

MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 21 August 2012 at 10.00am.

Present:- Councillors Constable (Convener), Beattie, Bryant, Johnstone and Thompson.

Religious Representatives Present:- Mr V Bourne and Mrs M Harkness

Apology:- Councillor de Vink; Mr P Hayes.

1 Declarations of Interest

No declarations of interest were intimated.

2 Minutes

The Minutes of Meeting of 5 June 2012 were submitted and approved as a correct record, subject to the deletion of "II" in paragraph 2 thereof.

3 Cabinet – Membership and Allocation of Portfolios

With reference to paragraph 3 of the Minutes of the Council dated 26 June 2012; paragraphs 3 and 4 of Minutes of the Council dated 3 July 2012 and paragraph 6 of the Minutes of the Council dated 14 August 2012 there was submitted report, dated 14 August 2012, by the Director, Corporate Resources advising that the Council on 3 July 2012 had appointed Councillors Constable and Thompson as Leader and Depute Leader of the Council respectively, in succession to Councillors Beattie and Bryant, and on 14 August 2012 had appointed Councillors Beattie and Bryant to the vacancies on the Cabinet. The report therefore invited the Cabinet to confirm the portfolios of Cabinet members.

Decision

To allocate portfolios as follows:-

Councillor Constable - **Public Services and Leisure** including Land and Countryside Management; Waste Management; Travel and Fleet; Road Services; Zero Waste; Facilities Services; Maintenance; Construction and Design; Healthy Living; Leisure Services; Contact Centre; Library Services; and School Building Maintenance;

Councillor Thompson – **Housing, Community Safety and Planning** including Environmental Health; Trading Standards; Homelessness; Development Management; Planning Policy; Building Standards; IT; Legal Services; Communications; and Human Resources;

Councillor Bryant – **Economic Development** including Estates; Corporate Improvement; Audit and Risk; Revenues; Tourism; Best Value; Business Transformation; and Finance;

Councillor Johnstone - **Health and Social Care** including Criminal Justice; Learning Disability; MELDAP; Mental Health needs; Older People; Physical Disability; and Regeneration and Social Policy;

Councillor de Vink - **Finance** including Economic Development and Ambitious Midlothian; and

Councillor Beattie - **Education and Communities** including Specialist Teaching; Resources for Children and Young People; Psychological Services; Schools; ICT; Arts and Creativity; School Attainment; School Budgets; Nursery Provision; Community Learning and Development.

(Action: All to note)

4 Children's Hearings Reform

There was submitted report, dated 10 July 2012, by the Head of Customer Services, updating the Cabinet on the reform of the Children's Hearings system; advising on the progress made to both establish and support Area Support Teams which would succeed Children's Panel Advisory Committees; and the need to extend the appointments of Safeguarders.

The report specifically advised that full implementation of the Children's Hearings (Scotland) Act 2011 had been delayed until 23 June 2013 when the Council's duty to support the Children's Hearing system would cease. Notwithstanding, local authorities had been asked to continue provide accommodation for meetings and training events; staff to administer the scheme of expenses on behalf of Children's Hearings Scotland; and the services of a Clerk to support the Area support Team, it's office bearers, and the Panel in the performance of their duties. The role of the Clerk was seen as a full time post and agreement in principle had been reached with East Lothian Council and Scottish Borders Council to jointly fund this post to be based in East Lothian with the grade to be determined by East Lothian's job evaluation procedures. It was intended to fill the post with effect from 1 April 2013.

The report also drew attention to the fact that the Council would be obliged to continue to maintain and recruit to the panel of Safeguarders up to 23 June 2013, when managerial control would become the responsibility of Scottish Ministers and would be administered on their behalf by Children First.

Decision

- (a) To note that the implementation of the Children's Hearings (Scotland) Act 2011 has been delayed to 23 June 2013;
- (b) To note that after 23 June 2013, the Council would be expected to continue to provide "in kind" assistance to the Panel and the Area Support Team by way of accommodation for meetings, training events, interviews etc ;
- (c) To note the ongoing dialogue with East Lothian Council and Scottish Borders Council on the appointment of a Clerk; and

- (d) To approve the reappointment of the existing panel of Safeguarders to 23 June 2013, subject to the approval of the Sheriff Principal.

(Action: Legal and Secretariat Manager)

5 Midlothian Single Outcome Agreement and Community Plan 2012-13

There was submitted report, dated 24 July 2012, by the Chief Executive, advising that the updated 2010-13 Midlothian Single Outcome Agreement (SOA) and Community Plan (CP) (revised for 2012/13) were approved by the Community Planning Partnership at the meeting of the chief officers' steering committee on the 24 June 2012. The report therefore presented the updated SOA and Community Plan to Cabinet for endorsement.

Decision

- (a) To endorse the updated 2012-13 SOA and Community Plan; and
- (b) To note that further work would be undertaken to produce a single Midlothian Plan merging both SOA and community plan following significant public engagement, with a view to having a single document for the 2013-18 period.

(Action: Director, Communities and Wellbeing)

6 Community Planning / SOA Performance Reports 2011/12

There was submitted report, dated 24 July 2012, by the Chief Executive, presenting the annual performance report against the Community Plan and Single Outcome Agreement. The report explained that Performance Reports were completed on a 6 monthly basis and the "off target" exceptions reports were incorporated into the report. Overall, there had been an improvement in performance and the Community Planning Working Group would address those areas which were "off target".

Decision

- (a) To note that the full performance reports were available to elected members for inspection and would be published on the Council's website; and
- (b) To note that, in a number of areas, performance had improved although not sufficiently to meet the performance target.

7 Appointment of Head of Children and Families

There was submitted report, dated 16 July 2012, by the Head of Finance and Human Resources, proposing to appoint the current Acting Head of Service for Children and Families into the post on a permanent basis in accordance with the Council's Standing Orders and Human Resources policies and procedures. The report explained that the appointment had been made on a temporary basis within the context of the development of shared services with East Lothian Council for Education and Children's Services. At that time it was

envisaged that joint management appointments would be made. However, in their restructure in April 2012, East Lothian Council had appointed a permanent Head of Children's Services. It was therefore necessary to consider the post of Head of Children and Families in Midlothian in this context.

Decision

- (a) To appoint the Acting Head of Children and Families for Midlothian Council (Mary Smith) to the post on a permanent basis; and
- (b) To require the Director, Corporate resources and the Head of Finance and Human resources to examine the position of all staff who were in an "acting up" basis; and
- (c) To note that the Acting Up policy provided for six monthly monitoring on the numbers of posts filled on "acting up" basis

(Action: Head of Finance and Human Resources)

8 Scrutiny Report by Care Inspectorate

There was submitted report, dated 10 July 2012, by the Acting Directors Communities and Wellbeing and Education and Children's Services, advising the Cabinet of the outcome of social work services recommendations arising from the inspection undertaken by the Care Inspectorate from June to November 2011. The report explained that the inspection had concluded that the level of risk in respect of governance and financial management; outcomes for users and carers; assessment and care management; and risk assessment and risk management, had been assessed as uncertain and as a result these were the focus of follow-up scrutiny in December 2011. This had resulted in a Scrutiny report, dated March 2012, which contained four formal recommendations, viz:-

- 1. The council should agree with its partners, on an interim and longer term basis, clear and appropriate processes for consistently monitoring and regularly reporting the use of funds in respect of all jointly funded services to the Community Health Partnership or equivalent.*
- 2. The social work services should continue to improve the availability of valid outcome data, both quantitative and qualitative, in order to demonstrate how structural and operational changes to service delivery have impacted on performance*
- 3. The social work services should, in consultation with staff, set clear targets and timescales to continue to improve the usability of, access to and reduce duplication in framework*
- 4. Adults and Community Care services should be clearer and agree with its partners on the relevant aggregate data which should be collected and published on adult protection.*

An Action Plan to address these issues had accordingly been prepared and had been submitted to the Care Inspectorate. The Action Plan was incorporated as an appendix to the report and a progress report required to be submitted to the Care Inspectorate by November 2012.

Decision

- (a) To note that the Care Inspectorate report was received in March 2012 and was available for inspection in the Member's Library; and
- (b) To note the Action Plan compiled to address the recommendations of the Care Inspectorate, the progress of which would be monitored by the Divisional Management Teams in Communities and Wellbeing and Education and Children's Services Divisions.

9 Community Care Strategic Developments

There was submitted report, dated 10 July 2012, by the Acting Director Communities and Wellbeing summarising the key developments taking place locally in the delivery of joint strategies in community care. The report provided detailed information on the services provided for older people; people with dementia; physical disability; mental health issues; drug and alcohol problems; learning disability and carers. The report highlighted that at both national and local level there was a range of significant new strategies recently approved or in the process of being finalised. These had been agreed and were being implemented on a joint basis with all key partners. However the success of the strategies was heavily dependent on harnessing the community planning approach which recognised the contribution of a wide range of agencies. More broadly there was need to accelerate the empowerment of individuals and communities through the implementation of such policies as Self- Directed Care, Co-production and Capacity Building. This would enable service users and local communities to more effectively support themselves rather than overly rely on public services.

Decision

- (a) To note and endorse the strategic planning being undertaken in community care; and
- (b) To receive for consideration, individual strategic commissioning plans as these were developed in line with Government policy.

(Action: Acting Director, Communities and Wellbeing).

10 Home Support Service Review

With reference to paragraph of the Minutes dated December 2010, there was submitted report, dated 2 August 2012, by the Acting Director Communities and Wellbeing, providing an update on the Home Support Service, specifically on measures taken to improve the efficiency of the service; recommending the cessation of the service by Autumn 2013; and recommending the reinvestment of a proportion of the resultant savings into the Midlothian Council Complex Care Service to increase its efficiency and

effectiveness. The report explained that the number of clients of the service had reduced to 82 but that the staffing levels had not diminished by the same rate. The report therefore proposed to reduce staffing levels from the Home Support Service to meet demand and to end the service entirely by the Autumn 2013 and to reinvest a proportion of the resulting savings within the Complex Care Service to provide the necessary staff cover in the evenings through the creation of two FTE posts.

The report also highlighted that disestablishing the Home Support Service would result in a reduction in service for some individuals, some of whom currently received the service free of charge through the Council financial assessment process and who would be required to pay for the service in future if it was purchased from an external provider. This would involve directing service users to alternative providers to allow them to make their own arrangements and pay the full cost of the service.

Decision

- (a) That the Home Support Service continue to scale-down to a position of full capacity, with a more proactive programme to reduce the current establishment of 19 staff in line with decreasing demand for the service;
- (b) To approve the investment of £46,520 released as a result of the reduction of staff from the Home Support Service to create a further two FTE posts within the Complex Care Service; and
- (c) That the Home Support Service be disestablished entirely by 31st August 2013, with any remaining service users being directed to alternative service providers.

(Action: Acting Director, Communities and Wellbeing)

11 Service Developments of Highbank Care Home

There was submitted report, dated 30 June 2012, by the Acting Director Communities and Wellbeing, providing an update and overview of the changing remit of the services of Highbank Care Home. The report explained that Highbank Care Home currently had 16 permanent residents; 12 Intermediate Care beds (6 for rehab and 6 for assessment); and up to five respite beds one of which was for emergencies. The report explained that Assessment and Intermediate Care beds had been introduced at Highbank to prevent hospital admissions and enable early discharge. From April 2011 until 31 January 2012 there were 13 admissions to the two intermediate care beds and 28 admissions to the Assessment beds saving 406 and 702 hospital bed days respectively. Prior to the introduction of Intermediate care 75% of admission to care homes had come straight from hospital and this had now reduced to 50%.

Decision

To approve the on-going development of the services of Highbank Care Home.

(Action: Acting Director, Communities and Wellbeing)

12 Affordable Housing Supply Programme 2012 – 2015

There was submitted report, dated 26 July 2012, by the Acting Director Communities and Wellbeing explaining recent changes to the allocation of Scottish Government funding for affordable housing and proposing how this funding be allocated to ensure the continued development of affordable housing in Midlothian. The report explained that the Scottish Government had allocated £6.8m. to Midlothian for the period 2013/13 to 2014/15 of which £4.68m. had been allocated to ongoing developments. Following a joint meeting with Scottish Government Officials and RSL landlords it was proposed to allocate the balance of £2.13m as follows:-

Organisation	Number of Homes	£M
Midlothian Council	71	£0.525
Melville Housing Association/ Dunedin Canmore Housing Association	51	£1.605
Total	122	£2.130

Decision

- (a) To approve the proposed allocation of funding from the Scottish Government to support the development of affordable housing, as outlined above; and
- (b) To approve the continued use of the Council Tax Second Homes and Long Term Empty Properties Affordable Housing Fund to support the Council's Social Housing Programme.

(Action: Head of Housing and Community Safety).

13 Scottish Government Consultation – The Future of the Right to Buy in Scotland

There was submitted report, dated 2 August 2012, by the Acting Director Communities and Wellbeing, inviting the Cabinet to approve the Council's response to the proposed reform of the Right to Buy scheme which has been established for local authority housing since 1980. The report explained that the Scottish Government were considering changes to the current legislation which would impact on current working practices. The proposals were part of a wider remit which aimed to improve access to social rented housing and protect that housing from the Right to Buy. The consultation provided an opportunity to influence the direction and scope of the proposed changes which would be implemented as part of a Housing Bill, to be introduced in Parliament. The report therefore incorporated a draft response to the consultation.

Decision

To approve the response to the consultation as detailed in the report.

(Action: Head of Housing and Community Safety).

14 Midlothian Council Tenant Satisfaction Survey 2012

There was submitted report, dated 30 July 2012, by the Acting Director Communities and Wellbeing, detailing the key findings of the Tenant Satisfaction Survey which was undertaken between April and May 2012. The report explained that all council tenants had been sent a survey form to complete, seeking their views on a number of areas including their satisfaction with their home, the repairs service, their neighbourhood and their overall level of satisfaction with the Council's Housing Service. The full report had been placed in the Members Library for perusal.

The report outlined the methodology used to determine tenant satisfaction and provided detailed statistical information on the responses and compared these with similar surveys undertaken in other authorities. Overall the survey showed that 76% of tenants were satisfied/very satisfied with the overall housing service. The report also contained a Tenant Satisfaction Improvement Action Plan to address issues highlighted by the survey.

Decision

- (a) To note the report;
- (b) To note and welcome the improved response rate to the survey of 28%; and
- (c) To approve the implementation of the recommendations contained in the Tenant Satisfaction Improvement Action Plan.

((Action: Head of Housing and Community Safety).

15 Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet 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 4 and 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Application for Loan Assistance from East of Scotland Investment Fund –
Application approved.

The meeting terminated at 10.45 am.