

## Committee Minutes

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### The City of Edinburgh Council

Year 2010/2011

### Meeting 4 – Thursday 16 September 2010

Edinburgh, 16 September 2010 - At a meeting of The City of Edinburgh Council.

#### Present:-

#### LORD PROVOST

The Right Honourable George Grubb

#### COUNCILLORS

Elaine Aitken  
Ewan Aitken  
Robert C Aldridge  
Jeremy R Balfour  
Eric Barry  
David Beckett  
Angela Blacklock  
Mike Bridgman  
Deidre Brock  
Gordon Buchan  
Tom Buchanan  
Steve Burgess  
Andrew Burns  
Ronald Cairns  
Steve Cardownie  
Maggie Chapman  
Maureen M Child  
Joanna Coleman  
Bill Cook  
Jennifer A Dawe  
Cammy Day  
Charles Dundas  
Paul G Edie  
Nick Elliott-Cannon  
Paul Godzik  
Norma Hart  
Stephen Hawkins  
Ricky Henderson  
Lesley Hinds

Allan G Jackson  
Alison Johnstone  
Colin Keir  
Louise Lang  
Jim Lowrie  
Gordon Mackenzie  
Kate MacKenzie  
Marilyne A MacLaren  
Mark McInnes  
Stuart Roy McIvor  
Tim McKay  
Eric Milligan  
Elaine Morris  
Joanna Mowat  
Rob Munn  
Gordon J Munro  
Alastair Paisley  
Gary Peacock  
Ian Perry  
Cameron Rose  
Jason G Rust  
Conor Snowden  
Marjorie Thomas  
Stefan Tymkewycz  
Phil Wheeler  
Iain Whyte  
Donald Wilson  
Norrie Work

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## **Councillor Bill Cook**

The Lord Provost welcomed Bill Cook, newly elected Councillor for Liberton/Gilmerton Ward, to the Council.

### **1 Deputations**

#### **(a) BlindCraft**

The Council heard the following deputations on options proposed by the Director of Health and Social Care for the future of BlindCraft (see item 2 below):

##### **Save BlindCraft Campaign Group**

The deputation said they felt passionately about this issue as they were keen to support local jobs and protect organisations such as BlindCraft. BlindCraft was more than a business; it was a valuable support mechanism and an integral part of the community which made its employees feel socially included and of which the city should be proud. The deputation asked the Council to lead the way and not to abandon one of the most vulnerable groups in society. They accepted that the organisation needed changes but did not accept that the proposals before the Council were the correct way forward.

(Reference – e-mail dated 15 September 2010, submitted.)

##### **UNISON, City of Edinburgh Branch and Unite**

The deputation was disappointed that the consultation process between the Council and the unions on this issue had achieved very little. They were concerned that, although the Director's report didn't directly ask the Council to decide on closure of BlindCraft, this was the real decision being made today. If the organisation was to change its focus to a training model they asked that the Council involve the unions and make the transition over a more realistic period of time. They also asked for a commitment to no compulsory redundancies for the 23 very vulnerable people involved.

An employee of BlindCraft said that the organisation was a lifeline for him and if it was to close he would be on benefits for the rest of his life when he wished to contribute to society and support himself.

(Reference – e-mail dated 15 September 2010, submitted.)

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**(b) Budget Development 2011/12 to 2013/14 – UNISON, City of Edinburgh Branch** (see item 3 below)

The deputation referred to the report by the Director of Finance on the roll forward of the budget to 2013/14. They expressed their concern at the proposal to make savings from management de-layering and efficiency/back office services; any such reductions would impact on remaining staff and service delivery. They believed the proposals were too hard and too fast and urged the Council to:

- consider other ways of making savings rather than cutting jobs and services, eg revenue raising;
- consider training staff for redeployment;
- adopt a no compulsory redundancy policy;
- make the case for local government services and highlight the fact that slashing funding would have a disproportionate effect on the community.

(Reference – e-mail dated 15 September 2010, submitted.)

## **2 BlindCraft**

Options for delivering £700,000 savings at BlindCraft were detailed and approval was sought to commence the statutory consultation process with staff. The Council had heard deputations on the matter from the Save BlindCraft Campaign Group and UNISON, City of Edinburgh Branch and Unite (see item 1(a) above).

### **Motion**

To commence the statutory 30 days consultation period with the staff at BlindCraft.

- moved by Councillor Edie, seconded by Councillor Buchanan (on behalf of the Administration).

### **Amendment**

1) To agree:

- a) that the future of BlindCraft should be to provide factory based jobs and skills training for people with disabilities and that it should be a means by which people with disabilities could achieve and maintain comparatively independent lives through the dignity of work.

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- b) that there was insufficient information to make an informal decision about the future of BlindCraft and its employees.
- 2) Therefore, to refer the report by the Director of Health and Social Care to the Health, Social Care and Housing Committee for consideration of a wider range of options to include an investigation of the use of Article 19 of the EU procurement directive which allowed public bodies the right to reserve contracts to sheltered employment organisations as well as the option of the social enterprise model.

This would allow further scrutiny before a final decision was taken, including a full assessment of the costs of the new care and support requirements of those who would be affected by any proposed changes. That assessment should be made available to the Council before any decisions on the future of BlindCraft were taken.

- moved by Councillor Hinds, seconded by Councillor Ewan Aitken (on behalf of the Labour Group).

### **Voting**

The requisite number of members having so required in terms of Standing Order 31(1), the vote was taken by calling the roll.

The voting was as follows:

For the motion by Councillor Edie:

Lord Provost Grubb, Councillors Elaine Aitken, Aldridge, Balfour, Beckett, Bridgman, Brock, Buchan, Buchanan, Cairns, Cardownie, Coleman, Dawe, Dundas, Edie, Elliott-Cannon, Hawkins, Jackson, Keir, Lang, Lowrie, Gordon Mackenzie, Kate MacKenzie, MacLaren, McInnes, McIvor, McKay, Morris, Mowat, Munn, Paisley, Peacock, Rose, Rust, Snowden, Thomas, Tymkewycz, Wheeler, Whyte and Work – 40.

For the amendment by Councillor Hinds:

Councillors Ewan Aitken, Barry, Blacklock, Burgess, Burns, Chapman, Child, Cook, Day, Godzik, Hart, Henderson, Hinds, Johnstone, Milligan, Munro, Perry and Wilson – 18.

### **Decision**

To approve the motion by Councillor Edie.

(References – Act of Council No 2 of 11 February 2010; Health, Social Care and Housing Committee 2 March 2010 (item 5); report no CEC/33/10-11/HSC by the Director of Health and Social Care, submitted.)

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### **Declaration of Interests**

Councillors Bridgman and Paisley declared a non-financial interest in the above item as members of the BlindCraft Advisory Committee.

### **3 Budget Development 2011/12 to 2013/14**

An update on the roll forward of the budget to 2013/14 was provided. Approval was sought for a number of proposed savings to facilitate workforce planning and enable the budget process to focus on the further significant savings measures that would be required as the process evolved.

The Council had heard a deputation on the matter from UNISON, City of Edinburgh Branch (see item 1(b) above).

#### **Motion**

- 1) To note the long term financial plan as detailed in Appendix 1 to the report by the Director of Finance.
- 2) To approve the savings measures set out in Appendix 2 to the Director's report with the exception that consideration of item CDD 10 – Design Initiative be deferred to allow the role and remit of the Design Initiative to be more fully developed to identify how the benefits to the public realm, and to the city generally, could be maximised.
- 3) To instruct that, where possible, savings be accelerated.
- 4) To note that a second package of savings proposals by officers would be circulated to members for consideration and consultation as part of the budget process.
- 5) To authorise the Directors of Finance and Corporate Services to jointly approve costs arising from the voluntary measures to release staff and to report these costs to a future meeting of the Council.
- 6) To note the reserves position set out in Appendix 3 to the Director's report.
- 7) To instruct the Director of Finance to carry out a full review of the reserves as part of the budget process.

- moved by Councillor Wheeler, seconded by Councillor Elliott-Cannon (on behalf of the Administration).

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### **Amendment 1**

- 1) To welcome the report by the Director of Finance and particularly to welcome the early circulation of the Service Prioritisation 2011-14 Officer Proposals and additional consultation that had been facilitated as a result.
- 2) To note the estimated funding gap for the period 2011/12 to 2013/14 was currently set at £90m.
- 3) To acknowledge that there were a wide range of views on how the UK Treasury deficit should be addressed and the potential impact on public services and jobs.
- 4) To note that the calculation of the savings required by this Council was an estimate based on numerous assumptions and that the actual Council budget would not be made known by the Scottish Government until November.
- 5) To recognise that budget savings were required but that the extent of the pressures had been increased by political decisions made by the Conservative/LibDem Coalition Government in Westminster and that these decisions went beyond what was fiscally necessary and were ideologically opposed to the provision of public services and benefits.
- 6) To note the threat to the economy and communities from too drastic and rapid a cut in spending on public services and that many of the officer proposals to cut the Council Budget, whilst well intentioned, were too deep and too rapid and were not cost free.
- 7) To agree that protection of front line services remained the top priority.
- 8) To note that the Annual Efficiency Statement agreed at the 19 August 2010 Council meeting confirmed that £91m of efficiency savings were delivered over the 4 year period 2006/07 to 2009/10.
- 9) To agree recommendations 7.1 a, b, c, d, e, and f in the report by the Director of Finance with the exception that, under 7.1 b:
  - To defer a decision on savings item CS17 (Edinburgh Leisure) and request a further report outlining the possible implications of this reduction.
  - Otherwise to agree the savings in 7.1 b, except those that would result in the reduction or withdrawal of frontline services and those requiring compulsory redundancies, provided they were delivered by alternative mechanisms including:
    - Voluntary Early Release Arrangements (VERA),

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- flexible and effective use of redeployment,
  - flexible working arrangements, in consultation with the workforce, such as job sharing and part-time working,
  - removal of consultants,
  - cessations of the use agency workers,
  - non renewal of temporary contracts,
  - deletion of vacant posts.
- 10) To agree that it was imperative that where an Equalities Impact Assessment (EIA) score was high, early consultation took place with service users before any proposals within the package were progressed to decision.
- 11) To further agree that compulsory redundancy would not be used to achieve any of the savings outlined.
- 12) To call on the Administration to:
- continue to challenge the Conservative/LibDem UK Government in the strongest possible terms and use any influence it had to oppose ideologically motivated cuts to public spending.
  - continue to make representation to the Scottish Government over its funding of Councils and its current requirement for a freeze on Council tax.
  - continue to explore the sharing of responsibilities between departments and shared services with other Councils, reporting back to Council regularly.
- 13) To establish a cross party working group to examine ways of raising additional revenue for the Council and to present a report on how these could be pursued with the Scottish Government.

- moved by Councillor Henderson (on behalf of the Labour Group), seconded by Councillor Chapman (on behalf of the Green Group).

### **Amendment 2**

To approve the recommendations in the report by the Director of Finance as follows:

- 1) To note the long-term financial plan as shown in Appendix 1 to the Director's report.
- 2) To approve the savings measures set out in Appendix 2 to the report and instruct that, where possible, savings be accelerated.

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- 3) To note that a second package of savings proposals by officers would be circulated to members for consideration and consultation as part of the budget process.
- 4) To authorise the Directors of Finance and Corporate Services to jointly approve costs arising from the voluntary measures to release staff and that these costs be reported to a future meeting of the Council.
- 5) To note the reserves position set out in Appendix 3 to the report.
- 6) To agree that the Director of Finance carries out a full review of the reserves as part of the budget process.

- moved by Councillor Balfour, seconded by Councillor Whyte (on behalf of the Conservative Group).

### **Voting**

In a first vote between the motion and the amendments, the voting was as follows:

For the motion	-	29 votes
For amendment 1	-	18 votes
For amendment 2	-	11 votes

As there was no overall majority, amendment 2 which had received the fewest votes fell and, in a second vote, the voting between the motion and amendment 1 was as follows:

For the motion	-	29 votes
For amendment 1	-	18 votes

### **Decision**

To approve the motion by Councillor Wheeler.

References – Act of Council No 6 of 27 May 2010; report no CEC/32/10-11/F by the Director of Finance, submitted.)

### **Declaration of Interests**

Councillors Brock, Thomas and Whyte declared a non-financial interest in the above item as members of the Board of Edinburgh Leisure.

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#### 4 Questions

Questions put by members to this meeting, written answers and supplementary questions and answers are contained in the Appendix to this minute.

#### 5 Minutes

##### Decision

To approve the minute of meeting of the Council of 19 August 2010, as submitted, as a correct record.

#### 6 Leader's Report

The Leader presented her report to the Council. The Leader welcomed Councillor Cook to the Council and commented on:

- the work of Council staff in preparing for the Papal visit
- the skatepark at Saughton – one of a number of community projects funded by WREN (Waste Recycling Environmental Ltd)
- budget engagement meetings.

Questions on the following issues were raised:

Councillor Burns	- Papal visit - Council budget – public consultation meetings - Council by-election result
Councillor Ewan Aitken	- Community projects funded by WREN
Councillor Child	- Refuse collection dispute – update
Councillor Day	- Craigroyston High School – award
Councillor Godzik	- The Gathering 2009 – press release of 15 October 2010
Councillor Balfour	- Papal visit - Council budget – public consultation meetings – format and attendance - Tram project – scheduling of reports to Council

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- |                      |  |
|----------------------|--|
| Councillor Paisley   | - Council budget – public consultation meetings – procedure  |
| Councillor Rose      | - Budget reductions – effect of national agreements  |
| Councillor Rust      | - Council budget consultation – Council publication  |
| Councillor McInnes   | - Tram project – scheduling of reports to Council  |
| Councillor Burgess   | - Achieving Excellence – Delivering Capital Growth – sustainability – environmental assessment                             |
| Councillor Work      | - Housing projects – anti-social behaviour   |
| Councillor Henderson | - Council budget – public consultation meetings – procedure<br>- Dalry swim centre – future of centre                      |
| Councillor Wilson    | - Dalry swim centre – press reports on future of centre<br>- Council budget – public consultation meetings                 |
| Councillor Cardownie | - Dalry swim centre – future of centre<br>- Council budget – public consultation meetings – procedures for elected members |

(Reference – report no CEC/35/10-11/L by the Leader, submitted.)

## **7 Appointment of Chief Executive**

### **Decision**

To appoint Sue Bruce to the post of Chief Executive, subject to any necessary pre-employment checks.

(References – Policy and Strategy Committee 23 March 2010 (item 8); report no CEC/29/10-11/RC by the Head of Legal and Administrative Services, submitted.)

## 8 Revenue Monitoring 2009/10 Outturn Report

The Finance and Resources Committee had referred to the Council recommendations arising from the outturn position on the Council's 2009/10 revenue budget. The unaudited outturn showed an underspend of £3.888m.

### Decision

- 1) To approve Departmental carry forwards (set out in paragraph 3.36 of the report by the Director of Finance) under the budget flexibility scheme as follows:

<b>Department</b>	<b>Underspend</b>	<b>Amount to be carried forward</b>
	<b>£000</b>	<b>£000</b>
Children and Families (net of Devolved School Management (DSM) set aside)	183	139
City Development	480	457
Corporate Services	40	30
Finance	345	218
Health and Social Care	884	663
Services for Communities	1,693	595
		<b>2,102</b>

- 2) To approve The additional set aside of £0.332m in the unallocated General Fund to offset draw downs in 2008/09 and £0.221m being the surplus, net of budget flexibility (including set aside) in 2009/10 as detailed in the report by the Director of Finance to Council of 24 June 2010 (report no CEC/14/10-11/F).

(References – Act of Council No 13 of 24 June 2010; Finance and Resources Committee 24 August 2010 (item 14); report no CEC/30/10-11/FARC by the Head of Legal and Administrative Services, submitted.)

## 8 Implications of Audit Scotland's Report on 'The Gathering 2009'

The Policy and Strategy Committee had referred details of the implications for the Council of Audit Scotland's review report on 'The Gathering 2009'.

### Motion

To acknowledge that, while the Council along with its partners had adopted good practice over the monitoring of management arrangements and the scrutiny of the business decisions taken by The Gathering 2009 Ltd, there were a number of lessons to be learned from this case:

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- 1) Governance arrangements for events required to be formalised with clearer specifications of roles and responsibilities.
- 2) A protocol was required to guide partnership working but also to take account of working with private sector organisations in a variety of circumstances.
- 3) Post event reporting was recommended for all events and appropriate arrangements for elected member scrutiny needed to be strengthened.
- 4) More detailed risk assessment and prior consideration of the financial stability of organisations applying for grants to run events and companies formed for specific purposes must be carried out.

- moved by Councillor Dawe, seconded by Councillor Brock (on behalf of the Administration).

#### **Amendment**

- 1) To note the ongoing investigation by the Scottish Parliament's Public Audit Committee into The Gathering 2009.
- 2) To note the inconsistencies between evidence given to that Committee and that contained within the Chief Executive's report.
- 3) To refer the Chief Executive's report to the Council's Audit Committee for further scrutiny.

- moved by Councillor Munro, seconded by Councillor Hinds (on behalf of the Labour Group).

#### **Voting**

For the motion - 32 votes  
For the amendment - 15 votes

#### **Decision**

To approve the motion by Councillor Dawe.

(References – Policy and Strategy Committee 31 August 2010 (item 7); report no CEC/31/10-11/PS by the Head of Legal and Administrative Services, submitted.)

## **9 Interim Review of Electoral Arrangements – Ward 11 (City Centre)**

The initial findings and proposals of the Local Government Boundary Commission for Scotland's interim review of ward boundaries, required under the Local Government (Scotland) Act 1973, were set out.

### **Decision**

To support the view of the Local Government Boundary Commission for Scotland that no change in the boundaries of Wards 11 and 14 was required.

(Reference – report no CEC/34/10-11/CE by the Chief Executive, submitted.)

## **10 Home to School Transport – Motion by Councillor Godzik**

The following motion by Councillor Godzik was submitted in terms of Standing Order 28:

“Council:

- notes the unresolved issues and continuing concerns over safety relating to home to school transport between the Inch and Holy Rood High School.
- calls for a report within one cycle from the Director of Children and Families on action which can be taken to attempt to resolve these issues.”

The Lord Provost remitted the motion to the Education, Children and Families Committee in terms of Standing Order 28(3), subject to competency.

(Reference – Acts of Council Nos 1(c) and 4 of 24 June 2010.)

## **11 Parking in Craigour – Motion by Councillor Hart**

The following motion by Councillor Hart was submitted in terms of Standing Order 28:

“Council notes:

- the traffic problems in the Craigour area since the opening of the new Edinburgh Royal Infirmary.

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- that the traffic impact assessment conducted in 2001 included a commitment to monitor the parking situation.

Council therefore calls for a further report on the Craigour area of the city outlining solutions to the parking issues for residents, to include the possibility of the use of restricted hours localised parking regulations.”

The Lord Provost remitted the motion to the Transport, Infrastructure and Environment Committee in terms of Standing Order 28(3), subject to competency.

**Appendix**  
**(As referred to in Act of Council No of 16 September 2010)**

**QUESTION NO 1**

**By Councillor Hinds answered by  
the Convener of the Health, Social  
Care and Housing Committee**

**Question**           (1) On page 24 of the City of Edinburgh's current Health & Social Care Service Plan 2010–2013, there is a table highlighting a "Care Services Users Survey".

Over 80% have answered YES to question D in the table, and the Council's in-house service comes out at 10% higher than those services delivered by outside agencies. This picture is repeated for the following questions E, F and G.

The questions being asked are:

D: Do your care workers spend less time with you than they are supposed to?

E: Do you feel your care workers are in a rush or hurry when with you?

F: My care workers are less thorough than I would like.

G: My care workers do things in their way rather than mine.

Is the Convener proud that over 80% of service users state in a public document that outside agency care workers spend less time than they are supposed to with our clients, or that over 80% feel their outside agency care workers are in a rush?

**Answer**           (1) The survey results published in the service plan have been misunderstood. The graph shows the percentage of responses which were positive or very positive, ie high levels of satisfaction. In the case of question D this means that over 80% of in-house clients and over 70% of clients of purchased services felt that care workers **do** spend the time that they are supposed to with them.

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Similarly, for questions E, F and G the majority of respondents answered positively about the service received.

I am proud there is such a high level of satisfaction with in-house and purchased domiciliary care services.

**Question** (2) Will the Convener join me in congratulating the Council's in-house service, which is clearly – in the eyes of service-users – far superior to those services being delivered by outside agencies; and will he outline what plans he has to protect these in-house service standards?

**Answer** (2) The survey results referred to have been misunderstood. 90% of clients of purchased domiciliary care services and 92% of clients of in-house services are shown to be happy with the help they receive in their homes. This is a positive result for both services.

The Department of Health and Social Care continues to strive to improve the quality of both in-house and externally provided services. The Chief Social Work Officer provides regular reports to the Sub-Committee on Standards for Adult Social Care on how this is being achieved.

**Supplementary Question** I have looked over the document again on the question I asked regarding care provision by the private sector and in-house and could the Convener perhaps ask the officials to look at the way the questions are asked and how it is then put onto a graph because it is very misleading and I do not think it is clear enough exactly what it means. Also secondly, I hope that you would congratulate the in-house staff who consistently come above in satisfaction level compared to the private sector.

**Supplementary Answer** I will ask the officers because I do agree that the presentation of that information could be improved but 89.7% of people receiving a purchased service were either very satisfied or quite satisfied with that. Can I remind Council why we purchase services externally? This is a journey which was started by Councillor Kingsley Thomas who purchased it for primarily two reasons. Firstly, one is cost and, secondly, flexibility. And now Councillor Hinds has opposed these recently.

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In terms of cost, we actually get substantially cheaper services from the third sector and the private sector and that means we can buy more care from more people. If Councillor Hinds had her way fewer people would get less care.

The second issue relates to flexibility. The in-house service was generally Monday to Friday 9.00 am to 1.00 pm for a home help. What we have done under this Administration is increase the number of people getting an evening and weekend service by 46% for a weekend service since 2007 and by 79% for those receiving an evening service. So let's get back down to this Lord Provost; am I proud of what we have done in domiciliary care? You bet your life I am.

**QUESTION NO 2**

**By Councillor Child answered by  
the Convener of the Finance and  
Resources Committee**

**Question**           **(1)** What is the Council's policy on a fair rental of Council land, property and open space to charities or not-for-profit organisations which provide community benefit?

**Question**           **(2)** Can a written Council policy be made available to Councillors?

**Answer**             There is currently no approved Council policy which supports the lease of commercial property at less than market rent, no matter how strongly aligned with the Council's own objectives the activities of any particular Council tenant may be.

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**QUESTION NO 3**

**By Councillor Godzik answered by  
the Convener of the Education,  
Children and Families Committee**

In relation to Local Authority Nursery provision:

**Question** (1) How many morning places are there city-wide in 2010/11 and how does this compare with 2009/10?

**Answer** (1) In 2010/11 there are 2,529 morning places, in 2009/ 10 there were 2,377 places.

**Question** (2) How many afternoon places are there city-wide in 2010/11 and how does this compare with 2009/10?

**Answer** (2) In 2010/11 there are 2,310 afternoon places, in 2009/ 10 there were 2,108 places.

**Question** (3) How many 'free extra-hour' places are there city-wide in 2010/11 and how does this compare with 2009/10?

**Answer** (3) In 2010/ 11 there are 504 'free extra-hour' places and in 2009/10 there were 686 'free extra-hour' places.

**Question** (4) How many 'paid-for extra-hour' places are there city-wide in 2010/11 and how does this compare with 2009/10?

**Answer** (4) From April 2009 to March 2010 there were 27,097 'paid for extra hours'. From April 2010 to date there have been 8,044 'paid for extra hours'.

For direct comparison:

April 09 / August 09 - 6141 'paid for extra hours'

April 10 / August 10 - 8044 'paid for extra hours'

**Question** (5) How many eligible children (3 and 4-year olds) were there in each year (2010/11 and 2009/10) in the city?

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**Answer**

- (5)** In 2010 estimated number of 3 and 4 year olds is 9,441 and in 2009 the estimated number of 3 and 4 year olds was 9033 (General Register Office figures).

**NB** Children are not eligible for a nursery place until usually the term after their 3<sup>rd</sup> birthday.

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**QUESTION NO 4**

**By Councillor Buchan answered by  
the Convener of the Finance and  
Resources Committee**

**Question**           **(1)**   How many statutory orders were made in each of the following years?

- \* 2005
- \* 2006
- \* 2007
- \* 2008
- \* 2009
- \* 2010 (up to 1st August)

**Answer**           **(1)**

* 2005	<b>– 2,278</b>
* 2006	<b>– 2,752</b>
* 2007	<b>– 2,931</b>
* 2008	<b>– 2,649</b>
* 2009	<b>– 3,011</b>
* 2010 (up to 1st August)	<b>– 1,849</b>

**Question**           **(2)**   How many statutory orders in the following years were reported to the Council by people not resident or having an ownership interest in the property they affect?

- \* 2005
- \* 2006
- \* 2007
- \* 2008
- \* 2009
- \* 2010 (up to 1st August)

**Answer**           **(2)**   It is not possible to provide this information without laborious full manual checking of approximately 5,000 records per year. A small sample was taken, however, and indicated that 85% originated from owner/occupier, 9% from public/elected members/staff, 5% from factors or agents and 1% from police.

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- Question** (3) What are the values of the statutory orders issued in the following years?
- \* 2005
  - \* 2006
  - \* 2007
  - \* 2008
  - \* 2009
  - \* 2010 (up to 1st August)
- Answer** (3) Notices per se advise owners of defects and have no direct cost value. Works done each year in default of the owners under legislation, however, totalled the following:
- \* 2005 – £ 9.8 m
  - \* 2006 – £11.6 m
  - \* 2007 – £12.4 m
  - \* 2008 – £17.5 m
  - \* 2009 – £20.0 m
  - \* 2010 (up to 1st August) – £ 5.6 m
- Question** (4) What is current cost the Council has underwritten with respect to ongoing orders and unpaid debts?
- Answer** (4) For those cases already priced, costed works total £15.4 million. Works authorised but still to be priced are estimated at £4.0 million.
- Finance Department staff have reported that current unpaid debts in terms of statutory notices stand at £9.2 million. These sums will be recovered from owners in accordance with the Council's standard debt recovery procedures.
- Question** (5) What is the average administration cost levied on a statutory notice as a percentage of contract value?
- Answer** (5) The administration cost is 15%, as agreed by Property Services Committee 10/6/1996, Report No. PS96/19.
- Question** (6) What is the cost of the Council's Statutory Order team per annum?

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- Answer** (6) The service has been cost-neutral for some years in that the administration fees levied cover the direct costs incurred in the section's operation.
- Question** (7) When was the last contractor framework for building services used in the Statutory Order process awarded and what criteria were used in this process?
- Answer** (7) Works are tendered individually or undertaken through a framework tender. Framework contracts are let on a four-year cycle and the majority of these term contracts have been re-let this year.
- Question** (8) How are the prices for contractors reviewed on a regular basis and what allowance in pricing is made to reflect fluctuations in prices during recessionary periods?
- Answer** (8) Prices within a term contract are fixed for four years but are based on the "year 01" tendered rate and then an annual increment is applied to all rates for all contractors universally. The increment is a national index set by BCIS, a national body recognised by industry as having this role. The increment reflects changes in prices of basic commodities and labour costs.
- Question** (9) Why does the Council accept work estimates from contractors for roofing repairs where those undertaking the estimation process have been noted as not having accessed the roofs in question and have only undertaken a survey from the ground?
- Answer** (9) Only initial surveys are ever carried out at ground level. Where it is deemed that roof work is required, fuller investigation and quantifying of the scope of works concerned takes place from a scaffold structure.
- Question** (10) In tenement properties, the deliberate neglect of one unit within a stair can lead to works that require a Statutory Order. In these cases, the costs are then shared equally to all owners. Does the Convener consider this a flaw in the process and if so, will he lobby for a change in legislation to close this loophole?

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**Answer**                    **(10)**    In terms of The City of Edinburgh District Council Confirmation Act 1991, we are required to enforce works on all owners of a property and recover full costs in equal portion.

Should works to a building be the result of one individual's neglect or refusal to co-operate with others, owners have recourse through Property Title, the Tenements (Scotland) Act 2004 and the Housing Act 2006 to seek redress.

**Supplementary  
Question**

In Answer (9) it states that only initial surveys are ever carried out at ground level. I have a number of instances where the actual full survey has been carried out from the ground and quite substantial repair bills have been put against some of my constituents. I was wondering if the Convener would like further details of those so he could explore it in more detail and perhaps ensure that constituents across the city get good value for money and effective quotations when they come in.

**Supplementary  
Answer**

I have two comments to make. One, I am sure the Councillor realises that from the street, unless one has already erected expensive scaffolding, it is impossible to assess fully what is wrong with a roof until people can get full access to it. So, that is why normally the initial survey can only be done from either the street or from a vantage point, if there is one, on an adjacent roof or something but, if he has particular instances he wants me to follow through, if he would like to give me details, I am happy to see what can be done and how we can unravel them.

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**QUESTION NO 5**

**By Councillor Buchan answered by  
the Convener of the Transport,  
Infrastructure and Environment  
Committee**

**Question** (1) Please advise on the timeline for the proposed extension of the Controlled Parking Zone (CPZ) to the Harrison/Ashley area of Shandon.

**Question** (2) Please provide the start dates for the formal consultation process and when draft orders will be published.

**Answer** A timeline for the next tranche of parking modifications will be provided in a report to the Transport, Infrastructure and Environment Committee on 23 November 2010.

**Supplementary Question** Could I perhaps ask, and perhaps the Convener could put this in writing as I don't want to put him on the spot now, if he could explain why this process has been delayed. My constituents and Councillor Lowrie and Councillor Burns will remember we were promised that this process would have started by now and it has been delayed. If he could that in writing I would be very grateful.

**Supplementary Answer** Yes, of course.

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**QUESTION NO 6**

**By Councillor Balfour answered by  
the Convener of Finance and  
Resources Committee**

**Question** (1) During the time Gallacher Basset has been contracted to manage claims against the Council for compensation, how many claims has it handled? Please categorise claim numbers by department/service.

**Question** (2) Of these claims, how many have been rejected and how many accepted?

**Answers** Please see attached appendix.

**Question** (3) Of those claims that have been rejected, how many have continued to be pursued eg via follow up complaints to elected members or legal action and how many ultimately have resulted in some payment being made by the Council – with or without liability being accepted?

**Answer** (3) The claims handling system does not record separately information on claims that have been rejected and continued to be pursued e.g. via follow-up complaints to elected members or legal action.

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## Appendix

## Answers (1) and (2)

(a) LIABILITY CLAIMS (Split 1996-2005 and 2006-2009 to reflect changes in Departmental names/responsibilities)				
Departments	Claims Since 1996 - 2005	Settled	Repudiated	Open
City Development	6632	1871	4748	13
Housing	2752	1283	1460	9
Env & Con Services	721	226	482	13
Education	208	93	110	5
Social Work	127	53	69	5
Property Services	16	6	10	0
Finance	2	0	2	0
Corporate Services	51	23	25	3
Culture & Leisure	296	120	174	2
Finance	1	1	0	0
	<b>10806</b>	<b>3676</b>	<b>7080</b>	<b>50</b>
Departments	Claims Since 2006 - 2009	Settled	Repudiated	Open
SFC - Road Services	2218	590	1429	199
SFC - Housing	645	170	382	93
SFC - Env & Con Services	336	69	239	28
SFC - Parks	41	10	25	6
SFC - Libraries	4	2	2	0
C & F -	57	14	21	22
Corporate Services	12	3	3	6
Culture & Leisure	19	3	16	0
Health & Social Care	18	2	6	10
	<b>3350</b>	<b>863</b>	<b>2123</b>	<b>364</b>
(b) MOTOR CLAIMS				
Departments	Claims Since 2000 - 2009	Settled	Repudiated	Open
SFC	2956	1389	1378	189
Env & Con Services	554	220	328	6
Health & Social Care	509	221	263	25
City Development	147	53	82	12
Corporate Services	142	69	70	3
Children & Families	109	47	54	8
Culture & Sport	47	28	19	0
Finance	1	0	1	0
	<b>4465</b>	<b>2027</b>	<b>2195</b>	<b>243</b>

**QUESTION NO 7**

**By Councillor Buchan answered by  
the Convener of the Education,  
Children and Families Committee**

**Question** (1) Can the Convener please advise why it is necessary to have two managers of the Instrumental Music section?

**Question** (2) Why do the North and South areas outlined in the Instrumental Music review not follow ward boundaries?

**Answer** There are two Principal Officers of Instrumental Music, each responsible for half of the circa 80 instructors employed in the city. The Neighbourhoods are based on Children and Families neighbourhood areas which are not coterminous with ward boundaries.

The new North neighbourhood comprises North and West neighbourhoods.

The new South neighbourhood comprises South, East and South West neighbourhoods. This division was to give an equitable workload in terms of numbers of school clusters.

It should be noted that in current officer budget recommendations there is a proposal to amalgamate these two posts and have a single Principal Officer.

**Supplementary Question** I thank the Convener for her reply in great detail; that was very kind. Could I ask on the last point she makes about the current officer budget recommendations, if there is one Principal Officer appointed would that result in redeployment of the teaching staff that have recently been redeployed between North and South?

**Supplementary Answer** I think you had better wait and see for the details because this is an officer proposal when that comes up and then look at the implications of that.

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**QUESTION NO 8**

**By Councillor Buchan answered by  
the Leader of the Council**

**Question**

Could you please advise what actions and how many meetings senior Administration Councillors have undertaken since the last meeting of the full City of Edinburgh Council?

**Answer**

Senior Administration Councillors have heavily committed diaries with numerous meetings on a daily basis many of which are commercially sensitive or confidential. For example, on Monday this week (13 September) I participated in 10 separate, scheduled meetings and engagements, many involving external participants.

The level of information sought could only be provided at disproportionate cost and effort.