

THE CITY OF EDINBURGH COUNCIL

MEETING 1

2 JUNE 2016

QUESTIONS AND ANSWERS

Item no 5.1

QUESTION NO 1

By Councillor Burgess for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 2 June 2016

Question

Given the recent changes to Scottish Government Ministerial portfolios, whether the Council will redouble its efforts to secure enabling powers for the introduction of a Transient Visitor Levy (hotel bed tax).

Answer

Yes, meeting requests have already been sent to Ministers

Item no 5.2

QUESTION NO 2

**By Councillor Bagshaw for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 2 June 2016**

- Question** (1) How many full-time equivalent posts have there been in the Council's Active Travel team prior to the transformation process and how many will there be in the same team after that process is completed?
- Answer** (1) Based on Council permanent posts and excluding management input, there are 3.75 FTE posts in the existing active travel team. Despite significant Budget pressures, in the new structure, there is an active travel team, and again excluding management input from the Road Safety and Active Travel manager there are now **4 FTE posts**. In addition, under the same manager there are 2 road safety and active travel liaison officers and their role is to work with the Localities transport teams on road safety and active travel projects and initiatives.
- Question** (2) What impact are any changes likely to have on the delivery of cycling and walking projects at neighbourhood and central level?
- Answer** (2) There has been considerable consultation, both within the Council and from external stakeholders including Spokes and Sustrans. The new structure has been configured and resourced as far as possible taking feedback into account.
- The new arrangements, which embrace both a central strategic active travel team, linked through road safety and active travel liaison officers to Localities transport teams.
- These arrangements are likely to have a positive impact on delivery of cycle and walking projects, drawing on the core strategic direction and expertise combined and informed by Locality and community knowledge and requirements.

Item no 5.3

QUESTION NO 3

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 2 June 2016

In relation to the Council's Open Space Strategy and Action Plans

Question (1) When was this strategy originally approved by council committee?

Answer (1) The Open Space Strategy and 12 Action Plans were approved by the Policy and Strategy Committee on 28 September 2010 and by the Planning Committee on 30 September 2010. The reports can be found on the Council Papers online.

Question (2) When were the strategy and action plans last reviewed and updated by Council Committee?

Answer (2) The Open Space Strategy and Audit are currently in the process of being reviewed. A Project Initiation Document was approved in June 2015. The collection and mapping of Audit Data is almost complete. A cross-service Board has been established and will next meet on 15 June 2016. Focussed workshops with internal and external stakeholders are underway with a view to preparing a draft for consultation. It is anticipated that the draft for consultation will be reported to the Planning Committee in August 2016.

Question (3) When was the last progress report on delivery of the strategy and action plans received by Council Committee?

Answer (3) The first annual monitoring report was reported to the Planning Committee in December 2011. The second monitoring report was in the format of a Planning Information Bulletin and was published in February 2013. Please find attached the Feb 2013 Planning Information Bulletin pdf, which also provides a link to the first monitoring report (please note that the link to the Open Space webpage contained in the PIB no longer works, but the page is still available on the Council website).

Question (4) When will the strategy and action plans next be reviewed by Council Committee?

Answer (4) Please see answer (2). It is proposed to report a draft for consultation of the reviewed Open Space Strategy to the Planning Committee in August 2016.

Question (5) When will the next progress report on delivery of the strategy and action plans be received by Council Committee?

Answer (5) See answers (2) and (4) above.

Open Space Strategy Monitoring

February 2013

Context

The Council approved its first Open Space Strategy in September 2010. The Strategy aims to coordinate the way the Council meets Edinburgh's open space needs and protects and develops the city's network of open spaces. The Strategy will be reviewed and updated every five years. It was informed by an Open Space Audit and has 12 action plans, one for each Neighbourhood Partnership area.

The Strategy identifies actions to create or improve various types of open space. Its implementation is monitored annually. The [first monitoring report](#) was presented to the Council's Planning Committee in December 2011. This and future monitoring reports will be presented in the form of Planning Information Bulletins.

The Open Space Strategy and associated Action Plans provide the policy basis for the Council to secure developer contributions to enable improvements to be carried out. Notable contributions in 2012 include The Drum play park (£9,840) and Dalry Cemetery Action (£5,000).

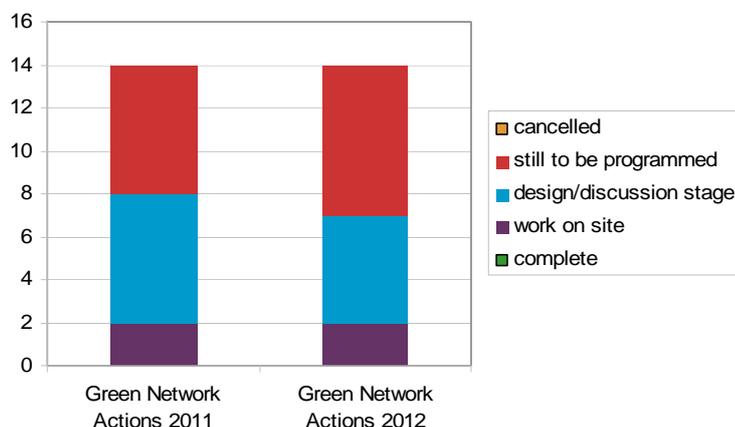
Open Space Actions

The Strategy covers five types of open space: Green Network; Large and Local Green Space; Playing Fields; Play Space, and Allotments and Community Gardens.

Green Network

The Open Space Strategy identified 14 actions relating to the connectivity and management of the network. In 2012, work started to create green corridors at the Powderhall/ Abbeyhill loop railway lines.

Green Network 2011 and 2012

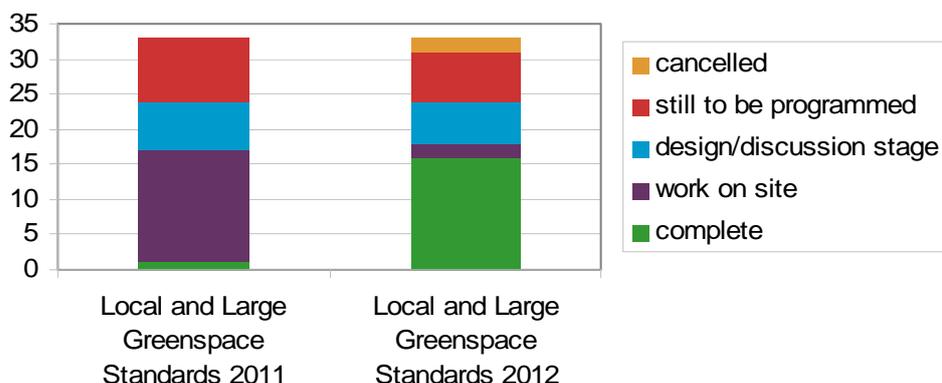


Local and Large Green Space

There are 33 Local and Large Green Space actions identified in the Open Space Strategy, with combined value of around £5.4m. This excludes acquisition and maintenance of land and new parks in the Waterfront.

Monitoring confirms eight completed actions, including improvements to Colinton Mains Park and the Braid Hills. Two actions were underway and six were at the design or discussion stage. Five actions are still to be programmed and two have been cancelled.

Local and Large Greenspace 2011 and 2012



Playing field Actions

The Open Space Strategy identified 12 options for upgrading sites. In 2012, two projects have been upgraded, at Saughton Park and Ainslie Park, bringing to four the total of multi-pitched venue playing fields delivered since adoption.

Play Space Actions

The Play Area Action Plan was adopted in June 2012. It guides the improvement of existing play areas, sets out a vision for future play area provision and prioritises future investment. Excluding land maintenance, 40 actions have been identified with total costs estimated at around £1.6m.

Monitoring shows: 21 actions still to be programmed; 6 actions at design or discussion stage; 2 actions with work on site, and 11 completed actions.

Allotments and Community Garden Space

No new allotments or community garden spaces were delivered in the last year. However, project preparation work enabled the expected delivery of new allotments at Kirkliston and Baronscourt in 2013.

More detailed information

Open Space Strategy web page:

http://www.edinburgh.gov.uk/info/207/planning-policies/1046/open_space_strategy

Contact

For further information, please contact Ben Wilson, Local Planning Policy team on 0131 469 3411 or ben.wilson@edinburgh.gov.uk

Item no 5.4

QUESTION NO 4

By Councillor Mowat for answer by the Vice-Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 2 June 2016

Stair Lighting

Question (1) What consideration was given to the serious concerns raised by the Equality Impact Assessment which stated that the proposed changes will have a serious impact on a number of groups with protected characteristics?

Answer (1) The Equality and Rights Impact Assessment (EIRA) 2016-2019 Budget Report provided a summary of the relevance and proportionality assessment of the budget proposals which the Finance and Resources Committee of 24 September 2015 considered. Committee recommended that a full EIRA to be carried out.

A full EIRA was drafted and the following organisations were invited to meet with Council officers to discuss the proposal and the subsequent impact.

- Age Scotland.
- Royal National Institute for the Blind.
- Edinburgh Women's Aid.
- Ferrylea Day Centre for Older People.
- Shakti.

None of these organisations responded to the initial request or subsequent reminders. The EIRA was concluded.

Question (2) Who owns the stair lighting infrastructure – it was installed by the Council and will now be maintained by private individuals – does this expose the Council to any risk or liability?

Answer (2) The owners in the block own the light installations. This should be confirmed in their deeds and that they have shared ownership. The Council have been maintaining these lights on the owners' behalf at no charge.

- Question** (3) Should the Council require there to be competent management arrangements in place?
If so, how will this be enforced and has the Council made residents aware of this requirement?
- Answer** (3) Owners are under a statutory duty (a) to provide and maintain lighting in the common property to the satisfaction of the Council, and (b) to light and extinguish the lights in the common property at such times as the Council may require (by order).
The statutory duties and powers in this regard are set out in Sections 90, 91 and 101 of the Civic Government Scotland Act 1982.
- Question** (4) Will the Council have any liability if there is an accident from poorly maintained stair lights?
Has the Council taken legal advice on these issues?
- Answer** (4) The Council's Legal Services has advised that occupiers/owners are under a duty of care to those who enter their premises by operation of the Occupiers' Liability (Scotland) Act 1960. This duty has been in place since before the 1982 Act introduced the statutory duty regarding stairlighting. Accordingly, occupiers/owners will be liable for any failure to maintain adequate stairlighting.
It remains a possibility the Council could be challenged regarding the discontinuation of the stairlighting service, however, having followed a clear programme of consultation, and given clear instructions to occupiers, this risk will be minimised.
It remains a possibility the Council could be challenged regarding lighting in those properties where the Council continues to provide the service.
Advice has previously been sought from external solicitors in this regard.
- Question** (5) Stair lighting was commonly considered an extension of the street lighting outside – hence its provision by the Council - is this the legal position and has this been considered as part of the changes implemented?

- Answer** (5) Street Lighting costs are funded from a combination of Fees and Charges, Government Grants and an element of Council Tax. The repair and maintenance of Streetlighting is a statutory duty.
- The Council has a statutory power, but is not under a statutory duty, to provide, repair or maintain stairlighting. The costs for this service to date are met by the Council's general services fund.
- This is a service which the majority of owners in Edinburgh already pay for via factoring services or by engaging a private contractor, trusted trader to carry this out on their behalf.
- Question** (6) Can residents upgrade their own stair lighting?
- Answer** (6) In fully owned blocks the owners will require to seek collective agreement between them to upgrade the stairlighting.
- In a shared ownership block where the Council has at least one tenant, the stair lights are being upgraded to LED and maintenance will continue to be carried out in these blocks.
- Question** (7) Who is going to be responsible for changing the timer from summer time to winter time to reduce electricity use in the summer when the days are longer?
- Answer** (7) Some systems will alter automatically otherwise the owners will become responsible for engaging an electrical contractor to do so.
- Question** (8) What is to stop people tapping into the Council's electricity supply and increasing the costs to the Council?
- Answer** (8) Any action to tap into the supply in this way would be a criminal act.
- Question** (9) Is the Council exposed to any liability given that they have ceased to maintain the stair lighting with less than 8 weeks' notice should someone fall on a dark stair – 8 weeks is not a long time if tenants are dealing with multiple landlords in a stair – some of whom may be living abroad.

- Answer** (9) The Council will continue to address and repair any stair light failures until this service is withdrawn.
- Occupiers/owners are under a duty of care to those who enter their premises by operation of the Occupiers' Liability (Scotland) Act 1960. This duty has been in place since before the 1982 Act introduced the statutory duty regarding stairlighting.
- It remains a possibility the Council could be challenged regarding the discontinuation of the stairlighting service, however, having followed a clear programme of consultation, and given clear instructions to occupiers, this risk will be minimised.
- It remains a possibility the Council could be challenged regarding lighting in those properties where the Council continues to provide the service.
- Question** (10) Please provide a breakdown of the costs of providing this service with a breakdown of provision and maintenance costs to
- a) All households
 - b) To private stairs only
 - c) detailed savings expected
- Answer** (10) Breakdown of costs as requested:
- a) All Households – £ 2,100,000.00
 - b) Private Stairs only - £1,000,000.00
 - c) Savings expected - £1,000,000.00
- The Council will eliminate the majority of stair lighting maintenance costs for at least the next 5 years where the stair lighting is fully CEC owned or part of a mixed tenure block, as the existing fittings are being replaced with LED lights.
 - There will be no maintenance costs for private stairs as the Council will no longer be responsible..

Item no 5.5

QUESTION NO 5

**By Councillor Rust for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 2 June 2016**

Question (1) Has there been any discussions by the Council and Council Officers in relation to the future of Lothian Chambers?

Answer (1) Proposals are being developed and will be brought to Finance and Resources Committee by September 2016

Question (2) Are there any current plans to dispose of Lothian Chambers through sale, lease or otherwise?

Answer (2) A report on the potential disposal options for Lothian Chambers will be presented to the Economy Committee in September 2016.

Question (3) What viewings of Lothian Chambers have taken place by interested parties?

Answer (3) There have been no formal viewings.