

## The City of Edinburgh Council

Edinburgh, Thursday 16 March 2017

**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  
Allan G Jackson  
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  
Lewis Ritchie  
Keith Robson  
Cameron Rose  
Frank Ross  
Jason G Rust  
Alastair Shields  
Stefan Tymkewycz  
David Walker  
Iain Whyte  
Norman Work

## 1. Minutes

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### Decision

- 1) To approve the minute of the Council of 26 January 2017 as a correct record.
- 2) To approve the minute of the Council of 9 February 2017 as a correct record subject to:
  - a) noting that the approved Capital Coalition budget motion erroneously referred to Dumbryden Sports Centre in Annex 3 (page 19 – Additional Investment) when this should have stated Dumbryden Care Home.
  - b) agreeing that the previous Council decision should be adjusted accordingly.

## 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:

- UK Budget – Progress on City Region Deal
- Constitutional Manouvres – Focus on Local Sevices – Local service delivery
- Local Council Elections – First stand alone election that 16 and 17 year olds will be able to vote in
- International Festival launch

The following questions/comments were made:

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|--------------------|--|
| Councillor Rose    | - Delivery of local services – In-cab Technology – waste collection services   |
| Councillor Burgess | - Endorse urging residents and 16 and 17 year olds to vote in forthcoming local election – focus on delivery of local services |
|                    | - Housing and rent levels within the city – forecast of private rent increase -  |
|                    | - Moves to improve standards for tenants in the private rented sector  |

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|----------------------|--|
| Councillor Aldridge  | <ul style="list-style-type: none"> <li>- Importance of voting</li> <li>- Importance on focussing on delivery of local services and supporting local businesses – possible second referendum</li> </ul>                       |
| Councillor Cardownie | <ul style="list-style-type: none"> <li>- Thanks for ensuring Ken Buchanan received the Edinburgh Award- information board publicising information on recipients</li> <li>- Tram advertising – current position</li> </ul>    |
| Councillor Gardner   | <ul style="list-style-type: none"> <li>- Gretna Rail Disaster 1915 – centenary 2015 – 3<sup>rd</sup> national award for community project</li> </ul>   |
| Councillor Robson    | <ul style="list-style-type: none"> <li>- Scotland’s first inclusive play charter – Thanks to Margaret Westwood’s input in promotion of play agenda</li> </ul>  |
| Councillor Whyte     | <ul style="list-style-type: none"> <li>- Cycle Hire Scheme – number of years of Council’s inaction for something that should have come to the City sooner</li> </ul>   |
| Lord Provost         | <ul style="list-style-type: none"> <li>- Lions Clubs International – 50 years of volunteering in Edinburgh and 100 years worldwide</li> <li>- Support for the Lord Provost in raising funds for the OneCity Trust</li> </ul> |

#### **4. Appointment to the Local Authority Pension Fund (LAPFF)**

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The Pensions Committee had endorsed the appointment of Councillor Rankin to the Local Authority Pension Fund Forum (LAPFF) Executive Committee. At their meeting in January 2017 the LAPFF had appointed Councillor Rankin to its Executive Committee and the Council was asked to ratify this appointment.

#### **Decision**

- 1) To approve the appointment of Councillor Rankin to the Executive Committee of the LAPFF.

2) To thank Councillor Rose for his work on the Executive Committee of LAPFF.

(References – Pensions Committee 6 December 2016 (item 6); report by the Acting Executive Director of Resources, submitted)

### **Declaration of Interests**

Councillors Aldridge declared a financial interest in the above item as Chief Executive of an admitted organisation of the Lothian Pensions Fund and left the meeting during the Council's consideration of the above item.

## **5. Chief Officer Recruitment**

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Details were provided on the recommendations of the Recruitment Committee in regard to the roles of Executive Director of Resources, Executive Director of Communities and Families, Head of Place Development and Head of Place Management.

### **Decision**

To make the following appointments, subject to the appropriate pre-employment checks:

Executive Director of Resources - Stephen Moir

Executive Director of Communities and Families - Alistair Gaw

Head of Place Development – Michael Thain

Head of Place Management - Gareth Barwell

(Reference – reports (2) by the Chief Executive, submitted)

## **6 Edinburgh Tram Board – Appointment of Executive Director**

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Approval was sought for the appointment of the Trams General Manager, Mr Lea Harrison to the Board of Edinburgh Trams as an Executive Director.

### **Decision**

To agree to the appointment of the Trams General Manager, Mr Lea Harrison to the Board of Edinburgh Trams as an Executive Director.

(Reference –report by the Executive Director of Place, 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 WW01C (Dalmeny Parish Church Hall), NC051 (Bellevue Chapel) and NC11A (The Roxburghe Hotel) as the previously designated venues had become unavailable at short notice due to building works.

### 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 Local Government Elections to the City of Edinburgh Council on 4 May 2017

(Reference - report by the Chief Executive, submitted)

## 8. The Cooperative Capital Framework 2012/17: Final Progress Report

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The Council had approved a 'Framework to Advance a Cooperative Capital 2012/17' to assist in the delivery of the Capital Coalition vision and pledge commitments.

A final progress report was provided on developments across the six themes of the Framework together with an update on the progress achieved with regard to the Cooperative Capital Coalition Pledges and proposals on how this progress could be sustained over the coming years.

### Decision

- 1) To note the significant progress made in the delivery of the Cooperative Capital Coalition Pledges, and other commitments in the Cooperative Capital Framework 2012/17.
- 2) To agree the proposed approach to sustaining Cooperative Capital achievements from 2017/18 onwards, outlined in Appendix 1 to the report by the Chief Executive.

(References: Acts of Council No 10(c) of 25 October 2012 and 6 of 21 November 2013; report by the Chief Executive, submitted)

## **9. Annual Treasury Strategy 2017-18 – referral from the Finance and Resources Committee**

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The Finance and Resources Committee had referred a report on the proposed Treasury Management Strategy for the Council for 2017/18 which included an Annual Investment Strategy and Debt Management Strategy, for approval.

### **Decision**

- 1) To approve the Treasury Management Strategy for 2017/18.
- 2) To refer the report to the Governance, Risk and Best Value Committee for scrutiny.

(References – Finance and Resources Committee 23 February 2017 (item 13); referral report by the Finance and Resources Committee, submitted.)

## **10. Time for Inclusive Education (Tie) – Motion by Councillor Fullerton**

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

“Council affirms that all young people in Edinburgh and across Scotland have the right to study in a learning environment which is fully inclusive, tolerant and accepting of LGBTI+ identities, and which is free of homophobic and transphobic bullying.

Council notes the recent contribution of the Time for Inclusive Education (Tie) campaign in raising awareness around homophobia and transphobia.

Council also notes the progress already made in the Capital, such as being the first Children and Families department in Scotland to secure a Foundation LGBT Charter Award from LGBT Youth Scotland.

Council resolves to work closely with the Tie campaign and other external stakeholders, including equalities organisations and the Scottish Government, to ensure that homophobic and transphobic bullying in Edinburgh's schools is effectively tackled and that Edinburgh's classrooms continue to actively promote equality and inclusivity for young people of LGBTI+ identities.”

## **Decision**

- 1) To approve the motion by Councillor Fullerton.
- 2) To instruct the Executive Director of Communities and Families to adapt the principles of the Tie campaign and apply them to all the protected characteristics under the Equality Act 2010 (i.e. disability, race, religion or belief) that apply to those at school, in order to further protect all children from bullying.

## **11. Edinburgh is a City of Sanctuary – Motion by Councillor Booth**

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

“Council notes the City of Sanctuary movement which aims to build a culture of hospitality for people seeking sanctuary in the UK whose goal is to create a network of towns and cities throughout the UK which are proud to be places of safety for people seeking sanctuary and helping them integrate into their local communities;

Council notes the ongoing partnership working between the Council and Edinburgh City of Sanctuary;

Council recognises the positive contribution of asylum-seekers and refugees to the City of Edinburgh, and commits to welcoming and including them in the life of the city;

Council agrees the City of Edinburgh should continue to work constructively with Edinburgh City of Sanctuary in welcoming refugees and asylum seekers, and agrees that Edinburgh should become a recognised 'City of Sanctuary' for refugees and asylum-seekers.”

## **Decision**

To approve the motion by Councillor Booth.

## Appendix 1

(As referred to in Act of Council No 2 of 16 March 2017)

### QUESTION NO 1

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 16 March 2017**

#### Question

What percentage of the council's annual revenue budget for 2016-17 was allocated through "participatory budgeting"?

#### Answer

The total spend in participatory budgeting initiatives for the 2016/17 budget allocation was £780,863. From this total, £645,863 was funded directly by the Council with the remainder from Scottish Government match funding, Police Scotland, the Edinburgh Partnership and Activity Agreement funding. The Council's revenue budget for 2016-17 is £953.879m, therefore, 0.07% of the Council's revenue budget was allocated by participatory budgeting initiatives.

#### Supplementary Question

Thanks Lord Provost. For the benefit of the webcast I asked what percentage of the Council's revenue budget was allocated via participatory budgeting, a process through which people in Edinburgh get directly a say over how money is spent and the answer is 0.07%.

I thank the Convener for his answer and I want to put on record my thanks and thanks of my colleagues for all the hard work of all the staff who've made progress on participatory budgeting the last few years, progress which Green Councillors have championed enthusiastically, but as the Convener will be aware the bar's now changing with the Scottish Government commitment to work with Councils towards a target of 1% of funds to be allocated via

participatory budgeting which in Edinburgh's case would amount to just under £10million – quite a significant increase.

So in light of that will the Convener say what preparation's being made to achieve that target.

**Supplementary  
Answer**

Thank you Lord Provost. You know I think even though the figure is 0.07%, a relatively small amount, I think we're nevertheless already in quite a good place, certainly compared to other Councils to get participatory budgeting up to the kind figure which I understand from the Scottish Government the target is 1% of the budget as yet undefined capital, revenue or both but nevertheless I think we're in a strong position to achieve that figure of 1% of the budget by the end of this parliament's term of office. I understand that COSLA is still talking to the relevant minister, Kevin Stewart, about this and I think the minister's more interested in a light touch approach taking account of the need for local variation and I think the most important thing that's happening at the moment is that consultation with COSLA because we're talking about the Scotland wide policy although we are obviously interested in taking advantage of the relatively strong position that we're in at the moment to take things forward, and I think that this will largely be a job for the new administration after the election on 4 May 2017 but I think we've already got ourselves a decent basis from which to take this initiative forward.

**QUESTION NO 2**

**By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2017**

**Question**

In light of the Education Minister's recent announcement about review of schools meals standards, does he agree that his call to source local food is very welcome?

**Answer**

Yes, I welcome this request to source local food and within our school meals service we already source produce from Scotland and the UK where possible; such as meat, chicken, dairy, fruit and vegetables. We continue to work with our supply chain to increase the range of local produce available to us and this is recognised by our ongoing work with Food for Life and maintaining the Bronze Catering Mark Award across all our schools.

**Supplementary Question**

Thank you Lord Provost and I thank the Convener for his answer. For the benefit of the webcast my question was about sourcing local food for school meals and the answer said that the Council source produce from Scotland and the UK where possible. I wonder if we could have some clarity on that and can he confirm whether all the meat and chicken used in school meals is now sourced from the UK and not as it was previously brought in from as far away as South America.

**Supplementary Answer**

I don't have that exact information but I'm happy to find that. Councillor Main is aware that all our schools have the bronze catering mark, two of our schools are piloting silver award, we're currently working with Food for Life and Edible Edinburgh to make our school meals even better and I'd welcome Councillor Main to come and join me in visiting some of our schools that provide some fantastic lunches for our young people.

**QUESTION NO 3**

**By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2017**

**Question**

Edinburgh College's curriculum is being developed to ensure that Edinburgh is able to provide the skilled labour force that will meet Edinburgh's future needs. This will include a vibrant construction sector, as Edinburgh builds many thousand new homes and the infrastructure, including schools. Has Edinburgh College been brought into discussions about the implementation of the Cole Report recommendations regarding training in the construction industry?

**Answer**

Edinburgh College Developing the Young Workforce Strategic Group is a multi-agency group comprising, College Senior Leaders, College Heads of Department and representatives from; Scottish Government, Skills Development Scotland, Local Authorities, Edinburgh Chamber of Commerce, Schools and Third Sector organisations. This group maintains a strategic overview of courses, curriculum development and labour market information.

Edinburgh College has advised that the training of apprentices at Edinburgh College adheres to the standards set out by the awarding body, the SQA, as well as the Construction Industry Training Board (CITB) and Scottish Building Apprenticeship and Training Council (SBATC). They teach to industry standards and are engaged regularly with industry partners to improve the learning and teaching experience at Edinburgh College.

**Supplementary  
Question**

Thank you again Lord Provost and I thank the Convener for his response. For the benefit of the webcast this question was about Edinburgh College who will be training our Work For Edinburgh's construction industry workforce for the future and whether the College had been brought into discussions about the implementation of the Cole reports regarding training. His answer does not make it very clear whether that is the case and I wonder if he can give an assurance that he will ask Edinburgh College to address the recommendations in the Cole report.

**Supplementary  
Answer**

Whilst I do not have control of Edinburgh College of course I'll do what I can. Had Councillor Main listened to John Cole last month or read the report you'd find that on page 241 it clearly states that the appropriate authority should undertake a review of the current levels of provision of training and that the CITV should review the industry effectiveness of apprenticeship arrangements. There is a Council Working Group which the Chief Executive chairs and I'll make sure he raises this with Edinburgh College.

**QUESTION NO 4**

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 16 March 2017**

**Question**

In each year since 2012-13, how many council tenants were a) evicted or b) abandoned their home while legal action was in place, in each case detailing whether the action was for rent arrears or some other reason.

**Answer**

**Breakdown of tenants being evicted or abandoning their home while legal action was in place since 2012-13.**

	Eviction			Abandonment			TOTAL
	Rent Arrears	ASB	Other	Rent Arrears	ASB	Other	
2012/13	17	6	0	69	1	0	93
2013/14	12	9	0	30	0	0	51
2014/15	11	4	0	36	1	0	52
2015/16	27	6	1	84	0	0	118

**Total number of Council tenants evicted or abandoned their home while legal action was in place (figures from 2001-02 onwards for reference).**

Years	Number of cases resulting in a termination of the tenancy through abandonment or eviction
2001-02	529
2002-03	484
2003-04	342
2004-05	238
2005-06	188
2006-07	240
2007-08	230
2008-09	263

<b>2009-10</b>	180
<b>2010-11</b>	113
<b>2011-12</b>	93
<b>2012-13</b>	93
<b>2013-14</b>	51
<b>2014-15</b>	52
<b>2015-16</b>	118

**QUESTION NO 5**

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 16 March 2017**

**Question**

What preparation has been or is being made by the council to use new powers on rent pressure zones when they commence?

**Answer**

The Private Housing (Tenancies)(Scotland) Act 2016 will allow local authorities to apply to the Scottish Government for Regulations designating all or part of their local authority area as a 'rent pressure zone'. Designation would restrict the amount by which private landlords could increase rent and would remain in effect for five years.

Officers are at the early stages of considering the implications of the legislation and what resources would be required if, at a future date, the Council wished to make such an application. For example, what level of evidence would be required to support an application. To date no area or 'zone' within the city has been identified for use of these powers.

The Scottish Government has indicated that the earliest date that these powers will come into effect is December 2017. It is anticipated that a report on this subject will be submitted to the relevant committee later this year.

**QUESTION NO 6**

**By Councillor Bagshaw for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 16 March 2017**

**Question**

The City of Edinburgh Council has committed itself to a target of 15% of journeys being made by bicycle by 2020.

Does it have a similar target for the number of journeys being made by public transport and on foot and, if not, what plans does it have to introduce such a target?

**Answer**

<b>Modal split targets; all journeys by CEC residents</b>	<b>2009 - 2010 %</b>	<b>2020 target %</b>
Walk	35	36
Cycle	2	10
Public Transport	17	21
Car	43	31
Other (inc motorcycle)	2	2

<b>Modal split targets; travel to work</b>	<b>2009 - 2010 %</b>	<b>2020 target %</b>
Walk	19	21
Cycle	7	15
Public Transport	30	32
Car	42	29
Other (inc motorcycle)	2	2

**QUESTION NO 7**

**By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 16 March 2017**

**Question** (1) How many enquiries regarding domestic title deeds and registration of domestic title have been handled by the Corporate Governance Department in each of the past three years?

**Answer** (1) A wide variety of queries are handled, which range from telephone calls and emails which can be readily resolved to complex conveyancing work involving multiple parties and solicitors. Queries which are quickly resolved are not individually logged. There are currently 16 corrective conveyancing cases. 20 other cases were completed in the last 2 years.

**Question** (2) How many staff are allocated to handle this caseload?

**Answer** (2) Currently there is one full time staff member employed to handle this corrective conveyancing caseload, together with managing Council House sale activity. The requirement for further internal staff is currently under review as, given the recent spike in workload following the “right to buy” ending in July 2016, Council House sale work is presently outsourced.

**Question** (3) What is the average time taken to resolve cases?

**Answer** (3) Corrective conveyancing work is often complex and involves liaison not only with an owner’s solicitors but also the Registers of Scotland and frequently multiple neighbouring owners. Therefore, it is not uncommon that the process may take a number of months.

**Question** (4) How many have subsequently been the subject of complaints (all stages)?

**Answer** (4) Three formal complaints have been raised in the past year of which two have been resolved satisfactorily and one is currently in the process of being resolved.

**Supplementary  
Question**

Thank you Lord Provost. My question was asking about whether we have enough resources in terms of conveyancing as a result of Council house sales and the correcting of mistakes which have been made and the response tells me that there is a further review of staffing.

Can you tell me, I would like to ask the Convener if he can tell me, when we're expecting a response as to whether we have sufficient staffing for this purpose and I ask the question because of difficulties that my constituents have had in relation to this.

**Supplementary  
Answer**

Thank you Lord Provost. I do understand that there have been difficulties with this and I understand that you have a constituent who has a particular issue where this is concerned. Our legal department has been outsourcing a fair amount of this work because of the sheer volume of it, there's been, relatively recently, a spike in the number of considerations that they've had to make on title deeds. I'm not sure that I have a precise timetable or date for you at the moment in terms of when we'll be able to get to a point where we feel that we're fully staffed, but I know that officers in Legal and Risk in particular are working on that one and I'll be happy to provide you with any additional information that might be helpful.

**QUESTION NO 8**

**By Councillor Rose for answer by the  
Convener of the Education, Children  
and Families Committee at a meeting  
of the Council on 16 March 2017**

**Question** (1) What is the budget per pupil allocated to Sciennes Primary school over each of the last five years?

**Answer** (1) The budget allocated to Sciennes Primary School with the Edinburgh average over the last five years is as follows:

Cost per Pupil

	Sciennes Average £000	Edinburgh Average £000
2012/13	2,489	2,957
2013/14	2,474	2,884
2014/15	2,446	2,857
2015/16	2,479	2,912
2016/17	2,573	2,953

**Question** (2) How does that compare with

- a) the Edinburgh average
- b) the Scottish average?

**Answer** (2) a) The Edinburgh average is included in the table above.

- b) There is no current facility to provide a national comparison.

**QUESTION NO 9**

**By Councillor Rose for answer by the  
Convener of the Education, Children  
and Families Committee at a meeting  
of the Council on 16 March 2017**

Named Person Scheme

In relation to the Supreme Court decision on the implementation of the named person policy

**Question** (1) In the City of Edinburgh Council, what is the current advice and practice as to in which circumstances information be shared without the consent of parents or children?

**Answer** (1) Our advice to practitioners has been: 'to seek consent of individuals to share information, the exception being where there are child protection concerns necessitating a more urgent response. In the latter cases, we are exercising our statutory duty to protect children and are acting to protect their vital interests.' (Briefing to staff and elected members from Andy Jeffries, Interim Head of Children's Services, August 2016).

**Question** (2) What distinction is currently being drawn between 'child protection' and 'child wellbeing' in advice and in practice?

**Answer** (2) The Scottish Government National Practice Model for Getting It Right for Every Child defines wellbeing within eight indicators; Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

We have delivered Getting It Right training courses since 2009 focussing on an early intervention / preventative approach. This essentially means identification of wellbeing concerns as early as possible and proportionate intervention to prevent greater need or risk arising for a child. In these circumstances, the advice as above is always to seek consent before sharing information.

"Child protection" applies when there is a risk of harm due to abuse and/or neglect. The Edinburgh and Lothians Child Protection Procedures, which are compliant with Scottish

Government guidance, specify the main types of abuse as being physical abuse, emotional abuse, sexual abuse and neglect. Where there is evidence that these things have occurred, or may be about to occur, staff are advised that information can be shared without consent if needed. This may be necessary, for instance, if an allegation of abuse has been made against a parent and the process of seeking parental consent for information sharing might put the child at further risk. This is consistent with data protection legislation which states that information sharing without consent can occur when it is necessary in order to protect the “vital interests” of an individual. It is in the vital interests of every child that they are protected from abuse or neglect.

Information sharing about child protection concerns occurs within Inter Agency Referral Discussions (IRDs). These are conversations between senior officers in police, social work and health. The main purposes of an IRD is to share information about child protection concerns; decide what further information is needed and what steps are required to get it (eg interview, medical examination); agree a risk assessment; decide what immediate actions are needed to keep the child/safe; and decide whether a multi agency Child Protection Case Conference or other meeting is needed in order to make a child plan.

**Question**                      **(3)** Are ‘wellbeing assessments’ being undertaken within any City of Edinburgh schools? If so, are these being done with or without the consent or knowledge of parents? If so, are pupils participating identified or are they anonymous?

**Answer**                        **(3)** “Wellbeing assessments” are undertaken in City of Edinburgh schools, in which they are called “assessments of need”.

An assessment of need requires the sharing of relevant and proportionate information between the Named Person and others involved in order to decide what help, if any, is needed. Consent is always sought from individuals prior to

information sharing, unless child protection concerns apply as above. So no assessment of need occurs without the parent being aware.

An assessment of need will always identify the individual.

**Supplementary  
Question**

Lord Provost my question was about the implementation of the Named Persons Scheme and whether our implementation such as it is complies with the Supreme Court ruling and I thank the Convener for his detailed reply.

In relation to the third part of my question, my supplementary is this, what mechanisms does the Council use to track health and wellbeing as opposed to harm of school pupils in order to fulfil curriculum for education?

So the question is does it use the Chinnari self assessment questionnaires to do so and if so is explicit parental permission sought and obtained before children are asked to complete the questionnaire? Thank you.

**Supplementary  
Answer**

Thank you Lord Provost and I thank Councillor Rose for his supplementary. Yes we do use the Chinnari process and I'm sure that we seek all parental guidance that we need to take but I'm happy to get back to you to confirm that information.

**QUESTION NO 10**

**By Councillor Heslop for answer by the Convener of the Communities and Neighbourhoods Committee at a meeting of the Council on 16 March 2017**

**Question**

Will you support my request to make the Foodbank Working Group a permanent body?

**Answer**

The Council is committed to supporting the Foodbank Working Group for as long as this is necessary.

**QUESTION NO 11**

**By Councillor Heslop for answer by  
the Convener of the Regulatory  
Committee at a meeting of the  
Council on 16 March 2017**

Public Acts of Demonstration

**Question**

Can you advise legal and practical grounds which may be used to limit repeated public acts of demonstration by the same groups, whilst recognising everyone has a democratic right to assemble?

**Answer**

It is important to note that permission is not required to hold a parade. However under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the Council and the police not less 28 days prior to the date of the event.

Upon receipt of a notification the Council has limited powers in respect of parades and processions. It can decide to take no action, and the parade will proceed as the organiser intended.

The Council can also decide to attach conditions or, under very limited circumstances, to ban a parade or procession.

When considering whether it is necessary to prohibit or impose conditions, the Council needs to consider four criteria:

- public safety;
- public order;
- damage to property; and
- disruption to the life of the community.

The Council must also consider whether containment of the risks arising from the parade would place an excessive burden on the police.

Other than stated above there are no other powers available to the Council which would allow a limit to repeated demonstrations.

The Council has no power to control or prevent any demonstration which is static for example a demonstration outside the Scottish Parliament Building.

Council officers continue to work with Police Scotland and others to mitigate any disruption a protest march may cause.

In respect of the use of existing powers, the Council has a consultation currently underway on the rules and guidance around holding protest marches, parades and processions in Edinburgh.

The public are being asked for their feedback on a new policy and code of conduct providing more clarity on the process for staging a public procession.

<https://consultationhub.edinburgh.gov.uk/sfc/public-processions>

The closing date for the consultation is: **31 March 2017.**

#### **Supplementary Question**

Thank you Lord Provost. For the benefit of the webcast I won't repeat my question but can I thank the Committee Convener for his response and I do welcome that we are having a public consultation on parades and processions and I am sure we would all welcome comments from the public by the end of this month. I am sure that he would agree with me that all of us in this Chamber respect and champion the right for peaceful marches and demonstrations whether we like the individuals or campaigns or not but would he also agree with me that it is somewhat testing for the same groups to have demonstrations on an increasingly regular basis and I'm being circumspect not naming any group but he is well aware that we had demonstrations on the same matter two weeks running, one of which took place on the opening of the six nations championship which did stretch our Council and police services and the Council was not notified in the 28 day period we try to impress on those who wish to participate in a parade. We face two years of constitutional upheaval and a presidency across the pond which is not universally popular, but can I ask the Committee Convener who is no shrinking violet, nor is he a meek little pussycat if

he could use his skills to impress on all groups who wish to demonstrate, the courtesy of notifying the Council of proposed parades which would be a great help to the police and would minimise disruption to the people of Edinburgh and visitors to our City.

**Supplementary  
Answer**

Thank you Lord Provost. Yes

**QUESTION NO 12**

**By Councillor Booth for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 16 March 2017**

**Question** (1) For each of the last 24 months where figures are available, will the convener please list:

How many people in each month were waiting for longer than three days for discharge from hospital.

**Question** (2) Of those listed in answer to question 1, how many people in each month were waiting for a care home place.

**Question** (3) Of those listed in answer to question 1, how many people in each month were waiting for arrangements to be made for them to go home with social care support.

**Question** (4) How many people in each month had complex care needs and were therefore excluded from the headline figure on late discharge given in answer to question 1.

**Answer** The table below details the number of people waiting for discharge from hospital for longer than three days included in the monthly delayed discharge censuses from February 2015 to January 2017. The figures in the table relate to the census date for each month, which prior to July 2016 was the 16<sup>th</sup> of each month, and from July 2016 was the last Thursday in each month.

## Patients delayed waiting discharge from hospital

	<b>Column 1</b> All delays longer than three days	<b>Column 2</b> Waiting for a care home place (longer than three days)	<b>Column 3</b> Waiting to go home with social care support (longer than three days)	<b>Column 4</b> Complex (all delays) not included in first column
Feb-15	98	31	45	34
Mar-15	129	33	46	38
Apr-15	102	33	54	29
May-15	114	39	63	34
Jun-15	132	30	73	37
Jul-15	133	36	84	22
Aug-15	124	36	74	19
Sep-15	151	40	92	22
Oct-15	127	28	83	23
Nov-15	141	37	77	28
Dec-15	117	26	67	28
Jan-16	101	23	58	31
Feb-16	91	16	51	27
Mar-16	75	13	38	32
Apr-16	44	14	16	28
May-16	74	23	39	33
Jun-16	107	32	57	27
Jul-16	153	56	69	25
Aug-16	144	64	72	22
Sep-16	155	52	75	23
Oct-16	168	69	74	24
Nov-16	149	66	60	22
Dec-16	180	70	74	19
Jan-17	188	71	85	12

The above data has been taken from data published by ISD Scotland (<http://www.isdscotland.org/Health-Topics/Health-and-Social-Community-Care/Delayed-Discharges/Previous-Publications/>) with the exception of the non-complex delay information for February and March 2015. Prior to April 2015 ISD Scotland only published information on delayed discharges quarterly, so this information has been taken from local data sources.

Please note that prior to July 2016 published data by ISD Scotland only included people who were waiting on discharge after three days. This has particular relevance to

the complex delay data where there is the possibility that prior to July 2016 there might be included in the figures some people who were discharged within three days, though this is unlikely.

It should be noted that from July 2016 there was a change in the national definitions used as part of the census process. The changes will have made no impact to the answers given to these questions. The revised Delayed Discharge Definitions Manual can be found at (<http://www.isdscotland.org/Health-Topics/Health-and-Social-Community-Care/Delayed-Discharges/Guidelines/docs/Delayed-discharge-Data-Definitions-Recording-Manual-FINAL.pdf>).

From the December 2016 census the system used to record delayed discharges was changed from EDISON, a national database used by both social care and health staff to record delayed discharge information, to TRAK, the clinical records system used by NHS staff. This resulted in a discontinuity of recording practice, but the change was necessitated by the forthcoming end of support for EDISON requiring a local solution to be found.

**Supplementary  
Question**

Thank you Lord Provost. I asked about delayed discharges from hospital and in particular where these are due to people waiting for a care home place or where they are waiting for a care package to be put in place for them to be cared for at home. I thank the Convener for the answer and I obviously thank the officials for providing a very detailed response. I hope the Convener will agree with me that these figures are too high, that it's bad news for patients who are subject to delayed discharge because often they can recuperate much better either in a care home or in their own home. It's also bad news for the public sector because there's increased costs and does he agree with me that this should be a top priority in getting these figures down in the future?

**Supplementary  
Answer**

Thank you Lord Provost and thanks to Councillor Booth for his question and for focusing on this very important issue for both ourselves and the individuals and families that are affected by delayed discharge and I do indeed agree with him that the numbers are currently too high. Delayed discharge has been a challenge in Edinburgh for some considerable time and continues to be so and continues to be our top priority for a number of reasons. I'm pleased to say that there are a number of workstreams currently in place with a great deal of focus from colleagues in Health and Social Care and the NHS and there are some early signs, some encouraging signs that we are beginning to tackle some of these numbers and I think as Councillor Booth rightly identifies the absolute priority is to make sure that people, once they're ready to be discharged from hospital, that they go home with the appropriate level of care preferably to a homely setting where they can be properly looked after.