

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 27 April 2017

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
Gavin Barrie
Chas Booth
Mike Bridgman
Steve Burgess
Andrew Burns
Ronald Cairns
Steve Cardownie
Maureen M Child
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
Vicki Redpath
Lewis Ritchie
Keith Robson
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Minutes

Decision

To approve the minute of the Council of 16 March 2017 as a correct record.

2. Questions

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

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

- Tributes to 25 members leaving the Council and in particular to the service of Councillors Milligan, Jackson, Hinds and Cardownie
- Appreciation of Council Staff
- Appreciation of the work of the Lord Provost

This was the last meeting of the present Council. The Leader and Leaders of each political group led tributes to:

The Lord Provost for his hard work and dedication to his role.

Those elected members who had chosen not to stand for re-election to the Council.

Staff in the Leader's office

All Group support staff

The Chief Executive and his team and all Council staff.

The following questions/comments were made:

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| Councillor Rose | - Thanks to the leader for the manner in which he has responded to questions – his manner and tone had been exemplary. Dealings with other members had been direct, courteous and measured. |
| | - Quality of life of those in Edinburgh – any regrets leaving office when problems with roads and pavements and refuse collection were still ongoing? |

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| Councillor Burgess | <ul style="list-style-type: none"> - Acknowledged the Leader's significant contribution and the way in which he had conducted himself - Local Government in a stronger position now than when he was first elected 18 years ago? |
| Councillor Aldridge | <ul style="list-style-type: none"> - Thanks to the Leader for his manner in dealing with Council Questions – wish Leader every success for future - The Coalition's biggest weakness and what would the leader have done differently |
| Councillor Aitken | <ul style="list-style-type: none"> - Roll out of ParentPay |
| Councillor McVey | <ul style="list-style-type: none"> - Demonstration in support of Scottish families affected by rape clause policy |
| Councillor Tymkewycz | <ul style="list-style-type: none"> - Statutory Notices – review – settlement of statutory notices |
| Councillor Godzik | <ul style="list-style-type: none"> - Mental Health Strategy - progress |
| Councillor Rust | <ul style="list-style-type: none"> - 20mph – review before further implementation - Luxury hotel chain |
| Councillor Day | <ul style="list-style-type: none"> - North Edinburgh childcare – 20 years of providing high quality childcare in the city - Councillor Redpath - appreciation - Appreciation to Lord Provost, Lady Provost and city officers for work they have done while in office |
| Councillor Gardner | <ul style="list-style-type: none"> - Appreciation to the Lord Provost and Leader of the Council - Janatorial and school ancillary service providers |
| Councillor Heslop | <ul style="list-style-type: none"> - Have colleagues demonstrated just, constructive and loyal qualities? |
| Councillor Hinds | <ul style="list-style-type: none"> - Appreciation to Lord Provost - Appreciation to Leader – dignity and respect for all Councillors providing a stable local government - Reporting of Councillors to Standards Commission |

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| Councillor Lewis | <ul style="list-style-type: none"> - Appreciation to Councillors standing down, in particular Councillors Aitken and Cardownie and the Council Leader - General election called when governing party is under investigation for electoral fraud and hope that the forthcoming Council elections are free from such allegations |
| Councillor Austin-Hart | <ul style="list-style-type: none"> - Thanks to the Lord Provost for supporting the proposed role of a music champion for Edinburgh |
| Councillor Cardownie | <ul style="list-style-type: none"> - Commend Councillor Burns for ensuring that the Capital Coalition worked - Allegations about members of the Council to the Standards Commission on social media |

The Chief Executive noted that mutual respect between members and officers had been at the core of this Council. He indicated that members of the Council had shown due respect, leadership and dedication to the Council which was greatly appreciated.

He acknowledged the time and commitment that members had put in to represent their City, thanked those who were seeking re-election and wished those who were leaving well for the future.

Declaration of Interests

Councillor Tymkewycz declared a financial interest in the above item as the owner of a portfolio of property within Edinburgh.

Councillor Work declared a non-financial interest in the above item as a member of Unite.

4. Rolling Actions Log

Details were provided on the outstanding actions arising from decisions taken by the Council from May 2015 to March 2017.

Decision

1) To agree to close the following actions:

Action 1 - Future Investment in the School Estate – Wave 4

- Action 4 - Executive Management Structure
- Action 5 - Formal Collaboration Proposal for Edinburgh, Lothians, Borders and Fife Councils
- Action 6 - Funding Package Proposal for a New Meadowbank
- Action 8 - Common Good Asset Register
- Action 10 - Governance – Operational Governance Framework Annual Review 2016
- Action 11 - Silent Fireworks

2) To otherwise note the Rolling Actions Log.

(References – Act of Council No 12 of 25 June 2015; report by the Chief Executive, submitted)

5. Appointment to the Board of Transport for Edinburgh and Lothian Buses

Approval was sought for the retrospective appointment of Mr Steve Cassidy to the board of Transport for Edinburgh as a Non-Executive Director for the period 18 December 2015 to 17 December 2018, in line with all other appointments to the company Board. Approval was also sought for the re-appointment of Mr Cassidy to the Board of Lothian buses for the period 6 February 2017 to 5 February 2019.

Decision

- 1) To approve the retrospective appointment of Mr Steve Cassidy to the Board of Transport for Edinburgh for the period 18 December 2015 to 17 December 2018.
- 2) To approve the appointment of Mr Steve Cassidy to the Board of Lothian Buses for the period 6 February 2017 to 5 February 2019.

(Reference –report by the Executive Director of Place, submitted.)

6. Establishmnet of Muirhouse/Salvesen Community Council

Details were provided on the submission of a petition by over 20 electors requesting that a Community Council be established in Muirhouse/Salvesen and approval sought for the process and timetable to deliver this.

Decision

- 1) To approve the process of combined online, postal and polling place voting, should a poll be required.
- 2) To approve the timetable for the election of Muirhouse/Salvesen Community Council.
- 3) To appoint the Election Manager as Returning Officer.

(Reference - report by the Chief Executive, submitted)

7. Community Empowerment (Scotland) Act 2015 – Update Following Release of Scottish Government Guidance – referral from the Corporate Policy and Strategy Committee

The Corporate Policy and Strategy Committee had referred a report on proposed revisions to the Interim Community Asset Transfer Policy to the Council for adoption of the principles detailed in the Interim Policy.

Decision

To agree to adopt the principles detailed in the Interim Policy as being the agreed Policy together with the amendments recommended in the report by the Corporate Policy and Strategy Committee and as detailed in the appendices to the report.

(References: Corporate Policy and Strategy Committee 28 March 2017 (item 5); referral report by the Corporate Policy and Strategy Committee, submitted)

9. Bus Service 40/40A – South Queensferry/Dalmeny to Edinburgh – Motion by Councillor Hinds

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

“Council expresses its disappointment and concern at the recent announcement by Stagecoach that they will withdraw the 40/40A bus service to South Queensferry and Dalmeny from June 2017.

Council commits to do everything in its power to ensure an accessible, affordable service to this part of the City of Edinburgh.

Council therefore authorises the Executive Director of Place to continue discussions with Lothian Buses and other service providers and delegates authority to the Executive Director, in consultation with the Convener and Vice Convener of

Transport and Environment Committee, to take appropriate action within existing budgets to ensure this vital public transport link is maintained for the community.”

Decision

To approve the motion by Councillor Hinds.

10. Proposed Ban on Plastic Carrier Bag Use in Scotland – Motion by Councillor Munro

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

“Council recognises the unqualified success of the 5p levy on plastic carrier bags, introduced by the Scottish Government in 2014, which resulted in an estimated 80% reduction in the number of plastic bags handed out in Scotland in the first year alone of the levy, equivalent to 650 million bags.

Council notes that Scottish Government research concludes that a reduction of 650 million bags means a net saving to the Country of more than 4,000 tonnes of plastic and other materials each year.

Council further notes that this is equivalent to more than 500 million single-use carrier bags, once it is offset by estimated increases in other forms of plastic bag use, such as bags for life.

Council also notes the positive Environmental impact of this measure which includes a net carbon saving of more than 2,500 tonnes of CO2 equivalent annually, along with a consequential reduction in street and marine litter.

In view of the above, Council calls on the Scottish Government to consider the implications of extending these measures to include a total ban on the sale of single use plastic carrier bags in Scotland, and to determine how best to introduce such a ban to maximise its impact and benefit, particularly in relation to the effect on charities who currently benefit from the 5p levy.”

Decision

To approve the motion by Councillor Munro.

11. The Sustainable Cities ‘Basque Declaration’ – Motion by Councillor Burgess

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

“This Council:

Recognises that the ‘[Basque Declaration](#)’ promoted by ICLEI – Local Governments for Sustainability outlines new pathways for European Cities and Towns to create productive, sustainable and resilient cities for a liveable and inclusive Europe;
<http://www.sustainablecities.eu/endorse-the-basque-declaration/>

Notes that this declaration was acclaimed by the participants of the [8th European Conference on Sustainable Cities & Towns](#), held in the Basque Country in 2016;

Welcomes that the Declaration acknowledges the need for transformation in order to decarbonise energy systems, create sustainable urban mobility patterns, protect and enhance biodiversity and ecosystem services, reduce the use of greenfield land and natural space, protect water resources and air quality, adapt to climate change, improve public space, provide adequate housing, guarantee social inclusion, and strengthen local economies;

Agrees that the Council Leader should endorse the Basque Declaration on behalf of the City of Edinburgh Council.”

Motion

To approve the motion.

- moved by Councillor Burgess, seconded by Councillor Main

Amendment

To take no action on the motion.

- moved by Councillor Rose, seconded by Councillor Whyte

Voting

For the motion	-	43 votes
For the amendment	-	9 votes

Decision

To approve the motion by Councillor Burgess.

17 Collaboration Update – referral from the Pensions Committee

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

The Pensions Committee had referred a report which provided an update concerning the approach taken regarding collaboration with other LGPS funds to the Council for approval.

Decision

To approve the report by the Pensions Committee.

(Reference – Pensions Committee of 20 March 2017 (item 15); referral report by the Pensions Committee, submitted)

Declaration of Interests

Councillor 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.

Councillor Robson declared a financial interest in the above item as a member of an admitted organisation of the Lothian Pensions Fund and left the meeting during the Council's consideration of the above item.

Appendix 1

(As referred to in Act of Council No 2 of 27 April 2017)

QUESTION NO 1

**By Councillor Bagshaw for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 27 April 2017**

Question

Given the impact of congestion on bus journey times within Edinburgh, what action is being taken to record particular areas of delay caused by such congestion?

Answer

Through investing in Active Travel and the city's public transport network (buses, trams and Park and Ride) the Council is helping deliver a modal shift away from car use – something which not only cuts congestion but also improves air quality and health and wellbeing.

Further to this, the Council has developed, and is currently implementing, a 'city centre congestion action plan'. This sets out a variety of activities to tackle congestion across the city centre.

The Traffic Control Room monitors traffic and congestion in the city and enables regular amendments to signal timings at peak times to help traffic flow.

Regular engagement with bus operators and public utility companies take place through:

- The Citywide Traffic Management Group (CWTMG)
- Traffic Management Review Panels
- Bus operators forum

In planning for events, the Events Planning Operations Group (EPOG) consider the likely impact on congestion.

QUESTION NO 2

By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 27 April 2017

Question (1) Will the Convener confirm that when Redhall House was sold by the Council in December 2007, it was a condition of sale that the house be developed for use within 2 years and 3 months of sale?

Answer (1) This is correct

Question (2) Subject to the answer in 1. above, what action has been taken to enforce that condition of sale?

Answer (2) There have been numerous reports considered by the Finance and Resources Committee as follows:

http://www.edinburgh.gov.uk/download/meetings/id/53307/item_711_Redhall_house_and_grounds_7_redhall_house_drive_edinburgh

http://www.edinburgh.gov.uk/download/meetings/id/48667/item_712_-_redhall_house_and_lawn_-_progress_report

http://www.edinburgh.gov.uk/download/meetings/id/47298/item_714_-_redhall_house_and_lawn_progress_report

http://www.edinburgh.gov.uk/download/meetings/id/45358/item_77_-_redhall_house_and_lawn_progress_report

http://www.edinburgh.gov.uk/download/meetings/id/43415/item_71_-_redhall_house_and_lawn_-_options_for_action

The Council have instigated legal action against the owner, however this has been sisted following advice from Legal Services as the owner is in the process of preparing a new planning application.

Question (3) Will the Convener detail what assessments have been made of the condition of the property, starting from December 2007 to date; and outline what those assessments have shown?

Answer (3) Planning Officers have conducted regular visits to the property to visually inspect the security and monitor the condition of the building. Meetings with representatives of the owners have also taken place on site where discussions concerning the remedial measures required to secure and make the building wind and water tight were covered.

An agreement concerning the regular monitoring of the condition of the building on a weekly basis has been agreed between the owners of Redhall House and the Council.

On a number of occasions, the visual inspections revealed issues concerning the security of the building. The remedial measures required to address these issues were primarily in connection with the windows and doors of the property and have generally been implemented by the owners without delay.

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 27 April 2017

The opening of the new Boroughmuir High School originally scheduled in August 2016, has been delayed for a sixth time, to January 2018.

At the Governance, Risk Best Value Committee on 24 October 2016 serious concerns were raised about continuing delays and an Assurance Review of the new Boroughmuir High School was requested and oversight of the project increased. However Boroughmuir High School's contractors, O'Hare & McGovern, have recently informed the Council that they are now unable to achieve the handover date of 16 June and are proposing a new date of 11 August just six days before the start of term.

Question (1) What was the reason given by the contractor for each of the delays?

Answer (1) There have been six delays in relation to when the contractor will hand over the building to the Council. Only the first two have been accepted as official delays in terms of the contract due to ground conditions and inclement weather. No accepted evidence for any of the further delays has been submitted by the contractor within the terms of the contract.

Question (2) For each of the delays, what penalty or changes to fees have been agreed with the contractor as the result of the delay?

Answer (2) The contract is not a public document and while it does contain appropriate provision for liquidated and ascertained damages, given the ongoing issues, it is not appropriate to discuss the details of the contract in a public forum.

Question (3) What are the detailed additional costs associated with keeping the school on the current site and fit for purpose until 2018, and who will bear those costs?

Answer

- (3)** The project budget has always included provision for costs related to the transfer period between the existing school and the new school building. Whilst these will vary slightly based on the length of the transition period, the project budget has adequate provision for the relatively low level of additional cost. All such costs will be tracked and options for compensation considered at the appropriate time.

QUESTION NO 4

By Councillor Heslop for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 27 April 2017

20 mph signposts

- Question** (1) How many new signposts have been erected showing the 20mph and what is the cost?
- Answer** (1) As part of the 20mph scheme, 566 existing poles have been removed as part of an effort to minimise street clutter. To date, approximately 382 new poles have been erected to house 20mph signs. This means an overall reduction of 184 poles across the city. The cost to erect each pole is in the region of £800, including excavation, traffic management, installation, etc. This equates to a cost of approximately £305,600.
- Question** (2) How many of these signposts have subsequently been removed, or removed and replaced with painted 20mph signs on the road.
- Answer** (2) Following feedback from residents, residents' associations and local elected members, 8 sign-poles were removed and replaced with 16 roundels.
- Question** (3) What is the cost?
- Answer** (3) The cost of removing the sign-poles and replacing with roundels is approximately £5,500. This is contained within the overall scheme budget.

**Supplementary
Question**

Thank you Convener. For the benefit of the millions of people across Britain and throughout the Commonwealth who are no doubt watching these proceedings, can I just ask the Transport Convener, I'm very grateful for her answer, does she not think that the cost of putting up these poles, these 20mph poles and then removing them is quite a cost. Is this further evidence of a botched job? I didn't have an intention to ask a supplementary but I would like to allow this charming retiring matinee star the opportunity to say a few words.

**Supplementary
Answer**

Thank you Dom. I did think that you would probably have a supplementary question. I also would like an opportunity to say a few words as well and to thank Dom. Unlike the current Conservative leader, Dom will, I would say, be missed in this Chamber for his humour, for his dignity and his intelligence and who will ever forget many of his phrases and the ones that will always come to me is the occasional state visit. I think we will all miss as I say your humour, your intelligence and we'll all miss you and it's unfortunate that you are going and leaving us and we'll all miss that. I certainly am sure that you will also go back on and will listen I'm sure to the recordings of Council meetings to see if there's anyone else who could take your place in terms of humour and intelligence.

So to answer your question, as you are my constituent and I've still never been invited to have my little glass of sherry with you, I remember I did offer you Havana Club from Cuba but you didn't take me up on that offer, so since we both have a little bit of time after next week I'm sure we can meet up either in my house in Drylaw if you would ever be able to come to that area or perhaps in the Stockbridge area we could obviously meet up or we could meet on mutual ground, perhaps a hostelry or some pub or whatever, or somewhere we could meet up, I'm sure that we could do that.

But I have to say Dom, I'm a little bit concerned as one of my constituents, that in Danube Street, there was a bit of graffiti and vandalism that happened in Danube Street, can you believe it, in Danube Street, there was vandalism happened and as I was going along delivering leaflets to

Jason, my special delivery by myself as a former Lord Provost, I'm sure you will appreciate that, I noticed that the sign which said 20mph had been vandalised and put "no" and I assume the "no" was "no" to a second referendum. So you and I Dom have the same views on that I'm sure – "no" to a second referendum Dom, but will you actually admit it was you that carried out this vandalism?

QUESTION NO 5

**By Councillor Rose for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 27 April 2017**

Garden Waste Collection

Question

From the beginning of March 2017 garden waste collections changed to a three weekly rota year round.

It is noted that householders are receiving the following message:

We are not able to supply the new garden waste collection information or reminder emails for Edinburgh at present. We hope this will be available soon. We are sorry for any inconvenience.

When will this be resolved?

Answer

This message is not displayed on the Council website, which is currently providing accurate, up-to-date information for householders on garden waste collection arrangements in the city.

I understand that the message referred to above was displayed on the private company website <http://www.greenboxday.co.uk/default.asp>. We provided the company with the up-to-date information on our garden waste collection schedule, with a request that they update their website message relating to Edinburgh as a matter of urgency. The company has now confirmed that this will be carried out in the next few days.