

[REDACTED] [REDACTED] [REDACTED] Your Ref:

[REDACTED]
29 March 2018

Midlothian Council
Legal Services
Midlothian House
40-46 Buccleuch Street
Dalkeith
Midlothian
EH22 1DN

ALSO BY E-MAIL TO: foi@midlothian.gov.uk

Dear Sirs

Freedom of Information (Scotland) Act 2002 ("the Act")
Dow Investments plc ("our Client")
Midlothian Council ("the Council")
Review of Refusal to Respond to Information Request

On behalf of, and as instructed by our Client, we requested information from the Council under the terms of the Act by way of letter and e-mail both dated 16 February 2018, copies of which are enclosed herewith ("information request").

The deadline by which the Council was obliged to respond to the information request, in accordance with section 10 of the Act, was 19 March 2018. However, the Council failed to respond to our letter within this statutory timeframe.

On behalf of, and as instructed by our Client, we hereby make a request that the Council review its failure to respond to our information request in accordance with the procedures set out under section 20 of the Act.

In so far as any of the requested information contains personal data, the disclosure of which is exempted under section 38 of the Act, we request that the information is provided with the personal data redacted.

To the extent that any of the requested information is exempt by virtue of section 25 of the Act, please advise where this information is accessible. If there is no information falling within the scope of our information request, please advise us accordingly.

We look forward to receiving the information within the statutory time limits set out in section 21 of the Act.

Please contact [REDACTED] [REDACTED] on [REDACTED] [REDACTED] [REDACTED] if you require any further clarification of the review requested.

Yours faithfully

[REDACTED]

Enc.

1. Copy letter to Council dated 16 February 2018
 2. Copy email to Council dated 16 February 2018
- [REDACTED] [REDACTED]

Your Ref:

15 February 2018

Midlothian Council
Legal Services
Midlothian House
40-46 Buccleuch Street
Dalkeith
Midlothian
EH22 1DN

ALSO BY E-MAIL TO: foi@midlothian.gov.uk

Dear Sirs,

Freedom of Information (Scotland) Act 2002 (the "Act")
Dow Investments plc ("our Client")
Midlothian Council ("the Council")
Care homes for older people as registered with the Care Inspectorate ("care home")
Information Request

On behalf of, and as instructed by our Client, we hereby make a request under the Act to be provided with the following information:

1. The total number of care homes in Scotland currently owned by the Council at today's date (15 February).
2. Please provide a note of the following details in relation to each care home in Scotland currently owned by the Council:
 - a. name of each care home (if applicable);
 - b. full postal address of each care home;
 - c. confirmation as to whether the Council operates each care home or whether any care homes are operated by a third party for and on behalf of the Council, and if the latter, the full name and postal address of any such third party(ies); and
 - d. the total period of ownership by the Council of each care home, such period of time to be specified in years and months.
3. The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of ownership by the Council of each care home to today's date (15 February)), associated with the following (such total costs to be broken-down and provided to us on a per care home basis):
 - a. purchasing each of the care homes identified in numbers 1 and 2 above;
 - b. constructing and / or building (if applicable) each of the care homes identified in numbers 1 and 2 above;
 - c. redeveloping or otherwise renovating (this include any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 1 and 2 above; and
 - d. purchasing land or assumed value of land owned by the Council and on which each care home identified in numbers 1 and 2 above is situated.
4. The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 3 above (such total amount(s) to be broken-down and provided to us on a per care home basis), including details of the any

outstanding amount(s) borrowed (such total amount(s) to be broken-down and provided to us on a per care home basis).

5. The total number of care homes in Scotland currently owned by the Council in relation to which the Council intends to, and / or has plans to, dispose ownership in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following details:
 - a. name of each care home (if applicable);
 - b. full postal address of each care home; and
 - c. the full name and address of the person and / or entity intending to purchase or otherwise gain ownership and / or title of each care home.
6. The total number of care homes in Scotland currently held under lease and / or other tenancy right by the Council at today's date (15 February).
7. Please provide a note of the following details in relation to each care home in Scotland currently held under lease and / or other tenancy right by the Council:
 - a. name of each care home (if applicable);
 - b. full postal address of each care home;
 - c. confirmation as to whether the Council operates each care home or whether any care homes are operated by a third party for and on behalf of the Council, and if the latter, the full name and postal address of any such third party(ies); and
 - d. the landlord of each care home, and where the Council is a sub-tenant, any head-tenant(s) of each care home.
8. The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of the lease and / or other tenancy by the Council of each care home to today's date (15 February)), associated with the following (such total costs to be broken-down and provided to us on a per care home basis):
 - a. constructing and / or building (if applicable) each of the care homes identified in numbers 6 and 7 above;
 - b. redeveloping or otherwise renovating (this include any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 6 and 7 above.
 - c. purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 6 and 7 above is situated.
9. The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 8 above (such total amount(s) to be broken-down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken-down and provided on a per care home basis).
10. The total number of care homes in Scotland currently held under lease and / or other tenancy right by the Council which the Council intends to, and / or has plans to, cease (whether by natural expiry or early termination) the lease and / or other tenancy right, in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following details:
 - a. name of each care home (if applicable); and
 - b. full postal address of each care home.
11. The total number of care homes in Scotland currently operated by the Council at today's date (15 February).

12. Please provide a note of the following details in relation to each care home in Scotland currently operated by the Council:
- name of each care home (if applicable);
 - full postal address of each care home; and
 - the total period of operation by the Council for each care home, such period of time to be specified in years and months.
13. The total costs incurred by, and, for and on behalf of, the Council (such costs to be calculated from the beginning of operation by the Council of each care home to today's date (15 February)), associated with the following (such total costs to be broken-down and provided to us on a per care home basis):
- constructing and / or building (if applicable) each of the care homes identified in numbers 11 and 12 above;
 - redeveloping or otherwise renovating (this include any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 11 and 12 above; and
 - purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 11 and 12 above is situated.
14. The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 13 above (such total amount to be broken-down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount to be broken-down and provided to us on a per care home basis).
15. The total number of care homes in Scotland currently operated by the Council at today's date (15 February) which the Council intends to, and / or has plans to, transfer or cease operation in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following details:
- name of each care home (if applicable);
 - full postal address of each care home; and
 - where applicable, the full name and address of the person and / or entity intending to assume operation each care home.
16. The total weekly costs and expenses per resident for each care home identified in numbers 1, 2, 6, 7, 11, and 12 above (such total costs to be broken-down and provided to us on a per care home basis), as incurred by and for and on behalf of the Council, associated with maintaining and operating each care home identified in numbers 1, 2, 6, 7, 11, and 12 above, including but not limited to:
- any central administration costs; and
 - any building, property and land maintenance costs.
17. The average yearly salary (prior to deduction of any tax contributions, national insurance contributions, student loan repayment, or any other payroll deductions) and average yearly pension contribution, average yearly sick pay, and average yearly annual leave entitlement for:
- each manager at each care home identified in numbers 1, 2, 6, 7, 11, and 12 above (if there is more than one manager please provides these details);
 - each assistant manager at each care home identified in numbers 1, 2, 6, 7, 11, and 12 above (if there is more than one assistant manager please provides these details); and

- c. each deputy manager at each care home identified in numbers 1, 2, 6, 7, 11, and 12 above (if there is more than one deputy manager please provide these details),

If the care homes differentiate at a managerial level between clinical and non-clinical then please provide such details.

18. Please provide details of any care homes in Scotland that the Council currently has plans to buy and / or develop/build in the future, including:

- a. the location of each of the aforesaid care home; and
- b. the total expected and budgeted costs for the Council of each of the aforesaid care homes (such total costs to be broken-down and provided to us on a per care home basis).

Pursuant to section 11 of the Act, we would prefer the information in electronic form (to be sent to [REDACTED]), failing which, in hard copy.

In so far as any of the requested information contains personal data, the disclosure of which is exempted under section 38 of the Act, we request that the information is provided with the personal data redacted.

To the extent that any of the requested information is exempt by virtue of section 25 of the Act, please advise where this information is accessible.

If there is no information falling within the scope of this information request, please advise us accordingly.

We look forward to receiving the information within the statutory time limits set out in section 10 of the Act.

Please contact our [REDACTED] on [REDACTED] if you require any further clarification of the information requested.

Yours faithfully,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 16 February 2018 14:38
To: 'foi@midlothian.gov.uk'
Cc: [REDACTED]
Subject: On behalf of Dow Investments plc
Attachments: Midlothian Council.PDF

Tracking:

Recipient

'foi@midlothian.gov.uk'

[REDACTED]

Delivery

Delivered: 16/02/2018 14:38

Dear Sir/Madam

Please see attached letter which is also being issued by post.

Yours faithfully