

## The City of Edinburgh Council

Edinburgh, Thursday 31 May 2018

Present:-

### LORD PROVOST

The Right Honourable Frank Ross

### COUNCILLORS

Robert C Aldridge  
Scott Arthur  
Gavin Barrie  
Chas Booth  
Claire Bridgman  
Mark A Brown  
Graeme Bruce  
Steve Burgess  
Lezley Marion Cameron  
Ian Campbell  
Jim Campbell  
Mary Campbell  
Kate Campbell  
Maureen M Child  
Nick Cook  
Gavin Corbett  
Cammy Day  
Alison Dickie  
Denis C Dixon  
Phil Duggart  
Marion Donaldson  
Karen Doran  
Scott Douglas  
Catherine Fullerton  
Neil Gardiner  
Gillian Gloyer  
George Gordon  
Ashley Graczyk  
Joan Griffiths  
Derek Howie

Graham J Hutchison  
Andrew Johnston  
David Key  
Callum Laidlaw  
Kevin Lang  
Lesley Macinnes  
Melanie Main  
John McLellan  
Amy McNeese-Mechan  
Adam McVey  
Claire Miller  
Max Mitchell  
Joanna Mowat  
Gordon J Munro  
Hal Osler  
Ian Perry  
Susan Rae  
Alasdair Rankin  
Lewis Ritchie  
Cameron Rose  
Neil Ross  
Jason Rust  
Stephanie Smith  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Louise Young

## 1 Minutes

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### Decision

To approve the minute of the Council of 3 May 2018 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. He commented on:

- Satisfaction survey results
- Suffragette walk
- White Ribbon Scotland – sexual harrassment
- City Deal - progress

The following questions/comments were made:

Councillor Whyte	- Health and Social Care figures
Councillor Burgess	- Low income families – help with rent – Local Housing Allowance
	- Edinburgh 2050 City Vision
Councillor Aldridge	- Garden Tax – additional charge for brown bin collection
Councillor Day	- Congratulations – Councillor Munro – Parliamentary Candidate Nomination
Councillor Kate Campbell	- Congratulations to Port of Leith and CCG - Homes for Scotland Awards
Councillor Johnston	- Hardie Inquiry – Tram Project – lessons learned
Councillor Miller	- Let There Be Light Campaign Group – India Buildings – Third Party Right of Appeal
Councillor Lang	- First Bus – proposed changes to services from Queensferry and Kirkliston to St John's Hospital

- Councillor Donaldson - Drum Property Group Proposed Development at Stead's Place, Leith Walk – proposed meeting
- Councillor McNeese-Mechan - Powers to rein in the powers of the short term holiday let industry
- Councillor Laidlaw - Council budgets – demonstration of best value – recent visit to China of four members of the Administration
- Councillor Munro - Police SLA – Community Policing in the City
- Councillor Arthur - Biggest impact of cuts to Local Government funding to date and biggest pressure being faced going forward
- Councillor Cameron - Gender balance in the Board Room
- Councillor Barrie - EDI – decision to wind up EDI – thanks to staff
- Councillor Doran - Dot Horne, 6VT - Year of the Young Person – how to mark this year
- Councillor Bruce - Condition of roads and pavements – inadequate budget allocation
- Councillor Young - Thanks for generosity for donations to Kira Noble fundraising  
- Recent uncertainty with playscheme service
- Councillor Webber - Subsidised bus service from Currie/Balerno/Juniper Green to St John's Hospital - update
- Councillor Douglas - Actions to alleviate poverty
- Councillor Doggart - Statistics for Social Care
- Councillor Mitchell - Edinburgh Satisfaction Survey – diesel surcharge response
- Councillor Ian Campbell - Congratulations – Scottish Women's Premier League Team Hibernian

## 4 The EDI Group Ltd – Transition Strategy

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An update was provided on the progress made to date in closing down EDI Group Ltd and its subsidiary companies and bringing its development activities and land holdings into the Council.

### Decision

- 1) To note the EDI Transition Strategy as agreed by the Housing and Economy Committee and the progress made to date in its delivery.
- 2) To agree the governance arrangements, as proposed, for the next stages of transition and instruct CEC Holdings Ltd Board to proceed on this basis.
- 3) To agree the revisions to the Shareholder Agreement in respect of CEC Holdings and EDI Group Ltd.
- 4) To agree to the pension liability being taken forward by the Council on an ongoing basis rather making a cessation payment.
- 5) To agree to the setting aside and potential use of up to £1m from the Council's City Strategic Investment Fund to cover any cash flow issues that might arise over the remainder of the transition period.
- 6) To agree to the Parc Craigmillar Ltd Loan Book being transferred to the Council.

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

### Declaration of Interests

Councillors Cameron and Whyte declared a non-financial interest in the above item as members of EDI and its subsidiary companies.

Councillor Kate Campbell declared a non-financial interest in the above item as a member of EDI.

Councillor Rose declared a non-financial interest in the above item as a member of CEC Holdings and the Pensions Committee.

## 5 Fair Fringe and Fair Hospitality Charter Guidelines

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In response to a motion by Councillor Cameron, details were provided on how the ten aims of the Fair Hospitality Charter could best be promoted and adhered to by employers hiring Council-owned Festival and Fringe venues for the purposes of running Fringe events and hosting food and Beveridge venues.

## **Motion**

To approve the Edinburgh Festival Workers Welfare Commitment.

- moved by Councillor Wilson, seconded by Councillor McNeese Mechan

## **Amendment 1**

To add to the recommendations:

1.1.2 Calls for report on the Charter's efficacy to go to Culture and Communities Committee after August 2019.

1.1.3 Change Commitment 1 paragraph 3 to read:

“The Council expects engaging organisations to align to the same commitment where possible to ensure fair pay, to no less than the Scottish Local Government Living Wage level for those aged 25+, irrespective of age (currently £8.51, per hour).”

1.1.4 Add to Commitment 6 the following two paragraphs:

"Organisations engaging workers should comply with Health and Safety Regulations, including written risk assessments where appropriate.

“Organisations should also offer contractual sickness pay.”

- moved by Councillor Staniforth, seconded by Councillor Rae

In accordance with Standing Order 20(7), Amendment 1 was accepted as an addendum to the motion.

## **Amendment 2**

To approve the Edinburgh Festival Workers Welfare Commitment.

- moved by Councillor Mitchell, seconded by Councillor Brown

## **Voting**

For the motion (as adjusted)	-	43 votes
For Amendment 2	-	18 votes

(For the motion : The Lord Provost, Councillors Aldridge, Arthur, Barrie, Booth, Bridgman, Burgess, Cameron, Ian Campbell, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Donaldson, Doran, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Howie, Key, Lang, Macinnes, McNeese-Mechan, McVey, Main, Miller,

Munro, Osler, Perry, Rae, Rankin, Ritchie, Neil Ross, Staniforth, Watt, Wilson, Work and Young.

For Amendment 2: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Graczyk, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

## **Decision**

To approve the following adjusted motion:

- 1) To approve the Edinburgh Festival Workers Welfare Commitment.
- 2) To call for report on the Charter's efficacy to go to the Culture and Communities Committee after August 2019.
- 3) To change Commitment 1 paragraph 3 to read:

"The Council expects engaging organisations to align to the same commitment where possible to ensure fair pay, to no less than the Scottish Local Government Living Wage level for those aged 25+, irrespective of age (currently £8.51, per hour)."

- 4) To add to Commitment 6 the following two paragraphs:

"Organisations engaging workers should comply with Health and Safety Regulations, including written risk assessments where appropriate.

"Organisations should also offer contractual sickness pay."

(References – Act of Council No 15 of 24 August 2017; report by the Executive Director of Place, submitted.)

## **Declaration of Interests**

Councillor Mitchell declared a financial interest in the above item as an employee of a fringe venue.

## **6 Edinburgh Transient Visitor Level**

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Details were provided on the findings from a comprehensive desk based research into an Edinburgh Transient Visitor Levy (TVL) together with further activities related to the Edinburgh (TVL).

## **Motion**

- 1) To agree that the current research paper on the Edinburgh TVL would form the basis of further engagement work involving visitors, residents, and the business community on the Edinburgh TVL.
- 2) To note plans for future engagement over the Summer as set out in paragraph 4.1 of the report by the Chief Executive.
- 3) To note that a report would come back to Council once this further engagement had taken place.

- moved by Councillor McVey, seconded by Councillor Day

## **Amendment 1**

Council:

- 1) Notes the content of the report.
- 2) Notes the remarks of The Cabinet Secretary for Culture, Tourism and External Affairs Fiona Hyslop MSP in a letter to the British Hospitality Association in December 2017;

*As you know the Scottish Government have been consistent in our stance that given the potential impact on tourism enterprises already subject to, for example, high rates of VAT we have no plans to introduce a tourism levy. I would repeat that, irrespective of the mechanism used to introduce the topic, the Scottish Ministers are not willing to consider requests to explore a possible tourism levy with local government unless the tourism and hospitality industry are involved from the outset and their long-term interests are fully recognised in any work.*

- 3) Regrets that while Health and Social Care is in crisis and our roads and our council estate are crumbling, the time of Council Officers and ultimately council tax-payers money has been spent producing a report on a levy which the Council does not have the power to introduce, and the Scottish Government does not support.
- 4) Notes the failure of the SNP led administration, over a sustained period of time to successfully lobby the Scottish Government to devolve the power to impose such a levy to local authorities or to gain meaningful support from the Edinburgh tourism sector.
- 5) Acknowledges that Edinburgh as a Capital City incurs significant additional expenses in relation to civic and international events but receives no

additional funding from the Scottish Government in recognition of this, and the fact that according to the Local Government Finance: Facts and Figure 2013-14 to 2018-19 report published by the Scottish Government on May 21st;

*In real terms, between 2013-14 and 2017-18, the local government Revenue settlement decreased at a much faster rate (-7.1% or -£744.7m) than the Scottish Government Revenue budget (including NDRI) (-1.8% or -£547.3m).*

The same report also states that Edinburgh's local government funding per head has been reduced by 8.4% in real terms over this period.

- 6) Instructs the Council Leader to lobby the Scottish Government for additional funding commensurate with Edinburgh's status as Scotland's Capital City.

- moved by Councillor Hutchison, seconded by Councillor McLellan

### **Amendment 2**

To insert at the end of the recommendations:

- 1.4 Agrees, in addition to the next steps detailed in paragraph 3.4, to further develop the research to include:
- a) how a tourist levy would apply to and impact on different types of visitor, and
  - b) how the income raised could be used to support different types of day to day services and capital investment.

- moved by Councillor Miller, seconded by Councillor Burgess

In accordance with Standing Order 20(7), Amendment 2 was accepted as an addendum to the motion.

### **Voting**

For the motion (as adjusted)	-	43 votes
For Amendment 2	-	18 votes

(For the motion : The Lord Provost, Councillors Aldridge, Arthur, Barrie, Booth, Bridgman, Burgess, Cameron, Ian Campbell, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Donaldson, Doran, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Howie, Key, Lang, Macinnes, McNeese-Mechan, McVey, Main, Miller, Munro, Osler, Perry, Rae, Rankin, Ritchie, Neil Ross, Staniforth, Watt, Wilson, Work and Young.



For the amendment: Councillors Brown, Bruce, Jim Campbell, Cook, Duggart, Douglas, Graczyk, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

## **Decision**

To approve the following adjusted motion:

- 1) To agree that the current research paper on the Edinburgh TVL would form the basis of further engagement work involving visitors, residents, and the business community on the Edinburgh TVL.
- 2) To note plans for future engagement over the Summer as set out in paragraph 4.1 of the report by the Chief Executive.
- 3) To note that a report would come back to Council once this further engagement had taken place.
- 4) To agree, in addition to the next steps detailed in paragraph 3.4 of the report, to further develop the research to include:
  - a) how a tourist levy would apply to and impact on different types of visitor, and
  - b) how the income raised could be used to support different types of day to day services and capital investment.

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

## **7 Report of Pre-Determination Hearing – 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (Land 320 Metres Southeast Of) – referral from the Development Management Sub-Committee**

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The Development Management Sub-Committee had referred a report on an application for planning permission in principle submitted by H & H Properties Plc, 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 proposal was contrary to the provisions of Policy Env 10 (Development in the Green Belt and Countryside) of the Edinburgh Local Development Plan

(LDP) as it did not meet any of the criteria a) to d) for inclusion and it would detract from the landscape quality and the rural character of the area.

- 2) The proposal was contrary to the Edinburgh Local Development Plan Policy Hou 1 (Housing Development) as it did not satisfy any of the criteria in Hou 1 Part 1 and did not satisfy Hou 1 Part 2 because it was not in keeping with the character of the local area, would undermine Green Belt objectives, had not fully demonstrated what additional infrastructure was required and that it could be provided within a relevant timeframe, and was not sustainable, to the detriment of the overall objectives of the Local Development Plan policy.
- 3) The proposal was contrary to the provisions of the Edinburgh Local Development Plan Policy Tra 8 (Provision of Transport Infrastructure) as it had not fully demonstrated the cumulative effects of the proposal and that it could be addressed within a relevant timeframe. The proposal was contrary to Edinburgh Local Development Plan Policies Des 1 and Des 4 as the development would not have a positive impact on its setting, the wider landscape and views.
- 4) The proposal was contrary to the provisions of the Edinburgh Local Development Plan Policy ENV 22 (Pollution and Air, Water and Soil Quality) as insufficient evidence had been submitted to demonstrate that there would be no significant cumulative adverse effects on local air quality and that noise from overhead pylons would not have a detrimental impact on future resident amenity.
- 5) The proposal was contrary to the provisions of the Edinburgh Local Development Plan Policy Hou10 (Community Facilities) as it had not demonstrated that facilities, including healthcare, were available.
- 6) The proposal was contrary to the provisions of Scottish Planning Policy (2014) section 80, as it would result in the non-essential and permanent loss of prime agricultural land.
- 7) The proposal was inconsistent with the spatial strategy of the Strategic Development Plan as it would introduce development to greenfield land outwith the identified Strategic Development Areas.

(References – Development Management Sub-Committee 25 April 2018 (item 3); referral report from the Development Management Sub-Committee, submitted.)

## **8 Outcome of the Statutory Consultation Process on the Proposal to Build a New Non-Denominational Secondary School to Replace Castlebrae High School and Implement Minor Catchment Change to Formalise and Align Catchment Boundaries**

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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 in order that it be considered within the required timescales.

Details were provided on the statutory consultation which had been undertaken on the proposal to provide a new secondary school to replace Castlebrae High School on the site identified in Craigmillar Town Centre and a minor catchment review to formalise and align catchment boundaries as a result of new build housing in the area.

### **Decision.**

- 1) To agree that the proposal to relocate Castlebrae High School to a new building in Craigmillar town centre be progressed.
- 2) To agree that the minor changes to formalise and align catchment boundaries outlined in the statutory consultation paper be implemented in the November prior to the new building opening.

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

## **9 Recycling Facilities in Council Buildings – Motion by Councillor Burgess**

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

“Council;

Believes that high-quality recycling facilities should be provided at all Council buildings, including our schools, to allow staff, the public and pupils to be able to prevent recyclable material being dumped in landfill or incinerated;

Understands for example that not all Council buildings including schools have adequate recycling facilities for different kinds of recyclable waste such as packaging, paper, glass and food waste;

Therefore calls for a report to the Transport and Environment Committee in two cycles on improving recycling facilities in schools and other council buildings.”

## Decision

To approve the motion by Councillor Burgess.

## 10 Scotland's Charter for a Tobacco-free Generation – Motion by Councillor Main

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

“Council notes

1. Smoking is the biggest avoidable cause of death in Scotland and results in the disability and impoverishment of thousands of people in Edinburgh every year. Childhood exposure to second-hand smoke causes ill-health, reduces educational attainment, and smoking imagery can lead children to become smokers themselves.
2. The Scottish Government's target of a Tobacco-free Scotland by 2034 (5% prevalence or less).
3. Notes the action already being undertaken by the Council with partners, and that Council Trading Standards Officers have shared an award from ASH Scotland for their work with NHS Lothian Health Promotion Service and other organisations in the #Notafavour Campaign to reduce the supply of tobacco to under 18's by adults.
4. Notes that four Edinburgh Schools, Currie Community High, Firhill High, Castlebrae High and Royal High have signed up to the charter.

Council endorses the Principles of Scotland's Charter for a Tobacco-free Generation:

1. every baby should be born free from the harmful effects of tobacco;
2. children have a particular need for a smoke-free environment;
3. all children should play, learn and socialise in places that are free from tobacco;
4. every child has the right to effective education that equips them to make informed positive choices on tobacco and health;
5. all young people should be protected from commercial interests which profit from recruiting new smokers;
6. any young person who smokes should be offered accessible support to help them to become tobacco-free.

Therefore

1. Council calls for a report in two cycles to the Corporate Policy and Strategy Committee reviewing Council strategy, policy and practice to ensure that the Council is helping protect children from tobacco, reducing the harm caused by tobacco in our communities and encouraging others to do the same. The report will include action undertaken to date, such as a smoking ban on all Council property including parks and membership of Lothian Tobacco Prevention Working group, and options for further action.
2. Agrees to sign up to the Charter for a Tobacco-free Generation.”

### **Motion**

To approve the motion by Councillor Main

- moved by Councillor Main, seconded by Councillor Mary Campbell

### **Amendment**

To approve the motion by Councillor Main and agree that the report to the Corporate Policy and Strategy Committee also be referred to the Edinburgh Partnership for their consideration.

- moved by Councillor McVey, seconded by Councillor Day

In accordance with Standing Order 20(7), the amendment was accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Main:

Council notes

1. Smoking is the biggest avoidable cause of death in Scotland and results in the disability and impoverishment of thousands of people in Edinburgh every year. Childhood exposure to second-hand smoke causes ill-health, reduces educational attainment, and smoking imagery can lead children to become smokers themselves.
2. The Scottish Government's target of a Tobacco-free Scotland by 2034 (5% prevalence or less),
3. Notes the action already being undertaken by the Council with partners, and that Council Trading Standards Officers have shared an award from ASH Scotland for their work with NHS Lothian Health Promotion Service and other

organisations in the #Notafavour Campaign to reduce the supply of tobacco to under 18's by adult.

4. Notes that four Edinburgh Schools, Currie Community High, Firhill High, Castlebrae High and Royal High have signed up to the charter

Council endorses the Principles of Scotland's Charter for a Tobacco-free Generation:

1. every baby should be born free from the harmful effects of tobacco;
2. children have a particular need for a smoke-free environment;
3. all children should play, learn and socialise in places that are free from tobacco;
4. every child has the right to effective education that equips them to make informed positive choices on tobacco and health;
5. all young people should be protected from commercial interests which profit from recruiting new smokers;
6. any young person who smokes should be offered accessible support to help them to become tobacco-free.

Therefore

1. Council calls for a report in two cycles to the Corporate Policy and Strategy Committee reviewing Council strategy, policy and practice to ensure that the Council is helping protect children from tobacco, reducing the harm caused by tobacco in our communities and encouraging others to do the same. The report will include action undertaken to date, such as a smoking ban on all Council property including parks and membership of Lothian Tobacco Prevention Working group, and options for further action.
2. Agrees to sign up to the Charter for a Tobacco-free Generation.
3. Agrees that the report to the Corporate Policy and Strategy Committee also be referred to the Edinburgh Partnership for their consideration.

## 11 Edinburgh Does Not Welcome Donald Trump – Motion by Councillor Staniforth

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

“Council:

1. Notes that Donald Trump is likely to visit the UK this summer and this visit may include Scotland.
2. Notes Trump’s record on race relations is dire; his so-called ‘Muslim ban’ caused distress and chaos to US Muslim families and his stated aim to build a wall between the US and Mexico is regressive and undesirable.
3. Notes that Trump’s record on gender is equally bad; both his campaign and his short tenure have been littered with misogynistic commentary and his ill-conceived attempt to ban transgender people serving in the armed forces was deeply transphobic.
4. Notes that points 3 and 4 are just two in a long list of reasons why Donald Trump is unfit for public office.
5. Affirms that Edinburgh is a welcoming and international city, which opens its arms to all ethnicities and religions; all sexualities and genders.
6. Therefore, as representatives of Scotland’s capital, does not welcome President Trump to Scotland and will not engage in any civic welcome extended to him.”

### **Motion**

To approve the following adjusted motion by Councillor Staniforth:

Council:

1. Notes that Donald Trump is likely to visit the UK this summer and this visit may include Scotland.
2. Notes Trump’s record on race relations is dire; his so-called ‘Muslim ban’ caused distress and chaos to US Muslim families and his stated aim to build a wall between the US and Mexico is regressive and undesirable.
3. Notes that Trump’s record on gender is equally bad; both his campaign and his short tenure have been littered with misogynistic commentary and his ill-

conceived attempt to ban transgender people serving in the armed forces was deeply transphobic.

4. Notes that points 2 and 3 are just two in a long list of reasons why Donald Trump is unfit for public office.
5. Affirms that Edinburgh is a welcoming and international city, which opens its arms to all ethnicities and religions; all sexualities and genders.
6. Therefore Edinburgh Council does not welcome President Trump to Scotland and will not engage in any civic welcome extended to him.

- moved by Councillor Staniforth, seconded by Councillor Rae

### **Amendment 1**

Council:

- 1) Notes that Donald Trump is likely to visit the UK this summer and this visit may include Scotland.
- 2) Notes Donald Trump's record on race relations is dire; his so-called 'Muslim ban' caused distress and chaos to US Muslim families and his stated aim to build a wall between the US and Mexico is regressive and unacceptable.
- 3) Notes that Donald Trump's record on gender is equally bad; both his campaign and his short tenure have been littered with misogynistic commentary and his ill-conceived attempt to ban transgender people serving in the armed forces was deeply transphobic.
- 4) Condemns Donald Trump's actions detailed in points 2 and 3.
- 5) Affirms that Edinburgh is a welcoming and international city, which opens its arms to all ethnicities and religions; all sexualities and genders.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 2**

To take no action on the matter.

- moved by Councillor Doggart, seconded by Councillor Smith

### **Voting**

For the Motion	-	8 votes
Amendment 1	-	35 votes
Amendment 2	-	18 votes



(For the motion: Councillors Booth, Burgess, Mary Campbell, Corbett, Main, Miller, Rae and Staniforth.

For Amendment 1: The Lord Provost, Councillors Aldridge, Arthur, Barrie, Bridgman, Cameron, Ian Campbell, Kate Campbell, Child, Day, Dickie, Dixon, Donaldson, Doran, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Howie, Key, Lang, Macinnes, McNeese-Mechan, McVey, Munro, Osler, Perry, Rankin, Ritchie, Neil Ross, Watt, Wilson, Work and Young.

For Amendment 2: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Graczyk, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

## Decision

To approve Amendment 1 by Councillor McVey.

## 12 Locality Committee Funding Oversight Locus – Motion by Councillor Jim Campbell

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

“Council:

- 1) Notes the significant amounts of grant expenditure in Localities detailed in answer to Question 23 at Council on 24 August 2017, and contrasts this with the amounts in the Neighbourhood Environment Programme / Community Grants Fund Report to Locality Committees in the last cycle.

	Council 24 August, Grant Expenditure 2016/17	Community Grant Fund, 2017/18	HRA & Roads NEP Budget 2018/19
	£M	£M	£M
North West	1.956	0.114	0.734
North East	1.150	0.089	0.666
South West	0.927	0.094	0.672
South East	0.656	0.109	0.528

- 2) Welcomes the comments of the Convener of the Culture and Communities Committee in Council on 24 August 2017 in response to being asked what

proportion of the total budget he would like to see spent through the Localities Committees, when he replied.

*“Well that’s an interesting question. I wouldn’t like to guess a percentage at this moment in time. But it’s certainly worth thinking about and, as we go into consultation, as we’re in consultation, over the summer about the structure of the Localities and how it’s going to look on the ground, that is certainly something we should consider. But we have to consider it across all four Localities.”*

- 3) Therefore instructs officers to prepare a report with proposals for involving each Locality Committee in the distribution of Council funds in their Locality in two cycles to go to each Locality Committee for comment and then to be referred to the Culture and Communities Committee for its consideration.”

### **Decision**

To note that the motion had been withdrawn.

## **13 Local Engagement with Portfolio Planning – Motion by Councillor Webber**

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

“Council:

Notes Council owned buildings and assets often change their use. There is a specific case in Currie whereby a building that was used by The Health and Social Care Partnership has been vacated and it is currently undergoing an assessment with plans to repurpose it for other uses.

This feasibility study is taking place without any assessment or consultation with the local community where much needed space is limited and very much needed for projects such as Dementia Hub and a venue for a local nursery group.

- 1) Calls for a report to identify how many assets have been “repurposed” in this manner, by ward over the last 12 months and details the specified change in use.
- 2) Calls for a report with a view to ensuring portfolio planning no longer make decisions in isolation on a property by property basis but take a more strategic approach, engage with local communities, and identify the best and most appropriate use for the assets.”

## **Motion**

To approve the motion by Councillor Webber

- moved by Councillor Webber, seconded by Councillor Brown

## **Amendment**

Council:

- 1) Notes the motion from Councillor Webber.
- 2) Notes that the Council already takes a strategic approach to property assets via the Finance and Resources Committee receiving regular updates on the Asset Management Strategy (AMS) supplemented by reports on individual assets that considers and identifies the best and most appropriate use for those assets.
- 3) Agrees that within two cycles the AMS report to the Finance and Resources Committee will review the process for assessing potential property use when property falls vacant, when a lease is terminated or when property is declared surplus to requirements. The process should look at committee decisions or delegated decisions and consider what criteria are used in coming to a decision or recommendation, for example: local or city need and demand for services: community views and engagement; investment needs; and best value.

- moved by Councillor Rankin, seconded by Councillor Donaldson

In accordance with Standing Order 20(7), the amendment was accepted as an addendum to the motion.

## **Decision**

To approve the following adjusted motion by Councillor Webber:

Council:

Notes Council owned buildings and assets often change their use. There is a specific case in Currie whereby a building that was used by The Health and Social Care Partnership has been vacated and it is currently undergoing an assessment with plans to repurpose it for other uses.

This feasibility study is taking place without any assessment or consultation with the local community where much needed space is limited and very much needed for projects such as Dementia Hub and a venue for a local nursery group.

- 1) Calls for a report to identify how many assets have been “repurposed” in this manner, by ward over the last 12 months and details the specified change in use.
- 2) Calls for a report with a view to ensuring portfolio planning no longer make decisions in isolation on a property by property basis but take a more strategic approach, engage with local communities, and identify the best and most appropriate use for the assets.
- 3) Notes that the Council already takes a strategic approach to property assets via the Finance and Resources Committee receiving regular updates on the Asset Management Strategy (AMS) supplemented by reports on individual assets that considers and identifies the best and most appropriate use for those assets.
- 4) Agrees that within two cycles the AMS report to the Finance and Resources Committee will review the process for assessing potential property use when property falls vacant, when a lease is terminated or when property is declared surplus to requirements. The process should look at committee decisions or delegated decisions and consider what criteria are used in coming to a decision or recommendation, for example: local or city need and demand for services: community views and engagement; investment needs; and best value.

## **14 Deaf Awareness Week – Motion by Councillor Graczyk**

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

“Council:

1. Notes, the annual observance of Deaf Awareness Week for 2018 was between 14<sup>th</sup> to 20<sup>th</sup> May.
2. Recognises, the purpose of Deaf Awareness Week is to increase public awareness of deaf issues, people, and culture. It also raises awareness of the importance of meaningful connections and effective communication for people who suffer from hearing loss and deafness.
3. Celebrates, a unique campaign of so many various organisations collaborating and working together to promote their own version of work to raise awareness and challenge perceptions of hearing loss and deafness across the UK.
4. Thanks the UK Council on Deafness and others for co-ordinating a series of activities and events across the UK throughout Deaf Awareness Week to

encourage people to come together as a community for both educational events and celebrations.”

### **Decision**

To approve the motion by Councillor Graczyk.

## **15 Private Business – Motion by Councillor Lang**

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

“Council

1. Notes the provisions contained within Section 50(A) of the Local Government (Scotland) Act 1973 which allow for certain matters of Council business to be considered and decided upon in private.
2. Notes the requirements within the Councillors’ Code of Conduct to respect and comply with the requirement to keep such information private.
3. Recognises the need for confidential matters to be handled in a consistent manner by elected members but notes there are currently no formal provisions for when the confidentiality around specific matters is lifted and matters can be shared and discussed publicly.
4. Requests that council officers use the planned report on political management arrangements at the 28 June Council meeting to include proposals to either amend standing orders or issue formal guidance to address this issue.”

### **Decision**

To approve the motion by Councillor Lang.

## **16 The Marriage of the Earl and Countess of Dumbarton – Motion by Councillor Bruce**

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

“Council:

- 1) Congratulates their Royal Highnesses the Earl and Countess of Dumbarton on their recent marriage and wishes them every success for their future life together.

- 2) Asks the Lord Provost to write to their Royal Highnesses on behalf of the Council and the citizens of Edinburgh to offer our congratulations and best wishes.”

### **Decision**

To approve the motion by Councillor Bruce.

### **17 Number of reports presented to Council and all Council Committees Since Inception of the Current Council – Motion by Councillor Doggart**

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

“Council:

Instructs the Chief Executive to report to Governance, Risk and Best Value Committee within one cycle on the number of reports presented to Council and all Council committees since the inception of the current Council. The report should contain:

- a) Number of reports due for committee
- b) Number of reports presented to committee/Council on time
- c) Number of reports presented late, or not at all, to committee/Council
- d) The reasons for the late presenting of reports
- e) Steps the Chief Executive will take to ensure no further report deadlines are missed during the current Council: and

Any other information the Chief Executive believes will inform Council.”

### **Motion**

To approve the motion by Councillor Doggart.

- moved by Councillor Doggart, seconded by Councillor Jim Campbell

### **Amendment 1**

To refer the motion to the Governance, Risk and Best Value Committee for their consideration.

- moved by Councillor McVey, seconded by Councillor Day

## **Amendment 2**

In the first paragraph of the motion, to delete “within one cycle” and insert “by the 28 August 2018 Committee meeting.

- moved by Councillor Lang, seconded by Councillor Aldridge

In accordance with Standing Order 20(7), Amendment 2 was accepted as an addendum to the motion.

## **Voting**

For the motion (as adjusted) - 25 votes  
For Amendment 1 - 36 votes

(For the motion (as adjusted: Councillors Aldridge, Brown, Bruce, Jim Campbell, Cook, Duggart, Douglas, Gloyer, Graczyk, Hutchison, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Ritchie, Rose, Neil ross, Rust, Smith, Webber, Whyte and Young.

For Amendment 1: The Lord Provost, Councillors Arthur, Barrie, Booth, Bridgman, Burgess, Cameron, Ian Campbell, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Donaldson, Doran, Fullerton, Gardiner, Gordon, Griffiths, Howie, Key, Macinnes, McNeese-Mechan, McVey, Main, Miller, Munro, Perry, Rae, Rankin, Staniforth, Watt, Wilson and Work.)

## **Decision**

To approve Amendment 1 by Councillor McVey.

## **18 African Heads of Mission – Motion by Councillor Cameron**

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

“Council is delighted to learn that the African Heads of Mission based in the UK will be meeting together in Edinburgh in September 2018. This is first time that such a meeting has been held in Scotland. In addition to the Ambassadors and High Commissioners attending, they will be accompanied by cultural attachés and education attachés.

Their programme comprises high level presentations and discussions across a wide range of economic and social interests including Fintech, Education, Culture, Energy and Social Enterprise.

Council welcomes this meeting and the opportunities it presents for Edinburgh and Scotland and requests that the Lord Provost marks this occasion in an appropriate manner.”

### **Decision**

To approve the motion by Councillor Cameron.

## **19 The Rock Trust - 25 Years of Sleep Outs – Motion by Councillor Kate Campbell**

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

“Council notes that The Rock Trust, an Edinburgh based charity working with young people aged 16-25 who are homeless or at risk of homelessness, will be having their 25<sup>th</sup> Sleep Out this year. Over the last 25 years the Trust have helped more than 15,000 young people in the city by providing them with accommodation and support.

The Rock Trust marked their 25<sup>th</sup> Year by creating a Scottish coalition to end youth homelessness, bringing together organisations from housing, youth, LGBTI, health, justice and care to work across the country supporting local responses and early interventions to end youth homelessness.

In recognition of the 25 years of Sleep Outs they are putting together an exhibition of stories and photographs from the many years of the event.

Council invites the Lord Provost to recognise these achievements, and this significant anniversary, and marks this occasion in an appropriate manner.”

### **Decision**

To approve the motion by Councillor Kate Campbell.

### **Declaration of Interest**

Councillor Staniforth declared a non-financial interest in the above item as a volunteer host with the Rock Trust.



## **20 European Hockey Success for the Capital's Top Clubs – Motion by Councillor Webber**

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

“Council:

- 1) Congratulates and recognises the significant achievements of both Edinburgh University Women’s Hockey Club and Grange Men’s Hockey club who both won their respective European Tournaments on Monday 21<sup>st</sup> May 2018.
- 2) Notes there were huge victories for Grange Men and Edinburgh University WHC on the final day of European club hockey tournaments in Vienna and Edinburgh respectively.
  - a) Grange who travelled to Vienna to play in the EuroHockey Club Trophy of 2018 won in the final by claiming a 5-2 victory over HC Vinnitsa (Ukraine)
  - b) Edinburgh University won the all-Scottish final with a 1-0 victory over Clydesdale Western from Glasgow in the European Women’s Club Challenge at Peffermill.
- 3) Recognises this is an incredible result for the capital city’s hockey clubs and further strengthens hockey as the 2<sup>nd</sup> fastest growing team sport in Scotland.”

### **Decision**

To approve the motion by Councillor Webber.

### **Declaration of Interest**

Councillor Webber declared a non-financial interest in the above item as President of East District Hockey.

## **21 Edinburgh's Coastline - Protecting and Enhancing our “Blue Belt” – Motion by Councillor Mary Campbell**

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

“Council:

- 1) believes that as a capital city we benefit from both our historic city centre, and also our beautiful coastline. Our coastline has many highlights, from the sandy

beach of Portobello, to the sea life-rich rocks in the Forth, and the stunning views from the promenade at Cramond;

- 2) notes that, as a Council we invest a lot of time and effort into our city centre, for the benefit of both residents and visitors. Council believes that a similar level of effort should also be applied to our coastline, to ensure that we are preserving and enhancing the wide variety of historic and environmental features that make our coastline so special, and to enhance residents' access to our coastline by creating a continuous active travel promenade from Joppa to South Queensferry;
- 3) notes that the Council has undertaken some work to pursue this agenda, both separately and in co-operation with partners, including production of the Edinburgh Promenade Design Code and SESTRAN studies on cross-boundary cycle development; that some off-road cycle/footpath links have been identified in the LDP but notes that that progress to deliver on this work has been a little sporadic;
- 4) further notes that some Council partners including the Scottish Wildlife Trust and Royal Botanic Gardens have projects to enhance & preserve the natural heritage and biodiversity of our coastline;
- 5) therefore agrees to receive a scoping report, which covers work to date, work currently in train, and the scope of work which needs to be undertaken in the future. This should report within two cycles to be brought to the Transport and Environment Committee, and should include options for political governance of the work.
- 6) notes that residents and businesses have already been working hard to protect and enhance the coastline, and any strategy should include a clear mechanism for engaging with all key stakeholders.”

## **Decision**

To approve the motion by Councillor Mary Campbell.

## **22 Meadowbank Stadium – Motion by Councillor Osler**

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

“Council instructs the appropriate Directors to report in one cycle to the Culture and Communities Committee on agreements made to date on the strategic vision for the replacement Meadowbank Stadium, including details of when decisions were taken and all meetings at which they were scrutinised publicly.”

## **Decision**

To approve the motion by Councillor Osler.

## **Declaration of Interests**

Councillors Bruce, Dixon, Osler, Staniforth and Wilson declared a non-financial interest in the above item as Directors of Edinburgh Leisure.

## **23 Sir William Y Darling Bequest for Good Citizenship**

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

Details were given of nominations for the Sir William Y Darling Award for Good Citizenship for the municipal year 2017/2018.

## **Decision**

To make the Sir William Y Darling Award for Good Citizenship for the municipal year 2017/2018 to Marion Rhona Brown.

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

## Appendix 1

(As referred to in Act of Council No 2 of 31 May 2018)

### QUESTION NO 1

**By Councillor Mary Campbell for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 31 May 2018**

**Question** (1) For each of the schools built or substantially refurbished under i) PPP1 contracts and ii) PPP2 contracts, please list the dates at which the contracts come to a scheduled end?

**Answer** (1) i) PPP1 contract terminates on 31 August 2033.  
ii) PPP2 contract terminates on 11 August 2038.

**Question** (2) What steps are planned and in what timescale to ensure that buildings are handed over in good condition, without need for catch-up repairs or life-cycle works?

**Answer** (2) The PPP1 contract stipulates that the school is expected to have at least five years serviceable life at the point of handover. The two parties will conduct a joint inspection which will determine a schedule of dilapidations and renewal works required. The Council have a right of objection to the final proposed works. Before handover there is a joint inspection of the premises to ensure these works have been undertaken to the Council's satisfaction. The PPP2 contract stipulates that the elements of the buildings are maintained in line with their design life, and similar inspections rights apply as handover approaches.

**Supplementary  
Question**

Thank you Lord Provost. My question was about timescales for private finance schools returning to the Council and their condition at the point of handover. In the answer to my second question we were told at the point of handover the PPP1 schools are expected to have five years serviceable life. Given the issues the Council have had with the condition of PPP1 schools, how confident does the Convener feel about ESP holding up their side of the contract?

**Supplementary  
Answer**

Very confident, it's a legal document so if they don't comply with a legal document we'll take them to court.

**QUESTION NO 2**

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 31 May 2018**

**Question** (1) Which councillors have passes for i) the APCOA parking at Waverley Court? ii) any other parking in the vicinity of the City Chambers?

**Answer** (1) i)

Via APCOA Waverley Court Car Parking	
Councillors	
Claire Bridgman	SNP
Norman Work	SNP
Gavin Barrie	Ind
Joan Griffiths	Lab
Jason Rust	Con
Robert Aldridge	Lib
Cammy Day	Lab
Ian Perry	Lab
Waverley Court CEC Garage Car Parking	
Councillor	
Lezley Cameron	Lab

ii)

George IV Bridge (Central Library)	
Councillors	
Ricky Henderson	Lab
Iain Whyte	Con

**Question** (2) Are those passes provided free?

**Answer** (2) Yes

**Question** (3) Of those councillors listed in 1) which of them also receive a free bus pass?

**Answer** (3)

Jason Rust	Con
Lezley Cameron	Lab
Iain Whyte	Con
Ricky Henderson	Lab

**Question** (4) Of those councillors listed in a) how many have declared their parking pass as a benefit and so declared on the register of payments in the same way as a bus pass?

**Answer** (4) None.

**Question** (5) What criteria have been used to determine which councillors have access to parking permits?

**Answer** (5) Historically parking has been assigned on a first come request, depending on availability.

**Supplementary question** I thank the Convener for his answer. For the benefit of webcast I asked the Convener about Councillors who receive a free car parking pass in the city centre. Convener, in light of the fact that 11 Councillors have a free car parking pass at a time when for congestion and air pollution reasons the Council is rightly seeking to reduce traffic pressure on City Centre and that there appear to be no criteria to determine which Councillors get a free parking pass, what does the Convener plan to do to review the policy?

**Supplementary Answer** I thank Councillor Corbett for his question. I do agree this is an area that needs a little more scrutiny and I think a review wouldn't be out of place so we can be quite clear about how these passes are allocated. I would say though if you allow me, Lord Provost, I'd like to add that some of the Councillors listed here do have citywide responsibilities and I think in the case of some women Councillors, there may be some individual cases with concerns about personal safety which might explain why they want to have the ability to travel by car.

**QUESTION NO 3**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Culture and Communities Committee  
at a meeting of the Council on 31  
May 2018**

**Question**           **(1)** Please provide the number of local police officers per 10,000 of the population for each Council area accepting the best fit to the Divisions of Police Scotland for the years 2013 to 2017, as set out in Motion 9.6 agreed by March Council, now that the 2017 mid-year population data has been published?

**Answer**           **(1)** Police Scotland does not record information by local authority areas. The numbers are based on Command areas that cover more than one local authority area. We are unable to compare council areas as Edinburgh is the only local command area that has one local authority within its boundaries.

**Question**           **(2)** Confirm that in 2017 the number of local police officers serving the City of Edinburgh, on a population basis, has fallen again, for the fourth year in a row, to a new low of 22.5 per 10,000 citizens.

**Answer**           **(2)** This information is not held by the Council and percentage figures per 10,000 population are not recorded by Police Scotland.

**Question**           **(3)** Update Council on what measure of additional local police numbers, relative to population size, he will demand are included as part of the service level agreement with the Police Scotland in return for the Council making good its £2.6M contribution towards local policing in 2018, at a time when other local authorities have ceased to make any payments for a basic service that should be deployed on the basis of need?

**Answer**           **(3)** The Partnership Agreement between the Council and Police Scotland for 2018/19 is still to be finalised and it is planned to report the Culture and Communities on 19 June 2018.



**Supplementary  
Question**

Thank you Lord Provost, I thank the Convener for his answer. The Convener will be aware that previously in March, Council passed a motion asking for these figures to be produced. He'll also be aware that members of his own party have described this as an extortion racket similar to the one that Al Capone put in place in America. I wonder if the Convener would consider using Council resources to pull together the data, I accept Police Scotland do not want this data put together, but Police Scotland publish data on their officer numbers and the Scottish Government publish data on population figures for local authority areas and it's not beyond the wit of a Council officer to get the best fit between those two data sets so that the Convener can do due diligence to ensure that we get the best possible deal in terms of additionality for the £2.6m that is spent on local policing in Edinburgh.

**Supplementary  
Answer**

I would thank Councillor Campbell for the question but I think it's unfair to say that the police don't want to give us the statistics. The police don't record those statistics but haven't said that. As we've already discussed there's nothing to stop us trying to put forward a best fit with statistics and it is helpful that E Division falls largely within Edinburgh so that bit's easy. It's the comparison with other authorities which fall over several divisions that makes it difficult to do an accurate comparison of figures but also of course we have to make it very clear that if we're talking about the additionality of the figures then we have to distinguish between the community police that we pay for and those numbers are not reducing and we've already agreed that and the overall policing levels and figures for the city but I'm quite happy to have a go at the best fit and come forward with these statistics.

**QUESTION NO 4**

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 31 May 2018**

**Question**

Given the reports that the assessing of road defects has changed from a simple measurement of depth, could she detail the process of how Grade 1, 2 and 3 road defects are assessed?

**Answer**

The assessment of roads defects within City of Edinburgh Council has not changed and roads inspectors continue to use the “Operational Guide – Road Safety & Defect Categorisation Procedure” which is based upon the recommendation of the Code of Practice ‘well maintained highway infrastructure’.

The assessment of Category 1, 2, 3 & 4 defects is made on an assessment of both the Impact (for which depth measurement is a factor) and Probability of the defect causing harm. The rating from this assessment dictates the category of the defect and the associated target for repair times.

**Supplementary Question**

Thank you Lord Provost, I thank the Convener for her response although I have to say that I’m slightly perplexed by this response given that we had briefings which said that how the assessment of road defects had been carried out had been changed, but I now see that we are still working to the same standards according to the answer so perhaps the Convener could clarify if this is a case of we're putting less impact, less emphasis on the physical nature of the defects and more on the probability of the defect causing harm to reduce the number of defects in the class 1 category and putting more into class 3 giving ourselves longer to fix them, is this the case?

**Supplementary  
Answer**

Thank you for your supplementary question Councillor Mowat. As you'll know if you've read the Road Services Improvement Plan which came to TEC only a couple of months ago, there is quite a considerable amount of work that relates to the whole question of categorisation of defects and our response to those defects. There's a considerable amount of work that's gone into retraining inspectors so that they can actually understand exactly how we need to categorise those defects. There's also been a change in terms of how we respond to that, so for example the way in which we categorise the defects allows us to respond in a particular way and as you also know, we've looked at different methods of filling both temporary and permanent repairs and there's a considerable amount of work there. Given the fact that it's a relatively recent set of changes I would wish to see some time for them to settle in before further comment, thank you.

**QUESTION NO 5**

**By Councillor Johnston for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 31 May 2018**

**Question**

Will the administration commit to providing extra resources to the building warrants team to enable them to tackle the backlog of existing applications and process new applications within agreed timescales?

**Answer**

An improvement team has been commissioned and are in the process of reviewing the Service Improvement Plan to enable the service to meet the required performance standard. A review of resource levels, including benchmarking against other authorities will be included in the fully costed plan the administration takes forward.

**Supplementary  
Question**

I'd like to thank the Convener for his answer. My dealings with the building warrants team have been very positive and I think the staff do a very good job in sometimes very difficult circumstances, however, I do feel that perhaps there aren't enough of them. I had a constituent case recently where a significant employer was seriously contemplating taking his business elsewhere due to the delays in receiving a warrant, so I wonder if he shares my concerns and does he agree that we perhaps need more resources in that department?

**Supplementary  
Answer**

I thank Councillor Johnston for his question. As he may well know, Council has appointed an improvement team look at these matters and there are some vacancies in the relevant area and we are recruiting to fill those at the moment which I think will improve the situation. It's also a matter of resources of course, but it's also to some extent the matter of processes and the processes do need to be refined and slimmed down and that will be part of what the improvement team looks at.

**QUESTION NO 6**

**By Councillor Rose for answer by the  
Leader of the Council at a meeting of  
the Council on 31 May 2018**

In April 2014 a parent of a child requested assessment by the City of Edinburgh Council (CEC) for a co-ordinated support plan (CSP) in terms of Section 2 of the Education (Additional Support for Learning) (Scotland) Act 2004. Subsequent proceedings were raised in respect of a failure to provide a CSP, and the tribunal issued a direction to Edinburgh Council to produce a CSP no later than 6<sup>th</sup> January 2016. On that date the Council issued a finalised CSP. A second tribunal hearing found the CSP inadequate and that CEC had discriminated against the child in terms of Section 85(2)(a) of the Equality Act 2010.

**Question** (1) After failing to provide a CSP as requested, why was the CSP instructed by the tribunal produced at the last possible minute and how was it that an inadequate CSP was produced?

**Answer** (1) The Council accepts the judgement that the CSP put in place was inadequate and has learned lessons in the service area to ensure future instances take account of this judgement. The CSP was produced just before the deadline because the Education Authority and the appellant to the Tribunal could not come to agreement over the contents of the draft CSP despite many months of intense discussion. Therefore the Education Authority had to open the CSP by the deadline given by the Tribunal in a form that would likely be objected to by the Tribunal appellant.

The Education Authority remains of the view that the inadequacy of the CSP arose from the highly unusual circumstances of the case.

**Question** (2) When it did eventually produce a CSP what caused CEC to produce an inadequate CSP?

**Answer** (2) Please see above

**Question** (3) Why was the legal advice given on behalf of the Council found to be unsuccessful on three occasions?

**Answer** (3) The first two occasions refer to decisions of the Tribunal. The Education Authority was represented by an Education Authority officer using their professional judgement and expertise and not a lawyer, either internal or external. The Education Authority officer did not require assistance from a lawyer for these two occasions.

The third occasion refers to the Court of Session appeal. The Education Authority took legal advice from an internal lawyer and then from Counsel with rights of audience before the Court of Session. The legal advice was to the effect that the Council's case had a reasonable prospect of success. Legal advice in relation to litigation is professional opinion. An adverse judgment does not necessarily mean that the legal advice was not sound at the time it was given.

**Question** (4) How much has it cost to defend the Council's position unsuccessfully on these three occasions? Please include internal and external costs.

**Answer** (4) The first two occasions refer to decisions of the Tribunal. No legal costs were incurred as the Education Authority was represented by an Education Authority officer and not a lawyer, either internal or external.

The third decision refers to the decision of the Court of Session to uphold the decision of the Tribunal. The cost to the Education Authority is:

- £946 for internal legal work.
- £7,350 for external legal work.
- Expected maximum of £12,000 for legal expenses of the appellant – the final bill is pending.

**Question** (5) How is it proposed to review the apparent failing within the Education Department?

**Answer** (5) The Education Authority will review its decision making on the circumstances under which we may refuse to put in place a CSP.

**Question** (6) How is it proposed to review the quality of the legal advice followed by CEC?

**Answer** (6) The principal legal advice that the Council had a reasonable prospect of successful appeal was provided to the Council by experienced Counsel. The finding of the court does not mean that the advice was of poor quality. Legal advice is always considered in context at the relevant time given the individual circumstances of a specific case.

**Question** (7) Is there a strategy document which guides the circumstances when CEC defends claims made against it? If so, how does it weigh principled considerations? If not, what principles does CEC follow?

**Answer** (7) Decisions are made on a case by case basis having regard to:

- i. the facts of the case;
- ii. the law; and
- iii. proportionality in terms of –
  - a. Inconvenience or worse to the actual or potential appellant who is usually the parent of a disabled child. The parent in this case was legally aided for her financial costs and the government provides a free of charge legal service for parents appealing to the Tribunal referred to in these questions.
  - b. The consequences for the child of the Education Authority not contesting a decision of a parent which the Education Authority disagrees with.
  - c. The financial cost to the Education Authority of legal action.

It should also be noted that:

1. The law has changed recently so that appeals from the Tribunal are no longer made to the Court of Session. Instead they are now made to a second, upper tier of the Tribunal. The case in question was the last appeal from the Tribunal to the Court of Session.

2. By far the greatest part of the expense of appeals to the Court of Session arose from the legal requirement to employ Advocates who have rights of audience before the Court of Session. Advocates are very senior members of the legal profession and this is reflected in the significant cost of employing them.
3. It is not a legal requirement to employ Advocates for appeals to the second tier of the Tribunal and the education authority anticipates that it will usually be represented by an Education Authority officer at appeals to the second tier of the Tribunal, largely eliminating the expense in the future of employing Advocates that has arisen previously for appeals to the Court of Session.
4. At a forum organised by the Tribunal for forum users in May 2017, the President of the Tribunal gave an address in which she stated, in terms, her intention that the change referred to above would make the appeal process cheaper and quicker.

**Supplementary Question**

Thank you Lord Provost, I thank the Leader for his detailed response to my many questions about this concerning case. In answer 1 it says that the coordinated support plan was produced just before the deadline because the Education Authority and the appellant to the tribunal could not come to agreement over the contents of the draft coordinated support plan despite many months of intense discussion. Given that the Council lost three judicial cases on this, does the Leader accept that that begins to sound like an attempt to put some of the blame on the appellant?

**Supplementary Answer**

Thank you very much. No I wouldn't accept that it's obviously a very important point and I don't want to get too much into the specifics of this and what was an incredibly complicated case but obviously it is in the best interests of the family, the individuals who are in need of additional support and indeed the authority as a whole for that negotiation to come to a consensus and a conclusion and I think that points to the acceptance that that is the best outcome for everyone, no one wants to go through a



process of tribunals, I point out my last answer that the system has thankfully changed and that will hopefully make it easier for families and individuals going forward beyond this case and they won't have to go through that third-tier that I appreciate is not where people want to be, standing in front of a sheriff. So I think the system has improved and I think hopefully my answer indicates that we accept the judgment and are looking to learn lessons from it.

**Councillor  
Rose**

Lord Provost I wonder if I could simply ask if the Leader would then support a referral of this complex case to the GRBV Committee

**Councillor  
McVey**

Lord Provost, I mean I would suggest that it's probably for the Convener of the GRBV Committee to decide if it goes on their work plan, but the Administration will certainly not look to oppose any such action.

## QUESTION NO 7

**By Councillor Miller for answer by the Convener of the Housing and Economy Committee at a meeting of the Council on 31 May 2018**

### Question

In light of the physical assault on 3 May on a Syrian man housed in temporary accommodation, which left him hospitalised, can the Convener outline the processes and safeguards in place to ensure secure and safe accommodation for refugees in Edinburgh?

### Answer

The Council accommodates people who are refugees in two distinct sets of circumstance – where the arrival is planned e.g. under a government resettlement programme or when someone who is a refugee spontaneously presents as homeless.

In the former - such as under the UK Government's Syrian resettlement programme - the timing of arrival, individual/family profile and characteristics are all known in advance. This information can be used to identify appropriate initial accommodation, which is sourced through the Council's Private Sector Leasing scheme. Addresses are screened in advance for any previous incidents of neighbourhood anti-social behaviour which might suggest addresses would not be appropriate.

In the latter, no pre-planning is possible and it may not always be clear at initial presentation or subsequent assessment that being a refugee is part of an individual's history. Nonetheless, out of the options available, the most appropriate form of temporary accommodation - taking into account need and any vulnerability identified during a homelessness assessment – would always be offered. This would apply to anyone presenting as homeless, whatever their background.

In both circumstances, tenants can move onto permanent Council or Housing Association tenancies by registering with and bidding through EdIndex.

Information around the measures that are in place to ensure the safety of service users

Each year around 10,500 temporary accommodation placements are made.

This incident is the only significant event in bed and breakfast accommodation in, at least, the last five years.

We aim to ensure that all service users are provided with accommodation that is safe.

I can confirm that this property had a 24-hours a day management presence and CCTV coverage.

All bed and breakfast properties used by the Council to accommodate people are subject to regular monitoring. This includes unannounced visits during normal hours and at night.

The property in question has been visited 22 times in the last 12 months and daily telephone contact is made with the management team at all bed and breakfasts.

In addition to ensuring the safety of our properties, we are focussing on supporting the family affected by this incident.

A police investigation is currently ongoing, so whilst it would not be appropriate to comment on the specifics of the case, we will consider any recommendations that are made as a result of the case

**Supplementary Question**

Thank you Lord Provost. I asked this written question because I was absolutely shocked as I'm sure everybody here was that a Syrian man was stabbed recently a temporary bed-and-breakfast hostel in Upper Gilmore Place. I've subsequently had, as well as the Convener's answer, a number of different briefings which have helped me to understand that we do provide excellent services for people coming here from countries in conflict and I'm comforted by the briefings that I've had and the answer that the Convener gave me, but one area where I'm still slightly concerned and probably she will share this concern with me, I hope is, that people who fall through the cracks in some of these services

or perhaps reach the end of the official refugee programme, may become more vulnerable as a result of slipping through the cracks and reaching the end of official programmes of support and I wonder if the Convener would agree to meet with me and discuss what more the Council can do to make sure that we provide support for anybody in these circumstances?

**Supplementary  
Answer**

I thank Councillor Miller for her question. This was a horrific incident and our priority has to be supporting the individual and his family in every way possible. There's an investigation into the circumstances and we have to wait for the outcome of that investigation but we will be looking at the outcomes very carefully, in terms of any recommendations that might come to our service. More widely on the support services and falling through the cracks, I think my fear is that when anyone is homeless they're a vulnerable person and certainly there's always more that we can do to help people and always more that we should be looking to do so I would be more than happy to meet you and discuss it.

**QUESTION NO 8**

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 31 May 2018**

**Question** (1) What discussions have taken place with local residents regarding the long term parking of commercial advertising vehicles on the north side of Queensferry Road near the Cramond Brig?

**Answer** (1) Over the last three to four years local residents have noted long term parking in the lay-by noted above. During this period the Planning and Licencing teams have considered the context of advertising consent, however, this has not been deemed a breach of planning legislation or licencing.

The Locality team are aware of the issue and agreed to promote Waiting Restrictions to limit twenty four hour parking. This location is included in the priority list of traffic regulation orders to promote, however, it is considered a lower priority relative to some urgent road safety related issues.

In the last twelve months our team have engaged with a local resident to confirm the situation above and describe the statutory process for advertising and promoting the necessary order.

**Question** (2) What decisions have been taken to extend the parking restrictions in this area to address the problems identified?

**Answer** (2) It is agreed that an appropriate TRO would be desirable to restrict the issue. A draft order will be prepared (Single Yellow Line) to prohibit parking between 08:30 and 17:30 Monday to Friday and circulated to the Ward Councillors for consideration. This should resolve the long term parking issue but also allow residents and their visitors to park in the evening and at weekends.

**Question** (3) If decisions have been taken, what timetable exists to consult on a draft traffic regulation order to progress any changes?

**Answer** (3) The North West Locality team are currently working through a priority list of Traffic Orders. It is anticipated that a plan will be prepared for discussion and the necessary report will be submitted to the Traffic Orders team by September 2018.

**QUESTION NO 9**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 31 May 2018**

**Question**

What plans exist to make the double yellow lines within the Ingliston Park and Ride legally enforceable?

**Answer**

The process of implementing a Traffic Regulation Order (TRO) to allow enforcement of double yellow lines at Ingliston park and Ride has begun. The plan is to advertise proposals for consultation in August 2018 in line with statutory requirements of the TRO process. Any objections would be subject to a further report.

**Supplementary Question**

I was very grateful to the Convener for the answer. I think it's a great comfort for the users of the park and ride to know that the TRO process will commence later in the year, so that's very welcome. Can I just ask her though whether she or officers have given consideration to whether the issues that we're seeing are perhaps symptomatic of perhaps a wider issue whereby the capacity of the Ingliston Park and Ride is now being reached, and really just to ask her whether any consideration has been given to an extension to that park and ride and if so perhaps what timescales exist around that, thank you.

**Supplementary Answer**

Thank you for your supplementary question Councillor Lang. Yes in fact there is quite considerable consideration being given to this particular issue. In fact I'd like to link two park and rides in this instance, Ingliston clearly is reflecting the success of the tram system, because people are using that park and ride in order to access the tram system but they're also using it to access for example RBS and various other sites. As a result we have the problems of success at that particular park and ride and we've seen that increase quite a bit in the last few months and we can expect to see that continue. However, there's also Hermiston which is suffering in exactly the same way, so in fact the work that we're looking at, it probably puts Hermiston at a priority

above any extension in the facility at Ingliston and there are various operational good-quality reasons for that. However we are looking at land that's appropriate for expansion in both instances but clearly funding attached to that is an issue, for example the funding that we're looking at for Hermiston park-and-ride would run into about £3.5m and the plans are there, we're looking at them, we're trying to make them a priority as much as we can, but clearly there's quite a long road between me being able to stand up in Council and say this is definitively what we're doing, but it's very much under consideration, thank you.



**QUESTION NO 10**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 31 May 2018**

**Question**

At the Council meeting of 14 December 2017 and in response to question 5.10, the Convener said "it is intended to consult with the local community and other stakeholders over possible improvements to the Davidson's Mains roundabout in spring next year." Can the Convener provide an update on this work?

**Answer**

Consultants have been appointed to undertake design and delivery of safety improvements.

Initial consultation with the local community will take place in June with further consultation planned later in the summer once detailed proposals have been scrutinised with an independent road user safety audit.

## QUESTION NO 11

**By Councillor Jim Campbell for  
answer by the Convener of the  
Planning Committee at a meeting of  
the Council on 31 May 2018**

### Question

City of Edinburgh Council has previously made a call for sites for housing to the house building community, prior to the Main Issues Report, when compiling its Local Development Plan. Neighbouring Councils have already made such a call in preparation for their new Local Development Plans. The house building community value the opportunity to engage with Councils at an early stage to try and identify the widest possible range of potential sites, to maximise the supply of much needed homes.

When does the City of Edinburgh next plan to make a call for sites?

### Answer

The Council did not make a call for sites for housing in the previous Local Development Plan project. Instead, the Council carried out a comparative assessment all of the land in the relevant areas.

It is not intended to hold a call for sites for the new local development plan project, and the [project timetable](#) does not include a stage for this. Some local authorities use calls for sites to find out where there is developer interest, particularly authorities with large rural areas, many settlements and housing markets of varying strengths.

This is not relevant in Edinburgh, where the remaining rural land is already known, and developer interest is strong throughout. Also, for various reasons a piece of land may not be promoted at a call for sites stage, but is later promoted at the statutory representations stages.

This can give the Council and communities a false picture of what sites will be involved in the plan's formal stages.

There are other ways in which the house building community can engage with the Council, and now that the

project is formally underway the project team is available for meetings with parties wishing to discuss their land interests in the Council's area. The house building representative body Homes for Scotland has been made aware of this opportunity and several such meetings have already been held.

**Supplementary  
Question**

Thank you and I thank the Convener for his answer. I just wonder, following some discussions that we have had with the building and the developers in the town, if the Convener feels that the relationship between developers and builders in Edinburgh and the Council is sufficiently strong that it wouldn't benefit from seeking the involvement of the industry at an early stage in something like a pre-site call which is certainly something that we've heard that the industry would have welcomed and they believed had happened in the past?

**Supplementary  
Answer**

I thank the Councillor for his question. As is noted in the answer we already have had discussions with Homes for Scotland, the representative body for that industry and will continue to have these discussions, but I must make it clear that our approach to this forthcoming LDP is a strategic approach and so it's for the city really to bring about the right sites that have good transport and other infrastructure possibilities and not open the doors for sites across the whole of the area, but nonetheless the door is open for discussion as its noted in my answer, thank you.

**QUESTION NO 12**

**By Councillor Rose for answer by the  
Convener of the Planning Committee  
at a meeting of the Council on 31  
May 2018**

**Question** (1) How many planning applications have been subject to Section 75 legal agreements since 1st May 2017?

**Answer** (1) Since 1 May 2017 39 planning applications subject to Section 75 agreements have been determined.

**Question** (2) In each case how long did it take to conclude the agreement? Include how many are outstanding?

**Answer** (2) Of those 39 applications there are 10 section 75 obligations that have been concluded and planning permission issued. These took:

2 months	1	3 months	1
4 months	1	5 months	3
6 months	1	7 months	2
8 months	0	9 months	1

The remaining 29 are under negotiation.

**Question** (3) In the last three years has there been any change in policy or practise in drawing up the legal agreement in relation to the relative responsibilities of the applicant and the landowner?

**Answer** (3) There has been no change in policy or practice over the last 3 years in terms of who is responsible for the drawing up of the legal agreement.

In recent months the Council's model agreement has been reassessed to take account of recent experience. This was to ensure it properly reflects the provisions of the current Local Development Plan and is compliant with the relevant

legal tests as clarified in the Elrick Supreme Court decision. The model agreement also incorporates the detailed provisions of the Council's draft Supplementary Guidance 'Developer Contributions and Infrastructure Delivery'.

Once the Supplementary Guidance has been approved by Housing and Economy Committee for consideration by Scottish Ministers, then the model agreement can be finalised and published on the Council's website for full use by all parties.

**Question** (4) Are such legal agreements drafted up by the City of Edinburgh Council, by the applicant or by a third party?

**Answer** (4) In the majority of cases the initial draft section 75 planning obligation will be prepared and issued by the Council. There is however no prohibition on the applicant opting to take the lead in preparing the initial draft section 75 planning obligation and this occurs in some cases. The draft is then negotiated between the parties, within the limitations identified by Committee or the Chief Planning Officer, to reach an agreement.

**Supplementary Question** Thank you, I thank the Convener for his response to me. I asked the question because of concerns from applicants expressed to me about delays in the drawing up of agreements for section 75. These figures on the timescales for section 75s are not very good are they?

**Supplementary Answer** Again I thank the Councillor for his question, and there are many reasons why there are also with any negotiation as the Councillor will be aware from his profession, in negotiation there are always two parties to negotiation and therefore it's not always the Council which is causing delays, but indeed there is always room for improvement and I note also in my answer to him in section 4 it doesn't necessarily need to come through the Council but can come through the applicant to negotiate the section 75 agreement at their own behest but yes indeed we're always looking to improve as was noted at the Planning Committee yesterday, thank you.

**QUESTION NO 13**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Planning Committee at a meeting of  
the Council on 31 May 2018**

- Question** (1) Since May 2017, how many planning applications have been withdrawn and re-submitted?
- Answer** (1) 345 applications were withdrawn between 1 May 2017 and 22 May 2018. It is not known how many have been re-submitted without checking the property history of each case but a 5% sample check has been done and 60% of withdrawn applications had further applications submitted.
- Question** (2) What are the comparative figures for the previous 5 years?
- Answer** (2) There were 1772 applications withdrawn between 1 May 2013 and 22 May 2018. Due to the timescale and volume a sample has not been completed.
- Question** (3) Since May 2017, how many of these withdrawals and re-submissions been made at the request or suggestion of the Council Officers?
- Answer** (3) There are usually 3 reasons why applications are withdrawn – at the request of the applicant, at the request of the officer as refusal is the likely outcome, and by the Council as planning authority on the basis that the application is inactive. The reasons are not recorded in a form that can be counted as it takes the form of email correspondence which is then uploaded into the document management system for the case. This information is not therefore available.
- Question** (4) Of applications withdrawn and re-submitted since May 2017, what was the average duration from the validation of the original application to it being withdrawn?
- Answer** (4) The average duration from validation to withdrawal for the withdrawn cases from 1 May 2017 is 125 days. The re-submitted applications, based on the 5% were not withdrawn.

**Supplementary  
Question**

I thank the Convener for his answer and I thank the efforts of officers to pull together the sample to give us the information. I just wonder if the Convener would care to comment on the perceived risk that if applicants are being encouraged to withdraw and resubmit an application that might be a way for the Council to appear to be achieving turnaround times that were lower than they actually were if there are some statistical shenanigans going on?

**Supplementary  
Answer**

Well the question you ask is also very speculative because I don't think you're actually citing that as an instance because that's not what the statistics themselves say.

There's always reasons for withdrawal and we note three of them, that that the applicant may itself choose to withdraw or the officer may seek withdrawal if refusal is unlikely to be forthcoming, or if that application is inactive, so there's all sorts of reasons for withdrawal, so I don't accept that what you're saying but again we are seeking to improve the planning service it's not perfect we were working hard to do that but I do not accept what you're insinuating there.

## QUESTION NO 14

**By Councillor Jim Campbell for answer by the Convener of the Housing and Economy Committee at a meeting of the Council on 31 May 2018**

### Question

Can the Convener provide a table, detailing how many housing units have been completed, started, or permission granted since the 4<sup>th</sup> May 2017 broken down ownership tenure (including, but not limited to, Council, Housing Association, other affordable and private market).

### Answer

The following tables are taken from the Draft 2018 Housing Land Audit and Delivery programme. The draft audit is subject to consultation with housebuilders. As such, the figures below may be subject to adjustment, and will be reported to the Housing and Economy Committee later in the year. However, if these figures were confirmed, this would be the highest level of overall completions in Edinburgh, since at least 2008.

The audit is conducted annually and is a snapshot position as at 31 March each year. Completions relate to the period 1 April 2017 to 31 March 2018. Similarly, the table dealing with sites under construction and sites with consent relate to the position at 31 March 2018.

The not confirmed category in the table relates to those homes where the tenure is subject to further information from the developer.

**Table 1. Housing Completions 1/4/2017 – 31/03/2018**

<b>Market</b>	<b>1846</b>
Social Rent	229
Mid-Market Rent	381
Shared Equity	54
Golden Share	30
Not-confirmed	55
<b>Total affordable (*1)</b>	<b>749</b>
<b>Total completions</b>	<b>2595</b>



\* 1 In addition to the new build figures above, there were also 211 affordable homes acquired through open market shared equity. Open market shared equity is a programme funded by the Scottish Government and managed by Link Housing. The Open Market Shared Equity Scheme is available through Scotland and is open to everyone but prioritises social tenants, veterans and people whose people over 60 and widows and widowers of serving members of the armed forces who lost their lives while serving.

**Table 2. Housing sites with consent for housing at 31/03/2018**

	Capacity		Complete at 31/03/2018		Remaining at 31/03/2018	
	Market	Affordable	Market	Affordable	Market	Affordable
Under Construction	6,604	3,288	1,861	617	<b>4,743</b>	<b>2,671</b>
With Full Consent	3,381	730			<b>3,381</b>	<b>730</b>
With planning permission in principal	5,824	1,458			<b>5,824</b>	<b>1,458</b>

There is also capacity for an additional 11,800 units on land allocated in the local development plan but yet to gain planning consent.

It is not possible to give a complete breakdown of houses in table 2 as breakdown of tenure depends on a variety of factors – like investment funding – that are decided closer to the point of actual construction or in some cases not until homes are full complete.

**Supplementary Question**

Thank you and I thank the Convener for her answer. This is very encouraging to see the number of houses that are being completed to moving to a new high for the city in recent times and I think tribute is due to all those involved in that process. Is the Convener satisfied that we are able to build enough houses going forward to meet not only the targets for affordable housing but also the projected needs of the city as a whole in the City vision?

**Supplementary  
Answer**

Thank you Councillor Campbell for your question. Yes I am. I think that it's not easy and there will be a lot of work that needs to be done and part of that would be about planning through LTP 2 or whatever we choose to call it, we need to be very careful about planning for that and there's a lot of work that we need to do and I think within our Committee. You're a valued member of the Committee, and I think our continued scrutiny is an important part of that, but yes I do think we can deliver.

**QUESTION NO 15**

**By Councillor Doggart for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 31 May 2018**

**Question** (1) Could the Convener please list the dates of meetings he, or his Vice Convener, has had with the Education Minister?

**Answer** (1) I have not met with the Education Minister.

The Vice Convener had a meeting with all the SNP spokespeople and leads on education across Scotland (including the Education Minister) on 4 April 2018.

**Question** (2) Could the Convener summarise the outcome of those meetings?

**Answer** (2) The Vice Conveners meeting of 4 April was to discuss mutual issues and to agree to meet on a more regular basis to share best practice.

**Question** (3) Could the Convener confirm whether the Scottish Government will provide additional funding for schools in Edinburgh?

**Answer** (3) I wrote to the Deputy First Minister on 9 March 2018 asking him to clarify the position in relation to Wave 4 funding - I await a response.

**Supplementary Question** Lord Provost I thank the Convener for the information which provided, but in light of the information, could the Convener please tell Council when he intends to follow up his letter of 9th of March with a Dear John reminder, asking for clarification on the position of Wave 4 funding? Also in light of the much-vaunted access and influence the SNP Group has with the Scottish Government, will the Convener also ask the Vice-Convener to take them with her to meet the Education Minister the next time she meets with him to discuss the Wave 4 issue or is the Vice-Convener more interested in SNP matters than education in Edinburgh?

**Supplementary  
Answer**

I'm not too sure what that meant to be honest but if Alison wants to invite me to an SNP meeting then I'll quite happily go but I don't think she will. In relation to the First Minister I've again made contact, not written, made contact, with individuals within the Scottish Government and asked him when he's going to reply to my letter.

**QUESTION NO 16**

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 31 May 2018**

**Question** (1) What analysis has been carried out of average pedestrian waiting times at signalised crossings on Leith Walk and at other points along the proposed route?

**Answer** (2) No pedestrian modelling has been carried out. This is not unusual at this stage of a project. The new proposals will take cognisance of pedestrian desire lines and movements to establish crossing points where conflicts can be avoided. These will also consider the location of existing crossings.

**Question** (2) Has the Council taken the view that zebra crossings are incompatible with safe tram operation? If so, when was this view adopted and why? Will this view be reviewed in light of international best practice?

**Answer** (2) The designs issued for consultation suggested a four lane configuration on Leith Walk. The result of that was that the width from kerb to kerb is too great to permit the use of Zebra crossings. As part of the design review additional crossings are being considered on Leith Walk. We are assessing the type of crossing on a location by location basis. In addition, uncontrolled safe crossing points may be introduced to maximise the pedestrian permeability of Leith Walk.

In general Zebra crossings have been deemed unsuitable due to tram journey time reliability and as a preference we would look for a Toucan crossing.

**Question** (3) The Council's Street Design Guidance, published January 2015, states that "pedestrian crossing points (controlled or uncontrolled crossings)" should be provided "every 50-100m". Do the proposed designs for the tram extension to Newhaven comply with this guidance? If not, why not?

**Answer** (3) Through the design review we are assessing additional crossings and will take cognisance of the latest street design guidance.

**Question** (4) Has an equalities impact assessment been done on the proposals? If not, when will this be carried out?

**Answer** (4) An equalities impact assessment was carried in August 2017 and is due to be assessed in August 2018 which will align with the design review.

**Question** (5) What lessons have been learned from the original Edinburgh tram project?

**Answer** (5) In establishing the project team for the tram to Newhaven the Council has retained a number of individuals who successfully delivered the Airport to York Place project following mediation in 2011. In retaining this knowledge, the project is drawing on a number of lessons learned and these have been incorporated into the planning for the extension.

These lessons include, for example;

- The use of industry standard contracts to govern the project
- Rigorous project governance with highly qualified key personnel with experience of delivering light rail projects in the UK and abroad
- Setting up cross industry networks with other cities including Manchester, Birmingham and Dublin to ensure best practice is being adopted at each stage of project development
- Adopting traffic management plans that provide the contractor with expanded sites to ensure that works can continue in the event that problems are encountered during construction, as well as adopting a strategy of only opening up roads once and completing all works prior to reinstatement - no double-dig

- Carrying out robust quantitative risk analysis and ensuring the contingencies set aside for unforeseen events
- Carrying out comprehensive formal consultation with the market to road test the overall delivery strategy for the project and encourage strong competition

And contingencies are set aside.

**Question** (6) Has bilingual Gaelic / English signage been considered for the tram extension to Newhaven? If not, why not?

**Answer** (6) The issue of consistency in signage across the entire extended tram system, if it goes ahead, would have to be considered by the operator, and I would hope that the use of Gaelic would be considered favourably given its importance to Edinburgh as Scotland's capital city.

**Supplementary Question** Thank you Lord Provost, I thank the Convener for her response to my questions which were largely focused on a provision for pedestrians and cyclists in the draft designs for the tram extension to Newhaven although I also welcome the commitment in her answer to examine Gaelic signage for the tram extension. The Convener will be aware that while Green Councillors have always pushed for strong active travel provision in the tram extension, we are now making that a condition of our support for the extension. She will also be aware of the concerns expressed by groups representing pedestrians and cyclists, at the designs which went to consultation earlier this year. I understand that a number of workshops have been planned with key stakeholders to discuss changes to the design but can I ask the Convener if she will also agree to meet personally with representatives of active travel organisations to hear first hand their concerns about the original designs and to listen to their proposals for improvements?

**Supplementary  
Answer**

Thank you Councillor Booth, yes I am well aware of your concerns about this and as I think you are also well aware this is an evolutionary process, we are nowhere near finalising the designs yet and it does take this series of technical workshops which I will be chairing throughout the month of June to get across to those who are involved, the stakeholders who have already given a great deal of time and consideration to the original designs, exactly how we have responded to the results of the consultation. I expect that evolution to continue - we appear to have quite a noisy chamber this morning so I apologise if I'm not being heard correctly - we have a series of technical workshops planned, that evolution will be part of that series of workshops, as I think you're well aware, your party was represented at the All Party Tram Oversight Group just last week where we discussed at some degree of detail, our possible changes to those designs which will then come forward to those series of technical workshops. I am of course always pleased to meet with active travel individuals and indeed any other stakeholders that are attached to the tram extension and I will undertake to do so. I do know that officers, because I've discussed this at length with them, are intending to meet with one or two of those groups ahead of those series of technical workshops again to provide them with an opportunity to look at these changes in detail. Can I stress however that this is very much an evolutionary process and I think some of the questioning of the designs is a little premature because we haven't reached the end of that stage yet.

We went into this knowing that it was going to be a series of evolutionary steps, grateful for the input from external stakeholders and recognising the fact that they had a very strong voice on this and that we would be responding to it. That's a process that we're in the middle of at the moment, thank you.