

Minute of Meeting

Cabinet
Tuesday 16 October 2018
Item No.4.1



Cabinet

Date	Time	Venue
4 September 2018	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan - Convener	
Councillor Muirhead – Depute Convener	
Councillor Imrie	
Councillor Curran	
Councillor Hackett	

Religious Representatives:

Mr Vic Bourne	

1 Apologies

Apologies were received from Mrs Elizabeth Morton

2 Order of Business

The Order of Business was as detailed on the Agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of the Cabinet held on 22 May 2018 were submitted and approved as a correct record.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Appointment of the Church of Scotland representative in Education matters – Report by Director, Resources	Director, Resources
Outline of report and summary of discussion		
The purpose of the report was to advise Cabinet of the appointment of Mrs Elizabeth Morton as the new Church of Scotland Representative in education matters. Following the resignation of the Reverend Ruth Halley, as the Church of Scotland representative in education matters as a result of her move away from Midlothian, the Council at its meeting on 21 August 2018 endorsed the nomination from the Church of Scotland of Mrs Elizabeth Morton of Dalkeith, as their replacement representative.		
The Leader of the Council advised that although Elizabeth was not able to attend today's meeting the Cabinet welcomed her appointment and looked forward to working with her in the future.		
Decision		
Cabinet noted the appointment of Mrs Elizabeth Morton as the Church of Scotland's new representative in education matters.		
Action		
Director, Resources		

Agenda No.	Report Title	Presented by:
5.2	Update on the Children's Services budget position for 2017/18	Head of Children's Services
Outline of report and summary of discussion		
The report provided an update on the Children's Services budget position for 2017/18, and the factors which had contributed to a budget shortfall.		

The report also provided some context in relation to trends and areas of future growth as a result of both legislation and as a result of the rapid increase in the population in particular in relation to young people. Mary Smith was heard in amplification of the report.

Decision

To note the areas of overspend detailed within the report and the cross council approach to addressing this issue.

Action

Head of Children's Services

Agenda No.	Report Title	Presented by:
5.3	Inspection of Midlothian Council Care at Home service	Joint Director, Health and Social Care

Outline of report and summary of discussion

The report provided an overview of the planning in place to meet required actions following a repeat inspection in April 2018 from the Care Inspectorate regarding Midlothian Council's Care at Home service. This subsumed the remaining actions due to be updated for Care at Home quarterly review.

Midlothian Council Care at Home service was inspected in August 2017, and an additional inspection had been undertaken in April 2018, over a period of two weeks by the Care Inspectorate. The recent report had been published on 10 August 2018 by the Care inspectorate and had been distributed to all Elected Members of the Cabinet for their information. The inspection covered three key areas of the National Care Standards attributed to care at home services namely:

- Quality of Care and Support
- Quality of Staffing, and
- Quality of Management and Leadership

Following the recent inspection a report was published that detailed the areas of its findings and outlined areas for recommendation and/or requirements. A revised action plan with specific timescales for completion, had been developed to address all areas for improvement. This action plan was regularly updated, to track and monitor improvements.

The inspection report graded the areas of inspection from 1 (Unsatisfactory) to 6 (Excellent). This inspection report graded the three areas as follows:

Quality of care and support	3	Adequate
Quality of staffing	3	Adequate
Quality of Management and Leadership	2	Weak.

The Care Inspectorate noted that there had been progress made since the last inspection in August 2017, including the service meeting two pre-existing requirements. However, they did not feel it was sufficient to achieve the levels required for next grade. These grades remained the same as the last inspection. The Joint Director, Health and Social Care was heard in amplification of the report.

Decision
(a)To note the content of the report and progress made; and
(b)To forward the report to Performance Review and Scrutiny Committee
Action
Joint Director, Health and Social Care

Agenda No.	Report Title	Presented by:
5.4	SPSO Annual Report on Scottish Welfare Fund Independent Reviews	Head of Customer and Housing Services

Outline of report and summary of discussion		
<p>The purpose of the report was to provide an update regarding the Scottish Public Services Ombudsman (SPSO) reviews relating to Midlothian Council's Scottish Welfare Fund appeal cases handled by the SPSO for 2017/ 18 and published in the Annual Report.</p> <p>The Scottish Public Services Ombudsman (SPSO) acted as the Scottish Welfare Fund (SWF) Independent Reviewer and would look at whether the council had made the decision it should have.</p> <p>The SPSO available outcomes were to:</p> <ul style="list-style-type: none"> • not to change the council's decision • to overturn the council's decision in part, or in full (i.e. make a different decision) or • to send the case back to the council to remake their decision. <p>The report provides information on customer appeals the SPSO received between 1 April 2017 and 31 March 2018 and Appendix 1 to the report provided an account of the appeals data about Midlothian Council that the SPSO had looked at and published on their website in July 2018.</p> <p>It was notable that there had been a significant decrease in the number of enquiries from Midlothian in the past year and of the 4 cases, one had been partially upheld.</p> <p>The SPSO full Annual Report across all local authorities was presented in Appendix 2 to the report.</p>		

Decision
(a)To note the SPSO Annual Scottish Welfare Fund Independent Review Report 2017/18 as detailed within Appendix 2 of the report and the Midlothian specific outcomes as detailed within appendix 1;and
(b) To refer the report onto the Performance Review and Scrutiny Committee.
Action
Head of Customer and Housing Services

Agenda No.	Report Title	Presented by:
5.5	Diversion of Public Paths at Mauricewood, Penicuik	Head of Commercial Operations
Outline of report and summary of discussion		
<p>The purpose of the report was to request that Cabinet confirm a Public Path Diversion Order under the Countryside (Scotland) Act 1967 for an existing path crossing the site of the new housing development at Mauricewood, Penicuik.</p> <p>The report advised that at its meeting on 22 May 2018, Cabinet had agreed to progress with a Public Path Diversion Order under the Countryside (Scotland) Act 1967 for an existing path crossing the site of the new housing development at Mauricewood, Penicuik as detailed in an Appendix to the report. The existing paths would be diverted to accord with the footprint of the site. They would be replaced by a network of paths and footways which would not result in a diminution in the level of public access currently provided by the two existing paths. The report further advised that following a consultation period of 4 weeks, no objections had been received. The Director, Resources was heard in amplification of the report.</p>		
Decision		
To instruct the Director, Resources to confirm a Public Path Diversion Order in line with the process described under Section 2 of the report..		
Action		
Head of Commercial Operations		

Agenda No	Report Title	Presented by:
5.6	Adult Social Care Quarter 1 Performance Report 2018/19	Joint Director, Health and Social Care
Outline of report and summary of discussion		
<p>The Quarter 1 Performance Report 2018/19 for Adult Social Care was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p>		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.7	Customer and Housing Services Quarter 1 Performance Report 2018/19	Head of Customer and Housing Services
Outline of report and summary of discussion		
<p>The Quarter 1 Performance Report 2018/19 for Customer and Housing Services was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p>		
Decision		

To note the report.

Agenda No	Report Title	Presented by:
5.8	Children's Services Quarter 1 Performance Report 2018/19	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Quarter 1 2018/19 Performance Report for Children's Services was submitted. The Director, Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.9	Communities and Economy Quarter 1 Performance Report 2018/19	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Communities and Economy was submitted. The Director, Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.10	Education Q1 Performance Report 2018/19	Head of Education
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Education was submitted. The Head of Education highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Education responded to questions and comments raised by members of the Cabinet.		
Decision		

To note the report.

Agenda No	Report Title	Presented by:
5.11	Commercial Operations Q1 Performance Report 2018/19	Director, Resources
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Commercial Operations was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.12	Finance and Integrated Service Support Quarter 1 Performance Report 2018/19	Director, Resources
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Finance and Integrated Service Support was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.13	Property and Facilities Management Quarter 1 Performance Report 2018/19	Director, Resources
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Properties and Facilities Management was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Thereafter the Director Resources responded to questions and comments raised by members of the Cabinet.		
Decision		
To note the report.		

Agenda No	Report Title	Presented by:
5.14	Midlothian Council Quarter 1 Performance Report 2018/19	Chief Executive
Outline of report and summary of discussion		
The Quarter 1 Performance Report 2018/19 for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Chief Executive was heard in amplification of the report.		
Decision		
To note the report.		

The meeting terminated at 12.08pm