - PRE RETURN OF CONTINGENCIES	84,809	72,596	10,479	72,546	(50)	12,586
Provision for Return of Contingencies	(506)	(506)	-	(506)	-	-
GENERAL SERVICES CAPITAL PLAN TOTAL	84,302	72,090	10,479	72,040	(50)	12,586

Proposed Schedule of Meeting Dates for August 2024 to June 2025

Report by Kevin Anderson, Executive Director Place

Report for Decision

1 Recommendation

Council is recommended to approve the Schedule of Meeting Dates for August 2024 to June 2025 as detailed in Appendix B.

2 Purpose of Report/Executive Summary

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

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

Date: Thursday 2 November 2023

Report Contact:

Saty Kaur, Chief Officer Corporate Solutions

saty.kaur@midlothian.gov.uk

3 Background

- 3.1** The Council currently operates on a six-weekly cycle of meetings with breaks incorporated for the summer recess, Christmas/ New Year and wherever possible school holidays.
- 3.2** The proposed reviewed schedule of meetings for August 2024 to June 2025 is shown at **Appendix B**.
- 3.3** Members are aware that a review of the Council's Governance arrangements is pending and should there be any change as a result of this work a further report would be brought forward to Council.
- 3.4** Members are also reminded that the facility exists under Standing Orders for special meetings to be called as and when required.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

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

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

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

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

4.5 Additional Report Implications

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Proposed Schedule of Meeting Dates August 2024 to June 2025

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

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

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

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

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

Proposed Schedule of Meetings Dates for August 2024 – June 2025

Date	Time	Meeting	Weeks since last meeting	Comments
School Holidays Friday 28 June – Tuesday 13 August 2024 (inclusive)				
August 2024				
Monday 19	11.00	Business Transformation Steering Group	First Meeting after Recess	1 week prior to Council
Tuesday 20	10.00	General Purposes	“	
Tuesday 20	14.30	JCG	“	1 week prior to Council
Monday 26	11.00	Police Fire and Rescue Board	“	
Tuesday 27	11.00	Midlothian Council	“	
School Holidays Friday 13 September – Monday 16 September 2024 (inclusive)				
September 2024				
Monday 9	10.00	Planning Site Visits	“	
Tuesday 10	13.00	Planning	“	2 weeks before LRB
Tuesday 17	11.00	Cabinet	“	Q1 reporting
Monday 23	10.00	Local Review Body Site Visits	“	
Monday 23	13.00	Local Review Body	“	2 weeks after Planning
Monday 30	11.00	Business Transformation Steering Group	6	1 week prior to Council
Monday 30	14.00	Audit Committee	First Meeting after Recess	Q1 reporting
October 2024				
Tuesday 1	10.00	General Purposes	6	
Tuesday 1	14.30	JCG	6	One week prior to Council
Monday 7	11.00	Performance Review and Scrutiny Committee	First Meeting after Recess	3 weeks after Cabinet for call ins
Tuesday 8	11.00	Midlothian Council	6	
October School Holidays Friday 11 October – Monday 21 October 2024 (inclusive)				
Monday 28	10.00	Planning Site Visits	-	
Tuesday 29	10.00	Audit Committee	4	Added in to reflect late submission of

APPENDIX B

Date	Time	Meeting	Weeks since last meeting	Comments
				accounts this year in case required – may not be required
Tuesday 29	13.00	Planning Committee	7	2 weeks before LRB
November 2024				
Monday 4	11.00	Business Transformation Steering Group	5	
Tuesday 5	11.00	Cabinet	7	Q2 reporting
Tuesday 5	14.30	JCG	5	One week prior to Council
Monday 11	10.00	Local Review Body Site Visits	-	
Monday 11	13.00	Local Review Body	7	2 weeks after Planning
Tuesday 12	11.00	Midlothian Council	5	
Monday 18	11.00	Police Fire and Rescue Board	12	Meets quarterly
Tuesday 19	10.00	General Purposes	7	
Monday 25	11.00	Audit Committee	4	Q2 reporting
Tuesday 26	11.00	Performance Review and Scrutiny Committee	7	3 weeks after Cabinet for call ins
December 2024				
Monday 2	10.00	Planning Site Visits	-	
Tuesday 3	10.00	Business Transformation Steering Group	4	
Tuesday 3	13.00	Planning	5	2 weeks before LRB
Tuesday 10	14.30	JCG	5	One week prior to Council
Monday 16	10.00	Local Review Body Site Visits	-	
Monday 16	13.00	Local Review Body	5	2 weeks after Planning
Tuesday 17	11.00	Midlothian Council	5	
School Holidays Friday 20 December 2024 – Monday 6 January 2025 (inclusive)				

APPENDIX B

Date	Time	Meeting	Weeks since last meeting	Comments
January 2025				
Tuesday 14	11.00	Business Transformation Steering Group	First Meeting after Recess	
Monday 20	10.00	Planning Site Visits	"	
Tuesday 21	13.00	Planning	"	2 weeks before LRB
Monday 27	11.00	Audit Committee	"	
Tuesday 28	11.00	Cabinet	"	
February 2025				
Monday 3	10.00	Local Review Body Site Visits	"	
Monday 3	13.00	Local Review Body	"	2 weeks after Planning
Tuesday 4	10.00	General Purposes	"	
Tuesday 4	14.00	Police Fire and Rescue Board	"	Meets quarterly
Midterm School Holidays Friday 7 February – Friday 14 February 2025 (inclusive)				
February 2025 continued				
Monday 17	11.00	Business Transformation Steering Group	5	Additional BTSG pre-Council for budget discussions
Tuesday 18	11.00	Performance Review and Scrutiny Committee	"	3 weeks after Cabinet for call ins
Tuesday 18	14.30	JCG	"	1 week prior to Council
Tuesday 25	11.00	Midlothian Council	"	Budget setting
March 2025				
Tuesday 4	11.00	Cabinet	5	Q3 reporting
Monday 10	10.00	Planning Site Visits	-	
Tuesday 11	10.00	Audit Committee	6	Q3 reporting
Tuesday 11	13.00	Planning Committee	7	2 weeks before LRB
Monday 17	11.00	Business Transformation Steering Group	4	
Tuesday 18	11.00	General Purposes	6	
Monday 24	10.00	Local Review Body Site Visits	-	

APPENDIX B

Date	Time	Meeting	Weeks since last meeting	Comments
Monday 24	13.00	Local Review Body	7	2 weeks after Planning
Tuesday 25	11.00	Performance Review and Scrutiny Committee	5	3 weeks after Cabinet for call ins
Tuesday 25	14.30	JCG	5	1 week prior to Council
April 2025				
Tuesday 1	11.00	Midlothian Council	5	
Easter School Holidays Friday 4 April – Monday 21 April 2025 (inclusive)				
April 2025 continued				
Monday 28	10.00	Planning Site Visits	-	
Tuesday 29	10.00	General Purposes	6	
Tuesday 29	13.00	Planning Committee	7	2 weeks before LRB
May 2025				
Thursday 1	11.00	Business Transformation Steering Group	6	
Tuesday 6	11.00	Audit Committee	8	
Tuesday 6	14.30	JCG	6	1 week prior to Council
Thursday 8	11.00	Police Fire and Rescue Board	13	Meets quarterly
Monday 12	10.00	Local Review Body Site Visits	-	
Monday 12	13.00	Local Review Body	7	2 weeks after Planning
Tuesday 13	11.00	Council	6	
Tuesday 20	11.00	Cabinet	11	Q4 reporting – longer gap due to Easter dates
June 2025				
Monday 2	11.00	Business Transformation Steering Group	5	
Monday 9	10.00	Planning Site Visits	-	
Tuesday 10	10.00	Performance Review and Scrutiny Committee	11	3 weeks after Cabinet for call ins
Tuesday 10	13.00	Planning	6	2 weeks before LRB
Monday 16	11.00	Audit Committee	6	Q4 reporting
Tuesday 17	11.00	General Purposes	6	

APPENDIX B

Date	Time	Meeting	Weeks since last meeting	Comments
Tuesday 17	14.30	JCG	6	1 week prior to Council
Monday 23	10.00	Local Review Body Site Visits	-	
Monday 23	13.00	Local Review Body	6	2 weeks after Planning
Tuesday 24	11.00	Midlothian Council	6	
Summer holidays begin Thursday 26 June 2025				

Note: the following dates are not included:

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

Midlothian Council Housing Allocation Policy Review 2023/24

Report by Kevin Anderson, Executive Director - Place

Report for Decision

1 Recommendations

- 1.1 It is recommended that Council approves the Housing Allocation Policy Review consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups during the Winter 2023 period. The consultation outcomes and recommended options will be reported back to Council in March 2024.

2 Purpose of Report

- 2.1 The main purpose of the Housing Allocation Policy is to prioritise applicants needs to let the available vacant properties to those in the greatest assessed need, in accordance with current legislation and guidance to make best use of housing stock.

Date: 02 November 2023

Report Contact:

Name : Kevin Anderson, Executive Director, Place

Tel No : 0131 271 3102

kevin.anderson@midlothian.gov.uk

3 Background

3.1 The Housing Allocation Policy was last revised in 2019 when it was agreed that Council will review the policy every two years. The bi-annual review process and consultation opportunities were disrupted due to the pandemic. The key changes made in the 2019 revision included:

- Removing the Choice Group
- Reviewing the lettings targets, with a target of 60% of allocations to the Homeless List and 40% of allocations to the General Needs List
- Increasing overcrowding and under-occupancy points
- Expanding the Incentive to Move Scheme
- Operating Local Letting Initiatives for new builds
- Requirement for all homeless households to choose all house types
- Homeless households to be encouraged to choose as many letting areas as possible
- Ability to change tenancies from temporary to permanent
- Homeowners not made offers of council housing unless under certain circumstances
- Developing a statutory suspensions policy aligned to the Housing (Scotland) Act 2014
- Ensuring that all applicants discharged from HM Armed Forces were assessed under the terms of the Homelessness etc.(Scotland) Act 2003
- Set a target of 20 homeless households to be housed via the Housing First model per annum.
- Increased residency points for Midlothian residents
- Increased points for those living in shared stairs

3.2 A Housing Allocation Policy review allows a landlord to consider whether the policy is still fit for purpose, whether it complies with all current legislation and whether it meets the needs of tenants, applicants and the Council.

4 Legislative Requirements

4.1 A Housing Allocation Policy must be compliant with a range of key legislation and statutory guidance including:

- Sections 19 and 20 of the Housing (Scotland) Act 1987, as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.
- The Statutory Guidance supporting the 2014 Act
- The Scottish Social Housing Charter
- The Code of Guidance on Homelessness (updated 2019)
- Relevant equality and human rights duties

4.2 Legislation dictates that a Housing Allocation Policy must give 'reasonable preference' to the undernoted circumstances:

- Homeless persons and persons threatened with homelessness
- People living under unsatisfactory housing conditions
- Under-occupying social housing tenants

Landlords can decide on the priority it wishes to give to those in each of these reasonable preference groups.

5 Housing Allocation Policy Review options

5.1 Internal Audit recommendations will be incorporated and the following areas be reviewed during the consultation process:

- Nomination Agreements
- all the Nominations to agencies be highlighted with more information ie Women's Aid, HMF Veterans
- 60/40 Homeless ratio
- how we are addressing those that circumvent the system
- Further expansion of the Incentive to Move Scheme to encourage tenants to downsize to smaller properties
- Allocation model, ie groups, points, combined

6 Housing Allocation Policy Review Consultation

6.1 The Housing (Scotland) Act 2014 requires landlords to consult with:

- Applicants on the housing list
- Tenants
- Registered Tenant Organisations

6.2 The Housing Allocation Policy will be subject to consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups between November 2023 and February 2024. The consultation outcomes and recommended options will be reported back to Council in March 2024.

6.3 *Social Housing Allocations In Scotland: A Practice Guide* does not recommend a particular consultation method other than ensuring that the approach is as inclusive and supportive as possible. Midlothian Council officers will incorporate methods and learning from previous effective housing consultation exercises.

7 Report Implications (Resource, Digital and Risk)

7.1 Resource

There are no resource implications arising directly from this report.

7.2 Digital

There are no digital implications.

7.3 Risk

There is a risk to the Council if there is no regular review process that the Housing Allocation Policy does not comply with legislation or guidance from the Scottish Housing Regulator.

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

Equality is central to all housing and housing services delivery. An Integrated Impact Assessment (IIA) has been undertaken on the Local Housing Strategy 2021-26 to ensure that the needs of local communities have been fully considered. The SHIP reflects identified needs and draws on findings from the IIA when considering the implications flowing from the translation of strategic aims into housing policies.

7.5 Additional Report Implications (See Appendix A)

See Appendix A

7.6 Appendices

Appendix A – Additional Report Implications

Appendix B – Midlothian Council Housing Allocation Policy (2022)

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The themes addressed in this report impact on the delivery of the Single Midlothian Plan outcome particularly in terms of priorities in relation to the delivery of affordable housing, homelessness and health and social care outcomes through the provision of specialist housing.

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

We manage all aspects of our business so that tenants and other customers receive services that provide value for money in the rent and other charges they pay.

A.5 Involving Communities and Other Stakeholders

A full consultation will be carried out with Midlothian Council tenants and waiting list applicants. Stakeholders will be informed at the regular Local Housing Strategy Forum meetings.

A.6 Impact on Performance and Outcomes

The proposed Housing Allocation Policy review supports key objectives to accurately assess housing need so Midlothian Council officers can then let vacant properties to those with the greatest assessed need.

A.7 Adopting a Preventative Approach

The review will ensure a continued focus on providing a clear framework for prioritising applicants based on housing need and the reasonable preference criteria, which is set out in legislation. Regular monitoring and review is important to ensuring the Housing Allocation Policy makes best use of housing stock to meet housing need.

A.8 Supporting Sustainable Development

Good practice in relation to energy efficiency and sustainability is contained in the SHIP and Local Housing Strategy 2021/22 – 2025/26.



Midlothian Council Housing Allocation Policy

Version: 4th May 2022

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0 Defined terms

Applicant – person submitting a housing application form (“Application”).

Common Housing Register – Midlothian Council and Melville Housing Association hold a joint waiting list for housing, which means you do not have to make separate applications to the council and Melville Housing Association.

Joint application – two or more parties submitting a housing applicant request

RSL – a Registered Social Landlord is a housing association or housing cooperative that is registered with the Scottish Housing Regulator.

Mutual exchange - the term mutual exchange describes the ability of two (or more) tenants in the public housing sector to move house by swapping their homes, with the agreement of their landlords.

Home Swapper – A web based service to allow tenants to advertise properties to try to swap a council or housing association home. You can swap your council or housing association home with another tenant if you follow certain rules and get permission from your landlord. This is often called 'mutual exchange'.

CHS – Community Health Specialist, aims to assist applicants who have a Health or Housing need to move to a property better suited to their needs or where possible ensure that their existing property meets their needs by the provision of adaptations or support. An assessment by the CHS will assess any priority.

1 Aims and Principles

Midlothian Council is committed to the principles of good governance and aims to develop fair and consistent policies, procedures and practices.

In line with Midlothian Council's commitment to equality and diversity and in accordance with Section 39 of the Housing (Scotland) Act 2010, Midlothian Council observes the requirements of current legislation relating to equal opportunities. The Housing Allocation Policy can be made available in a variety of formats, including large print, translated into another language or on audio tape. Reasonable adjustments will also be made to assist individuals who have a disability.

Midlothian Council allocates housing in accordance with the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014. The Housing Allocations Policy will apply to everyone who is eligible to apply to Midlothian Council for housing, the overall aims of the policy include:

- Ensuring all applications are treated fairly and consistently.
- Ensuring Midlothian Council complies with the law and operates with good practice.

When allocating housing, Midlothian Council will give preference to applicants considered being in the greatest housing need. In particular:

- Homeless people or those threatened with homelessness
- People occupying houses which do not meet the tolerable standard
- People who are subject to overcrowding
- People who are under-occupying social rented housing
- People who have large families
- People living under unsatisfactory conditions including:
 - People who have a medical need for re-housing, people suffering from domestic abuse, suffering from racial harassment or other hate crimes
 - People who need to live close to carers or other support

On assessing applications for housing, applicants will be placed into one of two groups depending on their circumstances and need.

These groups are Homeless and General needs, please refer to section 4 for more detail.

2 Applying for housing

2.1 Application forms

Midlothian Council aims to ensure the application process is straightforward and as accessible as possible, this is achieved by:

- Operating a Common Housing Register with Melville Housing Association so applicants are only required to complete one application form.
- Making application forms available in a variety of formats, both at the Council's housing office, libraries, other Council and voluntary sector offices and online at www.midlothian.gov.uk
- Providing assistance to complete application forms in person or by calling Housing Services on 0131 271 3394.
- Accepting applications from anyone eligible aged 16 or over, with a legal right to reside in the UK with no restrictions, who wish to live in Midlothian.
- If appropriate to your list type, applicants choosing the areas they would prefer to live in and the type of property they would like.
- Advice and information on the availability of housing as well as the applicants' housing prospects will be provided to help informed decision making.
- Setting a qualifying age for sheltered/retirement housing of over 60 and amenity housing of 55. You should check with each RSL for details of their specific housing developments.

2.2 Processing Application Forms

On receipt of a completed application form, using the information supplied on your form Housing Services will determine the group the applicant will be placed in and how many points are to be awarded within that group as determined by this policy. Midlothian Council aims to process application forms within 15 working days of them being received. Application forms from people who will not be considered for housing at the time will be suspended (section 2.7).

Applicants will be provided with written confirmation that their application has been processed. This letter will advise the applicant of the following:

- The group they have been placed in.
- The number of points awarded to their Housing Application, and how these have been calculated.

- How to appeal this decision if they think they have been treated unfairly.
- Where the applicant may seek further advice and information about their housing needs.
- Information on the availability of Council housing in Midlothian.

2.3 Joint Applications

Midlothian Council accepts joint applications from persons aged 16 or over who wish to be housed together. Where joint applications are not members of the same family, no more than 2 joint applicants may apply as otherwise a “House in Multiple Occupation” (HMO) is created in a tenancy. HMO occupation has specific regulations to comply with which are not considered by this policy.

Joint applicants do not have to be living at the same address to apply, but each will have to supply details of their present circumstances so that their application for housing can be assessed. Any priority for housing will be based on whichever applicant has the greatest need to ensure they are awarded the highest number of points possible.

Should circumstances change, and joint applicants no longer wish to be re-housed together, a new assessment will be carried out for each applicant. The original applicant will be entitled from the date they first applied. The former joint applicant will have their own application effective from the date they joined the former joint application.

On notification of a joint applicant’s death, the application will automatically be transferred to the surviving joint applicant.

2.4 Review of Applications

All applications for housing, including those who are suspended, will be reviewed regularly. Applicants will be contacted to ensure their circumstances remain the same and that they wish to remain on the waiting list.

Applicants can make changes to their housing application at any time. This can be done by telephone, by e-mail, in person or in writing. In all contact we have with applicants, we will advise them that it is their responsibility to inform the Council if their circumstances change.

Applicants will have 14 days to reply using the free post envelope provided. If an applicant fails to respond to this letter the Housing Application will be cancelled with a further letter sent to the last address the applicant had provided.

2.5 Cancellations

Applications will be cancelled in the following circumstances:

- At the applicant's request and a letter of confirmation will be sent to the applicant.
- In the event of failure to respond to correspondence.
- On the death of the applicant.
- When the applicant has been re-housed by the Council or RSL or in a mutual exchange that meets the household needs.

Where an application is cancelled the applicant has the right to appeal where appropriate, when considering an appeal the applicant's individual circumstances will be taken into account (section 12).

Where an appeal is successful the application will be reinstated with the date of the current form. It is always the applicant's responsibility to advise us of a change in circumstances to allow Midlothian Council Housing Services staff to re-assess their application.

2.6 Relationship Breakdown

In the event of a relationship breakdown or where the partners wish to be housed separately, the following will apply:

- Where the application is in joint names and they no longer wish to be re-housed together, a new assessment will be carried out for each applicant. The original applicant will be entitled from the date they first applied. The former joint applicant will have their own form effective from the date they joined the former joint application.
- Where one of the partners wishes to leave the household and apply for housing, they can submit a new application form in their own name, which will be assessed according to their current circumstances.

2.7 Suspended Applications

The Council suspends applications (i.e. from receiving an offer of housing) for a variety of reasons, these can include:

- Applications suspended at the applicant's own request.

- Applicants where there is evidence of them engaging in anti social behaviour.
- Applicants living in tied accommodation until served with a Notice to Quit.
- Applicants currently serving a custodial prison sentence; six months prior to an Applicant's release their form can be activated.
- Where further information is required from the applicant.
- Applicants who are suspended through the pre-tenancy checking process.
- Applicants who are homeowners and suitably housed.

Where applicants are suspended at their own request, or live in tied accommodation and later activate their application, they will be placed on the waiting list with their original date of application. Similarly, where an applicant has been suspended awaiting the award of a priority, the original application date will be given.

Applicants held on the suspended list can make changes to their application. Where a change in circumstances is made which could affect their priority, the Housing Services Team will review the application to ensure any priority awarded is accurate and up to date.

Anti-Social Behaviour and Abandonment– Midlothian Council has a statutory suspensions policy which is aligned to the Housing (Scotland) Act 2014, this enables social landlords to suspend applications in certain circumstances such as criminality, anti-social behaviour, abandonment and fraudulent applicants.

Home Owners - Midlothian Council has a statutory suspensions policy which is aligned to the Housing (Scotland) Act 2014, this enables social landlords to take into account property ownership therefore Home owners will not be made offers of council housing unless they cannot access their property, or occupying their property would lead to abuse or endanger their health.

Applicants can be suspended through the pre-tenancy checking process; this may be for the following reasons.

- The applicant has debt related to a tenancy more than one-twelfth of the annual rent owed in respect of the tenancy and agreement has not been kept for the last three months to pay off the debt, this does not apply to applicants who are on the homeless list.
- Applicants, who have refused previous offers of accommodation, see S7.
- Where we believe there may be false or incorrect information provided and we require reasonable time to investigate.
- Where there is clear evidence of anti-social behaviour or a breach of tenancy, the council will consider the nature, frequency and duration of the behaviour.

If the application is suspended, the applicant will receive written confirmation of the following:

- The reason why the applicant will not be offered housing now.
- An explanation of the next steps in the process.
- The steps they can take to resolve the problem.
- Advice on when their case will be reviewed.
- Their right to appeal the decision.

When reinstated on the waiting list applicants will have any waiting time points back dated to the original date of application.

2.8 Pre-tenancy Checks

Before making a formal offer of housing, Midlothian Council will complete relevant pre-allocation checks. This may include, but is not limited to, the following:

- Checks for outstanding housing debt for any current or former tenancy.
- Checks for other breaches of tenancy, including anti-social behaviour.
- Checks that any current tenancy is maintained to an acceptable standard.
- References from other RSLs, or private landlords.

If an application is suspended as a result of these checks, the applicant will be informed of this as stated in this Policy (see section 2.7).

2.9 Fraud

In accordance with the principles of good corporate governance in administering public funds, Midlothian Council has a duty to guard against and take action on fraud.

Where an applicant deliberately makes a false statement in order to gain access to housing, or withholds important information, their application will be cancelled.

Midlothian Council will take action to repossess a tenancy that has been gained by the tenant providing false and misleading information in respect of their housing application and may pass this information to the police and other relevant services / agencies.

3 Making Offers of Housing

3.1 Information to be considered when making an offer of housing.

In accordance with Part II of the Housing (Scotland) Act 1987, the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014 Midlothian Council will not take any of the following factors into consideration when making an offer of housing:

- The age of an applicant, provided they are aged 16 or over.
- The length of time the applicant has lived in Midlothian.
- The applicants household income.
- Whether or not the applicant is living at the same address of the spouse or partner.
- Whether a judicial divorce or separation has been obtained.
- Rent arrears or other tenancy related debt from a tenancy where the applicant is/was not the tenant, the debt has been repaid, or the amount due is less than one month's rent.
- Any outstanding debts, including Council Tax, due by the applicant or their household that are not related to a tenancy.
- All offers of housing will be made reflecting the applicants assessed housing need. Offers of housing will only be made on completion of satisfactory pre-tenancy checks (see section 2.8).

3.2 Size of Housing

Applicants will only be offered housing suitable to the size of their household and the housing needs of their household, dependant on demand for housing.

Excluding kitchen and bathroom, a household's requirements are for bedrooms as follows:

One single bedroom for:

- A single person regardless of age.

One double bedroom for:

- A single person, couple, single parent or pregnant single woman.
- Two children of different sexes under the age of 10.
- Two children of the same sex under the age of 16.

Please note that the living room is considered under the Housing Scotland Act to be sleeping accommodation.

If two or more applicants have the same number of points, priority will be given to the applicant whose household will make best use of the number of bedrooms the property has. Any permanent member of the household who is temporarily absent will still be considered to be part of the household when assessing size requirements.

Single applicants or couples are able to apply for either a one or two bedroom property. Households who already qualify for two or more bedrooms will not be granted any additional rooms for access to children.

3.3 Definition of Family

For the application of the Housing Allocation Policy the term “family” is used as defined in the Housing (Scotland) 2001 Act. The Act defines a family as:

- A single adult, a married couple or a couple, regardless of sex, living as if married.
- Their children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.
- A child raised or treated by the partner as if their own, even if the child is not related to them, shall be considered part of the family.

- Two unrelated households or people who apply for housing will be considered as one household if requested by them.

An application for housing containing any of the above family relationships will be accepted as a household which can be given a priority reflecting their needs. It may be that the applicant does not currently live with their extended family or have not yet taken guardianship of an adopted or foster child or as kinship carer but wishes housing to accommodate them all together and they could be offered a Short Scottish Secure Tenancy initially until the carer was settled.

4 Description of Groups

A group and points system is used to assess applications. A summary of the points awarded to each group and the targets for each group is detailed in Section 5.

4.1 Homeless - Target 60% of all Council lets.

Homeless applicants account for a growing proportion of the housing list as a result of legislative changes. Applicants from those leaving HM forces and tied accommodation will also be placed in this group.

Midlothian Council has responsibilities in relation to homeless households, people threatened with homelessness and the prevention of homelessness. Services to homeless households or those threatened with homelessness are based on current legislative requirements and the Scottish Government's Code of Guidance.

This group will consist of those applicants who have been assessed as being unintentionally homeless or threatened with Homelessness under the terms of the Housing (Scotland) Act 1987 and the Homelessness etc (Scotland) Act 2003.

To ensure that Homeless households access settled accommodation as soon as possible and to minimise the time spent in unsuitable or temporary accommodation, all homeless households are required to **choose all house types** (house, tenement flat and four in a block) and should be encouraged to choose as many letting areas as possible to increase their opportunities to be provided with permanent accommodation.

As a minimum, all homeless households are required to choose at least **two** letting areas in Midlothian from the following list which have a significant number of social rented housing:

- Bonnyrigg.
- Dalkeith.
- Gorebridge.

- Loanhead.
- Mayfield.
- Penicuik.

Midlothian Council will also provide opportunities, on a case by case basis, to tenants who have resided in self-contained temporary accommodation for a prolonged period to convert their temporary tenancies to a permanent tenancy if the property matches their requirements. These lets will be included as part of the Homeless lets target.

Up to 20 homeless households to be housed per annum via the Housing First model. These lets will be included as part of the Homeless lets target.

Unintentional homeless applicants will be awarded 97 points. Homeless applicants will be entitled to additional points where they have priority medical needs that are not related to the award of their homelessness.

Applicants who are vulnerable as a result of having been discharged from a hospital or prison will be assessed under the terms of the Homelessness Etc. (Scotland) Act 2003. Appropriate points will be awarded two months prior to discharge.

Applicants who are discharged from HM Armed Forces will be assessed under the terms of the Homelessness etc. (Scotland) Act 2003. Appropriate points will be awarded two months prior to discharge.

Serving members of HM Armed Forces who have lived in Midlothian Council area prior to joining the forces, or who have a spouse or partner who have lived in Midlothian Council area prior to enlistment date, or where the applicant or family have been resident in Midlothian Council area for at least 3 years while on service will receive Forces points on their application at 1 point awarded for each 2 months from the date of enlistment.

Tied applicants will be assessed as homeless from receipt of a Notice to Quit, or written confirmation from their employer that they are required to vacate their tied accommodation within two months. Applicants may be given a priority under the terms of current homeless legislation depending upon their vulnerability and circumstances.

4.2 General Needs: Target 40% of all Council lets.

Applicants will be awarded points based on whether they are currently resident in Midlothian or applicants employed in Midlothian but are resident elsewhere.

Applicants will be placed into one to the following groups:

Overcrowded/Under-Occupying group

Applicants who are overcrowding/under-occupying their current accommodation but with no medical need will be placed in this group, applicants will be awarded these points in addition to any points for general housing need. When considering the number of bedrooms an applicant requires reference will be made to the table in section 3.2 of this policy.

Overcrowding points will be awarded to applicants who are currently living in overcrowded conditions. A household is regarded as being overcrowded if an applicant does not have all the bedrooms they need for their household. Excluding kitchen and bathroom, a household's requirements are for a living room plus bedrooms as follows:

One single bedroom for:

- A single person regardless of age.

One double bedroom for:

- A single person, couple, single parent or pregnant single woman.
- Two children of different sexes under the age of 10.
- Two children of the same sex under the age of 16.

Applicants who knowingly cause overcrowding by allowing other people to move into their home or by moving into another person's home will **not be awarded** any points for overcrowding.

Under-Occupying points will be awarded to Midlothian Council and Melville Housing applicants who are Under-Occupying. For the purposes of this calculation, the extent of under-Occupation will relate only to the difference between the number of bedrooms in the applicant's current accommodation, and the number of bedrooms required from their application.

General Group

This group contains applicants with no identifiable need who would like to transfer to another property and those who may be living in unsuitable accommodation or with a housing need not covered elsewhere in this policy.

Points may be awarded based on some of the following factors:

- Living in insecure accommodation - Applicants who are currently residing with family/friends and wish to live independently, this also includes applicants who do not have a secure tenancy of their own. This does not apply to secure private residential tenancies.
- Lacking/sharing facilities - Applicants will be awarded points under this category if the household is either sharing or lacking one or more of the following; bathroom, kitchen, or toilet.
- Living in sub-standard housing conditions - Points will only be awarded to applications on receipt of confirmation from Environment Health that the current property is suffering from rising/penetrating damp or has no adequate drainage. In some circumstances applicants may be referred to the Homelessness Service if their current accommodation does not meet the tolerable standard as defined in the Housing (Scotland) Act 1987.
- Shared Stairs - We will provide greater opportunities for Midlothian Council and Melville Housing applicants who currently occupy a property with a shared stair to transfer to a house by awarding 30 points to their application.
- Harassment - Points may be awarded at the discretion of the Housing Services if anyone included on the application is suffering from harassment, racial abuse or any other hate crime which cannot be resolved in any other way. Points will only be awarded after the appropriate advice/confirmation has been sought from any relevant internal and external agencies. In some circumstances the applicant may be referred to the Homelessness Service.
- Management Transfers – These should be the exception to the rule and only granted where there is a serious risk to the tenant should they remain in the current property or where, for compelling and exceptional reasons, we wish to re-house the applicant as a matter of urgency. In granting a management transfer, the Housing Services Manager must be satisfied that the proposed transfer will resolve or significantly alleviate the problem and that the tenant would not be otherwise re-housed in a reasonable timescale through the Housing Allocations Policy. Points will only be awarded after the appropriate advice/confirmation has been sought from any relevant internal and external agencies. Any offer made will be to any suitable and safe property type/area and only one offer of a management transfer will be given, should this be refused the management transfer will be cancelled. In some circumstances the applicant may be referred to the Homelessness Service.
- Domestic abuse – Where an applicant reports that they are experiencing domestic abuse a member of staff from Housing Services will award the appropriate Harassment or Management Transfer Points.

- Exceptional Circumstances - Tenants may be offered a transfer at the discretion of a Senior Officer for an exceptional situation requiring emergency re-housing. Any offer made will be to any suitable and safe property type/area and only one offer of an exceptional transfer will be given, should this be refused the transfer will be cancelled. In some circumstances the applicant may be referred to the Homelessness Service.
- Provide greater opportunities for those who currently occupy a property with a shared stair to transfer to a house by awarding 30 points to their application.

Medical Group

Households where their current accommodation does not meet the medical needs of the household. They will be awarded medical points in addition to any other points.

To qualify for medical points an application must have been assessed by the Community Health Specialist.

Points will only be awarded if the applicant's current housing is wholly unsuitable for their health needs and it is not possible to provide cost effective adaptations to alleviate the problems.

In order for health priority points to be awarded at least one of the following criteria must be met:

- Internal access, the applicant is unable to access essential areas within the home e.g. WC upstairs and can't manage stairs even with a stair lift, or where a stair lift cannot be installed.
- External access, the applicant lives in an upper floor property and cannot manage stairs, or stays in a ground floor property where it is not possible or practical to provide a ramp or alter steps.
- Bathing, the applicant is unable to use standard facilities with equipment and it is not possible or practical to adapt the current property to provide the type of bathing facility required.
- Additional room, an additional room is required for a live in carer or other exceptional circumstances relating to the applicant's health needs.

Applicants with enduring mental health conditions will only be awarded priority if professionals involved in their care can demonstrate clearly how re-housing will significantly improve the applicant's condition.

Applicants suffering from drug or alcohol addiction need to demonstrate that they are currently participating in a recognised rehabilitation programme in order to be

considered for assessment for health priority. Clear evidence must be supplied by a professional involved in their care that re-housing will make a significant contribution to their recovery.

Applicants with varying health needs may not require specially adapted housing, but may require housing of a particular size, type or location to suit their needs, including medical and social. The Community Health Specialist will assess individual need and points will be awarded to reflect the applicant's level of need, recommendations regarding suitable housing will be taken into account when offers of housing are made.

4.3 Specially Adapted Housing

Including Sheltered, Retirement, Very Sheltered, Extra Care Housing, Amenity and Wheelchair Adapted Housing.

Applicants for specially adapted housing will have their medical needs assessed by the Community Health Specialist and will be awarded points to reflect their need, these applicants may also be eligible for points to reflect other defined housing need.

Applications for sheltered/retirement housing are invited from people aged 60 years or more, and in amenity housing aged 55 years or more, an applicant for sheltered/retirement or amenity housing can also apply for mainstream housing.

An applicant awarded points for specially adapted housing can only use these points towards the allocation of that type of property.

In Wheelchair Adapted Housing, Very Sheltered Housing and Extra Care Housing, one-to-one matching of applicants to housing will operate.

5 Points awards and groups targets

Points Group	Points Awarded
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Waiting Time Points

Awarded to applicants from all groups, 1 Point for every two complete months on waiting list

Homeless Group - Lettings Target 60%	97
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Unintentionally homeless

Housing First (+250 points)

Tied housing with notice to quit

Members or former members of HM Forces with a discharge date or a notice to quit

Housing which is below a tolerable standard

Released from prison or who are within two months of release

General needs Group – Lettings Target 40%

Resident in Midlothian	24
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Applicant employed in Midlothian but resident elsewhere	10
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You will also be put into one of the following groups - general, medical or overcrowded/under occupied.

General Group

Current Housing Circumstances Points

Living care of family or friends	30
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Insecure accommodation, i.e. short assured tenancy	30
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Independent Living – Non Householders	30
Shared Stair	30

Condition of property points

Lack of facilities where a property does not have facilities:

Kitchen/cooking facilities	10
Toilet (within the house)	10
Bath or Shower	10

Lack of facilities where a property does have facilities, but they are shared:

Kitchen/cooking facilities	5
Toilet	5
Bath or Shower	5

Sub Standard Housing Points

(Environmental Health Inspection required before being awarded. Separate assessment from the Below Tolerable Standard property points)

Property has rising or penetrating damp	10
Inadequate system for drainage and disposal of foul water	10

Social Need

Harassment/Hate Crime/Domestic Abuse (Housing Services TL)	30
Receive support or give care (CHS/Housing Services TL)	30
Management Transfer (Housing Services Manager)	250
Exceptional Transfer (Senior Officer)	250

Overcrowded/Under-occupying

Overcrowded	(Per bedroom required, Max. 120)	40
Under occupation	(Per bedroom required, Max. 120)	40

Medical

In order for health priority points to be awarded at least one of the following criteria must be met:

Category A	100
Category B	50
Care required/Carer	30

6 Properties Advertised as Ready to Rent

Properties may be advertised as Ready to Rent in the following circumstances:

- When there is no demand for a particular empty property, or
- The property has been formally offered and refused three time, or
- The property has been available to let for 6 weeks or longer

Properties advertised as Ready to Rent are advertised on the Councils website and will be let as deemed appropriate but will take account of interested applicant's number points awarded and their housing need.

7 Number of offers

To achieve consistency across groups, all applicants will be entitled to formal offers of housing.

General Needs List - Where 2 reasonable offers are refused, the application will remain on the waiting list but no further offers will be made for a period of 12 months. If after this period a further offer of housing is refused the housing application will be cancelled. Where an applicant's circumstances may have changed they will have the right to appeal against offers of housing made to the Housing Services Team Leader, their case will be reviewed to determine if further offers are appropriate.

Homeless List - If a homeless applicant refuses an offer of a property as their circumstances have changed the applicant may appeal to the Homelessness Team Leader to retain their homeless points. If the appeal is upheld the applicant retains their homeless points and are eligible for a further offer. If the appeal is not upheld, the homeless points would be removed and the applicant would move to the General Needs list and be pointed appropriately to their circumstance, any further offers would be in line with the General Needs guidelines above and would include any offers already made as part of that total.

8 Incentive to move scheme

The Council offers grants to Midlothian Council tenants who move to a smaller property owned by the Council through normal letting or by a mutual exchange, this grant payment is designed to encourage Midlothian Council tenants living in under-occupied situations to downsize and release family sized housing.

- Midlothian Council tenants who downsize by 1 bedroom - £1,000
- Midlothian Council tenants who downsize by 2 or more bedrooms - £1,500

Any tenants with an outstanding debt owed to Midlothian Council will have this offset against the grant before any payment is made.

9 Mutual Exchanges

To encourage and assist Midlothian Council tenants to meet their own housing needs, we provide a Mutual Exchange grant of £250 to any Midlothian Council tenant who moves to another property as the result of a mutual exchange, any tenants with an outstanding debt owed to Midlothian Council will have this offset against the grant before any payment is made.

Midlothian Council also participates in the [House Exchange](http://www.houseexchange.org.uk) scheme. This allows tenants to advertise their property, and find suitable properties to exchange in a simple safe and effective way. Midlothian Council tenants are able register for free at www.houseexchange.org.uk

Provided all landlords grant permission, mutual exchanges can take place between two or more tenants, this includes tenants of:

- Any Scottish Secure Tenant of a Scottish local authority or Housing Association.
- A tenant of any other local authority, registered social landlord or housing association in the United Kingdom.

- A Water Authority tenant in Scotland.

Midlothian Council will consider all applications for a mutual exchange on an individual basis and will not unreasonably withhold consent to a mutual exchange. However, Midlothian Council may refuse an application for a mutual exchange on any ground it considers reasonable. Some of the grounds to which consent for a mutual exchange may be withheld are:

- One or more of the households does not qualify for the size of property they are exchanging to.
- Any applicant involved in the exchange has outstanding debt owed to Midlothian Council.
- Where Midlothian Council finds a property to be in an unacceptable condition.
- Where legal action has been taken to end the tenancy.
- If one of the properties has adaptations or design features not required by the person it is proposed to exchange with.
- Where any person involved in the exchange has pursued a previous course of antisocial behaviour.
- Where another landlord provides an unsatisfactory reference for a person involved in the exchange.

10 Local lettings initiatives

In order to allow flexibility where target performance shows that there are difficulties in letting houses of a particular size, or in a particular area, or where we need to find houses for applicants who need to be housed in a specific area, local lettings initiatives are operated.

When setting these initiatives, regard is taken of the legislative requirements, local tenants, residents and Elected Members, we will monitor local lettings initiatives in order to assess their effectiveness.

We currently operate a Local Letting Initiative for new builds which maximises transfer options for existing tenants which encourages greater turnover in the housing stock.

For new build units at the point of first let the Housing Services team will allocate properties in the following order of priority until all properties have been allocated:

- i) Allocate to existing council house tenants on the Housing List who currently live in the letting area where the property has been built.

- ii) Allocate to existing council house tenants on the Housing List who live elsewhere in Midlothian.
- iii) Allocate to Housing List Applicants who have chosen the letting area the property was built in as one of their choices.

To ensure sustainability of tenancies properties will be allocated to households on the Housing List who do not have a history of anti-social behaviour.

The only exception to the Local Letting Initiative policy will be for units built as specialist provision such as extra care housing which needs to be allocated according to the greatest need for this type of accommodation.

11 Monitor and review

The Council will review this Housing Allocation Policy every 2 years together with tenant representatives in accordance with the Tenant Participation Strategy. It will also be monitored regularly to ensure that equality requirements are met in terms of access to and allocation of housing.

Midlothian Council will operate the Housing Allocation Policy according to these rules and the relevant legislation. To make sure this happens:

- Applications are checked for accuracy.
- Every offer of housing is checked by another officer.
- Assessments and housing offers are recorded.
- There is an appeals process and a customer complaints procedure.

12 Appeals and complaints

Service users who feel that they have been treated unfairly, or who are unhappy with the level of service they have received, can complain using the Corporate Complaints Procedure. We will assist service users wherever necessary to complete complaint forms and associated documentation. We will monitor the number of complaints we receive, analyse the data and use our findings to improve our future performance.

You can access our Feedback system online www.midlothian.gov.uk

If you are unhappy with any decision we make about your housing application, you can appeal against our decision. All appeals are considered by independent officers that had no part in making the decision you are unhappy with. You must appeal within 21 days of being told about the decision you are unhappy with. Appeals should be in writing but if you have difficulties reading or writing, or your first language is not English, contact us by phone. You must tell us why you think the decision is wrong whatever way you contact us. We will write to you with a decision on your appeal in 28 days. You can ask for help from Shelter Scotland or Citizens Advice Scotland if you need help with your appeal.

Shelter Scotland

www.scotland.shelter.org.uk/

0808 800 4444

Citizens Advice Scotland

www.cas.org.uk/

0131 660 1636 (Dalkeith)

01968 675259 (Penicuik)

Chief Social Work Officer Annual Report 2022/23

Report by: Joan Tranent
Chief Social Work Officer & Chief Officer Children's Services, Partnerships & Communities

Report for Decision

1 Recommendations

- Note the incredible amount of work undertaken by social work and social care staff across the many different sectors over the past year.
- Agree the Chief Social Work Officer should place a copy of the annual report on the Council website.

2 Purpose of Report/Executive Summary

This report provides Council and the IJB with the annual report of the Chief Social Work Officer (CSWO). The report offers a high level overview of activity in each service area and identifies the challenges and changes that have occurred over the past year.

24 October 2023

Report Contact:

Joan Tranent, Chief Social Work Officer & Chief Officer Children's Services,
Partnerships & Communities
Joan.Tranent@midlothian.gov.uk

3 Background/Main Body of Report

The requirement that every local authority should have a professionally qualified Chief Social Work Officer is contained within Section 3 of the Social Work (Scotland) Act 1968. The particular qualifications are set down in regulations. This is one of a number of officers, roles or duties within which local authorities have to comply. In Midlothian Council the role of Chief Social Work Officer is held by the Chief Officer Children's Services, Partnerships and Communities.

The annual reports of all CSWO's are submitted to the Office of the Chief Social Work Advisor at the Scottish Government in order that a national overview report can be produced.

This year's report offers a high-level overview of some of the great work undertaken however also highlights some of the challenges and changes faced by each area of social work and social care.

It was very much a shared endeavour by all staff across the council and the health and social care partnership including our third sector partners that prioritising the safety and health and wellbeing of those who were most in need within our communities, remains our main priority.

4 Report Implications (Resource, Digital and Risk)

This report does not make recommendations which entail the allocation of resources.

4.1 Resource

Not applicable.

4.2 Digital

Not applicable.

4.3 Risk

This report highlights how as CSWO there are well-developed arrangements in place to assess and manage risk both within social work services and in inter-agency contexts.

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

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

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Midlothian Chief Social Work Officer Annual Report 2022/23

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

This report focuses on the delivery of statutory functions rather than strategic development of social work services. There are, however, clear links to the three key priorities within the SMP and the role of the CSWO.

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

The report highlights the involvement and efforts taken across all areas of social work and social care to deliver best practice.

A.5 Involving Communities and Other Stakeholders

The report highlights good practice where the involvement of users of services have been sought in the development of services.

A.6 Impact on Performance and Outcomes

The report highlights performance levels across the services and how a commitment to improve outcomes.

A.7 Adopting a Preventative Approach

It has been critical to adopt a preventative approach across our services and this report highlights these areas of work.

A.8 Supporting Sustainable Development

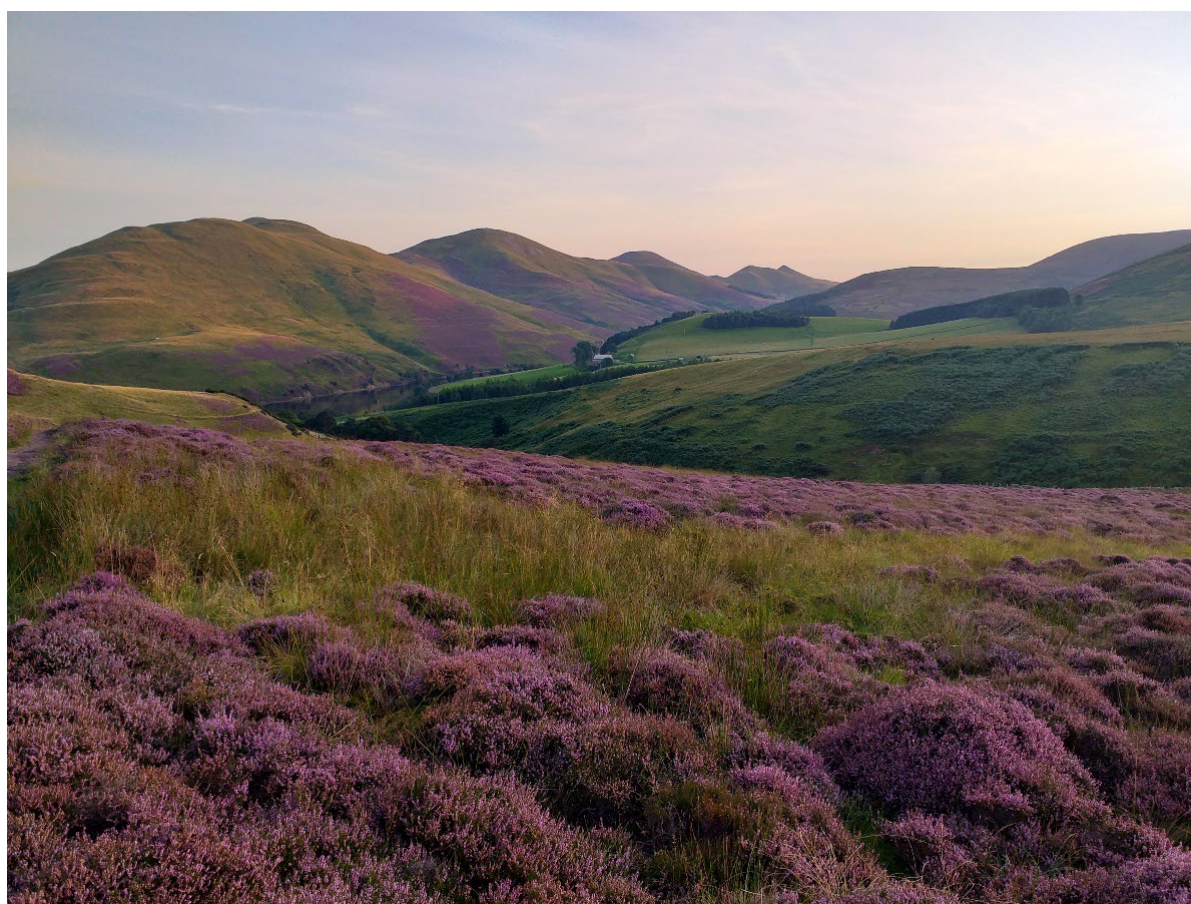
Not applicable.



Midlothian Chief Social Work Officer

Annual Report

2022/23



Contents

- Introduction
- Midlothian Profile
- Governance, Accountability and Statutory Functions
- Resources
- Adults
- Justice
- Children and families
- East & Midlothian Public Protection
- Looking Forward 2023-24

Introduction/Reflections 2022-23

I am pleased to present my third Chief Social Work Officer's annual report for 2022/23. This year the report is written based on a new template agreed with the Office of the Chief Social Work Adviser, for relevant Committees and Council. The report will focus on local governance arrangements, service delivery, resources and workforce.

This report along with the 31 other Chief Social Work Officer's reports shall form part of a national summary report which shall evidence some of the changing trends and outcomes across the country as well as highlighting significant achievements and the very many challenges faced by all.

The national context for social work and social care in 2022-23 was characterised by significant policy and legislative turmoil with continued uncertainty regarding the proposals in the development of a National Care Service, with ongoing consultation and engagement sessions, significant pieces of legislation and reform of key national systems and processes impacting the delivery of social work and social care.

Despite the very busy landscape within Midlothian we have maintained a focus on delivery of services and improvement. Within Children's Services there was an inspection of our children's residential houses, with evaluations of 'Very Good', a great achievement and acknowledgement for the hard work the staff have undertaken but also reassurance that our care experienced young people living in these houses are safe, loved and well cared for.

Another significant factor over the past reporting year has been the Ukrainian war and the work undertaken to ensure that those fleeing from Ukraine who came to live in Scotland were supported and had appropriate accommodation. This has been a significant piece of work across the country but also for Midlothian as a local authority. A small team was established where the initial work was to ensure that the hosts the Ukrainian people were going to reside with, were able to provide safe and suitable accommodation. A welcome hub was established in May 2022 for those arriving from Ukraine which offered support to both children and their parents, advising them of different opportunities and activities across the county. With our partner agencies and our 3rd sector colleagues we supported families with their wellbeing, helped find them suitable employment, and identify which schools their children could attend at the start of the new term in August 2022, we were also able to help identify GP's and other local amenities. This work is ongoing at the time of writing this report.

A success story within our Justice services was the Scottish Social Services Council (SSSC) annual award ceremony held in November 2022. Midlothian Community Justice were nominated and were subsequent winners of the 'Excellence in Justice Services SSSC award'.

I wish at this point to acknowledge the incredible work that has been undertaken in the last year by all staff. Despite Covid-19 being seen as something that no longer

impacts on our services, I am aware that for some services certain restrictions have continued within this reporting period.

I am hopeful that this report will evidence the progress achieved over the past year in all the areas of work and wish to offer my sincere thanks and appreciation to all staff for their commitment and dedication.

Joan Tranent

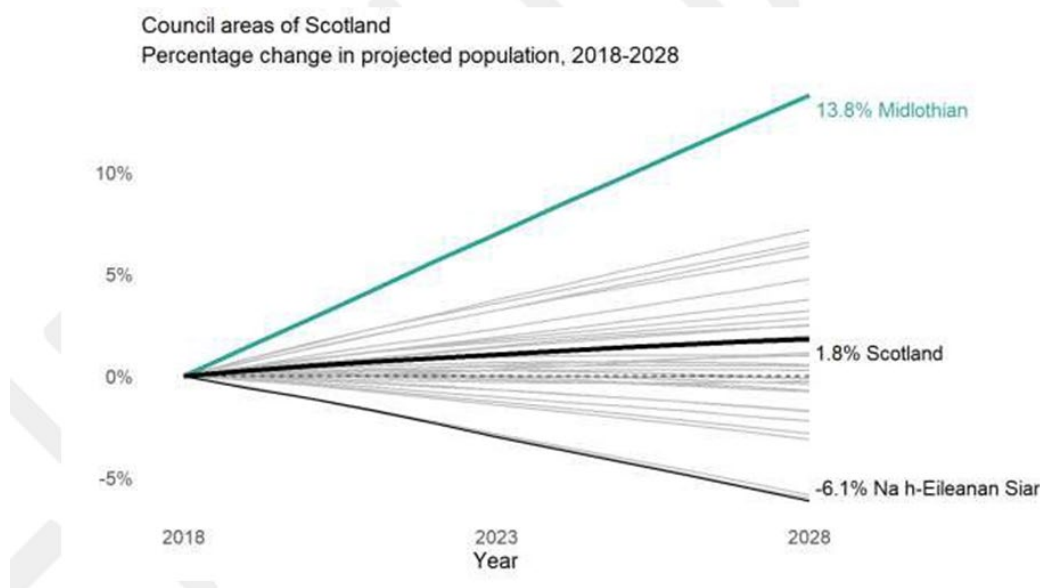
Chief Social Worker Officer



Midlothian Profile

As the fastest growing local authority in Scotland, Midlothian will see a growth rate of 13.8% until 2028 compared to the Scottish average of 1.8%

Fig 1: NRS 2018-28 % Change in Projected Population



Our demographic profile shows growth in all age groups but particularly acute in the 0-15 years and over 75 age groups and therefore there will be significant demand for early years, schools and older people's services.

There is a gap in outcomes for people in different parts of Midlothian. Some areas have poorer levels of employment; lower wage rates; lower average life expectancy, greater concentrations of people who are elderly or disabled; poorer access to physical amenities such as shops, health care, public spaces and play facilities; lower than average qualifications and higher levels of crime.

In Midlothian there are 3 communities in the top 20% of most deprived areas in Scotland. These are Central Dalkeith/Woodburn; Mayfield/Easthouses and Gorebridge. People living in Danderhall, Bilston, Loanhead and the rural areas have to travel more to access a number of services.

The Third Sector plays a vital role in fostering a sense of identity and belonging within communities. They provide essential resources, services and opportunities that enable individuals to actively participate and drive positive change within their communities.

Governance, Accountability and Statutory Functions:

The Chief Social Work Officer (CSWO) role ensures the provision of appropriate professional advice in the discharge of a local authority's statutory functions as set out in Section 3 Social Work (Scotland) Act 1968. The role also has a place set out in integrated arrangements brought in through The Public Bodies (Joint Working) (Scotland) Act 2014. The CSWO's responsibilities in relation to local authority social work functions continue to apply to functions which are being delivered by other bodies under integration arrangements. The appointment of a CSWO is a statutory requirement of the local authority.

The strategic direction for the role and contribution of social work and social care services in protecting and improving the wellbeing and outcomes of Midlothian residents sits within the context of community planning and the integration of health and social care. The Midlothian Community Planning Partnership deliver the Single Midlothian Plan 22-23 which has 3 outcomes:

- . Individuals and communities have improved health and learning outcomes
- . No child or household living in poverty
- . Significant progress is made towards net zero carbon emissions by 2030

Social work services in Midlothian are well established and are delivered between Midlothian Council and the Integrated Joint Board (IJB). Adult social work and social care services, including health visiting and school nursing services and justice social work are delegated to the IJB and delivered and managed within the Midlothian Health and Social Care Partnership. Children's social work services are managed within the council structure as part of the People and Partnership Directorate which includes Education and Community Lifelong Learning and Employability.

The role of the Chief Social Work Officer sits with the Chief Officer of Children's Services, Partnerships and Communities. The CSWO attends the IJB to ensure an overview of adult social work and social care as well as delegated children's services which include health visiting and school nursing. Having a children's services CSWO attend the IJB offers a different perspective to what is generally an adult and health-based agenda. Midlothian IJB is well established and evidences good governance and accountability. This arena allows for robust discussions around the pressures within both council and health services and for solutions to be agreed at a strategic level. The anomaly of having health visiting and school nursing out with children's services requires good engagement and communication between the services at all levels which is evident in the development and planning for the next iteration of the Integrated Children's Services Plan.

Within Midlothian we have a joint public protection committee across Midlothian and East Lothian. The Chief Social Work Officer attends the East and Midlothian Public Protection Committee (EMPPC) as well as being a member of the Chief Scrutiny Oversight Group (CSOG) along with other Chief Officers and both Chief Executives.

This partnership allows for sharing of practice and learning across the public protection arena which includes adult support and protection, child protection, violence against women and girls and MAPPA. The inception of a joint public protection committee in 2014 means it is well established and has over the years evidenced robust challenge and scrutiny. An evaluation is due in 2023/24 to consider what works well and what we need to consider changing going forward. Given it is a public protection committee it is a large agenda and this is often an area of discussion for its members ensuring we give due diligence to all areas of work. The evaluation shall give us the opportunity to reflect on this and consider if there are different ways of doing business.

As COVID-19 pressures are beginning to ease within social care settings in particular, more care inspectorate activity has commenced. Within Midlothian this has resulted in several large scale investigations (LSIs) within care homes which have featured workforce as a significant issue, not unique to just Midlothian but Scotland as a whole. The need for agency staff which does not allow for a consistent staff team has and continues to be an area of concern.

The ongoing issue around VISOR within justice services remains, the information system that records information about registered sex offenders and the most violent offenders, has taken up a significant amount of time and resource and is a major area of concern. The Home Office wish to bring in a new system across Britain called MAPPS that may require all users to be vetted to a level that is way above what would normally be required within the local authority. There are significant concerns that many workers may refuse to be vetted to this level as it is very intrusive into their extended family life, also some workers may not pass the vetting process leading to a two tier workforce. Good and secure information sharing has always been and remains an area of ongoing debate, which without an agreement around how we do this in a safe and legal way does mean a potential risk to the local authority and wider public services if agreement cannot be reached.

The social work landscape is probably the busiest it has ever been with so many strategic drivers in all our service areas. It is difficult at times to fully grasp the impact of all the new developments, policies and agendas that come across the desk of a CSWO. This said it is vitally important that as leaders we are able to engage in strategic discussions so that we can influence policy and share any concerns we may have. As CSWO I attend fortnightly CSWO meetings where all 32 CSWO's from across Scotland discuss a very full agenda and offer our views around new initiatives, changes to legislation and any other relevant business. The Head of Adult Services who deputises as CSWO also attends and chairs groups at a national level that involve adult mental health and drug and alcohol groups. As CSWO I also chair the Social Work Scotland Children and Family standing committee which is a national group of not just social workers, but others involved in children and families work. In addition, many service managers across the three areas are involved in national arenas thereby sharing their own experiences and gaining knowledge and information from others which may be helpful in improving their own areas of work.

Within Midlothian I think as a senior social work group we have a good overview of national drivers and policies that impact on our service area. I think there is scope for improvement within our governance of social work services and at the time of writing we are considering developing a social work assurance group (SWAG), which would have an overview of policies and inspection work across social work. Another area to consider would be to hold an annual or biennial social work conference for all Midlothian social work and social care staff.

Duty of Candour

All social work and social care services in Scotland have a duty of candour. This is a legal requirement which means that when unintended, or unexpected events happen that result in death or harm as defined in Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, the people affected understand what has happened, receive an apology and the organisations learn from the experience and put in place improvements.

An important part of this duty is the requirement for organisations to provide an annual statement detailing how the duty of candour is implemented across services. Between 1st April 2022 and 31 March 2023, there were no incidents in Midlothian where the duty of candour applied.

RESOURCES:

Financial pressures continue for local authorities and health services throughout the year with demands ever increasing. As the fastest growing local authority in Scotland the increase in families and older people residing within our communities is growing at a rate that far outweighs the resources we have to accommodate all the needs of those living within our communities.

Within children's services the shortage of foster carers across both the local authority and Scotland as a whole coupled with the ever-increasing demand upon us being mandated to receive unaccompanied asylum-seeking children (UASC) based on a rota basis is placing undue pressure on our local resources, with some local authorities having to pay external placements for their UASC at a significant cost to the local authority.

As a local authority our budget was agreed in February 2023 and whilst children's services were protected with no reduction in their funding allocation, the health and social care partnership did have a £1.3m reduction from their allocation offered by the local authority to the Integrated Joint Board. The impact of which will be borne out over the coming year.

The risks of any budget cuts are always an area for challenge and given the national picture where all local authorities are struggling to make ends meet it is difficult to envisage what services will look like in the future.

Going forward a concern around short-term funding pots which are being offered that align with key drivers such as the Promise do not allow for sustainable and long term change nor does it promote preventative work.

As CSWO I attend budget setting meetings in both the Council and the IJB and would assess that there are sufficient processes in place that allow me to share or voice any concerns around potential budget cuts that would impact or increase the risk to those we work with. I have monthly meetings with my Chief Executive and regular meetings with the Director of Health & Social Care which offers me the opportunity to raise any such concerns.

Within adult social care there are significant budget pressures one of which is attributable to demographic pressures within the learning disability population. These pressures arise from a combination of an increasing number of young people with complex needs transitioning to adult services and increased life expectancy as people with a learning disability live longer as a result of better healthcare. Whilst steps are being taken to manage this budget pressure, looking forward there may be a need to review eligibility criteria of the provision of services.

WORKFORCE:

Maintaining a consistent and skilled workforce has been another significant challenge particularly in the social care sector however social work has also been impacted. Within Midlothian we are fortunate to have a dedicated practice learning and development team which consists of a range of highly skilled and experienced

trainers, practitioners, assessors and administrative staff. The team skills are diverse and cover a range of training areas and development opportunities. Although the team sits under the Head of Adult Social Care, it also reports into other directorates including Children and Families services and Education due to the range of training delivered to staff in these other service areas.

As well as continually striving to deliver all the mandatory training to the social care staff across many services, additional training is offered and delivered to meet desirable and post qualifying training. Delivering some of the mandatory training to the social care teams has been particularly challenging due to high turnover of staff, availability of staff to attend the planned training and competing demands from different services. The learning and development team members are committed to delivering the mandatory training to attract maximum attendance so they have delivered bespoke sessions within service resources to reduce travel time for staff and fit in with rotas to be flexible and adaptable to the challenges each service has.

Despite these challenges there is a growing demand and take up of various learning opportunities. There are currently 88 people undertaking SVQ programmes from SCQF level 5 (SVQ 2) up to SCQF 10 (SVQ 4). This includes the Foundation Apprenticeships across Health and Social Care and Children and Families services, as well as the Modern Apprenticeships for staff in key roles such as Care Team Supervisors and Senior Practitioner posts. We have a range of Assistant Managers undertaking their SVQ 4 in Management and the success rate of those who stay on the programme is 100%. The SVQ Assessment Centre has recently developed in partnership with the Justice team an SVQ programme to enable people on the unpaid work programmes to engage on an SVQ programme to gain a qualification while completing their unpaid work placement.

Midlothian Council/HSCP provides up to 15 social work student placements per year across all the social work services and we have increased enthusiasm to undertake the Practice Educator training this year as well as the link supervisor training. We have received highly positive feedback from recent social work students stating they have felt supported, welcomed and motivated while on placement in Midlothian. The team have been working closely with Occupational Therapy (OT) services to support OT student placements by purchasing equipment to enable the OT students to be on placement and have digital access. There are 16 staff members across all social work services who are on a journey working towards a degree in social work. This ranges from commencing at stage 1 and undertaking modules with the Open University through to the final stages of the sponsorship which is over two years with two individual placements. This is the highest number ever achieved. The retention levels of staff who complete their social work degree through this route are far higher than those of social workers recruited externally into our services.

There are 8 staff signed up to undertake post graduate training through Stirling University covering Child Welfare and Protection, Leadership and Management, Practice Education and Mental Health Officer Training with Edinburgh University. This again is across a range of services.

There is now an established training resource at Hardengreen Business centre. This includes two dedicated training rooms – one of which is a moving and handling room but can also be used as a training room for small groups. The second training room can be adapted to either deliver training in a classroom style, world café style and/or an open space for training such as Team Teach or as our staff wellbeing sessions. The rooms have been carefully planned to maximise use and versatility with high tech smart screens, printer, and refreshment facilities. The third room is a smaller room which can be used for hot desks – 4 desks with docking stations. We have just received 3 iPads to launch our staff training support hub to encourage staff who are less confident with accessing LearnPro to come along and have support from a member of the learning and development team to complete their mandatory eLearning modules. We will commence a pilot with foster carers and care at home staff.

The recruitment of care staff in Adult Social Care remains challenging and is impacting service delivery both in directly provided and commissioned services. The impact of this is most evident in the time it takes to establish new packages of care and there can at time be a significant delay between people being assessed for a package of care and the support starting. Initiatives around recruitment and retention of staff are being progressed by most care providers.

Adult Mental Health Social Work Team:

The adult mental health social work team comprises of 4 full-time Mental Health Officers (MHO), 2 trainees, and 1 part-time social worker. The Older Adult Mental Health Social Worker Team comprises 4 full-time social workers and two community care assistants.

Throughout the financial year of 2022/23, both teams confronted numerous challenges, encompassing workforce exigencies and recruitment complications. In response, we have endeavoured to bolster staff development, training, and retention, augmenting the number of social workers within each respective team.

Over the past year there has been substantial advancements made in diminishing waiting lists:

- Welfare Guardianship Waiting List: Reduced from 60 to 16.
- Social Work Waiting List: Dementia Team waiting list reduced from 60 to 28, with the longest wait being 13 weeks.

With the impending return of MHO trainees and the enlistment of an additional social worker, our objective remains to maintain reduced waiting lists and provide a proactive and responsive service.

Quality and Performance Indicators

In order to ensure that we can offer assurance around our quality and performance indicators we have implemented the following measures:

- Weekly audits of waiting list data
- Mosaic (recording system) alerts for meticulous caseload management
- Regular outcome-focused supervision and case audits
- Monitoring feedback from service users to ensure satisfaction and efficacy.

This has resulted in a reduction in waiting lists. In addition we have offered additional training and investment in MHO personnel. We have strived to ensure we are working in a collaborative way through enhanced communication and clarity around our designated roles.

There remain challenges around IT systems limitations and workforce retention along with the scarcity of care packages following discharge from hospital back into the community as well as trying to avoid hospital admissions. The strain imposed on carers due to resource limitations as well as low numbers of care home placements and respite options across the local authority are ongoing.

Our aspirations for the forthcoming year are to further reduce waiting lists by providing a proactive response. Fostering collaboration with key stakeholders to address complex needs, such as housing.

- Emphasizing prevention and timely reviews of cases
- A focus on timely reviews of cases

- Developing services, encompassing training for carers and family members
- Participating in national groups and contributing to ground-breaking developments in the discipline

By adapting and refining our services, we aim to provide superlative support for individuals experiencing mental health challenges and their families, thereby improving overall well-being and societal outcomes.

The Learning Disability Team:

During the reporting period Midlothian reported no adults with a learning disability and complex care need either delayed in hospital or inappropriately placed out of area. This significant achievement is as a result of investment in specialised housing stock, having a Positive Behavioural Support Lead along with a training programme, coupled with working in partnership with third sector organisations. This meets our aspiration for people with complex needs to live locally with the right kind of specialist support close to their family and community.

This was celebrated at an event in June at the National Mining Museum. The event brought together providers and users of services for people with a learning disability across Midlothian to reflect on some of the challenges during COVID, to share some of the successes from that time, to look forward, and to think about the next stages of developing community capacity for people with the most complex needs.

Human Threads, a large scale, multi-sensory exhibition, at the Tramway contemporary arts venue in Glasgow, ran from May to September 2022. This represented the culmination of years of pioneering research and mutual learning by the Cherry Road Learning Centre in Bonnyrigg in partnership with Artlink Edinburgh and people with profound and multiple learning disability (PMLD), their families and support staff. Each artwork was developed with, and informed by, individuals with PMLD developing a shared language, a process of learning together, and breaking down barriers to involvement and inclusion.

The integrated Learning Disability Team has been a great success with closer collaborative working between Health and Social Care professionals increasing the shared knowledge about people and what is important to them. This has led to improved and individualised outcomes and more community based and creative solutions to support. A series of expert panels on Human Rights, Health, Housing, and Complex Care fed into our joint planning work ensuring that people with lived experience are central to the Strategic Planning process. A good example of this approach is a video created in collaboration with People First Midlothian. The film raises awareness of Quality of Life issues in learning disability care settings. In the film, People First members discuss what they value in relation to quality of care and how care might be improved. The film is used as part of an induction for new staff and ongoing professional development for existing staff to highlight quality of life issues in learning disability services.

Self-Directed Support

Development of social work practice in relation to Self-Directed Support continues to be an important area of work. The appointment of an SDS planning officer has helped take forward the implementation of SDS standards within Midlothian. An SDS planning group identified a number of priority areas for development that includes resource allocation systems and a system of accountability. Detailed work plans are being progressed in relation to the priority areas.

Carers

Work has been undertaken in partnership with VOCAL, a local carers support organisation, to increase the support for unpaid carers. VOCAL have been commissioned to undertake Adult Carer Support Plans meaning that unpaid carers can choose to have a plan completed by the HSCP or by VOCAL. Having VOCAL undertaking these plans helps ensure that carers can access the full range of support the HSCP commission VOCAL to provide.

Drug and Alcohol Related Deaths

Drug Misuse Deaths (DMD) and Alcohol Specific Deaths was recently published by the National Records of Scotland and both reports provide a detailed analysis of the Drug and Alcohol deaths at national, health board and local authority level.

In 2022 there was a significant reduction from 23 in 2021 to 4 in 2022, two male and two female a reduction of 19 on the previous year's figures. This total is the lowest for Midlothian since 2011. However, while welcome this is only a single year's figure with a three-year and five-year average being 16.

The Midlothian Substance Use Service [MLSUS], Mid and East Lothian Drugs [MELD] and Health In Mind Peer Support as part of MELDAP services are meeting the Medication Assisted Treatment [MAT] Standards 1 to 5 as required by the Scottish Government by March 2023. The services continue to progress these standards along with Standards 6 to 10 focused on the delivery of psychological support, advocacy and provision of treatment in Primary Care settings.

Alcohol Specific Deaths reported for Midlothian 2022 reported a slight reduction in the numbers of those who passed away 18 in 2021 to 17 in 2022. Though Midlothian welcome this slight reduction, the average reporting for Midlothian over a three-year and five-year average being 16.

The Midlothian Substance Use Service [MLSUS] and Mid and East Lothian Drugs [MELD] provide direct access to treatment and support for those affected by their or others alcohol use. Alongside working collaboratively and in partnership with other partners to improve access, and to support individuals into treatment and recovery.

Midlothian Services continues to deliver substantial harm reduction work to reduce the harm associated with substance uses as it continues to be a national priority,

incorporating the implementation and delivery of the 10 Medicated Treatment Standards (MAT). The financial investment into the services that has been received to support the delivery of the MAT standards in 2023 has improved access, reduced barriers and improved the effectiveness of the services delivered across the partnerships for the individuals, carers and families.

East and Midlothian Drug and Alcohol Partnership (MELDAP) continue to commission a wide range of services across Midlothian incorporating third sector; Peer and voluntary services in partnership and collaboration with the statutory Substance Use Service. The wide range of services in Midlothian are designed to be tailored for the individuals to best meet their needs and enable them to remain in treatment for as long as they wish to, this is through 1:1, assertive outreach, peer and psychosocial support to empower the individual to reach their person-centred goals and to safely manage their substance use and promote their recovery. Services continue to engage and support families and carers to address and support their needs.

Community Justice:

The Community Justice (Scotland) Act 2016 places a legal duty on a range of statutory partners to plan and decide on how services are delivered within Midlothian to support prevention and a reduction in the number of people reoffending following a previous conviction. This approach aims to address the underlying causes of offending behaviour and partners working with a range of individuals and organisations that have a role to play in community justice.

The current community justice outcome and improvement plan (CJOIP 2020-23) has now concluded and out of the 40 actions 38 have been completed with the remaining two carried forward to the new plan:

- increase awareness of the impact of childhood adversity in adults involved in the justice system
- increase engagement with education establishments including further education.

The new CJOIP (2023-28) is due to commence June 2023 and will include a range of actions based on need identified from the following sources: Strategic Needs & Strength Assessment; Public Consultations; Horizon Scanning exercise; lived experience focus groups; multi-agency partnership working. The plan has been developed with our range of partners, giving consideration to all elements of Community Justice and tackling issues that often hold significant societal stigmatisation which limits the core foundations of prevention and desistance within our communities. The plan outlines new and alternative approaches in supporting people affected by crime or that are involved with the Scottish Justice System through actively involving lived and living experiences; utilising specialist knowledge base; providing a contribution to knowledge; working with our young people.

In November 2022 the Scottish Social Services Council (SSSC) held their annual award ceremony in recognition of innovative people and work across the sector. Midlothian Community Justice were nominated and were subsequent winners of the 'Excellence in Justice Services SSSC award'. The award recognised the work to make justice services more focussed on survivors of crime. They consulted with a range of people currently living in the justice system and partnered with survivor organisations, such as Thriving Survivors, to ensure survivors of sexual harm are provided support to aid recovery. This work has been significantly influenced by survivor testimony and the team identified the importance of choice for people to tell professionals what they need; service driven need is often at odds with the needs of people in the justice system.

Restorative Justice (RJ)

They have co-facilitated two cases over this reporting period, the first restorative cases to take place in Midlothian.

Community Justice 2020-23 – Key Achievements

- Scottish Social Services Council Award winner for 'Excellence in Justice Services'
- Published 'The voices of those who have harmed' (2022) – A ground-breaking consultation exploring motivational factors of engaging in Restorative Justice for individuals that are in custody for a sexual offence(s)

- Community Justice project with Edinburgh College Media students in developing community awareness films on pertinent subjects including VAWG, Community Payback Orders; Restorative Justice
- Collaborative working with the VAWG Public Protection team to actively support 16 days of activism campaign and event

Justice Service

The national recruitment issues have impacted on the Justice Service and we have struggled to recruit to temporary posts. Despite this we have continued to provide a high level of service provision to ensure that residents of Midlothian can access a range of services at the earliest opportunity. This includes a range of support services and interventions that can be accessed prior to being placed on a court order/sentence.

Arrest Referral

This service is provided in partnership with 3rd sector partners Change Grow Live (CGL). CGL continued to provide arrest referral support via St Leonards police station and receive referrals from Police staff and nurses based in the custody suite.

Your Chance to Change

This service was formally known as Midlothian Families First and delivers the Caledonian Men's domestic abuse perpetrator programme on a non-court-mandated basis. The service was rebranded and relaunched in February 2023 and is now known as Your Chance to Change (YCTC). The relaunch of the service aims to place responsibility for the abusive behaviour upon the man, whilst providing hope that change is possible.

Women's Group Work Service – Midlothian Spring Service

The multi-disciplinary team have continued to develop the service work to enable us to continue to meet the needs of service users recognising the barriers to women accessing services. 32 women have been involved with or referred into the service over the last reporting year with lots of positive feedback about the impact the service has had on their lives. Spring continues to be delivered in partnership with NHS, Health in Mind, Shine and Women's Aid in addition to third sector organisations.

Community Payback Orders

Over the reporting year there were 169 Community Payback Orders (CPO) imposed. One outcome of a CPO is to consider a supervision requirement where the primary focus is to reduce and/or manage the risk of re-offending and of harm through providing the individual with opportunities to engage in a process of change; with the aim of increasing their ability to desist from offending in the future. A range of supports will be offered to support the service user to consider the triggers to their offending behaviour.

Another alternative is unpaid work. During the reporting year the team completed 278 projects benefitting 221 beneficiaries.

CHILDREN'S SERVICES:

Early Intervention & Prevention

Taking cognisance of the rapid growth within our local authority and the cost of living increase, it not surprising that over the past year we have seen a 9% increase in referral rates from 8287 to 9000. The largest increase in referral reason was for financial assistance (2140 to 2380 representing an 11% increase) followed by domestic abuse (1098 to 1206 representing a 10% increase).

In order to manage this rise we have reconfigured this part of the service and are also in the process of further scrutinising our referral data to consider how we can streamline the referral pathway into our service and build in pre-referral screening mechanisms in order to ensure that children and families are continuing to receive the right support at the right time.

We now have one dedicated Early Intervention and Prevention Development Officer who has continued to work closely with our secondary schools and with other partners, offering support to high schools as well as developing our whole systems approach to children and young people in conflict with the law. Locally we have seen a continued reduction in referrals being made to Scottish Children's Reporter Administration (SCRA) on offence grounds since pre COVID from 42 (2019/20) to 24 (2022/23). Our nationally recognised partnership approach has supported us to creatively divert young people away from further re-offending.

Examples of this are our No Knives, Better Lives campaign delivered to over 1000 young people in all but one secondary schools across Midlothian. Partners from Police Scotland, Community Life-long learning and Education, Community Safety and Justice and 3rd sector Y2K project all supported this campaign.

Poverty

Referrals for financial assistance accounted for 26% of all referrals over the past year. Future work will consider how we with our partners better support families who are going to be most impacted by poverty. Within the service we employ income maximisation workers, who have worked with families whose children are either on the Child Protection register or who are Looked after at Home, this work has contributed to families receiving their correct benefits equating to a financial gain of over £360k over the past two years.

Child Protection and Looked After

Despite the rise in overall referrals into children's services and an associated rise in child protection referrals (719 – 784, representing a 9% increase) we continued to maintain our average number of children on the child protection register in line with the Scottish average. This continues to indicate that our models of early intervention are working.

We are in the process of implementing the National Child Protection Guidance (2021) into practice and are revising our Child Protection Procedures accordingly.

We continue to embed the Safe and Together model into practice to keep people, primarily women and children, safe from domestic abuse and we are working collaboratively with the Domestic Abuse Improvement Service with a focus on evaluating outcomes in order to inform improvement planning over the coming year.

We have also continued to embed the Scottish Child Interview Model (SCIM) into practice despite the lack of funding to backfill social workers who undertake extensive training in order to take on this role. Feedback is evidencing that the model is supporting better outcomes for children involved in child protection investigative processes. We plan on training a further worker to undertake SCIM interviews in order to ensure that all joint investigative interviews of children are undertaken using a trauma informed approach.

We have been a key partner to developing a Neglect toolkit for practitioners and have been working with the NSPCC to roll out the framework for harmful sexual behaviour. Both of these will be supported into practice over the course of 23/24.

Our looked after population of children and young people seen a 7% decrease over the 2022/23 year reporting period. This data needs to take cognisance that it is taken as a snapshot on a certain day, mindful that the number can change on a daily basis. However, underlying this is the proportionate and considered approach staff are taking before accommodating any child or young person. These figures do not fully evidence the significant amount of work that happens prior to families reaching this threshold of intervention. However, our culture and ethos supports the Promise principles of scaffolding families and offering support when and where they require this.

Our Reviewing Officers offer quality assurance over all children's plans who are looked after away from home and those on a compulsory supervision orders at home.

Hawthorn Family Learning Centre (HFLC)

Over the past year our new structure at HFLC has continued to embed into practice. This new structure has increased our staffing numbers to enable the service to support more families in a flexible and responsive manner. Despite there being a great deal of change in staffing the service has continued to develop and meet the needs of the children and families who attend. The centre has operated at full capacity with 78 children registered to attend, in addition outreach support has also continued.

Group support and learning continues to be offered daily to both families attending at the centre and to the wider community. We have continued to run our community group, PEEP and PEEP pathways throughout the year and held a pop-up vaccination centre with 72% of eligible children receiving their flu vaccination. We also ran a Kic dance programme where 24 children attended.

The centre has also been able to continue to offer support to children services with specific interventions including pre-birth support, family time, parenting capacity assessments and building parental resilience. Staff development sessions are held

monthly with other training opportunities and development sessions held at other times.

Children with additional support needs

The significant increase in numbers of children requiring additional support is concerning. Whilst the impact of this does not sit with children's services alone, staffing issues, lack of experience in this area of work and the dearth of resources within our communities available for children and their families are worrying. Self-Directed support is available if families meet the criteria, however demand for services far outstrips availability. Going forward we need to future plan for children and young people presenting with additional supports within our communities.

Post covid-19 it appears that children and young people experiencing poor mental health has increased resulting in significant numbers of young people not attending school and, in some instances, remaining in their bedroom due to anxiety. We continue to build relationships with colleagues in education and partner agencies to offer a flexible response to each individual's needs. We are also ensuring that staff feel supported and have committed to all staff having training and awareness on trauma informed practice.

We have continued to develop our Corporate Parenting Strategy, engaging with children and young people and partners across the local authority and beyond to really make a difference to children's lives. An example of this is our commitment as a local authority to ensure that care experienced young people who are ready to leave their care placement are supported to undertake training working towards securing their own permanent tenancy. Following a 3-year pilot undertaken by the National Housing Project we are as a local authority continuing this approach due to the unprecedented success of the last 3 years.

Family Wellbeing Service

This is a new service which recruited 12 practitioners who shall offer holistic support to families at the earliest point of contact. The service commenced in January 2023 so is at the very early stages of identifying where it fits with the wider services. The funding for this team has come from Scottish Government through the Promise work. Our education colleagues have also helped fund this team so that we can support children and young people back into full time education, in particular offering additional support to those who are suffering from anxiety or other mental health concerns.

Family Centered Care

In line with the Promise language group we changed the name of the Family Placement team to Family Centered Care. This team focuses on the recruitment and supporting foster carers, kinship carers and the recruitment of adopters. The recruitment of foster carers has and continues to be a local and national challenge. At the time of writing this report we are still awaiting on an agreed national allowance from Scottish Government that all foster and kinship carers would receive across

Scotland. In November 2022 we began recording whether or not we were able to place siblings together knowing that the Promise team via Scottish Government were going to request this data from August 2023. It is important to state that social workers would not choose to separate siblings but often this is resource driven and also restrictions placed upon us by the Care Inspectorate. Over the reporting year there has been significant staffing issues within the fostering and adoption team.

Additional pressures on our foster carers and residential houses has come from the increase in numbers of unaccompanied asylum seeking children (UASC) we have been mandated to take by the home office. If the numbers continue to rise, we shall very shortly be unable to accommodate any more children within Midlothian and shall have to consider purchasing external placements. Once again this is a national issue impacting on most local authorities.

Residential Services

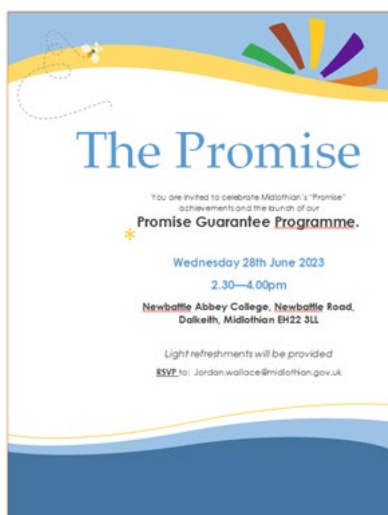
We have two children's houses within Midlothian. They support up to 9 young people aged from 9-18 who reside there. Many of the older young people move onto the Midlothian Housing Project to work towards their own permanent tenancy. In November 2022, the Care Inspectorate visited both houses in Gorebridge and Woodburn and rated the homes overall as '**very good**', a significant and well deserved achievement for the staff team.

Young Carers

We have worked alongside our Communities and Lifelong Learning colleagues to support 183+ young carers from the local community. A residential stay was offered as well as many group activities over the year. We have two dedicated workers in place to support young carers through an ongoing programme of work. We continue to identify and offer support all young carers.

The Promise

In February 2023 we created a new Promise Lead post to support the work of the Promise. Since taking up post our Promise Lead has made significant headway in terms of reaching out across the council and wider agencies. They have prioritised attending the Community of Interest meetings which offer opportunities to keep informed of the national picture and feed this back into our local planning. Within Midlothian we have launched 'keeping the promise in Midlothian' and the Promise guarantee which cemented all the progress and planning together. The action plan sits alongside this as our promise to our young people. The Promise Delivery group is well established and meets every 8 weeks, this allows a clear focus on our action plans aims and objectives ensuring that all partners are committed and contributing.



Our amazing young people created an animation of what the Promise means to them - https://youtu.be/jhr_q1P4WoQ

Mental Health

The Midlothian Children & Young People's Mental Health Strategic Planning Group oversees the allocation of funding and the delivery of early action and prevention services through its administration of the Community Support & Services Framework (Mental Health & Wellbeing) – a funding tranche distributed to local authorities from Scottish Government on an annual basis.

Between April 2022 and March 2023 the Framework funded over 240 children and young people and 50 family members/carers to access supports and services. Beneficiaries have reported improvements to mental health and wellbeing, in confidence and resilience, and to school attendance and learning engagement following their participation in a range of activities including art and supported play therapy, family counselling and therapeutic support, and highly personalised creative development placements. Further Scottish Government funding is provided for the ongoing delivery of a commissioned School Counselling Service which provided support to more than 400 children and young people during the same period, through one-to-one sessions, drop-ins and small group work.

Strategic Structure for East & Midlothian Public Protection - EMPPC

Through the **Critical Services Oversight Group (CSOG)**, the Chief Officers of our core partners provide strategic leadership, scrutiny, governance and direction to EMPPC. CSOG is co-chaired by Monica Patterson, Chief Executive of East Lothian Council and Grace Vickers, Chief Executive of Midlothian Council.

The **East Lothian and Midlothian Public Protection Committee (EMPPC)** is the local strategic partnership responsible for the overview of policy and practice in relation to Adult Support & Protection, Child Protection, Multi Agency Public Protection Arrangements (MAPPA) and Violence Against Women and Girls. The primary aim of the Committee is to provide leadership and strategic oversight of Public Protection activity and performance across East Lothian and Midlothian. It discharges its functions through four sub-groups. Since the inception of EMPPC in 2014 the Chair was Anne Neilson, Director of Public Protection, NHS Lothian, until she stepped down from the role in early 2023. An Independent Chair was recruited in the early part of 2023, with Keith Mackay taking up the appointment from April 2023.

The **Learning and Practice Development Sub-group (L&PD Sub-group)** oversees the development and delivery of the Learning and Development strategy, and our multi-agency training programme. Our Chair for the year was Fiona Stratton, Chief Nurse, Midlothian Health and Social Care Partnership.

The **East Lothian and Midlothian MAPPA Group (EMMG)** ensures that the statutory responsibilities placed on local partner agencies for the assessment and management of risk posed by offenders subject to MAPPA are discharged effectively. The Chair was Judith Tait, Chief Social Work Officer/Chief Operating Officer, Children's Services, East Lothian Council, until she departed from her post in March 2023. The Chair for the coming year will be Lindsey Byrne, Chief Social Work Officer/Head of Children's Services, East Lothian Council.

The **Performance and Quality Improvement Sub-group (P&QI Sub-group)** is responsible for the oversight and governance of the performance framework and improvement plan. The Chair is Joan Tranent, Chief Social Work Officer/Chief Operating Officer Children's Services, Communities and Partnerships, Midlothian Council.

The **Violence Against Women and Girls Delivery Group (VAWG Delivery Group)** works to support the delivery of Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls in line with the local context and priorities. The Chair was Keith Mackay, Detective Chief Inspector, J Division, Police Scotland, until his departure from his role in March 2023. Steve Wood, (Temporary) Detective Chief Inspector, J Division, Police Scotland has taken over as Chair.

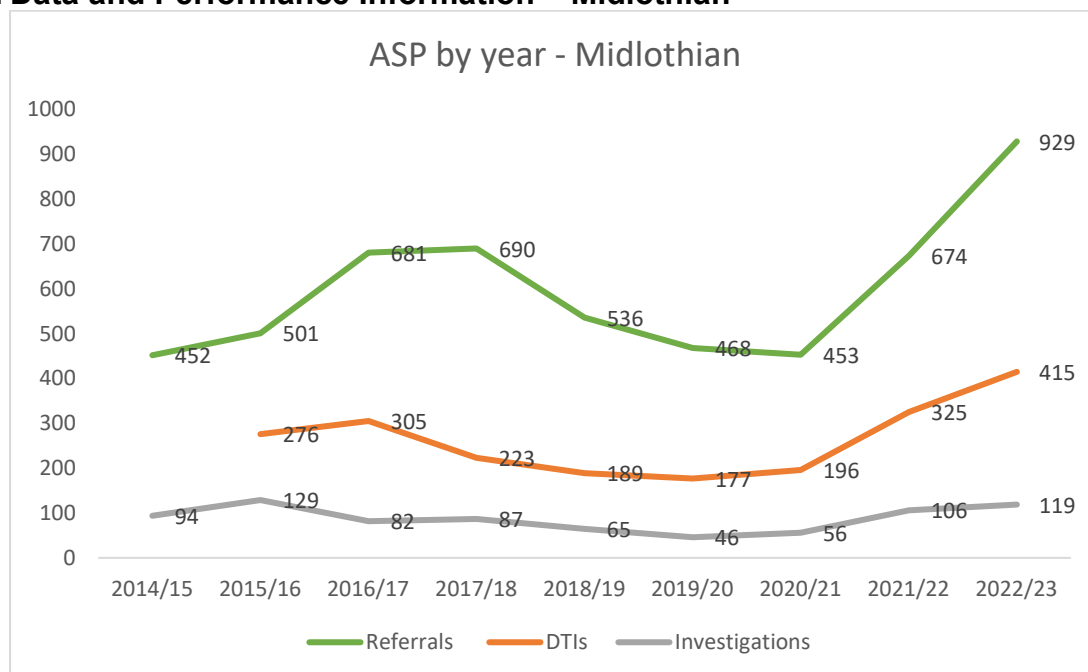
EMPPC Priorities

The EMPPC business plan was presented to EMPPC in June 2022, with 38 actions under the following five priorities/high level aims:

1. We will continue to strengthen our leadership arrangements in Public Protection
2. We will provide and support the implementation of multi-agency procedures and guidance for staff working in Public Protection
3. We will continue to develop our performance framework and approach to quality improvement
4. We will promote a learning culture by providing staff with multi-agency learning and development opportunities in Public Protection
5. We will raise awareness of Public Protection through communications and engagement with staff and communities.

Adult Support and Protection

1.1 Data and Performance Information – Midlothian



Adult services saw an increase of 225 referrals in the year, which is a 37.8% increase from the previous year. In the two years since the beginning of the pandemic lockdown, this is a referral increase of over 100%. There was an increase of 90 (27.7%) DTIs. This had implications for resource management and the need to strengthen the Council Officer duty rota arrangements out with the dedicated ASP team. We will progress plans to increase the support/training and learning opportunities for all Council Officers and their line managers in the coming year to support ASP work.

Child Protection

The table below illustrates the number and rate per 1,000 children on the Child Protection Register on 31st July 2022. We have seen a substantial decrease in Midlothian in the past ten years, and a further reduction in the year prior to 31st July 2022. The greatest decrease of children on the Child Protection Register was Midlothian and Clackmannanshire.

Number and rate per 1,000 children on the Child Protection Register at 31st July 2022

2012 number	2012 rate	2021 number	2021 rate	2022 number	2022 rate
East Lothian	62 3.3	29 1.5		41 2.1	
Midlothian	117 7.5	38 2.1		24 1.3	
Scotland	2,698 2.9	2,119 2.3		2,031 2.2	

In both Midlothian and East Lothian, the most common reasons over the year were parental drug misuse, domestic abuse, emotional abuse and parental mental health problems. Within Midlothian, the most common reasons were domestic abuse, emotional abuse, neglect and parental mental health problems. This corresponds with the national picture where the most common concerns identified at Case Conferences of children registered during the year were: domestic abuse, neglect, parental substance misuse and parental mental health problems.

Violence Against Women & Girls

There was a slight decline in the number of incidents of domestic abuse reported by police over the year in comparison to the previous year to around 1127 incidents. Common assault is the most common type of crime recorded as a result of a domestic incident. The number of offences recorded under Section 1 of the Domestic Abuse (Scotland) Act 2018 in both East and Midlothian combined more than doubles over the past year suggesting increased awareness in its provisions.

Multi-Agency Public Protection Arrangements (MAPPA)

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

Within Midlothian, the total number of sex offenders subject to MAPPA over the reporting period ranged from 52 to 55 in the year.

The oversight and governance of the effectiveness of multi-agency working arrangements within Midlothian continues to be reviewed on a quarterly basis through random selection of cases managed by Police and Justice Social Work. A programme of audit is in place, supported by the MAPPA Co-ordinator for Lothians and the Scottish Borders.

Looking Forward to 2023-24

Social work and social care services in Midlothian remain committed to striving to achieve a supportive learning culture which promotes the importance of reflective conversations and relationships in delivering change for individuals, teams, and services.

Work is underway to look at a redesign of adult social work, bringing together the many small teams and developing a more holistic and flexible approach to those that require support from adult services.

Within Children's Services there will be a strong focus on developing the family wellbeing service and working towards improving outcomes for children and their families at the earliest point of contact.

Working with our colleagues in adult services we shall continue to develop and improve our transition policy to ensure that young people transition between children's services, education and adult services will do so in a seamless manner ensuring the right support at the right time. In addition we shall be developing and monitoring our improvement plan for any inspections held over the coming year.

In terms of the wider context, we will track progress in respect of the development of the proposal for a National Care Service noting that further consideration of the Bill by Parliament is now due in early 2024 following the publication of evidence reviews relating to the reform of children and justice services. This will be in addition to the many other national drivers that we are required to take forward within each of our areas of work.

Conclusion

This report offers a high-level summary of some key developments, improvements and challenges across social work and social care services in Midlothian during 2022-23.

The operating environment for social work and social care remains both complex and fluid with a high degree of uncertainty regarding the future arrangements for service delivery and governance as well as a busy legislative and policy development landscape, challenges in relation to workforce capacity and availability, constrained resource availability and increased demand.

The report highlights clear challenges in relation to unmet need and a requirement to continue to improve timely access to services within our communities. Maintaining a balance of focus and prioritisation of the provision of support for people in the community, alongside facilitation of prompt discharge from inpatient care, will be of critical importance in the coming year.

Despite the challenges social work and social care services face across Midlothian, in conjunction with our third sector providers we continue to evidence a high level of commitment in providing good quality care that empowers, supports and protects people.

Appendix



EMPPC Annual
Report 2022-23.docx

EMPPC Annual Report

ESES City Region Deal regional approach to a Visitor Levy for Midlothian**Report by Kevin Anderson, Executive Director Place****Report for Decision****1 Recommendations**

It is recommended that Council:

- agrees to a watching brief on a regional approach to implementing the visitor levy with the City of Edinburgh Council as the lead authority to gain a greater understanding of the viability and implications of a regional approach to the Visitor Levy for Midlothian
- agrees to Economic Development commencing consultation with the local tourism sector and representative bodies once the Parliamentary phase is complete, expected to be August 2024.

2 Purpose of Report/Executive Summary

- 2.1** At the August 2023 meeting of the City Region Deal (CRD) Visitor Economy Partnership (RVEP) a discussion was held on what each of the partner local authorities' plans were on implementing a Visitor Levy on overnight accommodation in all, or part, of their area.

The City of Edinburgh Council having progressed further than the other partner authorities suggested that an option would be to implement a regional approach to optimise efficiency and resource allocation within the region. The primary focus of this paper is to advocate for a watching brief on the City of Edinburgh's progress, reporting on developments to aid future decision making. Approval is also requested to commence consultation with Midlothian's Tourism sector and representative bodies in 2024.

Date 30th October 2023

Report Contact: Annie Watt, Economic Development Manager (Acting)
Annie Watt Tel No: 07823 551097

Annie.Watt@midlothian.gov.uk

3 Background/Main Body of Report

The Visitor Levy (Scotland) Bill

- 3.1 The Visitor Levy (Scotland) Bill (VLB) is a bill of the Scottish Parliament to give local authorities the power to impose a visitor levy in respect of persons staying in certain types of accommodation overnight and was published on 24 May 2023.
- 3.2 The VLB encompasses a provision granting councils the authority to introduce a Visitor Levy within their respective localities. This authority will be discretionary, placing the decision-making power for implementation in the hands of Scottish Local Government and the local populace.
- 3.3 The proposed Visitor Levy, outlined in the Bill, will manifest as a percentage of the rate charged by accommodation providers per occupied night. The precise percentage is at the discretion of local authorities. Economic Development carried out an exercise earlier this year, prior to the design of the preferred methodology of charging a percentage of the accommodation price (Appendix B). The potential visitor levy information relied on a fixed rate of £2 per night, for a maximum of seven nights and is included in this report to provide an indicative insight into the potential revenue that the Levy could realise for Midlothian and the other partner authorities in the CRD area. Whilst income to develop and maintain infrastructure is welcomed it should be noted that the potential income for Midlothian may not fully cover the expenses associated with establishing the Visitor Levy system, as outlined in the potential cost of implementation (Appendix C).
- 3.4 The Bill mandates that councils engage in consultations and generate impact assessments before arriving at a formal decision to implement the Levy. Following this, an 18-month transition period will be provided to aid accommodation providers. This implies that the earliest projected commencement of the Levy is in the year 2026.
- 3.5 The specific nature, extent, and exemptions within the Levy will be subject to councils' discretion. For example, the Levy might be applicable only during specific months, within sections of a local community, or it might incorporate exceptions for certain types of accommodation providers or a limited number of nights per stay.
- 3.6 **Visitor Levy – Provisional Timeline**

Visitor Levy Bill Introduced - **24 May 2023**

Call for Views Deadlines – **15 September 2023**

Scottish Parliament Stage 1 - **December 2023 to January 2024**

Scottish Parliament Stage 2 - **Spring 2024**

Scottish Parliament Stage 3 - **Summer 2024**

Commencement of Bill - **August 2024**

Lead-In Time & Consultation Period - **18 months+**

Levy Introduced in Local Area – **2026**

Midlothian Approach

- 3.7** The Visitor Levy Bill aims to provide additional revenue to areas facing visitor capacity challenges, enabling them to alleviate the associated pressures. Currently, Midlothian is not at visitor capacity and our economic strategy seeks to collaborate on a regional basis to increase visitor numbers to Midlothian, the recently introduced Short Term Let (STL) licencing regulations, and the City of Edinburgh Council's policy to refuse licences for tenement properties should realise an opportunity to increase accommodation demand and provision in Midlothian.
- 3.8** The implementation of a Visitor Levy warrants careful consideration, as it presents both advantages and disadvantages. The decision to enact such a levy is contingent upon several factors, including the size and characteristics of the area under consideration. This report examines the implications of introducing a Visitor Levy, with a specific focus on smaller regions like Midlothian.

Benefits and disadvantages:

- 3.9 Tourist Footfall:** Major tourist hubs such as Edinburgh City attract high volumes of visitors annually, drawn by multiple factors including rich history and cultural attractions. The implementation of a Visitor Levy in these areas can yield substantial revenue for needed infrastructure improvements. However, Midlothian experiences a significantly lower volume of overnight stays by comparison to Edinburgh, Fife, and East Lothian, as shown in Appendix B. Consequently, the revenue generated from a Visitor Levy in Midlothian would be considerably lower and may not sufficiently justify the associated administrative costs.
- 3.10 Infrastructure and Services:** The increased revenue generated from the levy can be channelled into the maintenance and enhancement of infrastructure, public services, and tourist facilities, thus ensuring a favourable experience for visitors. Conversely, Midlothian possesses less tourist infrastructure and attractions relative to more prominent areas. Consequently, there may be fewer opportunities to effectively reinvest the levy revenue in tourism-related projects.
- 3.11 Economic Impact:** Tourism plays a pivotal role in local economies. For instance, as demonstrated in Appendix B, certain regions like Edinburgh stand to gain significantly from a visitor levy, estimating around £14M in revenue. In contrast, areas like Midlothian are projected to generate approximately £196,000 per annum. The Visitor Levy can serve to offset the expenses incurred due to the adverse impact of tourism on areas, including increased wear and tear on public spaces, investment in local facilities and services, such as waste, cleansing and improvements to public areas and greenspaces helping to attract more visitors.

- 3.12 Diverse Tourism Offerings:** Revenue generated from the Visitor Levy can be strategically reinvested to promote a diverse range of tourism experiences, ranging from festivals to museums and historic and cultural events and also support tourism-related businesses. Nonetheless, implementing a Visitor Levy in Midlothian could be perceived as a competitive disadvantage. As Midlothian competes with Edinburgh with its city attractions and East Lothian for its coastal offerings, if Midlothian were to choose to not implement the levy then this would increase our competitiveness and encourage more visitors to choose Midlothian for overnight stays.
- 3.13 Administrative Complexity:** It is essential to acknowledge the administrative complexities associated with the implementation and management of a Visitor Levy. These complexities may disproportionately outweigh the benefits for smaller regions like Midlothian, especially if the necessary resources to efficiently administer the levy are lacking.
- 3.14 Expenses linked to the introduction of a Visitor Levy:** Appendix C presents the anticipated expenses linked to the introduction of a Visitor Levy for Midlothian Council. COSLA have suggested that the earliest possible start date for the Levy is 2026, however, 'Year T' is the year in which a local authority implements a visitor levy. There are various factors to justify why these costs might be viewed as excessive for Midlothian Council.
- 3.15 Consultation and Decision-making Costs:** In Year T-2, the consultation and decision-making process is estimated to cost between £10,000 and £20,000. While this cost is relatively modest, it signifies an initial financial commitment.
- 3.16 Set-up Costs:** The set-up costs in Year T-1 and Year T range from £50,000 to £230,000. This is a substantial financial investment, especially considering the potential range, which could significantly impact the council's budget.
- 3.17 Administration Costs:** The ongoing administration costs from Year T to Year T+2 is projected to be between £190,000 and £500,000 annually. These costs would represent a recurring financial burden on Midlothian Council's resources negating the potential income benefits of a levy.
- 3.18 Cumulative Total:** The total costs over the five-year period range from £60,000 to £250,000 in the initial year to £190,000 to £500,000 in subsequent years. The cumulative expenses may strain the council's finances, especially if the higher end of the cost estimates is realised.
- 3.19** In summary, the costs associated with implementing a Visitor Levy in Midlothian Council are substantial, with potentially significant financial implications. The decision to proceed should consider whether the

expected benefits, such as the increased revenue for infrastructure improvements sufficiently covers the financial and resource costs, and whether the council's budget can accommodate such an expense. Subsequently, the following section elaborates on how adopting a regional approach can offer several advantages, including cost reduction.

Regional Approach Visitor Levy

- 3.20** As detailed in the Regional Prosperity Framework prospectus and delivery plan 2023/24 enhancing the Regional Visitor Economy is a key regional action (Appendix D).
- 3.21** Edinburgh and Southeast Scotland are committed to fostering collaboration at a regional level to ensure the responsible growth, optimisation, and equitable distribution of the benefits stemming from the region's robust visitor economy. This commitment is managed through the Regional Visitor Economy Partnership (RVEP).
- 3.22** The RVEP's aim is to establish a robust Regional Partnership that includes key stakeholders such as Visit Scotland, Scottish Enterprise, Local Authorities, and other relevant entities. This partnership will facilitate more efficient and effective cross-regional cooperation, ultimately benefiting the regional visitor economy.
- 3.23** The RVEP is co-creating a comprehensive Regional Visitor Economy Development Plan. This plan will align the region's aspirations and actions, to transform it into a world-class year-round visitor destination. The vision includes a forward-looking, ambitious approach to responsible tourism.
- 3.24** A regional approach to the Visitor Levy was discussed at the Visitor Economy meeting on the 23 August 2023. There was consensus that it presented a reasonable and efficient option for implementation. This would allow ESES CRD partners to monitor the progress of the City of Edinburgh Council's (CEC) programme and fully consider future participation. CEC is significantly ahead in the process, being one of the primary beneficiaries of implementing a tourism levy. Additional details can be found in the report considered by Policy and Sustainability Committee - [A Visitor Levy for Edinburgh: Progress Update and Draft Proposal](#). CEC are reluctant to transition to a regional model at this point in time and noted their preference to continue as planned while more information is released and explore how a regional model would operate through the RVEP with each partner authority reporting to their respective Councils for agreement on a watching brief as the process progresses.
- 3.25** Introducing a Visitor Levy regionally, as opposed to individual local programmes for each local authority area, can yield numerous advantages, particularly in the ESES CRD area, which is projected to be the primary revenue generators for Scotland, as demonstrated in Appendix E.
- 3.26** **Consistency:** A regional Visitor Levy can ensure a consistent approach across a broader area. This consistency can create a more

level playing field for tourism-related businesses and prevent tourists from choosing destinations solely based on levy avoidance, promoting fairness in the industry.

- 3.27 Revenue Amalgamating:** A regional Visitor Levy allow for the pooling of levy revenue from multiple areas within a region. This can result in a larger and more stable revenue stream, which can be used to fund regional projects, infrastructure improvements, and marketing efforts to attract tourists on a larger scale.
- 3.28 Economies of Scale:** Managing a regional levy system can be more cost-effective than implementing separate levies at the local level. It can reduce administrative burden and the need for multiple levy collection systems, making the process more efficient.
- 3.29 Promotion and Marketing:** A regional Visitor Levy can be used to fund marketing campaigns and initiatives that promote the entire region. This can benefit all areas within the region by attracting more tourists and encouraging them to explore a wider range of attractions.
- 3.30 Infrastructure Development:** Regional levy revenue can be invested in larger infrastructure projects that benefit the entire region, such as transportation improvements, regional parks, or cultural centres. This can enhance the overall tourism experience and boost the region's attractiveness.
- 3.31 Tourism Growth:** A regional approach can support sustainable tourism growth by addressing the collective needs and challenges of multiple areas. This can lead to long-term benefits, as opposed to short-term gains that may result from localised levies.
- 3.32 Tourist Experience:** A regional levy can be used to enhance the overall tourism experience by funding amenities, visitor centres, and services that cater to tourists across the entire region. This can improve satisfaction and encourage repeat visits.
- 3.33 Coordination and Collaboration:** A Regional Visitor Levy requires coordination and collaboration among different authorities and stakeholders. This can foster cooperation, knowledge sharing, and joint efforts to maximise the benefits of tourism for the entire region.
- 5.7** It is important to note that implementing a regional Visitor Levy also comes with challenges, including the need for regional cooperation, revenue-sharing agreements, and equitable distribution of funds among participating areas. Additionally, the success of a regional approach depends on the specific characteristics and goals of the region in question. Careful planning and consideration of local circumstances are crucial when deciding whether to implement a regional Visitor Levy.
- 5.8** Council officers have actively participated in ongoing discussions within the Visitor Economy partnership, exploring strategies for the implementation of a visitor levy across Scotland. Through these engagements, Officers have recognised the merit of adopting a regional approach to the visitor levy. As endorsed by the regional approach of ESES CRD, it is crucial for Midlothian to collaborate with fellow local authorities in this group so that we gain clear detail on the resource impact and infrastructure realisation benefits for Midlothian. If

Midlothian decide to implement a levy a regional approach should result in cost savings for Midlothian, mitigating the resource and budget constraints of pursuing independently.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Implementing a visitor levy at a local and regional level typically requires the following resources:

- **Legal Framework and Regulations:** Developing and enacting the necessary legal framework and regulations is crucial. This includes defining the scope of the levy, setting tax rates, determining exemptions, and establishing collection and enforcement mechanisms. Legal expertise and government resources are required to draft and implement these regulations.
- **Administrative Infrastructure:** To collect and manage the visitor levy efficiently, you need administrative infrastructure. This includes personnel to handle levy collection, accounting, and auditing, as well as the development or acquisition of software and hardware for levy management and payment processing.
- **Public Engagement and Communication:** Successful implementation of a visitor levy often depends on public support and understanding. Resources are needed for public engagement campaigns, including public hearings, marketing, and educational initiatives to inform residents and visitors about the levy's purpose, benefits, and how it will be used to support the local or regional community.

4.2 Digital

Implementing a visitor levy at a local and regional level requires careful consideration of digital requirements:

- **Online Payment System:** To collect visitor levies efficiently, a robust online payment system is crucial. This system should support various payment methods, provide secure transactions, and be user-friendly.
- **Visitor Registration and Tracking:** Implementing a digital platform for visitor registration and tracking is essential. This system should capture visitor information, including demographics and

length of stay, while ensuring data privacy compliance. It helps in managing levy collections and assessing the impact of tourism on the region.

- **Reporting and Analytics:** A digital infrastructure should be in place to generate reports and performance analytics on levy collections and visitor data. This enables local authorities to make informed decisions, allocate funds appropriately, and adjust levy rates as needed to benefit the local community.

4.3 Risk

Implementing a visitor levy at a local and regional level carries risks:

- **Economic Impact:** Visitor levies may deter tourists, especially price-sensitive ones, which could have negative economic consequences for local businesses and employment.
- **Competitiveness:** High levies can make a destination less competitive compared to other regions, potentially leading to a decline in tourism.
- **Administrative pressure:** Setting up and administering the levy system can be costly, and there may be resistance from businesses and visitors. The administration can also put increased pressure on the existing workforce.
- **Public Perception:** If not implemented transparently and fairly, levies can create dissatisfaction among residents and visitors, affecting the destination's reputation.
- **Impact on Low-Income Visitors:** Levies can disproportionately affect low-income tourists, potentially making the destination less accessible for a broader range of visitors.
- **Unpredictable Revenue:** Revenue from levies can fluctuate based on tourism trends, making it challenging to budget effectively.

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The introduction of a Tourism Visitor Levy for Midlothian could support sustainable development for Tourism Culture and Heritage and responsible tourism with the potential to increase local employment.

A.2 Key Drivers for Change

Key drivers addressed in this report:

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

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

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

A.4 Delivering Best Value

The optimal choice for Midlothian Council would be to adopt a regional approach for implementing a visitor levy. This approach should be more cost-effective, as the revenue may not cover the costs of implementing a local level tourism levy. To ensure best value, it would be wise to closely observe and learn from the progress and implementation of the Edinburgh Council Visitor Levy plans, gaining valuable insights into the feasibility of introducing a Visitor Levy for Midlothian, whether independently or in partnership.

A.5 Involving Communities and Other Stakeholders

All ESES CRD regional partners have been involved in discussions around the visitor levy. Nationally the Levy Survey is collating views of the sector and the public.

A.6 Impact on Performance and Outcomes

A.7 Adopting a Preventative Approach

Implementing a Visitor Levy at the regional or local level serves as a proactive measure, generating funds to support regions currently facing the challenges of tourism while also enabling these regions to prepare for future increases in visitor numbers.

A.8 Supporting Sustainable Development

Adopting a regional strategy for the visitor levy has the potential to foster sustainable development in Midlothian, as it would entail collaboration with ESES CRD regional partners to attain mutually agreed-upon goals.

APPENDIX B - Potential Visitor Levy Information

	Holiday*		VFR*		Business*		All Tourism*		Avg. Overnight stay ** (excl. VFR)	Potential Levy ** (excl. VFR)	Avg. Overnight stay ** (incl. 44% VFR)	Potential Levy ** (incl. 44% VFR)	Median Visitor Levy (Between excl. & incl. 44% VFR)
	Overnight Stays	Trips	Overnight Stays	Trips	Overnight Stays	Trips	Overnight Stays	Trips					
Midlothian	23,333	4,667	135,666	38,000	3,333	3,333	161,667	45,667	3.33	£53,332	3.49	£196,288.51	£124,810.25
East Lothian	309,333	78,333	177,667	64,667	19,000	9,666	506,000	152,667	3.73	£656,666	3.49	£1,083,336.63	£870,001.32
West Lothian	46,333	18,667	153,667	68,667	2,333	2,333	217,667	95,000	2.32	£97,332	2.27	£285,173.02	£191,252.51
Fife	866,333	280,667	748,000	207,000	219,000	70,333	1,853,000	571,333	3.09	£2,170,666	3.2	£3,854,720.50	£3,012,693.25
Scottish Borders	728,000	210,000	370,333	105,667	29,333	21,000	1,137,000	340,000	3.28	£1,514,666	3.32	£2,524,444.07	£2,019,555.04
City of Edinburgh	3,558,333	1,341,667	2,163,000	764,667	805,000	417,333	6,671,333	2,607,333	2.48	£8,726,666	2.54	£14,743,107.52	£11,734,886.76

Sources:

*Visit Britain: The GB Tourist2019 Annual Report

**CorrespondencefromVisitScotland16/03/23

Potential Visitor Levy = £2 per night capped at seven nights/£14 per visitor:

- https://democracy.edinburgh.gov.uk/Data/City%20of%20Edinburgh%20Council/20190207/Agenda/edinburgh_transient_visitor_levy_consultation_2018pdf.pdf

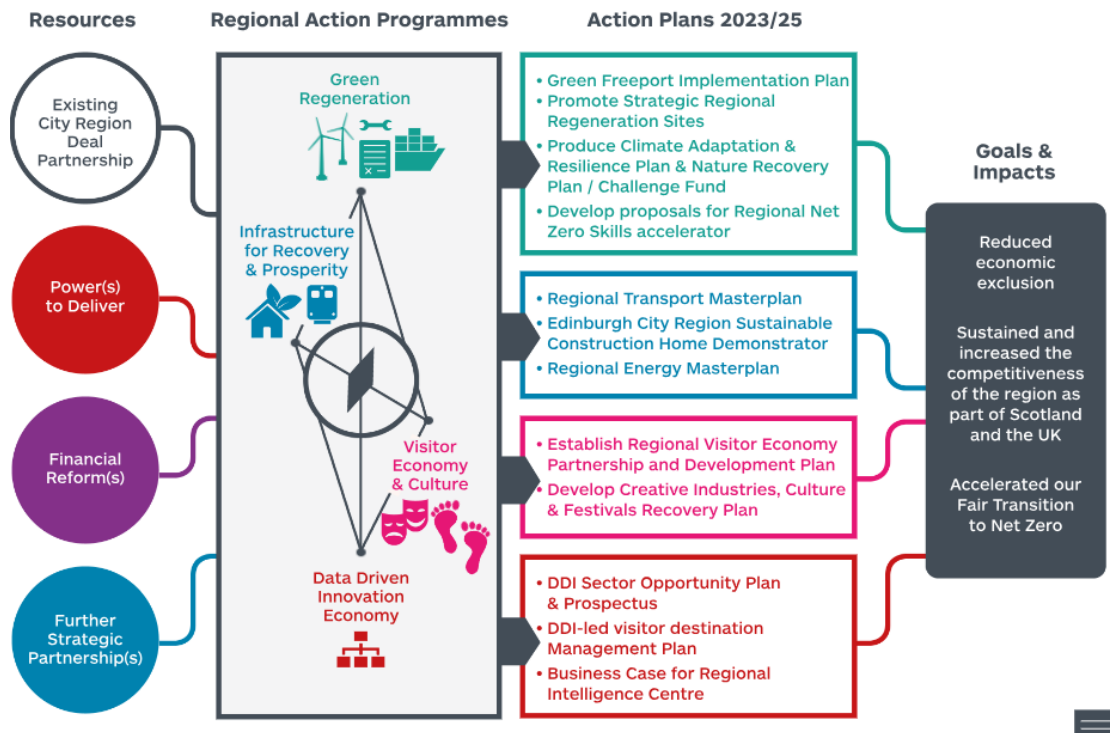
APPENDIX C - Potential Visitor Levy Information

	Year T-2	Year T-1	Year T	Year T+1	Year T+2
Consultation and Decision-making	£10,000 - £20,000				<£1,000
Set-up cost	£50,000 - £230,000	£50,000 - £230,000			
Administration Costs			£190,000 - £500,000	£190,000 - £500,000	£190,000 - £500,000
Total	£60,000 - £250,000	£50,000 - £230,000	£190,000 - £500,000	£190,000 - £500,000	£190,000 - £500,000

Note 'Year T' is the year in which a local authority implements a visitor levy.

Source: [Supporting documents - Visitor Levy Bill: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/visitor-levy-bill-business-and-regulatory-impact-assessment)

Our Action Plan Priorities



Source: [Regional Prosperity Framework — The Edinburgh and South East Scotland City Region Deal](https://esescityregiondeal.org.uk)
[\(esescityregiondeal.org.uk\)](https://esescityregiondeal.org.uk)

APPENDIX E - Potential revenue from a visitor levy by region

Region	Revenue (£m), by tax rate						
	1%	2%	3%	4%	5%	6%	7%
Edinburgh & Lothians	5.9	11.9	17.8	23.7	29.6	35.6	41.5
Highlands & Islands	3.1	6.1	9.2	12.2	15.3	18.4	21.4
Greater Glasgow & Clyde Valley	2.3	4.7	7.0	9.3	11.7	14.0	16.3
Argyll, Isles, Loch Lomond, Stirling & Trossachs	1.6	3.1	4.7	6.2	7.8	9.4	10.9
Aberdeen & Grampian	0.9	1.8	2.7	3.6	4.5	5.4	6.2
Perthshire	0.7	1.4	2.1	2.8	3.5	4.2	4.9
Fife	0.7	1.4	2.0	2.7	3.4	4.1	4.7
Ayrshire & Arran	0.4	0.8	1.2	1.6	2.0	2.4	2.7
Dumfries and Galloway	0.4	0.8	1.2	1.6	1.9	2.3	2.7
Angus & Dundee	0.4	0.8	1.1	1.5	1.9	2.3	2.6
Scottish Borders	0.2	0.3	0.5	0.7	0.9	1.0	1.2
<i>Area not specified*</i>	<i>0.4</i>	<i>0.7</i>	<i>1.1</i>	<i>1.4</i>	<i>1.8</i>	<i>2.1</i>	<i>2.5</i>
Scotland	16.8	33.7	50.5	67.4	84.2	101.1	117.9

*Some of the visitor data does not include a specific region. This category is included to give Scotland only total.

Source: [Supporting documents - Visitor Levy Bill: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#)

