

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 11 December 2014**

Council Chamber, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

### **Contact**

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## **1. Order of business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 The City of Edinburgh Council of 20 November 2014 – submitted for approval as a correct record

## **5. Questions**

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- 5.1 By Councillor Heslop – Accidents Involving Trams – for answer by the Convener of the Transport and Environment Committee

## **6. Leader's Report**

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- 6.1 Leader's report

## **7. Appointments**

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- 7.1 If any

## **8. Reports**

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- 8.1 Organise to Deliver – Next Steps – report by the Chief Executive (circulated)
- 8.2 Review of Political Management Arrangements – report by the Director of Corporate Governance (circulated)
- 8.3 Review of Scheme of Delegation to Officers – report by the Director of Corporate Governance (circulated)
- 8.4 Audit Scotland - Annual Report on the 2013/14 Audit – report by the Director of Corporate Governance (circulated)
- 8.5 Lothian Pension Fund Resourcing Arrangement with Falkirk Council – report by the Director of Corporate Governance (circulated)

- 8.6 Health and Social Care Integration Scheme: Update on Draft Integration Scheme – report by the Chief Executive (circulated)
- 8.7 North West Edinburgh Partnership Centre – report by the Director of Health and Social Care (circulated)
- 8.8 Proposals for the Location of St John’s RC Primary School; Outcomes Arising from the Consultation – report by the Director of Children and Families (circulated)
- 8.9 Future Investment in Public Transport – Potential Tram Extension – report by the Acting Director of Services for Communities (circulated)
- 8.10 Revised Member-Officer Protocol – referral from the Governance, Risk and Best Value Committee (circulated)
- 8.11 Treasury Management - Mid Term Report 2014/15 – referral from the Finance and Resources Committee (circulated)
- 8.12 Adult Social Care Budget Pressures 2014/15 – referral from the Finance and Resources Committee (circulated)
- 8.13 Shared Repairs Services – Development of a New Service – referral from the Finance and Resources Committee (circulated)

## **9. Motions**

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### 9.1 By Councillor Corbett – Tax Dodging

“This Council:

- Recognises the national campaign by Action Aid to end corporate tax dodging which highlights that:
  - The UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year;
  - Developing countries lose three times more to tax dodging than they receive in aid each year – enough to give a basic education to the 57 million children currently missing out;
  - That the UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world’s tax havens in the British Overseas Territories and Crown Dependencies;
  - The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens; Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%;

- Recognises that increased revenue from reducing corporate tax dodging would contribute towards government finances including funding for local authorities specifically and public services generally;
- Agrees that the UK should take a lead role in creating a fairer tax system and combating corporate tax dodging, and urges the UK government to end the injustice of tax dodging particularly by large multinational companies, in developing countries and the UK; and that the Council Leader should write to the UK Government in these terms.”

## **Carol Campbell**

Head of Legal, Risk and Compliance

### **Information about the City of Edinburgh Council meeting**

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The City of Edinburgh Council consists of 58 Councillors and is elected under proportional representation. The City of Edinburgh Council usually meets once a month and the Lord Provost is the Convener when it meets.

The City of Edinburgh Council usually meets in the Council Chamber in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the Council meeting is open to all members of the public.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Allan McCartney, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4246, e-mail [allan.mccartney@edinburgh.gov.uk](mailto:allan.mccartney@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

For remaining items of business likely to be considered in private, see separate agenda.

### **Webcasting of Council meetings**

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## The City of Edinburgh Council

Edinburgh, Thursday 20 November 2014

Present:-

### LORD PROVOST

The Right Honourable Donald Wilson

### COUNCILLORS

Elaine Aitken  
Robert C Aldridge  
Norma Austin Hart  
Nigel Bagshaw  
Jeremy R Balfour  
Gavin Barrie  
Angela Blacklock  
Chas Booth  
Mike Bridgman  
Deidre Brock  
Steve Burgess  
Andrew Burns  
Ronald Cairns  
Steve Cardownie  
Maggie Chapman  
Maureen M Child  
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  
Richard Lewis  
Alex Lunn  
Melanie Main  
Mark McInnes  
Adam McVey  
Eric Milligan  
Joanna Mowat  
Gordon J Munro  
Jim Orr  
Lindsay Paterson  
Ian Perry  
Alasdair Rankin  
Vicki Redpath  
Keith Robson  
Cameron Rose  
Frank Ross  
Jason G Rust  
Alastair Shields  
Stefan Tymkewycz  
David Walker  
Iain Whyte  
Norman Work

## 1. Minutes

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### Decision

To approve the minute of the Council of 23 October 2014 as adjusted.

## 2. Questions

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

## 3 Leader's Report

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

- Cooperative Capital
- Boroughmuir High School Turf Cutting Ceremony
- Craigroyston Primary School and Oaklands Special School – exceptional reports

The following questions/comments were made:

- |                      |   |   |
|----------------------|---|---|
| Councillor Cardownie | - | Resignation of Alex Salmond and appointment of Nicola Sturgeon as First Minister for Scotland                       |
| Councillor Rose      | - | Council Reorganisation report   |
| Councillor Rust      | - | Recruitment of Head Teacher at Bonaly Primary School  |
| Councillor Burgess   | - | Support for the Living Rent Campaign  |
| Councillor Chapman   | - | Closure of Council owned recreational facilities  |
| Councillor Booth     | - | Air Pollution – European Court of Justice Ruling  |
| Councillor Munro     | - | Small Business Saturday – 6 December 2014   |
| Councillor Aldridge  | - | Missed bin collections - complaints   |
| Councillor Heslop    | - | Acting Heads of Departments   |
| Councillor Redpath   | - | North Edinburgh – recent press coverage – Pilton Community Health Project - The Health Walk Group of the Year Award |
| Councillor Edie      | - | Social Care and Energy Cooperatives - progress  |
| Councillor Lewis     | - | Commitment of Leader to read the Bride of Lammermuir by the end of 2014 - updates                                   |

- |                      |  |
|----------------------|--|
| Councillor Fullerton | - Congratulations to Janice and George Graham on winning the BBC Unsung Heroes Award for Scotland for their work in the Sighthill/Wester Hailes area |
| Councillor Robson    | - St Katherine's Primary School Nursery – Inspection outcomes  |
| Councillor Day       | - Congratulations to Spartan's Whites under 13 girls football team – SFA South East Scotland Region League Champions                                 |
| Lord Provost         | - Thanks to Alex Salmond for the support and contribution made to the City   |

#### **4. Appointment to the Board of Changeworks**

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The Council had made appointments to various outside bodies on 24 May 2012.

Councillor Orr had now resigned from the Board of Changeworks and the Council was invited to appoint a member in his place.

##### **Decision**

To appoint Councillor McVey to the Board of Changeworks.

(References - Act of Council No 2 of 24 May 2012; report by the Acting Director of Services for Communities, submitted)

##### **Declaration of Interests**

Councillors Burgess and Perry declared a non-financial interest in the above item as members of the Board of Changeworks.

#### **5. Membership of the Integration Joint Board**

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The Scottish Government had recently issued regulations governing the membership of Integration Joint Boards, as part of the Public Bodies (Joint Working) (Scotland) Act, which put in place the framework for integrating health and social care in Scotland.

Details were provided on the proposed membership of the Integration Joint Board.

##### **Decision**

- 1) To agree that five elected members represent the Council on the forthcoming Integration Joint Board.
- 2) To agree the membership of 2 Labour Group, 2 SNP Group and 1 Opposition Group members to the Integration Joint Board.

- 3) To appoint Councillors Aitken, Griffiths, Ricky Henderson, Howat and Work to the Joint Board.

(Reference – report by the Director of Health and Social Care, submitted.)

### **Declaration of Interests**

Councillor Ricky Henderson declared a financial interest in the above item as a non Executive Director of NHS Lothian.

## **6. Capital Coalition Pledges Performance Monitoring: Year Two Progress Report**

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The Council had agreed the Capital Coalition pledges, noting arrangements for delivery and reporting on performance of these pledges every six months.

An update was provided on the performance against the Capital Coalition's Pledges for May to October 2014.

### **Motion**

To agree the performance against the Capital Coalition's Pledges for May-October 2014.

- moved by Councillor Burns, seconded by Councillor Cardownie

### **Amendment 1**

- 1) To note that, despite concerns being raised by the Conservative Group on a number of occasions, the measurement process for the Capital Coalition pledges had not improved some two years after implementation and that the measures remained unfocussed and only related to outcomes in a very limited way. To consider that many were entirely subjective and that some that had been completed were simply limited technical actions in the gift of the Administration rather than being SMART.
- 2) To therefore instruct the Chief Executive to carry out a further review of the pledges and performance information to provide outcome based measures of Council performance concentrating on the core work of the Council's services.

- moved by Councillor Whyte, seconded by Councillor Mowat

### **Amendment 2**

- 1) To agree the performance against the Capital Coalition's Pledges for May-October 2014.
- 2) To add the following to the pledges:
  - Against **pledge 3**, the continuing £25 million gap in the Children and Families capital programme as compared to the estate condition surveys and the need

for an update on discussions with the Scottish Government on means of bridging that gap.

- Against **pledge 8**, the need to ensure that the emerging Local Development Plan and the Strategic Housing Investment Plan delivers on the “brownfield sites first” commitment.
- Against **pledge 9**, the need to ensure that homes being built under affordable housing programmes are benefiting people in the most acute housing need and that the homes being built are available at below market cost for the long term.
- Against **pledge 10**, the need to demonstrate that empty homes are being brought back into use by council interventions, so reducing pressure on new housing land.
- Against **pledge 12**, the need to ensure that progress in developing alcohol treatment programmes is matched by best practice and sound evidence in licensing policy.
- Against **pledge 13**, the value in responding positively to Scottish Government proposals to reform tenancy arrangements in the private rented sector to ensure that tenants have longer term stability in a property.
- Against **pledge 15**, to recognise that inward investment should be targeted at those sectors which best enhance Edinburgh’s vision of a sustainable, low-carbon, jobs-rich economy, rather than displacing home-grown business.
- Against **pledge 16**, the growing importance of the social enterprise sector to the city and the need for further tailored support to enhance growth.
- Against **pledge 20**, the need to improve performance to ensure that CEC meets its targets on business rates receipts and so joins other councils receiving payment under the Business Rates Incentivisation Scheme.
- Against **pledges 21 & 24**, the growing consensus on the case for a transient visitor levy at a time of increased strain on core council budgets and the need to press Scottish ministers more firmly on enabling local authorities to take decisions in the best interests of the localities they are elected to serve.
- Against **pledge 25** the value of promoting Edinburgh as a Living Wage city, applicable to all employers.
- Against **pledge 32**, continuing concerns from community organisations on lack of continuity in the arrangements for community policing.
- Against **pledge 33**, the value of participatory budgeting in increasing the profile of and public engagement with Neighbourhood Partnerships and the value of the approach being used in all Partnership areas.

- Against **pledge 40**, the importance of ensuring that private sector plans to maintain the built heritage of the city do not come at the cost of trampling over the natural heritage of the city.
- Against **pledge 41**, the need to ensure that the new shared repairs puts high quality customer care and communication at the heart of how it works.
- Against **pledge 42 & 43**, recognise the wider value of investment in sport and leisure provision.
- Against **pledge 49**, the pressing need to meet incremental recycling targets and so reduce landfill tax pressures.
- Against **pledge 50**, the need to revise Council's annual CO2 targets and ensure the Strategic Energy Action Plan delivers against targets.
- Against **pledge 51**, the need to make progress on Low Emission Zones to improve poor air quality.

- moved by Councillor Burgess, seconded by Councillor Corbett

### **Voting**

The voting was as follows:

For the Motion	-	36 votes
For Amendment 1	-	14 votes
For Amendment 2	-	6 votes

### **Decision**

To approve the motion by Councillor Burns.

(References – Act of Council No 8.1(a) of 23 August 2012; report by the Director of Corporate Governance, submitted.)

## **7. The Cooperative Capital Framework: Year Two Progress Report**

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

An update was provided on developments across the six themes of the Framework with proposals to strengthen co-production activity and evaluation.

### **Decision**

- 1) To note the actions taken in response to Council decisions of November 2013.
- 2) To note the progress and achievement of related pledges.

- 3) To agree to mainstream co-production (as outlined in paragraph 3.13 of the report by the Director of Corporate Governance) across the Council and that implementation be delegated to the Communities and Neighbourhoods Committee.
- 4) To agree the proposed evaluation methodology.

(References – Acts of Council No 10(c) of 25 October 2012 and 6 of 21 November 2013; report by the Acting Director of Services for Communities, submitted)

### **Declaration of Interests**

Councillor Main declared a non-financial interest in the above item as Chair of Dig In.

## **8. Edinburgh International Conference Centre – Shareholders' Agreement**

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Approval was sought for the Council to enter into a Shareholders' Agreement between the Council, Scottish Enterprise and Edinburgh International Conference Centre Limited in order to improve the governance arrangements in relation to the Edinburgh International Conference Centre.

### **Decision**

- 1) To approve the entering into of a Shareholders' Agreement between the Council ("CEC"), Scottish Enterprise ("SE") and Edinburgh International Conference Centre Limited ("EICCL").
- 2) To grant delegated authority in favour of the Director of Corporate Governance to enter into the Shareholders' Agreement on behalf of CEC with such minor amendments as he might consider appropriate and to take all such other actions on behalf of CEC as might be necessary or desirable to implement any ancillary arrangements in relation to the Shareholders' Agreement.

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

### **Declaration of Interests**

Councillors Aldridge, Munro and Ross declared a non-financial interest in the above item as Directors of the Edinburgh International Conference Centre Limited.

## **9. New Psychoactive Substances – Motion by Councillor Ricky Henderson**

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

"Council notes:

- increasing concerns associated with the use of New Psychoactive Substances (NPS), alternatively known as "legal highs", including anti-social behaviour and health issues.



- that a national day of action took place in August 2014, involving Police and Council officers targeting premises known to sell NPS, advising of the threat they pose, and taking samples for analysis.
- that for a number of months the Council has been working through the Citywide Community Improvement Partnership (CIP) model with health, police and other colleagues to develop a multi-agency response to this issue.

Council therefore calls for a report to the next meeting of the Health, Social Care and Housing Committee detailing work undertaken to date and examining further action that can be taken including any enforcement options available to the Council and/or the Police.”

### **Decision**

- 1) To approve the motion by Councillor Ricky Henderson.
- 2) To instruct chief officers to make contact with the Crown Office and Procurator Fiscal Services and Scottish Government in line with an agreed partnership approach as soon as possible to alert them to the significant impact on public services and the safety of individuals as a result of the increasing use of NPS, and to agree a set of actions to address these impacts.

## **10. Princes Street East End Traffic Delays – Motion by Councillor Whyte**

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

“Council notes with concern that, six months after the start of tram operations, the combination of traffic lights between Leith Street and Waverley Bridge are still causing considerable delays to traffic.

Further notes that this effect has greatest impact on buses and cyclists but also affects general traffic and, occasionally, trams.

Considers that long waits for west bound traffic, even for an east bound tram which will not cross the same path, are frustrating for travellers.

Agrees that the minor alterations to the “SPRUCE” system intimated to members in briefing 468 will have limited impact on these issues and calls for a report to the Transport and Environment Committee within the two cycles setting out a full solution to this issue.”

### **Motion**

To approve the motion by Councillor Whyte

- moved by Councillor Whyte, seconded by Heslop

### **Amendment**

- 1) To note the increase in public transport use and changes in general traffic flow following the introduction of tram as a new mode of transport in the City, and the challenges

experienced by pedestrians, public transport, cyclists and general traffic between Haymarket and Leith Street.

- 2) To note that a written briefing on *Traffic Signal Issues on Princes Street* was sent to all members. Also note that a visit to the Control Centre would be arranged for members of the Transport and Environment Committee to provide an update on the approach and implementation of improvement measures that had been carried out and were underway, including SPRUCE.

- moved by Councillor Hinds seconded by Councillor McVey

### **Voting**

The voting was as follows:

For the motion	-	14 votes
For the amendment	-	42 votes

### **Decision**

To approve the amendment by Councillor Hinds.

## Appendix 1

(As referred to in Act of Council No 2 of 20 November 2014)

### QUESTION NO 1

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 20 November 2014**

#### Question

What further action has been taken to implement a proactive approach to the sweeping of leaves from footpaths and cyclepaths since the answer to my last question on this issue in November 2013.

#### Answer

I have attached my earlier Answer for ease of reference. In addition in November 2013, I agreed in response to a Supplementary Question by Councillor Booth to explore how a proactive approach could be taken to clearing leaves from priority footpaths and cycle paths in future.

The Acting Director has confirmed that leaves continue to be removed as part of regular street cleaning activity between September and December.

In addition, the introduction of Confirm Management System allows us to monitor requests for leaf removal from particular locations including footpaths and cycleways. Confirm highlights locations where leaf fall is more significant and resources are being utilised to remove high levels of leaf fall from any identified locations. With the introduction of Confirm we can now monitor which locations receive the most enquiries relating to fallen leaves. This will help us to prioritise leaf removal in the city.

#### Supplementary Question 1

I thank the Convener for her response in which she says that leaves are cleared from foot and cycle paths as part of regular street cleaning activity and they are also cleared in response to complaints from members of the public. She will be aware that we have both been contacted this week by constituents to say that they have slipped or come off their bikes due to slippery leaves on the path. One comment from a constituent was that it shouldn't take a fall to get the paths swept.

Last year when I asked this question, I highlighted the support that cycle and pedestrian groups had expressed for

the Council's pro-active approach to snow and ice clearing from foot and cycle paths where paths are cleared after snow has fallen but before accidents occur. Will she agree to pursue a similar approach to leaf clearing.

**Supplementary Answer 1**

Well I'm not sure exactly which constituents you are talking about. I certainly know through Twitter you put out a question on a number of occasions that you were asking today, and I think you had a couple of comments as far as I can see and if you have any more I'd be pleased to see them and certainly one of the comments was saying in fact they were quite pleased with the part of the cycle path that had been cleared. So, rather than just be negative Councillor Booth, it would be quite useful to say something positive, saying some paths in certain areas had actually been cleared and that does take an issue in terms of areas, and some areas are obviously taking it far more seriously in clearing it.

As you've got in the report, we now have a confirmed management system and they are trying to identify particular areas where there are particular problems and trying to identify them and clear them, but also you will be aware the issue of clearing of the snow during the winter period actually a percentage of it does come from the cycling budget and I need to check on whether there's any from the cycling budget, that's what we agreed in order to facilitate that clearing.

So I can just give you an assurance that we will do our best within the budget and finances that we have, to ensure that we keep our footpaths and cyclepaths clear and make them safe for cyclists as well as pedestrians.

**Supplementary Question 2**

I thank the Convener for that reponse. I do recognise that in some areas clearing of leaves has been good, but the key issue is, it has been reactive, it has been in reaction to complaints from members of the public. Will she pursue a pro-active approach similar to the approach that is taken to snow and ice clearing which has rightly been widely welcomed across the City.

**Supplementary Answer 2**

I would repeat that we now have the introduction under this Capital Coalition, a confirmed management system which records, and what you'll see from the answers is the officers are saying they can now monitor locations where the most enquiries relating to fallen leaves, also take in the local

management and the local people on the ground and the local teams. If you have any, or anyone else out there has any issues of certain areas they feel haven't had enough attention, then we'll deal with them and make sure we try to make them as safe as possible and just because I know you're probably about just about to go on Twitter to make some comment that I haven't taken you seriously, I do believe we need to ensure that our pedestrians and our cyclists are safe and I hope that as an authority, we use our resources that we have to ensure that we keep the snow cleared from our cyclepaths and our footpaths and also we can do the same with leaves, and we will be proactive to ensure that happens.

## Appendix

### Question by Councillor Booth answered by the Convener of the Transport and Environment Committee at the Council meeting on 21 November 2013

<b>Question</b>	What measures do the Council have in place to sweep a) footpaths and b) cycle paths of fallen leaves during the autumn?
<b>Answer</b>	Leaves will be removed as part of the regular street cleaning activity. However as the frequency that streets are cleaned varies depending the type of street (e.g. town centre, residential, rural etc...) we will target those areas which experience heavy leaf fall with additional leaf removal collections between October and December. This has the added advantage of allowing leaf collection to be separate from street litter which means it can be disposed of through composting rather than going to landfill. Footpaths are given a higher priority where higher levels of pedestrian traffic are present compared to outlying areas. Off road paths that can be used by pedestrians and cyclists are cleared of leaves using a mechanical sweeper as part of cleaning operations that also remove litter and glass. As with footpaths those parts of the off road cycle routes that have significant leaf fall will receive additional treatments as required.

## QUESTION NO 2

**By Councillor Orr for answer by the  
Depute Leader of the Council at a  
meeting of the Council on 20  
November 2014**

### Question

With the Star Flyer due to reappear from the 21st of November, what assurances have been received that that the ride is safe i.e. that there will not be a repeat of the incident from December 2013 when one of the fibreglass seats fell off in mid air, and fortunately only landed on the box office roof below; an incident reported to have been “the scariest experience of my life” by the young lady who bought the ticket?

### Answer

#### **Industry assurance scheme**

The fairground and amusement park industry has established the Amusement Device Inspection Procedures Scheme (ADIPS) to improve and promote the safety of fairgrounds and amusement parks. This is recognized as a best practice scheme by the Health and Safety Executive.

ADIPS-accredited engineers issue safety certificates for each ride in Edinburgh’s Christmas every year, after checking the mechanical and electrical safety of the rides.

The Council’s Public Safety team checks that all rides are installed in the agreed locations, and that the rides have valid ADIPS safety certificates and Public Liability insurance. The operators test the running of each ride daily, before opening for business.

There are three examples of this Star Flyer model operating in the UK and many similar models operating in London and elsewhere in Europe. All of these Star Flyers have an excellent safety record – it is very rare for any incident to occur.

#### **Details of the December 2013 incident**

The incident in December 2013 was of course deeply regrettable.

The fibreglass cover shell of the back of one of the metal seats of the Star Flyer fell from a height of less than 10 metres onto the ride's ticket office roof. The seat itself remained in place.

The Star Flyer was immediately stopped and not reactivated until an ADIPS-accredited engineer examined the ride, recommended remedial action revising the fixing of the shell covers to the seats, and ensured this was carried out before the ride was restarted the following day. There were no further incidents following this action. In total, 62,000 people enjoyed the Star Flyer last year.

The revised design is now a mandatory part of the ride's certification and maintenance record and is in use this year.

**Supplementary Question**

Can I thank the Depute Leader for the information he has supplied. The incident is reported as being deeply regrettable and of course it is – and I'm glad that Councillor Cardownie has confirmed that the seat casing only fell from around 10 metres, but I would say that that still was, could have been potentially a fatal accident for someone standing underneath it. I am concerned that there doesn't seem to have been any public comment at the time to express the concerns of the Council as to what had happened and that the contractor was basically at fault. Now, had I been politically responsible for this area of the Council I would have hauled these guys in, I would have made it clear to them in perhaps industrial language that this was not acceptable. I would have made that known in the Council and I would have made that known publicly. Can I just ask Councillor Cardownie does he perhaps agree at least that he should have made known his concerns at the time and made known that this was unacceptable.

**Comment by the Lord Provost**

I think for the purposes of the web Councillor Orr, I'll say that this is the safety of the Star Flyer that we are talking about.

**Supplementary Answer**

I was wondering when Councillor Orr was going to get to his question but he did at the end and I thank him for that. Of course everybody that knows me knows that I would never ever sink to the depths of using industrial language when speaking to anybody and Councillor Orr is not aware perhaps, maybe he might have guessed, that I did have concerns and I did express them to the operators of Underbelly, but I'm not an expert, and I don't know if it would



have been a fatal accident if this thing had hit somebody, the fibreglass at the back.

We've been told it's been rectified. We've got all the relevant bodies on to it to ensure that this is the case. It didn't put people off attending and going on the Star Flyer, I myself went on the Star Flyer and I'm quite sure if I pick up a telephone I can arrange for Councillor Orr to go on the Star Flyer if he would like to test it himself, and I'll even give him the bus fare back from Kirkaldy to get back to Edinburgh – I'm saying that tongue in cheek of course. The Star Flyer is a safe ride Lord Provost, it's said in here you can see all the stringent checks. Of course I expressed concern at the time as soon as I heard that the fibreglass had come off and I was given assurances by Charlie and Ed of Underbelly that they were making all the relevant arrangements to ensure it was fixed, as indeed were our health and safety team, and I was satisfied with these assurances.

### QUESTION NO 3

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 20 November 2014**

#### Question

Could figures be provided on an annual basis for the last six years for the following:-

- (a) the number of incidences of fly tipping, including on street?
- (b) the costs for clearing this fly-tipping?
- (c) the income received from bulk uplifts for the period noted?

#### Answer

- (a) The number of fly tipping incidents reported from May 2014 to October 2014 is 3,118. The Confirm Management System introduced in March 2014 records and manages reports of fly tipping. The Confirm system will enable locations and sites where fly tipping is a problem to be identified. Prior to the introduction of Confirm, figures are not available on the number of incidents relating to fly tipping.
- (b) Fly tipping incidents vary from one single item to large accumulations. The bulk uplift cost for fly-tipping amount to £155k per annum and account for approximately 45% of fly-tipping incidents. The remaining incidents are picked up as part of usual street cleansing crew activities and therefore costs are not detailed separately.
- (c) Special Uplift charges were introduced in 2010/11. The income received from customer booked Special Uplifts for bulky household items is:

2014/15	£160,002	(7months) (extrapolated to 12 months would give £274,285)
2013/14	£248,281	
2012/13	£235,769	
2011/12	£266,648	
2010/11	£289,054	

#### QUESTION NO 4

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 20 November 2014**

- Question** (1) How many times have the refuse collection vehicles been unavailable for scheduled work over the last year?
- Answer** (1) For the period 1<sup>st</sup> November 2013 to the 30<sup>th</sup> October 2014, refuse collection vehicles were available for scheduled work 82.18% of the time. Over this period the total number of days, across all vehicles, was 14,235. The 'lost days' due to vehicles being off the road amounted to 2,536.
- Question** (2) What impact has this had on collection times – and how many delayed or missed collections have been caused by this?
- Answer** (2) The service is designed to have a margin of spare capacity (additional vehicles) to allow it to deal with vehicle breakdowns and also has the ability to hire vehicles if demand for the spare capacity is exceeded. Any vehicle breakdown has the capacity to impact on service delivery. However being unable to run a refuse route due to lack of vehicles is not a regular occurrence and data specific to this eventuality is not recorded.
- Recent records relating to refuse operations have been reviewed and one instance where a route could not run due to the lack of suitable refuse vehicle was identified. This related to a specialised vehicle, which serves the side loading communal bins, where it wasn't possible to source replacement parts at short notice.
- Question** (3) What is the cost in hiring vehicle cover to enable the service to be delivered?
- Answer** (3) The cost of hiring refuse collection vehicles is approximately £90,000 per year.
- However, the Council has recently procured eight new refuse collection vehicles which will be delivered within the next two months. This will save the Council a minimum of

£90,000 per year in reduced costs of maintenance, breakdown repairs and temporary hire of replacement vehicles whilst improving operational efficiency.

Whilst breakdowns and vehicles being off road will impact on performance it should be noted that 99.8% of all collections are made as scheduled. This is in the context of 460,000 bin collections a week.

**Question**

- (4) Have any vehicles hired been staffed by Council staff or have we had to hire in vehicles with crews? If we have, have Council staff been redeployed on other duties?

**Answer**

- (4) Where a vehicle is hired in the vehicle is staffed by Council employees or contracted agency staff in line with our normal arrangements. The service does not routinely hire in vehicles and external crews. The only exception to this is over the festive period where the Council may be required to use additional resources (both vehicles and crews), via contract, to cover staff holiday periods. The external crews are however managed by Council employees.

**Supplementary Question**

I'm going to roll my supplementary question because both answers raise the same issue. Could the Convener indicate that given that both questions show that there are areas of work being undertaken in the departments for which costs are opaque or unable to be provided, is she satisfied that proper cost controls can be exercised in a department where they're not being reported and cannot be quantified.

**Supplementary Answer**

I'm not satisfied that we can't actually identify how much it would cost in particular areas of single individual fly-tipping. I'm assuming from your question it is a concern that was recently brought up to me in terms of a visit out to Craigmillar who were interested in recycling etc. Their issue was about fly-tipping and how much does it cost and is it worth it and I think it's a question we all as groups need to question probably in our budget process about how much it costs for people to get a pick-up for items they wish to be picked up and how that relates to the cost in terms of fly-tipping and how much that costs. So I'm not quite satisfied I've got all the answers I need in order to then make a judgement on that. I'm happy to discuss with Councillor Mowat if she wants on that and how we can make sure we're using our resources as best we can and I'm not quite at that stage. I think even the Acting Director and also the Acting Head of Waste would accept that as well.

**QUESTION NO 5**

**By Councillor Aitken for answer by  
the Convener of the Education  
Children and Families Committee at a  
meeting of the Council on 20  
November 2014**

**Question** (1) What was the timescale for the Wisepay pilot?

**Answer** (1) The pilot in Edinburgh includes five schools – Sciennes, Currie, and Craigroyston Primaries and Firrhill and Balerno High schools. The focus of the project has been to improve the customer experience by introducing an on line payments system for an extensive range of activities requiring payments from parents including meals, milk, trips, events, fundraisers ; an integrated communications system; and an integrated back office school fund management system.

By February 2014 all functionality at primary and secondary level had been tested.

**Question** (2) Has this now been completed?

**Answer** (2) Yes. The feedback from parents and schools has been extremely positive.

The pilot schools are continuing to use Wisepay pending detailed consideration of the next steps towards the wider application of an online payments system across the school sectors.

**Question** (3) If so, when can this or any other “integrated on-line payment” system be implemented throughout the school estate?

**Answer** (3) During 2014 Edinburgh has been closely involved in a national procurement process for online school payments, led by the Improvement Service/Scotland Excel. This work is now complete and a national framework agreement has been set up with three suppliers. The launch of the framework took place on 14 November 2014.

The initial next step (on the assumption that the Council framework is adopted) will be to evaluate each supplier and determine which supplier best meets Edinburgh’s user

needs. Price and affordability will also be critical in this assessment. Subject to this it would be anticipated that the roll out would take place in 2015/16.

**Supplementary  
Question**

I thank the Convener for his response. The schools that weren't in the pilot, I agree that the pilot system did go very well, but the schools not in the pilot system have waited a considerable time to benefit from an online payment system. So will the Convener agree to do whatever he can to get the evaluation of the three possible companies to provide the on-line payment system as soon as possible and can it then be implemented as quickly as possible.

**Supplementary  
Answer**

Can I thank Councillor Aitken for her question. As Councillor Aitken knows, there is obviously significant support from right across our schools for the introduction of such a system and I think it would bring very real efficiencies to our schools. The delay in going forward with this has been down to national procurement, that is now cleared and we now do have to move as quickly as possible to introduce across our schools. I think there will be support from parents, I think there will be support from schools and I give the assurance to Councillor Aitken that we will move quickly forward with this to make sure it is introduced as quickly as possible.

**QUESTION NO 6**

**By Councillor Aitken for answer by  
the Convener of the Finance and  
Resource Committee at a meeting of  
the Council on 20 November 2014**

**Question** (1) When will the Integrated Property Facilities Management Review be undertaken, given the pressures on the SSO (Service Support Officers) in the “Campus” model?

**Answer** (1) The iPFM programme is currently work in progress. The next stage includes a review of the Service Support Officers “Campus” model.

**Question** (2) Will a project team be reinstated to undertake the review?

**Answer** (2) Yes.

**Question** (3) If so, please can you provide definitive timescales for completion of this review?

**Answer** (3) Not at this point but it is anticipated that the revised Service Support Officer model will be completed by the end of March 2015 with overall implementation in Spring 2015.

**Supplementary Question** I thank the Convener for his response. Given that the possible implementation of a new model for SSO’s won’t be happening until Spring next year, what resources will be made available to the schools and community centres where the campus model isn’t working? They have been put under considerable pressure with this so I’m just asking what kind of resources can you make available to them to help and support them until it is implemented.

**Supplementary Answer** I thank Councillor Aitken for her question. We will obviously be looking carefully at this as the review proceeds, and I appreciate what she is saying about the resources in this case and we will do our best to make sure that all the necessary resources are in place.

**QUESTION NO 7**

**By Councillor Rust for answer by the  
Convener of the Economy Committee  
at a meeting of the Council on 20  
November 2014**

**Question** (1) (a) How many contracts have been awarded since 2008 to Carole Claridge / C2 Management Consulting of Brighton, East Sussex?

**Answer** (1) (a) 10 contracts in total have been awarded over the last six years to C2 Management Consulting. No contracts have been awarded to Carole Claridge directly.

(b) What is the value of each contract/commission?

(b) The value of each purchase order is:

Order Date	Amount	Description
13/10/2008	6,000.00	Production of the Economic Development 3 year plan
11/05/2009	6,350.00	Review of progress against the 3 year plan
27/11/2009	2,255.00	The development of early policy work which eventually led to the setting up of the Scottish Cities Alliance
20/07/2010	20,247.44	Marketing Edinburgh Integration bringing together DEMA, the Edinburgh Conference Bureau and Film Focus. This involved a feasibility study and business case which was produced at the request of the DMA board, working to the board and Chairman.
26/07/2010	400.05	Preparation work for the Marketing Edinburgh Board away day.
23/02/2011	13,000.00	Development of the Strategy for Jobs
14/06/2011	1,450.00	Delivery of a Strategy Workshop for City partners on Monday 4 July 2011
18/10/2011	4,475.00	Delivery & write up of 2 econ strategy workshops on 31 Aug & 13 Oct.



Order Date	Amount	Description
01/05/2014	2,450.00	Development of the Sustainable Energy Action Plan
17/06/2014	7,000.00	Preparation of the Energy Services Company Business Case

(c) On how many of these contracts was a procurement exercise undertaken?

(c) As a result of the relatively low values of each commission these are not recorded on the Council's contract register. However the market was continually tested to ensure value for money for this type of work.

Orders since 2010 have been reported in the Council's annual report on consultancy spend. Orders in 2014 were approved through waiver reports in accordance with Contract Standing Orders and reported to Finance and Resources Committee on 30 October.

(d) What connection has the Council or officials with Carole Claridge / C2 Management Consulting of Brighton, East Sussex?

(d) The Director of Economic Development has contracted intermittently with C2 Management Consulting over a period of the last decade both here in Edinburgh and at the South East Economic Development Agency. The work provided by this company is well informed, consistent and is cost effective compared to the rates that would be charged by economic development consultancy houses elsewhere.

**Question** (2) (a) How many contracts have been awarded since 2008 to Ward Sparrow of Crowborough, East Sussex?

**Answer** (2) (a) No contracts have been awarded to Ward Sparrow directly. Effective Contracting Limited, a company which Ward was a Director of, were awarded 13 contracts in the period 2008-2012, with a total of 23 purchase orders being raised on these contracts.

Several of these have been a continuation of work in 2008/2009 to stabilise EDI, WEL and the other property companies during the credit crunch. The interim management arrangements with WEL and EDI were endorsed by the respective boards of the Arms Length Companies. Effective Contracting Limited helped avoid a loss of upwards of £60m on land investments, particularly at the Waterfront, as well as reducing the arms length companies running costs by £1m per annum.

(b) What is the value of each contract/commission?

(b) The value of each purchase order is:

Order Date	Amount	Description
29/07/2008	10,000.00	Interim management of arms length company WEL
04/08/2008	5,000.00	Edinburgh International Science Festival - Business Case Analysis which led to a Council saving of £50k
08/10/2008	19,143.00	Interim management of arms length company WEL
04/12/2008	16,044.09	Interim management of arms length company WEL
11/05/2009	7,678.72	Interim management of arms length company EDI
07/07/2009	25,000.00	Interim management of arms length company EDI
22/09/2009	25,500.00	Interim management of arms length company EDI
21/10/2009	36,165.00	Interim management of EDI for September to December 2009
21/01/2010	15,559.00	Physical Development Review (including restructure of Arms Length Companies)
02/07/2010	16,487.00	Audit of City Development wider economic support services
10/08/2010	4,320.00	Advice on financial engineering relevant to JESSICA Pre-call
04/11/2010	15,269.50	Providing support to Investment zones to develop business plans and future delivery options
18/08/2011	4,850.00	Review of Edinburgh International Climbing Arena - September 2011 50% of fee. This was on behalf of Culture and Sport
07/09/2011	8,170.00	Final payment for review of Arms Length property companies
12/10/2011	4,850.00	Review of Edinburgh International Climbing Arena - September 2011 50% of fee. This was on behalf of Culture and Sport

Order Date	Amount	Description
12/12/2011	18,000.00	To provide management support to and evaluation of the IOIT Open Innovation Project as per contract agreement. 40% covered from European funding. As a result, Edinburgh has benefited in income on this programme to the value of £800,000.
12/12/2011	1,635.96	Reimbursement of expenses incurred in fulfilment of IOIT Open Innovations Project contract. 40% covered from European funding. As a result, Edinburgh has benefited in income on this programme to the value of £800,000.
27/02/2012	1,800.00	Reimbursement of expenses incurred in fulfilment of IOIT Open Innovations Project contract. 40% covered from European funding. As a result, Edinburgh has benefited in income on this programme to the value of £800,000.
27/02/2012	18,000.00	To provide management support to and evaluation of the IOIT Open Innovation Project as per contract agreement. 40% covered from European funding. Edinburgh has benefited in income on this programme to the value of £800,000.
27/04/2012	7,200.00	To provide management support to and evaluation of the IOIT Open Innovation Project as per contract agreement. 40% covered from European funding. Edinburgh has benefited in income on this programme to the value of £800,000.
27/04/2012	580.4	Reimbursement of expenses incurred in fulfilment of IOIT Open Innovations Project contract. 40% covered from European funding. Edinburgh has benefited in income on this programme to the value of £800,000.
05/07/2012	1,800.00	Assessment of Splashback proposition on Leith Waterworld. This was on behalf of Culture and Sport
05/07/2012	4,700.00	Review of Economic Development service progress against the 3 year plan.

- (c) On how many of these contracts was a procurement exercise undertaken?
- (c) Effective Contracting Limited provided services under a framework contract which was awarded in 2009. Thereafter individual projects were awarded to the company with the most relevant experience. Where more than one of the companies had the appropriate experience, the work was awarded based on a further mini tender.
- (d) What connection has the Council or officials with Ward Sparrow of Crowborough, East Sussex?

- (d) The Director of Economic Development has contracted intermittently with Effective Contracting over a period of the last decade both here at the City of Edinburgh Council and at the South East Economic Development Agency. The requirement was for interim financial management and audit functions. The consultancy framework closed in 2012 and no further procurement has included Effective Contracting Limited since.

**Supplementary  
Question**

I thank Councillor Ross for his answer. Can the Convener perhaps clarify what is meant by contracted intermittently and whether interest was declared by any official in advance of the purchase orders being awarded. Secondly can he also advise if any of these purchase orders were awarded in advance of the recipient being on the approved Council list.

**Supplementary  
Answer**

Can I thank Councillor Rust for his question. The specific points that he has asked there were not covered in the initial remit so I don't have the answer specifically to hand. I will pull the information together and contact him directly.

## **Item no 5.1**

### **QUESTION NO 1**

**By Councillor Heslop for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 11 December 2014**

#### **Question**

Requests the Convener lists collisions involving trams since operations began with an indication of the causes and impacts, especially in relation to delays and damage, of each collision?

#### **Answer**



December 2014

### Christmas appeal



This year, ten million Syrian people will spend their Christmas freezing in tents in neighbouring countries while, in South Sudan, two million will be sheltering in camps, having been forced from their villages as war resumed.

Mercy Corps and the Edinburgh Disaster Response Committee (EDRC) have launched a [Christmas appeal](#) to highlight the plight of millions of families around the world who have fled their homes because of conflict and violence.

The money raised from the appeal will provide urgent and vital supplies to those in need along with basic sanitation services and safe places for children to play.

Please support this worthwhile cause in any way you can. Donate online at [Mercy Corps](#) or by texting EDIN14 and the amount to 70070.

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### Investment in public transport

Use of public transport is on the increase in the Capital, bucking the national trend. Trams continue to attract more than 90,000 passengers a week on average and Lothian Buses also experienced a rise in patronage over the first half of the year.

Population forecasts predict a faster growing population for Edinburgh than anywhere else in Scotland (an additional 136,400 by 2037) and it's vital that we plan ahead so that we can support this growth with a truly integrated, sustainable public transport system.

When we launched the trams back in May, we pledged that a report would come before Council by the end of the year. The research this report recommends will help us to make fully informed choices about the next steps for transport in the Capital.

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### Proposals for change

As I've previously described in this report, it's essential that we transform how we deliver council services to an ever growing number of residents, focusing more on their priorities while addressing the significant financial challenges we face.

A further report from the Chief Executive makes the case for delivering services through four 'localities', or neighbourhoods, giving frontline staff the ability to make decisions more suited to the local community and their particular needs. It also outlines a proposal for creating a 'Business and Customer Services' corporate centre which would provide the necessary guidance and support.

Councillors will be asked to select one from three models outlined in the report, following which consultation with staff, Trades Unions and relevant partners will begin.

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### Still time to have your say

Over the past two months, we've been inviting views on how we invest and save money. The consultation has attracted significant attention, with over 1,400 people completing our [budget planner](#) online, and a further 300 submitting comments by post and email. This is already more than four times the number of responses we received last year.

This week, attention turned to our Question Time event, giving members of the public the opportunity to quiz our panel of senior councillors on the budget proposals that mattered to them. It was a lively debate with the Chair, Evening News editor Frank O'Donnell, taking contributions from the floor and from those watching at home. [Archive footage](#) of the event is available to view on our website.

Please take the time to have your say on the proposals, if you haven't already. The consultation period runs until **19<sup>th</sup> December**, and we *will* consider all feedback prior to setting the final 2015/16 Budget in February.

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### Season's greetings

Finally, I would like to take this opportunity to wish you a fun-filled festive season and all the very best for 2015. I can think of nowhere better to enjoy [Christmas](#) or see in the [New Year](#) than right here in Scotland's great capital city.

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◆ EDINBURGH ◆  
THE CITY OF EDINBURGH COUNCIL

10am, Thursday, 11 December 2014

## Organise to deliver: Next steps

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All

### Executive summary

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The Council considered a report by the Chief Executive on 23 October 2014, outlining the drivers and principles for change in relation to the Council's delivery model. The principles for change will form part of the Council's response to the continuing increase in demand for services at the very time the Council is becoming more resource constrained. The report of 23 October 2014 also outlined the Council's commitment to transformational change through the BOLD initiative, the elements of which will underpin the Council's new delivery model. The proposed delivery model creates a fundamental change from the current delivery model by empowering front line staff in the localities to ensure devolved decision making and improved outcomes for citizens and provide new opportunities for enhanced partnership working across the City. In addition the model will deliver significant efficiencies to drive out savings to address the financial challenges the Council faces.

### Links

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<b>Coalition pledges</b>	P30
<b>Council outcomes</b>	CO25
<b>Single Outcome Agreement</b>	SO1
	SO2
	SO3
	SO4



## Organise to deliver: Next steps

### Recommendations

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The Council is recommended to:

- 1.1.1 agree the rationale and the key principles for the Council's proposed revised delivery model;
- 1.1.2 agree the case for delivery of front line services through the proposed locality model;
- 1.1.3 agree the case for change to a proposed Business and Customer Services model that will drive efficiency, create a strong spine for the organisation and drive service delivery;
- 1.1.4 agree the alignment of the proposed delivery model with the BOLD portfolio of change;
- 1.1.5 agree the proposed delivery model illustrated in appendix 1b;
- 1.1.6 agree the proposed directorate portfolios, illustrated in (Appendix 1b) and the proposed process for appointments to the Chief Officer posts in the proposed revised arrangements;
- 1.1.7 agree that consultation will begin with employees, Trades Unions and relevant partners on the proposed new structure;
- 1.1.8 agree that the consultation with employees and Trades Unions on the proposed new structure, will include discussions on an enhanced voluntary redundancy scheme;
- 1.1.9 note that the business cases for the BOLD transformation projects will be reported to Finance and Resources Committee on 15 January 2015;
- 1.1.10 note that all of these proposals are subject to Trades Unions and employee consultation which may point to the need for refining and reconsidering some of the proposals set out. Council will have the opportunity to approve the final position on these matters following such consultation; and
- 1.1.11 agree that there will be a further report to Policy and Strategy Committee in quarter one 2015 on the next stage of implementation of the proposals.

### Background

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- 2.1 The Chief Executive reported to Council on 23 October 2014, outlining the proposed principles and drivers for change in relation to the Council's delivery model. The proposed new model will ensure the Council is proactive in relation to the increasing demand and resource constrained environment in which the

organisation operates, whilst ensuring that the customer is at the heart of organisational delivery.

- 2.2 In addition to the increased demand and resource constraints, the Council must also be in a position to respond to legislative change, for example, the integration of health and social care adult services and other partnership working within the community planning context. The proposed delivery model recognises that the City of Edinburgh Council serves a large, diverse and growing city and economy. The Council must be able to fulfil its role as a direct provider of services, a commissioner of services, a partner in service design and delivery, a leadership authority and a capital city. The proposed model also recognises that efficiency can be assisted through streamlining delivery and sharpening focus. The Directorate portfolios should be logical and manageable, and will relate to existing political decision making arrangements.
- 2.3 In arriving at the most appropriate model to support the aspirations of the Council, a number of options have been assessed. Three proposed models have emerged and have been subject to a SWOT analysis.
- 2.4 The proposals are summarised in the following appendices:
  - Appendices 1a, 1b, 1c: Directorate portfolios and models
  - Appendix 2: Locality maps
  - Appendix 3: SWOT analysis; and
  - Appendix 4: Delivery model infographic

## Main report

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- 3.1 The decision of Council on 23 October 2014 in relation to the Chief Executive's report, Organise to deliver: the principles for change, was that Council:
  - 3.1.1 notes the principles and drivers for change at national and local level, including the implementation of the health and social care legislation, which requires full integration of adult services
  - 3.1.2 notes the key principles that underpin the new proposed delivery model; and
  - 3.1.3 agrees to a further report to the next meeting of the Council in November 2014, which will outline the phased implementation and overall approach in more detail, with indicative timescales and arrangements for consultation with elected members, officers and trades unions.
- 3.2 This report responds to the decision outlined in paragraph 3.1.3 and provides the rationale for the proposed new delivery model for the organisation and the Chief Officer posts contained therein.

## **Delivery Model Principles and Rationale**

- 3.3 The principles and rationale for the proposed new delivery model were articulated in the report to Council on 23 October 2014. The proposed approach is outcome based, cuts across traditional service silos and is focused on citizens to ensure the design and delivery of services align with the priorities that will make a real difference to those who live, work, study and invest in Edinburgh. The proposed model will build on the local neighbourhood areas within a governance structure that relates through four larger localities. These will for the first time be co-terminus with the locality model proposed for health and social care services.
- 3.4 The proposed model develops a sharper focus on local service delivery and local management decision making. This involves the integration of operational functions to a cross cutting model of four city localities, each having responsibility to manage and deliver services for their area. Locality management teams will be responsible for the delivery of specific outcomes within each locality, set within Council policy and directed by the Council's executive group. A clear reporting and accountability governance framework will ensure that services delivered locally adhere to policy set centrally by elected members.
- 3.5 Development of the proposed delivery model aligns with the Council's agreed BOLD transformational change framework, across the following key themes:
- (a) Neighbourhoods
  - (b) Channel shift
  - (c) People and Culture
  - (d) Property
  - (e) Partnership

The business cases for each element of the transformation programme will align in terms of timescales and savings with the implementation plan for the Council's revised delivery model. Consultation plans will be included in the proposals, including consultation with employees and trades unions. As part of the consultation process, discussions will take place with regards to an enhanced voluntary redundancy scheme. The business cases will be reported to Finance and Resources Committee on 15 January 2015 and will provide further information on staffing implications. It is proposed that the traditional business service functions will be reshaped through a new Business and Customer Services model, designed to remove duplication and fragmentation; to provide

focus on quality, consistency, and efficiency; and to assist front line services in delivery of customer outcomes.

### **Local Delivery**

- 3.6 The Council's vision is for a public service delivered to people in localities and through strategic themes, which will enhance economic vitality, build excellent places and improve quality of life for citizens and service users.
- 3.7 The Council's current delivery model is a mix of centrally and locally managed services. The balance between central and local management varies between service areas, which also operate within different geographical boundaries. For both citizens and our staff, this can result in complexity, duplication, bureaucracy, and a frustrating customer experience.
- 3.8 The proposed new model will build consistency by delivering all front line Council services through four localities. These are the same geographical areas as the localities being adopted under health and social care integration. This will ensure a simpler model for citizens and deliver greater integration across both Council and partner agency services.
- 3.9 Commensurate with Community Planning, the proposed shift to the locality model will support an outcome delivery model, in which joined up front line services, designed around customer need, rather than organisational custom and practice, are managed and delivered locally, unless there is a compelling reason not to do so. Delivering services on a locality basis is shown to:
  - (a) improve outcomes for our service users
  - (b) increase customer satisfaction
  - (c) enhance employee engagement and satisfaction
  - (d) strengthen joint working across statutory and voluntary services
  - (e) assist in early intervention
  - (f) reduce layers of bureaucracy and management costs; and
  - (g) prioritise resources on support to citizens, rather than on processes.
- 3.10 Through the outcomes of the Edinburgh People's Survey and the Council's Tenants' Survey, it is demonstrated that where the Council provides services based on the geography of a neighbourhood or locality, there are higher levels of customer satisfaction. When Services for Communities moved to an area based structure in 2006/7, improved customer satisfaction was evidenced across all services, with continued improvement in subsequent years, without the need for additional investment.
- 3.11 The reasons for this improvement can be attributed in part to the role of the Neighbourhood Manager being responsible for a range of services and being accountable for the standard of service and performance to senior managers, to local councillors and local communities.

- 3.12 Through the governance structure of Neighbourhood Partnerships and their informal sub structure of locally determined, themed working groups, we can evidence that citizens can influence how the Council delivers services and the shape of local priorities through local community plans. Neighbourhood Environmental Projects (NEPS) are one way that funding can be allocated to projects by community representatives. Community small grants processes, such as Leith Decides further enhance this.
- 3.13 Improved employee engagement can also be evidenced. In the Council's annual staff survey, neighbourhood based staff express higher levels of satisfaction, than those providing centralised services, with visibility of and confidence in their manager, clarity on their contribution to Council objectives, and satisfaction with their workplace. This remains the case for staff located in and delivering services to some of the most outlying or deprived estates in the city.
- 3.14 Co-located teams are more likely to work collaboratively and innovatively to solve problems. Having ownership of services within a neighbourhood is a significant motivator for staff who can see the immediate impact of interventions.
- 3.15 Through the work undertaken by the BOLD team in the Neighbourhood offices, locally based staff were asked to identify the barriers they have to overcome in delivering outcomes successfully. The following issues were articulated:
- (a) citizens' issues are complex, staff at a local level can only deal with a small part of the issue and have to refer on continually;
  - (b) citizens often leave locality offices with staff knowing the customer will re-present as the immediate issue may have been dealt with, but not the underlying causes; staff have not been able to deal with the issues end to end due to lack of empowerment;
  - (c) front line staff spend a lot of time referring on, or trying to get services and resources from other services, which creates inefficiency in cost terms and does not deliver the required outcome;
  - (d) localities often do not have authority to provide services that could mean earlier interventions and that could make a real and immediate difference; and
  - (e) assessments are undertaken by local staff; these are then referred to the centre and repeated, or reviewed, or staff are told a remotely set threshold of need is not met, which blocks early intervention and prevention and can cause a problem to deteriorate.
- 3.16 Feedback from the Edinburgh residents and partners suggests the current organisation is hard to navigate and that they often feel passed around when trying to access a service.

- 3.17 The proposed locality model seeks to group services together under the same line of management where they have similar or complementary outcomes, for example, housing support; family support; youth and community justice. Managing these services together will allow a problem solving focus in the pooling, rather than guarding of resources, and this will lead to earlier, more effective interventions and reduced failure demand. Managing services in this manner will allow a focus on what can be the most complex and expensive face to face interactions where that focus is most needed and can be most effective. To achieve this, we need to build confidence that routine transactions will be dealt with effectively through channel shift to other access channels, such as the contact centre or online.
- 3.18 The proposed local delivery model also means that the Council can work more effectively beyond its own organisational boundaries. Working with statutory and third sector partners could deliver more integrated service provision and greater financial benefits, as well as supporting Scotland's wider public sector reform agenda, articulated in the Christie Report, and including health and social care integration and the Edinburgh Partnership, which have reached in principle agreement on a four locality model in the city.
- 3.19 The work that has been undertaken by the BOLD team on the proposed locality model has been designed in such a way to:
- (a) bring together functions previously managed separately, but often dealing with the same customer groups
  - (b) bring into the locality teams services previously managed centrally
  - (c) simplify and design more efficient and customer focused processes
  - (d) reduce the need to negotiate between Council services for resources
  - (e) reduce the need to refer decisions to the corporate centre and empowering local decision making
  - (f) reduce the extent and cost of failure demand
  - (g) reduce management costs, with the potential for more reductions informed by further engagement with staff and stakeholders; and
  - (h) include health and social care services, which will be organised and delivered in the four localities, subject to further detailed consideration in the context of legislated integration.
- 3.20 The proposed locality model will introduce simpler, more efficient and customer focused processes, delivering better outcomes and enabling the Council to provide those services people value most and which have the greatest impact on the lives of residents and visitors to the city. Work is underway to assess the effectiveness and value for money of current assessment and service allocation processes in Services for Communities and Children and Families, to streamline processes and provide additional capacity for early intervention through reduced response times.

- 3.21 Research into the UK Government's Whole Place Community Budgeting Pilots by Ernst and Young indicates potential savings of 4-8% per annum (across participating agencies) by adopting a localised, integrated and personalised approach to addressing complex needs. Further work is ongoing to establish robust estimates of savings which could be achieved by reducing failure demand, but it should be noted that the 2014 report "Saving Money by Doing the Right Thing", published by Locality and Vanguard Consulting speculated that the public sector in England could save £16 billion per annum by adopting this approach.
- 3.22 The Council's commitment to delivering a comprehensive programme of transformational change to include continuous improvement in performance and productivity and increased citizen satisfaction and engagement will be supported more effectively by the development and implementation of the proposed revised delivery model. This model is unambiguously outcome focused and embedded where possible in local delivery. The aim is that this will be more flexible than at present, will deliver best value and will be sustained with the constrained resource base.
- 3.23 The proposed revised model will ensure that elected member led policy and strategy are prioritised in the city's localities and neighbourhoods, reflecting local need. This will be delivered through a well articulated strategic direction, with clear roles, responsibilities and accountabilities across the organisation. It will be outcome based, cutting across traditional service silos and focused on citizens to ensure the design and delivery of services aligns with the priorities that will make a real difference to those who live and work in Edinburgh. It will enable further collaborative working with other agencies, key strategic and local partners and service users.
- 3.24 A research paper published by the Improvement Service in 2011, which informed the establishment of the Total Craigroyston project and Total Neighbourhood project in East Edinburgh, reinforced the significant variation in outcomes across data zones in Scotland and recommended that localised, integrated outcome, rather than "service" delivery should be focused in areas with high levels of negative outcomes.

#### **4 Business and Customer Services**

- 4.1 Alongside the locality model, the BOLD project on Business and Customer Services proposes a strong corporate centre of enabling services. This will support clear strategic direction, corporate standards and policy objectives, in consultation with local teams. It will also provide robust professional services, assurance and standards across the organisation and help drive delivery through the localities.
- 4.2 Professional services and business support functions will be remodelled to provide strong Business and Customer Services across the organisation. The objective of restructuring this area is to improve the effectiveness and efficiency

of these functions, creating a strong business support function to support front line delivery and to ensure the integrity of the organisation.

- 4.3 The proposed new delivery model will result in a reshaped organisation, focusing on changing the current business model of five directorates and redesign based on the principles of centrally determined, locally delivered services and outcomes, ensuring that duplication is eradicated as much as possible across the organisation.
- 4.4 The proposed Business and Customer Services function will support frontline services to deliver improvements in quality of service and reduce operating costs through:
- (a) common standards to help meet residents' expectations
  - (b) establishing common processes and systems, which will reduce the cost of supporting front line service delivery
  - (c) consistent and efficiently produced management information across the business enabling faster and better decision making in the front line
  - (d) offering clearer opportunities to staff by creating scope for career path development in services that are needed
  - (e) provide a framework for packaging Business and Customer Services for offer to partners or for delivery through alternative delivery models
  - (f) sharing of management expertise
  - (g) improvements in financial control and transparency
  - (h) enhance controls over expenditure in relation to commercial practice and ICT and; drive out unauthorised practice
  - (i) leverage better prices from the market through enhanced commercial acumen and practice.
- 4.5 The proposed delivery model will remove duplication of activity, which currently exists in relation to functions such as Performance, ICT, Learning and Development/HR and Commercial. This wastes resource and leads to conflicting management information, spending and inconsistent standards across the organisation.
- 4.6 The proposed delivery model will remove the fragmentation of some functions in conducting financial assessments and managing debt. This will help us to reduce processing costs and improve consistency and efficiency.
- 4.7 There is currently significant inconsistency across roles and grades for staff undertaking similar roles across the organisation with some two thousand different job descriptions across the Council. This is significantly in excess of what a well functioning and streamlined organisation should hold and is the product of silo behaviour, which has evolved over time within current directorates.



## **Alignment with BOLD**

- 4.8 The BOLD portfolio has been established as the Council's overarching approach to change. The Neighbourhoods and Business and Customer Services projects are fundamental parts of the change portfolio and can deliver transformation and culture change across the organisation from the current model to the proposed locality delivery model. The proposed model will provide the anchor points for the transformational change, which will be delivered through the BOLD projects.
- 4.9 In addition, the Partnership and Channel Shift projects within BOLD will have key influences with the proposed locality model as we build on our links with the third sector, identifying areas for co-production, partnership working and the commissioning of services from the third sector.
- 4.10 As we adopt new channels of approach for service delivery, we will look to optimise the use of online and mobile transactions in order to make savings, which will safeguard face to face interventions for those who need this the most. The Channel Shift project will change the way front line services are delivered and therefore impact on the staffing mix within the organisation.
- 4.11 The implementation plan and delivery of the BOLD projects will be reported to the Finance and Resources Committee on 15 January 2015. The timescales for delivery of the BOLD projects will align with the implementation of the revised delivery model as we realise the benefits and embed transformational change in order to develop a sustainable business model over the period to 2017/18.

## **Fit for purpose delivery model**

- 4.12 In arriving at the most appropriate model to support the aspirations of the Council, a number of options have been assessed. Three proposed models have emerged and have been subject to a SWOT analysis, which is contained in Appendix 3a and Appendix 3b of this report.
- 4.13 In assessing the models, a number of key considerations were taken into account, which included ensuring that the delivery model was resilient in dealing with high risk issues, such as child protection and the management of risk. It is proposed that each Head of Locality will be responsible for these services on a city wide basis in order to maintain standards.
- 4.14 In recognition of Edinburgh as a leading international hub of creative and cultural accomplishments and host to the world's greatest celebrations of the arts and Edinburgh's festivals as a national resource for Scotland, performing a symbolic role for the nation in representing its energy, ideas and innovation, consideration has been given in Appendix 1c to a Head of Culture reporting directly to the Chief Executive.
- 4.15 It is critical that as part of a locality model, consistent standards are maintained across the city. It may be the case that there are variations in the priorities in

different parts of the city, however, quality standards must be maintained city wide.

4.16 The proposed delivery model is outward looking and outcome focused; it is concerned with delivering activity that supports long-term beneficial impacts and goes beyond seeing the Council and its structure as an end in itself. The proposed delivery model:

- (a) is built from a clearly articulated statement of the Council's vision and purpose, with visible connectivity to the delivery of services
- (b) promotes, enables and encourages efficient, effective service delivery
- (c) creates an environment where the key focus is on the delivery of outcomes
- (d) is a platform for enabled and empowered, distributed leadership going beyond the team structure and builds on co-production with key strategic partners, communities and service users; and
- (e) assists the Council to achieve performance improvement and increased productivity with diminishing resources.

4.17 The proposed model has also been assessed against a number of additional key tests and will:

- (a) have a focus on customer service / outcomes
- (b) be able demonstrate clear alignment to Council commitments
- (c) be leaner and deliver substantial savings
- (d) operate a delivery model, which drives continuous cost savings over time; and
- (e) be designed to drive corporate behaviours and discourage silo working.

4.18 Taking into account the SWOT analysis, scenario planning, risk management and test criteria, model 1 detailed in Appendix 1b is the preferred proposed delivery option for the Council.

### **Appointment Process**

4.19 The Council's current appointment process for Chief Officials is detailed in the "Recruitment and Selection Procedure for the Appointment of Posts of Chief Executive, Head of Department and Head of Service" as approved by Council in February 2003 and updated in March 2010.

4.20 As part of the proposed realignment, when Chief Officer positions change and a matching process is not appropriate, it is recommended that a single external search consultancy is engaged to support a transparent appointment process involving the Chief Executive, the Head of People and Organisation and Elected Members as laid out in the policy.

4.21 It is anticipated that once the Chief Operating Officer and Directorate roles have been filled, one of the individuals may be designated Deputy Chief Executive.

### **Issues for next phase**

4.22 Regular update reports on implementation of the proposed organisational change will be brought to Council, with the first progress update envisaged for quarter one of 2015. In addition, progress on the implementation of the BOLD project will be reported to Finance and Resources Committee on a quarterly basis.

## **Measures of success**

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5.1 Relevant measures include:

5.1.1 development and operation of an affordable and sustainable business model that is aligned to the Council's priority outcomes and facilitates consistent financial savings to be delivered

5.1.2 demonstrable improved outcomes for people and/or improved satisfaction rate.

## **Financial impact**

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6.1 The alignment with the transformational workstreams identified through BOLD is to allow the Council to deliver better outcomes at a reduced cost and to ensure the Council operates a sustainable budget and business model going forward. The revision of the delivery model is partly in response to the financial constraints facing the Council.

## **Risk, policy, compliance and governance impact**

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7.1 This report is primarily for elected members' information and to develop discussion around the direction of travel. Any potential impact in relation to risk and governance will be addressed in the implementation phase and reported to members.

## **Equalities impact**

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8.1 The recommendations described within this report are relevant to the Equality Act 2010 public sector equality duty. As such, all BOLD projects have been subject to equalities impact assessment. In summary, these assessments indicate that opportunities to tackle discrimination and harassment, advance

equality of opportunity and foster good relations are greatly enhanced through enhanced locality working.

## Sustainability impact

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- 9.1 The recommendations of this report has been assessed in line with the public bodies duties described within the Climate Change Scotland Act (2009). In summary, a move to enhanced locality working will provide for new opportunities to strengthen the Councils work to mitigate against climate change, adapt to climate change and act in a more sustainable manner.

## Consultation and engagement

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- 10.1 Subject to approval of the recommendations contained in this report, there will be a programme of consultation with trade unions and employees as future phases of the proposed delivery model are developed and implemented.

## Background reading/external references

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[Organise to Deliver - The Principles for Change](#)

### Sue Bruce

Chief Executive

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E-mail: [alan.coyle@edinburgh.gov.uk](mailto:alan.coyle@edinburgh.gov.uk) | Tel: 0131 529 5211

## Links

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<b>Coalition pledges</b>	P30 - Continue to maintain a sound financial position including long term financial position
<b>Council outcomes</b>	CO25 – The Council has efficient and effective services that deliver on agreed objectives
<b>Single Outcome Agreement</b>	SO1 – Edinburgh’s Economy Delivers increased investment jobs and opportunities for all SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health

## **Appendices**

SO3 – Edinburgh’s children and young people enjoy their childhood and fulfil their potential

SO4 – Edinburgh’s communities are safer and have improved physical and social fabric

Appendix 1a – Locality max model

Appendix 1b – Locality model with Director of Places and Director of Communities and Families

Appendix 1c – Locality model with Director of Places and Director of Communities and Families and Head of Culture

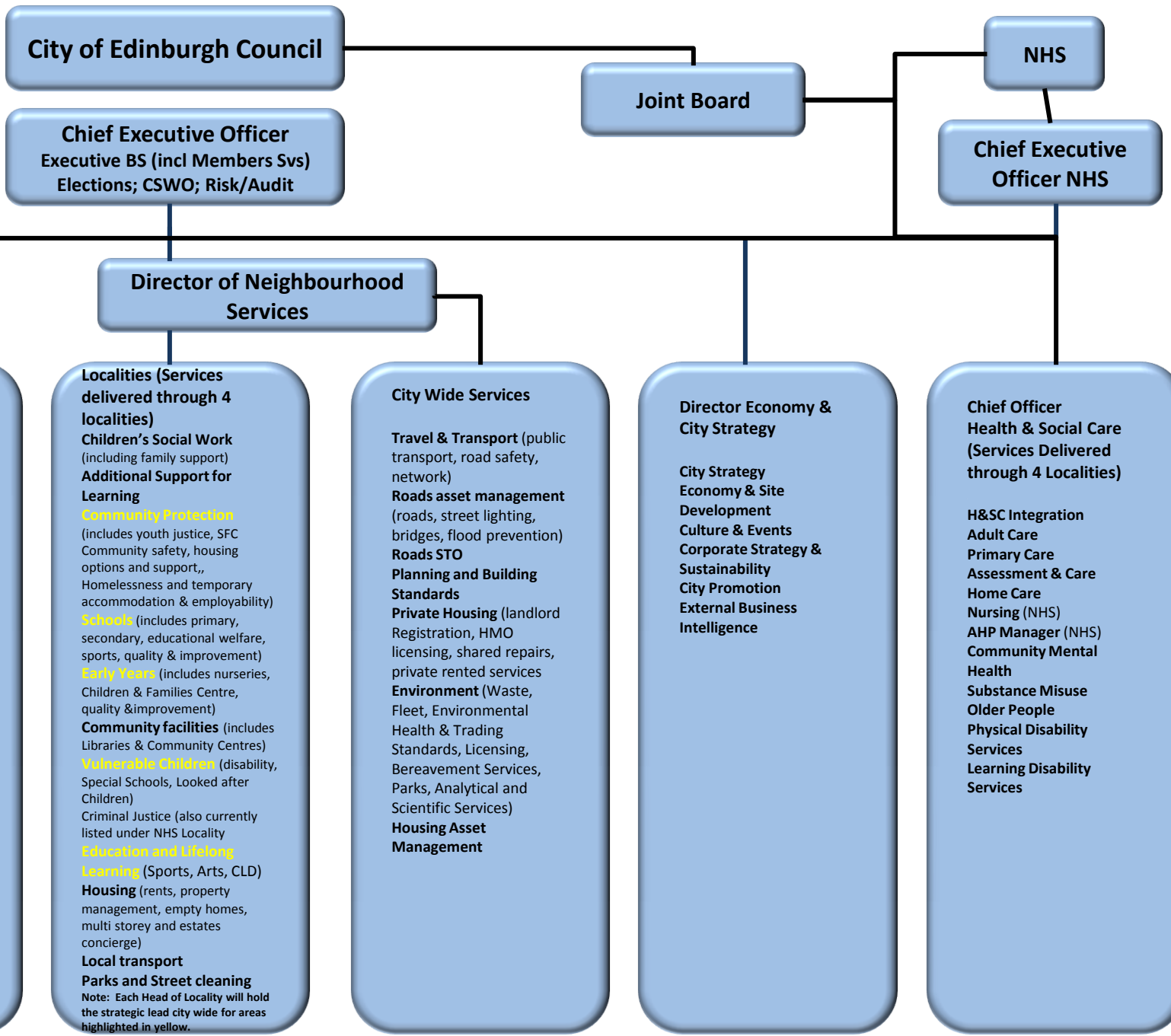
Appendix 2 – Locality Map

Appendix 3a – SWOT analysis Locality models

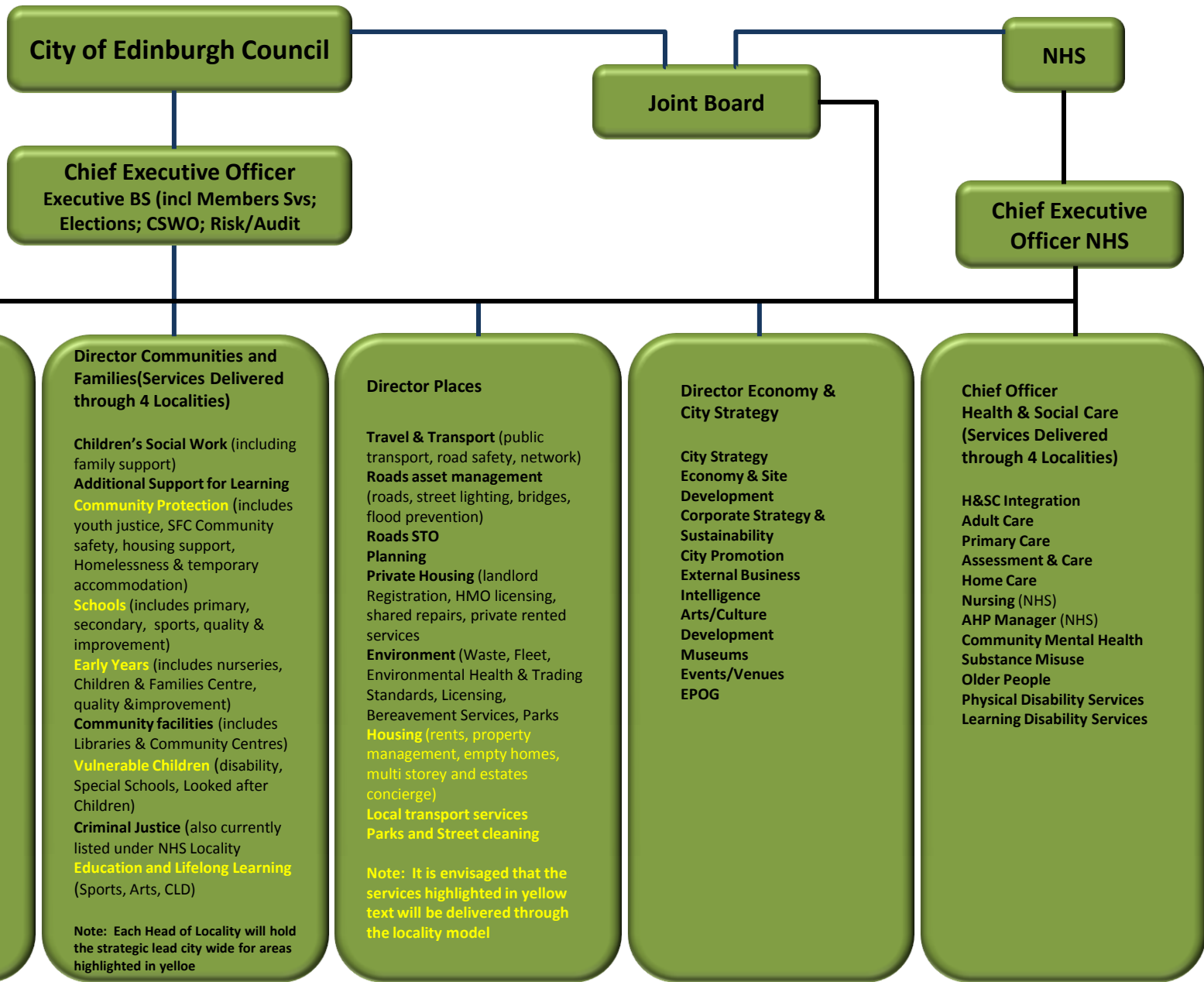
Appendix 3b – SWOT analysis including Head of Culture

Appendix 4 – Delivery model infographic

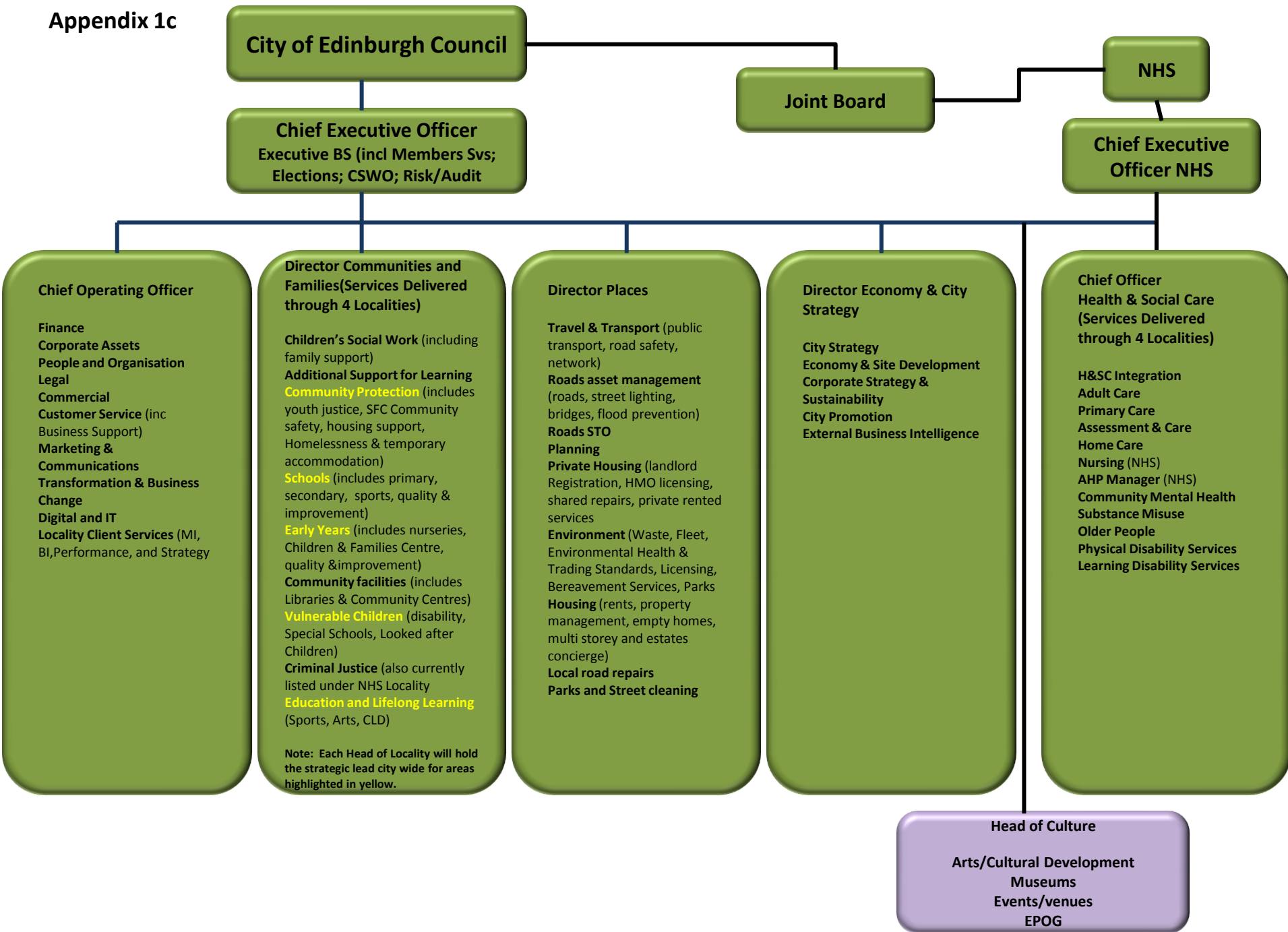
# Appendix 1a



# Appendix 1b



# Appendix 1c



**City of Edinburgh Council**

**Joint Board**

**NHS**

**Chief Executive Officer**  
Executive BS (incl Members Svs;  
Elections; CSWO; Risk/Audit)

**Chief Executive Officer NHS**

**Chief Operating Officer**

- Finance
- Corporate Assets
- People and Organisation
- Legal
- Commercial
- Customer Service (inc Business Support)
- Marketing & Communications
- Transformation & Business Change
- Digital and IT
- Locality Client Services (MI, BI, Performance, and Strategy)

**Director Communities and Families (Services Delivered through 4 Localities)**

- Children's Social Work (including family support)
- Additional Support for Learning
- Community Protection (includes youth justice, SFC Community safety, housing support, Homelessness & temporary accommodation)
- Schools (includes primary, secondary, sports, quality & improvement)
- Early Years (includes nurseries, Children & Families Centre, quality & improvement)
- Community facilities (includes Libraries & Community Centres)
- Vulnerable Children (disability, Special Schools, Looked after Children)
- Criminal Justice (also currently listed under NHS Locality)
- Education and Lifelong Learning (Sports, Arts, CLD)

Note: Each Head of Locality will hold the strategic lead city wide for areas highlighted in yellow.

**Director Places**

- Travel & Transport (public transport, road safety, network)
- Roads asset management (roads, street lighting, bridges, flood prevention)
- Roads STO
- Planning
- Private Housing (landlord Registration, HMO licensing, shared repairs, private rented services)
- Environment (Waste, Fleet, Environmental Health & Trading Standards, Licensing, Bereavement Services, Parks)
- Housing (rents, property management, empty homes, multi storey and estates concierge)
- Local road repairs
- Parks and Street cleaning

**Director Economy & City Strategy**

- City Strategy
- Economy & Site Development
- Corporate Strategy & Sustainability
- City Promotion
- External Business Intelligence

**Chief Officer Health & Social Care (Services Delivered through 4 Localities)**

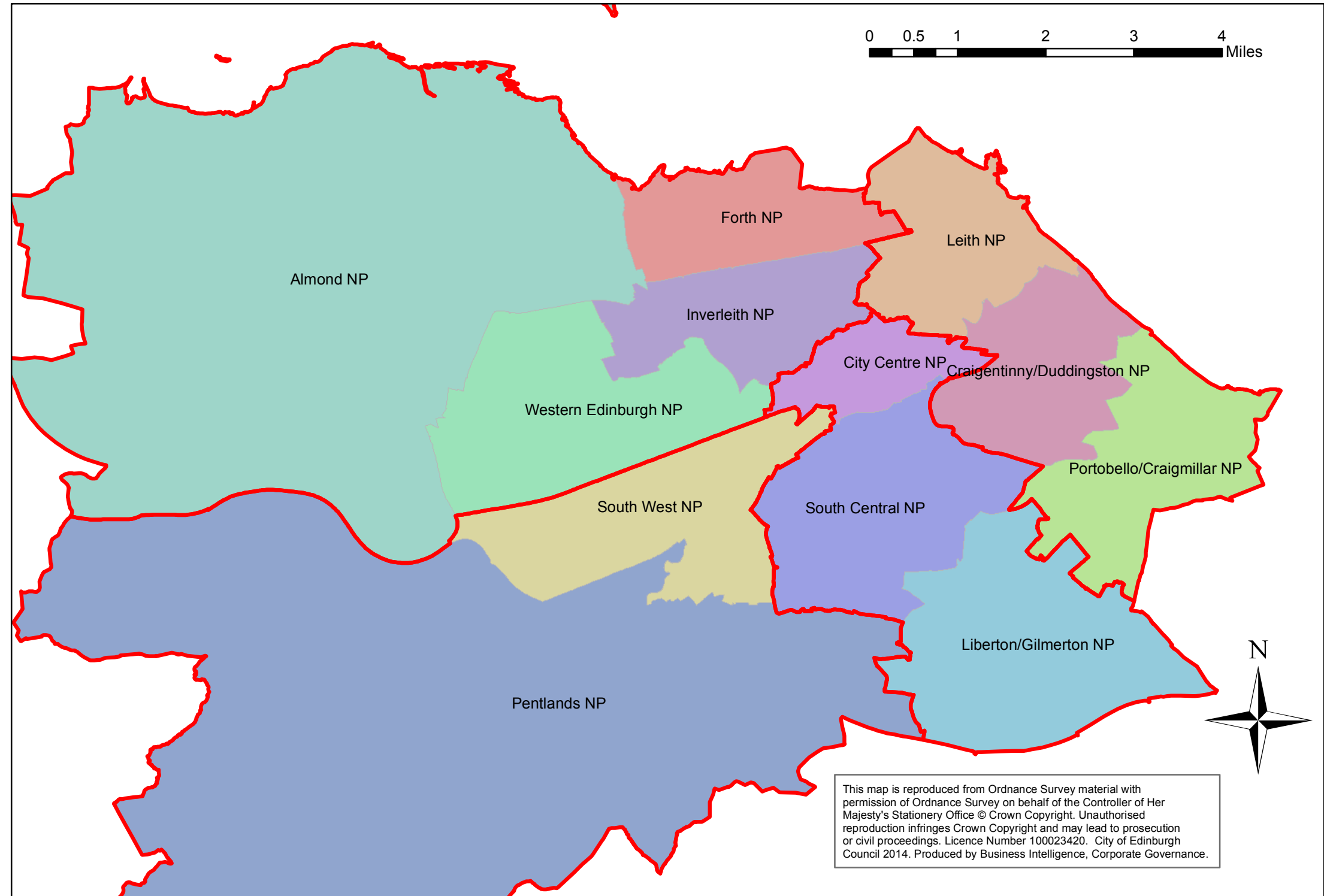
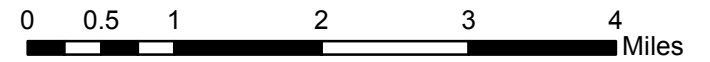
- H&SC Integration
- Adult Care
- Primary Care
- Assessment & Care
- Home Care
- Nursing (NHS)
- AHP Manager (NHS)
- Community Mental Health
- Substance Misuse
- Older People
- Physical Disability Services
- Learning Disability Services

**Head of Culture**

- Arts/Cultural Development
- Museums
- Events/venues
- EPOG



# Four Localities Model Aligned to Neighbourhood Partnership Areas



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## SWOT analysis – Models 1a and 1b



# SWOT analysis – Model 1c

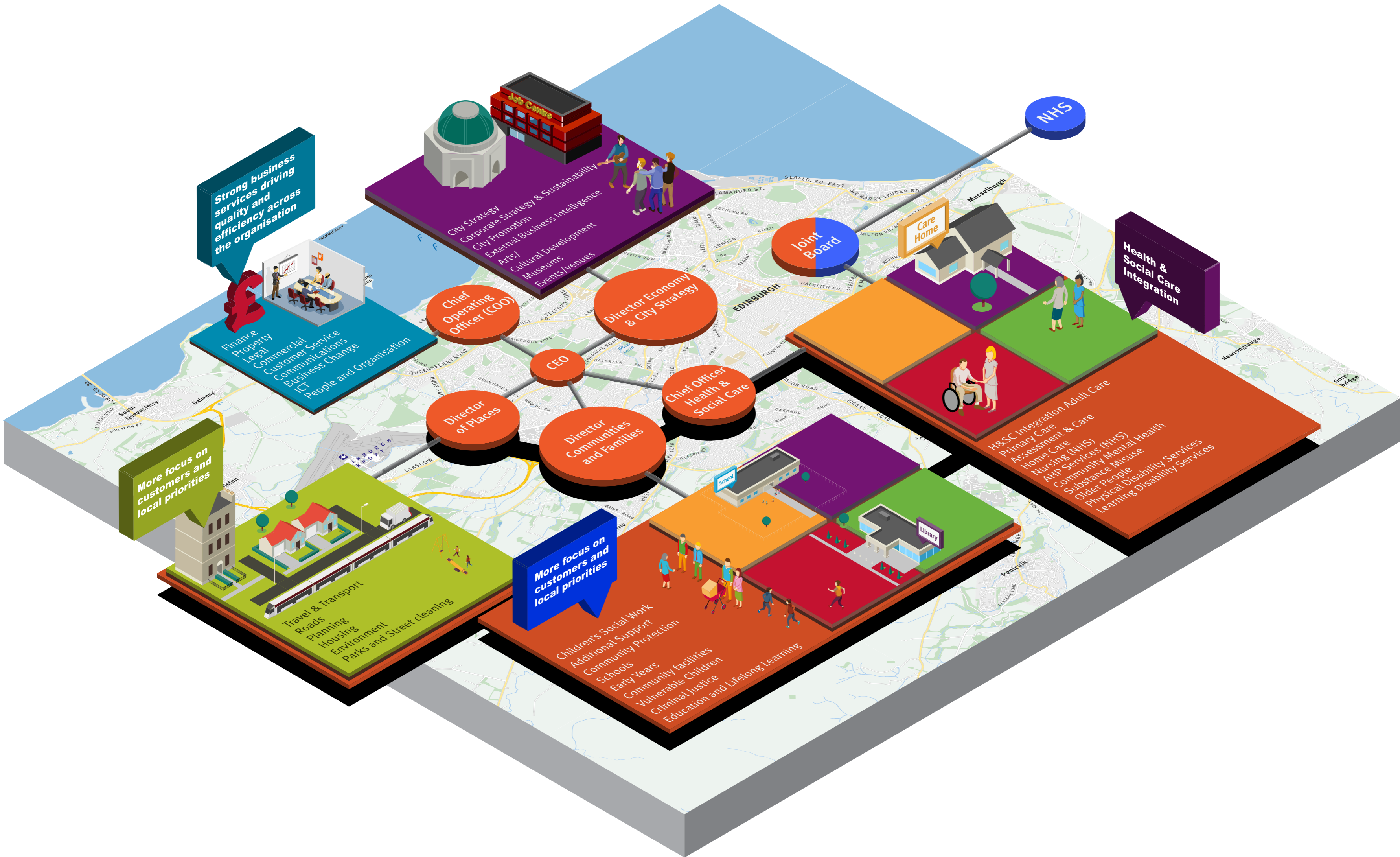
- Creation of strong back office removing duplication and fragmentation across the organisation
- Framework for innovative delivery model in the future
- Empowered, focussed & integrated locality delivery
- Clear definition of Enabling, Delivery & Assurance functions
- Provides opportunity for significant savings & efficiency
- Provides opportunity for co-location and greater partnership working
- Brings all policy functions together providing greater strategic alignment to Council outcomes
- Ease of customer access/transactions with multi-disciplinary council teams at local level.
- Allows for robust central professional and quality assurance
- Strong centre mitigates risk.
- Further recognition of the importance of Culture and the role Edinburgh plays

- Potential duplication of management costs in Health & Social Care locality teams
- Poor governance resulting in loss of control of locality activity
- “loss of control over locality activity”
  - Localities don't follow central strategic priorities
  - Localities do not manage budget robustly
  - Localities do not manage risk and through actions expose council to reputational legal or financial risk.
  - Citizens experience differential services depending on which locality they live in



- Allows greater opportunity for future innovation through clear definition of service delivery
- Greater opportunity for further integration of Council and Health services
- Provides a fit for purpose structure which can be adapted for future Public Sector reform
- Allows future integration of services including third sector.
- Facilitates community engagement and builds community resilience, reducing service demand in the long term.
- Multiservice teams allow effective prevention and early interventions.
- Greater opportunity to strengthen the relationship between back office and front line service delivery.
- Stronger focus on and additional capacity for cooperative approaches

- Potential for creation of four locality silos
- Significantly sized portfolios
- Will require a culture change for Council workforce to embrace new ways of working
- As well as size of portfolios , range of services and professions within portfolios is challenging.
- Requires matrix management, with centre directing and assuring quality and local management ensuring delivery.
- Inadequate capacity to lead major change associated with national policy change (eg introduction of Curriculum for Excellence or new exams) *Mitigate by bringing in project management resource when required*
- Synergies lost as a result of splitting Culture from the important role it plays in the Economy



**Strong business services driving quality and efficiency across the organisation**

- Finance
- Property
- Legal
- Commercial
- Customer Service
- Communications
- Business Change
- ICT
- People and Organisation

- City Strategy
- Corporate Strategy & Sustainability
- City Promotion
- External Business Intelligence
- Arts/ Cultural Development
- Museums
- Events /venues

**Chief Operating Officer (COO)**

**Director Economy & City Strategy**

**CEO**

**Director of Places**

**Director Communities and Families**

**Chief Officer Health & Social Care**

**Joint Board**

**NHS**

**Health & Social Care Integration**

- H&SC Integration Adult Care
- Primary Care
- Assessment & Care
- Home Care
- Nursing (NHS)
- AHP Services (NHS)
- Community Mental Health
- Substance Misuse
- Older People
- Physical Disability Services
- Learning Disability Services

**More focus on customers and local priorities**

- Travel & Transport
- Roads
- Planning
- Housing
- Environment
- Parks and Street cleaning

**More focus on customers and local priorities**

- Children's Social Work
- Additional Support
- Community Protection
- Schools
- Early Years
- Community facilities
- Vulnerable Children
- Criminal Justice
- Education and Lifelong Learning

10.00am, Thursday, 11 December 2014

## Review of political management arrangements

Item number	8.2
Report number	
Executive/routine	
Wards	All

### Executive summary

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In October 2014, further improvements to the Council's political management arrangements were considered. Following a decision to discontinue policy development and review sub-committees, a further report was requested asking for a review of the petitions process and the frequency of all committee meetings.

This report provides information on the outcome of consultation on the petitions process, working groups and the frequency of meetings and proposes further recommendations on the political management arrangements.

### Links

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Coalition pledges

Council outcomes

[CO24 & CO25](#)

Single Outcome Agreement

## Review of political management arrangements

### Recommendations

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- 1.1 To note the consultation undertaken with members of the public, elected members and senior officials;
- 1.2 To consider options for the Petitions Committee and petitions process as set out in paragraph 3.1.12;
- 1.3 To note that comprehensive guidance on working groups had been published on the Orb and best practice training will be provided to elected members in early 2015;
- 1.4 To agree to further strengthen governance around working groups as set out in paragraph 3.2.5;
- 1.5 To consider options for the frequency of the Corporate Policy and Strategy Committee as set out in paragraphs 3.3.7.1 – 3.3.7.2;
- 1.6 To consider options for the frequency of the Governance, Risk and Best Value Committee as set out in paragraphs 3.3.8.1 and 3.3.8.2; and
- 1.7 To agree the improvements to the committee business processes as set out in paragraphs 3.4.3 – 3.4.5.

### Background

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- 2.1 In October 2012, the Council introduced a range of changes to modernise and streamline decision-making and monitoring processes. The aim was to support a more strategic approach to decision-making; enhance engagement with communities, stakeholders and partners in policy and service design; and to ensure robust oversight and scrutiny in key areas of Council business such as audit, risk and finance.
- 2.2 A review to refine these arrangements was completed in 2013 and again in October 2014, when the Council discontinued policy development and review subcommittees and strengthened the governance arrangements surrounding working groups. A further report was then requested on a review of the petitions process and the frequency of all committee meetings.



2.3 As part of the review a cross section of elected members, directors and senior managers from each service area were interviewed. The interviews looked at the petitions process, the operation of working groups and the frequency of meetings. The feedback from these interviews provided insight into experience of the petitions process, involvement as members of working groups and the frequency of all committee meetings; highlighting where they felt areas of good practice had been established and where any changes or improvements could be made. A survey was also sent out to those members of the public who had submitted a petition to the Council.

## Main report

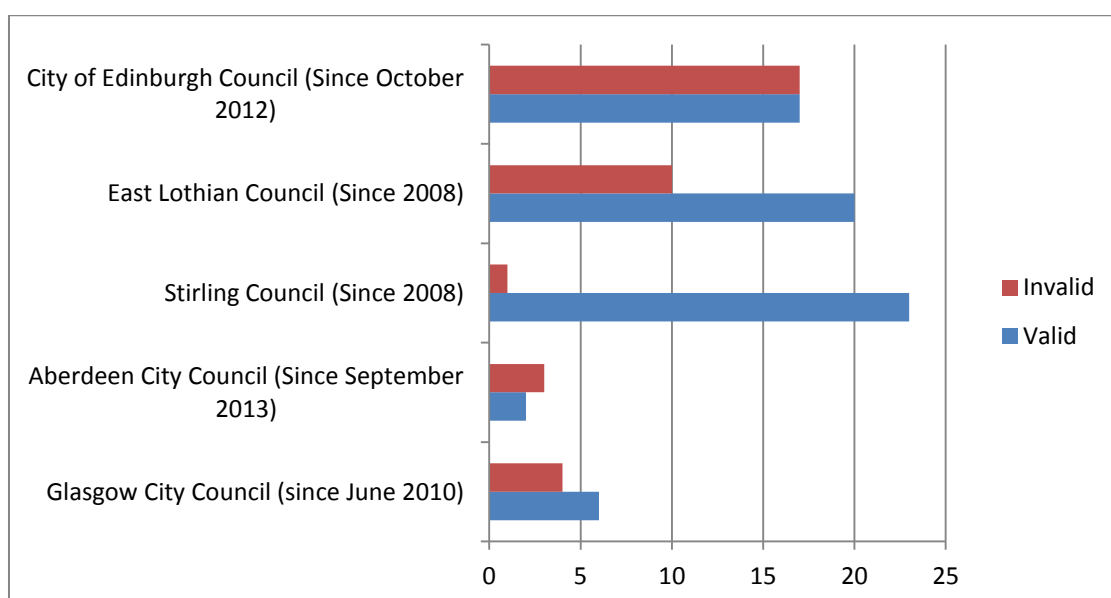
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### Summary of Findings

#### 3.1 Petitions

3.1.1 The petitions process was designed to encourage members of the public, key stakeholders, customers, businesses and communities to participate in the decision making process of the Council.

3.1.2 The petitions process was launched in October 2012 and there have been 34 petitions submitted of which 17 have been considered valid and 17 invalid. Over 12,000 signatures and 26 businesses have supported the valid petitions. A comparison with a selection of local authorities in Scotland is outlined in the table below:



3.1.3 Petitions have generally been well received by the public in Edinburgh with the Council receiving a higher number of petitions than in all but one local authority in Scotland. When compared to other city authorities such as Glasgow and Aberdeen this is even more significant.

- 3.1.4 The Council has, however, had a higher proportion of invalid petitions than other local authorities and this suggests we apply stricter criteria. An analysis of invalid petitions indicates the criteria concerned relates to issues that are already being considered as part of a Committee work programme.
- 3.1.5 A number of petitions have resulted in positive outcomes including the following examples:
- 3.1.5.1 A Safer Mechanism for Reporting Edinburgh Council Mismanagement: This resulted in the Finance and Resources Committee on 19 September 2013 introducing a revised whistleblowing policy to support Council staff.
  - 3.1.5.2 Crackdown on Legal Loan Sharks: The Corporate Policy and Strategy Committee on 10 June 2014 agreed to the establishment of an officer working group to take forward actions raised by the petition.
  - 3.1.5.3 Kirkliston Public Transport Provision: The Transport and Environment Committee on 3 June 2014 agreed that the bus service covering Kirkliston continue to operate with an additional service on Sundays.
- 3.1.6 Elected Members and senior officers were asked a range of questions on the petitions process, the operation of the committee and in particular the extension of the criteria. The feedback was as follows:
- 3.1.6.1 The petitions process was generally thought to be useful, providing an alternative way for the public to engage with the Council. Most respondents wished to retain the process;
  - 3.1.6.2 The Committee was generally thought to be inefficient and added a layer of bureaucracy. In addition, some respondents felt the appropriate executive committee may have additional knowledge of the petition and this would streamline the process for the benefit of the petitioner;
  - 3.1.6.3 The petitions validity criteria could be relaxed to allow petitions on matters currently within a committee work programme;
  - 3.1.6.4 The majority of respondents agreed that the criteria should be extended to allow 16 and 17 year olds to submit and sign



petitions but that it should not be extended to all secondary school children;

- 3.1.6.5 The number of signatures was thought to be too high with a number of respondents suggesting the required number for a petition should be 200 (rather than 500) for a city-wide issue and 50 signatures for a local issue (rather than 250); and
- 3.1.6.6 The number of signatures required should be the same for all ages.
- 3.1.7 An online survey was carried out of those members of the public who had submitted a petition. The respondents were supportive of the petitions process generally and were satisfied by the number of signatures required to make a valid petition. The feedback was split 50-50 in regard to the criteria being extended to allow 16 and 17 year olds to submit and sign petitions but were 75% against for the same criteria being extended to secondary school children at this stage.
- 3.1.8 There is no legal impediment to extending the criteria to those aged 16 and 17 but it would involve a change to the ratification process for petitioners and those that sign petitions. Currently, petitioners and those that sign petitions must live in Edinburgh and be on the electoral roll. The electoral roll is then checked to see how many signatures are valid. This would not be possible for 16 and 17 year olds, as the Young Voters' Register will not be available for Council staff to check. It is recommended that the Council continues to request that those involved in the process are resident in Edinburgh but that this is no longer checked against the electoral register.
- 3.1.9 The Council currently does not webcast people under the age of 18 unless consent has been given. This approach would continue if the criteria was extended and permission for filming would be sought if a petitioner aged 16 or 17 years old was due to address a committee.
- 3.1.10 If the Council decides to extend the petitions criteria to those aged 16 and 17 years, work would be undertaken in partnership with the Children and Families Directorate to publicise petitions and encourage engagement throughout schools, youth forums and other initiatives. Subject to the levels of participation and engagement, further consideration will be given to an extension of the criteria to secondary school pupils working in partnership with the Children and Families directorate.

3.1.11 The consultation feedback also included suggestions on improving the process within its current framework. This involved the Petitions Committee considering the petition and after discussion, debate and agreeing that it was worth further consideration, then the committee should request a report to the relevant executive committee on the issue raised by the petitioner and the committee. This would avoid discussion at the petitions committee being re-run at the executive committee and would provide for efficient, effective and informed decision making.

3.1.12 Based on the consultation responses the following options are proposed for consideration by Council:

3.1.12.1 Option one: Retain the Petitions Committee in its current format.

3.1.12.2 Option two: Retain the Petitions Committee with the change to criteria outlined in paragraphs 3.1.6.3 - 3.1.6.5 and 3.1.8 and change in approach in paragraph 3.1.11.

3.1.12.3 Option three: To retain the Petitions function with the change to criteria in paragraphs 3.1.6.3 - 3.1.6.5 and 3.1.8, dissolve the committee and consider valid petitions at the relevant executive committee.

## 3.2 Working Groups

3.2.1 The Council agreed to strengthen governance arrangements for working groups, agreeing that they should normally be chaired by the vice-convenor of the relevant committee, have a defined remit and time frame for delivery and that their actions should be tracked by Governance.

3.2.2 The majority of respondents to the consultation suggested that working groups should be short life, with clear remits, defined terms of reference and that guidance was required regarding how and when to initiate a working group. A number of working groups such as the Meadowbank Sports Centre and Stadium group and the Duddingston Village Traffic Group were highlighted as examples of good practice. These groups had a clear remit, expectation and focus.

3.2.3 Feedback indicated that short life working groups with a focus on a particular subject and created to influence or drive Council policy was preferable. The respondents stated that the relevant executive committee should decide the date at which the group should report back on discussions/findings to allow the committee to make informed decisions

based on the group's work. This was seen as key to ensure tangible outcomes were delivered by working groups.

- 3.2.4 Work has been undertaken to initiate the changes instructed by Council, and also address some of the concerns raised by the consultation respondents. Updated comprehensive guidance on establishing working groups has been made available on the Orb. This will assist in ensuring that working groups are established with a defined membership, terms of reference and a clear end date.
- 3.2.5 A number of suggestions for further improvements have arisen out of the consultation process, and it is recommended that rolling action logs, currently in use by executive committees, are utilised by working groups to track actions and delivery. Working Groups should also submit a work plan or timeline to identify when the group would advise the Council or relevant committee of their findings. It is also suggested that short life working groups should look to report their findings to the appropriate committee within a maximum of three committee cycles (6-9 months). These changes would help focus the working group and highlight when an outcome from the group was expected. The Corporate Policy and Strategy Committee will receive an annual report on working groups highlighting business and ensuring oversight on an ongoing basis.
- 3.2.6 Consultation respondents highlighted that working groups should be flexible in their meeting arrangements, with the format less formal and all stakeholders informed that the group was not a decision making body but would influence the Council or committee when making a decision on the issue. Different approaches to running working groups and the dissemination of good practice, in particular to stakeholder engagement, will be presented to elected members in a training session in early 2015.

### **3.3 Meeting Frequency**

- 3.3.1 In general, respondents to the consultation feel that the current cycle of meetings is adequate and that the business of each committee should determine the frequency of meetings. The Council agreed to discontinue policy development and review sub-committees in October 2014, reducing the number of meetings in the Council diary by 33.
- 3.3.2 The majority of major committees are on an eight week cycle and it is not recommended that they are reduced any further. A committee that meets on an eight week cycle will have five meetings per annum. Due to the level of business and often the significance of decision making it is not considered that reducing the frequency is a viable option.

- 3.3.3 The Council, Corporate Policy and Strategy Committee, Finance and Resources Committee and the Governance, Risk and Best Value Committee all meet on a four week cycle. This means there are 10 meetings per annum.
- 3.3.4 Due to the importance of the Council and its level of reserved powers, it is considered that this meeting should remain on a four week cycle.
- 3.3.5 The Finance and Resources Committee has a wide ranging remit including the Council's budget, agreement of contracts, land transactions, ICT and workforce planning. The consideration of contracts and land transactions is often time critical and requires the committee to meet on a regular basis. The Finance and Resources Committee also considers on average 27 reports per meeting, reducing the meeting frequency would produce far larger agendas and the resulting time pressures would mean that items were not given due consideration. Respondents to the consultation also suggested that the committee was already operating at full capacity and a reduction in meetings would mean it could not effectively fully consider the items of business. It is considered that the Finance and Resources Committee should remain on a four week cycle.
- 3.3.6 The Corporate Policy and Strategy Committee and the Governance, Risk and Best Value Committee do not have the same time critical reports and consider far fewer reports. Feedback from officers suggested that a reduction in meetings on a four weekly cycle could free up time for officers to focus on the work in between meetings and result in some cost savings.
- 3.3.7 The Corporate Policy and Strategy Committee includes the leader and deputy leader of the Council, conveners of the executive committees and all group leaders. It provides the opportunity for significant corporate and strategic issues to be considered by the Council's senior councillors. The Committee considers the most important policies and acts as a monitor and arbiter of the executive committees. It does, however, currently consider 8-9 reports on average per meeting, with 33% of these reports being for information only. The following options are proposed for consideration by Council:
- 3.3.7.1 Option 1: Reduce the frequency of meetings for the Corporate Policy and Strategy Committee to an eight week cycle.
- 3.3.7.2 Option 2: Retain the Corporate Policy and Strategy Committee on a four week cycle.

3.3.8 The Governance, Risk and Best Value Committee does not take decisions but acts as the Council's audit and scrutiny committee. It considers, on average, 7-8 reports per meeting although by its nature it spends significantly longer periods of time scrutinising and monitoring each item than other committees. The committee has a busy work programme and is regarded as having significantly improved the effectiveness of scrutiny, confirmed by 70% of respondees from the survey in October 2014. The following options are proposed for consideration by Council:

3.3.8.1 Option 1: Reduce the frequency of meetings for the Governance, Risk and Best Value Committee to an eight week cycle.

3.3.8.2 Option 2: Retain the Governance, Risk and Best Value Committee on a four week cycle.

3.3.9 Moving all four weekly meetings to a six weekly cycle was also explored to determine whether the frequency of meetings could be reduced but not as much as eight weekly. However, moving to a six weekly cycle would present numerous changes to the Council diary such as two recess weeks being removed and inconsistent meeting dates. It would also only provide for one further meeting than if the committee was moved to an eight week cycle. These challenges are not insurmountable but would lead to a less efficient system and with little impact. For these reasons it is recommended that committees are maintained on a four or eight week cycle.

### **3.4 Business Processes**

3.4.1 As an alternative to reducing the number of meetings, research was undertaken to ascertain whether efficiencies could be made in the content and amount of business considered at committee.

3.4.2 There are a high percentage of reports submitted to the executive committees for information, with no requirement for a committee decision. These reports made up 39% of the reports considered by committees over the previous year.

3.4.3 However, a significant proportion of the information considered by committee in these reports is useful information that the committee either requires or has requested. Due to this, it is recommended that non-critical information is provided via the business bulletins or as member briefings. This would lead to the reduction of committee business, resulting in a reduction in the application of officer resources and increased time for

committees to consider critical information. It would also still allow elected members to scrutinise and monitor the information.

- 3.4.4 In the past 12 months there have been 70 reports referred by the Corporate Policy and Strategy Committee and executive committees. Only 18 (26%) of these were for a decision with the remainder for information only. It is recommended that if an executive committee is referring a report for information, it is included in the business bulletin only. This will allow for committee to scrutinise the information but will reduce the number of reports considered.
- 3.4.5 A number of high profile significant projects or issues are considered by multiple committees. This includes reports on the governance of major projects and health integration. This can result in a repetition of scrutiny and a confused approach to operational implementation of decisions. It is recommended that issues are generally considered by one committee which undertakes the scrutiny and monitoring for the Council. The exception to this is if Council, Corporate Policy and Strategy and Governance, Risk and Best Value Committee consider elements of the issue should be scrutinised by their committee.

## **Measures of success**

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- 4.1 To operate an efficient streamlined system to effectively support the decision making bodies of the Council.

## **Financial impact**

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- 5.1 There are no financial implications as a result of this report although the efficiencies in business processes proposed would positively impact on officer time and resources.

## **Risk, policy, compliance and governance impact**

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- 6.1 An effective political management system as the main decision making apparatus of the Council is a key component of its overall governance. A review of the system ensures appropriate scrutiny with an opportunity to improve and amend where necessary.

## **Equalities impact**

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- 7.1 There are no direct equalities impacts as a result of this report.

## Sustainability impact

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8.1 There is no direct sustainability impact as a result of this report.

## Consultation and engagement

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9.1 Consultation was undertaken by a series of interviews with elected members and senior officers. There was also an online survey for members of the public who had submitted a petition.

## Background reading/external references

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[The City of Edinburgh Council 23 October 2014 - Minute](#)

[Review of political management arrangements – The City of Edinburgh Council 23 October 2014](#)

[The City of Edinburgh Council 24 October 2013 - Minute](#)

[Review of political management arrangements – The City of Edinburgh Council 24 October 2013](#)

[Item 8.1 \(b\) Governance: Review of political management arrangements – City of Edinburgh Council 2 May 2013](#)

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### Coalition pledges

**Council outcomes** CO24 - The Council communicates effectively internally and externally and has an excellent reputation for customer care.

CO25 - The Council has efficient and effective services that deliver on objectives.

### Single Outcome Agreement

### Appendices

10.00am, Thursday, 11 December 2014

## Review of Scheme of Delegation to Officers

<b>Item number</b>	8.3
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All

### Executive summary

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Following Council approval of a revised Scheme of Delegation to Officers (“Scheme”) on 13 December 2012, updates to the Scheme were approved by Council on 12 December 2013 and 29 May 2014 to ensure that it was working effectively. The Scheme has continued to be reviewed to ensure that it reflects current practice and procedures.

This report explains the outcome of the latest review of the Scheme and sets out a new draft Scheme for approval with some proposed amendments, as shown in the appendix. The report summarises and explains the main changes that are proposed to the Scheme.

### Links

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<b>Coalition pledges</b>	
<b>Council outcomes</b>	CO25
<b>Single Outcome Agreement</b>	



## Operational Governance: Review of Scheme of Delegation to Officers

### Recommendations

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- 1.1 To repeal the existing Scheme of Delegation to Officers and approve in its place the draft Scheme set out in the appendix to this report, such repeal and approval to take effect from the date of the Council decision; and
- 1.2 To delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the draft Scheme set out in the appendix to this report as may be necessary in order to implement the decision of Council in relation to this report.

### Background

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- 2.1 Following Council approval of the revised Scheme of Delegation to Officers (the "Scheme") on 29 May 2014, the Scheme has been reviewed to ensure that it is working effectively.
- 2.2 The Council is required to have a Scheme by virtue of the Local Government (Scotland) Act 1973. The Scheme is the mechanism for the Council to delegate the authority to perform certain functions to officers and also fulfils the legislative requirement to set out a list of the functions of the Council that are carried out by officers.
- 2.3 The existing Scheme allows efficient and effective service delivery by the delegation of appropriate operational and management functions to officers and ensures that officers to whom authority is delegated consult appropriately with elected members and retain full accountability for the decisions they take.
- 2.4 The proposed revised Scheme is set out in the appendix to this report. Consultation in relation to the draft Scheme has taken place with elected members and officers across each of the service areas of the Council.
- 2.5 The Scheme will be required to be reviewed further in spring 2015 to accommodate the proposed adjustments to the Council's operating model and to assess whether changes are required as a result of the forthcoming integration of health and social care services.

- 3.1 Throughout the Scheme various legislative references have been updated, and there have been minor changes for clarification. There are proposed changes, set out in paragraph 3.12 of this report, which would represent substantive changes to the present authority delegated to officers in the relevant service areas.
- 3.2 All proposed changes are tracked in the draft Scheme as set out in the appendix to this report.

### **Summary of proposed changes to the Scheme**

#### *Main Body of the Scheme*

- 3.3 The proposed changes to the main body of the Scheme are for clarification.
- 3.4 The reference to the procedure for taking urgent decisions has been removed from paragraph 3.11 as it is set out in the Council's Committee Terms of Reference and Delegated Functions.

#### *All Directors*

- 3.5 A new requirement to consult with the appropriate convener in relation to settlement agreements with staff (formerly known as compromise agreements) has been added to paragraph 14 of Appendix 1. On 13 November 2014 the Governance, Risk and Best Value Committee requested that this change was made to the Scheme.
- 3.6 To avoid potential duplication or inconsistency with the terms of the Council's Corporate Debt Policy, changes have been made to specific powers in relation to the write-off of debt to refer to compliance with Council Policy.

#### *Director of Children and Families*

- 3.7 Certain paragraphs of Appendix 2 have been updated or reworded to reflect updates in the law.

#### *Director of Corporate Governance*

- 3.8 The proposed changes to Appendix 4 are for clarification purposes.
- 3.9 The requirement to report to committee quarterly on grant awards from the Culture and Sport budget has been removed from paragraph 47(a) of Appendix 4 and replaced with a requirement to report annually. This has been proposed by the service area to bring reporting such grants into line with reports to committee on grant awards in other areas.

#### *Director of Health and Social Care*

- 3.10 Certain paragraphs of Appendix 5 have been amended or inserted due to the introduction of the Social Care (Self-directed Support) (Scotland) Act 2013.

#### *Director of Services for Communities*

3.11 The power to recover costs related to the service of anti-social behaviour notices has been inserted for clarification at paragraph 290 of Appendix 6.

### **Additional powers in relation to sale and purchases of property on the Housing Revenue Account**

3.12 During the consultation process there have been the following requests from service areas. These would have an impact on the level of authority currently exercised by officers in relation to these matters. It is recommended that Council consider whether to approve these changes as follows:

3.12.1 It is proposed to amend the Director of Services for Communities' power to purchase property on the Housing Revenue Account as set out in paragraph 191 of Appendix 6 to the Scheme. Currently, the Director of Services for Communities has the power to purchase property on the Housing Revenue Account up to a value of £150,000, provided that such purchases are reported annually to the appropriate committee. The proposed change is for the Director of Services for Communities to have the power to purchase property on the Housing Revenue Account up to a value of £250,000. This change is being proposed as part of the Council's pilot project on the selective acquisition and disposal of Council homes. On 30 July 2014 the Finance and Resources Committee agreed that the pilot project could be undertaken for 12 months to inform the development of a more comprehensive asset management strategy.

3.12.2 Related to paragraph 3.12.1 of this report, it is proposed to insert a power in paragraph 191 of Appendix 6 for the Director of Services for Communities to sell property on the Housing Revenue Account up to a value of £250,000, provided that such sales are reported annually to the appropriate committee. It is suggested that delegating authority to the Director of Services for Communities to buy and sell Council homes up to a value of £250,000 will enable the project team to take advantage of market opportunities as and when they arise.

#### *Head of Planning*

3.12.3 It is proposed to insert a power in paragraph 1 of Appendix 7 for the Head of Planning to respond directly to consultations on planning applications and environmental assessments from neighbouring authorities at any stage in the process, subject to the qualifications already listed in paragraph 1 of Appendix 7.

3.12.4 The other proposed changes to Appendix 7 are for clarification purposes.

## **Measures of success**

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4.1 Compliance with legislation and accountable decision-making.

## Financial impact

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- 5.1 There are no direct financial impacts as a result of this report. The costs of implementing the draft Scheme of Delegation to Officers will be contained within existing resources.

## Risk, policy, compliance and governance impact

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- 6.1 Good governance is maintained by the annual review of the Council's operational framework.

## Equalities impact

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- 7.1 There are no direct equalities impacts as a result of this report.

## Sustainability impact

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- 8.1 There is no direct sustainability impact as a result of this report.

## Consultation and engagement

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- 9.1 The Scheme of Delegation to Officers has been prepared in consultation with elected members and officers across all service areas of the Council.

## Background reading/external references

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[City of Edinburgh Council – 12 December 2013 – Operational Governance Framework – Review of the Scheme of Delegation](#)

[City of Edinburgh Council – 29 May 2014 – Governance – Operational Governance Framework Annual Review 2014](#)

[Finance and Resources Committee – 30 July 2014 - Fit for the Future – Getting the Right Mix of Council Homes](#)

[Governance, Risk and Best Value Committee – 13 November 2014 - Settlement Agreements](#)

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## Links

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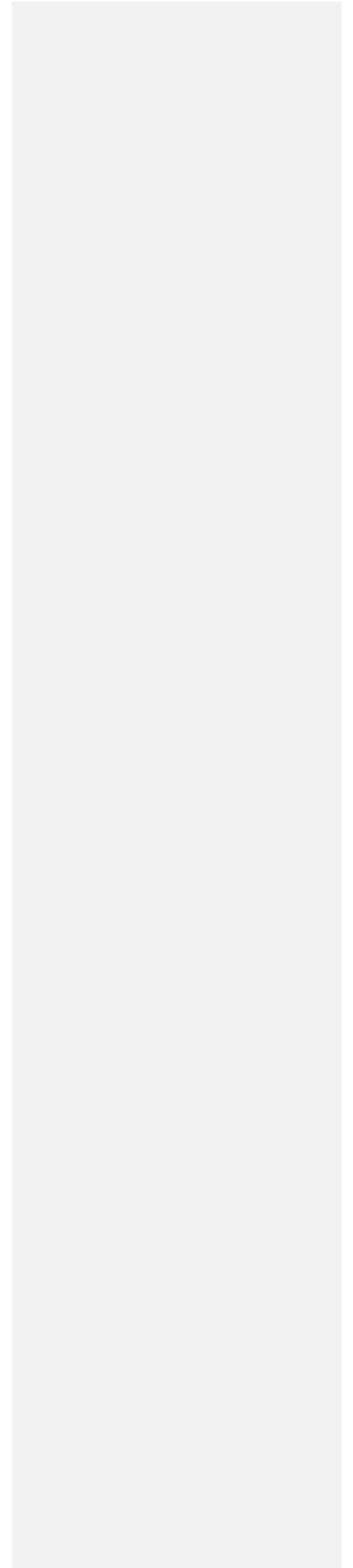
### **Coalition pledges**

**Council outcomes** CO25: The Council has efficient and effective services that deliver on objectives.

### **Single Outcome Agreement**

**Appendices** Appendix one: Draft Scheme of Delegation to Officers

**CITY OF EDINBURGH COUNCIL  
SCHEME OF DELEGATION TO  
OFFICERS**



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**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO OFFICERS**

**GENERAL**

**Scheme**

- 1.1 This Scheme of Delegation to Officers ("**Scheme**") applies from ~~29 May~~[11 December](#) 2014 and sets out the powers delegated by the City of Edinburgh Council ("**Council**") to officers, pursuant to the Local Government (Scotland) Act 1973. The Scheme is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
- 1.2 The powers delegated to officers in terms of this Scheme are subject to change by act of Council in accordance with the Standing Orders of the Council.
- 1.3 The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers, and stating the title of the officer who exercises that power. The lists of powers are set out in this Scheme.
- 1.4 In this Scheme:
- (a) a reference to a statute or statutory provision:
    - (i) is a reference to it as amended, extended or re-enacted from time to time; and
    - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
  - (b) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
  - (c) a reference to "**Council Policies**" shall include all and any policies approved by the Council from time to time (and "**Council Policy**" shall be interpreted accordingly);
  - (d) references to paragraphs are to paragraphs of this Scheme; and
  - (e) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

**Principles of delegation**

- 1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:
- (a) the decision or action must not be a matter ("**Reserved Matter**"):
    - (i) reserved by law to the Council or a Committee or sub-committee of the Council ("**Committee**"); or
    - (ii) that the Council or a Committee has expressly determined should be discharged otherwise than by an officer;
  - (b) the decision or action must not alter or be contrary to law or to policy set by the Council and its Committees;
  - (c) the decision or action must be taken in accordance with the Council's Standing Orders as amended from time to time;
  - (d) the decision or action must be taken in accordance with the Financial Regulations and Corporate Debt Policy as amended from time to time and comply with the financial limits set out in those documents;
  - (e) the financial consequences of the decision or action must be contained within the budget approved by Council for the financial year in question;
  - (f) the decision or action must not give rise to a conflict of interest as set out in the Council's code of conduct for employees; and
  - (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.
- 1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive in consultation with the Leader of the Council (or the deputy Leader if the Leader is absent).
- 1.7 Each Director shall have authority to take all decisions or actions necessary to implement a policy approved by or a decision previously taken by the Council or a Committee or which facilitate or are conducive to the implementation of such a policy or decision.

Field Code Changed

2. **CONSULTATION WITH ELECTED MEMBERS**

**Politically controversial matters and material decisions**

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or
- (b) a significant impact on service delivery or performance;

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.

**Local Members**

2.2 Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

**Responsibility to inform**

2.3 It is the responsibility of the Chief Executive or relevant Director to keep the elected members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

**Reports**

2.4 The Council or any Committee may require the Chief Executive or Directors to submit reports on the decisions taken and action authorised by them under delegated authority. The Chief Executive or relevant Director shall submit a report in relation to any Material Decision to Council or the appropriate Committee.

Field Code Changed

3. **DELEGATION**

**Delegated authority**

- 3.1 The Council delegates authority for certain powers or functions to the Chief Executive, Directors and heads of service as detailed in this Scheme.
- 3.2 In the event that the Director is unavailable, his/her deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Director.
- 3.3 The Chief Executive may sub-delegate his/her powers to the relevant Director.
- 3.4 Directors may sub-delegate their delegated powers to their deputy or head(s) of service or such other officer(s) in their service area as they may consider appropriate. Each officer to whom powers are delegated may sub-delegate to such other officers in their service area as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. Directors will remain accountable for decisions taken by their sub-delegates.
- 3.5 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.6 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.7 Certain functions ("**Statutory Functions**") must, by law, be carried out by certain statutory officers. The Council delegates authority to those statutory officers ("**Statutory Officers**") to carry out the Statutory Functions. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 8.
- 3.8 The authority delegated to the Chief Executive and Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.
- 3.9 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out Council officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service area to exercise

Field Code Changed

his or her functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in paragraph 5 of Appendix 1, paragraph 21 of Appendix 7 and in Appendix 9.

- 3.10 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

#### **Urgency**

~~3.11 If a decision which is not delegated to officers requires to be made urgently between meetings of the Council or relevant Committee, the Chief Executive or appropriate Director, in consultation with the Convener or Vice Convener, may take action, subject to the matter being reported to the next meeting of the Council or relevant Committee.~~

#### **Material Decisions**

3.11 ~~3.12~~ Notwithstanding the terms of any delegation of authority to Directors or other officers in terms of this Scheme, all Material Decisions shall be taken in consultation with the Corporate Management Team ("**CMT**"). It is intended that this will engender greater transparency; foster a collegiate culture of collective decision-making among chief officers; and ensure proper corporate oversight, scrutiny and challenge of Material Decisions.

3.12 ~~3.13~~ It is the responsibility of each Director or other officer to whom powers are delegated to consider whether a decision or action in relation to a matter delegated to him/her is a Material Decision and in the case of an officer other than a Director, to bring it to the attention of the relevant Director. The relevant Director will bring any Material Decision to the next available meeting of the CMT.

3.13 ~~3.14~~ In the case of any Material Decision that relates to a Statutory Function, the provisions of paragraphs 2.1 and 3.12 of this Scheme shall be without prejudice to the legal duties and responsibilities of the relevant Statutory Officer.

3.14 ~~3.15~~ The provisions of paragraph 3.12 of this Scheme shall be without prejudice to the principles of delegation set out in paragraph 1.5 of this Scheme and the requirement to consult with elected members set out in paragraph 2.1 of this Scheme.

Field Code Changed

### Major Projects

3.15 ~~3.16~~ The following projects ("**Major Projects**") shall be dealt with as set out in paragraph 3.17 of this Scheme:

- (a) any project which has an estimated value of £5 million or more; or
- (b) any other corporate project the Chief Executive shall, in consultation with the CMT and the Convener or vice-Convener of the Finance and BudgetResources Committee, so designate.

3.16 ~~3.17~~ In order to ensure effective governance and delivery of Major Projects, authority is delegated to the Director of Corporate Governance to establish a Corporate Programme Office that will:

- (a) oversee all Major Projects to ensure they are initiated appropriately, and independently assess elements of the Major Projects including:
  - (i) options appraisal;
  - (ii) affordability;
  - (iii) implementation;
  - (iv) resource planning;
  - (v) sustainability;
  - (vi) equalities;
  - (vii) environmental impact; and
  - (viii) stakeholder engagement;
- (b) provide ongoing support to Major Projects through key stage or gateway reviews, management dashboard reporting, post completion reviews and tracking benefits realisation; and
- (c) update the CMT and the Finance and BudgetResources Committee on the status and progress of Major Projects.

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### **Contracts Standing Orders**

3.17 ~~3.18~~ Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders which apply to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council and/or for the provision of services ("**Contract Standing Orders**").

3.18 ~~3.19~~ Any officer to whom relevant authority is delegated shall have regard to:

- (a) the Council's procurement handbook; and
- (b) any guidance issued by the Council in relation to the appointment of consultants;

in each case, as amended from time to time.

### **4. DELEGATION TO CHIEF EXECUTIVE**

4.1 As head of paid service the Chief Executive has overall responsibility for the corporate management and operational functions of the Council that are delegated to officers under this Scheme. The Chief Executive is authorised to discharge any function or exercise any power delegated to any officer under this Scheme.

4.2 In addition, the Council authorises the Chief Executive to:

- (a) take any urgent action necessary in the event of a civil emergency ~~or~~ business continuity or resilience incident;
- (b) act as Returning Officer for local government elections, Westminster elections, Scottish Parliament elections, European elections and Business Improvement District elections under sections 25 and 41 of the Representation of the People Act 1983;
- (c) act as Counting Officer for referendums held in terms of the Political Parties, Elections and Referendums Act 2000; and
- (d) perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, including:
  - (i) appointing authorising officers;

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- (ii) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information; and
- (iii) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

4.3 The delegated authority to Directors in relation to staff as set out in Appendix 1 of this Scheme shall apply (where relevant) to the Chief Executive in relation to Directors.

**5. DELEGATION TO ALL DIRECTORS**

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, each Director shall have delegated authority to manage all human, financial and other resources within his/her services area, including those functions set out in Appendix 1.

**6. DELEGATION TO DIRECTOR OF CHILDREN AND FAMILIES**

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Director of Children and Families, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the schools, early years, children’s social work services, childcare and community services functions including those set out in Appendix 2.

**7. DELEGATION TO DIRECTOR OF ECONOMIC DEVELOPMENT**

7.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Director of Economic Development shall have delegated authority to exercise the economic development functions set out in Appendix 3.

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8. **DELEGATION TO DIRECTOR OF CORPORATE GOVERNANCE**

8.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Director of Corporate Governance shall have delegated authority to carry out all finance, investment and pensions, central service, culture and sport functions of the Council including those set out in Appendix 4.

9. **DELEGATION TO DIRECTOR OF HEALTH AND SOCIAL CARE**

9.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Director of Health and Social Care, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the social work, social care and social welfare functions including those set out in Appendix 5.

10. **DELEGATION TO DIRECTOR OF SERVICES FOR COMMUNITIES**

10.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Director of Services for Communities shall have delegated authority to carry out all powers and responsibilities associated with the Council's housing and regeneration, housing support, statutory repairs, community safety, environmental health, scientific services, trading standards, libraries, licensing, registration, advice services, parks, waste management and disposal, street cleaning, grounds maintenance, corporate fleet management and maintenance, community transport, corporate property and facilities management, building standards, transport planning, roads management and maintenance, flood prevention, reservoir and coastal functions including those set out in Appendix 6.

11. **DELEGATION TO HEAD OF PLANNING**

11.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Head of Planning shall have delegated authority to exercise the planning functions set out in Appendix 7.

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## **APPENDIX 1**

### **GENERAL DELEGATION TO DIRECTORS**

These are the functions referred to in paragraph 5 of the Scheme:

#### **Funds, contracts and property**

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. subject to any policies and/or directions issued by the Director of Corporate Governance:
  - (a) transferring funds between headings within their approved revenue budgets;
  - (b) transferring funds between capital projects included in the capital budgets for their service;

provided that (1) the Directors inform the Director of Corporate Governance of the transfer and (2) the transfer does not affect revenue or capital budgets for future years;

3. entering into, terminating, varying, suspending or extending contracts subject to compliance with the Council's Contract Standing Orders;
4. declaring property or land surplus to requirements, including one-off blocks of flats and main door properties;

#### **Proper officers**

5. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the Council or are binding on the Council;

#### **Legal**

6. settling legal actions and claims in consultation with the Head of Legal, Risk and Compliance;

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7. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Head of Legal, Risk and Compliance;

**Staff**

8. appointing employees within agreed staffing levels up to but excluding Heads of Service;
9. appointing an acting head of service from the staff of the Council when a head of service is absent or the post is vacant;
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities;
12. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, provided that such changes comply with guidelines issued by the Director of Corporate Governance;
13. remedying inconsistencies in pay or conditions of service in conjunction with the Director of Corporate Governance;
14. deciding the following personnel matters in accordance with approved schemes and/or guidance issued by the Director of Corporate Governance (or, in the case of teaching staff, by the Director of Children and Families):
  - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
  - (b) entering into compromise or settlement agreements with staff in relation to their employment with the Council in consultation with the Head of Legal, Risk and Compliance, and subject also to consultation with the appropriate convener;
  - (c) ~~(b)~~-save in the case of a Director, where the decision shall be reserved to the Finance and BudgetResources Committee, making decisions in relation to the Local Government Pension Scheme membership (including, for example, early payment

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of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);

- (d) ~~(e)~~ extension of sickness allowance;
- (e) ~~(d)~~ recovery of maternity pay;
- (f) ~~(e)~~ closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (g) ~~(f)~~ approval of application for car loans in consultation with the Director of Corporate Governance;
- (h) ~~(g)~~ approval of transfer of annual leave;
- (i) ~~(h)~~ approval of overtime;
- (j) ~~(i)~~ approval of applications for secondary employment;
- (k) ~~(j)~~ authorisation of payments for lectures, speeches etc. to external organisations;
- (l) ~~(k)~~ determination of claims of up to £250 for damage to or loss of the personal property of employees in consultation with the Director of Corporate Governance;
- (m) ~~(l)~~ payment of removal expenses and allowances;
- (n) ~~(m)~~ payment of car users' allowances;
- (o) ~~(n)~~ authorisation of telephone allowances;
- (p) ~~(o)~~ placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (q) ~~(p)~~ establishment and filling of fixed term posts in accordance with the relevant Council Policy; and
- (r) ~~(q)~~ appointment of apprentices on completion of indentures;

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**Health and Safety**

- 15. implementing the Council’s Health and Safety Policy and arrangements;

**Health and Wellbeing**

- 16. implementing the Council’s Health and Wellbeing Policy and arrangements;

**Use of land and buildings**

- 17. approving, subject to compliance with any approved scheme of charges, the use by appropriate organisations, bodies or persons of land and premises owned, occupied or managed by the Council (including land managed on behalf of the Common Good);
- 18. regulating access to, and conduct of persons on property owned, occupied or managed by the Council, including (1) eviction, ejection and expulsion from property and (2) the application and enforcement of management rules under sections 112 and 116 of the Civic Government (Scotland) Act 1982 as approved by the Council from time to time;
- 19. approving the temporary closure of property owned, occupied or managed by the Council to:

- (a) ensure the safety of Council staff or members of the public; or
- (b) undertake essential planned maintenance,

subject to consultation with the appropriate convener or vice-convener and local elected members and insertion of a public notice in the press informing the public of the closure when relevant;

**Regulation of investigatory powers**

- 20. performing the Council’s functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, with the exception of:
  - a) appointing authorising officers;
  - b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining ‘confidential’ information; and

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- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

**Renewal of grants to voluntary organisations**

21. approving applications for the renewal of grants up to £25,000, from properly constituted voluntary organisations which meet the Council's eligibility criteria, provided that:

- (a) any increase in the amount of the grant renewal payment from the previous year does not exceed the lesser of (a) 30% of the payment from the previous year or (b) £5,000;
- (b) the decisions taken under this paragraph are reported by the relevant Director every year to the appropriate Committee;
- (c) the grant renewal will not be used wholly or mainly to pay for permanent staff (unless the grant renewal is a payment to playgroups or a service purchasing arrangement under the National Health Service and Community Care Act 1990);
- (d) any relevant local members are informed and consulted where it appears that an application for grant renewal directly affects their ward's interests; and
- (e) a relevant local member has not applied to the relevant Director, within 14 days of being advised of the proposed grant renewal, requesting that the decision is referred to the appropriate Committee;

**Hospitality**

- 22. approving expenditure on hospitality in accordance with Council Policy;
- 23. approving expenditure on overseas visits by officers in accordance with Council Policy;

**Write off**

24. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:

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- (a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and
- (b) the decision is made in consultation with the Director of Corporate Governance;

**Access to information**

- 25. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

**Consultations**

- 26. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

**Grant offers**

- 27. applying for grant funding on behalf of the Council;
- 28. accepting offers of grant funding on behalf of the Council; and

**Council Companies**

- 29. monitoring the performance of each Council company delivering services in his or her service area.

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**APPENDIX 2**

**DELEGATION TO THE DIRECTOR OF CHILDREN AND FAMILIES**

*(or, where applicable, the Chief Social Work Officer)*

These are the powers referred to in paragraph 6 of the Scheme:

**Education**

1. taking steps to discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education) and further education in accordance with section 1 of the Education (Scotland) Act 1980, and in doing so (1) having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standard in Scotland's Schools etc. Act 2000) and (2) endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of the Standard in Scotland's Schools etc. Act 2000);
2. maintaining and equipping schools and other buildings (section 17 of the Education (Scotland) Act 1980);
3. improving the access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980);
4. operating arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980);
5. setting school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980);
6. managing placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any placing appeal committee in accordance with section 28F, both of the Education (Scotland) Act 1980;
7. enforcing attendance at school, including bringing proceedings against parents in respect of children's non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980);

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Appendix 2 – Delegation to the Director of Children and Families

8. allowing pupils to miss school (section 34 of the Education (Scotland) Act 1980);
9. excluding pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975);
10. promoting the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006);
11. awarding bursaries (section 49 of the Education (Scotland) Act 1980);
12. providing transport for pupils and students (section 51 of the Education (Scotland) Act 1980);
13. ensuring copies of education records are available including the ability to set charges (section 4 of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002);
14. awarding Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980);
15. providing school meals (section 53 of the Education (Scotland) Act 1980);
16. providing clothing (section 54 of the Education (Scotland) Act 1980);
17. discharging the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937);
18. licensing stage or theatrical performances by children (Children and Young Persons ~~(Scotland) Act 1937~~ 1963);
19. providing child guidance services (section 4 of the Education (Scotland) Act 1980);
20. referring young people in medically unsuitable employment to the Employment Medical Advisory Service of the Department of Employment;
21. making grants to organisations involved with education;

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Appendix 2 – Delegation to the Director of Children and Families

22. managing or instructing the Director of Services for Communities to lease out Council community centres, working with locally elected Management Committees;
23. application of national circulars regarding service conditions of teaching staff. Where there is a choice of action, the circular will be sent to Committee;
24. providing programmes of adult education;
25. providing or arranging in-service training for staff;
26. providing the education authority's representatives on the Appointment Committees for all Head Teachers,
27. providing work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980);
28. operating health and safety checks on work-experience placements;
29. dealing with the use of educational premises for licensed functions;
30. managing the Education Arts Development Programme;
31. specifying the level of service and other relevant details for getting tenders for the School and Welfare Catering Services;
32. negotiating variation orders for changes in the level of School and Welfare Catering services with the approved contractor within the contract price approved by the Council;
33. making awards of up to £5,000 for distribution of Childcare Partnership funds;
34. approving joint working arrangements with other bodies;
35. liaising with the Scottish Government Education Department;
36. carrying out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010;
37. in consultation with the Chief Executive and with the Head of Legal, Risk and Compliance, receiving notice of, representing the Council and responding to referrals by the Children's Reporter to the Scottish

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Ministers ~~as in section 56(4)(c) and 75B of~~ under the Children's Hearings (Scotland) Act ~~1995~~2011;

38. implementing the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004;

### **Social Work**

39. taking necessary steps to discharge the Council's duties under the Social Work (Scotland) Act ~~1968 and 1968, the~~ Children (Scotland) Act ~~1995~~1995, the Social Care (Self-directed Support) (Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014;
40. arranging for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948;
41. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
42. where the carer of a person over 18 years of age is a child under 18 years of age, assisting Health and Social Care staff to assess the carer's needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
43. making direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under ~~sections 12B and 12C of~~ the Social ~~Work Care~~ (Self-directed Support) (Scotland) Act ~~1968~~2013;
44. making direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children's services under ~~sections 12B and 12C of~~ the Social ~~Work Care~~ (Self-directed Support) (Scotland) Act ~~1968~~2013;
45. burying or cremating any person who was in the care of, or receiving help from, the Council, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
46. deciding whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;

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47. providing and maintaining whatever residential and other establishments are needed for the Council's functions under Part II of the Children (Scotland) Act 1995;
48. recovering from other local authorities any costs for services provided to people ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
49. authorising the following finance related issues in accordance with the Financial Regulations and ~~subject to compliance with the Corporate Debt Policy~~ in accordance with Council Policies:
  - (a) writing off debts on social grounds or in exceptional circumstances ~~provided that the write-off of debts exceeding £5000 will be subject to consultation with the appropriate convener or vice-convener~~;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500, subject to appropriate consultation with the convener or vice-convener;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (*ex gratia*), where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the convener or vice-convener;
50. providing reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995;
51. assessing and recovering contributions for "maintainable" children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968;

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52. where there is an assessed need, paying allowances to people who have children and young people residing with them as in section 50 of the Children Act 1975;
53. providing an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007;
54. supervising and providing reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007;
55. taking necessary or facilitative steps to implement arrangements for the adoption of children;
56. providing adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007;
57. approving and paying adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007;
58. securing the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984);
59. preparing and publishing a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;
60. preparing and publishing a three year plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995;
61. publishing information about services for children in need as in section 20 of the Children (Scotland) Act 1995;
62. safeguarding and promoting the welfare of children looked after by the Council and giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995;
63. safeguarding and promoting the welfare of children in need giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995;
64. minimising the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers

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to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013;

65. providing accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995;
66. providing accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
67. providing accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995;
68. providing day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995;
69. providing after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995;
70. providing financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995;
71. reviewing cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995;
72. removing children from residential establishments as in section 32 of the Children (Scotland) Act 1995;
73. accepting responsibility for orders made in respect of children in other parts of the UK where the child is now ordinarily resident in Edinburgh as in section 33 of the Children (Scotland) Act 1995;
74. providing short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995;
75. making enquiries and providing information to the Principal Reporter to the Children's Panel where children may need compulsory measures of

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- care as in section ~~5360~~ of the Children's Hearings (Scotland) Act ~~1995~~2011;
76. where a child may be at risk of significant harm, investigating the matter and if need be applying for the following orders ~~under the Children (Scotland) Act 1995~~:
- (a) Child Assessment Order (under section 5535 of Children's Hearings (Scotland) Act 2011);
  - (b) Child Protection Order (under sections 57 to 6037 to 39 of Children's Hearings (Scotland) Act 2011);
  - (c) Emergency Child Protection Order (~~sections 61~~ under section 55 of Children's Hearings (Scotland) Act 2011); and
  - (d) Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995);
77. providing reports on children and their social background for a Children's Hearing as in section ~~5666~~ of the Children's Hearings (Scotland) Act ~~1995~~2011;
78. implementing supervision requirements made by a Children's Hearing ~~as in section 71 of~~ under the Children's Hearings (Scotland) Act ~~1995~~2011;
79. in consultation with Chief Executive and with the Head of Legal, Risk and Compliance, receiving, responding to and representing the Council in respect of all referrals by the Children's Reporter to the Sheriff Principal ~~under section 71A of~~ the Children's Hearings (Scotland) Act ~~1995~~2011;
80. arranging the emergency move of a child subject to a supervision requirement with condition of residence ~~as in section 72 of~~ under the Children's Hearings (Scotland) Act ~~1995~~2011;
81. recommending that a supervision requirement is reviewed by a Children's Hearing ~~as in section 73 of~~ under the Children's Hearings (Scotland) Act ~~1995~~2011;
82. where assessed as necessary, applying to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007;

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83. applying for variation or revocation of permanence order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007;
84. providing information to the Courts and arranging accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995;
85. making purchases, outside the central purchasing arrangements, for necessary food, clothing and other essential items for children in care of the Council and living within the Council's residential establishments for young people;
86. discharging the Council's duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations ~~1996~~2013; and
87. undertaking all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
  - (a) applying for the making of an order or review of an order;
  - (b) supervising parents who are subject to an order and reporting breaches to the relevant court; and
  - (c) providing services and programmes of work or training for parents and generally giving effect to parenting orders.

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**APPENDIX 3 – DELEGATION TO THE DIRECTOR OF ECONOMIC DEVELOPMENT**

These are the powers referred to in paragraph 7 of the Scheme:

1. developing and advising on policies, strategies, programmes and projects for approval by Council or Committee in relation to economic development, external relations and inward investment, including working in partnership with external organisations (both public and private) that deliver economic development activities (including making financial contributions to these activities where appropriate by way of a loan or grant in accordance with criteria approved by Committee);
2. performing the Council’s functions in respect of the East of Scotland Investment Fund, including authorising loans subject to annual reporting to the Economy Committee;
3. awarding grants of up to £15,000 subject to annual reporting to the Economy Committee;
4. allocating space within property managed by Economic Development to relevant partners and agreeing the terms of such arrangements;
5. making changes to the opening hours of buildings managed by Economic Development as required for operational or budgetary reasons; and
6. altering or waiving (in whole or in part) charges of hire of property managed by Economic Development where there are sound financial, operational or other justifiable reasons for doing so, subject to annual reporting to the Economy Committee.

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## **APPENDIX 4**

### **DELEGATION TO THE DIRECTOR OF CORPORATE GOVERNANCE**

These are the powers referred to in paragraph 8 of the Scheme:

#### **Legal, Risk and Compliance**

1. signing court documents;
2. signing missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders;
3. engaging private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate;
4. monitoring the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;
5. monitoring the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011;

#### **Emergency planning**

#### **Resilience**

6. taking action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, [business continuity and resilience](#) legislation are discharged;

#### **Organisational Development**

7. approving applications for early retiral/voluntary severance payments (including teaching staff) subject to an annual report being submitted to Council;
8. issuing certificates as required for employees to apply to the adjudicator for exemption from political restriction;
9. approving all new career development/salary progression schemes and changes to existing schemes;

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10. approving expenditure on civic hospitality in accordance with Council Policy;

**Finance**

11. determining all accounting and financial records and procedures of the Council. Where such procedures and records are maintained in a service area other than that of the Director of Corporate Governance, the Director shall, before making any determination, consult with the Director of the service area concerned;
12. performing any function on behalf of the Common Good Fund, charitable endowments and any other Council funds which would reasonably be deemed to be investment business provided that the Director takes the appropriate advice where necessary and reports any actions to Committee;
13. opening, closing and operating bank accounts on behalf of the Council;
14. approving and making payments due to Her Majesty's Revenue and Customs;
15. reviewing and amending as appropriate the financial limits given in the Financial Regulations every year, in line with the relevant inflation indexes;
16. the pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance;
17. all borrowing and lending in accordance with the Treasury Management Policy Statement;
18. providing cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts;
19. assessing business cases for the taking out of new leases to ensure they are consistent with the securing of best value;

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20. effecting insurance cover and negotiating with the Council's insurers for all claims in consultation with other officers where necessary;
21. reviewing annually all insurances in consultation with the other chief officers as appropriate and reporting annually to the convener or vice-convener;
22. approving the rate of interest the Council is required to charge to borrowers with variable interest rate loans;
23. being responsible for all purchasing arrangements as detailed in the Contracts Standing Orders;
24. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with ~~the Corporate Debt Policy~~[Council Policies](#);

#### **Customer Services**

25. collecting (and where necessary recovering) council tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992;
26. issuing demand notices for the collection of rates payable to the Council under section 237 of the Local Government (Scotland) Act 1947;
27. recovering rates under section 247(5) of the Local Government (Scotland) Act 1947, where necessary in consultation with the convener or vice-convener;
28. administering benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
29. administering council tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012;
30. paying all sums to all creditors subject to the certification and authorisation of the appropriate chief officers;

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31. signing the certificates and petitions that the Sheriff Court requires for Summary Warrant applications to collect arrears of Community Charge Non-Domestic Rates, Council Tax and other income;
32. deciding to call-up loans where borrowers have fallen into arrears with their house purchase loans;
33. establishing procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such applications;
34. implementing nationally agreed pay awards;
35. approving and making payment of:
  - (a) all salaries, wages, compensations and other emoluments to all employees;
  - (b) pension entitlements to former employees; and
  - (c) tax and national insurance contributions to Her Majesty's Revenue and Customs;

#### **Investment and Pensions**

36. implementing strategies and policies agreed by the Pensions Committee including the investment strategy of the pensions funds and performing any function on behalf of the pensions funds which would reasonably be deemed to be investment business provided that the Director takes the appropriate advice;
37. implementing pension regulations including the application of discretions as required in accordance with policies approved by the [PensionPensions](#) Committee from time to time;
38. appointing, monitoring and reviewing such specialist managers and advisers as are necessary to make sure that the pensions funds' assets are managed effectively;
39. determining all accounting, records and financial procedures of the pension funds;

Field Code Changed

40. writing off pension overpayments of up to £3,000 subject to compliance with the appropriate Council Policies;

### **Culture and Sport**

41. devising and implementing cultural, heritage, events and sports programmes;
42. organising museum and gallery exhibitions;
43. altering or waiving (in whole or in part) charges for hire of properties managed by the Culture and Sport division where there are sound financial, operational or other justifiable reasons for doing so;
44. agreeing in principle and instructing the Director of Services for Communities to conclude temporary leases of property managed by the Culture and Sport division;
45. allocating space within property managed by the Culture and Sport division to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
46. making such changes to the opening hours of buildings operated by the Culture and Sport division as are required for operational and budgetary reasons;
47. awarding grants from the Culture and Sport grant budgets subject to:
  - (a) a maximum grant on any one project of £5,000 to be reported to the appropriate Committee annually ~~or quarterly where grants have been awarded in any quarter;~~ and
  - (b) consultation with the appropriate convener and vice-convener;
48. monitoring arms' length organisations which operate Culture and Sport facilities or services, or both, on the Council's behalf, including Edinburgh Leisure and the Festival City Theatres Trust;

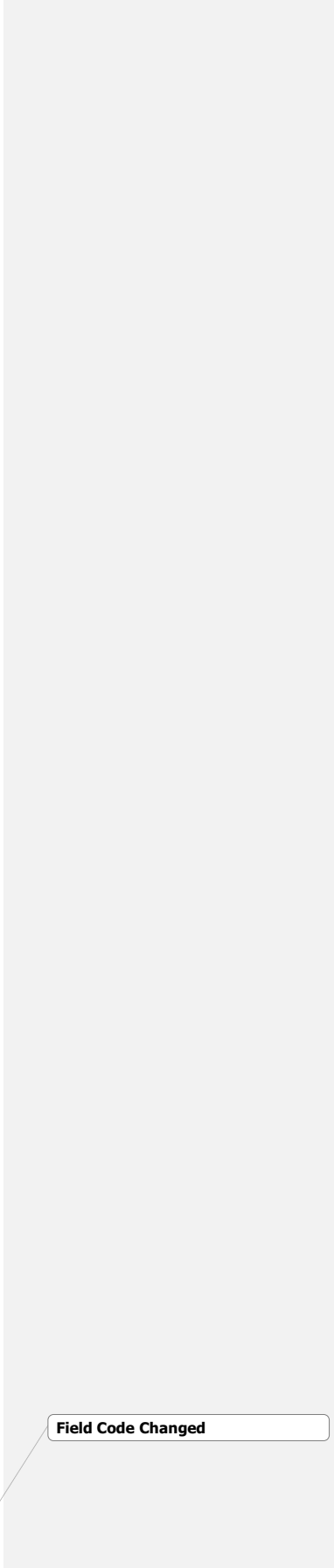
Field Code Changed

49. accepting and rejecting gifts or bequests to the Council's museums and galleries;
50. lending any object in the Council's museum and gallery collections to any gallery, museum or exhibition in accordance with section 7 of the Edinburgh District Council Order Confirmation Act 1991;
51. making recommendations and taking action on the purchase of museum and gallery objects in accordance with Council Policy;
52. commenting on the impact of planning applications on Edinburgh's archaeology and historic environment in accordance with the Scottish Planning Policy (SPP) and accompanying Planning Advice Note (PAN 2/2011), and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008;
53. establishing Friends and other groups to support the work of the service area;
54. contributing up to £10,000 from the Jean F Watson Bequest trust funds to secure the purchase of any single work of art in accordance with the purposes of the trust, in consultation with the Convener of the Committee on the Jean F Watson Bequest;
55. buying individual items valued up to £1,000 for the Museum of Childhood collection using the Catherine E Cowper Trust's funds.

#### **Public Safety**

56. administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988; and
57. administering and issuing permits, and carrying out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.

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**Field Code Changed**



**APPENDIX 5**  
**DELEGATION TO THE DIRECTOR OF HEALTH AND SOCIAL CARE**  
*(or, where applicable, the Chief Social Work Officer)*

These are the powers referred to in paragraph 9 of the Scheme:

**All service users**

1. Taking any necessary action on behalf of the Council to ensure that it discharges its duties under the National Assistance Acts, the Disabled Persons (Employment) Act 1958, the Social Work (Scotland) Act 1968, the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Criminal Procedure (Scotland) Act 1995, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Public Services Reform (Scotland) Act ~~2010~~2010, the Social Care (Self-directed Support) (Scotland) Act 2013 or generally any legislation concerning the Council's functions relating to the provision of social care and support services;
2. arranging for the protection of property of people who have gone into hospital or care as in section 48 of the National Assistance Act 1948;
3. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
4. making direct payments to individuals to help them purchase community care services as in sections 12B and 12C of the Social Work (Scotland) Act 1968;
5. providing home help and laundry facilities as in section 14 of the Social Work (Scotland) Act 1968;

Field Code Changed

6. burying or cremating any person who was in the care of, or receiving help from, the Council and so on, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
7. deciding whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
8. providing and maintaining whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of section 59 of the Social Work (Scotland) Act 1968;
9. recovering from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
10. recovering charges for services provided under the Social Work (Scotland) Act 1968 as in section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under sections 1 to 6 of Community Care and Health (Scotland) Act 2002;
11. providing welfare services for people (including, for example, assistance in arranging the carrying out of any works of adaptation in homes);
12. providing information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
13. making arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958;
14. co-ordinating and overseeing applications for the registration of all services provided by the Council and all related matters as in sections 59, 62 to 75 and 83 to 89 of the Public Services Reform (Scotland) Act 2010;

Field Code Changed

15. administering the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels;

16. authorising the following finance related issues in accordance with the Financial Regulations and ~~subject to compliance with the Corporate Debt Policy~~Council Policies:

(a) authorise the write-off of debts or charges in the following circumstances:

- i. incorrect assessment brought to light at later date;
- ii. where the service user has died and there is no money in the estate;
- iii. where the service user cannot be traced;
- iv. in the case of a service dispute where a complaint has been upheld; and
- v. for social reasons;

~~provided that in cases where the write off sum is in excess of £5000 it is subject to consultation with the relevant convener or vice convener. ;~~

(b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500;

(c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;

(d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and

(e) reimbursing neighbours and relatives of departmental carers for loss or damage caused by service users (*ex gratia*) of up to £500, where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the relevant convener or vice-convener;

### Community Care

17. taking any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:

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- (a) making inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (section 4);
  - (b) applying to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (sections 7 and 11);
  - (c) if recommended by the relevant medical officer, applying for an order to remove to suitable premises a person in need of care and attention (sections 14 to 18); and
  - (d) applying for a banning order (sections 19 to 34);
18. preparing and publishing a plan for providing community care services in Edinburgh as in section 5A of the Social Work (Scotland) Act 1968;
  19. promoting social welfare including giving help "in kind or in cash" where the terms of section 12 of the Social Work (Scotland) Act 1968 are met;
  20. safeguarding and promoting the welfare of children in need and giving help "in kind or in cash" as in section 22 of the Children (Scotland) Act 1995;
  21. ~~assessing~~collaborating with individuals' and carers' to assess their needs and providing information ~~about assessment as in~~ accordance with sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
  22. making arrangements with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in section 13A of the Social Work (Scotland) Act 1968;
  23. approving rates for and contracts for delivery of residential and other services in circumstances where the politically approved pricing policy does not apply;
  24. assessing needs of disabled or chronically sick people as in section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;

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25. assisting persons in need in disposal of produce of their work as in section 13 of the Social Work (Scotland) Act 1968;
26. approving waivers or disregards in respect of determining a client's liability for contribution to social care and housing support services provided;
27. approving waivers and disregards in respect of determining a client's liability for contribution to care home (residential/nursing) costs;
28. approving the variation, suspension or termination of contracts with providers in line with the Council's Quality Assurance arrangements for health and social care services;
29. providing or securing the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
30. providing after-care services for people who are/have been, suffering from mental disorder as in section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
31. appointing Mental Health officers as in section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervising the discharge of their statutory responsibilities;
32. discharging the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
  - (a) the following duties within section 10:
    - i. supervising guardians;
    - ii. consulting the Public Guardian and Mental Welfare Commission on matters of common interests;
    - iii. receiving and investigating complaints about welfare attorneys and matters of common interests;
    - iv. receiving and investigating complaints about welfare attorneys and guardians; and

Field Code Changed

- v. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and

(b) the following duties within section 57:

- i. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard; and
- ii. providing court reports of private applications to be a guardian;

### **Criminal Justice**

33. supervising and managing offenders subject to community orders or released from prison (or in similar circumstances) including:

- (a) reports for courts and hearings (excluding children);
- (b) probation orders;
- (c) community payback orders;
- (d) community service;
- (e) supervised attendance orders;
- (f) drug treatment and testing orders;
- (g) orders under section 57 of the Criminal Procedure (Scotland) Act 1995;
- (h) diversion from prosecutions;
- (i) parole, or other supervised conditional release from prison;
- (j) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and
- (k) throughcare services for serving and released prisoners;

Field Code Changed

34. providing advice, guidance and assistance to a person who is arrested and detained in police custody, or on whom sentence is deferred in terms of section 27ZA of the Social Work (Scotland) Act 1968; and
35. taking steps to ensure the Council complies with its duties to co-operate with the Scottish Minister and community justice authorities when carrying out its functions in accordance with sections 1 and 10 to 12 of the Management of Offenders etc. (Scotland) Act 2005.

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## **APPENDIX 6**

### **DELEGATION TO THE DIRECTOR OF SERVICES FOR COMMUNITIES**

These are the functions referred to in paragraph 10 of the Scheme:

#### **Notices and Orders**

1. signing notices and orders about road traffic matters;

#### **Roads**

2. overseeing the general management and maintenance of roads (section 1(1) of Roads (Scotland) Act 1984);
3. adding roads to or taking them off the roads authority's list of public roads (section 1(4) of the Roads (Scotland) Act 1984);
4. advising frontagers of the Council's intention to add to or delete from the list of public roads (section 1(5) of the Roads (Scotland) Act 1984);
5. altering or improving existing or proposed roads that cross public roads (section 12 of the Roads (Scotland) Act 1984);
6. serving notice on frontagers of a private road to make up and maintain that road (section 13(1) of the Roads (Scotland) Act 1984);
7. contributing to, or carrying out work on private roads (section 14(1) of the Roads (Scotland) Act 1984);
8. carrying out emergency work on private roads (section 15 of the Roads (Scotland) Act 1984);
9. determining applications for private roads to become public roads when Road Construction Consents are sought (section 16 of the Roads (Scotland) Act 1984);
10. entering into agreements to take over footpaths in accordance with section 18 of the Roads (Scotland) Act 1984;
11. constructing new roads other than special roads which are considered requisite (section 20(1) of the Roads (Scotland) Act 1984);

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12. entering new roads constructed by the local roads authority into the list of public roads (section 20(2) of the Roads (Scotland) Act 1984);
13. granting all road construction applications (section 21 of the Roads (Scotland) Act 1984) except:
  - (a) where there are unresolved objections;
  - (b) when the application is recommended for refusal; and
  - (c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended;
14. serving notices to conform to conditions imposed in a Road Construction Consent (section 21(5) of the Roads (Scotland) Act 1984);
15. stopping up or temporarily closing a new road where there is no construction consent or it is not conformed with (section 23 of the Roads (Scotland) Act 1984);
16. raising, lowering or altering the level of a public road (section 24 of the Roads (Scotland) Act 1984);
17. providing footways for the safety or convenience of pedestrians (section 25 of the Roads (Scotland) Act 1984);
18. constructing, lighting and maintaining pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26 of the Roads (Scotland) Act 1984);
19. constructing and maintaining works in the carriageway of a public road (section 27 of the Roads (Scotland) Act 1984);
20. providing and maintaining raised paving, pillars, walls, rails, fences or barriers at certain places (section 28 of the Roads (Scotland) Act 1984);
21. putting up and maintaining fences or posts to prevent access or to set the boundary for a road or proposed road (section 29 of the Roads (Scotland) Act 1984);

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22. carrying out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30 of the Roads (Scotland) Act 1984);
23. using the road authority's powers for draining roads (section 31 of the Roads (Scotland) Act 1984);
24. contributing to the costs of drainage work (e.g. for flood prevention) (section 32 of the Roads (Scotland) Act 1984);
25. providing and maintaining snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33 of the Roads (Scotland) Act 1984;
26. taking reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34 of the Roads (Scotland) Act 1984);
27. providing and maintaining lighting on roads or proposed roads (section 35 of the Roads (Scotland) Act 1984);
28. constructing road humps (section 36 of the Roads (Scotland) Act 1984);
29. consulting on providing road humps (section 37 of the Roads (Scotland) Act 1984);
30. constructing traffic calming works (section 39A of the Roads (Scotland) Act 1984);
31. providing, maintaining and removing cattle-grids (sections 41, 42 and 43 of the Roads (Scotland) Act 1984);
32. entering into agreements with other neighbouring authorities in respect of cattle grids (section 44 of the Roads (Scotland) Act 1984);
33. providing cattle grids to supersede gates (section 45 of the Roads (Scotland) Act 1984);
34. making agreements for cattle grids with landowners (section 46 of the Roads (Scotland) Act 1984);

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35. contributing towards the cost of cattle grids (section 47 of the Roads (Scotland) Act 1984);
36. entering into agreements with any persons willing to contribute to the construction or improvement of a road (section 48 of the Roads (Scotland) Act 1984);
37. maintaining structures and equipment for the detection of traffic offences (section 49A of the Roads (Scotland) Act 1984);
38. planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50 of the Roads (Scotland) Act 1984);
39. allowing trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51 of the Roads (Scotland) Act 1984);
40. carrying out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52 of the Roads (Scotland) Act 1984);
41. making agreements to use land for landscaping to mitigate the effects of road construction (section 53 of the Roads (Scotland) Act 1984);
42. providing and maintaining rubbish bins or storage bins on roads (section 54 of the Roads (Scotland) Act 1984);
43. authorising in writing work in or excavation under a public road (section 56 of the Roads (Scotland) Act 1984);
44. taking action to eliminate danger caused by works in or under a road (section 57 of the Roads (Scotland) Act 1984);
45. granting permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58 of the Roads (Scotland) Act 1984);
46. giving written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59 of the Roads (Scotland) Act 1984);
47. enforcing rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise

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- protect a building in accordance with section 60 of the Roads (Scotland) Act 1984;
48. allowing equipment to be placed under a road (section 61 of the Roads (Scotland) Act 1984);
  49. temporarily prohibiting or restricting the use of roads which are dangerous (section 62 of the Roads (Scotland) Act 1984);
  50. serving notice that a satisfactory vehicle crossing must be made (section 63 of the Roads (Scotland) Act 1984);
  51. giving statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2) of the Roads (Scotland) Act 1984);
  52. serving notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66 of the Roads (Scotland) Act 1984);
  53. issuing notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67 of the Roads (Scotland) Act 1984);
  54. starting the consultation process to stop up public and private access to land (sections 70 and 72 of the Roads (Scotland) Act 1984);
  55. stopping up public and private access to land where no objections have been received following notice to the public (sections 70 and 72 of the Roads (Scotland) Act 1984);
  56. making land temporarily available for alternative routes during road improvement works (section 74 of the Roads (Scotland) Act 1984);
  57. diverting waters (to construct, improve, protect roads) (section 78 of the Roads (Scotland) Act 1984);
  58. entering into agreements to maintain or contribute to the cost of maintaining bridges (section 79 of the Roads (Scotland) Act 1984);

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59. serving notices relating to the obstruction of views at corners, bends and junctions (section 83 of the Roads (Scotland) Act 1984);
60. giving written permission for skips to be left on a road (section 85 of the Roads (Scotland) Act 1984);
61. removing skips which are causing danger or obstruction (section 86 of the Roads (Scotland) Act 1984);
62. requiring persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87 of the Roads (Scotland) Act 1984;
63. removing or altering projections of any buildings that interfere with safe or convenient passage along a road (section 88 of the Roads (Scotland) Act 1984);
64. intimating to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89 of the Roads (Scotland) Act 1984);
65. taking all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
66. recovering from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
67. agreeing to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90 of the Roads (Scotland) Act 1984);
68. serving notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91 of the Roads (Scotland) Act 1984;

Field Code Changed

69. giving consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92 of the Roads (Scotland) Act 1984);
70. taking steps to protect road users from dangerous things on land beside or near a road (section 93 of the Roads (Scotland) Act 1984);
71. serving notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93 of the Roads (Scotland) Act 1984);
72. filling in a pipe or ditch next to or near a public road which is a danger to road users (section 94 of the Roads (Scotland) Act 1984);
73. recovering the cost of clearing mud, clay and so on, on a road (section 95 of the Roads (Scotland) Act 1984);
74. recovering extraordinary costs for maintaining a road that has excessively heavy traffic (section 96 of the Roads (Scotland) Act 1984);
75. giving consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97 of the Roads (Scotland) Act 1984);
76. taking action related to stray and other animals on roads (section 98 of the Roads (Scotland) Act 1984);
77. serving notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99 of the Roads (Scotland) Act 1984;
78. acquiring land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107 of the Roads (Scotland) Act 1984);
79. acquiring land to improve amenity of new or improved road for schemes approved by the Council (section 105 of the Roads (Scotland) Act 1984);
80. obtaining materials for road repairs (section 121 of the Roads (Scotland) Act 1984);

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81. giving people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984);
82. recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);
83. carrying out work that someone has failed to do (section 141 of the Roads (Scotland) Act 1984);
84. carrying out the roads authority's enforcement functions under the Roads (Scotland) Act 1984;

### **Traffic**

85. commencing and completing the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and doing all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:
  - (a) sections 1, 2, and 4 (road traffic orders);
  - (b) section 9 (experimental traffic orders);
  - (c) section 19 (regulation of highways by public service vehicles);
  - (d) sections 32, 35, 45, 46 and 49 (parking places);
  - (e) section 37 (extension of powers for purposes of general scheme traffic control);
  - (f) section 53 (designation orders);
  - (g) sections 82 and 83 (restricted roads); and
  - (h) section 84 (speed limit orders);
86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no objections received by the public;

Field Code Changed

87. in relation to orders made under paragraph 85 of the Scheme, making decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect;
88. commencing and completing the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:
  - (a) making orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and
  - (b) making orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984;
89. making orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984);
90. making orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984);
91. recovering the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984);
92. recovering the costs of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984);
93. recovering the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984;
94. remitting proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;

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95. modifying in order to make less onerous (where the modification will remove an objection), or suspending, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984);
96. temporarily restricting or banning the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984);
97. putting up, maintaining and altering pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984);
98. making arrangements for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984);
99. managing off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984);
100. providing access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984);
101. acquiring land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984);
102. buying or hiring parking meters (section 49 of the Road Traffic Regulation Act 1984);
103. providing stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984);
104. causing or allowing traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984);
105. consulting on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984);
106. serving notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984);
107. entering any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984);

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108. putting up and maintaining signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984);
109. placing bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984);
110. placing bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984);
111. taking action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984);
112. carrying out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988);
113. consulting about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998);
114. effecting duties as to the general procedure to be followed before a temporary order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 );
115. effecting duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008);
116. effecting duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming)(Scotland) Regulations 1994);
117. effecting duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming)(Scotland) Regulations 1994 as amended);
118. carrying out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
119. carrying out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991;

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120. commenting as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008);
121. agreeing to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982);
122. advising other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984);
123. providing and maintaining lighting on roads that are not maintained by the Council;
124. making arrangements for tenders and contracts for supported bus services under the Transport Act 1985;
125. arranging for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985;
126. erecting, moving and removing bus stops, shelters and information panels provided that no objections are made following notice to the public;
127. installing, moving and removing bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002;
128. carrying out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011;
129. assessing whether people are eligible for forms of concessionary travel;
130. issuing and refusing to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
131. asking the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985);
132. dealing with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985);

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133. dealing with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985);
134. securing public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision;
135. approving or refusing applications for school crossing patrols in accordance with the Council Policies;

#### **Corporate Property**

136. concluding leases, missives of let, licence agreements or extensions of leases and licence agreements or similar on behalf of the Council where:
  - (a) the length of the lease/missive/agreement is no more than five years and the rent (exclusive of VAT) is no more than £50,000 a year; or
  - (b) the length of the lease/agreement is no more than one month;save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
137. negotiating, processing and instructing the Head of Legal, Risk and Compliance to conclude all rent reviews;
138. taking any action to ensure all terms of a lease or licence agreement are enforced, including terminating any lease or agreement and taking whatever action is necessary to effect an eviction where the tenant or licensee has failed to comply with the terms and conditions of the lease or agreement;
139. granting on behalf of the Council 'wayleave' agreements, and concluding missives and leases for sites for sub-stations, gas governors and similar installations for any period whatsoever, with the exception of:

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- (a) wayleaves for gas mains of a diameter greater than 225 mm;
- (b) grids, oil or chemical pipelines; and
- (c) overhead transmission lines with a capacity greater than 33,000 volts

which would only be granted with the Council's consent;

- 140. granting and obtaining a Minute of Waiver for no more than £50,000;
- 141. buying and selling property or property rights up to £50,000 when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the acquisition/disposal;
- 142. permitting a tenant to assign their lease/agreement subject to the Council being in no worse a financial position;
- 143. buying land or property provided that it has been specifically budgeted for;
- 144. marketing surplus property for sale or lease and accepting the highest offer subject to being satisfied that this represents market value (if it is proposed that any offer other than the highest received be accepted, or when any offer includes an element of community benefit as set out in Council Policy then the matter must be considered and approved by the Finance and [BudgetResources](#) Committee);
- 145. agreeing terms for the sale of small plots of land (including land held on the Housing Revenue Account) and instructing the Head of Legal, Risk and Compliance to conclude the sale, subject to being satisfied that this represents market value, and where:
  - (a) the land is existing open space, for example amenity land, landscaping or verges adjoining roads and footpaths;
  - (b) the land does not exceed 150 metres<sup>2</sup>; and
  - (c) the use of the land would be for garden ground or for any other ancillary residential use;

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146. negotiating and instructing the Head of Legal, Risk and Compliance to conclude the sale of residential properties under "Right to Buy" legislation;
147. where property is held for commercial or economic development purposes doing the following :
- (a) negotiating to dispose of land or property at values up to £250,000;
  - (b) negotiating the grant of "minutes of waiver";
  - (c) signing all offers on behalf of the Council to let or take on lease properties where:
    - (a) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
    - (b) the length of the lease is no more than one month;save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
  - (d) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties;
  - (e) agreeing to proposed transfers of leases where the Council is landlord, and instructing the Head of Legal, Risk and Compliance to conclude these;
148. where property is held on behalf of the Common Good, doing the following:
- (a) negotiating the grant of "minutes of waiver" or wayleaves;
  - (b) signing on behalf of the Council, as manager, to let properties where:
    - (a) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
    - (b) the length of the lease is no more than one month;

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- (c) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise these properties;
- 149. publishing notices of a proposed appropriation or disposal of land in accordance with sections 24(2A) and 27(2A) of the Town and Country (Scotland) Act 1959;
- 150. negotiating and settling all claims for compensation where property has been purchased by the Council under a compulsory purchase order or requires to be purchased for a scheme or project included within the Council's Capital Investment Programme or where there has been a loss in value of property relating to works carried out by the Council;

### **Housing and Regeneration**

- 151. approving offers and authorising payments of grants to Registered Social Landlords;
- 152. where grants have been paid to Registered Social Landlords agreeing options of recycling or repayment of such grants in the case of property disposals, subject to consultation with the appropriate convener or vice convener where the value of the grant is more than £250,000;
- 153. authorising and carrying out repairs and maintenance to homes owned by the Council for the purposes of affordable rent ("Council Homes") in accordance with the Council's repairs policy;
- 154. operating the "Right to Repair" scheme for tenants of Council Homes;
- 155. consenting to repairs and improvements of Council Homes;
- 156. determining whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent;
- 157. maintaining a common housing register and allocating Council Homes in accordance with the Council's lettings policy;
- 158. collecting rent, service charges and court costs where applicable from current and former tenants of Council Homes;
- 159. writing off the arrears balances of former tenants of Council Homes ~~up to the sum of £1,000 in accordance with Council Policies;~~

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160. consulting with tenants of Council Homes on increases to rent and service charges;
161. carrying out regular maintenance of land held on the Housing Revenue Account;
162. instructing repairs to common areas in accordance with the Tenements (Scotland) Act 2004;
163. preparing and implementing a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001 and awarding grants up to the sum of £5,000;
164. undertaking housing offender management (sex and serious violent offenders);
165. registering the Council as a property factor with the Scottish Government and taking steps to comply with the code of conduct's standards of practice, in accordance with the Property Factors (Scotland) Act 2011;
166. preparing and maintaining a register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004;
167. carrying out functions under Part 9 of the Antisocial Behaviour etc. (Scotland) Act 2004;
168. entering relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person has made a valid houses of multiple occupancy application;
169. approving the entitlement to the relevant discounts of the fee to be entered on the register of private landlords;
170. carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988;
171. issuing, serving, suspending and revoking work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006;

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172. carrying out work where the owner of a house fails to comply with a work notice or a demolition notice under section 35 of the Housing (Scotland) Act 2006;
173. carrying out work after notification by a private rented housing committee under section 36 of the Housing (Scotland) Act 2006;
174. carrying out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006;
175. carrying out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006;
176. carrying out the Council's functions in relation to rights of entry under Part 9 of the Housing (Scotland) Act 2006;
177. exercising the Council's powers under Part 10 of the Housing (Scotland) Act 2006;
178. granting, varying, refusing, extending and revoking temporary exemption orders in terms of section 142 and 143 of the Housing (Scotland) Act 2006;
179. issuing rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004;
180. where appropriate, refunding fees that have been paid by applicants to be placed on the register of landlords;
181. processing applications for improvement grants and domestic sound-proofing grants including authority to make payments;
182. seeking the Scottish Minister's approval to raise the level of grant given to an owner-occupier for reasons of hardship;
183. carrying out assessments to determine homelessness or the threat of homelessness, and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness;
184. carrying out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation;

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185. entering into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation;
186. carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies;
187. kennelling pets for households staying in homeless, temporary or emergency accommodation;
188. determining who receives housing support in line with Council Policies;
189. implementing and enforcing the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action;
190. determining eligibility of applicants and administering the sale of Council Homes under "Right to Buy" legislation;
191. purchasing and selling property on the Housing Revenue Account up to a value of ~~£150,000,~~ 250,000, provided that such purchases are reported annually to the appropriate committee;
192. serving notices for repairs, enforcement, carrying out and recovery of costs and expenses in terms of Part 8 of the Civic Government (Scotland) Act 1982 and Part 4 of the Building (Scotland) Act 2003;
193. withdrawing, waiving and relaxing notices issued under Part 4 of the Building (Scotland) Act 2003;
194. responding in emergency situations and carrying out repairs immediately where damage to property or health or safety matters are issues and recovering the costs and expenses of doing so;
195. inspecting properties, serving (as proper officer) and enforcing notices and recovering costs under the Edinburgh District Council Order Confirmation Act 1991;
196. executing any works necessary for securing, restoring or repairing privately owned properties, and recovery from the owners of the relevant properties of any expenses reasonably incurred by the Council

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in doing so, all in accordance with the Edinburgh District Council Order Confirmation Act 1991;

### **Licensing**

197. granting or refusing permits for public charitable collections in accordance with criteria approved by the Regulatory Committee;
198. granting, attaching conditions to, or refusing applications for licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 subject to:
  - (a) consultation with two of the members of the Regulatory Committee on a weekly duty rota (after consideration of reports by the appropriate officials); and
  - (b) there being no objection or unresolved representation from a member of the public or the Chief Constable to the application;
199. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, granting, attaching conditions to or refusing applications for any temporary licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Licensing Sub-Committee prior to the date the licence, if granted, is due to commence;
200. granting, renewing or varying any licence where Police Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that he/she agrees to the conditions;
201. renewing licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 if satisfied (after considering reports by appropriate officials) as to their non-contentious nature;
202. keeping a public register of applications, permissions and licences;

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203. granting late hours catering licence renewals with hours in excess of zoning policy, where those hours had been enjoyed in the preceding year without complaint;
204. refunding a reasonable part of the appropriate application fee for applications which have been withdrawn or licences which have been granted;
205. advertising any proposed taxi stance appointment, variation or revocation and:
  - (a) determining the proposal where no public objections or representations are received, (otherwise referring the proposal to the Committee only); and
  - (b) determining the starting date of any change;
206. accepting a new application from a taxi or private hire car owner up to four weeks after the expiry of their existing licence at the rate appropriate for a renewal;
207. determining taxi and private hire car licence applications where an adverse medical report has been received;
208. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10, and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences etc. for a period of not more than 6 weeks or until the suspension is considered by the Licensing Sub-Committee, whichever is sooner;
209. suspending taxi and private hire licences on a temporary basis on medical grounds during the currency of a licence where the licence holder is in agreement;
210. exempting new taxi driver licence applicants from elements of the compulsory training course if they have alternative equivalent qualifications after consultation with the Cab Inspector and training course officials at Edinburgh College;

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211. accepting applications to drive taxis or private hire cars from previously licensed drivers up to six months after the expiry of their licence at the appropriate renewal fee;
212. exercising the Council's overriding discretion in respect of section 187(a)(i) of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers 2006) to consider any negative factor such as:
  - (a) whether the width deviated from the manufacturer's specification for standard vehicles of that type;
  - (b) whether factory options such as wide wheels and tyres had been added; and
  - (c) whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified;
213. approving the installation of WiFi equipment in any relevant licensed vehicle;
214. determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal (including licences for houses in multiple occupation);
215. accepting a re-application for a civic licence within 12 months of a refusal under existing delegated powers due to an error of material fact and transferring the original fee to the re-application (including licences for houses in multiple occupation);
216. issuing letters of confirmation in respect of notification of public processions received with the exception of any notification attracting representations that cannot be resolved through negotiation;
217. determining requests for variation of fees for Houses in Multiple Occupation licences;
218. appointing members to vacancies arising in the membership of the Council's Licensing Forum;

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219. appointing Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005;

**Community safety, environmental, consumer protection and registration etc.**

220. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10;
221. when appointed by the Scottish Ministers, acting on any Emergency Order made under Part I of the Food and Environment Protection Act 1985;
222. carrying out reviews of air quality in accordance with section 82 of the Environment Act 1995;
223. carrying out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995;
224. complying with any regulations made under section 87 of the Environment Act 1995;
225. enforcing pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995;
226. issuing suspension notices under section 14 of the Consumer Protection Act 1987 for goods which are suspected to be unsafe;
227. granting licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936;
228. making registrations under the Health and Safety and Work etc. Act 1974 and The Poisons Act 1972;
229. appointing and exercising the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974;
230. serving improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974;

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231. dealing with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974;
232. providing information upon request under section 27 of the Health and Safety at Work etc. Act 1974;
233. issuing credentials to enforcement staff so that they can deal with enforcing and licensing as provided by the relevant legislation and European directives;
234. providing mobile toilet units, waste containers and assistance in kind to community organisations and charities for special events for which budget provision has been made, and charging for provisions of these services where appropriate;
235. performing the Council's public health duties under sections 11 to 21 of the Edinburgh District Council Order Confirmation Act 1991, including registering premises for acupuncturists, ear piercers and electrolysis;
236. enforcing the removal or discontinuation of advertisements under section 186 of the Town and Country Planning (Scotland) Act 1997;
237. removing or obliterating placards or posters in accordance with section 187 of the Town and Country Planning (Scotland) Act 1997;
238. appointing officer to carry out the functions of the Public Analyst and Food Examiner (Food Safety Act 1990) and Agricultural Analyst/Depute Agricultural Analyst (Agriculture Act 1970);
239. exercising the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling;
240. burying or cremating the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recovering from the estate of the deceased person the expenses incurred in doing so (section 50 of the National Assistance Act 1948);

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241. burying or cremating the body of any deceased person who immediately before his death was in the care of, receiving assistance from, or was a child being looked after by the Council, and recovering the expenses of doing so from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred (section 28 of the Social Work (Scotland) Act 1968);
242. maintaining cemeteries in accordance with section 10 of the Edinburgh District Council Order Confirmation Act 1991;
243. awarding community grants from dedicated budgets;
244. providing and managing the Council's library services;
245. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
246. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
247. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
248. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967);
249. exercising the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office;
250. appointing an officer to carry out the function of dealing with stray dogs, and dealing with dogs under sections 149, 150 and 151 of the Environmental Protection Act 1990;

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251. exercising the Council's functions under the Public Health etc. (Scotland) Act 2008, including serving notices on owners or occupiers of infected premises, inspecting premises and recovering expenses, and providing mortuaries;
252. carrying out periodical inspections and exercising the Council's inspections functions under sections 9A to 12 of the Zoo Licensing Act 1981;
253. considering and making arrangements for the welfare of animals following the closure of a zoo under sections 16E and 16G of the Zoo Licensing Act 1981;
254. controlling noise from construction sites by investigating, and serving and publishing notices in accordance with section 60 of the Control of Pollution Act 1974;
255. considering applications for consents for works in accordance with section 61 of the Control of Pollution Act 1974;
256. investigating noise nuisance, serving warning notices and fixed penalty notices, and seizing and removing equipment in accordance with sections 41 to 54 of the Antisocial Behaviour etc (Scotland) Act 2004;
257. inspecting and investigating statutory nuisances in accordance with section 79 of the Environmental Protection Act 1990;
258. serving abatement notices and fixed penalty notices and initiating proceedings in relation to statutory nuisances in accordance with sections 80, 80ZA and 80A of the Environmental Protection Act 1990;
259. abating nuisances and recovering costs in relation to statutory nuisances in accordance with sections 81, 81A and 81B of the Environmental Protection Act 1990;
260. issuing fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990;
261. complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990;

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262. issuing notices and requiring the removal of waste unlawfully deposited in accordance with section 59 of the Environmental Protection Act 1990;
263. promoting the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990;
264. issuing fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990;
265. designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990;
266. serving litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990;
267. issuing street litter control notices in accordance with section 93 of the Environmental Protection Act 1990;
268. complying with regulations made by Scottish Ministers in relation to the display of advertisements in accordance with section 182 of the Town and Country Planning (Scotland) Act 1997;
269. removing abandoned vehicles in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978;
270. disposing of removed vehicles in accordance with section 4 of the Refuse Disposal (Amenity) Act 1978;
271. recovering expenses in connection with removed vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978;
272. dealing with graffiti in accordance with sections 58 to 65 of the Antisocial Behaviour (Scotland) Act 2004, including serving graffiti removal notices;
273. exercising the Council's functions and powers in relation to drains in accordance with sections 29 to 34 of the Edinburgh District Council Order Confirmation Act 1991, including removing obstructions and serving notices;
274. serving notices in relation to environmental matters in accordance with section 160 of the Environmental Protection Act 1990;

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275. discharging the Council's functions in relation to genetically modified organisms, including entering and inspecting premises, in accordance with sections 114 to 117 of the Environmental Protection Act 1990;
276. entering into agreements with Scottish Ministers to exercise the enforcement functions of the Scottish Ministers in relation to genetically modified organisms, in accordance with section 125 of the Environmental Protection Act 1990;
277. inspecting land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990;
278. serving notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990;
279. determining appropriate people to bear responsibility for remediation in accordance with section 78F of the Environmental Protection Act 1990;
280. consulting in relation to remediation notices in accordance with sections 78G and 78H of the Environmental Protection Act 1990;
281. serving remediation notices in relation to the pollution of controlled waters in accordance with section 78J of the Environmental Protection Act 1990;
282. serving remediation notices in relation to contaminating substances which escape to other land in accordance with section 78K of the Environmental Protection Act 1990;
283. carrying out remediation to the relevant land or water environment in accordance with section 78N of the Environmental Protection Act 1990;
284. recovering costs incurred in relation to remediation in accordance with section 78P of the Environmental Protection Act 1990;
285. exercising the Council's functions where remediation notices have been served and the land becomes special land, in accordance with section 78Q of the Environmental Protection Act 1990;

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286. maintaining a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990;
287. providing SEPA with information when requested in accordance with section 78U of the Environmental Protection Act 1990;
288. having regard to guidance issued by SEPA in accordance with section 78V of the Environmental Protection Act 1990;
289. exercising the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990;
290. carrying out the Council's enforcement functions under sections 68, ~~71~~71, ~~74~~ and ~~74~~78 of the Antisocial Behaviour etc. (Scotland) Act 2004
291. carrying out the Council's enforcement functions in relation to fireworks in accordance with sections 2, 3 and 12 of the Fireworks Act 2003;
292. entering and inspecting premises, issuing fixed penalties and commencing legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005;
293. enforcing the safety provisions of the Motor Cycle Noise Act 1987;
294. enforcing the provisions of the Tobacco Advertising and Promotion Act 2002 in accordance with sections 13 and 14 of that act;
295. enforcing the duty to provide information on sale of houses, in accordance with sections 109 to 112 of the Housing (Scotland) Act 2006;
296. exercising the Council's enforcement functions in accordance with sections 25 and 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
297. applying for tobacco retailing banning orders and ancillary orders in accordance with sections 15 to 19 of the Tobacco and Primary Medical Services (Scotland) Act 2010;

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298. issuing fixed penalty notices in accordance with section 27 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
299. exercising the Council's powers of entry in accordance with sections 28 to 31 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
300. exercising the Council's enforcement powers in relation to copyright infringement in accordance with sections 107A and 198A of the Copyright, Designs and Patents Act 1988;
301. exercising the Council's enforcement functions and powers under the Enterprise Act 2002;
302. dealing with the clean up of spills in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;
303. requiring the owner of a public building to execute works necessary to minimise the risk to the public in the event of danger in accordance with section 23 of the City of Edinburgh District Council Order Confirmation Act 1991;
304. requiring owners to carry out, or carrying out works to secure, restore or repair structures, fixtures, walls or fences that has become insecure, worn out, damaged or in need of repair, and recovering the costs of doing so, all in accordance with section 24 of the Edinburgh District Council Order Confirmation Act 1991;
305. giving notice to person requiring them to take steps to reduce the emission of dust in accordance with section 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
306. serving notices in accordance with section 26 and in relation to sections 23 to 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
307. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;

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308. entering premises to perform the Council's functions under the City of Edinburgh District Council Order Confirmation Act 1991 in accordance with section 53 of that act;
309. executing works and recovering the costs of doing so where an owner or occupier fails to do so after being served notice to do so in accordance with section 57 of the City of Edinburgh District Council Order Confirmation Act 1991;

### **Parks and Greenspace**

310. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:
  - (a) the Convener or vice-Convener of the Transport and Environment Committee;
  - (b) the Festival and Events Champion;
  - (c) local ward Councillors;
  - (d) as appropriate, other Council service areas; and/or
  - (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;
311. issuing felling orders for trees affected by Dutch Elm Disease (sections 3(1) (2) and (4) and 5(1) of the Plant Health Act 1967 and section 20 of the Agricultural (Miscellaneous Provisions) Act 1972 (B) and Dutch Elm Disease (Amendment) (Local Authorities) Order 1975);
312. creating, maintaining, enhancing and removing physical and natural assets within the Council's parks and greenspaces;
313. creating, maintaining, enhancing and removing trees and other landscape features managed by the Council;
314. implementing the provisions of the Council's Park Management Rules;
315. implementing the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations;

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316. implementing the provisions of wildlife, nature, access and parks legislation, including:
  - (a) Countryside (Scotland) Act 1967;
  - (b) Wildlife and Countryside (Scotland) Act 1981;
  - (c) National Parks and Access to the Countryside Act 1949;
  - (d) Nature Conservation (Scotland) Act 2004;
  - (e) Wildlife and Natural Environment (Scotland) Act 2011; and
  - (f) Land Reform (Scotland) Act 2003;
317. drafting, managing and implementing Council approved policy and strategy that relates to parks and greenspace responsibilities;
318. managing the Council's Green Flag Award and other quality management programmes;
319. managing events and activities taking place within parks and greenspaces;

**Waste Services**

320. preparing specifications and award contracts for repairing and maintaining the Council's vehicles and plant fleet, and for buying replacements, all in accordance with the Contracts Standing Orders as amended from time to time;
321. discharging duties relating to the conduct of the Council's significant trading operations in accordance with section 10 of the Local Government in Scotland Act 2003;
322. specifying the level of services and other relevant details for providing waste management, street cleansing and refuse collection services;
323. negotiating variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council;
324. setting the prices of trade waste services provided by the Council;

Field Code Changed

325. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management;
326. carrying out the Council's waste management functions in accordance with its approved integrated waste management plan, and providing the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990);
327. collecting household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990;
328. arranging for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990;
329. serving notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990;
330. supplying receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990;
331. arranging for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990;
332. ensuring that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990;
333. enabling waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using,

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- selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990;
334. carrying out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990;
  335. consenting to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990;
  336. carrying out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990;
  337. minimising the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990;
  338. exercising the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990;
  339. participating in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990;
  340. carrying out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990;
  341. participating in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990;
  342. giving notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act;
  343. approving applications for waste action grants where the grant does not exceed £2,500;

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### **Building Standards**

344. submitting comments on relaxation applications determined by the Scottish Ministers;
345. signing certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003;
346. undertaking building standards assessments under section 6 of the Building (Scotland) Act 2003;
347. deciding on completion certificate submissions under section 18 of the Building (Scotland) Act 2003;
348. deciding on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted;
349. deciding on the imposition of a continuing requirement in terms of section 22 of the Building (Scotland) Act 2003;
350. deciding on the discharge or variation of a continuing requirement in terms of section 23 of the Building (Scotland) Act 2003;
351. maintaining and administering a building standards register in terms of section 24 of the Building (Scotland) Act 2003;
352. serving enforcement notices in terms of sections 25, 26, 27, 28, 29, 30 and 42 of the Building (Scotland) Act 2003 and carrying out all consequential enforcement procedures;
353. signing certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003;
354. processing section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005;
355. granting or refusing applications for building warrants, amendments to warrants and extensions to the periods of validity of building warrants;

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### **Floods, Reservoirs and Coasts**

356. preparing, reviewing, updating and making available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009);
357. assessing relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk Management (Scotland) Act 2009);
358. preparing maps and responding to the Scottish Environmental Protection Agency ("SEPA") in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009;
359. responding to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009;
360. responding to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009;
361. preparing local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009;
362. publishing a "draft supplementary part" of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council or Committee;
363. responding to consultation by a lead local authority on the "draft supplementary part" of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009;
364. publishing the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management

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(Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee;

365. responding to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009;
366. reviewing the local flood risk management plan and, subject to Council or Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009;
367. publishing final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval;
368. taking steps to co-operate with other local authorities where a local plan district covers more than one local authority's area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009;
369. taking steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009;
370. providing SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009;
371. taking steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009;
372. sitting on the flood risk advisory group (section 49) and sub-district flood risk advisory group (section 50) on behalf of the Council in accordance with the Flood Risk Management (Scotland) Act 2009;

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373. taking steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009;
374. carrying out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009;
375. responding to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management (Scotland) Act 2009);
376. giving notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009;
377. confirming or rejecting proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009;
378. keeping registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009;
379. recovering expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009;
380. responding to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009;
381. entering into land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009;

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382. serving notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009;
383. paying compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009;
384. assisting SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009;
385. reporting incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009;
386. discharging the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
387. offering relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
388. requesting the Scottish Ministers to direct planning permission for any development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
389. serving notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009;
390. in relation to the Braid Burn flood prevention scheme and the Water of Leith prevention scheme (which were confirmed under the Flood Prevention (Scotland) Act 1961) carrying out the powers and duties of

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the Council, including paying compensation under section 11 of the Flood Prevention (Scotland) Act 1961;

391. exercising the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975;
392. exercising the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011; and
393. carrying out the duties and powers of the coast protection authority in accordance with the Coast Protection Act 1949.

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**APPENDIX 7**  
**HEAD OF PLANNING**

These are the functions referred to in paragraph 10 of the Scheme:

**Planning policy**

1. responding directly to consultations on development plans, [planning applications](#), [environmental assessments](#) and planning guidance from neighbouring authorities at any stage in the process unless the Head of Planning considers that:
  - (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be draw to the attention of the consulting authority;
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
  - (c) the Council should formally object to a proposed development plan;
2. responding directly to planning related consultations from the Scottish Government and Government Agencies unless the Head of Planning considers that:
  - (a) the consultation raises a significant planning issue for the Council which should be drawn to the attention of the Scottish Government/Government Agency; or
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;
3. determining whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;

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**Planning applications etc.**

4. determining applications (including retrospective applications) for planning permission, listed building consent, conservation area consent, non-material variations and consent to display an advertisement, provided that:
  - (a) the decision is in accordance with the statutory development plan (Structure Plan and Local Plan);
  - (b) the decision is in accordance with non-statutory Council adopted policy, or infringements of policy are so minor that refusal or amendment would be unjustified;
  - (c) conditions added by the relevant Committee are not removed or amended;
  - (d) where approval is recommended, not more than six material objections have been received from third parties;
  - (e) where refusal is recommended, not more than six material representations in support of the proposals have been received from third parties;
  - (f) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
  - (g) where the application falls within the definition of local development as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 but is not subject to the terms of the Council's statutory scheme of delegation for local developments;
  - (h) there is no legal agreement required in connection with the application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000, or where by virtue of any policy or non-statutory guidance on developer contributions there is a requirement to be met and, for whatever reason, that requirement is not being fully met;

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- (i) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
  - (j) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
  - (k) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;
  - (l) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative;
  - (m) the application is not for Hazardous Substance Consent;
  - (n) the Head of Planning does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and
  - (o) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;
5. determining applications for certificates of lawful use or lawful development under sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997 and applications for certificates of appropriate alternative development, provided that:
- (a) the applications does not raise a significant planning matter, leading to advice to refuse or to object;
  - (b) the Head of Planning does not consider the application to be potentially controversial, or likely to be of significant public interest, or as having a significant impact on the environment;

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- (c) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
  - (d) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
  - (e) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
  - (f) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;
  - (g) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative; and
  - (h) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;
6. determining whether or not an application for planning permission will need to be accompanied by an Environmental Statement;
  7. issuing an opinion in respect of a Pre-Application Screening request;
  8. deciding whether the method of consultation is acceptable or more is needed in respect of a Proposal of Application Notice;
  9. deciding whether or not to decline to determine a repeat application for planning permission in any of the circumstances set out in Section 39 of the Town and Country Planning (Scotland) Act 1997;
  10. signing a processing agreement in respect of a major application as defined in the hierarchy of development;
  11. promoting a direction altering the duration of a planning consent;

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12. deciding whether or not full details of a proposed agricultural building require to be submitted;
13. deciding whether or not full details of a proposed forestry building require to be submitted;
14. deciding whether or not full details of proposed buildings by gas and electricity undertakings, solely for the protection of plant and machinery, are required;
15. deciding whether or not, in the case of proposed demolition of residential property, to require a formal submission;
16. deciding whether or not, in the case of proposed toll facilities on toll roads, to require a detailed submission;
17. determining painting and sundry minor works requiring permission by reason of an Article 4 Direction;
18. determining that alterations to a listed building do not require Listed Building Consent
19. determining whether works or a change of use constitute permitted development;
20. determining the display of advertisements;

**Enforcement action**

21. acting as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate officers to prepare, sign and serve such notices on his behalf;
22. initiating, progressing and concluding enforcement action, interdict action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:
  - (a) Planning Contravention Notices;

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- (b) Enforcement Notices, including those relating to listed building and advertisements;
  - (c) advertisement discontinuation procedures;
  - (d) reporting to the procurator fiscal;
  - (e) Breach of Condition Notices;
  - (f) Amenity Notices;
  - (g) Stop Notices;
  - (h) Temporary Stop Notices;
  - (i) Fixed Penalty Notices;
  - (j) Hazardous Substances Contravention Notices;
  - (k) Tree Replacement Notices;
  - (l) prosecution in respect of the above as necessary and the giving of evidence in court; and
  - (m) powers of entry;
23. carrying out the following functions provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration:
- (a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);
  - (b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);
  - (c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);

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- (d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);
- (e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning (Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);
- (f) serving section 270 Notices and Planning Contravention Notices;
- (g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- (h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission;

**Landscape**

- 24. making provisional Tree Preservation Orders (with the Planning Committee approving the final order taking into account objections or representations received);

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25. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees protected by Tree Preservation Orders (including the imposition of replanting conditions as appropriate);
26. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees in conservation areas;
27. serving, progressing, and concluding actions in respect of tree replacement notices, including any necessary follow up direct action;
28. investigating unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate;
29. considering and determining all applications in respect of high hedge notices, taking any subsequent enforcement or other action and exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration;

#### **Appeals**

30. determining what response should be made to the Directorate of Planning and Environmental Appeals in the case of appeals submitted in respect of the non-determination of an application and where the application could otherwise have been dealt with under delegated powers;

#### **Legal Agreements**

31. entering into a legal agreement with a developer, provided that:
  - (a) the agreement complies with the terms of government guidance, relevant development plan policies and supplementary guidance on developer contributions; and
  - (b) does not involve a financial sum or other contributions of a value exceeding £250,000;

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32. entering into a discharge of a legal agreement granting partial or full discharge of the relevant party's obligations on the due performance by that party of such obligations;
33. modifying a legal agreement with the relevant party provided that:
  - (a) the terms of the modifications comply with the terms of government guidance, relevant development plan policies and supplemental guidance on developer contributions; and
  - (b) it does not involve reducing the financial sum or other contributions in the legal agreement;

**Miscellaneous**

34. authorising Powers of Entry to land for any purpose (especially surveying) relating to the preparation of a development plan and general planning controls (sections 269 & 270 of the Town and Country Planning (Scotland) Act 1997);
35. allocating new street numbers and, in consultation with the appropriate local ward councillors, changing street numbers and naming new streets;
36. requiring proper maintenance of land affecting listed buildings or conservation areas and to undertake necessary work and recover costs in cases of non-compliance (sections 135 and 179 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997); and

**Flooding**

37. requesting advice from SEPA as to flood risk under section 72 of the Flood Risk Management (Scotland) Act 2009.

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**APPENDIX 8**

**STATUTORY FUNCTIONS AND STATUTORY OFFICERS**

<u>Statutory Function</u>	<u>Legislation</u>	<u>Officer</u>
Agricultural Analyst/Depute Agricultural Analyst	section 67(3) of the Agriculture Act 1970	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager
Assessor	section 27 of the Local Government etc. (Scotland) Act 1994	Assessor of the Lothian Valuation Joint Board
Chief Inspector of Weights and Measures	section 72 of the Weights and Measures Act 1985	Licensing and Trading Standards Service Manager
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures from time to time.
Chief Social Work Officer	Social Work (Scotland) Act 1968	Chief Social Work Officer
Counting Officer	Parties, Elections and Referendums Act 2000	Chief Executive
Dog Catcher	section 149 of the Environmental Protection Act 1990	Dog Warden
Food Examiner	Section 30 of the Food Safety Act 1990	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager

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Appendix 8 – Statutory Functions and Statutory Officers

Head of Paid Service	section 4(1) of the Local Government and Housing Act 1989	Chief Executive
Mental Health Officers	section 32 of the Mental Health (Care and Treatment)(Scotland) act 2003	Certain social workers as appointed by the Chief Social Work Officer from time to time.
Monitoring Officer	section 5(1) of the Local Government and Housing Act 1989	Director of Corporate Governance
Public Analyst	sections 27 and 30 of the Food Safety Act 1990	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager
Registrar of Births, Deaths and Marriages	section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	Chief Registrar
Returning Officer	Sections 25 and 41 of the Representation of the People Act 1983	Chief Executive

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**APPENDIX 9**  
**PROPER OFFICER FUNCTIONS**

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Declaration of acceptance of office	section 33A of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Resignation of office by a member	section 34 of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	All Directors
Members' rights of access to documents which enclose "exempt information"	section 50F(2) of the Local Government (Scotland) Act 1973	Chief Executive
Transfer of securities on alteration of area etc.	section 92 of the Local Government (Scotland) Act 1973	Director of Corporate Governance
Financial Administration	section 95 of the Local Government (Scotland) Act 1973	Head of Finance
Education endowments	section 128 of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Ordnance Survey	section 145 of the Local Government (Scotland) Act 1973	Director of Services for Communities

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Appendix 9 – Proper Officer Functions

Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Director of Corporate Governance
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 2005	Director of Corporate Governance and Head of Legal, Risk and Compliance
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Director of Corporate Governance and Head of Legal, Risk and Compliance
Procedure for byelaws	sections 202 and 204 of the Local Government (Scotland) Act 1973	Director of Corporate Governance and Head of Legal, Risk and Compliance
Roll of honorary freemen	section 206 of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Head of Legal, Risk and Compliance
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Director of Corporate Governance
Maintaining the register of members' interests	Regulation 6 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Head of Legal, Risk and Compliance

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**APPENDIX 10**  
**LIST OF LEGISLATION**

**Part A**

1. Animal Boarding Establishments Act 1963;
2. Animal Health and Welfare (Scotland) Act 2006;
3. Breeding of Dogs Act 1973;
4. Cinemas Act 1985;
5. City of Edinburgh District Council Order Confirmation Act 1991;
6. Civic Government (Scotland) Act 1982;
7. Dangerous Wild Animals Act 1976;
8. Housing (Scotland) Act 2006;
9. Performing Animals (Regulation) Act 1925;
10. Pet Animals Act 1951;
11. Petroleum (Transfer of Licences) Act 1936;
12. Riding Establishments Acts 1964 and 1970;
13. Theatres Act 1968; and
14. Zoo Licensing Act 1981.

**Part B**

1. Accommodation Agencies Act 1953;
2. Agriculture Produce (Grading and Marking) Acts 1928 and 1931;
3. Agriculture Act 1970;
4. Agriculture (Miscellaneous Provisions) Act 1968;
5. Animal Boarding Establishments Act 1963;
6. Animal Health Act 1981;

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Appendix 10 – List of Legislation

7. Animal Health and Welfare (Scotland) Act 2006;
8. Breeding and Sale of Dogs (Welfare) Act 1999;
9. Breeding of Dogs Act 1973 and 1991;
10. Burial Grounds (Scotland) Act 1855;
11. Children and Young Persons (Protection from Tobacco) Act 1991;
12. Church of Scotland (Property and Endowment) Act 1925;
13. Cinemas Act 1985;
14. Civic Government (Scotland) Act 1982;
15. Civil Partnership Act 2004;
16. Clean Air Act 1993;
17. Control of Dogs (Scotland) Act 2010;
18. Consumer Credit Act 1974;
19. Consumer Protection Act 1987;
20. Cremation Acts 1902 and 1952;
21. Cremation (Scotland) Amendment Regulations 2003;
22. Dangerous Wild Animals Act 1976;
23. Development of Tourism Act 1969 (sections 17 and 18);
24. Dog Fouling (Scotland) Act 2003;
25. Education Reform Act 1988 (section 215);
26. Energy Conservation Act 1981 (section 20);
27. Environment and Safety Information Act 1988;
28. Estate Agents Act 1979;
29. European Communities Act 1972 (section 2(2));
30. Explosives Act 1875 (sections 74 and 78);

Field Code Changed

Appendix 10 – List of Legislation

31. Fair Trading Act 1973;
32. Food and Environment Protection Act 1985 (sections 19(1B) and (1C));
33. Hallmarking Act 1973;
34. Housing (Scotland) Act 1987, Parts IV, V, VII and VIII
35. International Health Regulations 2005;
36. Marriage (Approval of Places) (Scotland) Regulations 2002;
37. Marriage (Scotland) Act 1977;
38. Medicines Act 1968;
39. Performing Animals (Regulation) Act 1925;
40. Pet Animals Act 1951;
41. Petroleum (Consolidation) Act 1928 (section 17);
42. Poisons Act 1972;
43. Prevention of Damage by Pests Act 1949;
44. Prices Act 1974 and 1975;
45. Private Rented Housing (Scotland) Act 2011;
46. Property Misdescriptions Act 1991;
47. Public Health (Aircraft) (Scotland) Regulations 1971;
48. Public Health (Ships) (Scotland) Regulations 1971;
49. Rent (Scotland) Act 1984;
50. Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003);
51. Sewerage (Scotland) Act 1968;
52. Telecommunications Act 1984 (section 30);
53. Theatres Act 1968;

Field Code Changed

Appendix 10 – List of Legislation

- 54. Timeshare Act 1992;
- 55. Trade Descriptions Act 1968;
- 56. Trade Marks Act 1994;
- 57. Video Recordings Acts 1984 and 1993;
- 58. Water (Scotland) Act 1980;
- 59. Water Services etc. (Scotland) Act 2005;
- 60. Weights and Measures Act 1985.

Field Code Changed







10.00am, Thursday, 11 December 2014

## Audit Scotland – annual report on the 2013/14 audit

**Item number** 8.4  
**Report number**  
**Executive/routine**  
**Wards**

### Executive summary

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The report summarises the principal findings arising from the Council's 2013/14 external audit. While primarily focused on review of the financial statements, the audit's scope included wider consideration of the Council's financial position, governance structures, use of resources and arrangements for securing best value. An unqualified audit opinion was issued on the financial statements but the report notes the failure of one of the Council's Significant Trading Operations (STOs) to break even over a rolling three-year period.

The report further concludes that the Council's overall governance arrangements during the year were sound, with no material weaknesses in the accounting and internal control systems identified in the course of the audit. In common with other local authorities, however, going forward the Council faces significant challenges in reconciling increasing service demand with static resourcing levels at a time of significant structural change resulting from both welfare reform and health and social care integration.

### Links

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<b>Coalition pledges</b>	<a href="#">P30</a>
<b>Council outcomes</b>	<a href="#">CO25</a>
<b>Single Outcome Agreement</b>	n/a

## Audit Scotland – annual report on the 2013/14 audit

### Recommendations

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- 1.1 Council is requested to:
- 1.1.1 note the contents of the report and in particular the action plan included as Appendix IV, progress updates on which will be provided to the Governance, Risk and Best Value Committee during the year; and
  - 1.1.2 refer the report to the Governance, Risk and Best Value Committee for more detailed scrutiny as part of its workplan.

### Background

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- 2.1 The Council submitted its financial statements to the Controller of Audit by the required date of 30 June. The draft audited financial statements were initially considered by the Governance, Risk and Best Value Committee at its meeting on 24 September, with the finalised statements then presented to Council on 23 October. Due to their size, the statements have not been re-circulated for this meeting but are instead included as a link in the background reading section.
- 2.2 The review of all matters relating to external audit forms part of the remit of the Governance, Risk and Best Value Committee and is an important aspect of the overall governance arrangements of the Council. Following consideration by Council, this report will therefore be referred on for more detailed scrutiny. The External Auditor will attend the Governance, Risk and Best Value Committee meeting on 18 December to provide an overview of the report and respond to specific queries members may have on its content.

### Main report

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#### Revenue investment

- 3.1 As in previous years, the External Auditor's report contains four sections:
- Financial statements;
  - Financial position;
  - Governance and accountability; and
  - Best Value, use of resources and performance

The key messages from the audit are presented on pages 3 to 5 of the report (included as Appendix 1), with a number of action points for the Council to

address in the coming months also noted. These, together with the responses provided by the Council, are shown on pages 40 to 45.

### **Financial statements (pages 8 to 14)**

- 3.2 Members of the Governance, Risk and Best Value Committee will recall from the September meeting, where the Auditor's ISA260 letter was discussed, that Audit Scotland provided an unqualified opinion on the financial statements, albeit it was noted that one Significant Trading Operation, Edinburgh Catering Services – Other Catering, failed to meet the statutory requirement to break even over a rolling three-year period. The failure to break even over this period was attributable to one-off costs incurred as part of an overall in-year deficit in 2013/14, having returned a surplus in each of the preceding two years.
- 3.3 The Auditor's report notes that no issues pertaining to the legality of the Council's financial transactions require to be brought to members' attention. The Council's interest in a number of subsidiaries and associates has also been appropriately reflected in the wider group accounts. As the first year in which a separate full charities audit has been required where a local authority, or some members, is the sole trustee, an unqualified audit opinion has also been issued on the Council's trust funds.
- 3.4 The report notes that a small number of presentational and other adjustments were incorporated in the audited statements, increasing slightly the overall in-year underspend to £0.706m. The audited position therefore confirms that all services have maintained expenditure within budget for the fifth successive year.
- 3.5 The extent of progress in resolving, and subsequently billing, outstanding statutory notice works is also noted, with the level of bad debt provision reflected within the financial statements considered reasonable based on currently-available information. The report does, however, emphasise the importance of prompt complaint resolution and, wherever appropriate, billing of remaining cases to maximise overall collection rates.

### **Financial position (pages 15 to 20)**

- 3.6 In addition to confirming the outturn position as noted above, the report compares the level of the Council's usable reserves to those for other Scottish local authorities. While slightly above the average for Scotland as a whole, the report notes that the precise level held is a product of each council's assessment of its risks and liabilities profile. The Council's risks and reserves strategy is reviewed annually by the Finance and Resources Committee.
- 3.7 The report furthermore notes the marked reduction in capital expenditure slippage in 2013/14, the first full year since the centralisation of the budget development and monitoring functions. Members will recall that an independent evaluation of the effectiveness of these revised arrangements was the subject of a separate report to the Committee in October.

- 3.8 The report refers to the Council's ongoing strategy of using available cash balances in lieu of external borrowing. It also includes an analysis comparing net external debt to what is termed the net revenue stream i.e. General Revenue Grant, Non-Domestic Rates, Council Tax and council house rents. As the report notes, however, it is important to consider this analysis in the context of the Council's previous decision to fund both the additional borrowing associated with the tram project and the acquisition of Waverley Court in 2008, and some of the assets of EDI and Waterfront Edinburgh, in 2009. In the latter case, the relevant business cases were predicated on delivering significant overall cost savings to the Council but, due to the denominator being used in the analysis, these are not captured (and thus have the effect of increasing the ratio shown). More fundamentally, all borrowing undertaken by the Council is assessed prior to approval to ensure that it is prudent, affordable and sustainable.
- 3.9 In common with all Scottish authorities, the Council faces significant challenges in meeting ever-increasing demand for services from within a reducing real-terms overall level of resource. Taking into account savings previously approved for delivery, at least £67m of further savings require to be identified and delivered over the next three years. The increase in the reported requirement since April 2013 reflects two main factors: updated (lower) assumptions on available grant funding and a revised presentation of procurement-related savings, with services now expected to work more closely with Commercial and Procurement Services in developing plans that are then used to contribute to their respective savings targets.

#### **Governance and accountability (pages 21 to 27)**

- 3.10 The report on the 2012/13 audit noted the range of improvements put in place as part of the wider review of the Council's political governance arrangements but commented that it was too early to assess their effectiveness. Now that the changes have had longer to bed in, however, they are viewed as having been effective in increasing transparency and participation in the Council's decision-making processes.
- 3.11 No material weaknesses in the accounting and internal control systems, insofar as these could result in material misstatements in the financial statements, were identified through Audit Scotland's work during the year. The report also notes recent improvements to practices and procedures within the areas of internal audit and risk management. The Council's arrangements for the prevention and detection of fraud, bribery and corruption are furthermore considered to be adequate.

#### **Best value, use of resources and accountability (pages 28 to 33)**

- 3.12 The report notes the main findings of the recently-released Best Value follow-up report, further details of which will be reported to Council in early February. In summary, the Council is assessed to have made progress in a number of areas highlighted in the initial Best Value report but continues to face a range of

significant long-term challenges around service transformation and achieving financial savings.

- 3.13 The report concludes, however, that the Council has a well-developed framework in place for monitoring and reporting performance against strategic priorities.

## Measures of success

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- 4.1 Besides the budget management- and financial standing-related indicators set out within the main body of the Audit Scotland report, the primary focus is on addressing the actions within the action plan in accordance with the timescales indicated.

## Financial impact

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- 5.1 There is no direct additional impact arising from the report's contents, although the effectiveness of the Council's current financial management and planning arrangements is noted.

## Risk, policy, compliance and governance impact

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- 6.1 There is no direct additional impact resulting from the report. Following the raft of improvements put in place in recent years, however, overall governance, risk management and internal audit arrangements are assessed to be sound.

## Equalities impact

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- 7.1 There is no additional impact arising from the report's contents although having due regard to value for money, equalities and sustainability is an integral part of securing best value.

## Sustainability impact

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- 8.1 There is no additional impact arising from the report's contents although having due regard to value for money, equalities and sustainability is an integral part of securing best value

## Consultation and engagement

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9.1 There is no direct relevance to the report's contents.

## Background reading/external references

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[City Of Edinburgh Council – report to those charged with governance on the 2013/14 audit](#), Governance, Risk and Best Value Committee, 24 September 2014

[Audited Financial Statements 2013/14](#), City of Edinburgh Council, 23 October 2014

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## Links

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<b>Coalition pledges</b>	P30 – Continue to maintain a sound financial position including long-term financial planning
<b>Council outcomes</b>	CO25 – The Council has efficient and effective services that deliver on objectives
<b>Single Outcome Agreement</b>	n/a
<b>Appendices</b>	Appendix 1 – Annual report on the 2013/14 audit





## **City of Edinburgh Council**

### Annual report on the 2013/14 audit

Prepared for the members of the City of  
Edinburgh Council and the Controller of Audit

November 2014



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## Key messages

Financial statements	<ul style="list-style-type: none"><li>• Unqualified auditor's report on the 2013/14 financial statements.</li></ul>
Financial position	<ul style="list-style-type: none"><li>• A net underspend of £0.706 million against the General Fund budget. Service overspends of £7.477 million (0.89%) were offset against underspends and additional income streams from other areas of the council budget.</li><li>• Usable reserves have increased by £10 million to £173 million.</li><li>• The General Fund balance has increased by £17 million to £123 million, of which £13 million is unallocated.</li><li>• The projected funding gap in 2017/18 has increased from £17 million to £67 million since April 2013.</li></ul>
Governance & accountability	<ul style="list-style-type: none"><li>• The council had sound overall governance arrangements in place.</li><li>• Systems of internal control operated effectively.</li><li>• The council has an effective internal audit function and sound anti-fraud arrangements.</li></ul>
Best Value, use of resources & performance	<ul style="list-style-type: none"><li>• The council has a well developed framework in place for monitoring and reporting performance against strategic priorities.</li><li>• The council has made progress in a number of areas noted in the May 2013 Best Value report, but continues to face a range of significant long-term challenges around service transformation and achieving financial savings.</li></ul>
Outlook	<ul style="list-style-type: none"><li>• Councils face rising demands for services and continued funding pressures alongside managing major reforms in welfare and health and social care. Effective partnership working will be essential to make the best use of available resources as well as strong governance and leadership.</li></ul>

### Financial Statements

1. We have given an unqualified audit opinion that the financial statements of City of Edinburgh Council for 2013/14 give a true and fair view of the state of the affairs of the council and its group as at 31 March 2014 and of the income and expenditure for the year then ended.
2. We have also given an unqualified audit opinion on the 2013/14 financial statements of those charities registered by City of Edinburgh Council and audited under the provisions of The Charities Accounts (Scotland) Regulations 2006 (the 2006 Regulations).
3. The council recorded a net underspend of £0.706 million against the General Fund budget. General fund services were overspent by £7.477 million (0.89% of total general fund spend). Within this amount, all services returned small underspends against approved budgets. The overspend was mainly due to property conservation costs, and revenue spend on making the tram network ready for operations.
4. Financial management during the year remains good with close budget monitoring and regular reporting to members ensuring expenditure was controlled and the savings target of £26 million delivered.

### Financial position

5. The closing balance at the year end on usable reserves was

£173 million representing a net increase £10 million from 2012/13.

6. The net movement in the general fund balance for 2013/14 was £17 million, increasing the general fund balance to £123 million as at 31 March 2014. This balance is made up of earmarked commitments of £110 million and an unallocated balance of £13 million, or 1.5% of net cost of services. This level is the same as 2012/13 and as planned per the original budget agreed in February 2013.
7. The council's 2014/15 financial plan requires cost savings of £37 million. The council aims to deliver these reductions through corporate procurement and range of measures at service area level.
8. The long-term financial challenges facing the council have increased significantly over the last 18 months. The projected funding gap in 2017/18 has risen from £17 million in April 2013 to £67 million, as a result of anticipated service demand in areas such as school meals and transport, and domestic care, together with revised government targets and reductions in external funding.
9. The council has developed longer-term financial plans to address this funding gap. Key to these plans are the potential savings from the Better Outcomes through Leaner Delivery (BOLD) programme, which looks to identify new and

## Key Messages

fundamentally different ways of providing services. The council needs to ensure that elected members are provided with clear and accessible financial information to help their decision making and support scrutiny.

### Governance and accountability

10. In 2013/14, the council had sound governance arrangements which included a number of standing committees overseeing key aspects of governance. Risk management arrangements continue to develop, with a focus on embedding the risk management culture within the organisation. The council had an effective internal audit function and systems of internal control.
11. The council continues to progress its ICT arrangements although it acknowledges that further work is required to implement its ICT and Digital Communications strategy.
12. Satisfactory progress has been made in developing the governance arrangements for integration of health and social care, with the approval in August 2014 of the establishment of an integrated joint board approach.

### Best Value, use of resources and performance

13. The council has a strong focus on performance management and has a sound framework for monitoring and reporting performance against the council's priorities. The council is on

track to deliver most of the 53 Capital Coalition pledges within planned timescales.

14. In its findings on the May 2013 Best Value audit report, the Accounts Commission noted that the improvements the council needed to make would take time to achieve fully. A follow-up Best Value audit report was produced in November 2014. This 2014 report noted the council's progress in a number of the areas highlighted in the Commission's findings. Other actions, such as embedding the commitment of all staff to change and transforming services to secure improvement and savings, will take longer. The council continues to face a range of significant long-term challenges, not least achieving substantial savings while meeting increasing demands for services.

### Outlook

15. Demands on services and resources continue to increase and these need to be managed alongside major reforms in the welfare system and health and social care. This underlines the need for strong governance, leadership and decision making based on good cost and performance information. Effective working with partners will be required to make the best use of available resources as well as innovation and vision to design and deliver the services needed to serve the future needs of citizens.

# Introduction

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16. This report is a summary of our findings arising from the 2013/14 audit of City of Edinburgh Council. The purpose of the annual audit report is to summarise the auditor's opinions and conclusions, and to report any significant issues arising from the audit. The report is divided into sections which reflect our public sector audit model.
17. Our responsibility, as the external auditor of City of Edinburgh Council, is to undertake our audit in accordance with International Standards on Auditing (UK and Ireland) and the principles contained in the Code of Audit Practice issued by Audit Scotland in May 2011.
18. The management of City of Edinburgh Council is responsible for:
  - preparing financial statements which give a true and fair view
  - implementing appropriate internal control systems
  - putting in place proper arrangements for the conduct of its affairs
  - ensuring that the financial position is soundly based.
19. This report is addressed to the members of City of Edinburgh Council and the Controller of Audit and should form the basis of discussions with the Governance, Risk and Best Value Committee as soon as possible after it has been issued. Reports should be made available to stakeholders and the public, as audit is an essential element of accountability and the process of public reporting.
20. This report will be published on our website after it has been considered by the council. The information in this report may be used for the Accounts Commission's annual overview report on local authority audits. The overview report is published and briefings are provided to the Public Audit Committee and the Local Government and Regeneration Committee of the Scottish Parliament.
21. A number of reports, both local and national, have been issued by Audit Scotland during the course of the year. These reports, shown at Appendices I and II, include recommendations for improvements. We do not repeat all of the findings in this report, but instead we focus on the financial statements and any significant findings from our wider review of the council.
22. The concept of audit risk is of key importance to the audit process. During the planning stage of our audit we identified a number of key audit risks which involved the highest level of judgement and impact on the financial statements. We set out in our annual audit plan the related source of assurances and the audit work we proposed to undertake to secure appropriate

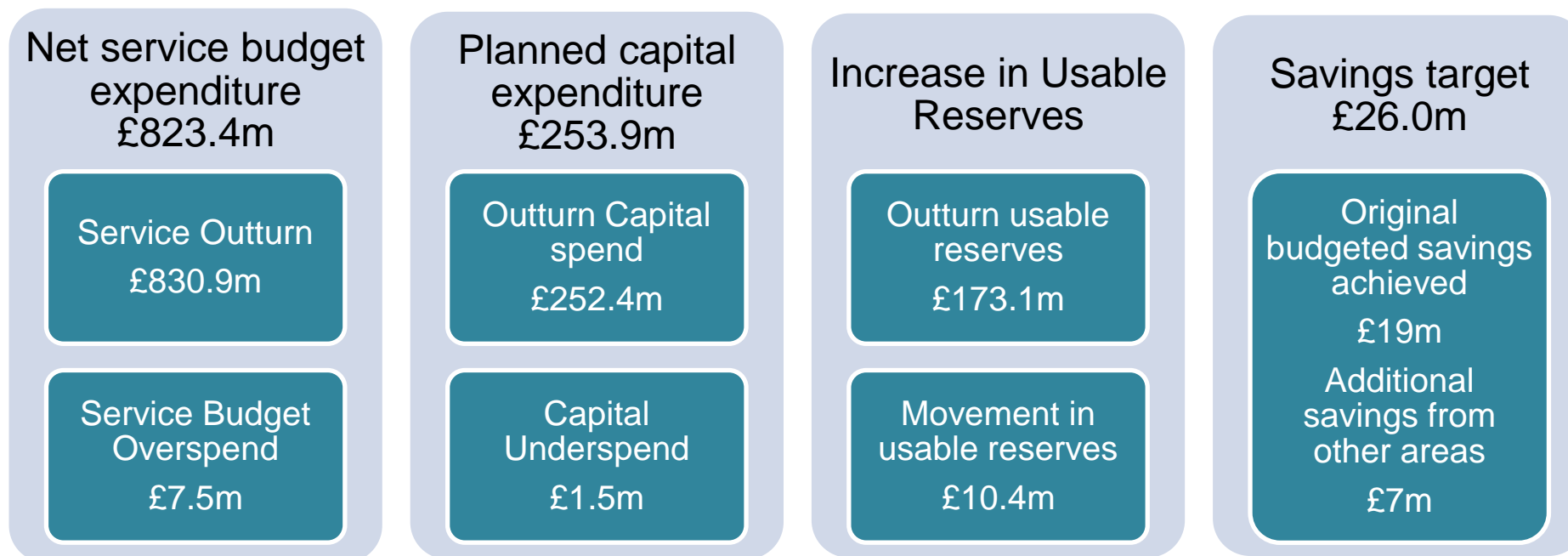
## Introduction

levels of assurance. Appendix III sets out the significant audit risks identified at the planning stage and how we addressed each risk in arriving at our opinion on the financial statements.

23. Appendix IV is an action plan setting out the high level risks we have identified from the audit. Officers have considered the issues and agreed to take the specific steps in the column headed "Management action/response".
24. We recognise that not all risks can be eliminated or even minimised. What is important is that the council understands its risks and has arrangements in place to manage these risks. The council and the Proper Officer should ensure that they are satisfied with proposed management action and have a mechanism in place to assess progress and monitor outcomes.
25. We have included in this report only those matters that have come to our attention as a result of our normal audit procedures; consequently, our comments should not be regarded as a comprehensive record of all deficiencies that may exist or improvements that could be made.

26. The cooperation and assistance afforded to the audit team during the course of the audit is gratefully acknowledged.

## Financial statements



### Audit opinion

27. We have given an unqualified opinion that the financial statements of City of Edinburgh Council for 2013/14 give a true and fair view of the state of the affairs of the council and its group as at 31 March and of the income and expenditure for the year then ended.
28. We have, however, drawn attention in our audit report to the

fact that the council's significant trading operation, Edinburgh Catering Services - Other Catering, has failed to break even, on a cumulative basis, over the three year period ending 31 March 2014. Surpluses of £0.014 million and £0.017 million were generated in 2011/12 and 2012/13 respectively. However a deficit of £0.045 million due to one-off costs has resulted in a cumulative deficit over the three year period of £0.014 million. Whilst this is a failure to comply with the Local Government in



## Financial statements

Scotland Act 2003, it does not impact on the fairness of, or affect our overall opinion on, the financial statements.

### Other information published with the financial statements

29. Auditors review and report on other information published with the financial statements, including the explanatory foreword, annual governance statement and the remuneration report. We have nothing to report in respect of these statements.

### Legality

30. Through our planned audit work we consider the legality of the council's financial transactions. This includes obtaining written assurances from the Proper Officer. There are no legality issues arising from our audit which require to be reported.

### The audit of charities financial statements

31. The Charities Accounts (Scotland) Regulations 2006 (the 2006 Regulations) set out the accounting and auditing rules for Scottish charities. These required, for the first time in 2013/14, a full audit of all registered charities accounts where a local authority or some members are the sole trustees.
32. The council has eight charitable trust funds which were subject to the full charities financial statements audit for 2013/14.
33. We have given an unqualified opinion on the 2013/14 financial

statements of the relevant charities registered by the council.

### Group accounts

34. Local authorities are required to prepare group accounts in addition to their own council's accounts where they have a material interest in other organisations.
35. The council has accounted for the financial results of two subsidiaries, six associates and two trusts in its group accounts for 2013/14. The overall effect of consolidating these balances on the group balance sheet is to increase total reserves and net assets by £131 million.
36. The net assets of the group at 31 March 2014 totalled £1,916 million, compared to a net asset position of £539 million in 2012/13. The positive movement in the closing net worth balance is mainly due to the transfer of Police and Fire functions to the new authorities from 1 April 2013 and the removal of the pension liabilities of Police and Fire from the group accounts.

### Accounting issues arising

#### *Presentational and monetary adjustments*

37. A number of presentational and monetary adjustments were identified in the financial statements during the course of our audit. These were discussed with management who agreed to amend the unaudited financial statements. The effect of these

## Financial statements

adjustments was to increase the council and group total expenditure and decrease net assets by £1.503 million.

### *Whole of government accounts*

38. The whole of government accounts (WGA) are the consolidated financial statements for all branches of government in the UK. The council submitted the consolidation pack for audit on 22 September. This has been audited and the audited return submitted to the Scottish Government.

### *Prior year restatements*

39. During the year officers identified £7.001 million of assets belonging to the Lauriston Castle Trust that had been included in the council's financial statements. Heritage assets in the 2012/13 financial statements have been restated to reflect the transfer of these assets to the Trust. As the corresponding adjustments relate to the revaluation reserve and capital adjustment account, there was no impact on the level of usable general reserves held by the council.
40. In addition, officers identified a total of £6.635 million National Housing Trust monies which had previously been netted against the capital adjustment account. The 2012/13 financial statements have been restated to re-categorise these monies as long term debtors. This adjustment did not impact on the level of useable general reserves held.
41. Accounting Standard 19 (IAS19) – Employee Benefits was

amended in June 2011 and as a result, relevant pension figures disclosed in the 2012/13 statement of accounts have been restated in the 2013/14 statement of accounts. The change is of a technical accounting nature and there has been no change in the level of usable financial reserves of the council.

### *Pension costs*

42. City of Edinburgh Council is a member of Lothian Pension Fund which is a multi-employer defined benefit scheme. In accordance with pensions accounting standard IAS19, the council has recognised its share of the net liabilities for the pension fund in the balance sheet. The valuation at 31 March 2014 provided by the scheme's actuaries increased the council's share of those net liabilities from £450.6 million last year to £535.5 million this year, reflecting general unfavourable movements in investment markets.
43. However, it is important to note that this additional liability does not have any immediate impact on the council's financing requirements. The council will continue to make annual contributions to the Pension Fund, through employer contributions, in accordance with triennial valuations carried out by the actuaries.

### *Carbon trading*

44. In April 2010 a complex system of charging for carbon emissions was introduced by the EU. The council is required to

## Financial statements

purchase and account for carbon credits to cover all of its non transport related energy usage. Penalties are built into the system to encourage a reduction in carbon emissions. The council has a policy framework, *Sustainable Edinburgh 2020*, which sets out the council's vision for the sustainable development of the city to 2020. A sustainable energy action plan is currently being developed and the council recently approved the establishment of a new corporate project team to better co-ordinate sustainability activity within the council. The group is chaired by the Director of Economic Development and supported by the Corporate Policy and Strategy Team.

45. In 2013 60,089 allowances were purchased (total cost £0.721 million). For 2013/14, the council purchased 57,538 at a cost of £0.690 million.

## Report to those charged with governance

46. We presented to the Governance, Risk and Best Value Committee, on 24 September 2014, our report to those charged with governance (ISA 260). The primary purpose of that report is to communicate the significant findings arising from our audit prior to finalisation of the independent auditor's report. The main points are set out in the following paragraphs.
47. **Council dwellings revaluation:** In October 2010, the Local Authority Scotland Accounts Advisory Committee (LASAAC) issued guidance on the application of the valuation

methodology to council dwellings to help improve the comparability of valuations included in local authority financial statements. The council has a five year rolling programme for revaluing assets held at fair value and 2013/14 was the first time the council dwellings had been revalued since the LASAAC guidance was issued.

48. During 2014, the Royal Institute of Chartered Surveyors (RICS) Scotland considered existing LASAAC guidance and made a number of recommendations to LASAAC around the methodology for calculating the discount factor, to ensure it best reflects market practice and takes account of recent transactional evidence. A guidance paper is being prepared by LASAAC to supplement its existing guidance and it is anticipated this will be reflected in council dwellings revaluations from 2014/15 onwards.
49. Council officers were heavily involved in the RICS Scotland discussions on LASAAC guidance and took the opportunity to reflect the recommended principles in the calculation of the discount factor applied as part of the 2013/14 valuation exercise, which resulted in the gross value of council dwellings being revalued at £1,108 million. We agreed with the council to include additional disclosure in Note 4 to the financial statements (assumptions made about sources of estimation uncertainty) setting out this change in estimation technique and its resulting effect.
50. **Holiday pay contingent liability:** During periods of annual

## Financial statements

leave, employees' pay is based on their basic contractual pay. A decision by the European Court of Justice in May 2014 under the Working Time Directive 2003/88/EC and further domestic case law has held that some additional payments should be considered when calculating the level of holiday pay, including non-contractual overtime. The council considered guidance issued by COSLA in July 2014 on this matter. A revised holiday pay calculation was approved by the council in August 2014 and payment made with effect from 1 April 2014. The council disclosed an unquantified contingent liability in the financial statements in respect of the decision, reflecting that case law in this area continues to develop and further guidance/advice will be required before the position is clarified.

51. **Statutory repairs:** The council continues to pursue the recovery of monies relating to statutory repair notices however progress during 2013/14 was slow. External consultants were utilised during the financial year to support the billing process, at a cost of £1.3 million. Following a review of outstanding unbilled work relating to statutory notices, a total of £1.3 million was written off, in year, as being irrecoverable.
52. The financial statements contain a total debtor balance of £30.6 million (2012/13 - £32.5 million) relating to statutory notices. The largest element of this balance, £19.1 million (2012/13 - £22 million), is made up of work carried out but not yet billed.
53. Although some progress has been made in dealing with

complaints, the pace of billing means there is still limited recovery data on which to base the level of provision for impairment. The council has reassessed the provision in light of slower than anticipated progress in this area, and also to take account of unbilled work considered unlikely to be recoverable. A total provision of £12.6 million (2012/13 - £10.4 million) has been made, equating to 41% of the total debtor relating to statutory notices. The council has also earmarked a further £3.9 million in its reserves to cover the costs of any further liability claims against it in respect of statutory repairs.

54. As part of our review of debtor balances, we considered the collectability of outstanding debt in respect of statutory notice work, and the calculation of the level of provision. In the absence of retrospective evidence about collectability of this debt, we considered the council's approach to estimation as reasonable.

### Refer Action Plan Point 1

55. **Trams project:** In May 2014, the trams network became operational. The following month, the Scottish Government announced a public inquiry into the delivery of the trams project. As part of our financial statements audit in 2012/13, we raised the possibility of a need for an impairment review on tram vehicles, to reflect that some vehicles may be surplus to requirements given the reduction in the network. Officers noted that all vehicles are currently being utilised evenly across the network, and consequently they do not consider an impairment

## Financial statements

review necessary at present. We would concur with that view under current circumstances. Officers intend to take a report to members setting out future options for the trams network. Following this, they will reconsider any need for an impairment review or reclassification of existing assets.

### Refer Action Plan Point 2

- 56. Group accounting boundary:** For 2013/14, no formal group boundary assessment was undertaken by the council to confirm which bodies should be included within the group financial statements. Based on our knowledge of the client, the changes during the year in relation to the group companies and our assessment of the boundary as part of our financial statements audit work, we were satisfied that the group financial statements continued to include the appropriate entities.
- 57.** As in previous years, the Charitable Trusts were not included within the group financial statements however we noted that the Charitable Trusts' net assets have increased by £7 million due to a prior year adjustment relating to a transfer of assets from the council. The Trusts' net assets at 31 March 2014 were £14 million.

### Refer Action Plan Point 3

- 58. Significant trading operations (STOs):** During 2012/13 the council reported 8 significant trading organisations under the terms of the Local Government in Scotland Act 2003.

Following the issuing of guidance in 2013 by LASAAC (Local Authority Scotland Accounts Advisory Committee) the council reviewed the activities and concluded that, for 2013/14 only two areas, refuse collection and other catering, met the revised definition of STOs in relation to trading externally.

- 59.** Consequently, the other six activities were no longer reported as STOs and were reclassified as service activities. We reviewed the council's assessment and application of the LASAAC guidance as part of our planned financial statements audit work and were satisfied that it had been appropriately applied.
- 60.** As noted earlier in the report, one of these remaining significant trading operations, Edinburgh Catering Services - Other Catering, failed to achieve the statutory requirement of a cumulative break-even position over the three year period to 31 March 2014.

## Outlook

- 61.** The financial statements of the council are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (the Code). The main new standards adopted in 2014/15 include :
- IFRS 10 Consolidated financial statements
  - IFRS 11 Joint arrangements
  - IFRS 12 Disclosures of interests in other entities

## Financial statements

- IAS 28 Investments in associates and joint ventures.
62. These standards affect the group financial statements and include a change to the definition of control. This is likely to require a reassessment of the group boundary and potentially further consolidations and disclosures.
63. The revised Local Authority Accounts (Scotland) Regulations 2014 apply for financial years 2014/15 onwards. The regulations set out in more detail what is required in respect of financial management and internal control, and in respect of the annual accounts themselves. Some of the changes include the requirement for the unaudited accounts to be considered by the Governance, Risk and Best Value Committee. This can take place following submission to the auditor and up to 31 August if necessary. In addition the audited accounts must be considered and approved for signature by the Governance, Risk and Best Value Committee by 30 September with publication on the council's website by 31 October.
64. Highways assets are currently carried within infrastructure assets in the balance sheet at depreciated historic cost. The 2016/17 Code requires highways to be measured for the first time on a depreciated replacement cost basis. This represents a change in accounting policy from 1 April 2016 which will

require a revised opening balance sheet as at 1 April 2015 and comparative information in respect of 2015/16. This is a major change in the valuation basis for highways and will require the availability of complete and accurate management information on highway assets. The council should ensure it is planning ahead to allow full compliance with the Code.

## Financial position

65. The council reported a deficit of £46.5 million on the provision of services in 2013/14. Adjusting this amount to remove the accounting entries required by the Code to arrive at the statutory, or general fund, position, the council increased its general fund balance by £17.3 million.
66. The 2013/14 outturn shows a net underspend of £0.706 million against budget for the general fund. General fund services were overspent by £7.477 million, mainly as a result of property conservation costs, and revenue spend on making the tram network “ready for operations”. This overspend was offset by a number of underspends, including:
- a reduction of £4.280 million on loan charges, arising from reduced pooled interest rates
  - an over-recovery against budget of £2.227 million for Council Tax
  - a £1.598 million saving against budgeted costs of the Council Tax Reduction Scheme.
67. Usable reserves are part of a council’s strategic financial management and councils will often have target levels of reserves. As shown in Exhibit 1, the overall level of usable reserves held by the council increased by £ 10.427 million compared to the previous year and totalled £ 173.074 million.

### Exhibit 1: Usable reserves

Description	31 March 2013	31 March 2014
	£ million	£million
General Fund	105.996	123.309
Capital Fund	18.873	25.835
Capital Grants Unapplied	7.030	1.994
Repair & Renewal Fund	30.748	21.936
<b>Total Usable Reserves</b>	<b>162.647</b>	<b>173.074</b>

*Source: City of Edinburgh Council 2013/14 financial statements*

68. From an analysis of Scottish councils’ unaudited 2013/14 accounts, over half of all councils utilised reserves brought forward, with around half of all councils ending 2013/14 with lower levels of reserves than they had at the start of 2012/13. This was in part due to the retention of certain reserves associated with police and fire joint boards and the consequent reduction in general revenue grant from the Scottish Government in 2013/14.
69. The increase in usable reserves is primarily related to monies set aside for specific financial risks which could arise in the

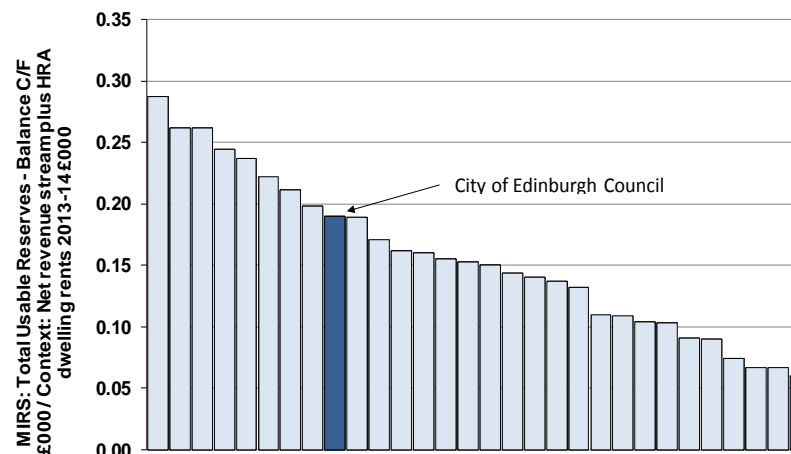


## Financial position

medium term. These include risks around equal pay and property costs, amongst others. The council has also increased its reserves for 'spend to save' and 'priority funds'. The capital fund has also increased mainly due to additional capital receipts received in year transferred into the fund.

70. Exhibit 2 presents the council's usable reserves position in relation to net revenue stream for the year in comparison to other Scottish councils (net revenue stream being presented as general revenue grant, council tax, non domestic rates and dwelling rents). As indicated, the council position is slightly above the median level of around 15% and reflects the council's approach to achieving an appropriate balance between meeting current obligations and preparing for future commitments and possible reductions in funding.

**Exhibit 2: Total Usable Reserves as a proportion of net revenue stream**



Source: Scottish councils' unaudited accounts 2013/14

71. The general fund balance increased by £17.3 million during the year. The closing balance at 31 March 2014 is made up of earmarked commitments of £ 110.284 million and an uncommitted balance of £ 13.025 million. This balance is in line with the level of unallocated funds approved by the council in February 2013 as part of the budget setting process.
72. As part of the 2013/14 budget, the council planned to deliver a total of £26 million of savings. Around £3 million of the planned service savings included in the original budget were not



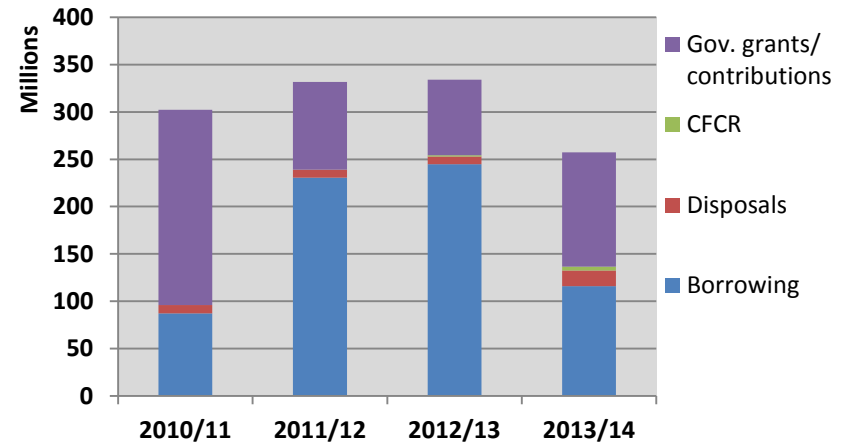
## Financial position

achieved, however the shortfall was addressed through other service area savings arising through the year. Similarly, the £4 million of planned corporate savings not achieved during the year were offset by savings arising from loan charges.

## Capital investment and performance 2013/14

73. Total capital expenditure for 2013/14 was £ 252.4 million split between the housing programme and the general services programmes:
74. Total capital expenditure for 2013/14 was £252.4 million. Investment during the year included:
- £39.2 million on council dwellings
  - £29.3 million on the purchase of private development mid market homes through the National Housing Trust scheme
  - £28.6 million on social housing projects through the housing development fund
  - £92.4 million on roads and infrastructure work, including tram works
  - £24.0 million on schools and other educational properties
75. The capital programme was funded primarily from borrowing and government grants & contributions as summarised in Exhibit 3.

## Exhibit 3: Sources of finance for capital expenditure 2010/11 – 2013/14



Source: City of Edinburgh Council Annual Accounts 2010/11 to 2013/14

76. The council has reported an underspend of £1.452 million against the planned level of capital expenditure, which equates to less than 1% of the total programme for 2013/14. This continues the trend of reducing capital programme slippage incurred in previous years. Some slippage occurred on individual projects, including £8.83 million across the HRA capital programme. However, this was offset by the acceleration of other projects including asset management

## Financial position

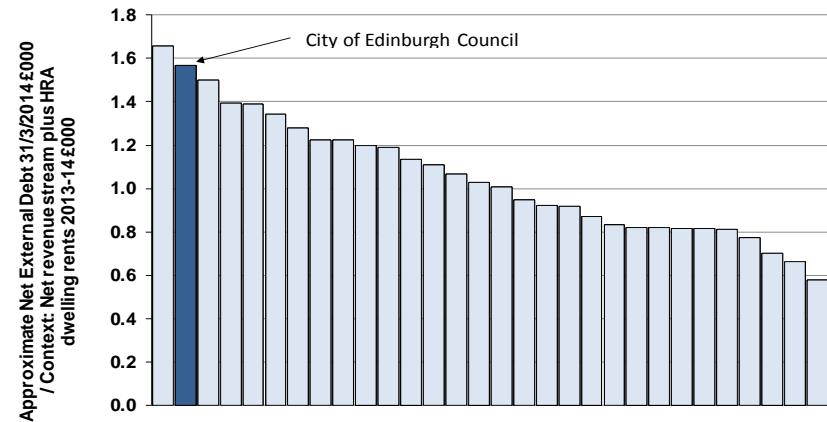
works on the council estate.

## Treasury Management

77. High levels of debt may reduce a council's budget flexibility going forward as revenue resource has to be set aside to service that debt. The impact that debt levels have on net revenue expenditure will be affected by interest rates and repayment periods.
78. In the current financial climate, many councils have relatively high levels of internal borrowing, utilising available cash balances and deferring external borrowing. The council's underlying need to borrow or capital financing requirement (CFR) at 31 March 2014 was £ 1,728 million while net external borrowing was £110 million lower at £1,618 million.
79. In accordance with the strategy set in March 2013 the council completed no borrowing during the financial year and funded capital expenditure temporarily from investments. This approach resulted in lower loan charges for the council against the figure included in the original budget for 2013/14.
80. Interest costs of £77 million (including General Fund and HRA, excluding premiums and discounts) were incurred in relation to outstanding debt balances (2012/13: £76 million, 2011/12: £71 million). The increase from 2011/12 to the following years mainly reflects the finance charges incurred from the additional borrowing for the trams project.

81. Per **Exhibit 4**, the council's net external debt as a proportion of net revenue stream is at the top end of the range relative to other Scottish councils.

### Exhibit 4: Net external debt as a proportion of net revenue stream



Source: *Scottish councils' unaudited accounts 2013/14*

82. There are three significant factors that contribute to the council appearing at the top end of the range relative to other Scottish councils. The figures include the borrowings incurred by the council to purchase Waverley Court in 2008/09 along with borrowings relating to the acquisition of assets of EDI and Waterfront Edinburgh in 2009. Also, additional borrowing was incurred in 2011/12 and 2012/13 to complete the tram project. See Exhibit 3 for increased borrowing levels in 2011/12 and

## Financial position

2012/13.

83. The assets of the tram project i.e. vehicles, infrastructure and depot are held in the council's name, as is the additional cost of £231 million of borrowing required to complete the project. The council will not receive the associated revenue stream from the running of the trams as this income comes through Transport for Edinburgh Limited who are responsible for running the tram operations. Therefore, this increases the council's net debt to net revenue ratio.
84. In 2008/09, the opportunity arose for the council to purchase its headquarters at Waverley Court. Following valuation based on future rental streams, a price of £91 million was agreed. Loan charges arising on the purchase price were less than the rental charges the council would have incurred over the remaining period of the lease. Similar to the trams project, the council does not receive any significant income in relation to Waverley Court, again, resulting in a higher ratio of net debt to net revenue.
85. In conclusion, the total borrowings of £322 million for the Trams project and Waverley Court do not result in significant revenue streams for the council which contributes to a higher ratio, as disclosed in **Exhibit 4**.
86. The council's significant level of debt is monitored as part of the council's overall financial strategy. Repayment plans are kept under review to ensure that the council is in a position to

continue to demonstrate that its level of borrowing is both affordable and sustainable. This will continue to represent a consideration for the council's budget setting process and this has been reflected in the long-term financial plan.

87. **National Review of Borrowing and Treasury Management:** Audit Scotland has, on behalf of the Accounts Commission, recently completed a national review of borrowing and treasury management in councils. This involved discussions with members and officers as well as audit visits to a number of selected fieldwork councils, including City of Edinburgh Council. The review focused on the affordability and sustainability of borrowing and governance arrangements and considered how councils demonstrate best value in their treasury management functions. The national report is planned for publication in January 2015.

## Outlook

88. The council has set a balanced budget for 2014/15. When setting the 2014/15 budget, a revenue funding gap of £37 million was identified, after taking account of additional demographic and other pressures. This represents around 4% of the council's net annual revenue spend. The council identified that these pressures would be met through corporate procurement savings of £6.8 million and a combination of other measures at service area level.
89. As part of the process of preparing the 2014/15 budget, the

## Financial position

council prepared projected savings requirements for the years 2014/15 and 2017/18 to aid forward planning by identifying medium-term spending pressures and funding constraints. Updated projections have been presented to the finance and resources committee through 2014/15 in order for the council to allow advance consultation as part of the 2015/16 budget setting process. Exhibit 5 below shows the current and previous projected funding gaps and that the funding gap in 2017/18 has almost quadrupled from £17.2 million to £67.3 million. Around half of this increase is due to revised funding assumptions, with the remainder due to the revised approach to recording and monitoring procurement savings.

### Exhibit 5: Movement in projected funding gap

	2015-16	2016-17	2017-18
	£m	£m	£m
Projected funding gap – April 2013	6.665	18.854	17.205
Projected funding gap – February 2014	9.208	29.018	31.802
Projected funding gap - September 2014	21.664	52.594	67.304

90. The latest reported financial position for 2014/15 anticipates a balanced outturn for the year. All service areas have

highlighted risks to the attainment of this projection. The council is seeking to identify measures to manage these pressures.

91. The council will continue to operate in a funding environment which is subject to sustained pressure to deliver more with less. Increases in demand for services such as school meals, school transport and domestic care, coupled with revised Government targets and reductions in the level of existing external funding will all increase the pressure on funding service delivery. The level of flexibility within expenditure budgets is considerably reduced by the release of cost savings in previous years.
92. The council is seeking to address these pressures through a number of options, including the development and implementation of its Better Outcomes through Leaner Delivery (BOLD) programme. This programme looks across council directorates and is intended to identify new and fundamentally different ways of providing services. Through this programme the council has identified proposals totalling £28.5 million. The council is currently engaging with the public on these proposals with a view to bridging the £22 million funding gap in 2015/16.

#### Refer Action Plan Point 4

# Governance and accountability

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93. Members of the council and the Proper Officer are responsible for establishing arrangements for ensuring the proper conduct of the affairs of City of Edinburgh Council and for monitoring the adequacy and effectiveness of these arrangements.

## Corporate governance

94. The corporate governance framework within City of Edinburgh Council is centred on the council which is supported by the following standing committees.



95. The political management arrangements above were introduced in October 2012 to help modernise and streamline

decision making processes. A review to refine these arrangements was completed in 2013 with a further review of the Policy Development and Review sub committees carried out in mid 2014. In October 2014, the council agreed to return the policy development and review functions to the executive committees.

96. Based on our observations and audit work our overall conclusion is that the governance arrangements within City of Edinburgh council are operating effectively.

## Risk management

97. PwC has been leading a project to re-design the council's risk management arrangements to ensure they are fit for purpose and fully integrated into business activities, and that risk is integral to decision making going forwards. A risk management framework was finalised in December 2013, and the council's appetite for risk quantified in a Risk Appetite Statement.

98. The Corporate Management Team now holds a formal risk committee each quarter, supported by service area risk committees. The risk registers developed and updated through these committees are regularly reported through the council committee process. The council has acknowledged further work is required to embed a risk culture throughout the organisation, and has established a Risk Management Steering Group to coordinate and support the work of the

## Governance and accountability

service area risk officers and the corporate risk team.

### Internal control

99. As part of our audit we reviewed the high-level controls in a number of the council's systems that impact on the financial statements. This audit work covered general ledger, payroll, accounts receivable, accounts payable, banking, council tax, non domestic rates and housing rents. Our overall conclusion was that the council had appropriate systems of internal control in place during 2013/14.

### Statutory notices

100. In 2011, following allegations of poor service, overcharging and mismanagement, independent investigations were made of the council's property conservation service which led to the closure of the service in April 2011. In the period since 2011, efforts have been made to resolve the significant number of outstanding complaints and to recover legitimate outstanding debt associated with historical projects. On 5 June 2014 the Finance and Resources Committee concluded that a step change was needed to accelerate progress in resolving the outstanding complaints and in recovering the sums due to the council for statutory repair works. As a result all Property Conservation work including both the legacy service and the development of a new service was grouped under a new corporate programme called Programme Momentum. A

dedicated programme board sponsored by the Chief Executive, with the Director of Corporate Governance as the Senior Responsible Officer, and the appointment of a programme director, has been created to oversee the programme.

101. At the time the property conservation service ceased activity it is estimated that around 3,000 outstanding non emergency notices were in place. There has been no comprehensive review of these notices and no known works have been undertaken in relation to these notices as the council's legacy team have focused on resolving the issues associated with the projects which were undertaken or were in the process of being undertaken at the time when the service was closed. The management of enquiries around these outstanding notices and the level of resource required to manage the lifting of the notice will be one of the first tasks of the new service when it begins operations in the second quarter of 2015. The council plans to review all identified outstanding statutory notice cases by the end of January 2015, and thereafter ensure any outstanding works are completed and invoices issued as appropriate. In addition to the extra administrative burden, there is a risk that properties have suffered further deterioration in the intervening period. We will consider progress made in this area as part of our 2014/15 audit.

### Internal audit

102. Internal audit provides members of the council and the Proper

## Governance and accountability

Officer with independent assurance on the overall risk management, internal control and corporate governance processes. We are required by international auditing standards to make an assessment of internal audit to determine the extent to which we can place reliance on its work. To avoid duplication, we place reliance on internal audit work where appropriate.

103. PwC are continuing to work with internal staff to develop the skills and knowledge base within the team. Our review of internal audit concluded that the internal audit service operates in accordance with the Public Sector Internal Audit Standards and has sound documentation standards and reporting procedures in place. We placed formal reliance on the work of internal audit for payroll and accounts payable.
104. The Chief Internal Auditor's Annual Report and Opinion for 2013/14 was submitted to the Governance, Risk and Best Value Committee in September, at the same time as they were considering issues arising from the audit of the financial statements. Financial year 2013/14 was a period of transition with the Internal Audit year being aligned to the council's financial year. We would anticipate that the 2014/15 Annual Internal Audit Report and Opinion would be presented earlier in the committee cycle, to allow members to consider the conclusions reached and request any further assurance work

necessary, prior to the sign-off of the financial statements.

## ICT audit

105. The council has made progress in developing and improving its ICT arrangements during the year, although it acknowledges that further work is required to fully implement the approved ICT and Digital Strategy.

### Action Plan Point 5

106. **ICT digital transformation programme:** In February 2013 the council approved the ICT and Digital Transformation Programme. The aim of the programme is to transform ICT provision into a comprehensive, responsive, cost effective and high-quality service which is business and customer driven. Included in the programme is the transition from the current outsourced contract to future ICT and digital services by March 2016. The approved investment for the programme is £6.75 million with a commitment to achieve net savings of £14.65 million over five years.
107. The council continues to make progress. There have been a number of developments in 2013/14 including the introduction of the council's ICT and Digital Strategy in December 2013, the delivery of ICT systems and enabling infrastructure and the launch of the council's new website.
108. The latest update on the programme in May 2014 confirmed



## Governance and accountability

that the programme status is green as the programme is on schedule and on budget, with the savings target of £1.43 million for 2013/14 being achieved.

- 109. ICT services procurement:** The council's Finance and Resources committee gave approval in October 2013 to procure a new contract for ICT services in line with the council's ICT and Digital Strategy. The procurement of the new contract has been designed to allow other public bodies to use the contract for their own purposes. The current contract for ICT services expires in March 2016, and the council aims to deliver annual savings of £6 million through the new contract. The project has moved through the pre-qualification stage and is now within the competitive dialogue process of the project.
- 110.** We will monitor the progress on delivery of the ICT digital transformation services and the ICT services procurement programmes as they progress.
- 111. Public Services Network:** For the first time in 2012/13, councils had to apply to connect to the Public Services Network (PSN) to allow the sharing of electronic data with other public bodies, such as the Department for Work and Pensions. This entailed complying with the strict security measures of the PSN Code of Connection which, if fully met, resulted in the issue of a compliance certificate. The application and approval process is subject to annual review and could result in a disruption to operations and service delivery if there were any non compliance issues. The council

received notice of its accreditation in December 2013.

## Arrangements for the prevention and detection of fraud

- 112.** The council's arrangements in relation to the prevention and detection of fraud and irregularities were satisfactory.
- 113.** The council participates in the National Fraud Initiative (NFI). The NFI uses electronic data analysis techniques to compare information held on individuals by different public sector bodies and different financial systems, to identify data matches that might indicate the existence of fraud or error. In December 2013, we noted that progress on investigating matches was slow and that there was minimal reporting on progress to committee, however following review and realignment of resource by the council, all relevant matches were investigated and reported. Overall, we concluded that the council has satisfactory arrangements in place for investigating and reporting data matches identified by the NFI.
- 114.** Audit Scotland published a report on national outcomes of the NFI in June 2014. The recommendations contained in the Audit Scotland Outcomes report, published in June 2014, have been considered by council officers and a range of process changes were identified and are being implemented for 2014/15. We will monitor the progress on the new NFI exercise and provide



comment on progress, as and where appropriate.

### Arrangements for maintaining standards of conduct and the prevention and detection of corruption

115. The arrangements for the prevention and detection of corruption in the City of Edinburgh Council are satisfactory and we are not aware of any specific issues that we need to record in this report.

### Integration of adult health and social care

116. The Public Bodies (Joint Working) (Scotland) Act received royal assent on 1 April 2014. The Act provides the framework for the integration of health and social care services in Scotland. The Act offers some flexibility on the partnership arrangements for the governance and oversight of integrated health and social care services. The integration will be complex and challenging and the council will need to engage at the highest level with the relevant health body in its area to ensure that integration is delivered within the required timescales and that the arrangements are functional and fit for purpose.

117. The council's Corporate Policy and Strategy committee and NHS Lothian Board both approved an Integrated Joint Board model in August 2014. This followed a reconsideration of the models available in June and July 2014. NHS Lothian has

taken the lead in preparing the draft content of the Integration Scheme which should ensure consistency across its four Integration Joint Board areas. The draft integration scheme requires to be submitted to Scottish Ministers by 1 April 2015.

118. Progress continues to be made and includes setting up of Joint leadership arrangements, consultation with senior managers on proposed integrated management structure and discussion of a localities approach. In terms of finances, it is estimated that the new Integrated Board will encompass a combined budget of approximately £500 million; around £200 million of council funds and around £300 million of Community Health Partnership funds. It is likely this will increase although the exact figure will only be known once the financial elements of the integration scheme are complete.
119. A detailed risk log is maintained for the integration programme and reported through the status reporting process to the Shadow Health and Social Care Partnership and through the Corporate Programmes Office Major Projects reporting procedures. Risks are also included on the councils Corporate Management Team, Health and Social Care and NHS Lothian Board risk registers. The complexity of health and social care integration is such that there is always the risk of slippage. It is important, therefore, to continue to monitor the situation closely to ensure progress is maintained.

## Welfare Reform

120. The council recognises the impact that the changes to the UK welfare system could have on resources and service provision. 2013/14 was a period of significant change with council tax benefits being replaced by the new Council Tax Reduction Scheme and the introduction of the Scottish Welfare Fund. Councils continue to face uncertainties over the roll out of the Universal Credit and there is the potential for even further reforms after the recent Scottish independence referendum.
121. The council has established a Welfare Reform Working Group (WRWG), chaired by the Health and Social Care Convenor, which monitors the implementation and impact of various benefits changes and contributes to consideration of further measures to support tenants
122. The Depute Head of Customer Services presents quarterly welfare reform update reports to the Council's Corporate Policy and Strategy Committee and regular welfare reform financial update reports to the Finance and Resources Committee. These reports provide an overview of the impact of welfare reforms within the City of Edinburgh and the action being taken by the Council in response to the reforms.
123. Rent arrears have been increasing in Edinburgh. In 2012/13 arrears totalled £2.776 million and these had increased to £3.967 million at 31 March 2014 (an increase of 43%). We are aware that the value of housing rent arrears further increased to £4.6 million at the end of July 2014. During 2013/14 the

Council increased its housing rent arrears bad debt provision which to £3.002 million at 31 March 2014 (£1.911 million at 31 March 2013).

124. The council is providing financial advice and assistance to households affected by welfare reform, including consideration of their future housing options, and notes that this is having a positive impact. The number of tenants affected by Under Occupancy changes who are in arrears has reduced from a high of 2,602 in August 2013 to 1,708 in August 2014. Nonetheless the increasing level of rent arrears is a challenge for the Council.

## Housing and council tax benefits performance audit

125. A risk assessment of the council's benefits service was carried out by one of Audit Scotland's specialist benefits auditors in July 2012 and the findings reported to management in September 2012. The report identified that three risks to continuous improvement from the previous assessment in March 2010 had not been addressed.
126. The 2012 risk assessment also identified a further five risks which were mostly related to performance reporting. The assessment highlighted that despite various measures introduced to help deliver improvements in the speed of processing new claims and changes of circumstances,

## Governance and accountability

performance had only recently started to improve. This has been a recurring issue over the last five years. These risks and those still outstanding from the last review were incorporated into an updated action plan for implementation.

For 2013/14, we requested progress updates regarding the speed of processing new claims and changes of circumstances from the council. The most recent speed of processing performance information was provided in April 2014. We noted that the speed of processing new claims had improved. We will review the speed of processing performance as part of a full risk assessment which is planned for 2014/15.

## Outlook

127. Councils continue to face rising demands for services alongside managing major reforms in welfare and health and social care. There is now a greater need than ever for strong governance and leadership. The integration of health and social care is a complex and challenging process and the council will need to continue to engage at the highest level with partners to ensure that the unified service is in place by the statutory date of 1 April 2016.
128. There are to be major changes in councils' responsibilities for the investigation of fraud. The new Single Fraud Investigation Service (SFIS) is a national fraud investigation service within the Department for Work and Pensions which will take over the responsibility for the investigation of housing benefit frauds. The investigation of the Local Council Tax Reduction Scheme and corporate frauds will remain within councils. The SFIS will be implemented across councils on a phased basis during the period July 2014 and March 2016 and will see the transfer of staff from councils to the DWP. There is a risk that councils' arrangements for the prevention and detection of fraud may be weakened due to the loss of experienced investigators to the SFIS.
129. The political context in 2014 has been particularly challenging with the referendum on Scottish independence. Whatever the conclusions of the Scotland Devolution Commission, a cross-party working group tasked with overseeing the devolution of more powers to Scotland, there is the potential for even further change and discussions are likely on local services, governance and accountability.

# Best value, use of resources and performance

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**130.** Local authorities have a statutory duty to provide best value in those services they provide directly as well as those provided through agreements with Arms Length External Organisations. This requires continuous improvement while maintaining a balance between quality and cost and having regard to value for money, equal opportunities and sustainability. There is also the duty to report performance publicly so that local people and other stakeholders know what quality of service is being delivered and what they can expect in the future.

## Arrangements for securing Best Value

**131.** A Best Value report (BV2) was published in May 2013. The report focused on two judgements

- how well the council is performing in relation to services and outcomes
- the council's prospects for future improvement, based on leadership and management, partnership working and resource use.

**132.** The report noted the financial challenges facing the council in the coming years and the reliance on delivering established

savings plans, along with the need to address the remaining funding gap. The council's overall performance in terms of services and outcomes was assessed as good, and prospects for future improvement were assessed as fair.

**133.** In their report the Accounts Commission welcomed the improvements the council had made but recognised that the scale of the financial challenge was substantial. The Accounts Commission asked the Controller of Audit for a further report on the council's progress in around 18 months' time.

**134.** The audit work for the resulting further report was carried out from June to August 2014. The follow-up report reflects the position at that time although it also took account of relevant developments up to October 2014. The audit reviewed the council's progress over the 15 months between the publication of the previous report in May 2013, and August 2014. The follow up report was presented to the Accounts Commission on 13 November 2014 and is to be published on 4 December 2014.

**135.** The key conclusions are:

- In May 2013, the Accounts Commission concluded that the City of Edinburgh Council's financial position was particularly challenging. At that time the council reported that, assuming it achieved all planned savings, it still needed to find additional savings of £17 million to

## Best value, use of resources and performance

balance its budget in 2017/18. Since then, the financial challenges facing the council have increased significantly, with recent council reports now showing that the additional savings it needs to find in each of the next three years have increased, rising to £67 million in 2017/18.

- The council's financial position requires significant changes in the council's operations over a relatively short period if it is to achieve a balanced budget in 2017/18. The council plans to generate a significant proportion of these additional savings from its new transformation programme (known as BOLD) and from improved arrangements for buying goods and services. It is too early to assess the effectiveness of these initiatives.
- Dealing with long-running problems in the statutory repairs service and more recent issues, such as concerns about practices at Mortonhall crematorium, have absorbed significant amounts of senior managers' time. The council needs to ensure it has sufficient capacity to deal with problems as they emerge while increasing the pace of improvement and change.
- The council has made good progress in developing its approach to scrutiny and risk management. The Governance, Risk and Best Value Committee provides effective scrutiny of the council's operations and

performance. The council has also improved risk management, internal audit and the oversight of major projects. It needs to maintain this progress and ensure these changes are firmly in place across the organisation, to help identify risks earlier and to support improvement.

- The council has still to develop a comprehensive workforce strategy, despite this being a key building block in ensuring it has the capacity and skills to address the challenges it faces. The council has improved its ICT arrangements and acknowledges the need to make further progress in this crucial area, to help improve services and achieve savings.
- The council has improved those services highlighted in the Accounts Commission's findings on the 2013 Best Value report i.e. adult social work, waste management performance and the supply of affordable housing. However, it continues to face significant challenges to meet increasing demand for services while delivering the long-term savings it needs to make.

### Refer Action Plan Points 5 & 6

136. In its findings on the May 2013 Best Value audit report, the Commission noted that the improvements the council needed to make would take time to achieve fully. Since then, it has

## Best value, use of resources and performance

made progress in a number of the areas highlighted in the Commission's findings. Other actions, such as embedding the commitment of all staff to change and transforming services to secure improvement and savings, will take longer. The council continues to face a range of significant long-term challenges, not least achieving substantial savings while meeting increasing demands for services.

### Performance management

137. The council revised its performance framework in October 2012 to take account of political, partnership and operational outcomes identified by the Capital Coalition Pledges, the Edinburgh Partnership Single Outcome Agreement and the council's overall responsibility for delivering a wide range of services to the citizens of Edinburgh.
138. An annual update of the performance framework was presented to the Corporate Policy and Strategy Committee in December 2013, highlighting:
- the implementation of revised governance arrangements for reporting performance to committee.
  - an annual update to the performance indicators
  - the council's Annual Performance Report for 2012-13
  - the Strategic Service Plan 2012-17 which was updated to reflect progress and priorities after the first year of implementation

- five Directorate plans which provided further planning detail across service areas.

### Overview of performance targets in 2013/14

139. The council has set out 53 Capital Coalition pledges to support delivery of its high level commitments. Performance against these pledges is reported to the full council on a six monthly basis, and is supported by wider performance report to the Governance, Risk and Best Value Committee and other Executive Committees on a regular basis.
140. The most recent performance summary reported in May 2014 highlighted the council was on track to deliver most of its pledges against planned timescales. Four pledges had been completed as at April 2013 and one further pledge has been completed during 2013/14 - the establishment of a policy of no compulsory redundancies.
141. A further 39 pledges (36 pledges at April 2013) have agreed actions and are on track to deliver, with new actions under development for an additional one pledge (seven in April 2013). The remaining eight pledges (six pledges at April 2013) were assessed as on track, however some actions had not been met by the planned date.
142. A further summary performance report will be presented to the council in November 2014.



## Statutory performance indicators

143. The Accounts Commission has a statutory power to define performance information that councils must publish locally and it does this through its annual Statutory Performance Information Direction. Since its 2008 Direction, the Accounts Commission has moved away from specifying individual indicators and has focused on public performance reporting and councils' requirement to take responsibility for the performance information they report.
144. The audit of Statutory Performance Indicators in 2013/14 is a two stage process. The first stage requires auditors to ascertain and appraise councils' arrangements for public performance reporting and the completion of the Local Government Benchmarking Framework indicators. This focuses on three statutory performance indicators (SPIs) namely :
- SPI 1: covers a range of information relating to areas of corporate management such as employees, assets and equalities and diversity
  - SPI 2: covers a range of information relating to service performance
  - SPI 3: relates to the reporting of performance information as required by the Local Government Benchmarking Framework.
145. The second stage involves an assessment of the quality of the

information being reported by the council to the public. An evaluation of all Scottish Local Authorities' approaches to public performance reporting (PPR) has been carried out by Audit Scotland's Performance Audit and Best Value section, the results of which were reported to the Accounts Commission in June 2014. Individual assessments were also reported to councils' Chief Executives, Leaders and Chairs of Audit Committees. These highlighted the extent to which their PPR material either fully, partially or did not meet the criteria used in the evaluation. The results for City of Edinburgh Council were mixed, with 29% fully, 57% partially and 14% not meeting the criteria. The results in part reflect the accessibility and transparency of performance information during a period of redesign of the council's website. A further evaluation of councils' approaches to PPR is due to be carried out by Audit Scotland in spring 2015.

146. The council appear to be making progress in terms of their plans for public performance reporting. The review in spring 2015 should reflect improvement, based on our review of their plans for collection, verification and reporting of data.

## Assurance and improvement plan 2014-17

147. The Assurance and Improvement Plan (AIP) covering the period 2014 to 2017 is the fifth AIP for the council prepared by the Local Area Network of scrutiny partners for the council since the introduction of the shared risk assessment process.

## Best value, use of resources and performance

This was published on Audit Scotland's website in June 2014.

148. Following the scrutiny activity in 2012/13, including a Best Value audit by Audit Scotland, an inspection of children's services by the Care Inspectorate and an inspection of homelessness services by the Scottish Housing Regulator, the previous AIP concluded that no specific additional scrutiny would be required in 2013/14 as a result of the shared risk assessment process.
149. The 2014 Best Value follow-up audit considered a number of specific service area challenges within the council that were identified in the original Best Value audit. In addition to the key conclusions noted previously, the report concluded that the council had increased the supply of affordable housing but still faces a challenge to tackle homelessness.
150. All scrutiny areas will be revisited as part of the Shared Risk Assessment process for 2014/15.

## Local performance audit reports

151. In 2013/14 we carried out two targeted follow-up audits to assess progress in areas that had been reported nationally by Audit Scotland:
152. **Arm's-length External Organisation (ALEOs):** Our follow-up audit assessed the effectiveness of the council's governance arrangements for overseeing ALEOs. Our report, issued in July 2014, concluded that the revised arrangements introduced

by the council sit well with good practice, but are still being implemented, therefore we could not fully comment on how they are operating in practice.

153. **Major capital investment in councils:** Our follow up audit is a 2 stage process to assess whether the council has considered Audit Scotland's report *Major capital investment in councils* and made improvements as a result.
154. The May 2013 Audit Scotland report was considered by the Governance Risk and Best Value committee in May 2013 and the council prepared an action plan in response to the recommendations in the Audit Scotland report.
155. Stage 1 of the follow-up audit was undertaken in June 2014. Our assessment was that the council's response to the 2013 Audit Scotland report had been satisfactory. However we noted that ongoing progress on the action plan developed in May 2013 had not been reported back to the committee.
156. Stage 2 of the follow up audit, which considers the council's capital investment strategy, risks and benefits management, and the governance arrangements around projects, is currently being undertaken and will be reported at the end of November 2014.

## National performance audit reports

157. Audit Scotland national reports are included on the



## Best value, use of resources and performance

Governance, Risk and Best Value Committee agenda for consideration, and referral to other council committees where appropriate.

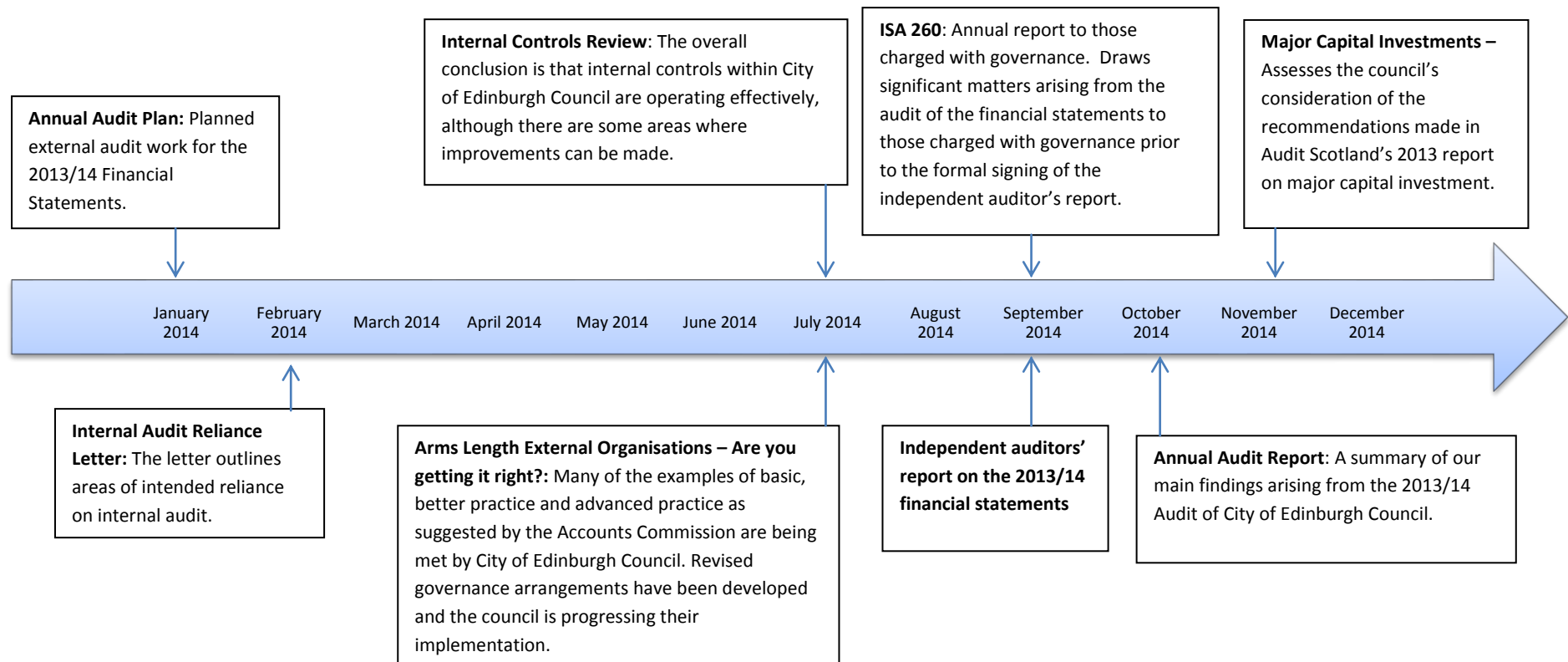
158. A summary of national performance audit reports, along with local audit reports, is included in Appendices I and II.

## Outlook

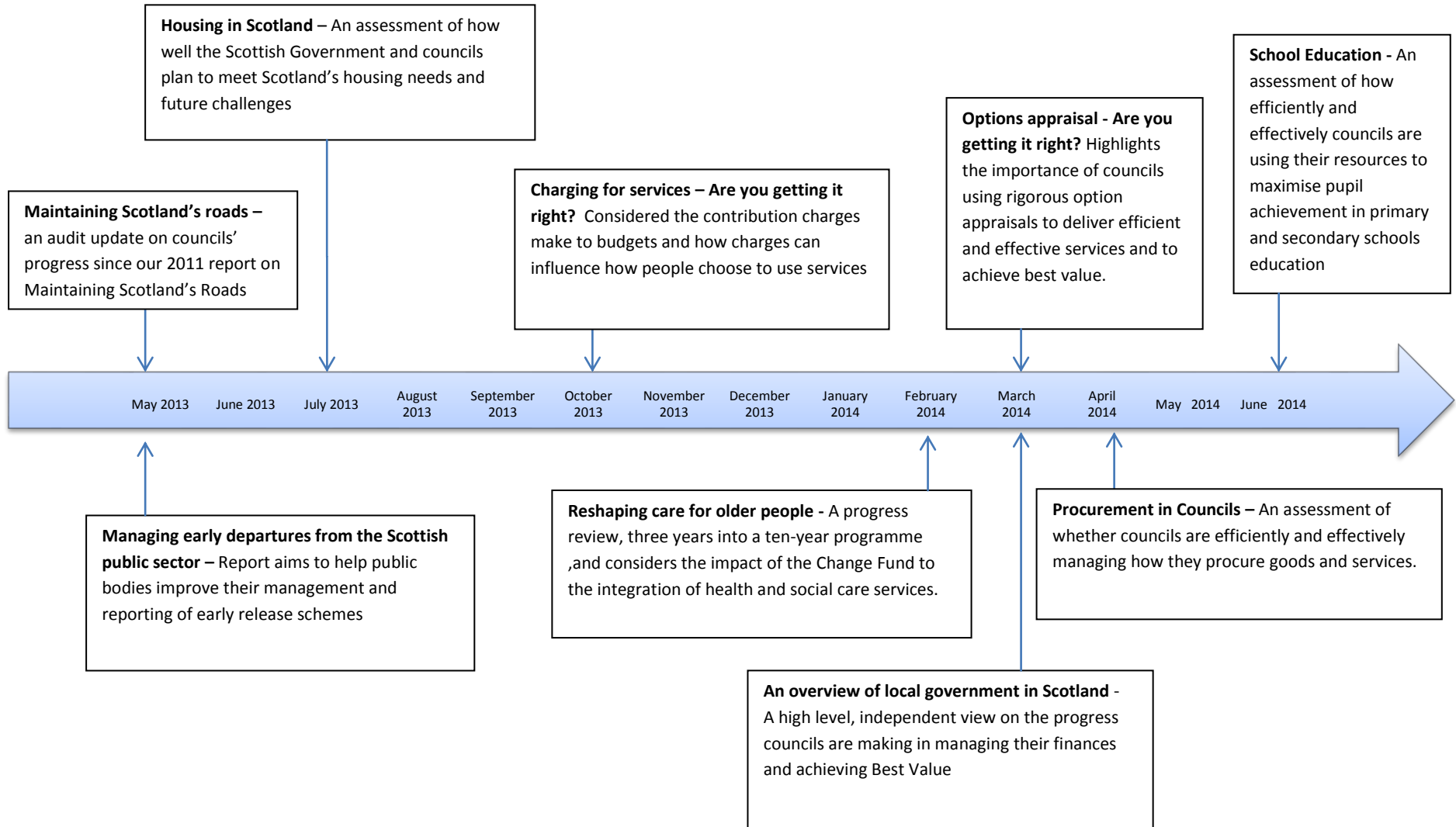
159. In common with other councils, City of Edinburgh Council faces the key challenges of reducing budgets, an aging population with higher levels of need and the public expectation of high quality services. Savings have been made in recent years largely by reductions in the workforce. However as choices on how to address funding gaps become increasingly difficult, the council will have to focus on making the very best use of all available resources and to challenge existing ways of doing things.
160. The council views the BOLD programme and improved procurement arrangements as key initiatives to identifying future service and savings options. It will be crucial that it puts in place the necessary funding and management skills needed to implement the projects successfully, and deliver the anticipated benefits.
161. The increased financial pressures also have potential to impact on service performance across the council. Maintaining a

strong and effective performance management framework will be critical to the success of the council achieving its key priorities, and demonstrating the effectiveness of the BOLD transformation programme.

## Appendix I – Summary of City of Edinburgh council local audit reports 2013/14



## Appendix II – Summary of Audit Scotland national reports 2013/14



## Appendix III – Significant audit risks

The table below sets out the key audit risks identified at the planning stage and how we addressed each risk in arriving at our opinion on the financial statements.

Audit Risk	Assurance procedure
<p><b>Tram project expenditure</b></p> <p>The Tram project is scheduled for completion in summer 2014 and within the revised budget of £776 million. <i>There remain risks that the project may not be completed on schedule and/ or budget. Also, as the council is now incurring significant revenue costs in relation to preparation for operations, there is a risk of misclassification of expenditure between capital and revenue.</i></p>	<p>The Edinburgh Trams began operating on 31 May 2014</p> <p>We reviewed reports to elected members on project progress and expenditure, during 2013/14 and after the balance sheet date.</p> <p>We tested a sample of revenue costs relating to preparation from tram operations and confirmed that these were revenue in nature.</p>
<p><b>Tram classification and valuation</b></p> <p>To date, Tram vehicles have been accounted for as assets under construction however if they are available for use at the balance sheet date it may be necessary to treat them as operational assets. Also, it may be necessary to recognise an impairment if the recoverable amount is lower than the carrying amount of any surplus trams.</p> <p><i>There is a risk that tram vehicles could be classified incorrectly or not reflected at an appropriate value in the financial statements.</i></p>	<p>As noted above, the Edinburgh Trams began operating on 31 May 2014. We discussed the status of the tram vehicles as at 31 March 2014 with the Senior Responsible Officer for the tram project and reviewed the Letter of No Objection from the Independent Competent Person in order to confirm the date of the trams becoming available for use. We also discussed the current usage of tram vehicles and planned future options for the network with officers and agreed with their conclusion that an impairment review is not necessary at present.</p>

## Appendix III – Significant audit risks

Audit Risk	Assurance procedure
<p><b>Statutory repairs</b></p> <p>The council acknowledges that the billing and debt recovery process is going to take a significant amount of time especially as the billing process continues and those projects that have been difficult to finalise due to age, complexity or lack of staff, contractor continuity or supporting information are processed.</p> <p><i>There is a risk that the amounts that have been or have yet to be billed to owners will not be fully recoverable.</i></p>	<p>We reviewed reports to members and related papers on progress of billing and collection (including bad debts) and complaints resolution and considered the adequacy of the bad debt provision in light of the available information.</p>
<p><b>Group Structure</b></p> <p>During 2013/14 the council has been reviewing its group company structure which is expected to result in the creation of new transport companies and the merger or cessation of other group companies.</p> <p><i>There is a risk that the revised group structure may not be reflected within the group financial statements.</i></p>	<p>We reviewed reports to members and related papers on progress of review of group structure. We also reviewed the council's group boundary assessment.</p>
<p><b>Significant Trading Operations (STOs)</b></p> <p>The council is currently reviewing the use of STOs as a service delivery model.</p> <p><i>There is a risk that revised arrangements may not properly reflect LASAAC's guidance on the definition and operation of STOs.</i></p>	<p>We reviewed the council's assessment and application of the LASAAC guidance as part of our planned financial statements audit work and were satisfied that it had been appropriately applied.</p>

## Appendix III – Significant audit risks

Audit Risk	Assurance procedure
<p><b>Finance restructuring</b></p> <p>An organisational review of finance services is currently ongoing.</p> <p><i>There is a risk that staff changes in key posts and the effect on the day to day operation of services could impact on the 2013/14 accounts preparation process.</i></p>	<p>Ongoing engagement took place with officers during the audit. Key contacts were discussed with officers as part of the planning process. Resource plan developed to take account of council and audit key target dates. Named audit contacts were provided by the council for specific audit areas as part of the working papers package. The unaudited accounts were provided for audit in accordance with the agreed timetable.</p>
<p><b>Managing financial pressures</b></p> <p>The latest (month 9) budget monitoring reports forecast a balanced outturn, with all services projecting a balanced position. Cost pressures have been identified across all services and a range of cost management measures have been implemented to mitigate these.</p> <p><i>There is a risk that some of the projected underspends and overspends will vary resulting in the council not achieving its projected break even position at 31 March 2014</i></p>	<p>We reviewed the revenue monitoring outturn report for 2013/14 and the outturn information disclosed in the Foreword to the accounts. As noted in paragraph 67, the 2013/14 outturn shows a net underspend of £0.706 million against budget for the general fund.</p>
<p><b>Benefits performance</b></p> <p>In the 2012/13 Annual Audit Report, we noted that the council had not fully addressed all the issues raised in a previous benefits performance audit. The council has subsequently provided information on measures being taken to improve its performance.</p> <p><i>There is a risk that the council has not fully addressed the issues raised in the previous benefits performance audit.</i></p>	<p>We requested and reviewed further benefits performance information relating to processing new claims and changes of circumstances from the council for the 2013/14 financial year. A further risk assessment of the council's benefits performance is planned for towards the end of the 2014/15 financial year.</p>

## Appendix III – Significant audit risks

Audit Risk	Assurance procedure
<p><b>Welfare Reform:</b> The full range of changes emanating from the 2012 Welfare Reform Act is considerable and will have significant implications for council services, service users and staff.</p> <p><i>There is a risk that the council has not fully anticipated all of the issues which may arise, and may fail to provide support and assistance to those service users who are most affected.</i></p>	<p>We reviewed welfare reform update reports to members and discussed the measures being taken by the council with officers.</p>

## Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
1 / 54	<p><b>Statutory Repairs</b></p> <p>The financial statements contain a total debtor balance of £30.6 million (2012/13 - £32.5 million) relating to statutory notices. The largest element of this balance, £19.1 million (2012/13 - £22 million), is made up of work carried out but not yet billed.</p> <p><b>Risk</b></p> <p>Anticipated levels of recovery are not achieved, leaving the council with significant levels of shortfall in income.</p> <p><b>Recommendation</b></p> <p>The level of bad debt provision should continue to be the subject of regular review, taking particular account of progress in invoicing and collecting as-yet unbilled sums.</p>	<p>Progress in both debt recovery and billing of outstanding sums will continue to be monitored on a weekly basis, with on-going monthly updates provided to the Finance and Resources Committee. These assessments will inform assessments of the adequacy of current bad debt provision.</p>	Director of Corporate Governance	On-going



Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
2 / 55	<p><b>Tram vehicles</b></p> <p>We previously raised the possibility of a need for an impairment review on tram vehicles, to reflect that some vehicles may be surplus to requirements given the reduction in the network. Officers noted that all vehicles are currently being utilised evenly across the network, and consequently they do not consider an impairment review necessary at present. Officers intend to take a report to members setting out future options for the trams network.</p> <p><b>Risk</b></p> <p>The carrying value of surplus assets in the financial statements does not reflect what is realistically achievable on disposal.</p> <p><b>Recommendation</b></p> <p>Once the report has been taken to members setting out the future options for the trams network officers will require to consider the need for an impairment review of the tram vehicles.</p>	<p>The appropriateness of the current basis of tram vehicle valuation will be reviewed upon clarification of future plans for the tram network.</p>	<p>Acting Director of Services for Communities, in consultation with the Head of Finance</p>	<p>March 2015</p>

Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
3 / 57	<p><b>Group accounting boundary</b></p> <p>For 2013/14, no formal group boundary assessment was undertaken by the council to confirm which bodies should be included within the group financial statements.</p> <p><b>Risk</b></p> <p>The council group financial statements may not reflect the actual group structure and disclosure requirements.</p> <p><b>Recommendation</b></p> <p>A formal group boundary review should be undertaken as part of the council's final accounts process to ensure all relevant bodies are consolidated into the group financial statements.</p>	<p>While relevant issues were considered in closing 2013/14's accounts, resulting in a number of consolidation changes from 2012/13's equivalent statements, these will be formally documented for the 2014/15 process.</p>	<p>Corporate Finance Manager</p>	<p>March 2015</p>

## Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
4/92	<p><b>Funding gap</b></p> <p>The council is facing a significant challenge in bridging a funding gap of £67 million in 2017/18.</p> <p><b>Risk</b></p> <p>The council may not be able to generate sufficient efficiencies and cost savings to bridge the funding gap.</p> <p><b>Recommendation</b></p> <p>The council needs to ensure that it applies the lessons learned from the first phase of the BOLD programme to the development of future savings proposals, including the provision of funding and management skills needed to implement the projects successfully.</p> <p>The council should ensure that elected members are provided with clear and accessible financial information to help their decision-making and to support scrutiny.</p>	<p>A BOLD portfolio update was reported to the Corporate Policy &amp; Strategy Committee on 30 September 2014. The report confirmed that the Corporate Programmes Office will monitor phase 1 proposals.</p> <p>In addition, the business cases for each of the phase 2 work streams are due to be reported to the Finance &amp; Resource Committee in January 2015 including financial due diligence, risk register and savings analysis. Quarterly updates on each of the phase 2 work streams will be provided to the Finance and Resources Committee thereafter.</p> <p>The content of all budget-related reports will be reviewed in light of best practice elsewhere and improvements introduced as appropriate going forward.</p>	<p>Head of Corporate Programmes Office</p> <p>Head of Finance</p>	<p>On-going</p> <p>On-going</p>

## Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
5/105, 135	<p><b>ICT</b></p> <p>The council has made some progress in delivering its ICT and Digital Strategy, however a number of key projects will require to be delivered over the coming period.</p> <p><b>Risk</b></p> <p>Failure to deliver the ICT and Digital Strategy impacts service performance, the delivery of the improvement programme and financial savings to the council</p> <p><b>Recommendation</b></p> <p>The council needs to make further progress to its ICT arrangements to ensure they are fit for purpose and help to improve services and make savings. The council also needs to ensure it has the required skills and expertise when planning and managing its new ICT contract.</p>	<p>The council will continue to deliver its ICT and Digital Transformation programme at pace, delivering considerable savings going forward.</p> <p>The council has involved key members of the ICT team, including the Chief Information Officer, the Service Manager and the Commercial Manager, in the re-procurement of the new ICT contract, to ensure issues with the current contract are addressed and appropriate skills are in place to manage the new contract.</p>	Chief Information Officer	March 2016

Appendix IV – Action plan

Action plan point / para	Issue, risk and recommendation	Management action/response	Responsible officer	Target date
6/135	<p><b>Workforce management</b></p> <p>The council lacks a comprehensive workforce strategy covering the whole organisation and has made limited progress on developing this over recent years.</p> <p><b>Risk</b></p> <p>The council does not have sufficient capacity for change and improvement in meeting increased demand for services in the context of financial constraints.</p> <p><b>Recommendation</b></p> <p>The council needs to develop a comprehensive workforce strategy to make sure it has sufficient people with appropriate skills and experience, both at leadership level and across the wider organisation and including the Corporate Programmes Office, to meet the challenges it faces while increasing the pace of change and improvement.</p>	<p>The council is developing its organisational structure around a neighbourhood delivery model supported by city-wide services and an aligned corporate support function. The design and build of this is currently underway and the high-level strategic workforce plan will be presented to the February Council meeting as part of the Best Value action plan process.</p>	<p>Head of People and Organisation</p>	<p>February 2015</p>