



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 11 NOVEMBER 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

Other Councillors Present:

Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
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 Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr T Shearer, Head of Communities and Partnerships
Mr D Nightingale, Head of Education
Ms S Saunders, Head of Children's Services
Mr D Proudfoot, Acting Head of Development
Ms S Fortune, Service Manager – Business Finance
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr A Cruickshank, Service Manager – IT Infrastructure
Ms E Wilson, Service Manager – Economic Development & Strategic Investment
Mr J Cunningham, Service Manager – Benefits
Ms J Mackay, Media Manager
Mr Z Thomson, HR Business Partner
Mr S Kennedy, Emergency Planning and Risk Officer
Ms J Ogden-Smith, Communications Officer

Clerk:

Ms A Smith

Apologies:

Councillor T Day

Councillor M Veitch

Declarations of Interest:

None

Prior to commencement of business the Convener announced that a two minute silence would be observed at 11am to commemorate Armistice Day.

1. MINUTES OF THE MEETING OF THE CABINET OF 21 OCTOBER 2014

The minutes of the meeting of the Cabinet of 21 October 2014 were approved.

2. FINANCIAL REVIEW 2014/15: QUARTER 2

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the second quarter of the financial year 2014/15.

The Head of Council Resources, Jim Lamond, presented the report. In relation to General Services revenue he informed Members that the Council's position including schools devolved school management (DSM) showed an underspend of £1.575M; further details listed in Appendix A. Two service areas, Children's Wellbeing and Adult Wellbeing, had been rated with a high risk of overspending. The Housing Revenue Account recorded a marginal underspend with most areas of expenditure remaining broadly in line with budgets. He referred to the spend on General Services capital projects, advising that as previously indicated a refresh of the original capital plan had now been undertaken, details within Appendix D, and included changes in respect of the now audited year-end position for 2013-14 and adjustments approved in April by Council. The overall position remained extremely challenging, finely balanced overall but with a significant risk of overspending in two particular service areas and it was therefore critical to continue close monitoring of all services and application of effective control actions.

In response to questions from Councillor MacKenzie regarding the secondary schools underspend, Mr Lamond advised that the DSM scheme was a statutory scheme which gave schools both flexibility and certain rights; it was a complicating factor in budgetary terms. In response to further questions, the Head of Education, Darrin Nightingale, outlined the challenges facing secondary schools regarding delivery of the DSM review planned efficiencies.

Councillor MacKenzie referred to the Children's Wellbeing overspend and asked for details of the control measures referred to in the report. Sharon Saunders, the Head of Children's Wellbeing, advised that the service operated on a response basis to referrals. She outlined the main control measures adding that the key control was making sure that the right multi agency approach and response was in place.

In response to questions from Councillor Currie regarding coastal car parking charges, Mr Lamond reported that to date no income had been received. The Head of Infrastructure, Ray Montgomery, advised that how this was taken forward was currently being reviewed; a report would be brought forward shortly. He added that it was unlikely that any significant income would be generated this financial year.

In relation to Health and Adult Care, Councillor Currie asked whether the previously agreed charges would be implemented and also raised other queries regarding this directorate's budget. Mr Lamond replied that in relation to fees and charges the budget decision had only been partially implemented in respect of annual uplift; any new elements of charge were still subject to a protracted consultation and had not yet been implemented. Mr Lamond also provided further details regarding the general overspend. David Small, the Director of Health and Social Care Partnership, added that he hoped to bring forward a revised proposal in respect of fees and charges in January 2015.

Councillor Currie, in relation to the Housing Revenue Account, queried the risk referred to in the report regarding the new housing subsidy. Mr Lamond stated that the aim of the proposed Open Market Acquisitions (OMA) programme was to try and protect against the potential loss of subsidy, he was hopeful that the Council would realise the full level of grant subsidy that was available.

In response to a question from Councillor Williamson about publicising OMAs Mr Lamond advised that it was not the intention to publicise this but rather to look at the market and assess suitable availability. Douglas Proudfoot, the Acting Head of Development, confirmed that this process would be led through the Council's Estates Team; housing type, condition and suitability for specific areas within East Lothian would all be considered.

Councillor MacKenzie referred to the overspend in relation to the Children's Wellbeing service area; he remarked that this unit delivered an excellent service however the financial situation would present significant difficulties which would undoubtedly impact on the most vulnerable children and young people in the county.

Councillor Currie stressed that he believed there was a budget crisis in both Children's Wellbeing and Adult Wellbeing services. He raised other areas of concern including coastal car parking charges, health and social care, housing and capital expenditure. He urged the Administration to bring forward a revised budget to address issues in relation to Children's Wellbeing and Adult Wellbeing service areas.

Councillor Hampshire praised Council staff for their efforts in budget management; budget pressures were being managed. In relation to Children's and Adult Wellbeing service areas the demand continued to rise but services required were being delivered. He added that all councils were being affected due to the continued reduction in finance from the Scottish Government. He responded to points raised in relation to housing and capital expenditure.

Councillor Akhtar stated that Children's Wellbeing delivered a very good service as had been shown in the recent Inspection Report. She also made reference to the Scottish Government's allocation of resources to local authorities.

Councillor Grant referred to last Council meeting where the challenges facing the Adult Wellbeing and Adult Social Care sectors had been set out, remarking that given those challenges the current budget position was not entirely unexpected. He echoed comments that staff in those service areas were working well in dealing with the challenges.

Councillor Innes pointed out that overall the budget was in surplus. There were challenges in the Children's Wellbeing and Adult Wellbeing service areas but this Administration was meeting demands and delivering quality services to the people of East Lothian.

Decision

The Cabinet agreed:

- i. to note the financial performance of services at the end of September 2014 and also the continued actions being taken by management to ensure that services are delivered within approved budgets;
- ii. to apply appropriate control measures within the identified 'High Risk' areas as set out in section 3.13;
- iii. to approve the proposed Open Market Acquisitions proposal as detailed in Section 3.18; and
- iv. to approve the revised Capital Plan as set out in Appendix D.

3. STRATEGY FOR NEXT GENERATION INTERNET CONNECTIVITY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for adoption of the Strategy for Next Generation Internet Connectivity across East Lothian. A full copy of the proposed Strategy had been lodged in the Members' Library.

Mr Lamond presented the report, outlining developments to date, the Digital Scotland rollout programme and predictions for delivery. He made reference to some misunderstanding of what would be delivered, both in terms of technologies and timescales. He indicated that the Council had a role, not as a direct provider, but in relation to co-ordination, advocacy and leadership, to ensure a coherent approach that secured maximum connectivity across the county. Technical experts Farrpoint had been commissioned to assist with the development of the Strategy; he highlighted four key areas of focus for the Council that had been identified. An Action Plan had been prepared to assist in the delivery of the Strategy and significant work had already been undertaken on a number of items. He acknowledged the collaborative approach adopted by staff in the IT and Economic Development services in their work on the Strategy.

Councillor McMillan welcomed the report. Access to high speed broadband was a key priority for the Council, for communities and for businesses. He echoed Mr Lamond's comments regarding the work undertaken by staff. He referred to the recent Business Week event and to useful presentations from providers. He also referred to attempts being made to aggregate demand through the community planning process which would enable Community Broadband Scotland to work with communities to deliver suitable connectivity solutions.

Councillor Currie also welcomed the report, adding that businesses needed these opportunities and would welcome these developments.

Decision

The Cabinet agreed to approve the adoption of the Strategy for Next Generation Internet Connectivity across East Lothian.

4. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 1998: COMPLIANCE STATISTICS

A report was submitted by the Depute Chief Executive (Resources and People Services) regarding the Council's compliance for the period 1 April 2014 to 30 September 2014 with a) the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and b) the 40 calendar day timescale laid down by the Data Protection Act 1998.

The Service Manager for Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, referring to the requirement on local authorities to provide performance reports on these compliance statistics on a 6 monthly basis. She outlined the Freedom of Information and Data Protection statistics for the period in question. She also drew attention to the charging policy, fees received and service area staff time/costs. She informed Members that the Council had been recognised by the Scottish Information Commissioner as an example of good practice.

Mrs MacNeill responded to questions from Members. She confirmed that the number of FOI requests continued to rise. She provided further information regarding the charging policy. The Council aimed to be as open and transparent as possible and published a considerable amount of information on the website; she added that in relation to 96 FOI requests the information was already published on the website or available publically elsewhere.

Councillor McAllister commended the work of officers; it was a tribute to staff that their working practices were regarded as an exemplar.

Councillor Innes echoed those comments.

Decision

The Cabinet agreed to note the report.

5. SAFE DRIVING AT WORK POLICY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking endorsement of the Safe Driving at Work Policy and Guidance.

The Head of Communities and Partnerships, Tom Shearer, presented the report, informing Members of the responsibilities employers had under Health and Safety legislation in relation to work related driving activities. A Safe Driving at Work working group had been set-up in 2010 to deal with all aspects of the relevant Health and Safety Executive guidelines. Draft policy and guidance had now been produced which covered any driving operation undertaken, in connection with Council business, by employees or Elected Members using personal, Council or hired vehicles, as well as any volunteers, agency workers or other authorised parties driving Council fleet vehicles. The working group would continue to meet on a bi-annual basis to monitor and review the policy.

Decision

The Cabinet agreed to approve the Safe Driving at Work Policy and Guidance, as listed in Appendices 1 and 2 to the report, and for these to be issued as Council Policy.

6. MANAGING EMPLOYEE PERFORMANCE POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the revisions to the Managing Employee Performance Policy.

Mr Lamond presented the report, outlining the key changes. The Policy emphasised the importance of recruiting employees who were able to demonstrate that they had the appropriate competencies to do the job, and also linked to the PRD and Learning at Work Policy to ensure appropriate learning opportunities after recruitment. It was hoped that if approved, the new policy would help improve individual employee performance and in turn, increase standards of service being provided. Through the new managerial guidance and

associated template letters, it was anticipated that the new policy would be more effective in ensuring consistency and fairness in the management of performance.

In response to a question from Councillor Grant, Zoe Thomson, HR Business Partner, clarified the position in relation to the LNCT. Mr Lamond, responding to a question from Councillor McMillan about review, advised that there was no fixed timescale, but it would be at least 6 months to 1 year before a review was carried out.

Councillor Currie welcomed the report. He hoped that the Trade Unions would, in due course, support the Policy.

Councillor McMillan made reference to the forthcoming Star Awards which recognised the excellent work carried out by Council staff.

Decision

The Cabinet agreed to approve the revisions to the Managing Employee Performance Policy, as set out in Appendix A to the report.

7. POLICY ON ACCEPTANCE BY EMPLOYEES OF GIFTS AND HOSPITALITY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the revisions to the Council's Policy on Acceptance by Employees of Gifts and Hospitality.

Mr Lamond presented the report, informing Members that the policy revisions had been prepared in accordance with the agreed actions contained within an Internal Audit report brought to the Audit and Governance Committee on 19 November 2013. The key changes had been made to help clarify the legal position for both employees and managers and included the provision of more detailed guidance.

Decision

The Cabinet agreed to approve the revisions to the Council's Policy on Acceptance by Employees of Gifts and Hospitality, as set out in the appendix to the report.

8. REVISION TO DISCRETIONARY HOUSING PAYMENT POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the revised Discretionary Housing Payment (DHP) Policy.

The Service Manager for Benefits, John Cunningham, presented the report, providing Members with background information and outlining the need for revision of the DHP Policy. He advised that in order to achieve full mitigation of Under Occupancy benefit reductions the revised Policy allowed for the streamlining of the DHP application process. In relation to the Council's DHP funding he indicated that whilst current estimates showed that DHP expenditure would exceed the funding level committed to-date the Council's DHP funding in 2014/15 would be further supplemented by additional Scottish Government funds held in reserve to deal retrospectively with unforeseen 'actual' expenditure which may exceed funds currently committed.

Councillor Currie made reference to monies spent on mitigating the effects of the welfare reforms implemented by the UK Government. He drew attention to a recent CoSLA session regarding the Smith Commission and the potential to devolve welfare matters.

Councillor Hampshire cautioned that Members needed to wait for the outcome of the Smith Commission as regards possible future devolution of welfare matters.

Decision

The Cabinet agreed:

- i. to approve the revised Discretionary Housing Payment Policy as listed in Appendix 1 to the report; and
- ii. to delegate authority to the Head of Council Resources to approve any further DHP Policy amendments which may be required to respond to a rapidly changing DHP environment.

9. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 11 SEPTEMBER 2014 AND 9 OCTOBER 2014

The public minutes of the meetings of the Licensing Sub-Committee held on 11 September 2014 and 9 October 2014 were approved.

10. MINUTES FOR NOTING

The minutes of the Sustainable Economy Partnership held on 25 June 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, 3 and 6 (information relating to particular employees, information relating to any particular applicant for, recipient or former recipient of a service provided by 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 meetings of the Licensing Sub-Committee held on 11 September 2014 and 9 October 2014 were approved.

The private minute of the meeting of the Employee Appeals Sub-Committee held on 2 October 2014 was approved.

The private minute of the meeting of the Homelessness Appeals Sub-Committee held on 23 October 2014 was approved.