

Minute of Meeting

Cabinet
Tuesday 30 August 2016
Item No 4.2



Cabinet

Date	Time	Venue
31 May 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Parry	Councillor Constable
Councillor Rosie	

Religious Representatives:

Mrs M Harkness Rev.R Halley	
--------------------------------	--

1 Apologies

1.1 Apologies received for Mr V Bourne

2 Order of Business

The Clerk advised that an Additional item of Business namely “Forth Estuary Local Flood Risk Management Plan, 2016 to 2022” had been circulated to Members and that the Leader of the Council had agreed to deal with this matter as detailed in Item 6.5 below. He also advised that Item No 5.6 and 6.2 on the Agenda namely ” Midlothian Small Grants Programme” and” Lothian Joint Health Protection Plan” respectively, had been withdrawn from consideration at this meeting. The Director, Education, Communities and Economy was heard providing an explanation for the withdrawal of these reports.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of the Meetings of the Cabinet of 19 April 2016 were submitted and approved as correct records.

Reports

Agenda No	Title
5.1	Minutes of Education Appointment Committees of 4 May 2016

Outline and summary of item

There was submitted the Minutes of Education Appointment Committees of 4 May 2016 with regard to the appointment of Head Teacher, St Andrew’s R.C. Primary School.

Decision

That the post of Head Teacher, St Andrew’s R.C. Primary School be offered to M Wells.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.2	School Session Dates for the Academic Year 2017/18	Director Education, Communities and Economy

Outline of report and summary of discussion

There was submitted report by the Director Education, Communities and Economy highlighting that Midlothian Council had recommended that the session dates for Midlothian schools be synchronised with neighbouring council areas in particular with the City of Edinburgh Council and East Lothian Council, bearing in mind some differences in local holidays.

If Midlothian were to set the same return date as the City of Edinburgh Council it would result in 14 teacher days in August 2017 and 199 working days in the 2016/17 teacher leave year. Within the parameters set by the Scottish Negotiating Committee for Teachers (SNCT) teachers could not work more or less than 195 days in the leave year. The implication of this for school session dates was that the number of teaching days in August could not vary from year to year if they were to comply with the SNCT Handbook.

Following significant discussion on this matter at the Midlothian Negotiating Committee for Teachers (MNCT) the management side wrote to SNCT requesting them to determine if there were exceptions or developments which would permit more than 195 days for teachers to fall within the teacher leave year.

The response from the SNCT Joint Secretary had reiterated the relevant section from the SNCT Handbook “that the leave year for teachers and music instructors *“shall run from 1 September in any year until 31 August the following year” (Part 2, paragraph 5.1) and the working year “shall consist of 195 days of which 190 will coincide with the school year for pupils with the remaining 5 days being worked by the individual teachers on duties as planned by the Council” (Part 2, paragraph 3.5).”*

The letter further confirmed that in the leave year teachers could not work more or less than 195 days and that the Council should work within the parameters set by SNCT. In other words, the leave year in 2017-18 must comply with the Handbook.

In procedural terms, if Midlothian Council did not accept the advice of the Joint Secretaries, the next step was to refer the matter to the Joint Chairs for determination. It is proposed that this course of action be pursued and the outcome reflected in the setting of school session dates for 2018/19 and future years.

The setting of school session dates for 2017/18 was required imminently so time did not permit this course of action to be pursued for the 2017/18 school session. The first day of the 2017/18 school session was therefore determined, in line with the SNCT handbook, to be Friday 18 August 2017.

The possible 2017/18 school session dates, which were attached to the report had been drawn up with a start date of Friday 18 August 2017. These school session dates coincided across the three authorities on the timing of the October, Christmas and Easter breaks and on the last day of the school session which would be Friday 29 June 2018. Officers would consult with staff and parents on the preferred dates for the February break. One option would have a February break of one week for pupils and a break of three days for staff. The other option would have a break of two days for pupils and a one day break for staff.

Edinburgh and East Lothian would have a full week break for both staff and pupils in February 2018. This break will take place in the same week in February in all three authorities. Officers would present the preferred school session dates for approval to the June meeting of Council. The Head of Education was heard in amplification of the report

Decision

- (a) To agree the school session start date for 2017/18 as Friday, 18 August 2017;
- (b) To note that preferred school session dates would be presented for approval to the June meeting of Council; and
- (c) To authorise officers to refer the matter of permitting more or less than 195 working days for teachers to fall within the teacher leave year to the Joint Chairs of SNCT for determination in the setting of school session dates for 2018/19.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Mobile Library Service Provision	Joint Director, Health and Social Care

Outline of report and summary of discussion

There was submitted report by the Joint Director, Health and Social Care advising Cabinet of the re-launch of the Mobile Library Service within Midlothian and to provide details of a new shared service agreement with East Lothian Council. The existing mobile library required to be replaced due to the significant age of the vehicle and a replacement vehicle was planned in capital estimates and purchased in early 2015. This presented the opportunity to review provision and to re-launch an enhanced service which would better meet customer demand.

A review of the existing mobile route was undertaken which identified a number of stops where there had been no customer visits for a period of 12 months or more. The removal of these stops allowed for a redesign of the route and the capacity to add new stops in response to customer demand.

The review also identified stops with visits from a single household. These customers were transferred to the bespoke Midlothian Libraries Housebound delivery service in order to provide more targeted support.

During this period East Lothian Council approached Midlothian Council to assess if a service could be provided to East Lothian Council villages to the west of the county as they had recently withdrawn their mobile library service as a result of staff illness and numerous mechanical failures in their ageing mobile library vehicle.

A Service Level Agreement was developed between Midlothian Council and East Lothian Council with costs of £5,974.46 payable to Midlothian Council on a yearly basis.

There had been extensive consultation with current customers of the mobile library service and also across communities throughout Midlothian with regard to the proposed new route and also generally in relation to the new service provision. 93% of respondents were happy with the new route and the other 7% of respondents would have access delivered through the Midlothian Libraries Housebound service or be able to visit a branch library.

Customers in East Lothian had also been consulted and had recently been provided with the opportunity to opt-in to automatic joining the Midlothian Mobile Library Service, which had been accepted by the majority of customers.

The new service would begin on Monday 23 May 2016 with stops in East Lothian commencing during that week. The Head of Housing and Customer Services was heard in amplification of the report. to note the content of this Report.

Decision

To note the content of the Report..

Action

Head of Housing and Customer Services

Agenda No	Report Title	Presented by:
5.4	National Employability Fund Programmes Funding Reduction, Impact in a Midlothian Context	Director Education, Communities and Economy

Outline of report and summary of discussion

There was submitted report by the Director Education, Communities and Economy highlighting the changes in employability programme funding and the implications for Midlothian. This along with historical income targets had created a funding gap within Lifelong Learning and Employability (LLE). There would be a direct reduction in the number of young people and adults achieving a positive destination. The report suggested potential options to mitigate some of the impact these changes would have.

In order to address the financial gap consideration was given to the income and expenditure across the entire LLE service.

The following steps had been implemented to reduce the financial gap:

- The previous income target across LLE was £743,000,
- Therefore the current budget and income target for 16/17 was £536,000 across LLE
- The maximum level of confirmed income for 16/17 was £157,000
- After a further review of expenditure budgets, a further realignment and delivery of an additional reduction of £147,000 through reducing budgets linked to trainee allowances, stationary, programme delivery, specialist equipment and other supplies and service across the full LLE service.
- Single year 16/17 income generation and re-profiling of Developing Young Workforce (DYW) funding which equated to £70,400
- The income target of £536,000 for LLE was projected to be unachievable in 16/17 due the combination of the historic income targets and the reduction in employability fund contracts. LLE had a predicted overspend of £162,000 for 2016/17. An income target review would take place for this as part of the development 2017/18 budget.
- This following table summarised the actions described so far:

Income Target 16/17	Confirmed Income 16/17	Additional reduction in expenditure across LLE	Single Year income	Projected Overspend
£536,000	£157,000	£147,000	£70,400	£162,000

Decision

- (a) To note that the income target of £536,000 for LLE was projected to be unachievable in 2016/17 due to the combination of the historic income targets and the reduction in employability fund contracts. LLE have a predicted overspend of £162,000 for 2016/17. An income target review would take place as part of the development of the 2017/18 budget; including the resolution of the predicted overspend in 16/17;
- (b) To recognise the continued negative impact of funding and service reductions for those in equality groups;
- (c) To note the funding and delivery of a paid trainee programme for 25 young people by realigning the DYW funding from the Further Education widening access programme to direct delivery of the trainee programme;

- (d) To support the LLE service to undertake the mitigating actions to support those at risk of a negative destination and reduce the funding gap; and
 (e) To raise awareness of the associated issues through COSLA and other mechanisms.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Update on Midlothian Residential Houses	Head of Children's Services

Outline of report and summary of discussion

There was submitted a report, by the Head of Children's Services, providing an update on the requirements of Part 9, 10 and 11 of the Children & Young People (Scotland) Act 2014, the additional funding received by Midlothian Council to meet the secondary duties and responsibilities in relation to care leavers and how Midlothian Council intended to use the additional funding to support existing provision and future planning commitments.

Decision

To note the content of the report regarding meeting the requirements of the Children & Young People (Scotland) Act 2014, Parts 9-14.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
6.1	Creation of a Pan Scotland Local Authority Business Loan Fund – Progress Update	Head of Communities and Economy

Outline of report and summary of discussion

There was submitted a report, by the Head of Communities and Economy, providing an update on the progress with the proposed creation of a Pan Scotland Local Authority Business Loan Fund and outlining the course of action that had been taken, to date, in terms of Midlothian Council's proposed participation in the new Loan Fund. The Head of Communities and Economy was heard in amplification of the report.

Decision

To note the content of the report regarding meeting the requirements of the Children & Young People (Scotland) Act 2014, Parts 9-14.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
6.3	Environmental Health Food Service Plan 2016/17	Director Education, Communities and Economy
Outline of report and summary of discussion		
There was submitted a report, by the Director Education, Communities and Economy, providing an update on the Environmental Health Food Service Plan for 2016/2017 and recommending approval of the plan. The Director Education, Communities and Economy was heard in amplification of the report.		
Decision		
To approve the Environmental Health Food Service Plan 2016/17.		
Action		
Director Education, Communities and Economy		
Agenda No	Report Title	Presented by:
6.4	Inspection of Newbyres Care Home	Joint Director, Health and Social Care
Outline of report and summary of discussion		
There was submitted a report, by the Joint Director, Health and Social Care summarising the outcome of the unannounced inspection carried out by the Care Inspectorate in April 2016.		
Based on the findings of the recent inspection the Care Inspectorate awarded Newbyres the following grades:		
Quality of care and support		Grade 3
Quality of environment		Grade 3
Quality of staffing		Grade 3
Quality of management and leadership		Grade 4
The inspectorate reported that the service had worked hard since the last inspection and that there were clear plans to continue to make improvements. To achieve this there needed to be a consistent approach by senior staff to support, guide and develop the staff team. However the improvements noted had resulted in an increase in the grades awarded at this inspection in comparison with the grades awarded at the September 2015 inspection.		

The Inspection Team noted the following strengths:

- The service provides a comfortable and clean environment with ample shared and private areas for residents to use.
- Residents looked comfortable and at ease in the home and with the staff team. Residents also spoke positively about the care and support they received from staff and of how well they were treated. The comfort, cleanliness and the quality of meals were also praised.
- The Inspection Team saw a calm and organised approach to resident care and staff did not appear unduly rushed and were able to assist residents at a pace which suited the individual.

The Inspection Team reported that further work was needed to fully implement all of the aspects of the requirements made at the last inspection. They noted that Newbyres could do better in the following areas: care planning and record keeping, management of medicines, safety of the environment and audits undertaken in the service.

An action plan was being developed to address these areas for improvement. These measures were being implemented in the context of a broader transformation of Newbyres Care Home.

The Head of Adult Care was heard in amplification of the report.

Decision

(a) To note the content of the Inspection report; and

(b) To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Newbyres Care Home

Action

Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
6.5	Forth Estuary Local Flood Risk Management Plan, 2016 to 2022	Head of Commercial Operations

Outline of report and summary of discussion

With reference to paragraph 2 above, there was submitted report by the Head of Commercial Operations providing information with regard to the Council's first Local Flood Risk Management Plan, covering the period July 2016 to June 2022. The Plan identified areas vulnerable to flooding from all sources, potential mitigation actions, and arrangements for coordination, funding and implementation of these actions.

The Head of Commercial Operations was heard in amplification of the report.

Decision

To adopt the Forth Estuary Local Flood Risk Management Plan 2016 to 2022, with a view to:

- (i) fulfilling the Council's statutory obligations under the Flood Risk Management (Scotland) Act 2009;
- (ii) assisting the City of Edinburgh Council, as Lead Local Authority for the Forth Estuary catchment area, to publish the Forth Estuary Local Flood Risk Management Plan; and
- (iii) proceeding with implementation of Actions for the Council identified in the Local Flood Risk Management Plan.

Action

Head of Commercial Operations

The meeting terminated at 11.40am.