



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 12 MAY 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor T Day
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 Brown
Councillor S Currie
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor M Libberton
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Ms M Patterson, Depute Chief Executive – Partnerships and Community 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 D Proudfoot, Acting Head of Development
Ms S Saunders, Head of Children's Wellbeing
Mr T Shearer, Head of Communities and Partnerships
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr C Forbes, Principal Officer, Economic Development and Strategic Investment
Ms J Holland, Senior Solicitor
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Ms J Ogden-Smith, Communications Officer
Ms E Wilson, Service Manager – Economic Development and Strategic Investment

Clerk:

Mrs L Gillingwater

Apologies:

None

Declarations of Interest:

None

1. MINUTES OF THE MEETING OF THE CABINET OF 10 MARCH 2015

The minutes of the meeting of the Cabinet of 10 March 2015 were approved.

2. MANAGING EMPLOYEE PERFORMANCE POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval of amendments to the Managing Employee Performance Policy, following further consultation with the Joint Trades Unions.

The Head of Council Resources, Jim Lamond, presented the report, reminding Members that this policy had originally been presented to Cabinet for approval in November 2014. However, following approval of the policy, the Joint Trades Unions had requested a further opportunity to discuss the policy and had subsequently proposed a number of amendments for consideration. He drew attention to those proposed amendments, as outlined in Appendix 1 to the report, indicating that the changes provided greater clarity on the application of the policy.

Councillor Currie commented that it was preferable to reach a collective agreement with the Trades Unions on such policies.

Councillor Innes welcomed the report, noting that the revised policy demonstrated the Council's willingness to work with the Trades Unions in all areas of Council policy.

Decision

The Cabinet agreed to approve the proposed amendments to the Managing Employee Performance Policy.

3. FLAG FLYING AND MOURNING PROTOCOLS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval to regularise the Council's position in relation to the flying of flags and books of condolence, and the steps to be taken in the event of the death of the reigning Sovereign and other senior members of the Royal Family and National Figures.

The Service Manager – Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, advising Members of the current procedures as regards the flying of flags on Council buildings, and drawing attention to the proposed protocol which would provide clarity for the flying of flags on a permanent basis and on certain significant occasions. She also highlighted the proposed arrangements in relation to marking the death of the reigning sovereign, senior members of the Royal Family and certain other national figures, noting that these proposals had been approved by the Lord Lieutenant.

Councillor MacKenzie suggested that where an unexpected event occurred that did not fall within the guidelines set out in the report, a cross-party group should be established to make a decision on how such events should be observed. Councillor Innes indicated that he would consider this proposal.

Councillor McAllister asked if the Scottish Flag Trust and Saltire Festival organisers had been consulted on the proposals. He was advised that they had been consulted. He also asked about the arrangements for the flying of flags on buildings in Dunbar and Musselburgh. Mrs MacNeill advised that Dunbar Community Council had responsibility for flags in Dunbar, and that there were a number of issues as regards flags in Musselburgh that required further consideration.

Responding to a question from Councillor Hampshire, Mrs MacNeill confirmed that where the Union Flag and Saltire were flying together, the Union Flag would take precedence, in accordance with national protocol.

Councillor Veitch expressed his disappointment at remarks made by Councillor McAllister in relation to the lowering of the flag to mark the death of the former prime minister, Margaret Thatcher, and the decision of Dunbar Community Council to fly the Union Flag, rather than the Saltire, during an event to mark the centenary of John Muir's death.

Councillor Currie welcomed the report and the establishment of the protocols. He supported the comments made by Councillor McAllister concerning Lady Thatcher.

Councillor Berry also welcomed the report and the recognition of the Saltire as Scotland's national flag.

Decision

The Cabinet agreed to approve the Protocol on Flags and Books of Condolence, and the Protocol for Marking the Death of the Reigning Sovereign and other Senior Members of the Royal Family and National Figures, as detailed in Appendices 1 and 2 to the report.

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) reporting on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the period 1 October 2014 to 31 March 2015, and on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period 1 October 2014 to 31 March 2015.

The Service Manager – Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, providing a summary of Freedom of Information and Data Protection requests received by the Council in the six months to 31 March 2015. She advised that 96.5% of Freedom of Information and Environmental Information requests, and 93% of Data Protection requests, had been responded to within the specified timescales, noting that the Council remained one of the top performing councils in Scotland in this field.

In response to a question from Councillor Berry concerning the costs incurred by the Council for processing requests, Mrs MacNeill advised that some work on this had been done in relation to Freedom of Information requests, with the average cost being £42 per request. However, she added that a more comprehensive study of the costs would be undertaken and the results would be presented to Members. She also noted that the Council was limited as to how much could be charged for processing requests.

Councillor Currie requested further details on enquiries from commercial organisations and journalists. Mrs McNeill reported that all local authorities were receiving a significant number of enquiries from commercial organisations, such as 'no win, no fee' legal firms and businesses seeking information on, for example, IT equipment suppliers. She advised that the Council was now publishing a great deal of information on the website in an attempt to restrict requests from journalists.

Councillor Innes welcomed the Council's performance in responding to requests.

Decision

The Cabinet agreed to note the contents of the report.

5. DEVELOPING THE YOUNG WORKFORCE – IMPLEMENTING THE RECOMMENDATIONS OF THE COMMISSION FOR DEVELOPING SCOTLAND'S YOUNG WORKFORCE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) which raised awareness of Developing the Young Workforce – Scotland's Youth Employment Strategy – Implementing the Recommendations of the Commission for Developing Scotland's Young Workforce.

The Principal Officer for Economic Development and Strategic Investment, Colin Forbes, presented the report, drawing attention to initiatives underway to provide greater opportunities for young people entering the workplace, and the partnership arrangements in place with education providers, local businesses, industry and other agencies. Members were advised of the key themes contained within the Scottish Government's Youth Employment Strategy.

In response to a number of queries raised by Councillor MacKenzie in relation to the types and numbers of job opportunities for young people, Mr Forbes advised that employers had an expectation that young people would be 'job ready'. He provided examples of opportunities available, both for school leavers and new graduates, highlighting in particular the internship positions recently created by the Council. Mr Forbes also spoke of work being done within schools to prepare young people for employment, and of the range of activities being offered by East Lothian Works.

Councillor Hampshire asked what was being done to help young people who had been unemployed for a long period of time. Mr Forbes admitted that this was a challenging area, but noted that the East Lothian Works was working with Job Centre Plus and Community Learning and Development to identify suitable training in order to address the needs of that group.

Councillor Berry asked how the effectiveness of the initiatives mentioned would be monitored. Mr Forbes referred to a recent detailed report to the Policy & Performance Review Committee, adding that a further report would be presented to that committee in spring 2016.

In response to a request from Councillor Berry for a more detailed report, the Chief Executive suggested that a briefing to Members may be more appropriate. She also highlighted the Council's commitment to support young people and adults into sustainable employment through East Lothian Works and working with partner organisations.

Mr Forbes made mention of the Council's Community Benefits in Procurement framework, and the opportunities being offered by contractors. He also spoke of the positive working relationship with Edinburgh College and local schools.

As Economic Development Spokesperson, Councillor McMillan welcomed the report and congratulated Mr Forbes on the progress made by East Lothian Works. He drew attention to a number of initiatives involving local schools and the work being undertaken to ensure that school leavers were ready for employment.

A number of Members spoke of the importance of preparing young people for employment and of the role of education providers, local businesses and industry in ensuring that opportunities were made available.

Decision

The Cabinet agreed:

- i. to note the Scottish Government publication of Developing the Young Workforce – Scotland’s Youth Employment Strategy – Implementing the Recommendations of the Commission for Developing Scotland’s Young Workforce;
- ii. to acknowledge that implementation of the seven-year programme would require significant cultural change to develop the young workforce in constructive partnership with all partners involved in East Lothian’s education and employer communities; and
- iii. to note that a further report would be brought to Cabinet in due course, detailing East Lothian’s approach to implementing the Strategy.

6. CHILDREN’S WELLBEING – PAYMENTS TO PARTNERS AND VOLUNTARY ORGANISATIONS (SERVICE LEVEL AGREEMENTS) 2015/16

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of payments to partners and voluntary organisations providing services for service users of Children’s Wellbeing for the amounts specified, for the financial year 2015/16.

The Head of Children’s Wellbeing, Sharon Saunders, presented the report, highlighting the services being provided by partner and voluntary organisations and noting the effective working relationship between those organisations and the Council.

Councillor Currie asked how the Children’s Hospice Association Scotland (CHAS) was being funded. Ms Saunders advised that an agreement had been reached between CHAS and CoSLA, with each council paying a share towards the services provided by CHAS. She noted that a similar arrangement to fund With Scotland had also been agreed.

On self-directed support, Ms Saunders pointed out that this was administered in the same way as for Adult Wellbeing services, whereby the families would be assessed and provided with the appropriate level of funding in order that they could source their own arrangements for care and support. It was noted that there were not many families currently using the self-directed support facility for Children’s Wellbeing services.

Councillor Akhtar welcomed the report and the investment in Children’s Wellbeing services. She drew attention to the work done by a number of organisations, and paid tribute to the staff and volunteers providing services.

Councillor Day highlighted in particular the contribution made by the volunteers at East Lothian Special Needs Play Scheme.

Councillor MacKenzie spoke in support of the comments made by other Members and emphasised the importance of the voluntary sector in providing vital services.

Councillor Currie warned that some services would come under pressure in future years due to the reforms to the welfare system. He also expected further cuts in grant funding from the UK Government in future.

Welcoming the report, Councillor Innes accepted that the Children's Wellbeing budget was under pressure, but believed that the Scottish Government could prioritise spending in this area.

Decision

The Cabinet agreed to award the payments for 2015/16, as shown in Appendix 1 to the report.

7. CORPORATE RISK REGISTER 2015

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) presenting the Corporate Risk Register 2015 for discussion, comment and approval.

The Head of Partnerships and Communities, Tom Shearer, presented the report. He advised Members that service-specific risk registers were presented to the Audit & Governance Committee. He summarised the process used for assessing risks.

Referring to the recent UK Government announcement that there would be a further reduction of £12 billion in the welfare budget, Councillor Currie asked if a report would be presented to Council/Cabinet on the impact of these cuts and the Council's ability to mitigate the risks. Mr Shearer indicated that risks were continually reviewed, with any changes being reported to the Audit & Governance Committee through the service-specific risk registers, and to Council/Cabinet where significant.

Responding to a question by Councillor MacKenzie on the savings made through partnership working with Midlothian Council, Mr Lamond advised that the main objective of working with Midlothian Council was to achieve service outcomes rather than financial efficiencies. The Chief Executive added that partnership working with Midlothian Council had been established in a number of service areas, and that further opportunities would be explored. She expected that efficiency savings had been made, but reiterated that the main purpose of this partnership working was to increase capacity to provide services and mitigate risks.

Councillor McLeod asked a question in connection with the IT disaster plan, to which he was advised by Mr Lamond that this plan would be in place by autumn 2015.

Councillor Currie remarked that it would be difficult to mitigate risks associated with the impact of welfare reform, particularly the effect on vulnerable people. Mr Lamond undertook to provide regular updates to Members on this issue.

Decision

The Cabinet agreed to approve the Corporate Risk Register for 2015, attached at Appendix 1 to the report, and in doing so agreed:

- i. that the relevant risks had been identified;
- ii. that the significance of each risk was appropriate to the current nature of the risk;

- iii. 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. to recognise that although the risks presented were those requiring close monitoring and scrutiny throughout 2015, many were in fact longer term corporate risks for the Council that were likely to be a feature of the Risk Register over a number of years; and
- v. to note that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet