

## The City of Edinburgh Council

Edinburgh, Thursday 28 April 2016

Present:-

### LORD PROVOST

The Right Honourable Donald Wilson

### COUNCILLORS

Elaine Aitken  
Robert C Aldridge  
Norma Austin Hart  
Nigel Bagshaw  
Gavin Barrie  
Angela Blacklock  
Chas Booth  
Mike Bridgman  
Steve Burgess  
Andrew Burns  
Ronald Cairns  
Steve Cardownie  
Maureen M Child  
Bill Cook  
Nick Cook  
Gavin Corbett  
Cammy Day  
Denis C Dixon  
Marion Donaldson  
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  
Karen Keil  
David Key  
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  
Lewis Ritchie  
Keith Robson  
Cameron Rose  
Frank Ross  
Jason G Rust  
Stefan Tymkewycz  
Iain Whyte  
Norman Work

## 1. Minutes

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### Decision

To approve the minute of the Council of 10 March 2016 as a correct record.

## 2. Questions

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The questions put by members to this meeting, written answers and supplementary questions and answers are contained in Appendix 1 to this minute.

## 3 Leader's Report

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

- School closure issues

The following questions/comments were made:

- |                      |   |
|----------------------|---|
| Councillor Rose      | <ul style="list-style-type: none"><li>- School closures</li><li>- Congratulations to the Lord Provost for completing the London Marathon</li><li>- Thanks to the Lord Provost for leading the events to celebrate the 90<sup>th</sup> birthday of the Queen</li><li>- Thanks to members for their good wishes to Councillor Balfour</li><li>- Transformation Programmes – increase in workforce – quality of services</li></ul> |
| Councillor Burgess   | <ul style="list-style-type: none"><li>- Appreciation to staff and parents during school closures</li><li>- Schools independent inquiry</li></ul>  |
| Councillor Edie      | <ul style="list-style-type: none"><li>- Congratulations to the Lord Provost for completing the London Marathon</li><li>- Best wishes to Councillor Balfour</li><li>- Schools independent inquiry</li><li>- Local Community Galas</li></ul>  |
| Councillor Cardownie | <ul style="list-style-type: none"><li>- Arctic Convoy</li><li>- Hibernian Football Club – Scottish Cup – celebratory route</li></ul>  |
| Councillor Aldridge  | <ul style="list-style-type: none"><li>- School Closures – Craigmount High</li></ul>   |

- |                      |   |   |
|----------------------|---|---|
| Councillor Nick Cook | - | Poor condition of Inch House  |
| Councillor Work      | - | Congratulations to the Lord Provost for completing the London Marathon                                      |
|                      | - | School closures – thanks to staff and students – Royal High School  |
| Councillor Keil      | - | School Closures – Craigmount High School – thanks to staff  |
| Councillor Robson    | - | School closures - Gracemount High School  |
| Councillor Tymkewycz | - | Local businesses  |
| Councillor Ritchie   | - | Sporting Triumph – Edinburgh Run – congratulations to organisers  |
| Councillor Child     | - | Congratulations to those involved in challenges – Thistle Foundation – abseiling down the Forth Rail Bridge |
| Councillor Fullerton | - | School closures – thanks to staff in relocating pupils due to safety issues                                 |

#### **4. Appointments to Outside Organisations**

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The Council had agreed the appointment of Councillor Ross as Depute Leader and that appointments to outside organisations which had been affected by this change be reported to a future Council meeting.

Details were provided on the organisations which were affected by this change and of vacancies which had arisen and required appointments.

The Council were invited to appoint replacement members to the various organisations.

#### **Decision**

- 1) To note that, as Economy Committee Convener, Councillor Barrie would replace Councillor Ross as a Council appointee to the following organisations;
  - EDI (and subsidiaries)
  - Business Improvement District Company Boards
  - Social Enterprise Strategy Implementation Group.

- 2) To appoint Councillor Barrie in place of Councillor Ross to the following organisations, with the Capital City Partnership appointment to rest automatically with the Economy Committee Convener in the future:  
  
East of Scotland Regional Advisory Board (Scottish Enterprise)  
  
Edinburgh and Lothian Area Tourism Partnership  
  
Eurocities Network (substitute member)  
  
Capital City Partnership Limited.
- 3) To appoint Councillor Barrie to the board of Edinburgh Tourism Action Group Strategy Group.
- 4) To appoint Councillor Lunn in place of Councillor Dixon as a Director of Edinburgh and Lothians Greenspace Trust Board.
- 5) To agree, in principle, to the appointment of Councillor Cardownie as a Trustee of the Ken Buchanan MBE Foundation on an interim basis subject to a further report being submitted to a future meeting of the Council once the Foundation had been formally constituted as an organisation.
- 6) That the further report requested include information on whether it was appropriate for the Council to appoint members:
  - i) to unincorporated organisations or organisations in an advisory capacity only; and
  - ii) to the Ken Buchanan MBE Foundation once it was formally constituted.
- 7) To appoint Councillor Fullerton as an adviser to the Broomhouse Centre Board.

(References – Act of Council No 6 of 10 March 2016; report by the Chief Executive, submitted)

## **5 Appointment of Non-Executive Directors to EDI Group Ltd**

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The Council had appointed two non-executive directors to EDI Group Limited and its subsidiaries, for a period of two years.

Details were provided on the proposed re-appointment of two non-executive directors for a period of one month and for one non-executive director for a period of one year.

## **Decision**

- 1) To appoint Deborah Benson and John Watt to the Board of EDI Group Limited and its subsidiaries until 31 May 2016.
- 2) To appoint Hugh Rutherford to the Board of EDI Group Limited and its subsidiaries until 30 June 2017.

(References – Act of Council No 12 of 1 May 2014; report by the Chief Executive, submitted.)

## **6. Appointment to Outside Bodies – Edinburgh Bioquarter**

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The Economy Committee had approved the new revised governance arrangements and structure being put in place at the Edinburgh BioQuarter.

The Council were asked to nominate an Elected Member representative to the Advisory Board of the Edinburgh BioQuarter.

### **Decision**

To appoint Councillor Ross to the Advisory Board of the Edinburgh BioQuarter.

(Reference – Economy Committee of 26 April 2016 (item 15); report by the Chief Executive, submitted.)

## **7. Urgent Revisions to Polling Places**

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Details were provided on a decision taken under paragraph A4 of the Council's Committee Terms of Reference and Delegated Functions to designate revised Polling Places for the Polling districts SWP02E, SWP02G, SE16D and SE17L as the previously identified venues had become unavailable at short notice.

### **Decision**

To note that the Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, had designated three new Polling Places as a matter of urgency to be used at the Scottish Parliament Election on 5 May 2016 and the EU Referendum on 23 June 2016.

(Reference – report by the Chief Executive, submitted.)

## **8 Elected Member Remuneration**

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Details were provided on the Scottish Parliament's agreement for an increase of 1% in remuneration for Councillors in 2016/17.

## Decision

To note the increase in elected member remuneration as set out in the appendix to the report by the Chief Executive.

(Reference – report by the Chief Executive, submitted.)

## 9. Energy Retrofit of Council Buildings

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Details were provided on a proposed programme by the Council of energy retrofitting of nine of its largest buildings and the evaluation of the use of the London RE:FIT scheme which had been designed to assist the public sector to make significant savings in energy.

### Motion

- 1) To approve the borrowing of £0.8m from Salix and £0.975m from Spend to Save to fund energy retrofit measures to nine Council buildings.
- 2) To approve the appointment of the contractor Matrix Control Solutions Ltd (Matrix) to implement the works.
- 3) To delegate authority to the Director of Place to appoint Matrix to deliver any Phase 2 of the RE:FIT programme providing viable financial and sustainable efficiencies were identified.
- 4) To note that additional works might be carried out under the project, funded through strategic asset management budgets and awarded in line with the Council's Contract Standing Orders and Scheme of Delegation.

- moved by Councillor Hinds, seconded by Councillor McVey

### Amendment

- 1) To note the report by the Executive Director of Place and that the overall cost of the scheme would give a payback of 8.2 years (greater than the target payback) when fees and contingencies were included.
- 2) To further note that the additional measures described as IGP2 additions were the boiler and pump set replacements at Balerno and City Chambers and that these measures were 29% of the total cost of IGP2 whilst only providing 11% of annual savings, 6% of energy savings and 12% of carbon savings. The payback period for these measures combined was 19 years and that these projected outcomes cast considerable doubt on the incremental value of moving from implementing the IGP1 to the IGP2 measures.

- 3) To therefore agree the recommendations as detailed in the motion by Councillor Hinds, subject to:
- the implementation of IGP1 measures only, bringing the scheme cost back within the target of £1.8m;
  - the scheme being taken forward without the use of spend to save funds as the use of these funds entirely related to the addition of IGP2 measures and associated contingency;
  - no individual measure being progressed with a payback of more than 12 years (i.e. double the average payback for the IGP1 measures).

- moved by Councillor Whyte, seconded by Councillor Rose

### **Voting**

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	9 votes

### **Decision**

To approve the motion by Councillor Hinds.

## **10. PPP1 Schools – referral from the Pentlands Neighbourhood Partnership**

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The Pentlands Neighbourhood Partnership had referred a report on their concern of the recent publicised issues around the construction of a number of City of Edinburgh Schools forming part of the PPP1 schools project including Braidburn School, Oxfangs Primary School, Firrhill High School and St Peter's RC Primary School.

### **Decision**

To note the report by the Pentland's Neighbourhood Council.

(References – referral report from the Pentlands Neighbourhood Partnership, submitted)

## **11 Report of Pre-Determination Hearing – Freelands Road, Ratho**

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The Development Management Sub-Committee had referred a report on an application for planning permission in principle submitted by Barratt David Wilson Homes for a proposed residential development (approximately 150 units) with

associated works on land 164 metres south of Freelands Farm, Freelands Road, Ratho, which was the subject of a pre-determination hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008, for decision.

### **Decision**

To refuse planning permission in principle for the following reasons:

- 1) The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.
- 2) The proposal was contrary to Policy E5 of the Rural West Edinburgh Local Plan in relation to Development in the Green Belt and Countryside Areas as it constituted a non-conforming use within the designated Green Belt.
- 3) The proposal was contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land as it would result in the permanent loss of prime agricultural land.
- 4) The proposal was not supported by the Strategic Development Plan spatial strategy and was contrary to SDP Policy 7.
- 5) The proposal was contrary to Policy ENV10 in the Second Proposed Local Development Plan as it constituted a non-conforming use within the proposed Green Belt.
- 6) The proposal would have an adverse impact on Ratho Village character and setting.
- 7) The proposal was contrary to the Rural West Edinburgh Local Plan Policy TRA1 as it did not encourage sustainable transport use.

(References – Development Management Sub-Committee 18 April 2016 (item ); referral report from the Development Management Sub-Committee, submitted.)

### **Declaration of Interests**

Councillors Bill Henderson declared a non-financial interest as an objector to the application and left the meeting during the Council's consideration of the above item.

Councillor Ricky Henderson declared a non-financial interest as he had expressed his views publicly on the application and left the meeting during the Council's consideration of the above item.

## 12 International Workers' Memorial Day – Motion by Councillor Hinds

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

“Council notes that every year on 28 April trade unions and workplace health and safety campaigners all over the world remember those who have been injured or tragically lost their lives at work. This year’s theme is **Strong Laws - Strong Enforcement - Strong Unions.**”

Council flags will be flown at half mast in remembrance of those who have lost their lives through work.

Council notes its concern that the number of inspections in the UK has fallen dramatically in recent years and in many other countries enforcement is non-existent.

Council acknowledges that unionised workplaces are safer and agrees the importance of allowing the appropriate time and resources for union representatives to carry out the duties that protect the health and safety of their members and the wider workforce.”

### Decision

To approve the motion by Councillor Hinds.

## 13 Arctic Convoy Commemoration – Motion by Councillor Cardownie

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

“Council notes that the Consulate General Of The Russian Federation intends to stage an event on the former Royal Yacht Britannia in August entitled “Arctic Convoy 75<sup>th</sup> Anniversary Commemoration”.

Council further notes that the Arctic Convoys were assembled to provide essential supplies to Russian cities during World War II. Seventy convoys involving 1400 merchant ships sailed the Atlantic, set for Russian ports, mainly Arkhangelsk and Murmansk.

At present there are 162 surviving members of the convoy in Scotland and a special medal has been struck for presentation to them.

Council agrees in principle to support this event and requests that the Lord Provost, or his nominee, will be in attendance to represent the City.”

### **Decision**

To approve the following adjusted motion by Councillor Cardownie:-

“Council notes that the Consulate General of The Russian Federation intends to stage an event on the former Royal Yacht Britannia in August entitled “Arctic Convoy 75<sup>th</sup> Anniversary Commemoration”.

Council further notes that the Arctic Convoys were assembled to provide essential supplies to Russian cities during World War II. Seventy eight convoys involving 1400 merchant ships sailed the Atlantic, set for Russian ports, mainly Arkhangelsk and Murmansk.

At present there are 162 surviving members of the convoy in Scotland and a special medal has been struck for presentation to them.

Council agrees in principle to support this event and requests that the Lord Provost, or his nominee, will be in attendance to represent the City.”

## **14 Commemorating thw 100<sup>th</sup> Anniversary of the Battle of the Somme – Motion by Councillor Work**

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

“Council acknowledges the 100 year anniversary of the Battle of the Somme, where two Edinburgh regiments, the 15<sup>th</sup> and 16<sup>th</sup> Royal Scots, suffered heavy losses.

Council notes that at the Somme, 20,000 died and 40,000 were wounded in the space of an hour on that first morning.

Accordingly, Council requests a representative of the Lord Provost to host an appropriate commemoration at the City Chambers’ war memorial on the 1st of July; acknowledging the enormous sacrifices made by the various communities from the City on that day a century ago.”

### **Decision**

To approve the motion by Councillor Work.

## **15 Ravelrig Riding for the Disabled – Motion by Councillor Heslop**

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

“Council

Notes that Ravelrig Riding for the Disabled was established in 1986 by a small group including steadfast Trustee and Group Organiser Barbara Johnstone MBE and that it runs almost entirely on the commitment and dedication of a fantastic team of around 120 volunteers.

Welcomes its provision of riding and equine activities to more than 100 people of all ages, with a diverse range of disabilities.

Notes that horse riding provides many therapeutic benefits both physical and psychological for people with not only disabilities but also able-bodied individuals.

Therefore congratulates Ravelrig RDA on reaching its 30th anniversary and requests the Lord Provost recognise this significant milestone and work undertaken in an appropriate manner.”

### **Decision**

To approve the motion by Councillor Heslop.

## **16 Hibernian Football Club – Motion by Councillor Edie**

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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 to allow the Council to give early consideration to this matter.

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

“Council congratulates Hibernian FC for their achievement in reaching the Scottish Cup Final for the third time in five years and wishes Hibs the very best of luck in the Cup Final against Rangers.

In the event of Hibernian winning the Cup Final, for what will be the first time since 1902, Council agrees that officers and the Lord Provost will arrange the appropriate civic celebrations to mark their success.”

**Decision**

To approve the motion by Councillor Edie.

## **Appendix 1**

**(As referred to in Act of Council No 2 of 28 April 2016)**

### **QUESTION NO 1**

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 28 April 2016**

#### **Question**

In light of the revelation that an estimated £128m of Lothian Pension Fund assets are invested in companies which trade in the military or defence sectors, what representations will be made by the council to the review being carried out, in 2016, by the Scheme Advisory Board of the Scottish LGPS into investment criteria of public pension funds; and what account will be taken of members' views in that process?

#### **Answer**

The Scheme Advisory Board of the Scottish LGPS, of which I am a member, is taking legal opinion of the fiduciary duty and considering providing advice based on that opinion to the LGPS funds on such matters. We understand that the review aims to clarify the extent to which the situation in Scotland is different from that in England and Wales. It is hoped this will be available this calendar year.

#### **Supplementary Question**

Lord Provost, for the benefit of the webcast I asked about the £120m of Lothian Pension Fund money which is invested in companies which deal in military equipment including companies like Lochhead Martin, the world's largest arms dealer and I asked about opportunities to review that investment. I thank the Convener for his answer and look forward to Scottish policy and practice keeping pace with legal shifts in England and Wales, shifts that open the door to public pension funds discharging their fiduciary duty towards pension holders without compromising ethical principles. However, I'd like to press the Convener a little further in the second part of my question which is, what opportunities will be there for those thousands of people who have a stake in Lothian Pension Fund to give their views on whether their pension money should be invested in companies whose core business is the manufacture of weapons.

**Supplementary  
Answer**

I thank Councillor Corbett for his question. I'm not aware of any formal route that's available to members of the pension scheme to make these sorts of representations, but I'm sure that that can be done and if there's sufficient body of opinion then I'm sure that can be taken into account. Of course, as you mentioned, there is the matter of fiduciary duty which is something which the Scheme Advisory Board which advises the Finance Secretary is taking into consideration and is seeking legal advice on, and there'll be another meeting of that Board of which I'm a member on the 25 May 2016 and we'll consider legal opinion on fiduciary duty at that point. Another point I'd like to make is that it's not simply the Council as the administering authority which has a locus on this matter. Other members of the Scheme Advisory Board include other members of Lothian Pensions Fund many organisations and the Trade Unions and they have a voice in this as well, and they all need to be taken into consideration when we come to review because as you know, as things stand at the moment the overriding requirement on any pension fund is to secure the best return for its members. Now of course it's possible to take into consideration various ethical considerations and to an extent they are – the question is how far can that go and that's what we hope to get resolved by the legal opinion next month

## QUESTION NO 2

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 28 April 2016**

### Question

Will the Council confirm the intention to remove £1 million from the annual advice services budget; explain where that savings target has come from; and outline how its impact on the welfare of the city's most disadvantaged residents will be taken into account?

### Answer

As part of the transformation of services within the Council and to deliver the significant savings required over the next four years, a comprehensive programme of service reviews has been developed. Part of the as yet unspecified savings assigned to Safer and Stronger Communities is a Council approved target of £1.242m for 2017/2018 (savings reference CF/ST10).

A review of advice services, inclusive of in-house and commissioned provision across the city is planned for this year to contribute towards this savings target.

Planning for this review is in the early stages, but its aim is to design a more joined up, cohesive service, improving and simplifying access routes for members of the public who need advice, making sure that those in need can access advice in the most efficient and effective way.

The savings that can be achieved from this service will emerge as the review progresses and will contribute to the £1.242m target.

**Supplementary  
Question**

Lord Provost, my written question in advance of this meeting to the Convener of the Health and Housing Committee was about whether the Council Coalition actually has an intention to reduce the budget for welfare advice services in the City by £1m. The answer is that there's an overall target for cuts of £1.24m in an area of Council spending including welfare advice services and that they are under review. I'd like to ask the Convener of the Health, Social Care and Housing Committee, at a time when our most disadvantaged residents are bearing the brunt of massive Conservative government cuts to welfare to the tune of over £200m in our city alone, would he agree with me that now is not the time to be cutting back so drastically on welfare advice, advice that can greatly help people and not having to go to food banks, not being able to heat their homes?

**Supplementary  
Answer**

Can I thank Councillor Burgess for both his original question and his supplementary. I share his concerns about the impact on the people in the city from the impact on the welfare reform agenda. It would be the intention of any review not to reduce front line services but we do have savings targets across the Council as Councillor Burgess is aware and part of that will need to make a contribution to the £1.24m savings for Safer and Stronger Communities as outlined in the answer.

**QUESTION NO 3**

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 28 April 2016**

**Question**

In light of the fact that Parliament House (or Parliament Hall) appears to be registered as belonging to Scottish Ministers, what update is there on what the Scottish Government response has been to the City Council's request to have Parliament House restored to the city as a Common Good asset; when will the Council publish correspondence with ministers on the same matter; and when will elected members be given a copy of any legal advice provided to the Council?

**Answer**

The Council and the Scottish Government corresponded regarding this matter, which culminated in a meeting between Council officers and the Cabinet Secretary. The outcome of this was that the Council should discuss the matter with the Scottish Courts and Tribunal Service which is the party with the right to the registered title. Council officers met and corresponded with the Scottish Courts and Tribunal Service. They were subsequently advised that the Scottish Courts and Tribunal Service would not transfer title to the Council.

Elected members who have sought a copy of the advice have been offered a face to face briefing to review the advice and discuss it with officers from legal services.

**Supplementary Question**

Again for the benefit of the webcasts I asked in the written question for an update on the scandal which has unfolded over Parliament House just across the Royal Mile from here which was home to the Scottish Parliament in the 17<sup>th</sup> Century which appears, through an administrative error, an administrative error, to have had its title transferred from being a common good asset of the people of Edinburgh to being a property registered to Scottish Ministers and now the Scottish Courts and Tribunal Service and the answer,

again for the benefit of the webcast, to paraphrase that Scottish Ministers declined to recognise that claim and in fact seemed disinterested in pursuing it further. Lord Provost, I don't believe that we as a Council can let it go at that, that such a massively important historical building should slip away so lightly. So I want to press the Convener for his assurance that, with a new Scottish Government due to be elected in a week's time and perhaps a refreshed Ministerial team, he will reopen discussions with the Scottish Government with a view to agreeing at least two points:

- the first, that since it's a matter of repeated public record that the City Council had responsibility for Parliament House almost certainly as a common good asset that the City Council should have pre-emption rights, in other words first call on future use if and when the Scottish Courts and Tribunal Service ever move.
- secondly that a schedule of civic events accessible to the people of Edinburgh should be agreed in Parliament Hall in what is a genuinely stunning and unique and historical building.

Lord Provost, if the Convener can agree to raise those two points with the Scottish Government, I believe we can have some glimmer of light on the horizon.

**Supplementary  
Answer**

I do sympathise with the question and the general line you are taking. I think there certainly was a major, a genuine, blunder back in 2005 when the Council informed the Land Registers that we had no interest in title to that building and of course as you say when you look at our own Council archives and other historical records it's quite clear to me and I think to many others who would have looked at these matters that we did indeed have a title at the time but unfortunately we seem effectively by that decision to have surrendered it and there is legal advice which we have now which tells us that if we try to pursue it now the Scottish Government has secured legal title through legislation to that building, that our prospects of legal success are extremely slim and therefore we would be spending money

to no practical purpose. So as I say, it's a highly regrettable situation and I don't think it reflects very well on the Council at the time that such a blunder should have been made, but as to pre-emption rights, that's something we can certainly look into but I suspect that legally we may well have difficulties in securing that and there's also the question of how far the Scottish Government would be prepared to co-operate on that point – so far there's been very little indication of a willingness to co-operate or discuss this matter with the Council, but as you say, with a new Government, a new Cabinet, then we may be in a position to pursue the point you make about pre-emption rights and I'd be happy to do that if it seemed like it had any prospect of success.

On the schedule of civic events which you mentioned I think that's open to anybody to pursue that but I don't think we should artificially manufacture civic events in order to try to demonstrate that or make the point that we had a previous right to the building which we now have extreme difficulty in trying to secure, but if there is a good case for civic events then the building is open to be used for those purposes anyway. If there is a worthwhile series of civic events that can be organised then I can't see there'd be any difficulty with that.

#### QUESTION NO 4

**By Councillor Booth for answer by the Leader of the Council at a meeting of the Council on 28 April 2016**

**Question** (1) To list the regular Council committee meetings and other meetings supported by council officers such as Licensing Board, which are currently normally open to the public.

**Answer** (1) By law, all formal meetings of the Council must be open to the public, unless the meeting decides the matter contains private or exempt information. This applies to the Council, its Committees and Sub-Committees. Some meetings, mostly appeals, contain exclusively private information, and are therefore never held in public.

The requirement to hold meetings in public does not apply to informal meetings, such as working groups, which have their own governance arrangements.

**Question** (2) In each case to specify whether the meeting is currently normally webcast.

**Answer** (2) The table below lists the Council's main Committees, and Boards, indicating when they are held in public, and also webcast. A number of Sub-Committees are also appointed by the Executive Committees. In the main these are held in public, but are not webcast.

**Question** (3) In each case where the meeting is not currently webcast what are the estimated additional costs of doing so.

**Answer** (3) An additional cost of £40.69 per hour would be incurred for any meeting not currently webcast.

<b>COUNCIL/EXECUTIVE COMMITTEES</b>		
	<b>IN PUBLIC</b>	<b>WEBCAST</b>
<b>COUNCIL/EXECUTIVE COMMITTEES</b>		
Full Council	Yes	Yes
Corporate Policy and Strategy	Yes	Yes
Communities and Neighbourhoods	Yes	Yes
Culture and Sport	Yes	Yes
Economy	Yes	Yes
Education, Children and Families	Yes	Yes
Finance and Resources	Yes	Yes
Health, Social Care and Housing	Yes	Yes
Transport and Environment	Yes	Yes
<b>OTHER COMMITTEES</b>		
Governance, Risk and Best Value	Yes	Yes
Police and Fire Scrutiny Committee	Yes	No
Leadership Advisory Panel	Yes	No
Petitions	Yes	Yes
Pensions	Yes	No
Planning/Development Management Sub	Yes	Yes
Regulatory/Licensing Sub	Yes (but with "B" agendas)	Regulatory Committee only
Committee on the Jean F Watson Bequest	Yes	No
Neighbourhood Partnerships	Yes	No
<b>APPEALS</b>		
Committee on Discretionary Rating Appeals	No	No
Personnel Appeals Committee	No	No
Committee on Pupil/Student Support	No	No
Placing in Schools Appeals	No	No
Social Work Complaints Review Committee	No	No
<b>RECRUITMENT</b>		
Recruitment Committee	No	No
<b>JOINT BOARDS etc</b>		
Lothian Valuation Joint Board	Yes	No
Licensing Board	Yes	No
SEStran	Yes	No
Lothian and Borders Community Justice Authority	Yes	No
Integration Joint Board	Yes	No

## QUESTION NO 5

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 April 2016**

### Question

What action is the Council taking to make recycling easier for residents, in particular residents of tenements?

### Answer

The introduction of the new kerbside recycling service to over 140,000 householders over the past 18 months has resulted in a significant improvement in recycling performance from householders with individual recycling and landfill bins. This has been achieved by:

- Simplifying the service with same day collections and more materials collected in the one bin.
- Increasing the amount of recycling bin capacity.
- Decreasing the amount of landfill bin capacity.

With regards to making it easier for residents who live in tenements to recycle, the following actions have taken place in the past 6 months:

- There are 941 new Dry Mixed Recycling (DMR) bins for cans, plastics, paper and cardboard, which replicate the same materials collected in the kerbside wheelie bins.
- There are 617 new glass bins.
- There is a new online communal bin map – find my nearest communal recycling and landfill bin. The internal testing phase is live and it is due for public launch 2 May 2016.

<https://edinburghcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=c4ceb8650c5d4b6cb9ca642a4cceeccf>

- We completed an audit of 60,000 communal properties in March 2016 to identify where upgraded recycling provision is required.
- We have accessed funding from Zero Waste Scotland to provide 100,000 free rolls of biobags and food waste leaflets to householders using communal food waste bins.

Throughout 2016/2017 the following improvements to on-street recycling facilities are planned:

- Complete the audit of the remaining 40,000 properties.
- Rollout new DMR/Glass service citywide.
- Rollout increased recycling provision and reduced landfill provision (subject to approval at June T&E committee).
- Aim to 'group' on-street recycling and landfill bins to make it easier to recycle.
- Comprehensive communications plan targeting residents in high density housing areas.

## QUESTION NO 6

**By Councillor Aitken for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 28 April 2016**

### Question

Parents are expressing their concern about the future safety of the 17 school buildings in PPP1. What reassurances will be given to parents to enable them to have confidence in the fabric of the schools when they reopen?

### Answer

We will not take risks with the safety of our school children. Schools won't reopen until Edinburgh Schools Partnership can assure us of their safety. This assurance will be subject to scrutiny by independent structural engineers separately provided by the City of Edinburgh Council.

### Supplementary Question

I thank the Convener for his answer which like my question was brief but I'm rather reassured that we were given a bit more information by officials at a meeting of Oxgangs Parent Council this week and I absolutely agree that safety is paramount but the parents at Oxgangs have been given that reassurance before so they just need to be absolutely sure this time that they are given the right information. Re-occupation was covered at the meeting and we were told that yes P Amey and the risk register will be involved in assessing the buildings prior to the schools going back, but we were also told again about the structural engineer and I think that's a very very welcome move for the parents.

So can I ask the Convener that he will make sure the parents in all of the schools involved have this reassurance, have this information so that they will have the absolute confidence for their children and for the staff to go back and will the Convener also agree that the peer review can be shared with the parents – we have some very well informed parents as we found out on Tuesday night and if requested that that peer review will be available to them.

**Supplementary  
Answer**

Can I firstly thank Councillor Aitken for her question and can I thank her for her contribution throughout this situation. I think as the answer states, Lord Provost, the safety of pupils is our absolute top priority and has always been a top priority and can I add to the answer, before any school is opened we all have to have absolute confidence and that that building is safe. But before we do so, before we release appropriate information we do need the full survey results. I recognise there is a real frustration not just within this chamber, Lord Provost, but right across the city with regard to the lack of that information. When we do receive it we will have to publish appropriate information and make it accessible to parents but there is a commitment to do so.

Lord Provost, can I finally say that the Chief Executive has been leading the discussions with ESP and continues to do so, we are pushing them as hard as possible to release information, as I said when we get information we will publish appropriate information for parents.

## QUESTION NO 7

**By Councillor Rose for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 April 2016**

### Question

Given the ongoing reports of waste collection, and the reorganisation of Council staff, is the Convener satisfied that sufficient resources have been committed to a) collecting waste and b) dealing with complaints about uncollected waste.

### Answer

I am acutely aware of the importance of our waste collection service to residents.

There are several proposed savings that are allocated to our waste collection service, which have the potential to impact on service delivery. To mitigate this, the service will be subject to continual assessment to ensure that the quality of our service to residents is not reduced.

Complaints were at an unacceptable level, particularly in December and January but the level of complaints continues to drop as a result of improvements made by management and implemented by frontline staff within the service, with the most recent data showing a 64% decrease in complaints compared to the high point in January.

Members will be aware of a presentation that was recently given to the Transport and Environment Committee on planned improvements for waste collection. I am confident that the implementation of these improvements will allow us to move our waste collection service to the standard which we all want.

With regards to the comment about having resources in place to handle complaints about uncollected waste, this has been considered as part of the new structure for Waste and Cleansing services and we will ensure that residents do get their complaints answered in a timely and professional manner. Ultimately though, the aim will be to substantially reduce the level of complaints across the Service.

**QUESTION NO 8**

**By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 28 April 2016**

VERA/VR DASHBOARD – April 2016**Question**

- (1)** Reasons for declining VERA (972)
- a) Please show break-down by work area
  - b) Please display break-down as a % of the applications received for each of those areas

**Answer**

- (1)** VERA declines now sit at 1,070. The breakdown of current VERA declines is as follows:

Department	Accepted	Withdrawn	Declined	OVERALL TOTAL	Percentage Declined
City Strategy and Economy	10	7	2	19	10.53%
Resources	107	31	38	176	21.59%
Communities and Families	72	33	196	301	65.12%
Health and Social Care	92	14	296	402	73.63%
Place	243	88	538	869	61.91%
<b>Total</b>	<b>524</b>	<b>173</b>	<b>1070</b>	<b>1767</b>	<b>60.55%</b>

**Question**

- (2)** Agency Expenditure ( Feb 16 - £997.2k)
- a) Please explain the reason for the increase in costs and numbers of staff involved
  - b) Please provide a break-down of agency staff numbers per work area and the roles being occupied

**Answer**

- (2) a)** In some instances, service areas are using agency workers to backfill vacancies in areas that are under review. It is envisaged that once the transformation programme is concluded agency spend will reduce significantly. In other instances, agency staff are required to fill difficult to fill roles, cover staff absences or for certain highly paid specialists on a short term basis.

All agency hire is authorised by a Head of Service and Executive Director unless the post is pre-authorised for recruitment purposes. Agency spend is also regularly reviewed and challenged at the Corporate Leadership Team (CLT).

March agency spend with the Adecco, the Council's contracted provider of temporary agency staff is detailed below. The data is broken down by Service Area and by Job Class.

**b) March agency spend by Role**

<b>Row Labels</b>	<b>Values Sum of Spend</b>
Manual Labour	£259,625.44
Admin & Clerical	£206,577.89
Trade & Operatives	£138,009.52
Engineering & Surveying	£105,064.54
Social & Health Care (qualified)	£86,122.83
Facilities & Environmental Services	£44,221.04
Housing, Benefits & Planning	£35,227.40
Procurement	£30,178.12
Management	£22,073.82
Information Systems	£20,637.95
Social & Health Care (non-qualified)	£11,281.92
Marketing	£10,926.97
Financial	£9,296.47
Human Resources	£8,847.20
<b>Grand Total</b>	<b>£988,091.11</b>

### Agency posts at end of March by service area

Service Area	Job Title	Equivalent FTE
Children and Families	Administrator GR3	3.9
	Administrator GR4	3.2
	Business Manager - GR7	0.7
	Catering, Hospitality and Domestic Grade 1 - 3	0.8
	Cook GR3	0.4
	Facilities Assistant GR3	1.2
	Facilities Manager GR7	0.8
	Librarian GR6	0.6
	Residential Care Officer GR6	0.2
	Residential Childcare Officer	1.9
	SEEMIS Administrator - GR7	0.4
	Senior Social Worker GR8	0.6
	Social Worker GR7	1.0
<b>Children and Families Total</b>		<b>15.7</b>
Corporate Governance	Administrator GR3	2.5
	Administrator GR4	8.9
	Administrator GR5	1.0
	Benefits Assessor GR5	6.7
	Catering, Hospitality and Domestic Grade 1 - 3	0.5
	Commercial Manager GR11	0.1
	Commercial Operations Officer GR6	0.6
	Contract Manager GR8	0.8
	Customer Service Advisor GR 4	23.5
	Customer Support Officer GR3	0.3
	Data Analyst GR5	0.8
	Finance Officer GR5/6	1.5
	Implementation Advisor	0.1
	Marketing Officer GR7	0.8
	Procurement Specialist GR7	0.8
	Revenues Officer GR4	1.0
	Senior Organisational Development Leader	0.9
<b>Corporate Governance Total</b>		<b>50.8</b>
Economic Development	Economic Development Assistant - Gr 6	1.6
<b>Economic Development Total</b>		<b>1.6</b>
Health and Social Care	Administrator GR3	4.0
	Administrator GR4	1.5
	Catering, Hospitality and	19.2

	Domestic Grade 1 - 3	
	Community Equipment Technician GR4	1.7
	Cook GR3	1.7
	Cook GR4	1.5
	Customer Service Advisor GR 4	1.0
	Equipment Cleaner GR3	3.1
	Mobile Telecare Support Officer GR4	1.8
	Occupational Therapist Gr 7	1.1
	Programme Manager	0.2
	Recruitment Coordinator GR5	1.0
	Residential Care Officer GR6	6.4
	Residential Care Officer GR6 CRANE	1.1
	Senior Social Worker GR8	0.9
	Social Worker GR7	4.9
	Store Assistant GR3	0.4
	<b>Health and Social Care Total</b>	<b>51.5</b>
Services for Communities	Accommodation Planner GR7	0.8
	Administrator GR3	11.4
	Administrator GR4	4.4
	Architect GR8	2.3
	Architectural Assistant GR6	1.6
	Asbestos Officer - Grade 7	0.8
	Asbestos Technical Admin Officer - GR5	0.8
	Asset Officer GR8	0.8
	Assistant MOT Assessor	0.8
	BEMS Engineer GR7/8	0.9
	BEMS Project Manager GR9	0.8
	Blacksmith GR6	1.7
	Building Services Team Leader GR7	1.9
	Bus Station Operational Assistant – GR4	4.9
	C1 Driver GR4	0.6
	C2 Driver - Refuse GR4	14.6
	CAD Engineer GR5	0.8
	Catering, Hospitality and Domestic Grade 1 - 3	5.1
	CDM Coordinator GR7	1.5
	Civil Engineer GR7/8	1.8
	Clerk of Works GR6	0.8
	Cook GR3	1.1
	Cook GR4	0.3

Customer Service Advisor - GR3	2.5
Customer Service Advisor GR 4	0.6
Customer Service Manager GR8	0.6
D1 Driver GR3	27.2
Edinburgh Fringe Street Cleaner	3.3
Electrical Engineer GR7	2.6
Electrical Team Leader GR7	0.9
Energy Surveyor GR8	0.9
Environment Services Development Officer	0.8
Escort GR2	6.1
Estates Surveyor GR7 - 8	0.8
Facilities Assistant GR3	1.8
Facilities Manager GR7	1.1
Finance Assistant GR4	5.0
Finance Officer GR5/6	1.6
Gardener GR3	0.9
Interim Fleet & Travel Manager	0.8
Labourer GR4	1.5
Library Assistant GR3	1.3
Mechanical Engineer GR7	1.8
MOT Assessor	0.8
Painter / Decorator GR5	0.0
Painter Roads GR6	0.4
Passenger Operations Manager - GR7	1.3
Personal Assistant GR5/6	1.6
Project Manager	0.1
Quantity Surveyor GR8	1.0
Recycling Advisor - GR4	1.8
Refuse Collector GR3	50.3
Road Inspector GR6	0.8
Road Sweeper GR3	2.9
Road Technician GR6	3.4
Road Worker GR4	2.5
Site Manager GR5	1.0
Store Assistant GR3	1.3
Transport Supervisor - GR5	0.9
Travel Co-ordinator GR5	1.0
<b>Services for Communities Total</b>	<b>193.7</b>
<b>Grand Total</b>	<b>313.3</b>

**Supplementary  
Question**

I thank the Convener for his reponse about the voluntary redundancies and the breakdown of them. The second part of my question, and I do have a supplementary to and that is about the agency staff numbers and the breakdown that I requested. I'm grateful for what has been supplied to me but I just want to make a follow up question. The response confines the reply to agency spend with Adecco and I would just like to query whether there are any other agency organisations or agency staff who are implied beyond that and who if the Convener is not aware would be in touch with me and clarify.

**Supplementary  
Answer**

I thank Councillor Rose for his question. As to non Adecco temporary staff, I can't answer that definitavely at the moment I suspect it may true in a small number of consultants for example but I'd be happy to get back in touch with you and give you the detail on anything outside the contract we have with Adecco.

## QUESTION NO 9

**By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 28 April 2016**

- Question** (1) What discussions have taken place between the Council and the Scottish Qualifications Authority in relation to the PPP1 Schools and pupils from those schools due to sit examinations, and what was the outcome of those discussions?
- Answer** (1) The SQA Director of Operations has been in regular contact with the Council. An officer has been identified as the dedicated lead for SQA issues for the Council. The officer has been working closely with the SQA Operations Manager and they are currently carrying out a series of visits to each of the schools to identify issues regarding verification and assessment of practical exams, evidence retrieval and secure storage for course work awards and special arrangements for examinations. The necessary paperwork is being delivered to the correct locations and arrangements in place for secure storage of exam papers prior to the actual diet of exams. Arrangements are now in place as to where pupils will sit their exams. This will be in the schools that they are currently attending. Drummond, Firrhill and The Royal High in situ. Gracemount pupils in Liberton and Craigmount pupils in Tynecastle.
- The Council will ensure that the SQA have a full understanding of the arrangements in place and the issues facing all pupils affected who are sitting examinations.
- Question** (2) Will “In Service” days currently arranged at PPP1 schools for the remainder of the academic year be cancelled?
- Answer** (2) No. The only remaining in-service day this session is on 5 May 2016. This has meant that pupils will not be in schools on that day and that has been a great support in our planning for the SQA exams as the Nat 5 and Higher English exam take place that day and they involve many pupils who will now all be able to be accommodated in their

host schools or partially open schools.

**Question** (3) Which Councillors and which Councils Officials attended meetings with (a) the Edinburgh Schools Partnership and (b) the Scottish Government in relation to the issues with PPP1 Schools this year?

**Answer** (3) Since the event occurred on 29 January 2016 there have been numerous meetings with ESP and their representatives attended by Council Officials at appropriate levels. These discussions have been led and coordinated by the Chief Executive of the Council.

These have ranged from day to day operational matters through to technical, contractual and progress issues.

While the majority of operational and technical meetings have been attended by the current PPP Contract Management Team there have been numerous meetings attended by Principals from both the Council and ESP. These meetings are typically chaired by the Chief Executive with appropriate Executive Director and Head of Service attendance. ESP are represented on these occasions by their Board representatives and their Operational Manager.

There have been no direct meetings with the Scottish Government, however senior politicians and Scottish Government officials have been in regular contact with the Council, including telephone conferences with the Scottish Government's resilience meeting.

**Question** (4) Were there any discussions (a) between City of Edinburgh Council and Edinburgh Schools Partnership and (b) between either of those and Glasgow City Council or other body following the discovery of building defects at Lourdes Primary School, Glasgow in November 2012, and if so what action was taken?

**Answer** (4) This incident took place four years ago and there is no documentary evidence that anyone in the City of Edinburgh Council was aware of this event at the time. When the City of Edinburgh Council became aware of the significance of the issues in our PPP1 estate a communication was sent to alert Scottish Government and also other Local Authorities.

**Supplementary  
Question**

Firstly just before I ask the supplementary a general point on behalf of parents from P7 at Oxfords who have contacted me very much welcome the swift action taken by Council Leader and Chief Executive over last weekend and on Monday in terms of sourcing alternative accommodation to that which was offered at Wester Hailes. I know that the children from P7 were welcomed with Welcome Oxfords and Niddrie Mill/Oxfords signs yesterday morning and have settled in to the temporary accommodation and certainly the efforts which have been made there are very much welcome.

In terms of supplementary, two points:

- firstly I assume from the response to Question 3 that the Convener has himself not met with Edinburgh Schools Partnership
- and the second point or question really. There is obviously a report coming to the Corporate Policy and Strategy Committee on 17 May 2016 on which the Convener sits. There has since the last meeting though been reference in the media I think by the Council Leader, Convener to an inquiry, there's been speculation as to the form it would take. Will the Convener confirm that the terms of any inquiry; whether it be the Administration motion or otherwise; will be available to members in advance of that meeting on 17 May 2016?

**Supplementary  
Answer**

I again thank Councillor Rose for his question and supplementary. Firstly before answering Councillor Rose's supplementary can I put on record my huge appreciation to the staff effort with regards to dealing with this matter. I think there has been a huge effort put in and I think everybody who has taken part in that does have to be congratulated. There's a huge challenge and I think as Councillor Rust stated changes have had to be made and the situation is constantly under review. A truly tremendous challenge and a huge effort that was put in and notwithstanding the unacceptable circumstances facing the Council everyone involved in that does need recognition for the role that they played.

Secondly as I said to Councillor Aitken, I think there is a growing frustration within the City and I think that is understandable. We want to have an understanding of the state of these schools and we want to ensure that we can fix them as quickly as possible and the situation has taken far too long to resolve. An update is being prepared for publication and we hope to have that out very soon.

With regards to the meetings with ESP I can confirm to Councillor Rust that that has been led and co-ordinated by the Chief Executive and I think it is right and proper that he does lead the discussions with ESP. I think with regards to any inquiry, we do need to look at the terms of reference for that and make a decision and that will be published in due course.

**QUESTION NO 10**

**By Councillor Mowat for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 28 April 2016**

**Question**

To ask why the planned Dispersal Order for Hunter Square has been abandoned, who was involved in the decision and what evidence was used in making this decision and what plans are in place to deal with the anti-social behaviour regularly occurring in the square that was the reason for seeking the Dispersal Order?

**Answer**

Police Scotland had developed a proposal for a Dispersal Order to operate in a designated area of the city centre, namely North Bridge, Hunter Square and immediate surrounding areas for a short time.

The proposal was discussed with Council officials and partners, as is standard procedure for joint working, and the outcome was that Police Scotland decided not to pursue the Order at this time, given the emphasis on this issue from a range of initiatives – either underway or in development.

These involve the Council, Police Scotland and voluntary sector partners working collaboratively to address the challenges posed by homelessness, begging and drug and alcohol-related problems across the city, including the city centre (Inclusive Edinburgh, Community Improvement Partnerships for hate crime, begging, Community in Motion project, etc.).

Council-funded police officers have also been requested to increase their focus on the area and engage with those responsible for causing a nuisance or displaying anti-social behaviour.

**Supplementary  
Question**

I thank the Convener for his partial answer, I still don't feel that I have a complete answer about why a method of dealing with the anti-social behaviour in Hunter Square which has been used before has not been used in this time. No evidence has been presented for this so I'd be grateful if the Convener could tell me what the timescale for improvements in dealing with the verbal threats, swearing, filth, unusable public toilets, drug taking paraphernalia, excrement in Steven Laws Close, as well as the stabbings that have taken place in the last two months – how this situation will be managed and what the timetable for improvements is meant to be and what evidence was used to abandon the Dispersal Order which is a method that has been used before successfully to tackle anti-social behaviour? It is not a golden bullet we all appreciate that, but it is a tool in the armoury which is much needed in this pressured area of the city at this time.

**Supplementary  
Answer**

I thank Councillor Mowat for her question. A number of these issues are for Police Scotland to answer. I don't have the answers to why Police Scotland decided to not progress with their Dispersal Order, only the police can authorise that. I suppose the briefing that came out to members in the city centre on 4 April 2016 clearly showed that we have commenced a street begging community improvement partnership and that will bring all the partners together, there's a multi-agency approach to try and deal with this including targeting this particular area with the Community Council funded police officers and with Streetwork. I accept your point it's not a golden bullet. The idea of a Dispersal Order's not off the table but there are a number of other steps we need to take before we consider that. It should also be noted that the Order that was presented by the police did not include any of the Closes which you mentioned.