



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 10 JUNE 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

Committee Members Present:

Councillor S Akhtar
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor L Broun-Lindsay
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director of East Lothian Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Ms S Saunders, Head of Children's Wellbeing
Mr T Shearer, Head of Communities and Partnerships
Mrs M Ferguson, Service Manager – Legal Services
Mr A Fitzgerald, Records Manager
Ms S Fortune, Service Manager – Business Finance
Ms J McCabe, Senior Solicitor

Clerk:

Mrs L Gillingwater

Apologies:

Councillor T Day

Declarations of Interest:

None

Prior to the commencement of business, the Convener welcomed Sarah Fortune, the Council's new Service Manager – Business Finance, to the meeting.

1. MINUTES OF THE MEETING OF THE CABINET OF 13 MAY 2014

The minutes of the meeting of the Cabinet of 13 May 2014 were approved.

Matter arising: Item 4 – Councillor Berry asked about the timescale for the development of the new approach to housing allocations. Councillor Innes advised that a further report on this issue would be presented to Cabinet within 6 months of the date of the May Cabinet meeting.

2. CORPORATE RISK REGISTER

A report was submitted by the Chief Executive seeking approval of the updated Corporate Risk Register for 2014.

The Chief Executive presented the report, drawing attention to the 14 risks included in the Corporate Risk Register, particularly those considered to be in the Very High and High categories. She advised of the steps taken to mitigate and manage risks, which had resulted in a number of risks being reclassified at a lower level.

Councillor Berry suggested that Risk Ref ELC CR1 (Resourcing) should be given a higher 'likelihood' rating. As regards CR6 (Development Plan) he commented that the 'impact' rating may be too low. The Chief Executive pointed out that risk assessment was not an exact science and that many factors were taken into account. She noted that a benchmarking exercise had been undertaken and that mitigation had also reduced the ratings. On CR6, she explained the process to Members, noting that the risk rating would be increased should this process be delayed. She advised that a plan was in place and expected a report on the Development Plan to come forward in September/October 2014. The Deputy Chief Executive (Partnerships and Community Services) added that mitigation measures had reduced the risk rating but that other factors, such as the planning process and the role of the Reporter, would have an impact.

Councillor Currie warned of the potential impact of welfare reform on the Council. He also questioned the inclusion of the Council Tax freeze as a risk, remarking that most Members had supported the freeze. He pointed out that two of the biggest risks to the Council were the reduction in budgets to support vulnerable people and the Council not achieving efficiency savings.

Councillor Hampshire argued that the Council Tax freeze had impacted on the Council's ability to protect budgets. On the Development Plan, he highlighted the problems experienced as regards the allocation of land, and the need to address infrastructure issues, particular secondary school capacity. He added that SESplan 2 would require the Council to identify additional land for housing. His concerns were shared by Councillor Berry, who spoke of the importance of a new train station at East Linton, improved road networks around Haddington and Tranent, and additional parking provision in North Berwick.

In relation to welfare reform, Councillor Veitch stated that he hoped the overall impact would be positive, with more people being in employment and fewer depending on welfare. Councillor McAllister commented that much of the impact of welfare reform was still to come and that this would have a significant effect on the Council.

Councillor Grant advised that, while he recognised the risks facing the Adult Wellbeing service, he was confident that the staff would make every effort to mitigate those risks.

Councillor Innes thanked officers for their work in preparing the Risk Register, and in introducing measures to ensure services are delivered and the public protected.

Decision

The Cabinet agreed to approve the updated Corporate Risk Register, and in doing so:

- i. agreed that the relevant risks had been identified
- ii. agreed that the significance of each risk was appropriate to the current nature of the risk
- iii. agreed that the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk
- iv. recognised that, although the risks presented were those requiring close monitoring and scrutiny throughout 2014, many were in fact longer term corporate risks for the Council that would likely be a feature of the risk register over a number of years
- v. noted that the Council Management Team would review risks in the Corporate Risk Register on a regular basis.

3. PROPOSED REVISIONS TO THE MANAGING ATTENDANCE POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of revisions to the Council's Managing Attendance Policy.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to the key changes and additions to the policy.

In response to questions from Councillor Berry, Mr Lamond estimated that the cost to the Council of sickness absence was approximately £4m per year. He advised that the Trades Unions had been consulted on the revisions to the policy but that they had not responded within the given timescale, even with an extension to this timescale. He noted, however, that the Trades Unions had indicated at a late stage in the process that they would like the policy to be a collective agreement, a request that was turned down by both HR and the Council Management Team (CMT). He noted that the majority of other Scottish councils did not have a collective agreement on their absence policies. He added that there had been a good response from managers and staff to the proposals.

Councillor Currie commented on the importance of the views of the Trades Unions and also questioned the trigger and monitoring periods for short-term absences. Mr Lamond advised that the Trades Unions had indicated their preference for the Council to withdraw the policy and try and reach a collective agreement, but that the CMT did not agree with this position. On the issue of short-term absences, he confirmed that the 6-month monitoring period would apply to all employees who had reached the short-term absence trigger (other than for pregnancy-related absences), but that the automatic referral to Occupational Health had been withdrawn.

Councillor Currie maintained that a collective agreement was always preferable to a management policy. He also warned that the policy on short-term absence triggers and monitoring could be problematic, especially for staff receiving ongoing treatment for health conditions. He was concerned that this could have a negative effect on those staff affected, and asked the Cabinet to reconsider this aspect of the policy.

The Chief Executive explained that there had been extensive consultation on the policy, including attempts to engage with the Trades Unions. As regards the short-term trigger and monitoring aspect, she advised that this process may result in issues that could be resolved through intervention and positive measures. Mr Lamond pointed out that there was no punitive action taken during the monitoring period, and support could be identified and arranged for staff, as appropriate.

Councillor McMillan welcomed the report, commenting that a referral to Occupational Health should not be seen as a sanction, but is concerned with a duty of care.

Councillor Berry expressed his disappointment that the Trades Unions had chosen not to engage with the consultation process, noting that they also had a duty of care towards employees.

Councillor Veitch pointed out that prior to 2009 there was a collective agreement on this policy but that the Trades Unions had opted not to continue with that.

Councillor Innes welcomed the report, highlighting the importance of having an absence management policy that helps and supports staff. He also welcomed the introduction of flexibility for managers for particular circumstances. He concluded the debate by advising that he would be happy to discuss collective agreements with the Trades Unions in the future but that this policy should be approved by Cabinet.

Decision

The Cabinet agreed to approve the revisions to the Policy (attached as Appendix A to the report), which had been fully consulted upon with the Trades Unions and workforce and had been endorsed by the Council Management Team.

4. EAST LOTHIAN COUNCIL RETENTION SCHEDULE

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the East Lothian Council Retention Schedule, which was required by the Public Records (Scotland) Act 2011, in advance of the submission of the Records Management Plan.

The Head of Council Resources, Jim Lamond, presented the report, advising that the Retention Schedule was a key element of the Council's Records Management Plan (RMP), and that the RMP would be submitted in October 2014.

Decision

The Cabinet agreed:

- i. to approve the Retention Schedule for adoption as the position of East Lothian Council in relation to its records retention (noting that the Schedule had been published in the Members' Library, Ref: 91/14, June 2014 Bulletin); and
- ii. to delegate authority to the Head of Council Resources to approve any further adjustments to individual entries within the Schedule, reflecting its status as a working document that represents the sometimes rapidly changing needs of the organisation.

5. CHILDREN'S WELLBEING – PAYMENTS TO PARTNERS AND VOLUNTARY ORGANISATIONS (SERVICE LEVEL AGREEMENTS) 2014/15

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the payments to partners and voluntary organisations providing services for service users of Children's Wellbeing for the amounts specified, for the financial year 2014/15. The report also advised that three organisations previously funded by Children's Wellbeing – Adoption UK, Birthlink and Family Mediation – had been moved to the Partnership Funding stream, with £12,080 being transferred from Children's Wellbeing to the Partnership Funding budget.

The Head of Children's Wellbeing, Sharon Saunders, presented the report, drawing Members' attention to the funding allocations in Appendix 1, and providing an explanation on the funding decisions relating to a number of the organisations listed. She also noted that there was a small budget available which would allow the Council to work with the Third Sector in developing further partnership arrangements to provide services for children with disabilities. She reported that during 2014/15, work would be undertaken to review self-directed support (SDS), and that a number of service level agreements (SLAs) had been extended for a further year.

Councillor MacKenzie asked for further information on how SDS would work. Ms Saunders explained that, in hypothesis, that with SDS, if it were agreed that a family would have control over sourcing their own care package, they would not then also require additional funding/care to be provided by the Council. As a consequence of this there may need to be financial and service level adjustments made in the Council's partnership arrangements, and this would be reviewed.

In response to a question from Councillor Currie as regards the procurement of services, Ms Saunders advised that SLAs were in place as appropriate with partner organisations and that normal procurement procedures would be followed in the event that a decision was taken to market test services. She added that the partner organisations outlined in the report were specialist providers and therefore, in consultation with corporate procurement services, a procurement process may not be deemed appropriate.

Councillor Williamson asked if applications had been received from organisations other than those mentioned in the report. Ms Saunders advised that those organisations listed were the only continuing contracted organisations the Children's Wellbeing Service had SLAs and grant arrangements with, and that had made repeat funding requests. She pointed out that approaches from other organisations had been made and these had been referred to the Council's Partnership Funding stream for consideration.

Councillor Currie urged caution as regards using the procurement process to secure these types of services, and suggested that other groups in East Lothian could benefit from this funding stream. Paying tribute to the contribution made by the organisations outlined in the report, Councillor Currie commented that budgets used to support vulnerable people should be protected.

Councillor Akhtar pointed out that payments were being made to all the organisations listed and praised the role of these groups in supporting families. She also commended the efforts of these organisations in securing external funding. She remarked that the previous Administration had not invested enough in Children's Wellbeing services.

Councillor MacKenzie welcomed the report, drawing attention to the work undertaken by a number of those organisations listed, and referring to the SHANARRI principles in relation to ensuring the wellbeing of children.

Responding to comments made by Councillor Innes as regards the under-funding of the Children's Wellbeing budget by the previous Administration, Councillor Currie raised a point of order, stating that in its 2013 budget, the SNP Group had committed an additional £750,000 of funding to this budget. Councillor Innes pointed out that his comments had related to the funding of this budget when the SNP were in Administration and not the budget proposals for 2013.

Decision

The Cabinet agreed to award the payments for 2014/15, as outlined in Appendix 1.

6. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 8 MAY 2014

The public minutes of the meeting of the Licensing Sub-Committee held on 8 May 2014 were approved.

7. MINUTES FOR NOTING

The minutes of the Safe and Vibrant Communities Partnership meeting held on 10 February 2014 and the Resilient People Partnership meeting held on 19 February 2014 were noted.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 1 and 6 (information relating to any particular employee of the Authority; information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Sub-Committee Minutes

The private minutes of the meeting of the Licensing Sub-Committee held on 8 May 2014 were approved.

The private minutes of the meeting of the Employee Appeals Sub-Committee held on 1 May were approved.