

The City of Edinburgh Council

Edinburgh, Thursday, 23 October 2014

Present:-

DEPUTE CONVENER

Deirdre Brock

COUNCILLORS

Elaine Aitken
Norma Austin Hart
Nigel Bagshaw
Jeremy R Balfour
Gavin Barrie
Angela Blacklock
Chas Booth
Mike Bridgman
Steve Burgess
Andrew Burns
Ronald Cairns
Steve Cardownie
Maggie Chapman
Maureen M Child
Bill Cook
Nick Cook
Gavin Corbett
Cammy Day
Denis C Dixon
Karen Doran
Paul G Edie
Catherine Fullerton
Nick Gardner
Paul Godzik
Joan Griffiths
Bill Henderson
Ricky Henderson

Dominic R C Heslop
Lesley Hinds
Sandy Howat
Allan G Jackson
Karen Keil
David Key
Richard Lewis
Alex Lunn
Melanie Main
Mark McInnes
Adam McVey
Eric Milligan
Gordon J Munro
Jim Orr
Lindsay Paterson
Ian Perry
Alasdair Rankin
Vicki Redpath
Keith Robson
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Former Councillor George Monies

The Depute Convener paid tribute to former Councillor George Monies who had died on 15 October 2014. She referred to his service as a Councillor for 10 years from 1974 at the inception of the Edinburgh District Council. He was Secretary of the Labour Group and a prominent figure within the Council.

2. Entente Florale Award

The Depute Convener congratulated those involved with the City of Edinburgh being awarded a gold medal, the highest award, in this year's Entente Florale Europe competition.

3. Motion by Councillor Austin Hart – Living Wage Week 2014

a) Deputation – Unite Edinburgh Not for Profit Branch

The Deputation expressed concern that they had voluntary sector members employed on Council contracts who were paid less than the Scottish Living Wage of £7.65/hour. They felt that if the Council persuaded contractors to pay the Scottish Living Wage, many low paid Trade Union members would benefit.

The deputation urged the Council to support the motion by Councillor Austin Hart and consider implementing the Scottish Living Wage.

b) Motion by Councillor Austin Hart

The following motion had been submitted by Councillor Austin Hart in terms of Standing Order 16.1:

“Council:

Notes that “Living Wage Week 2014” will take place from 2-8 November. This is a UK-wide celebration of the Living Wage, and Living Wage Employers, and an opportunity to raise awareness of the Living Wage.

Agrees therefore that the Council will:

- Celebrate and promote its commitment to the Living Wage, during Living Wage Week, by taking part in activities promoted by the Living Wage Foundation.
- Continue to encourage adoption of the Living Wage by Council subsidiaries.
- Continue to investigate how to use, within the current procurement legislation, the Council's procurement processes to encourage greater application of the living wage within the Council and its partner organisations, suppliers and contractors.”

Motion

- 1) To approve the motion in Councillor Austin Hart's name.
- 2) To request a report back to the Finance and Resources Committee.

- moved by Councillor Austin Hart, seconded by Councillor Barrie

Amendment

- 1) To note that “Living Wage Week 2014” will take place from 2-8 November. This is a UK-wide celebration of the Living Wage, and Living Wage Employers, and an opportunity to raise awareness of the Living Wage.
- 2) Whilst accepting the current policy on the living wage to note concern about putting undue pressure on other organisations.
- 3) To agree therefore that the Council will celebrate and promote its commitment to the Living Wage, during Living Wage Week, by taking part in activities promoted by the Living Wage Foundation.

- moved by Councillor Balfour, seconded by Councillor Aitken

Voting

The voting was as follows:

For the motion	-	45 votes
For the amendment	-	10 votes

Decision

To approve the motion, as adjusted, by Councillor Austin Hart.

4. Minutes

Decision

To approve the minute of the Council of 25 September 2014 as a correct record.

5. Questions

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

6. Leader’s Report

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

- Entente Florale Award
- Chief Executive Award – UK City Leader of the Year Award
- Budget Consultation
- Portobello High School – Turf cutting

The following questions/comments were made:

Councillor Rust	-	Congratulations to the Chief Executive
	-	Budget proposals
Councillor Burgess	-	Congratulations to the Chief Executive
	-	Budget proposals – removal of Council Tax freeze
Councillor Booth	-	“Booze” hotspots in Edinburgh – responsibilities of the Council/Licensing Board

Councillor Ross	-	Corstorphine Youth and Community Centre fire
Councillor Cardownie	-	Congratulations to the Chief Executive
	-	Edinburgh's listing as one of the top 3 Cities in Europe to invest
Councillor Tymkewycz	-	Councillor Cairns – Sponsored shave for prostate cancer
Councillor Edie	-	Congratulations to the Chief Executive
	-	Alcohol crisis – Council's position on minimum pricing
	-	Possible nomination for Scottish Nobel Prize Laureate
Councillor Shields	-	Congratulations to the Chief Executive
	-	Community Council meetings – attendance of representatives from Police Scotland
Councillor Rust	-	Congratulations to the Chief Executive
	-	Position of Chief Executive of Transport for Edinburgh
Councillor Lewis	-	Council Leader's sporting and cultural activities

7. Nomination to the COSLA Community Justice Conveners' Sub-Group

The Council was invited to nominate one or two members to sit on COSLA's Community Justice Conveners' Sub-Group.

Decision

To appoint Councillor Ricky Henderson to COSLA's Community Justice Conveners' Sub-Group and Councillor Bridgman as substitute member.

(Reference – report by the Chief Social Work Officer, submitted.)

8. Organise to Deliver – The Principles for Change

Details were provided on the Council's proposed revised model for delivering a comprehensive programme of transformational change to include continuous improvement in performance and productivity, and increased citizen/customer satisfaction and engagement.

Motion

- 1) To note the drivers and principles for change at national and local level, including the implementation of the health and social care legislation which required full integration of adult services.
- 2) To note the key principles that underpinned the new delivery model.

- 3) To agree to a further report to the next meeting of the Council in November 2014 which would outline the phased implementation and overall approach in more detail with indicative timescales and arrangements for consultation with elected members, officers and trade unions.

- moved by Councillor Burns, seconded by Councillor Cardownie

Amendment

- 1) To note the drivers and principles for change at national and local level, including the implementation of the health and social care legislation which required full integration of adult services.
- 2) To welcome the articulation of the need for significant changes in the way the Council operates (para 3.3.2 of the report)
- 3) To call for a clearer articulation of the following high level principles:
 - focus on delivering core services well
 - focus on encouraging a public service ethic within the organisation
 - focus on efficiency and efficiency-based innovation, both in relation to technology and working practices
- 4) To note that while increased local delivery through neighbourhood management may have benefits, the implication that neighbourhood partnerships would play a significantly extended role in governance of the delivery of major, city wide services was a cause for concern, and further note that the future report (see 6 below) would require detailed consideration of the legal position in relation to governance through neighbourhood partnerships.
- 5) To note that expected Boundary Commission proposals may have considerable potential for early disruption of a proposed internal locality based reorganisation.
- 6) To agree to a further report to the next meeting of the Council in November 2014 which would outline the phased implementation and overall approach in more detail with indicative timescales and arrangements for consultation with elected members, officers and trade unions.

- moved by Councillor Rose, seconded by Councillor Rust

Voting

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	10 votes

Decision

To approve the motion by Councillor Burns.

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

9. Review of Political Management Arrangements

The Council had introduced a range of changes to modernise and streamline the decision-making process. A review to refine these arrangements had been completed

in 2013 with agreement to consider the operation of the Policy Development and Review Sub-Committees after a further 12 months of operation.

Details were provided on the outcome of consultations which had taken place together with options and recommendations to make further improvements to the Council's political management arrangements.

Motion

Having considered the options for policy review and development;

- 1) To agree to return overall policy review and development, to the executive committee remit and agenda; and thereafter to strengthen and formalise existing 'Working Group' arrangements (in line with the governance arrangements agreed by the Corporate Policy and Strategy Committee on 3 December 2013) specifically by agreeing the following measures:
 - all 'Working Groups' will normally be Chaired by the relevant (parent) Committee Vice-Convener
 - membership of 'Working Groups' will be open to all members of the parent committee (and substitutes), or as agreed by the parent committee; with officers and outside representatives being involved, as required
 - 'Working Groups' to have a defined written remit, and a time-frame for delivery of that remit; all to be agreed with the relevant parent committee
 - all 'Working Groups' actions/delivery to be tracked by Committee Services
 - 'Working Groups' to agree flexible meeting arrangements, to recognise individual workloads, wherever appropriate
 - to disseminate consultation feedback on good practice from the most successful 'Working Groups'
 - to schedule 'Working Group' sessions for elected members as part of the member training programme led by Governance and Business Intelligence as required, but initiated from October 2014.

- 2) To further note the following actions underway to continue to open political management arrangements and council business to the public, partners and advisory bodies, fully aligned to the reputation work stream of the Corporate Governance service plan:
 - development and implementation of the Council's reputation tracker to augment citizen insight and engagement work
 - launch of the webcasting extension project (16 September 2014) and e-voting (Winter 2014)
 - agenda promotion, supported by the Communications service, building on recent successes around the Scottish Independence Referendum and budget engagement
 - launch of the Council's consultation hub and refreshed web pages to support public engagement.

- 3) To instruct the Director of Corporate Governance to explore the potential:
 - to widen the petitions criteria to allow young people aged 16 and 17 to submit petitions
 - to widen the petitions criteria to allow young people of secondary school age to submit petitions
 - to relax the criteria to allow more petitions to be considered
 - to review the overall success of the petitions' process, bringing a report back to the December 2014 Council Meeting, making any further recommendations for development/improvement.
 - to review the operations of the petitions process and Committee with a view to reporting back within two cycles.
- 4) To also instruct the Director of Corporate Governance to further review the frequency of all committee meetings, and to bring back a report to the December 2014 Council Meeting, making any recommendations for change, so they could - if agreed - be incorporated into the next roll-out of the overall Committee diary.
- 5) To finally note that an enhanced toolkit and training module had been developed to significantly strengthen existing guidance and training for officers to support effective and transparent decision making.

- moved by Councillor Burns, seconded by Councillor Cardownie

Amendment 1

- 1) To agree to return policy review and development to the relevant executive committee for management at the discretion of each committee.
- 2) To agree to dissolve the Petitions Committee and make provision for petitions which meet the appropriate criteria to be referred directly to the relevant Committee for consideration.
- 3) To note the following action underway to continue to open political management arrangements and council business to the public, partners and advisory bodies, fully aligned to the reputation work stream of the Corporate Governance service plan:
 - a) development and implementation of the Council's reputation tracker to augment citizen insight and engagement work;
 - b) launches of webcasting (16 September 2014) and e-voting (Winter 2014);
 - c) agenda promotion, supported by the Communications service, building on recent successes around the Scottish Independence Referendum and budget engagement;
 - d) launch of the Council's consultation hub and refreshed web pages to support public engagement.
- 4) To instruct the Director of Corporate governance to explore the potential to widen petitions criteria to allow young people aged 16 and 17 to submit petitions.

- 5) To note that an enhanced toolkit and training module had been developed to significantly strengthen existing guidance and training for officers to support effective and transparent decision making.

- moved by Councillor Paterson, seconded by Councillor Balfour

Amendment 2

- 1) To note the following action underway to continue to open political management arrangements and council business to the public, partners and advisory bodies, fully aligned to the reputation work stream of the Corporate Governance service plan:
 - a) development and implementation of the Council's reputation tracker to augment citizen insight and engagement work;
 - b) launches of webcasting (16 September 2014) and e-voting (Winter 2014);
 - c) agenda promotion, supported by the Communications service, building on recent successes around the Scottish Independence Referendum and budget engagement;
 - d) launch of the Council's consultation hub and refreshed web pages to support public engagement.
- 2) To note that an enhanced toolkit and training module had been developed to significantly strengthen existing guidance and training for officers to support effective and transparent decision making.
- 3) To agree Option 1 - to retain Policy Review and Development Sub-Committees and implement proposals to strengthen existing arrangements, outlined in paragraph 3.1.3 of the report which includes at 3.1.3.5 *'flexible meeting arrangements to recognise individual executive committee workload, where appropriate. For example, some PDR sub-committees may not meet every cycle dependent on business or at all'*;
- 4) Agrees to widen the petitions criteria to allow young people aged 16 and 17 to submit petitions and to explore the potential to widen the petitions criteria to allow young people of secondary school age to submit Petitions.

- moved by Councillor Burgess, seconded by Councillor Chapman

Voting

The voting was as follows:

For the Motion	-	38 votes
For Amendment 1	-	10 votes
For Amendment 2	-	6 votes

Decision

To approve the motion by Councillor Burns.

(References – Act of Council No 12 of 24 October 2013; report by the Director of Corporate Governance, submitted.)

10. Operational Governance – Review of Contract Standing Orders and Guidance on the Appointment of Consultants

The Council had approved the current Contract Standing Orders (CSOs) and the Guidance on the appointment of Consultants which were a legal requirement and provided the powers of control and regulated purchasing throughout the Council.

Details were provided on the results of a review of the CSOs together with proposed changes.

Decision

- 1) To refer the report by the Director of Corporate Governance to the Finance and Resources Committee for detailed scrutiny and review.
- 2) To instruct that a further report be brought to full Council in 3 cycles (January 2015) for approval.

(References – Act of Council No 9 of 25 October 2012; report by the Director of Corporate Governance, submitted.)

11. Audited Financial Statements 2013/14

The audited 2013/14 financial statements were presented for the Council's consideration.

Motion

- 1) To note the audited financial statements for 2013/14.
- 2) To note that there were no qualifications to the 2013/14 financial statements.
- 3) To note the outcome of the change in legislation which had reduced the number of significant trading operations from eight to two.
- 4) To note that the External Auditor's Annual Report on the 2013/14 Audit would be submitted to a future meeting of the Governance, Risk and Best Value Committee.
- 5) To refer the audited financial statements to a future meeting of the Governance, Risk and Best Value Committee to consider in conjunction with the Auditor's report.

- moved by Councillor Rankin, seconded by Councillor Bill Cook

Amendment

- 1) To note the audited financial statements for 2013/14.
- 2) To note that there were no qualifications to the 2013/14 financial statements.
- 3) To note the change in guidance from the Local Authority Scotland Accounts Advisory Committee which had relaxed the requirements on Councils to report trading accounts for Significant Trading Operations where the services were provided internally. To further note that this was a matter that was now at the discretion of the Council. To agree to ensure transparency trading by preparing trading accounts for the six trading operations omitted from the Financial

Statements and that these be presented to the Finance and Resources Committee along with a report detailing methods by which the statutory requirement to achieve Best Value could be assessed and monitored for these services on an ongoing basis.

- 4) To note that the External Auditor's Annual Report on the 2013/14 Audit would be submitted to a future meeting of the Governance, Risk and Best Value Committee.
- 5) To refer the audited financial statements to a future meeting of the Governance, Risk and Best Value Committee to consider in conjunction with the Auditor's report.

- moved by Councillor Whyte, seconded by Councillor Jackson

Voting

The voting was as follows:

For the motion	-	42 votes
For the amendment	-	12 votes

Decision

To approve the motion by Councillor Rankin.

(Reference – report by the Director of Corporate Governance, submitted.)

12. Audited Annual Reports 2014 of the Lothian Pension Fund, Lothian Buses Pension Fund and Scottish Homes Pension Fund

Details were provided on the Annual Report for the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund for the year ended 31 March 2014⁵ which had now been considered by Audit Scotland.

Decision

- 1) To note the External Auditor's report on the audit of the Annual Report for the year ended 31 March 2014 for the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund.
- 2) To note the Audited Annual Report for the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund.

(Reference – report by the Director of Corporate Governance, submitted)

Declaration of Interests

Councillors Orr and Rose declared a non-financial interest in the above item as Trustees of the Lothian Pension Fund.

13. Lothian Pension Fund FCA Authorisation and Investment Staffing

Following a review of investment governance arrangements of the pension funds, the Pensions Committee had considered options to strengthen controls, manage risks and support the ongoing development of the internal investment operations.

Approval was sought for the creation of one or if appropriate two special purpose vehicles wholly owned and controlled by the City of Edinburgh Council for the purposes of seeking Financial Conduct Authority registration for the activities of this team and to directly employ certain key staff associated with Lothian Pension Fund's investment function.

Decision

- 1) To approve the creation of a special purpose vehicle to employ certain pension fund investment staff.
- 2) To approve the creation of a special purpose vehicle to seek authorisation by the Financial Conduct Authority.
- 3) To note that the creation of a single special purpose vehicle would be considered for both purposes and this would be subject to appropriate legal, tax and employment advice.
- 4) To agree that the Pensions Committee would have responsibility for overseeing the special purpose vehicle(s) and the Convener of the Pensions Committee would be involved in the governance of the special purpose vehicle(s).
- 5) To note that the Director of Corporate Governance would reports back to the Pensions Committee on progress including whether it was possible to include all the Pension and Investment staff in the special purpose vehicle in a phase 2.

(Reference – report by the Director of Corporate Governance, submitted)

Declaration of Interests

Councillors Orr and Rose declared a non-financial interest in the above item as Trustees of the Lothian Pension Fund.

14. 2015/18 Revenue and Capital Budget Framework – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report which provided an overview on the budget framework and contained a suite of proposals to act as the basis of public engagement.

Decision

- 1) To approve the budget savings proposals contained in Appendix 2 to the report by the Director of Corporate Governance.
- 2) To note that detailed information on the proposals in Appendix 2 were only available after the Finance and Resources Committee meeting of 30 September 2014; that the following proposals - CF23, CF35, SfC30 and SfC31 - were highlighted as having potential negative service, third party or customer impacts; and agree that these 4 proposals be added to the public consultation on the budget.

(References – Finance and Resources Committee 30 September 2014 (item 7); referral report by the Finance and Resources Committee, submitted)

15. City of Edinburgh Council – Report to those Charged with Governance on the 2013/14 Audit – Statutory Repairs Service – referral from the Governance, Risk and Best Value Committee

The Governance, Risk and Best Value Committee had referred a report setting out the External Auditor's view on matters arising from the audit of the Council's financial statements for 2013/14 requiring to be reported under International Standard on Auditing (ISA) 260. The Council was asked to approve earmarking £4m towards costs relating to legacy statutory repairs service.

Decision

To approve earmarking £4m of monies within the contingent risks earmarked balance for costs relating to the legacy statutory repairs service.

(References – Governance, Risk and Best Value Committee 24 September 2014 (item 4); referral report by the Governance, Risk and Best Value Committee, submitted)

16. Motion by Councillor Cardownie – Sir Jonathan Mills

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

“The City of Edinburgh Council acknowledges Sir Jonathan Mills' tenure as Director of the Edinburgh International Festival from 2006 to 2014 and would like to thank him for championing Edinburgh as a pre-eminent festival city during this period.

Council would also like to thank Jonathan Mills for all of his hard work and achievements during this period such as:

- a) Building a strong relationship between the Edinburgh International Festival and the Council and other partners.
- b) Managing the Edinburgh International Festival within the parameters of funding available, whilst creating new international funding relationships and collaborations.
- c) His international perspective, which brought over 2,400 artists and 40 nations from across the world to Edinburgh during the summer festivals period.
- d) His introduction of the Edinburgh International Culture Summit to the city, which has been triumphant, bringing a much needed focal point for international collaboration and innovation across cultures.

Council would like to express their best wishes to Sir Jonathan Mills in his future and we welcome his continued commitment to this city both as a resident and a champion of the forthcoming Cultural Summit in 2016 and beyond. We would therefore like to place on record the Council's gratitude for what Sir Jonathan Mills has achieved for the City of Edinburgh.”

Decision

To approve the motion by Councillor Cardownie.

17. Motion by Councillor Rose – Transparency: Transport Review

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

“Council

- 1) Notes that the Evening News has run a series of articles based on a Transport Review commissioned following the integration of the Roads and Transport function into Services for Communities in February 2012.
- 2) Notes that councillor and other sources were consulted by way of contribution to the Review.
- 3) Notes that neither the Review nor its contents has been made available to councillors.
- 4) Notes that significant information is reported to be contained in the Review.
- 5) Instructs the Acting Director of Services for Communities to brief all councillors promptly and fully on the review, its contents and the reasons for not hitherto allowing open access to it.
- 6) Agrees to release the Review.”

Decision

To note that Councillor Rose had withdrawn his motion.

Appendix 1

(As referred to in Act of Council No 5 of 23 October)

QUESTION NO 1

**By Councillor Orr for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 23 October 2014**

Question

Does the Convener agree that a Transient Visitor Levy (or “Bed Tax”) would be a useful tool to enable the Council to raise funds independently and so reduce the impact of the proposed budget reductions in 2015/16 and beyond? If so, has the Convener had any contact with Scottish Government ministers since his election to that position, or does he plan to have such contact, to encourage them to look again at supporting this opportunity?

Answer

Introducing a compulsory Transient Visitor Levy in Edinburgh would require new primary legislation to be enacted by the Scottish Parliament, however, there has been discussion with the Minister around the scope for a voluntary Transient Visitor Levy.

Supplementary Question

Can I thank Councillor Rankin for his response. His reply is a little bit limited. It refers to both a compulsory Transient Visitor Levy and a voluntary one. Just for the record, could he please clarify what the difference is and what exactly is being pursued by the Capital Coalition and what the obstacles are.

Supplementary Answer

I thank Councillor Orr for his question. My understanding of a voluntary levy is one which is a matter for each Council to consider on its own merits rather than something which would be made available or even some requirement to impose it right across the country. I don't think that there is any particular difficulty with the idea in principle myself, but as I think you may know from the time when you were a member of the Capital Coalition, that we did make an approach to the Scottish Government and we didn't make any progress with it. I'm not sure that we would do any better if we were to approach the Scottish Government again and that's where things stand at the moment.

QUESTION NO 2

**By Councillor Orr for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 23 October 2014**

Question

Following the recent briefings on the developments to resolve legacy Statutory Repair cases (and given that the Council is the principal party at fault regarding these cases and that some complaints have remained unresolved for over four years) can the Convener guarantee that, in the event that settlements cannot be agreed, that any legacy complaints will be concluded (to stage 2 of the complaints process and such that the further complaints can be pursued via the Local Government Ombudsman) *prior to* final settlement negotiations with the Council and so prior to the commencement of the debt recovery process and potential legal action on the part of the Council?

Can he please also disclose the total number of complaints relating to Edinburgh Statutory Repairs that have been concluded to the end of our internal complaints process?

Can he please also disclose the total number of complaints relating to the Edinburgh Statutory Repairs crisis that have been successfully raised (as further complaints) with the Local Government Ombudsman?

Answer

The role of the SPSO is to assess complaints about public services in Scotland. Its key activity is to check that an organisation has proper complaints handling procedures in place and that they are followed. The SPSO is not an appeal body for the decisions of organisations. While they can check that a decision has been properly made, they cannot change or overturn it.

The Council's Finance and Resources Committee, put in place an objective, consistent and independent process to recover money legitimately owed to the Council and achieve a fair and consistent settlement with those owners whose

legacy complaints had been 'deferred' from the standard Council Complaints Procedure due to specific and complex issues that required an independent review.

Where an independent review has been completed, this will comprise the Council's final position and Stage 2 response. The Council will however review any relevant new evidence or information provided by the complainant. This concludes the Council's internal complaints process and the Council then proceed to bill owners for any outstanding balance as appropriate, with normal debt recovery processes commencing thereafter.

Complainants are made aware that they have the right to approach the SPSO should they remain dissatisfied. The SPSO will not consider the technical aspects of any particular complaint; rather they will focus on Council processes and procedures.

The SPSO will normally consider complaints received within a further twelve month period.

The total number of complaints relating to Edinburgh Statutory Repairs that have been concluded to the end of our internal complaints process are:

- Stage 1 complaints – 986
- Stage 2 complaints – 142
- Deferred complaints – 278

There have been a total of 23 complaints referred to the SPSO. The current status of which are noted below:

- Not upheld – 8
- Partially upheld - 4
- Upheld – 3
- Pending - 8

Supplementary Question

Thank you Councillor Rankin for my second question. It is a very important subject and I'm very grateful for the detail that was supplied which I'll take forward with my colleagues in Governance, Risk and Best Value. It does seem to me that over 1200 complaints have either got no further than Stage 1 or are deferred and that seems to me like a large number of complaints. These are people and families in limbo over the Statutory Repairs crisis that was caused by this Council. I know that this is a uniquely challenging

matter for the Council and for Councillor Rankin, but I would like to ask him how he feels he has performed on this matter in the two and a half years since he took it on.

**Supplementary
Answer**

I thank Councillor Orr for his question. You may recall that going back to the time when the Capital Coalition was established, that Bill Cook as Vice Convener and myself as Convener of Finance and Resources were determined that the legacy issues of all of those problems that we have are going to be addressed in a thorough and effective manner. I agree that when you look at the figures there are a lot of outstanding complaints, that is the result of a very robust process and one which I am sure will stand up to scrutiny over the course of time. If it means that a number of people come forward with complaints then we will deal with those as they arise, and I think that that is the best way forward.

I have no reservations about what we have done to put in place a process that will work and will withstand scrutiny and that the complaints that we address will be addressed properly.

QUESTION NO 3

**By Councillor Rust for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 23 October 2014**

- Question** (1) What amount of Community Charge payments remain outstanding and owed to City of Edinburgh Council?
- Answer** (1) £72.4 million.
- Question** (2) What approach has been taken to date regarding collection of these unpaid debts?
- Answer** (2) £27k was collected last year via payment arrangements with the Sheriff Officer and payments received from Inhibition action.
- Question** (3) Has the updated electoral register been used to pursue unpaid debts?
- Answer** (3) No. It should be noted that as a result of the Prescription and Limitation (Scotland) Act 1973 the debt can only be recovered for up to 20 years from the date of the last recovery notice or from the last time the debt was acknowledged by the customer.
- Question** (4) Has there been any communication with the Council from the Scottish Government either in advance of or since the First Minister announcing that the Scottish Government will bring in new laws to stop local authorities pursuing outstanding bills?
- Answer** (4) No there has been no communication to date.
- Supplementary Question** I thank the Convener for his responses. Two points – how much of the £72m referred to in the answer to Question 1 is legally collectable and what proportion of the £72m is sitting on our audited statements as a debt which is uncollectable and should therefore be written off, and the second aspect is what proportion of this is through the debts not being pursued and specifically when did the Council stop using the usual means ie the voters roll, to proceed with the due diligence on collecting debts.

**Supplementary
Answer**

I thank Councillor Rust for his question. I can't give you an immediate answer to the second question, but I'd be happy to follow that up with you in due course.

My understanding of debts which are outstanding and even those which are technically written off, I think it is an accounting term which can be misleading, the proof of the matter is that the Council will pursue whatever debts are owed to it, in the proper manner and we will hope to collect them in due course. I agree that the figure of £27,000 is not very large but that reflects in many ways the difficulty of collecting debt of the age that so much of it is.