

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 30 April 2015

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
Steve Cardownie
Maggie Chapman
Maureen M Child
Bill Cook
Nick Cook
Gavin Corbett
Cammy Day
Denis C Dixon
Karen Doran
Paul G Edie
Catherine Fullerton
Nick Gardner
Paul Godzik
Joan Griffiths
Bill Henderson
Ricky Henderson

Dominic R C Heslop
Lesley Hinds
Sandy Howat
Allan G Jackson
Karen Keil
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

Decision

To approve the minute of the Council of 12 March 2015 as a correct record.

2. Questions

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

3 Leader's Report

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

- Congratulations to the Lord Provost for completing the London Marathon
- City Region Deal
- Nepal – encouragement to donate
- General election – encourage electors to vote

The following questions/comments were made:

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| Councillor Rose | - Congratulations to the Lord Provost for completing the London Marathon |
| | - Public Meeting regarding house break-ins in the Newington area |
| Councillor Burgess | - Tackling fuel poverty and cutting pollution – installation of gas boilers |
| Councillor Cardownie | - Congratulations to the Lord Provost for completing the London Marathon |
| | - Heart of Midlothian Football Club – congratulations on winning Championship |
| Councillor Bagshaw | - Cutting air pollution – Supreme Court ruling |
| Councillor Aitken | - Congratulations to the Lord Provost for completing the London Marathon |
| | 114 th Braids Scouts – Congratulations on 75th Anniversary and to Michael Denvir on selection to attend World Jamboree in Japan in June 2015 |

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|----------------------------|--|
| Councillor McVey | - Pedal on Parliament – funding support for active travel |
| | - East Coast Rail line - strike |
| Councillor Day | - Partnership Projects - delays |
| Councillor Heslop | - Local Development Plan - sign off |
| Councillor Shields | - Internet trolling activities |
| Councillor Hinds | - Pedal on Parliament |
| Councillor Brock | - Pedal on Parliament – encourage colleagues to take part in 2016 |
| Councillor Ricky Henderson | - The Willow Service - congratulations |
| Councillor Whyte | - Congratulations to the Lord Provost for completing the London Marathon |
| | - Congratulations to Councillor Hinds for Pedal on Parliament |
| | - City Deal for Edinburgh - proposals |
| Councillor Edie | - Congratulations to the Lord Provost for completing the London Marathon |
| | - Nepal – encouragement to donate |
| | - Internet trolling - condemnation |

4. Appointment to the Scottish LGPS Scheme Advisory Board

The Council had noted the new governance structure and associated documentation for the Local Government Pension Scheme (LGPS).

Details were provided on the proposed appointment of Councillor Rankin as Convener of the Pensions Committee, to the Scheme Advisory Board for the Scottish Local Government Pension Scheme.

Decision

To agree the appointment of Councillor Rankin, as Convener of the Pensions Committee, to the Scheme Advisory Board for the Scottish Local Government Pension Scheme.

(References – Act of Council No 12 of 5 February 2015; report by the Director of Corporate Governance (submitted))

5. Pensions Committee Appointment

The Council had appointed two non-councillor members to the Pensions Committee as part of the implementation of governance changes which required the Council to accommodate the new arrangements for the Local Government Pension Scheme.

Details were provided of a further application which had been received and overlooked due to an administrative oversight, and on one of the previous appointees who had now withdrawn his application.

Decision

To approve the appointment of Richard Lamont as a member of the Pensions Committee, being nominated from the employer group in place of Darren May.

(References – Act of Council No 5 of 12 March 2015; report by the Director of Corporate Governance, submitted.)

6. Elected Member Remuneration

Details were provided on the Scottish Parliament's agreement for an increase of 1% in remuneration for Councillors in 2015/16.

Decision

To note the increase in elected member remuneration as set out in Appendix 1 to the report by the Director of Corporate Governance.

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

7. Local Government Boundary Commission for Scotland Ward Proposals – Consultation Response

Details were provided on the Local Government Boundary Commission for Scotland's proposals for the reconfiguration of wards together with an overview of matters for inclusion in the Council's response.

Decision

- 1) To write to the Local Government Boundary Commission for Scotland outlining the Council's response as outlined in the report by the Director of Corporate Governance and request that the Commission:
 - a) reviews its proposals in light of the significant changes in actual and forecast electorate data before it develops its final recommendations for submission to Scottish Ministers;

- b) reviews its proposals for ward boundaries as outlined in paragraph 3.8 of the report;
 - c) changes the name of Ward 16 Liberton/Gilmerton to Gilmerton, if proposals are agreed; and
 - d) notes the City of Edinburgh Council's concerns that any slippage in the review schedule could have significant impact on the implementation of changes to electoral arrangements for the Local Government election in May 2017.
- 2) To note that the next stage of the review was expected to commence in July 2015 and there would be consultation with the public on ward boundary proposals.

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

8. Health and Social Care Integration Scheme: Consultation Responses

The Corporate Policy and Strategy Committee had approved the Draft integration Scheme between NHS Lothian and the City of Edinburgh Council in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014 for consultation.

Details were provided on the responses received to the public consultation on the Draft Integration Scheme between NHS Lothian and the City of Edinburgh Council.

Decision

- 1) To note the responses to the consultation and the approach taken due to the timescale for submission.
- 2) To note the summary of responses received and the feedback from the Council and NHS Lothian.
- 3) To note that changes were made to the Integration Scheme prior to submission to Scottish Government.
- 4) To note that the remainder of the comments and suggestions would be forwarded to the shadow Integration Joint Board and shadow Strategic Planning Group for Action.

(References – Corporate Policy and Strategy Committee 20 January 2015 (item 6); report by the Director of Health and Social Care, submitted.)

Declaration of Interest

Councillor Edie declared a financial interest in the above item as Chair of the Care Inspectorate and left the meeting during the Council's consideration.

9. Request for Prudential Borrowing and Award of Contract for Stair Lighting – Energy Efficiency Proposal

Details were provided on the outcome of the business case which had been developed to advise on the costs of an LED replacement programme and the projected savings which could be generated through reduced maintenance and electricity costs as well as a reduction in carbon emissions. Approval was sought for prudential borrowing of £2.13 million over 10 years and the award of a one year contract for the upgrading of approximately 22,500 light fittings.

Decision

- 1) To approve the capital costs of approximately £2.13million, required to fund the LED lighting upgrade for the next year from prudential borrowing.
- 2) To award a one year contract for the supply of LED rear trays and diffusers to Edmundson Electrical Ltd at an estimated contract value of £1.35million.
- 3) To agree to receive a further report in April 2016 and on an annual basis until the project was completed on the roll out of the project and to approve the installation of the gear trays and diffusers by Edinburgh Building Services (EBS) at a cost of £0.725 million.

(Reference – report by the Acting Director of Services for Communities, submitted.)

10. 2014 Edinburgh People Survey Headline Results – referral from the Corporate Policy and Strategy Committee

The Corporate Policy and Strategy Committee had referred a report which summarised the results of the Edinburgh People Survey in the context of the previous five years of survey research and highlighted the long term positive progress made across the broad range of services.

Motion

- 1) To note the 2014 Edinburgh People Survey headline results.
- 2) To note that the Committee had agreed to the next steps outlined in paragraphs 3.38 and 3.39 of the report by the Director of Corporate Governance.

- 3) To note that the Committee had affirmed the Council's commitment to address highlighted priorities and local issues.
- 4) To note that the Committee had agreed the planned programme of briefings and communications as detailed in Appendix 4 of the report by the Director of Corporate Governance.
- 5) To note that a follow-up report would be discussed at the next Corporate, Policy and Strategy Committee on 12th May 2015; and that actions being taken to improve performance against the earlier highlighted indicators, would be identified and recommended for approval.
- 6) To note within the latest "Local Government Benchmarking Framework" ...
(see:
http://www.edinburgh.gov.uk/downloads/download/581/local_government_benchmarking_framework)

... it is possible to examine and compare performance across the range of services that the City of Edinburgh Council provides, against other Scottish Local Authorities.

- 7) To note that Under the **five strategic outcomes**, outlined in the Council's Strategic Plan 2012-17, the main measurable findings were:
 - A Edinburgh's children and young people enjoy their childhood and fulfil their potential**
 - S5 attainment rates for both all pupils and pupils in the 20% most deprived areas of the city show a steady improvement over the three year period to 2013/14.
 - The proportion of pupils entering positive destinations dipped slightly in the year to 2013/14, but continues to compare well against other Scottish major city authorities.
 - Cost per pupil of primary and secondary education, and pre-school registration all show a drop over the past three years, at a rate of decline higher than the Scottish average.
 - B Edinburgh's economy delivers increased investment, jobs and opportunities for all**
 - Data for 2013/14 shows an above average increase in Edinburgh over the last two years in the percentage of unemployed people assisted into work from Council operated Employability Programmes.
 - The proportion of unemployed people assisted into work by the Council increased from 5.0% to 8.6%. This was a larger increase than the Scottish average over the same period, which changed from 9.6% to 12.6%.

C Edinburgh is an excellent place in which to live, study, work, visit and invest

- Average times taken to complete non-emergency repairs are below the Scottish average in 2013/14.
- Latest data show an above average proportion of housing stock meet SHQS and energy efficiency standards.
- Data for 2013/14 shows the real cost per premises of waste collection and disposal in Edinburgh has dropped more quickly than the Scottish average over the past three years.
- Recycling rates have grown more quickly than the Scottish average since 2010/11, and in 2013/14 remain higher than in any other major Scottish city authority.
- Latest data show a significant and above average drop in the real cost per person of street cleaning in Edinburgh. This comes alongside an improvement in Edinburgh's ranking against other authorities for the percentage of streets meeting cleanliness standards.

D Health and wellbeing are improved in Edinburgh and there is a high quality of care and protection in place for those who need it

- The cost per resident of adult residential care dropped by 12% over 2010/11 to 2013/14, compared to a Scottish average drop of 10%.
- Cost of home care provision per hour dropped by almost 10% in the latest year for which data is available, reversing an increasing trend over the previous two years.
- Self directed support (SDS) spend as a % of total social spend on adults shows a steady increase over the last three years. At 5.99% in 2013/14, Edinburgh records the second highest rate recorded across all Scottish Local Authorities.

E The Council is an efficient, effective organisation and a great place to work

- Cost per resident of democratic core services shows a decline of 16% over the past three years, significantly higher than the Scottish average change for the period. These costs, it should be noted, extend beyond direct support to members, with the majority of reported expenditure relating to officer support of the Council's democratic structures.
- On equalities measures, women account for 54% of the top 5% earning council staff. This represents an improving trend over the past three years.
- Cost per dwelling of collecting council tax is down by 7% over the past three years. At the same time, council tax collection rates show a slight improvement over the period and remain higher than in other Scottish city authorities.

- 8) To acknowledge that the most recent “Local Government Benchmarking Framework” report indicated a series of measurable, positive findings for City of Edinburgh Council services; when these services were compared to other Scottish Local Authorities.
- 9) To acknowledge that performance in specific service areas, as identified by the 2014 Edinburgh People Survey, was perceived as declining in standard.
- 10) To acknowledge that actions were being taken to improve performance against these highlighted indicators, with a follow-up report to be discussed at the next Corporate, Policy and Strategy Committee on 12th May 2015.

- moved by Councillor Burns, seconded by Councillor Howat

Amendment

- 1) To note with concern the results of the 2014 People’s Survey which highlighted the increasing dissatisfaction amongst Edinburgh residents with core services provided to all residents.
- 2) To note that the refuse and recycling services had undergone service redesign which had not achieved forecast savings or recycling targets and had seen satisfaction levels drop from 78% to 62% for refuse collection and 84% to 65% for recycling.
- 3) To note the reduction in satisfaction with management of dog fouling from 48% to 30%.
- 4) To further note that the survey showed a worsening trend around management of violent crime, vandalism and graffiti.
- 5) To consider that the Capital Coalition’s time in administration was marred by a lack of focus on core services and a failure to address the need for structured change to meet financial savings and continue to deliver improving services.
- 6) To call for reports to the relevant Committees with plans to improve performance in refuse collection and recycling within one cycle and to continue to report performance against these plans at every Committee until the trend is reversed.
- 7) To request officers to revise the Local Policing Plan and Service Level Agreement with the Edinburgh Division for the forthcoming year to take account of the worsening trend and to deliver improvements in these areas reporting this through the Police and Fire Scrutiny Committee.
- 8) To agree the next steps outlined in paragraphs 3.38 and 3.39 of the report by the Director of Corporate Governance.

- 9) To affirm the Council's commitment to address highlighted priorities and local issues.
- 10) To agree the planned programme of briefings and communications as detailed in Appendix 4 of the report by the Director of Corporate Governance.
- 11) To note that the Committee was concerned that, whilst resident satisfaction with the City as a place to live and certain areas of Council performance was consistently high, there were at least a dozen examples where Council performance was now below 60% and had been worsening or had not significantly improved over the last 5 years, for example:
 - Feeling able to have a say on local issues and services
 - Management of anti-social behaviour issues
 - Facilities for older people
 - Protection and support for vulnerable people
- 12) To request that for these areas of Council performance, a further report be provided which included;
 - Further explanation of the possible reasons for the levels of satisfaction in each of these areas of Council performance
 - Actions that could be taken to improve performance in each of these areas of Council performance

- moved by Councillor Mowat, seconded by Councillor Nick Cook

Voting

The voting was as follows:

For the motion	-	36 votes
For the amendment	-	18 votes

Decision

To approve the motion by Councillor Burns

(References – Corporate Policy and Strategy Committee 24 March 2015 (item 8); referral report from the Corporate Policy and Strategy Committee, submitted.)

11. Pan Scotland Local Authority Business Loan Fund – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on proposals that had been developed by the boards of East of Scotland Investment Fund (ESIF), the West of Scotland Loan Fund (WSLF), the Scottish Local Authority Economic Development Group (SLAED) and the Scottish Government to form a new £18million Pan-Scotland Local Authority Business Loan Fund for approval of the Council's membership.

Decision

To approve the Council's membership of the Business Loan fund and to delegate authority to the Director of Economic Development in consultation with the Head of Legal, Risk and Compliance to enter into the necessary legal agreements to allow the Council to become a member of the Scottish Local Authority Business Loan Fund Limited; and transfer funds from both existing schemes (ESIF) and (ESBLF) to the new company.

(References – Finance and Resources Committee 19 March 2015 (item 27); referral report from the Finance and Resources Committee, submitted)

12 The Willow Service – Motion by Councillor Ricky Henderson

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

“Council notes the success of the Willow Service in winning the Gold Award 2015 in the category of tackling inequalities and improving health at the COSLA Excellence Awards for outstanding quality of service.

Council also notes that the Willow Service is not only a partnership of the Council, NHS Lothian and the third sector but that service users are engaged in the design and continuous improvement of the service.

Council thanks all those involved in this ground-breaking work with women who have been marginalised within society - often coming from backgrounds of trauma and abuse - supporting them into recovery and away from their former lifestyles.

Council gives special congratulations to the service users who have not only moved successfully into recovery but also worked to improve the service and given presentations on their experiences as part of the winning bid.”

Decision

To approve the motion by Councillor Ricky Henderson.

13. Shelter Scotland's "Making Renting Right" Campaign – Motion by Councillor Burgess

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

"This Council:

Welcomes Shelter Scotland's 'Make Renting Right' campaign and supports the charity's calls for reform of the private rented sector: in particular, to provide tenants with greater security of tenure, including longer standard tenancies; and measures to improve the predictability and affordability of rents for tenants, including a cap on rent rises, and limiting the frequency of rent rises."

Motion

This Council:

- 1) Welcomes Shelter Scotland's 'Make Renting Right' campaign and supports the charity's calls for reform of the private rented sector so therefore supports Shelter Scotland's calls for a private rented sector that:
 - offers stability for people wanting to make rented housing their home,
 - provides flexibility for people to stay in their home as long as they need
 - provides a modern tenancy that gives security and flexibility for tenants AND landlords
 - ensures a fair system for sorting out renting problems when they occur; and
 - ensures predictable rents for tenants and landlords.
- 2) Notes that the Council's response to the Scottish Government's consultation on a new tenancy for the private rented sector in December 2014 sought to increase security for tenants, whilst not putting supply at risk.
- 3) Notes the ongoing partnership working with landlords through the Private Rented Sector forum and the Housing Service's efforts over recent months to crack down on poor landlord practices.

- 4) Requests that the Leader and Depute Leader sign up to Shelter Scotland's campaign.

- moved by Councillor Burgess, seconded by Councillor Day

Amendment

Council notes Shelter Scotland's 'Make Renting Right' campaign. Council considers that whilst many of the measures it includes may be superficially attractive, such as rent caps, these would in practice work against the interests of private rented tenants in the longer term. Evidence from across the UK and around the world conclusively demonstrates that rent controls lead to poorer quality accommodation, fewer homes being rented and ultimately higher rents.

In particular rent controls decimated the private rented sector between the introduction of the 1939 Rent and Mortgage Interest Restrictions Act, and the abolition of rent controls at the end of the 1980s. During this period the UK private rented sector fell from 55% of households to just 8% and many landlords could not afford to improve or maintain their homes leading to worsening conditions for tenants.

Council considers that alternative measures could have a much greater beneficial impact for tenants such as:

- an expansion of the provision of affordable housing;
- the use of conditional exemptions to the Land and Building Transactions Tax when private buy-to-let investors commit to offering affordable rents for a set period of time;
- and an increase in the use of long-term rent lock schemes to ensure affordable rents for tenants whilst guaranteeing a rental income to the landlord.

Council notes that, UK wide, private rents have fallen in real terms every year since 2010 and considers that the interests of tenants are best served by measures which encourage choice and competition, rather than excessive regulation.

- moved by Councillor Whyte, seconded by Councillor Rust

Voting

The voting was as follows:

For the motion (as adjusted)	-	41 votes
For the amendment	-	11 votes

Decision

To approve the motion by Councillor Burgess as adjusted.

Declaration of Interest

Councillor Corbett declared a financial interest in the above item as an employee of Shelter Scotland and left the meeting during the Council's consideration.

14. Exploitation of Workers – Motion by Councillor Rankin

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

“This Council condemns the exploitation of workers through the use of zero hours with exclusivity clauses, the payment by workers of employers' NI contributions, the rolling-up of holidays to deny paid leave and the use of expenses and Performance Related Pay as so-called pay supplements.

This Council recognises that, whilst the practice is particularly prevalent in the construction industry, where blacklisting and the exploitation of bogus self-employment has been a long standing concern of the trade union movement, there is a real danger that the exploitation of workers is spreading to other sectors, including organisations known as ‘umbrella companies’.

This Council is particularly concerned that workers engaged on public sector contracts may be subjected to exploitation.

This Council therefore resolves to:

- Instruct appropriate Council officials to investigate and report back on any use of exploitative practices on Council related contracts;
- Review the terms of all new contracts in which the Council is involved, with a view to securing direct employment, with full employment rights, for workers;

Communicate the Council's concerns regarding the use of exploitative contracts to the Scottish Government urging them to introduce measures to render them illegal.”

Motion

- 1) To approve the motion by Councillor Rankin.
- 2) To insert a new bullet point at the start of the list:
 - Build on the Green Group Motion of September 2013 which agreed an investigation of the use of zero hours contracts by the Council and by contractors working on behalf of the Council – with a report on

progress with that motion to go to the Finance and Resources Committee no later than June 2015.

3) In the final bullet point add “and UK Government” after Scottish Government.

- moved by Councillor Rankin, seconded by Councillor Bill Cook.

Amendment

- 1) Council notes concerns that illegal and exploitative employment practices are occasionally used in some industries to take advantage of workers.
- 2) Council agrees that this should not be the case on any Council contracts and recognises the helpful legislative framework already in place at UK and European levels to address this. Specifically Council:
 - welcomes the action taken by the UK Government through Section 153 of the Small Business, Enterprise and Employment Act 2015 which outlawed exclusivity provisions in zero hours contracts;
 - notes that the European Court of Justice ruled that the practice of “rolling up” holiday pay contravenes the Working Time Directive and is therefore unlawful and that the Scottish Court of Session ruled the practice unlawful in terms of the Working Time Directive in the case of MPB Structure v Munro.
- 3) Council recognises that the update report on Zero Hours Contracts presented to the Finance and Resources Committee on Thursday 28 November 2013 states that, “It has also been determined that it would not be legally possible to compel [Council] contractors to provide contractual information about their employees”.
- 4) Council further notes the operation of around 2,500 “supply” or “casual” employment contracts within the Council itself which provide a wide-range of cover for absence and seasonal/occasional work, including teachers, learning assistants, foster carers, home carers and social workers. These are providing flexible working terms for both employer and employee.
- 5) Council therefore instructs the Director of Corporate Governance:
 - to investigate and report back on any suspected use of exploitative practices on Council related contracts;
 - Review the terms of all new contracts in which the Council is involved to ensure that the use of illegal employment practices by contractors and sub-contractors is a default of contract and that the previous

behaviour of potential contractors in regard to employment law is investigated through the PQQ process;

- Investigate the use of the Council's "Safe-Call" whistleblowing facility as a means by which employees of Council contractors and their sub-contractors could report breaches of employment law to the Council.

- moved by Councillor Rust, seconded by Councillor Whyte

Voting

The voting was as follows:

For the motion (as adjusted)	-	44 votes
For the amendment	-	11 votes

Decision

To approve the motion by Councillor Rankin, as adjusted.

15 Oxgangs Neighbourhood Centre – Motion by Councillor Rust

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

"Council:-

- 1) Congratulates Oxgangs Neighbourhood Centre (ONC) on its 20th birthday.
- 2) Notes that ONC was established in 1995 to address the needs of residents in the Oxgangs high rise flats that it particularly focussed on vulnerable and socially isolated members of the community and continues to provide a range of activities to the surrounding area for locals of all ages.
- 3) Thanks the management committee, staff, volunteers and key partners for their work in making ONC such a success and in particular for their efforts in securing funding and as broad a range of activities as possible.
- 4) Requests that the Lord Provost recognise this anniversary in an appropriate manner."

Decision

To approve the motion by Councillor Rust.

16 Nepal – Emergency Motion by the Lord Provost

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Council to give early consideration to this matter.

The following motion by the Lord Provost was submitted in terms of Standing Order 16:

“Council expresses its deep concern and sympathy for the people of Nepal following recent disastrous events in one of the poorest countries in the world.

Council urges Edinburgh’s residents to show their generosity by sending an emergency donation now to the Mercy Corps Earthquake Appeal. See <https://www.mercycorps.org.uk/u/earthquake-survivors-need-you-now> .

Council agrees to hold a Candlelit Vigil in support of Nepal at 4pm on Saturday 2 May 2015 in the Quadrangle at the City Chambers.

Edinburgh residents are invited to join the Lord Provost and Elected Members of the Council for this important occasion.”

Decision

To approve the motion by the Lord Provost.

Appendix 1

(As referred to in Act of Council No 2 of 30 April 2015)

QUESTION NO 1

By Councillor Aldridge for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 30 April 2015

Question

- (1)** What are the numbers of people on waiting lists for social care assessments throughout the city? Please provide the information broken down by client group and geographical area.

Answer

- (1) The number of people on waiting lists for social care assessments (as at 20 April 2015) is 1320. Based on the data recorded on the system, approximately 58% are outwith the departmental target timescale for assessment (Urgent - within 24 hours; A - within 2 weeks; B - within 4 weeks).

This is shown in the following tables, split by client group and geographical area (Council wards).

(Note: Includes people who are within the target timescale for assessment.)

Number of people on the waiting list as at 20 April 2015 by client group

Category	Total
Substance misuse	45
Carers	25
Learning Disability	65
Mental Health Problems	76
Other vulnerable groups	94
Physical Disability	158
Older People	815
Not Known	42
Grand Total	1320

Number of people on the waiting list as at 20 April 2015 by ward

Ward	Total
Almond	19
City Centre	77
Colinton/Fairmilehead	134
Corstorphine/Murrayfield	107
Drum Brae/Gyle	105
Forth	48
Leith Walk	121
Liberton/Gilmerton	80
Meadows/Morningside	50
Pentland Hills	149
Portobello/Craigmillar	194
Sighthill/Gorgie	131
Southside/Newington	41
Not Recorded	56
Outwith Edinburgh	8
Grand Total	1320

Question (2) What is the average waiting time for assessment since 2012? Please provide the information broken down by client group and geographical area.

Answer (2) The average waiting time for assessment since April 2012 is 21.7 days.

This is shown in the following tables, split by client group and geographical area (Council wards).

(Note: only includes assessments which have been completed)

Average number of days on the waiting list since April 2012 by client group

Category	Average number of days
Substance misuse	21.4
Carers	30.6
Learning Disability	31.8
Mental Health Problems	19.0
Not Known	18.0
Other vulnerable groups	16.5
Physical Disability	28.2
Older People	21.1
Grand Total	21.7

Average Number of days on the waiting list since April 2012 by ward (on next page)

Ward	Average number of days
Almond	23.8
City Centre	23.1
Colinton/Fairmilehead	23.1
Corstorphine/Murrayfield	22.4
Drum Brae/Gyle	19.9
Forth	19.6
Leith Walk	17.4
Liberton/Gilmerton	25.0
Meadows/Morningside	20.0
Not Known	16.6
Pentland Hills	26.2
Portobello/Craigmillar	23.6
Sighthill/Gorgie	24.6
Southside/Newington	23.7
Grand Total	21.7

Question (3) What has been the longest waiting time for an assessment since April 2012? Please provide the information broken down by client group and geographical area.

Answer (3) The longest recorded waiting time for an assessment is 301 days (as at 20 April 2015). The individual is waiting for a social work assessment in the South West sector (geographical area: Sighthill/Gorgie; client group: Other vulnerable groups).

Supplementary Question

- (1) Thank you for the detailed answers. My reading of the answers are that the average number of days that you have to wait for an assessment let alone a care package, if you're a carer, if you have a learning disability or if you have a physical disability in this city is well outwith the 4 week target for the least urgent cases. That means well over half of people waiting longer than the target for the least urgent cases.

Convener, are you as outraged as I am that this area of your remit seems totally out of control at present, what are you doing about it and when will you meet the agreed departmental targets?

Supplementary Answer

- (1) Thank you Councillor Aldridge for your follow-up. I agree with him that there is a lot of complex and detailed information in there and I would also agree with him that it is a matter of regret that we're not reaching our targets and we do wish to achieve the highest possible standards.

He will be aware, as I'm sure all members are, that there are now far more people who live in Edinburgh who are over the age of 85 and who have a greater need of care assessments and care services and these demographic pressures result in a substantial increase in terms of the pressure on the Department – it's up round about 30% during the time of this particular Administration. Of course he'll also be aware of the funding pressures that we're currently under and continue to be under and I think probably for the foreseeable future. However, in spite of those challenges, I hope Councillor Aldridge will take some comfort from the fact that the average waiting time during this Administration has actually reduced to 21.7 days from the 23.4 days which was the average waiting time for assessments that was recorded between 2007 and 2012. This has been achieved through a number of restructurings and efficiencies within the Department, so I think it shows good progress despite the pressures that we have and the challenges that we have and we'll continue to work towards achieving the targets that we've set out.

QUESTION NO 2

**By Councillor Rose for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 30 April 2015**

Question (1) How many employees have been found under the influence of, or in possession of, illegal drugs during work hours for each of the last three years (up to 31.3.15)?

Answer (1) There is no recorded information in relation to these questions. There is however, clear guidance on dealing with employee alcohol and drug misuse contained in the Council's [Policy on Alcohol, Drugs and Substance Misuse](#), which was considered by the former Policy and Strategy Committee on 9 August 2011 (item no 6).

Question (2) How many (if any) have been reported to Police Scotland?

Answer (2) See above

Question (3) What other action has resulted from such cases?

Answer (3) See above

Supplementary Question (1) I thank the Convener for his answer to my question. I'm well aware of the Council's policy on Alcohol, Drugs and Substance Misuse, but would you not like to know the answer to my question – How many people have been found with illegal drugs at work and if any such people have been reported to Police Scotland? I think it would be a helpful piece of information to know – do you?

Supplementary Answer (1) I thank Councillor Rose for his question. Yes indeed, I think these things would be useful to know and you would expect them to come to light in the course of the observance of the Council's Policy on Dugs and Alcohol Misuse. I can't see what more we could do really unless you're suggesting that we have some more intrusive form of policy, but I'm happy to look at any changes to that policy that you think might be constructive and help us to identify any of these issues but, I'm not clear that it is in general an issue in the Council.

Supplementary Question (2) Can I just follow up then Lord Provost. In that case would you be happy to find the information in answer to my question so that we can know to what extent it is a problem within the Council.

Supplementary Answer (2) I'd be happy to look at just how effective the use of resources it would be to obtain that information. I'm not sure necessarily that the amount of effort would be proportionate to the result we might get but I think it's certainly a matter I'd be happy to continue to discuss with you.

QUESTION NO 3

**By Councillor Rose for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 30 April 2015**

Question (1) Could the number of employees who have left Edinburgh Council in each of the last three years under Voluntary Early Release Arrangements, voluntary or compulsory redundancy or Voluntary Severance, be updated to the end of March 2015?

Answer (1)

Year	Total number of Exit Packages
2012/13*	223
2013/14*	152
2014/15**	64

* As per Audited Financial Statements for 2013-14

** To date - accounts not closed so figure may change

Link to Audited Financial Statements for 2013-14:

http://www.edinburgh.gov.uk/meetings/meeting/3527/city_of_edinburgh_council (8.4 - page 145)

Question (2) How many of these, over the three years, were the subject of disciplinary action or contemplated disciplinary action?

Answer (2)

Year	
2012/13	5
2013/14	1
2014/15	1

QUESTION NO 4

By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 30 April 2015

Question (1) In respect of the various changes to the senior management team at Castlebrae Community High School during the past five years, who appointed the senior management team?

Answer (1) In February 2011 Graeme Thomson was appointed as the substantive Head teacher through normal recruitment and selection procedures.

Following the Council's decision to keep the school open in March 2013 a staff and management refresh was identified as a priority for action and there have been regular reports to the Education, Children and Families Committee on Castlebrae Community High School where Committee were informed about management arrangements and endorsed the approach being progressed.

On 21 May 2013 the Education, Children and Families Committee approved a report on Castlebrae Community High School which included the recommendation "to request the Director of Children and Families to proceed with short term improvement actions including a refresh of teaching and senior management staff".

On 10 December 2013 the Education, Children and Families Committee "approved the introduction of a revised management structure to deliver Castlebrae Learning Community by August 2015 and the appointment of a permanent Headteacher by August 2015".

On 9 December 2014 the Education, Children and Families Committee "noted the progress in management arrangements with the Castlebrae Learning Community".

In addition there was also an officer-member working group on Castlebrae, which looked at the future of the school in detail and received regular updates on progress (minutes of working group meetings on 18 June 2013, 28 June 2013, specifically outlined progress on staffing). This working group was Chaired by Councillor Fullerton and included cross party and community representation.

The appointment of an acting Headteacher in June 2013 was taken forward by the Head of Schools and Community Services. The appointment of acting Deputes was taken forward by the Acting Headteacher. This was in accordance with council policy which allows staff to be transferred, on a temporary basis with their agreement, if required.

The recruitment of a permanent Headteacher is underway and the post will be advertised nationally in May 2015 to start in August 2015.

Question (2) Were full recruitment and selection procedures followed?

Answer (2) In February 2011 the appointment was made through normal recruitment and selection procedures.

The appointment of an acting Headteacher in June 2013 was in accordance with council policy which allows staff to be transferred, on a temporary basis. Council policy permits the transfer of staff, on a temporary basis with their agreement, if required in exceptional circumstances without following full recruitment and selection procedures. The circumstances here were judged as exceptional.

Following the decision not to close Castlebrae school it was agreed that there should be a refresh of the management of the school and that this needed to happen swiftly. Given the school's low roll and unique circumstances normal recruitment processes were judged unlikely to be successful at that time. The previous national advert for the Headteacher position had attracted very few applicants.

An experienced, serving Headteacher was asked if he would be willing to lead the school on a temporary basis until a permanent successor could be appointed.

At the first officer-member working group the temporary headteacher appointment was welcomed by community representatives and elected members.

**Supplementary
Question**

I thank the Convener for his answer. Two points in relation to Question 2 – there seems to be some confusion or possibly it's just me, between full and normal recruitment selection procedures and I just wondered if he could explain what the difference is, if there is one.

Secondly, when was the last national advert for the Headteacher position at Castlebrae placed, how many people applied and who got the post.

**Supplementary
Answer**

Councillor Rose will be aware that the Headteacher recruitment for Castlebrae High School is underway at this point in time and we are looking to appoint a substantive Headteacher as quickly as possible. The recruitment process is underway and I hope and I'm sure that every member of this Council hopes and we would all agree that what the school needs now is stability and that is what we are seeking.

With regard to Councillor Rust's substantive points, I'm happy to meet with him to discuss the historical recruitment process in full and we can go through that in detail.

QUESTION NO 5

By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 30 April 2015

National 5's

Question (1) In respect of the National 5 timetable, which schools cap the number of subjects which may be taken in one session to six subjects?

Answer (1) The Senior phase of Curriculum for Excellence aims to prepare young people for qualifications and develop skills for future learning, life and work. A young person's attainment on leaving school, i.e. the totality of their qualifications and achievements on leaving school, is the key measure of success.

Edinburgh's implementation of Curriculum for Excellence is judged by Education Scotland to be strong.

Education attainment in Edinburgh has improved significantly since 2007 with performance above the national average and comparators on most measures where data is available. Using Average Tariff Score measures, Edinburgh's highest performing 20% of students achieved 38 points above the national average, the middle 60% achieved 23 points above and the lowest achieving 20% achieved 10 points above the national average.

The number of young people leaving school into positive destinations has increased significantly and is now in line with the national average.

Education Scotland note that "The guiding principle is that qualifications, awards and achievements are taken at the right pace and stage for the individual over the Senior Phase which for an increasing number of young people will be for up to three years. A strong pattern is emerging where the majority of schools are offering six or seven subjects at the end of S4".

Fife, West and East and Midlothian have taken the same approach as Edinburgh. Edinburgh schools are offering a core model of either six, seven or eight subjects at the start of S4, alongside a range of other opportunities to take account of wider achievement.

Schools offering a core model of six National 5s:

- Castlebrae
- Craigmount
- Craigroyston
- Drummond
- Forrester
- Gracemount
- Leith
- Liberton
- Queensferry
- Trinity
- Tynecastle
- WHEC

Question (2) Which of these schools offer the ability to undertake additional courses under extra-curricular arrangements?

Answer (2) Schools respond to individual pupil needs. This session (2014/15) the schools below have made the following additional arrangements to their core six Nat 5 model.

Drummond – languages, ESOL

Tynecastle – languages

Craigroyston - languages

Liberton - music

Queensferry - physics

Trinity – geography, biology

Question (3) Which schools offer an option of more than six subjects and if so, how many do they offer?

Answer (3) **Seven** - Balerno , Broughton, St Augustine's
Eight - Boroughmuir, Currie, Holy Rood, JGHS, Portobello, St Thomas's, The Royal High, Firrhill.

Question (4) What consultation was undertaken in each school to reach the decision on subject availability?

Answer (4) In line with national advice, the rationale and design of each CEC school's curriculum should be based on shared values and learners' entitlements, take account of local circumstances, of local and national advice and reflect the views of parents.

CEC has supported all secondary schools to devise their own rationale and curriculum, through detailed consultation with key partners including parents, to best meet the needs of their learners and local communities. Each school has details of specific consultation undertaken with parents.

All schools are expected to refresh and review their curriculum annually in line with local and national guidance to provide depth of learning for pupils. It is anticipated that Edinburgh schools will move, in line with the national pattern, towards a core model of up to 7 subjects in S4. This will be done in full consultation with parents.

QUESTION NO 6

By Councillor Orr for answer by the Council Leader at a meeting of the Council on 30 April 2015

Since May 2012 to the present day, what contact has there been senior Capital Coalition councillors and any current or former employees or representatives of either of the following two political lobbying firms: "Connections International Planning and Development Company" (which is understood to have been run by a former City of Edinburgh councillor) and "Scottish Political Solutions". Specifically:

Question (1) How many formal or informal meetings have been held, on what dates and at what locations, and what was being lobbied for at each meeting or what was the business or other purpose of the meeting?

Answer (1) See below

Question (2) How extensive have exchanges been by email, phone or text message and what was being lobbied for or what were the reasons for the exchanges?

Answer (1&2) The information requested is not held centrally.

Councillors are bound by the Councillors' Code of Conduct which sets out key principles and a set of rules of good conduct to be observed in all situations where councillors are acting as councillors. In order for the Council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it needs to encourage appropriate participation by organisations and individuals in the decision-making process. Councillors must observe the rules and standards in the Code in their contacts with those who seek to influence them. There is, however, no requirement to formally record all contacts.

Question (3) What gifts or hospitality of any value or description (if any) have been received by the senior councillors, and what other councillor colleagues were present or involved on each occasion?

Answer (3) Section 3 of The Councillors' Code of Conduct gives guidance on the acceptance of gifts and hospitality and on when they should be entered on the Councillors' Register of Interests. The Register of Interests and Expenses is available on the Council's website ([here](#)).

Supplementary Question

Can I thank Councillor Burns for his response to my question. It's not quite really what I was after obviously. Councillor Burns reports that the information's not held centrally and we have no record of contacts with the lobbyists. The reason I'm asking is, that I think Lord Provost, that everyone in this room wants to subscribe to the very highest standards of accountability and transparency. The Code of Conduct is referred to and one of the key parts of the Code of Conduct is openness and I'm not quite sure that this reply quite meets the highest standard of openness.

I think if we have friends who become lobbyists then that friendship sort of changes and any Councillor or any lobbyist should know that any meeting really should be on the public record and I feel that if I ask a colleague to disclose whether or not they've been meeting with lobbyists I should be told the answers.

Could I just ask Councillor Burns does he agree with me that if one Councillor wants to ask another Councillor about meetings with lobbyists that he should be told the details.

Supplementary Answer

Can I thank Councillor Orr for his question and his supplementary. Lord Provost, I do agree with the broad thrust of Councillor Orr's question and I do my very best in my position as Council Leader to lead a Council that is open and transparent and I think even our opponents would acknowledge that we have made significant strides. The webcasting that you've just referred to earlier Lord Provost is one small incidence of opening up the Council. So I think Councillor Orr is right to press on

these issues but it's not for me as Council Leader or for Council officers centrally to hold a record of every single meeting that each individual Councillor has and if Councillor Orr has a question about a specific Councillor then he needs to ask about a specific Councillor or group of Councillors. Overall the collection of meetings for all Senior Councillors would run into the thousands and it's not held centrally.

I think Councillor Orr probably knows that on reflection, if he wants to be more specific in a future question then he needs to be so.

**Additional
Comments**

Just briefly, in response to what Councillor Burns said actually my initial questions did detail every Senior Councillor but I was told by the clerks that they were not admissible so I asked my question in the way that I did but we can discuss that at another time.

QUESTION NO 7

**By Councillor Orr for answer by the
Convener of the Regulatory
Committee at a meeting of the
Council on 30 April 2015**

Question

Which individual, organisation or company was the ultimate beneficiary of the license approved by the Licensing Sub-Committee for “Edinburgh 2014” under item 6.1.2 (application for a street trading license for hot food) on 23rd May 2014 and what was the estimated financial value of the license under the improved conditions for this license finally agreed on 20th June 2014?

Answer

The Council received an application for a temporary Street Trading Licence from a Company named ‘Edinburgh 2014 Ltd’ and for which the named day to day manager for the licence is Ms Elaine Douglas. This was to trade from a location in Hunters Square between 1 and 25 August 2014. The application was granted by the Licensing Sub-Committee on 23 May 2014.

Subsequent to that decision an application to vary the licence to allow trading to 3am and a second application to exempt the traders from the requirement to obtain a late hours catering licence was received on 4 June 2014.

These applications were in the same company name and manager’s name as the previous application. Both subsequent licence applications were granted by the Licensing Sub-Committee on 20 June 2014.

All the above information, in terms of applicant details, is contained in the Public Register of licences which appears on the Council website.

Businesses licensed by the Council are required to pay the appropriate fee set by the Council.

The Council does not have any role in monitoring the value of any licence and has no legal power to require that information.

**Supplementary
Question**

My questions relate generally to the Tron Kirk Project which colleagues will know has been the subject of comment in the national press and so what I'm really doing with these questions is basically asking questions the answers to which I already know to put them on the record. Again with this question there's not really an answer that's come forward and I thank Councillor Barrie for the effort but it's not really answering the question. The actual answer to the question for who was the ultimate beneficiary of this hot food stall is a Funfair firm in Edinburgh, which I wanted to put on the public record.

So I'd like to ask Councillor Barrie if he doesn't agree with me that given these two meetings in May and June 2014 were a bit fractious, both of the deals were done following a division in the Committee. Given that these food stalls were totally against Council policy, there was huge opposition from local Councillors, several officers, the police, numerous local businesses and given that the two parties that were involved in the licence, one of them is the former business partner of a Senior Councillor in this Council, another one is the Funfair firm also closely connected to Senior Councillors in this Council, does Councillor Barrie not think that perhaps colleagues should have been told of these connections before the decision was taken.

**Supplementary
Answer**

Councillor Orr, I'll have to disagree with you. The paper that was put before Council had all of the relevant detail we needed to make a decision. As you'll be perfectly aware the Regulatory Committee and the Licensing Sub-Committee are not whip Committees, there is an open debate. As Convener I absolutely encourage a division if that's the way Councillors feel, to do anything else would be false and belie the fact that it is a non whipped and partial quasi judicial Committee.

The benefactors probably of these Licenses were probably members of the public who were hungry and could get street food which is not normally allowed.

Currently it is Council policy, it is Council policy, to allow such street trading as this. If you have some difficulty in finding out what Council policy is, I'm sure I can help you myself or perhaps get a Council officer. Similarly the

question you asked is all freely available on the Council's website.

It's a pity you hadn't done the right thing and looked that up yourself rather than making this the subject of a Council question. I don't believe this is appropriate.

QUESTION NO 8

**By Councillor Orr for answer by the
Convener of the Culture and Sport
Committee at a meeting of the
Council on 30 April 2015**

Question

Can the Festivals and Events Champion summarise the nature of the involvement of any former employees or representatives of lobbying firm Connections International Planning and Development Company in the running of the Tron Kirk as a venue in 2013 and 2014 and the involvement of any of their family members, and (if appropriate) also confirm that any financial interest was disclosed to the Edinburgh International Jazz and Blues Festival Board (and so minuted) when the decision was made to use the Tron Kirk as a main hub for the 2013 and 2014 festivals?

Answer

The Tron Kirk property is leased to Mr Kenneth Waugh for the summer festival periods in 2013, 2014 and 2015. The lease is a contractual relationship between the Council and Mr Waugh and the Estates department has had no involvement with Connections International Planning and Development.

The request for confirmation of disclosure of financial interest and minutes is a matter for the Edinburgh Jazz and Blues Festival Board.

**Supplementary
Question**

Is it appropriate for me to ask a question on the Edinburgh International Jazz and Blues Festival Board of Councillor Lewis as we elect him to that Board.

Can I ask a supplementary on that Board?

The Jazz and Blues Festival use the Tron Kirk as their hub so the question is for Councillor Lewis.

One of the lobbyists that I've been asking questions about has a financial interest in the Tron Kirk, I think personally and I think certainly via a family member who actually ran the bar in the venue. Now given that that person's also on the Board of the Jazz and Blues Festival, can I ask

Councillor Lewis to confirm that that financial interest was disclosed to fellow Jazz and Blues Festival Board Members before the decision was taken to use the Tron Kirk as the hub for the Festival.

**Supplementary
Answer**

I confess I'm slightly bemused at the question – I mean – as you all know the Jazz and Blues Festival's an independent organisation and any such questions it's only right in terms of the governance would have to go to the Chairman, Brian Fallon and the Board at that point would make a decision about how they would respond.