

Minutes

The City of Edinburgh Council

Edinburgh, Thursday, 27 June 2013

Present:-

DEPUTE CONVENER

Deirdre Brock

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
Jeremy R Balfour
Gavin Barrie
Angela Blacklock
Chas Booth
Mike Bridgman
Steve Burgess
Andrew Burns
Ronald Cairns
Steve Cardownie
Maggie Chapman
Maureen M Child
Bill Cook
Nick Cook
Gavin Corbett
Cammy Day
Denis C Dixon
Karen Doran
Paul G Edie
Catherine Fullerton
Nick Gardner
Paul Godzik
Joan Griffiths
Bill Henderson

Ricky Henderson
Dominic R C Heslop
Lesley Hinds
Sandy Howat
Allan G Jackson
Karen Keil
Richard Lewis
Alex Lunn
Melanie Main
Mark McInnes
Adam McVey
Eric Milligan
Joanna Mowat
Gordon J Munro
Jim Orr
Lindsay Paterson
Ian Perry
Alasdair Rankin
Vicki Redpath
Keith Robson
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Welcome

The Depute Convener welcomed Councillor Keith Robson to his first meeting following his election at the recent Liberton/Gilmerton Ward by-election.

2. Minutes

Decision

To approve the minute of the Council of 30 May 2013 as a correct record.

3. Questions

The question put by a member to this meeting and its written answer are contained in Appendix 1 to this minute.

4. Leaders Report

The Leader presented his report to the Council. The Leader commented on:

- Welcome to Councillor Robson
- Edinburgh's Bid for the National Performance Centre for Sport – Stage 2
- Shared Repairs Service Update
- IIP Re-assessment
- Edinburgh Food for Life Partnership

The following questions/comments were made

Councillor Cardownie	-	Congratulations to Councillor Robson
	-	Buchanan Award
Councillor Rose	-	Welcome to Councillor Robson
	-	Welcome to representatives from North Lanarkshire Council
	-	Best Value Audit – Areas of Concern
Councillor Fullerton	-	Welcome to Councillor Robson
	-	School extension programme
Councillor Balfour	-	Property Services report in August 2013
Councillor Work	-	Cycle route to Forth <u>Road</u> Bridge
Councillor Burgess	-	Welcome to Councillor Robson
	-	Food for Life Update
	-	Edinburgh Primary Schools - Accommodation
Councillor Rust	-	Congratulations to Councillor Robson
	-	Business Rates

Councillor Munro	- Positive Destinations for Leith Academy Pupils at 93.2% - Employability and the Edinburgh Guarantee
Councillor Edie	- Buchanan Scholarship - Welcome to Councillor Robson - Moonwalk Event Organisation
Councillor Booth	- Welfare Reform
Councillor Lewis	- Welcome to Councillor Robson - Edinburgh Summer Festivals
Councillor Day	- Retirement of Craigroyston Primary School Head Teacher, Margaret Russell
Councillor Tymkewycz	- Statutory Repairs Service
Councillor Bill Henderson	- Hydro Project at Harlaw
Councillor Lunn	- Welcome to Councillor Robson - Depute Head Teacher, Royal High Primary School – Summer teaching in Tanzania
Councillor Dixon	- Welcome to Councillor Robson - Disappearance of Russian Student - support

5. Health and Social Care Partnership – Appointment of Member

The Council was invited to appoint a member to the Health and Social Care Partnership following the resignation of Councillor McVey.

Decision

To appoint Councillor Howat to the Health and Social Care Partnership.

(Reference – report by the Director of Corporate Governance, submitted.)

6. Edinburgh Prison Visiting Committee

The Council had agreed to take no action on filling a vacancy on the Edinburgh Prison Visiting Committee, subject to a review if the number of members fell to a level that caused operational difficulties.

Due to recent resignations the numbers had fallen and the Director of Corporate Governance, in consultation with the Convener of the Finance and Budget Committee, had authorised the recruitment of new members.

Decision

To appoint the following as members of the Edinburgh Prison Visiting Committee:

S Islam

M Kane

M McQuillan

M Piper

(References – Act of Council No 3 of 24 May 2012; report by the Director of Corporate Governance, submitted.)

7. By-election No 16 Liberton/Gilmerton Ward

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Decision

To note that Keith Robson had been elected as Councillor for No 16 Liberton/Gilmerton Ward.

(Reference – report by the Director of Corporate Governance, submitted.)

8. Council Companies - Update

An update was provided on the work carried out by the Director of Corporate Governance in relation to a review of Council Companies.

Decision

- 1) To note the work undertaken to date in relation to the culture and sport companies and EICC.
- 2) To approve the course of action set out in the report by the Director of Corporate Governance.
- 3) To note that the Director of Corporate Governance would report back to Council on further progress on the matters within his remit within a further 3-4 months.
- 4) To note that the Head of Economic Development would report back to Council on progress in relation to Marketing Edinburgh and the Capital City Partnership within a further 3-4 months.

(References – Act of Council No 7 of 13 December 2012; report by the Director of Corporate Governance, submitted.)

9. Rationalisation and Restructure of Council Arms Length Property Companies - Progress Report

Details were provided on proposals to rationalise the existing arms length property company structure in line with the Council's earlier recommendations with one exception, to retain a single operational company that could be utilised for both development and regeneration by the Council, as necessary.

Motion

- 1) To authorise the rationalisation and restructure of Council property companies in line with the Council recommendation of 13 December 2012 subject to there being one company as opposed to two, including the transfer of staff from Dolphin House to Waverley Court and the subsequent disposal of Dolphin House.
- 2) To note that regeneration was a corporate Council responsibility and only the Council and its partners could deal with the full breadth of issues. Ownership of the regeneration strategy rested with Council in terms of its development and ultimate delivery.
- 3) To agree to set up a new structure for the disposal and development of Council property, as outlined in Appendix 5 to the report by the Director of Services for Communities, with the Economy Committee being responsible for the approval of disposals and development with ratification by the Finance and Budget Committee.
- 4) To instruct the Director of Services for Communities to report to the next meeting of the Economy Committee on the detailed structure of a renewed property company/vehicle that reflected the changed nature of Edinburgh's economy, including proposals regarding shareholder agreements, performance monitoring arrangements etc, and that the report be subsequently referred to the Council for noting.
- 5) To confirm the Finance and Budget Committee decision of 5 February 2013, relating to the transfer of 4-8 Maxwell Street to EDI and instruct the Director of Services for Communities to expedite.
- 6) To confirm that EDI also be given the contract for developing the master plan, and to develop the land assembly options, for Fountain Quay. EDI to subsequently report back on both the master plans; and land assembly options, to the Finance and Budget and Economy Committees; for authorisation prior to any development.
- 7) To agree in terms of Standing Order 27.1(b) that the decision made on the Committee Terms of Reference on 2 May 2013 was based on incomplete information, as the Council companies update had not yet been submitted to Council, and therefore agree to make any changes to the Committee Terms of Reference that were necessary in order to give effect to 3) above.

- moved by Councillor Ross, seconded by Councillor Munro.

Amendment 1

- 1) To insert the word "interim" before the word transfer in the third line of 3.1.
- 2) To insert the words "pending further discussions between Council Estates officials and senior staff at the new company" at the end of 3.1
- 3) To insert the words "incorporating not only housing, but economic development more generally" after the word strategy in the third line of 3.2.

- 4) To insert the words “and other relevant stakeholders” after the word Council in the third line of 3.2.
- 5) To agree to set up a new structure for the disposal and development of Council property, as outlined in Appendix 5 to the report by the Director of Services for Communities, with the Economy Committee being responsible for the approval of disposals and development with ratification by the Finance and Budget Committee.
- 6) To instruct the Director of Services for Communities to report to the next meeting of the Economy Committee on the detailed structure of a renewed property company/vehicle that reflected the changed nature of Edinburgh’s economy, including proposals regarding shareholder agreements, performance monitoring arrangements etc..
- 7) That 5) and 6) above be subject to the pending review of Corporate Governance coming to September Full Council and note the importance of a clear structure to avoid duplication of effort or accountability by Committees

- moved by Councillor Rust, seconded by Councillor Whyte

Amendment 2

- 1) To authorise the rationalisation and restructure of Council property companies in line with the Council recommendation of 13 December 2012 subject to there being one company as opposed to two, including the transfer of staff from Dolphin House to Waverley Court and the subsequent disposal of Dolphin House.
- 2) To note that regeneration was a corporate Council responsibility and only the Council and its partners could deal with the full breadth of issues. Ownership of the regeneration strategy rested with Council in terms of its development and ultimate delivery.
- 3) To agree to set up a new structure for the disposal and development of Council property, as outlined in Appendix 5 to the report by the Director of Services for Communities, with the Economy Committee being responsible for the approval of disposals and development with ratification by the Finance and Budget Committee.
- 4) To instruct the Director of Services for Communities to report to the next meeting of the Economy Committee on the detailed structure of a renewed property company/vehicle that reflected the changed nature of Edinburgh’s economy, including proposals regarding shareholder agreements, performance monitoring arrangements etc. The report should also contain a clear statement of the fundamental purpose of the property company and a clear statement of its distinctive contribution to regeneration, property assembly and contribution to a sustainable city economy.
- 5) To confirm the Finance and Budget Committee decision of 5 February 2013, relating to the transfer of 4-8 Maxwell Street to EDI and instruct the Director of Services for Communities to expedite.

- 6) To confirm that EDI also be given the contract for developing the master plan, and to develop the land assembly options, for Fountain Quay. EDI to subsequently report back on both the master plans; and land assembly options, to the Finance and Budget and Economy Committees; for authorisation prior to any development.
- 7) To agree in terms of Standing Order 27.1(b) that the decision made on the Committee Terms of Reference on 2 May 2013 was based on incomplete information, as the Council companies update had not yet been submitted to Council, and therefore agree to make any changes to the Committee Terms of Reference that were necessary in order to give effect.

- moved by Councillor Corbett, seconded by Councillor Chapman

Voting

The voting was as follows:

For the motion	35 votes
For amendment 1	14 Votes
For amendment 2	6 votes

Decision

To approve the motion by Councillor Ross.

(References – Act of Council No 7 of 13 December 2012; report by the Director of Services for Communities, submitted.)

Declaration of Interests

Members declared a non-financial interest in the items 8 and 9 above because of a connection to Council Companies as follows:

Councillor Aldridge	EICC
Councillor Austin Hart	Edinburgh Leisure
Councillor Balfour	Edinburgh International Festival Council
Councillor Booth	Edinburgh International Festival Council Edinburgh Leisure
Councillor Chapman	EDI
Councillor Day	EDI The Well Board
Councillor Lewis	Edinburgh International Festival Council Edinburgh Leisure Royal Lyceum Theatre Company TAB Board Traverse Theatre

Councillor Mowat	Edinburgh International Festival Council
Councillor Munro	EDI EICC Edinburgh International Festival Council Parc Craigmillar South Edinburgh Council Holdings
Councillor Redpath	The Well Board
Councillor Rose	CEC Holdings Ltd
Councillor Ross	CEC Holdings Ltd EDI Parc Craigmillar Waterfront Edinburgh Ltd
Councillor Rust	EDI

10. Edinburgh Tram – Preparing for Operations

An update was provided on the current position with the tram operating agreement, after detailed negotiations with Lothian Buses and Edinburgh Airport Limited and in light of further work carried out on the financial model.

Decision

- 1) To note the current position and direction of travel set out in the report by the Chief Executive.
- 2) To note the critical need to ensure that strong governance, financial and shareholder controls were in place as set out in section 2.4 of the report as appropriate to a 91% shareholder and instruct the Chief Executive to ensure they were established in order to protect the Council's overall financial position and with a view to maximising the cumulative return of the integrated group as set out in appendix 3 to the report. This to include incentivising improved returns across each of the companies and setting up an internal monitoring group to ensure shareholder rights were fully exercised.
- 3) To ratify the exclusivity agreement entered into with Edinburgh Airport Ltd and progress negotiations of the wider deal with Edinburgh Airport Ltd with the involvement of Lothian Buses.
- 4) To delegate authority to the Chief Executive or the Director of Corporate Governance (in consultation with the Convener and Vice-Convener of the Transport and Environment Committee and transport spokespeople) to negotiate and enter into an interim services agreement among CEC, Tramco and Lothian Buses.

- 5) To note that such discussions were scheduled to be completed by 22 July 2013 and instruct that the group leaders of all parties be briefed immediately prior to their conclusion in order to assess their success. In the absence of a satisfactory conclusion protecting the Council's position having regard to its financial contribution and liabilities, opportunity should be afforded to the Council leader, in consultation with group leaders to institute an emergency meeting of Council within 14 days.

(References – Act of Council No 7 of 13 December 2012; report by the Chief Executive, submitted.)

11. Planning Statutory Scheme of Delegation

Details were provided on proposed changes to the Planning Statutory Scheme of Delegation which would allow officers to determine applications for local development made by the Council or where the Council had an interest in the land.

Decision

- 1) To agree the proposed changes to the Statutory Scheme of Delegation.
- 2) To refer the proposed changes to the Statutory Scheme of Delegation to Scottish Ministers for approval and thereafter adopt the scheme should such approval be forthcoming.

(Reference – report by the Director of Services for Communities, submitted.)

12. Unaudited Financial Statements 2012/13

The unaudited financial statements for 2012/13 were submitted for the Council's consideration.

Decision

- 1) To note the unaudited financial statements for 2012/13 and that these would be submitted to the Controller of Audit.
- 2) To note that a detailed report on the outturn would be reported to the Finance and Budget Committee in August 2013.
- 3) To note that the financial statements would be submitted to the Governance, Risk and Best Value Committee in September 2013, at the conclusion of the audit, and thereafter to Council in October 2013.

(Reference – report by the Director of Corporate Governance, submitted.)

13. Unaudited Financial Statements 2012/13 – Lothian and Borders Police Board

The unaudited financial statements for 2012/13 of Lothian and Borders Police Board were submitted for the Council's consideration.

Decision

- 1) To note the unaudited statement of accounts of Lothian and Borders Police Board for 2012/13 and that these had been submitted to the Controller of Audit.

- 2) To note that the statement of accounts would be submitted to the Governance, Risk and Best Value Committee in September 2013, at the conclusion of the audit, and thereafter to Council in October 2013.

(Reference – report by the Director of Corporate Governance, submitted.)

14. Unaudited Financial Statements 2012/13 – Lothian and Borders Fire and Rescue Board

The unaudited financial statements for 2012/13 of Lothian and Borders Fire and Rescue Board were submitted for the Council's consideration.

Decision

- 1) To note the unaudited statement of accounts of Lothian and Borders Fire and Rescue Board for 2012/13 and that these had been submitted to the Controller of Audit.
- 2) To note that the statement of accounts would be submitted to the Governance, Risk and Best Value Committee in September 2013, at the conclusion of the audit, and thereafter to Council in October 2013.

(Reference – report by the Director of Corporate Governance, submitted.)

15. Audit and Best Value and Community Planning 2012/13

Details were provided on the findings of the audit of Best Value and Community Planning 2012/13 together with the proposed next steps.

Decision

- 1) To note the findings from the Best Value report and the Assurance and Improvement Plan (AIP).
- 2) To note that Group Leaders would be invited to an informal meeting with the Accounts Commission to discuss the findings.
- 3) To note that any decisions arising from the report would be reported to the Accounts Commission and regular reporting on progress would be made to the Governance, Risk and Best Value Committee for further scrutiny.

(Reference – report by the Director of Corporate Governance, submitted.)

Declaration of Interests

Councillors Edie declared a financial interest in the above item as the Chair of the Care Inspectorate.

16. Lothian Pension Funds Annual Report 2013 Unaudited

The unaudited Lothian Pension Funds Annual Report for the year ended 31 March 2013 was presented. The Annual Report had been approved by the Pensions and Trusts Committee on 24 June 2013.

Decision

To note that the Pensions Committee, at its meeting of 24 June 2013, had been asked to approve the unaudited Annual Report for the year ended 31 March 2013 for the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund.

(Reference – report by the Director of Corporate Governance, submitted.)

Declaration of Interests

Councillor Rose declared a non-financial interest in the above item as a Board member of Lothian Pensions Fund.

17. Treasury Policy Statement Re Hubco

The Council had approved the Treasury Management Statement for 2013/14 which included an Annual Investment Strategy.

Details were provided of an opportunity which had arisen to invest in a tranche of subordinated debt in relation to the James Gillespie's Campus project.

Motion

- 1) To approve investment in subordinated debt of projects delivered via the “Hubco” model, subject to an overall limit of £1m.
- 2) To approve the revised Treasury Policy Statement as detailed in Appendix 1 to the report by the Director of Corporate Governance.
- 3) To remit the report to the Governance, Risk and Best Value Committee for its scrutiny.

- moved by Councillor Rankin, seconded by Councillor Bill Cook

Amendment

To refer the report to the next meeting of Finance and Budget Committee for appropriate scrutiny and assessment of risk and benefit prior to approval of the investment.

- moved by Councillor Corbett, seconded by Councillor Main

Voting

The voting was as follows:

For the motion	49 votes
For the amendment	6 votes

Decision

To approve the motion by Councillor Rankin.

(References – Act of Council No 9 of 14 March 2013; report by the Director of Corporate Governance, submitted.)

18 Street Lighting – Replacement of Test Failed Columns – Referral from the Transport and Environment Committee

The Transport and Environment Committee had referred a report on a proposal to allocate additional funding in 2013/14 to accelerate the current replacement programme for Test Failed lighting columns to the Council for approval.

Decision

To approve the additional £1m capital spend in 2013/14 to accelerate the Street Lighting Test Failed column stock replacement programme.

(Reference – report by the Head of Legal, Risk and Compliance, submitted.)

19. Financial Transaction ('Robin Hood') Tax – Motion by Councillor Burgess

The following motion by Councillor Burgess was submitted in terms of Standing Order 16:

“This Council:

Recognises the impact of the UK Coalition Government’s public sector and welfare cuts on this City and its residents;

Believes that the levy of a Financial Transaction Tax on speculative financial transactions could provide a way of raising revenue and mitigating cuts to public services;

Therefore agrees that the Council Leader should make representation to HM Government calling for the Financial Transaction Tax to be introduced at the earliest opportunity.”

Motion

To approve the motion with the amendment of changing “introduced” to “explored” in the third paragraph

- moved by Councillor Burgess, seconded by Councillor Main

Amendment

That no action be taken on the matter.

- moved by Councillor Whyte, seconded by Councillor Nick Cook

Voting

The voting was as follows;

For the motion	44 votes
For the amendment	11 votes

Decision

To approve the amended motion by Councillor Burgess as follows:

This Council:

Recognises the impact of the UK Coalition Government's public sector and welfare cuts on this City and its residents;

Believes that the levy of a Financial Transaction Tax on speculative financial transactions could provide a way of raising revenue and mitigating cuts to public services;

Therefore agrees that the Council Leader should make representation to HM Government calling for the Financial Transaction Tax to be explored at the earliest opportunity.

20. Recycling of Plastics in Household Waste – Motion by Councillor Burgess

The following motion by Councillor Burgess was submitted in terms of Standing Order 16:

“This Council:

Notes the report on “recycling redesign” which was approved by Transport and Environment Committee on 15 January 2013, and further notes that in order to comply with the Waste (Scotland) Regulations 2012, “mixed plastics” must be collected for kerbside recycling from 1 January 2014 at the latest;

Notes that about a tenth of household waste is from plastic packaging;

Notes that the Council currently only accepts plastic bottles for recycling from doorstep collections and communal packaging recycling bins;

Notes the demand from residents to be able to recycle other plastic packaging such as tubs, trays, pots, bags & film;

Notes that this would reduce the amount and cost of household waste going to landfill;

Notes that in other parts of the country more plastics than bottles are presently collected for recycling;

Notes that much of the city, in particular those living in tenements, are not covered by the kerbside recycling service;

Therefore agrees to investigate increasing the types of plastic packaging for recycling from both (i) existing and future kerbside collections and (ii) existing and future communal packaging recycling bins and to present a report on these, and on how the council will comply with the Waste (Scotland) Regulations 2012, to the next meeting of the Transport and Environment Committee.”

Motion

To approve the motion by Councillor Burgess.

- moved by Councillor Burgess, seconded by Councillor Booth

Amendment

- 1) To note that the current recycling rate in Edinburgh was almost 40% and that the Council was committed to achieving a 50% recycling rate by the end of 2013/14.
- 2) To note that the redesigned recycling services agreed in principle by the Transport and Environment Committee on 15 January 2013 would expand this to include plastic pots, tubs and trays.
- 3) To note that the Director of Services for Communities already proposed to submit a report to the next meeting of the Transport and Environment Committee in August 2013 seeking approval for the redesigned recycling services business case.
- 4) To note the Council's commitment to achieving the recycling targets in the city through actions as detailed above.
- 5) To further note that Zero Waste Scotland had confirmed that the proposals outlined satisfied the requirements of the Waste Scotland Regulations which would come into effect in January 2014.
- 6) In light of the above, and in view of the fact that the actions proposed in the motion were already in hand, to otherwise take no further action on the motion as submitted

- moved by Councillor Orr, seconded by Councillor Hinds

Voting

The voting was as follows:

For the motion	6 votes
For the amendment	49 votes

Decision

To approve the amendment by Councillor Orr

21. Events – Motion by Councillor Mowat

The following motion by Councillor Mowat was submitted in terms of Standing Order 16:

“Council is concerned that there is not a clear and efficient method for the granting of permission for events to be held in the city and that there have been particular problems with large scale events and that there have been instances where the planning of events has been held up by Council processes leading to loss of confidence in the City by organisers and therefore requests a report to be produced within two cycles detailing:

- 1) All events for over 1000 people that have taken place on Council land in the last three years and what permissions, processes were required for these to take place – this can be produced in tabular form;
- 2) Current processes required to be undertaken to enable events to take place;

- 3) Identifying areas (if any) where there is a duplication of effort and where processes could be streamlined.”

Decision

- 1) To note the benefits of events to the city’s economy and cultural life.
- 2) To note that a balance needed to be struck between events and the use of parks, streets and other spaces within the city.
- 3) To note that a report on the governance and management of events had already been called for and would be considered by the Corporate Policy and Strategy Committee on 6 August 2013.
- 4) To agree therefore to take no action on the motion as submitted.

22. Sir William Y Darling Award for Good Citizenship

The Council, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7(A) of the Act.

Details were given of nominations for the Sir William Y Darling Award for Good Citizenship for the municipal year 2012/2013.

Decision

To make the Sir William Y Darling Award for Good Citizenship for the municipal year 2012/2013 to Margaret Walker.

(Reference – report by the Director of Corporate Governance, submitted.)

Appendix 1

(As referred to in Act of Council No 3 of 27 June 2013)

QUESTION NO 1

By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 27 June 2013

New Schools Action Group

Question (1) What discussions have taken place between Administration Councillors and/or Council officers and the “New School Action Group” and on what dates?

Answer (1) I, and two council officers, met the New School Action Group (NSAG), at the group’s request, on 10 April 2013. NSAG also contacted the Primary Quality Improvement Manager by phone.

(2) What, if any, commitments or assistance have been made/offered to the “New School Action Group” by the Children and Families Department or the Convener?.

Answer (2) Following the initial discussions, NSAG was offered the opportunity to visit some schools to see firsthand how Curriculum for Excellence is delivering a child centred education within our schools. NSAG visited Juniper Green and Castlevie Primary Schools on 30 May. A member of NSAG also met the head teacher of James Gillespie’s Primary School.

Children and Families has made no further commitments to the group. The visits to the schools were agreed so that the group could see Curriculum for Excellence in action.

(3) Do the Administration see proposals by the “New School Action Group” as part of a viable strategy to deal with primary school pressures going forward?

Answer

- (3)** Children and Families is committed to parental engagement and the Capital Coalition has sought to strengthen parental input through a renewed parental engagement strategy, which included a parental place on the Education, Children & Families Committee. We welcome the views and ideas of parents for how schools can be developed and improved. As Convener I have encouraged NSAG to play an active role through Parent Councils, the CCwP and our newly developed neighbourhood groups.