

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 20 August 2015**

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 25 June 2015 (circulated) – submitted for approval as a correct record

## **5. Questions**

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- 5.1 By Councillor Jackson – Public Toilets – for answer by the Convener of the Transport and Environment Committee
- 5.2 By Councillor Nick Cook – Waste Issues – for answer by the Convener of the Transport and Environment Committee
- 5.3 By Councillor Nick Cook – Road Repairs – for answer by the Convener of the Transport and Environment Committee
- 5.4 By Councillor Whyte – Data Breaches – for answer by the Convener of the Finance and Resources Committee

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

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- 6.1 Leader's report (circulated)

## **7. Appointments**

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- 7.1 Appointments to the Board of Edinburgh Community Solar Co-operative – report by the Chief Operating Officer and Deputy Chief Executive (circulated)
- 7.2 Appointment to the Rosyth Local Liaison Committee – report by the Acting Director of Services for Communities (circulated)

## 8. Reports

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- 8.1 Edinburgh Tram Inquiry - report by the Chief Executive (circulated)
- 8.2 Appointment of Executive Director of Place – report by the Chief Executive (circulated)
- 8.3 Future Investment in the School Estate - Wave 4 – report by the Executive Director of Communities and Families (circulated)
- 8.4 Reprioritisation of the Services for Communities Capital Investment Programme – report by the Acting Director of Services for Communities (circulated)

## 9. Motions

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- 9.1 By Councillor Hinds - LifeCare

“Council congratulates LifeCare, an organisation which reaches out to the hundreds of isolated older people living in the city, on receiving the *Queen’s Award for Voluntary Service*.

LifeCare, in partnership with the Broomhouse Centre, has also been successful in an application to the Big Lottery Fund for *Vintage VIBES*, a project which will reach out to people across the city by offering them a range of long term befriending opportunities including home visiting to friendship groups and days out.

Council recognises the contribution of volunteers to these achievements and asks the Lord Provost to acknowledge this in an appropriate manner.”

- 9.2 By Councillor Cardownie – Ken Buchanan

“The City of Edinburgh Council agrees to mark the contribution made by Ken Buchanan to Boxing and to the City.

As undisputed Lightweight Champion of the World it is recognised that Ken was the greatest lightweight boxer that this City, Scotland and the UK has ever produced.

Council agrees to celebrate the career of Ken in a fitting manner and requests that the Lord Provost’s office arrange an appropriate event to mark Ken’s fantastic record.”

### **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).

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## The City of Edinburgh Council

Edinburgh, Thursday 25 June 2015

Present:-

### DEPUTE CONVENER

Steve Cardownie

### COUNCILLORS

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

Dominic R C Heslop  
Lesley Hinds  
Sandy Howat  
Allan G Jackson  
Karen Keil  
David Key  
Richard Lewis  
Alex Lunn  
Melanie Main  
Mark McInnes  
Adam McVey  
Eric Milligan  
Joanna Mowat  
Gordon J Munro  
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. Mortonhall Action Plan - Update

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### a) Deputation - Mortonhall Ashes Action Committee

The deputation welcomed the recommendations in the report by the Chief Executive and commended the Council for acting so quickly when concerns had first been raised about the ashes issue at Mortonhall crematorium.

Following close consultation with affected parents, good progress had been made in respect of creating a fitting memorial garden to affected babies at Mortonhall Crematorium, due to be completed by November 2015, with a further memorial planned for Princes Street Gardens. The proposed memorial garden would bring a huge comfort to many people.

The deputation concluded by thanking the Chief Executive and everyone who had worked so hard in addressing all the issues that had arisen from the investigation and for taking actions forward on behalf of affected parents.

### b) Report by the Chief Executive

The Council had endorsed the Action Plan drawn up by the Chief Executive's Multi-Agency Working Group, agreed the actions proposed and requested that the working group continue to meet to ensure that the action plan was fully discharged and report back in 12 months time.

An update was provided on progress made on recommendations from Dame Elish Angioloni's DBE QC Mortonhall Investigation Report together with actions from the Chief Executive's Multi-Agency Working Group Action Plan.

## Decision

- 1) To note the update on actions from Dame Elish Angiolini's Mortonhall Investigation Report and Chief Executive's Multi-Agency Working Group Action Plan, and the positive progress that had been made against all recommendations one year after the Action Plan was originally approved by Council.
- 2) To note thanks to all affected parents, staff, partners and contributors in enabling the successful progress on actions.
- 3) To note the choices made by parents for the memorials at Mortonhall and Princes Street Gardens.
- 4) To agree in principle the ongoing allocation of sufficient revenue funding to ensure the future maintenance of the memorials in a condition fitting to the memory of those affected.

- 5) To agree in principle that income generated from Bereavement Services be targeted to ensure the ongoing maintenance of public facilities, grounds and environment of Mortonhall Crematorium.
- 6) To approve the non-statutory draft Application for Cremation form, for use with under 24 week gestation losses not currently covered by legislation.
- 7) To accept the Scottish Government Code of Practice and Policy Statement published on 1 June 2015 and 26 January 2015 respectively.
- 8) To note the Chief Executive's Multi-Agency Working Group proposed future meetings bi-annually.
- 9) To agree to accept a further update report outlining future progress in June 2016.

(References - Act of Council No 1 of 26 June 2014; report by the Chief Executive, submitted)

### **Declaration of Interests**

Councillor Tymkewycz declared a financial interest in the above item as a member of his family was employed by SANDS Lothian.

## **2. Deputations**

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The Council agreed to hear the following deputations:

a) UNISON (item 3)

The deputation expressed concerns that the plans before the Council relating to the proposed transformation programme lacked sufficient detail. Members of staff were being asked to do more and more with less resources.

The deputation condemned the voluntary redundancy proposals outlined. The deputation indicated it would be helpful to have sight of the analysis and figures used to develop the proposals. Not all business cases had been finalised and equalities impact assessments carried out. Clarification was also sought on how city wide services would be delivered within the new localities and neighbourhood teams.

b) Global Justice Now and UNISON (item 4)

The deputation were concerned that the Transatlantic Trade and Investment Partnership (TTIP) was a large scale transfer of democratically elected power from citizens to multi national companies.



TTIP's main aim was to remove non-tariff barriers to trade which meant that social standards and environmental regulations, such as workers' rights, food safety rules, regulations on toxic chemicals, digital privacy laws, etc would be adversely affected. The deputation believed that this would result in the removal of some of the most important protective barriers to public health and the environment.

### 3. Council Transformation Programme – Status Report

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A single, consolidated update was provided on progress against delivery of the Council Transformation Programme and related initiatives. The Future Operating Model and associated structures were set out.

#### **Motion**

- 1) To note the significant strategic and financial challenges outlined in the report by the Director of Corporate Governance.
- 2) To note and endorse the revised Future Operating Model, which sets out how *Organise to Deliver* would work in practice, and which would be implemented as a priority.
- 3) To note the progress updates on the programme business cases as outlined in the report.
- 4) To note that the Asset Management Strategy business case would be presented to the Finance and Resources Committee in August 2015.
- 5) To note that service prioritisation options would be presented in line with budget engagement timescales.
- 6) To approve the commencement of consultation on the revised Voluntary Early Release Arrangements (VERA) and Voluntary Redundancy (VR) terms and note the detail of the proposed Career Transition Service.
- 7) To note the implementation plan and approach to resourcing that plan going forward.
- 8) To note that the report to the Council meeting on 11 December 2014 indicated that it was anticipated that once the Chief Operating Officer and Directorate roles had been filled, one of the individuals might be designated Deputy Chief Executive.
- 9) To agree that Alastair Maclean be designated Deputy Chief Executive.

- moved by Councillor Rankin, seconded by Councillor Bill Cook

## Amendment 1

- 1) To note the report by the Director of Corporate Governance.
- 2) To note with concern that the measures in the report did nothing to close the budget gap highlighted in December 2014 and January 2015 reports and that the unravelling of the Administration's 2015/16 budget and a lack of budgetary control, particularly in Health and Social Care, added further pressures approaching £30m in the short term.
- 3) To agree that the Transformation Programme must be enhanced to deliver far greater savings and more radical transformation. The only alternative being greater emphasis on service prioritisation which would mean cuts to frontline services affecting the Edinburgh public.
- 4) To therefore agree the following actions:
  - To consider that the Future Operating Model as part of "Organise to Deliver" was complex and only defined in a limited way and therefore agree that it be presented to the next meeting of the Finance and Resources Committee for scrutiny prior to implementation.
  - To agree that any severance policy for staff must be affordable and add to the proposed changes that all severance packages should target a one year payback period with an upper limit of 1.1 years to bring these in line with other parts of the public sector in Scotland. Subject to an affordability test and the identification of funds for a VR/VERA programme that some of the savings from this cap be reinvested to further improve the minimum payment as highlighted in paragraph 3.100 of the report. Following these changes to agree the consultation in Recommendation 1.6 of the report by the Director of Corporate Governance.
  - To note with dismay the failure of the iPFM programme to deliver its projected savings and that these were considerably less than the contractually guaranteed savings outlined in the ABM proposal that this replaced. The Asset Management Strategy must address this issue to avoid the overspend in this area further affecting vital frontline services and all options should be considered in the report to come in August 2015.
  - To agree that service prioritisation options should consider the following initial proposals which would reduce cost to the Council while limiting the adverse impact on the public and encourage new means of

service provision such as a culture trust, stair lighting charges and reconsider Council's relationship with ALOEs.

- To agree that dogmatic policy statements, which protected the vested interest of the producers of services rather than service users, should have no part to play in modern policy development or service provision and agree to a policy review to seek new ways to provide services in order to make savings in ways that protected the service provided to the public. These to include outsourcing where this was shown to be Best Value and the use of Compulsory redundancy as a policy of last resort where redeployment and other severance schemes failed to bring the change required or predicted.

- moved by Councillor Whyte, seconded by Councillor Balfour

### **Amendment 2**

- 1) To note the significant strategic and financial challenges outlined in the report by the Director of Corporate Governance.
- 2) To note and endorse the revised Future Operating Model, which sets out how *Organise to Deliver* would work in practice, and which would be implemented as a priority.
- 3) To note the progress updates on the programme business cases as outlined in the report.
- 4) To note that the Asset Management Strategy business case would be presented to the Finance and Resources Committee in August 2015.
- 5) To note that service prioritisation options would be presented in line with budget engagement timescales.
- 6) To approve the commencement of consultation on the revised Voluntary Early Release Arrangements (VERA) and Voluntary Redundancy (VR) terms and note the detail of the proposed Career Transition Service.
- 7) To note the implementation plan and approach to resourcing that plan going forward.
- 8) To recognise that political decisions including the pursuit of Austerity had led to a fall of almost 20% in income from Scottish Government grants and council tax in real terms since 2010-11; acknowledged that the current requirement for cuts also reflected a failure to reform local government finance over decades and that this failure had been amplified by the council tax freeze since 2008-9.

- 9) To recognise the concerns from unions about the proposals including the scale of reduction in posts, the risk of creeping privatisation, compulsory redundancy by default and the lack of detailed equality impact assessments and calls for a report addressing these concerns to the next Corporate Policy and Strategy Committee.

- moved by Councillor Burgess, seconded by Councillor Corbett

### **Voting**

The voting was as follows:

For the Motion	-	36 votes
For Amendment 1	-	11 votes
For Amendment 2	-	6 votes

### **Decision**

To approve the motion by Councillor Rankin.

(References – Act of Council No 4 of 11 December 2014; report by the Director of Corporate Governance, submitted.)

## **4. Transatlantic Trade and Investment Partnership (TTIP) - Motion by Councillor Booth**

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

“This Council notes:

1. That the EU and USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP).
2. That negotiations are underway to determine which goods and services TTIP will apply to and if new rules can be agreed to protect investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA.
3. That there has been no assessment carried out of the impact on local authorities.
4. That there has been no scrutiny of the negotiating texts by local government and no consultation on the negotiating texts with local government representatives.
5. That MPs and MSPs are also unable to scrutinise the negotiating documents.

6. That the proposed Investor State Dispute Settlement (ISDS) mechanism has been used by corporations to overturn democratic decisions by all levels of government at significant public cost.

This Council believes that:

7. TTIP could have a detrimental impact on local services, employment, suppliers and decision-making.
8. A thorough impact assessment of TTIP on local authorities must be undertaken before the negotiations can be concluded.
9. Local decision-making must be protected from ISDS.
10. The EU's food, environmental and labour standards are generally higher than those in the US, and that TTIP negotiations must raise and not lower these standards across the EU and USA.
11. Sourcing supplies and employment locally is important to strengthening local economies and meeting local needs. TTIP must not impact on local authorities' ability to act in the best interests of its communities.

This Council therefore agrees:

12. That the leader of the council will write to the Secretary of State for Communities and Local Government; the Cabinet Secretary for Finance, Constitution & Economy; Edinburgh MPs and MSPs and all Scottish MEPs raising the council's serious concerns about the potential impact of TTIP on local authorities and the secrecy of the negotiating process.
13. That the leader of the council will write to Cosla to raise our serious concerns about the potential impact of TTIP on local authorities and ask them to raise these with the UK Government and Scottish Government on our behalf.
14. To call on the Scottish Government to carry out an impact assessment on the impact of TTIP on local authorities.
15. To make contact with other local authorities across Europe which are opposed to TTIP and to work with them and with local campaigners to raise awareness about the problems of TTIP.
16. To contact the local authorities of municipalities twinned with Edinburgh asking them to consider passing a similar motion on TTIP."

## Decision

To approve the motion by Councillor Booth with the adjustment of the removal of paragraphs 15 and 16.

## 5. Minutes

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### Decision

To approve the minute of the Council of 28 May 2015 as a correct record.

## 6. Questions

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

## 7 Leader's Report

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

- City Region Deal
- Chief Executive – Last Council meeting - Debt of Gratitude

The following questions/comments were made:

- |                    |   |
|--------------------|---|
| Councillor Edie    | - Chief Executive - congratulations   |
|                    | - Transformation programme – no compulsory redundancies   |
|                    | - CCTV plan for the City  |
| Councillor Burges  | - Thanks to the Chief Executive   |
|                    | - Local Tax Reform – Council finances – submission to Local Tax Commission                              |
| Councillor Gardner | - Leith Festival Board - Congratulations  |
| Councillor Rust    | - Bonaly Primary School – Scottish Schools Football Association National Championship - Congratulations |
| Councillor Work    | - Display Board, Vestibule area, City Chambers - Forget-me-Not Garden                                   |

- |                      |  |
|----------------------|--|
| Councillor Rose      | <ul style="list-style-type: none"> <li>- Chief Executive – congratulations on retirement</li> <li>- Conviction of 2 former members of the Council for corrupt practices</li> </ul>   |
| Councillor Howat     | <ul style="list-style-type: none"> <li>- Chief Executive – congratulations</li> <li>- Councillor Deidre Brock - appreciation</li> <li>- Lothian Bus Services – thanks for ongoing service</li> </ul>   |
| Councillor Redpath   | <ul style="list-style-type: none"> <li>- North Neighbourhood Partnership/Total Craigroyston Group – Youth Session – positive role in neighbourhood</li> </ul>  |
| Councillor Day       | <ul style="list-style-type: none"> <li>- Chief Executive - congratulations</li> <li>- 21<sup>st</sup> Century Housing Team and North Neighbourhood Team – Congratulations on Saltire Society Housing Design Awards</li> <li>- Craigroyston Community High School — commending the commitment from staff and pupils and appointment of first Dux</li> </ul> |
| Councillor Griffiths | <ul style="list-style-type: none"> <li>- St John’s/Duddingston Primary Schools – football derby - congratulations to football teams</li> </ul>   |
| Councillor Lewis     | <ul style="list-style-type: none"> <li>- Chief Executive - congratulations</li> <li>- Faith Liddell, Director, Festivals Edinburgh – congratulations and thanks</li> </ul>   |
| Councillor Balfour   | <ul style="list-style-type: none"> <li>- Chief Executive - congratulations</li> <li>- Roseburn Primary School – retiring Head Teacher - congratulations</li> <li>- Property Repairs</li> </ul>   |
| Councillor Child     | <ul style="list-style-type: none"> <li>- Chief Executive - congratulations</li> <li>- Third Sector Champion – Action Plan and Strategic Framework for the Involvement of Volunteers in this City – Active Citizens</li> </ul>  |
| Councillor Tymkewycz | <ul style="list-style-type: none"> <li>- Portobello High School – retiring Head Teacher - congratulations</li> <li>- Support to save Greggs macaroni pies</li> </ul>   |

## **8. Appointments to Committees, Boards and Joint Boards 2015/16**

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The Council had approved its appointments for 2015/16 subject to further review at this meeting.

Details were provided on the current membership of the Council's Committees, Boards and Joint Boards and the Council was asked to confirm its appointments for 2015/16.

### **Decision**

To approve the appointments for 2015/16 as detailed in Appendices 2, 3, 4 and 5 to this minute.

(References – Act of Council No 5 of 28 May 2015; report by the Director of Corporate Governance, submitted)

## **9 Appointments to Outside Bodies**

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Details were provided on the resignations of members on various Outside Organisations.

The Council were invited to appoint replacement members to the various organisations.

### **Decision**

- 1) To approve the appointment of members to various Outside Organisations as detailed in Appendix 6 to this minute.
- 2) To note that the appointees to the board of the Edinburgh International Festival Society might subsequently be asked to become directors of the Edinburgh Festival Centre Ltd board, as described in paragraph 3.3 of the report by the Director of Corporate Governance, and note that any such appointments would be referred back to Council for approval.
- 3) To note that Councillor Munro was previously appointed by Council to the board of the Edinburgh International Festival Society and was subsequently invited to serve as a director of the Edinburgh Festival Centre Ltd board.

(Reference – reports (6) by the Directors of Corporate Governance, Economic Development and Children and Families, the Acting Director of Services for Communities and the Chief Social Work Officer, submitted.)

## **10. Edinburgh Tram Extension – Draft Outline Business Case Preliminary Findings**

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The Council had agreed a number of recommendations on the possible future investment in trams taking account of integration with other major projects including the St James Quarter redevelopment and the Leith Programme which included the



development of an Outline Business Case (OBC) to assess options to extend the current tram line north into Leith.

Details were provided on the progress made in developing the Outline Business Case setting out the preliminary findings of the work done to date and the next steps required prior to any decision being taken on how to progress with any extension of the tram from York Place.

### **Motion**

- 1) To note the findings of the report by the Acting Director of Services for Communities and the emerging conclusions in the draft Outline Business Case.
- 2) To note the further work that needed to be carried out in finalising the Outline Business Case, including a formal market consultation, testing and auditing of the financial model and an investigation of alternative funding options.
- 3) To note that the work required above in finalising the Outline Business Case could be delivered within the budget allocated by the Council in December 2014.
- 4) To agree to receive a further report on the finalised Outline Business Case in autumn 2015.

- moved by Councillor Hinds, seconded by Councillor McVey

### **Amendment**

- 1) To note the Conservative Group proposed 'No Action' at the December 2014 Council Meeting in respect of the Motion entitled "Future Investment in Public Transport - Potential Tram Extension".
- 2) To agree to take no further action based upon the content of this latest report, as:
  - a) The Edinburgh Tram Inquiry, Chaired by Lord Hardie, remained ongoing and in its early stages. Considered that in order to learn fully the lessons of what previously went awry with Tram in Edinburgh, the outcome of this inquiry required to be known.
  - b) Considered the Council's financial position to be prohibitive to the funding for a Tram extension, with total borrowing as at 31 March 2015 already in the region of £1,439.894 million and a forecast deficit of at least £107 million by 2019/20. Therefore did not consider it prudent use of Edinburgh taxpayers money to consider spending between £78.7million - £144.7 million on a Tram extension.

- c) A significant number of potential conflicts with utilities and other below ground assets, in the region of 1200, had been identified and posed considerable risk, particularly given these remained despite the extensive works carried out as part of the original Tram project.
- d) The Council was already running behind the schedule set by the Administration, with its aforementioned motion to the December Council meeting noting that work to be undertaken to provide a "refreshed economic appraisal...together with the financing options should give Council the tools to make an informed decision in late Spring next year."

- moved by Councillor Nick Cook, seconded by Councillor Mowat

### **Voting**

The voting was as follows:

For the motion	-	42 votes
For the amendment	-	11 votes

### **Decision**

To approve the motion by Councillor Hinds.

(References – Act of Council No 12 of 11 December 2014; report by the Acting Director of Services for Communities, submitted.)

## **11. Extension to the Contract for Consultancy Support for the Review of the Health and Social Care Budget**

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Approval was sought for the Council to earmark up to £0.166m from the unaudited 2014/15 underspend to meet costs arising from the decision of the Finance and Resources Committee to authorise the Director of Corporate Governance to extend the contract with KPMG to allow additional works to be carried out on the review of the Health and Social Care budget.

### **Decision**

- 1) To approve the earmarking of to earmark up to £0.166m from the unaudited 2014/15 underspend to meet costs arising from the decision of the Finance and Resources Committee to authorise the Director of Corporate Governance to extend the contract with KPMG to allow additional works to be carried out on the review of the Health and Social Care budget.
- 2) To agree that the additional consultancy work should ensure that the insights of frontline staff, the relevant trade unions and service users and carers were

taken into account in a way which reflected the distinctive characteristics of the social care service landscape in Edinburgh.

(References – Finance and Resources Committee 4 June 2015 (item 2); report by the Chief Executive, submitted.)

## **12 Governance – Operational Governance Framework Annual Review 2015**

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Details were provided on the outcome of the annual review of the key documents that supported internal controls, accountability and transparent operation of the Council together with proposed changes to ensure that the key operational governance documents were comprehensive, relevant, up-to-date and supported good governance.

### **Decision**

- 1) To repeal the existing Procedural Standing Orders for Council and Committee Meetings, Committee Terms of Reference and Delegated Functions, Scheme of Delegation to Officers and Financial Regulations and approve in their place Appendices 2-5 in the report by the Director of Corporate Governance, such repeal and approval to take effect from 29 June 2015.
- 2) To delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the documents set out in Appendices 2-5 of the report, as may be necessary to implement the decision of the Council in relation to this report and to implement any post title changes or movement of functions within service areas as part of the Organise to Deliver report agreed by Council in December 2014.
- 3) To note that no amendments were proposed to the Member/Officer Protocol and Procedure for the appointment of Religious, Teacher and Parent Representatives.
- 4) To note that the transfer of health and social care functions to the Integration Joint Board would require further changes to the operational governance framework documents.
- 5) To agree to introduce Rolling Actions Logs for full Council, and to review these twice per municipal year.

(References - Act of Council No 8 of 20 September 2012; report by the Director of Corporate Governance, submitted.)

### **13. Unaudited Financial Statements 2014-15**

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The unaudited financial statements for 2014/15 were submitted for the Council's consideration.

#### **Decision**

- 1) To note that the unaudited financial statements for 2014/15 would be submitted to the external auditor by the required date.
- 2) To note that a detailed report on the outturn would be reported to the Finance and Resources Committee in August 2015.
- 3) To note that the financial statements and the auditor's report would be submitted to the Governance, Risk and Best Value Committee at the conclusion of the audit in September 2015, and thereafter to Council in October 2015.

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

### **14. Lothian Pension Fund, Lothian Buses Pension Fund and Scottish Homes Pension Fund Annual Report 2015 (& Accounts) - Unaudited**

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The unaudited Lothian Pension Funds Annual Report for the year ended 31 March 2015 was presented.

#### **Decision**

To note the unaudited Annual Report for the year ended 31 March 2015 for the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund.

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

### **15 The Moonwalk, Scotland – Motion by Councillor Hinds**

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

“Council congratulates The Moonwalk Scotland – Walk the Walk – on their tenth fundraising event in Edinburgh last weekend. In the ten years they have raised £18 million for Scotland which has helped to improve the lives of people with cancer. This funding has been used in partnership with NHS Lothian to renovate the Breast Ward and the Mammography Unit and to build a new operating theatre at the Western General Hospital.

Over 100,000 walkers have participated over the 10 years and Council congratulates all of them on this achievement. Council also congratulates all the staff and volunteers involved in making this event so successful and asks the Lord Provost to recognise this achievement in the most appropriate manner.

Because of this success Council also asks officers to work in partnership with The Moonwalk Scotland to secure a site for their event for the next three years as quickly as possible.”

### **Decision**

To approve the motion by Councillor Hinds.

## **16 Elsie Inglis (1864-1917) – Motion by Councillor Rose**

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

“Council-:

Elsie Inglis (1864-1917) was a well known Edinburgh doctor who played a significant role organising and delivering medical provision for women and children in Edinburgh, as well as a compassionate and medical response in World War 1.

Her achievements include opening a maternity hospital, known as The Hospice, within 219 High Street and she was instrumental in setting up a midwifery resource centre. As a philanthropist she often waived fees for poor patients; she was a consultant at Edinburgh Hospital and Dispensary for Women and Children, which later became known as Bruntsfield Hospital.

During World War 1 she was instrumental in sending teams to staff relief hospitals in France, Russia and Serbia, serving with distinction in Serbia and Russia herself, contributing to the improvement of hygiene and the reduction of typhus and other epidemics.

Given current World War 1 commemorations, and in particular the opportunity arising from the 100<sup>th</sup> anniversary of her death, calls for a report to the October meeting of council outlining moves to commemorate her work and life and opportunities for a statue in Edinburgh’s High Street or elsewhere.”

### **Decision**

To approve the motion by Councillor Rose.

## **17 ICT Procurement Project – Capital Funding – referral from the Finance and Resources Committee**

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The Council, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part 1 of Schedule 7(A) of the Act.

The Finance and Resources Committee had referred a report which advised that the ICT Procurement Project had now progressed the procurement of the Council's future ICT provision to the stage at which it was ready to invite bidders to submit final tenders.

### **Decision**

- 1) To agree to make available up to £15 million of Capital Funding to fund the procurement of certain ICT assets.
- 2) To agree to delegate authority to the Director of Corporate Governance, in consultation with the Head of Finance, to decide, in accordance with the established Capital regulations, at the point of selection of Final Tender, the actual assets and amounts which would be financed from Capital funds subject to the proviso that they would not exceed £15 million in total.

(References - Finance and Resources Committee 4 June 2015 (item 29); referral from the Finance and Resources Committee, submitted)

## **18 Sir William Y Darling Award for Good Citizenship**

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

Details were given of nominations for the Sir William Y Darling Award for Good Citizenship for the municipal year 2014/2015.

### **Decision**

To make the Sir William Y Darling Award for Good Citizenship for the municipal year 2014/2015 to Stephen Seaman.

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

## **Appendix 1**

**(As referred to in Act of Council No 6 of 25 June 2015)**

### **QUESTION NO 1**

**By Councillor Booth for answer by the Convener of the Culture and Leisure Committee at a meeting of the Council on 25 June 2015**

#### **Question**

What progress has been made towards the council signing a lease for the Leith Theatre with the Leith Theatre Trust, since the decision to do so was made by Finance and Budget Committee on 6 June 2013?

#### **Answer**

Following the decision of the Finance and Budget Committee, the Trust and the Council engaged in discussions concerning the key principles set out in the approved motion. This included material matters such as the extent of the premises to be let, rent review provisions, responsibilities for utilities and repair and maintenance.

The Council's objective was to ensure that the agreed terms will be cost neutral to the Council as per the original Committee instructions.

Whilst negotiations have been protracted, the Trust appointed lawyers in February 2015 to take forward the detailed negotiation of the terms of the proposed lease with the Council.

#### **Supplementary Question**

I thank the Convener for his answer. I know that the Convener shares my desire to see a thriving community run theatre in Leith and I'm obviously grateful, as I'm sure he is for the work that's been done by officers in trying to ensure that we get a lease signed with the Leith Theatre Trust.

I wonder if the Convener could update the Council on progress towards signing that lease in recent days and weeks and if he can particularly outline if there is a target date for signing that lease.

**Supplementary  
Answer**

I thank Councillor Booth for his question. I see he is aware, I think it was during the opening indeed of the new Customs House down in Leith, that I spoke once again to Jack Hunter and arranged a meeting. He expressed some dissatisfaction at the progress that they were experiencing and whilst the two issues are not analogous, in the sense that the nature of the two buildings are quite different, I did agree to convene a meeting with the Neighbourhood Officer responsible and at the moment we have an agreed target date for the signing of the lease in August 2015 subject to all due diligence taking place.



**QUESTION NO 2**

**By Councillor Booth for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 25 June 2015**

In relation to the Council's Waste Prevention Strategy:

- Question** (1) When was this approved by committee?
- Answer** (1) The original strategy was published in 2004/05.
- Question** (2) On what dates since its initial approval has it been reviewed by committee?
- Answer** (2) An overview of the strategy was provided to the Transport, Infrastructure and Environmental Committee on 25 November 2008 and was noted by Committee. Please see report [here](#).
- Question** (3) What changes to the Strategy have been made by committee?
- Answer** (3) While the strategy remains as the Council's main overarching policy document in this area, a large number of initiatives have been reported on and approved by Committee since 2008. These include:
- Managed weekly collections
  - Plastic kerbside collections
  - City wide kerbside food waste collections
  - Expansion of communal recycling facilities
  - Expansion of bring sites – e.g. Supermarket/ DIY store car parks
  - New kerbside recycling service – green bin
  - Opening of the Sighthill Community Recycling Centre.

**Question**

(4) When will it next be reviewed by committee?

**Answer**

(4) The same approach to waste prevention is still used as that shown in the strategy developed in 2004/05, in particular:

- Recognition that the Council may not always be the best placed to deliver waste prevention, and that working with partners may be more effective.
- Funding and joint working with partners such as Bike Station, REMADE, Freshstart and Changeworks.
- Directly funding communities to deliver waste prevention initiatives as part of the Waste Action Grants Programme.
- Provision of facilities to allow segregation of reusable items at Community Recycling Centres (which are then made available to a network of partner operations).

In addition, the Council's Transport and Environment Committee continually scrutinises and reviews discrete elements of the strategy on an ongoing basis, and also regularly considers performance data.

During the current financial year, Waste Prevention will become part of the wider Waste Management Strategy and Committee Members will be consulted during this process.

**Supplementary Question**

I thank the Convener for her response. Given that the volume of waste produced in the City has increased for the first time in 6 years, it's now more than 7,000 tons above target, which is potentially costing the Council three quarter of a million pounds, does she feel that a ten year old waste prevention strategy is doing its job.

**Supplementary  
Answer**

Yes I do and I look forward to, just being briefed yesterday, by the Head of Waste, to say there are some good figures coming through with our new recycling service, the kerb recycling service, which is being rolled out throughout the City and I'm looking for good news. In fact some of the figures look as if they are coming down and as you can see from the answer to your question there are a number of initiatives we've taken on as well and I think we are moving very well forward in terms of reducing our waste that goes to landfill and doing more recycling and re-using – I have got the three r's thank you very much.

**QUESTION NO 3**

**By Councillor Booth for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 25 June 2015**

**Question** (1) What are the costs to the council in each of the last five financial years of tackling dog fouling, broken down into following categories:

- a) Publicity campaigns / community engagement
- b) Enforcement action
- c) Removal / street cleaning / disposal
- d) Any other costs associated with dog fouling not covered in the categories above

**Answer** (1) a) The costs listed below are citywide. Localised neighbourhood initiatives/campaigns are covered in answer d).

**2010/11 = £0**

**2011/12 = £0**

**2012/13 = £250 (Dog Fouling post card)**

**2013/14 = £5286**

Clean-Up Edinburgh

12 month campaign launched in November 2013 with Keep Scotland Beautiful, focus on encouraging residents and businesses to clean up litter, including dog dirt. Neighbourhoods organised clean up activities to support the campaign. Costs were met within existing Waste budgets so no specific costs available.

### Dish the Dirt campaign

Campaign run over summer 2013, in conjunction with the Evening News, to promote responsible dog ownership through encouraging the public to report instances of dog fouling.

Posters (printing costs) £46.00

Call Centre staff during campaign £2,500.00

### Green Dog Walkers community engagement

Arm bands and Collars £1275.00

Licence £500.00

Poo Bags £420.00

Leaflet £395.00

Generic dog fouling postcard £150.00

**2014/15 = £0**

The above campaigns continue to run but at no extra cost.

- b) Enforcement activity in relation to dog fouling is carried out by Environmental Wardens. We cannot isolate the cost of specific dog fouling enforcement action amongst the wide range of enforcement and education tasks that the Wardens are responsible for.
- c) Dog fouling is removed as part of normal street operations therefore costs which are directly associated with the clearing of dog fouling are not available. Dog owners are encouraged to dispose of their dog waste responsibly by either using the nearest litter bin or disposing along with their normal household waste. A breakdown of actual disposals is unavailable as this type of waste is disposed of along with general litter and/or household waste.

- d) Each of the six local Neighbourhood Teams run localised initiatives and campaigns i.e. 'Don't Blame it on the Dog'. It is difficult to give an exact cost for each Neighbourhood per year. However, an approximate annual value would be £250-£270 per Neighbourhood. This covers the cost of street stencilling materials and localised poster/sticker initiatives and school education materials.

**Question** (2) What is the income to the council from fines and fixed penalty notices for dog fouling in each of the last five financial years?

**Answer** (2) 1 Apr 2014 – 31 Mar 2015 = £1360  
1 Apr 2013 – 31 Mar 2014 = £4600  
1 Apr 2012 - 31 Mar 2013 = £5680  
1 Apr 2011– 31 Mar 2012 = £5280  
1 Apr 2010 – 31 Mar 2011 = £5000

**QUESTION NO 4**

**By Councillor Main for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 25 June 2015**

On 1<sup>st</sup> January 2014 Scotland's Waste Regulations changed:

- Businesses are required to separate paper, card, glass, plastic, wood and metals for recycling.
- Businesses producing over 50kg of food waste per week must present it for separate collection.
- Where food collections are available, it is illegal to dispose of food into the public sewer.
- Businesses risk substantial fines if they do not take all measures possible to recycle their waste.

**Question** (1) Is the City of Edinburgh Council, and its catering departments , including schools and school meal service fully compliant with Scotland's Waste Regulations?

**Answer** (1) The catering service in the City Chambers, Lothian Chambers and Waverley Court is fully compliant.

Waste disposal in all other buildings is the responsibility of the building occupiers, many of which are partially compliant and have their own separate arrangements. However, as per the answer to Question 2, the Council is in the process of establishing what the waste arrangements are across the Council's estate with a view to bringing all properties into a fully compliant state. It should be noted that although all buildings may not have formal recycling services in place, many have informal arrangements.

**Question** (2) In which Edinburgh schools are fully segregated recycling facilities, to allow for the segregation of food waste, papers, card and plastic, available to young people in the school dining room at mealtimes?

**Answer** (2) A questionnaire has recently been issued to all schools to establish the existing waste management arrangements. This will allow the Council to identify those properties that require revisions to waste arrangements.

A working group has also been established involving officers from Trade Waste, Facilities Management and Corporate Policy and Strategy with responsibility for Sustainability matters with a view to develop a unified service across the Council estate, maximising participation and compliance with legislation.

In addition a presentation was made to the Council's All Party Carbon Climate Sustainability Member Officer Working Group on 24 June 2015, which presented the results of a recent audit, carried out by Resource Efficient Scotland (RES), of certain Council properties. The Council will be seeking additional support from RES in the near future to improve waste segregation.

**Question** (3) What steps have been taken to ensure that Council staff are aware that from 1<sup>st</sup> January 2014 it has been illegal to dispose food into the public sewer?

**Answer** (3) Staff have been made aware through various means of communication. A Waste Regulations FAQs document was issued in January 2014 to all Council premises managers. This information was also made available on the Orb.

**Supplementary Question** Thank you Convener for your very interesting answer but it's hardly satisfactory I'm afraid. The only interpretation that can be put on the answers given is no, the Council is not compliant with waste regulations and doesn't know what the situation is in school dining rooms or even in schools in general.

This legislation has been in place for over a year and a half and I asked the same questions over a year ago at the Education, Children and Families Committee and got pretty much the same answer "we're working on a plan".

Yesterday Councillors were told there is still no plan in place, so my supplementary's quite simple, when will there be segregated recycling facilities in our schools, our school



dining rooms and our school kitchens, so that, that recycling can be presented for collection segregated in line with current waste regulations.

**Supplementary  
Answer**

I agree it's not satisfactory and Councillor Main, perhaps if you'd had a discussion with your colleague just sitting next to you, you would know the discussion yesterday and, as the Convener, saying very clearly responsibility in terms of the internal waste that we do produce. You will also know, since you are the spokesperson on Children and Families, that delegated budgets and delegated responsibility goes down to schools as well and therefore there is an issue about how that is co-ordinated, how that is managed and I'd be happy to send you, if your colleague sitting next to you doesn't wish to send that to you, I'd be happy to send you the Internal Waste Working Group presentation by Angus Murdoch yesterday, which I have in my hands. This does address the issue of management, does address the issue of officers and the Management Team taking a lead in this and I think we haven't got it right and we need to get it right.

Instead of just bringing a question up every year Councillor Main, what I will do will be working day in and day out to make sure we do get it right and we do get better recycling in all of our buildings and make sure the Management Team is brought to account, because we've not got it right. I'll be making sure I speak to the Chief Executive and incoming Chief Executive to ensure the Management Team takes the lead on this issue.

**QUESTION NO 5**

**By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 25 June 2015**

**Question** (1) How many grievances by or against staff have there been within Children and Families between 2010/11 and 2015/16 (breakdown by year). Please include those currently subject to process.

**Answer** (1) Recorded Grievances within Children and Families between 2010/11 to date by financial year.

Financial Year	Number of Grievances Lodged
2010/11	35
2011/12	29
2012/13	12
2013/14	12
2014/15	10
April 2015 to date	2

**Question** (2) Have all the senior officers in Children and Families completed the key policy awareness training and signed the accompanying checklist which incorporates the Council anti-bribery policy and procedure, whistleblowing policy, disciplinary and grievance procedures and code of conduct?

**Answer** (2) Yes

## APPENDIX 2

(As referred to in Act of Council No 8 of 25 June 2015)

### APPOINTMENTS FOR 2015/2016

#### CONVENERS AND VICE CONVENERS OF COMMITTEES

<b>EXECUTIVE COMMITTEES</b>		
Corporate Policy and Strategy (Leader and Deputy Leader of the Council as Convener and Vice Convener)	Convener: Vice-Convener:	Councillor Burns Councillor Howat
Communities and Neighbourhoods (Capital Coalition members)	Convener: Vice-Convener:	Councillor Child Councillor Lunn
Culture and Sport (Capital Coalition members)	Convener: Vice-Convener:	Councillor Lewis Councillor Austin Hart
Economy (Capital Coalition members)	Convener: Vice-Convener:	Councillor Ross Councillor Munro
Education, Children and Families (Capital Coalition members)	Convener: Vice-Convener:	Councillor Godzik Councillor Fullerton
Finance and Resources (Capital Coalition members)	Convener: Vice Convener:	Councillor Rankin Councillor Bill Cook
Health, Social Care and Housing (Capital Coalition members)	Convener: Vice-Convener:	Councillor Ricky Henderson Councillor Day
Transport and Environment (Capital Coalition members)	Convener: Vice-Convener:	Councillor Hinds Councillor McVey
<b>OTHER COMMITTEES</b>		
Governance, Risk and Best Value (Conservative Group member as Convener)	Convener:	Councillor Balfour
Police and Fire Scrutiny Committee	Convener: Vice-Convener:	Councillor Bridgman Councillor Redpath

Leadership Advisory Panel (Leader of the Council as Convener)	Convener:	Councillor Burns
Petitions (Green Group member as Convener)	Convener:	Councillor Chapman
Pensions (Capital Coalition member as Convener)	Convener:	Councillor Rankin
Planning/Development Management Sub	Convener: Vice-Convener:	Councillor Perry Councillor Dixon
Regulatory/Licensing Sub	Convener: Vice Convener:	Councillor Barrie Councillor Blacklock
Committee on the Jean F Watson Bequest	Convener:	To be appointed from agreed Committee membership
<b>APPEALS</b>		
Committee on Discretionary Rating Appeals	Convener:	To be appointed from agreed Committee membership
Personnel Appeals Committee	Convener:	Councillor Austin Hart
Committee on Pupil/Student Support	Convener:	Councillor Godzik
Placing in Schools Appeals		Independent Chairperson
Social Work Complaints Review Committee		Independent Chairperson
<b>RECRUITMENT</b>		
Recruitment Committee	Convener:	Council Leader

## APPENDIX 3

(As referred to in Act of Council No 8 of 25 June 2015)

### APPOINTMENTS 2015/16

#### MEMBERSHIP OF COMMITTEES

**Corporate Policy and Strategy Committee** – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Leader of the Council (Councillor Burns) (Convener)	Convener of the Health, Social Care and Housing Committee (Councillor Ricky Henderson)
Deputy Leader of the Council (Councillor Howat) (Deputy Convener)	Convener of the Transport and Environment Committee (Councillor Hinds)
Convener of the Communities and Neighbourhood Committee (Councillor Child)	Councillor Rose
Convener of the Culture and Sport Committee (Councillor Lewis)	Councillor Mowat
Convener of the Economy Committee (Councillor Ross)	Councillor Rust
Convener of the Education, Children and Families Committee (Councillor Godzik)	Councillor Burgess
Convener of the Finance and Resources Committee (Councillor Rankin)	Councillor Chapman
	Councillor Edie

#### EXECUTIVE COMMITTEES

**Communities and Neighbourhoods Committee** – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Child (Convener)	SNP Vacancy
Councillor Gardner	Councillor Jackson
Councillor Keil	Councillor McInnes
Councillor Griffiths	Councillor Bagshaw
Councillor Walker	Councillor Edie
Councillor Bridgman	Leader (ex officio)
Councillor Cairns	Deputy Leader (ex officio)
Councillor Lunn (Vice Convener)	

**Culture and Sport Committee** – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Austin Hart (Vice Convener)	Councillor Lewis (Convener)
Councillor Doran	Councillor Heslop
Councillor Gardner	Councillor Paterson
Councillor Milligan	Councillor Booth
Councillor Munro	Councillor Shields
Councillor Cardownie	Leader (ex officio)
Councillor Fullerton	Deputy Leader (ex officio)
Councillor Tymkewycz	

**Economy Committee** – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Blacklock	Councillor Ross (Convener)
Councillor Gardner	Councillor Paterson
Councillor Milligan	Councillor Mowat
Councillor Munro (Vice Convener)	Councillor Corbett
Councillor Robson	Councillor Edie
Councillor Barrie	Leader (ex officio)
Councillor McVey	Deputy Leader (ex officio)
Councillor Rankin	

**Education, Children and Families Committee** – 20 members – 7 Labour, 6 Scottish National Party, 4 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Austin-Hart	Councillor Key
Councillor Child	Councillor Lewis
Councillor Day	SNP Vacancy
Councillor Godzik (Convener)	Councillor Aitken
Councillor Milligan	Councillor Nick Cook
Councillor Redpath	Councillor Jackson
Councillor Robson	Councillor Rust
Councillor Bridgman	Councillor Corbett
Councillor Fullerton (Vice-Convener)	Councillor Main
Councillor Lunn	Councillor Aldridge
Councillor Key	Leader (ex officio)
	Deputy Leader (ex officio)

**Added Members for Education Matters**

A Craig Duncan (Church of Scotland)	John Swinburne (Teacher Representative)
Ms Marie Allan (Roman Catholic)	Alexander Ramage (Parent representative)
Rev Thomas Coupar (The Robin Chapel)	
Allan Crosbie (Teacher Representative)	

**Finance and Resources Committee** – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Bill Cook (Vice Convener)	SNP Vacancy
Councillor Griffiths	Councillor Jackson
Councillor Godzik	Councillor Whyte
Councillor Ricky Henderson	Councillor Corbett
Councillor Walker	Councillor Edie
Councillor Dixon	Leader (ex officio)
Councillor McVey	Deputy Leader (ex officio)
Councillor Rankin (Convener)	

**Health, Social Care and Housing Committee** – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Day (Vice Convener)	Councillor Aitken
Councillor Doran	Councillor Heslop
Councillor Gardner	Councillor Rust
Councillor Griffiths	Councillor Chapman
Councillor Ricky Henderson (Convener)	Councillor Burgess
Councillor Bridgman	Councillor Shields
Councillor Key	Leader (ex officio)
Councillor Lunn	Deputy Leader (ex officio)
Councillor Work	

**Transport and Environment Committee** – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Doran	Councillor Jackson
Councillor Gardner	Councillor McInnes
Councillor Hinds (Convener)	Councillor Nick Cook
Councillor Keil	Councillor Bagshaw
Councillor Perry	Councillor Booth
Councillor Barrie	Councillor Aldridge
Councillor Cardownie	Leader (ex officio)
Councillor Bill Henderson	Deputy Leader (ex officio)
Councillor McVey (Vice-Convener)	

## OTHER COMMITTEES

**Governance, Risk and Best Value Committee** – 13 members – 5 Labour, 3 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat, 1 Independent

Councillor Blacklock	SNP Vacancy
Councillor Child	Councillor Balfour (Convener)
Councillor Gardner	Councillor Mowat
Councillor Keil	Councillor Main
Councillor Munro	Councillor Shields
Councillor Dixon	Councillor Orr
Councillor Tymkewycz	

**Police and Fire Scrutiny Committee** – 10 members – 3 Labour, 3 Scottish National Party, 2, Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Child	Councillor Tymkewycz
Councillor Redpath (Vice-Convener)	Councillor Aitken
Councillor Walker	Councillor Mowat
Councillor Barrie	Councillor Main
Councillor Bridgman (Convener)	Councillor Edie

**Petitions Committee** – 10 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Gardner	Councillor Lunn
Councillor Keil	Councillor Balfour
Councillor Redpath	Councillor Paterson
Councillor Dixon	Councillor Chapman (Convener)
Councillor Key	Councillor Edie

**Pensions Committee** – 5 members – 2 Labour, 1 Scottish National Party, 1 Conservative, 1 Independent (plus 2 external members)

Councillor Child	Councillor Rose
Councillor Bill Cook	Councillor Orr
Councillor Rankin (Convener)	

### External Members

John Anzani  
Richard Lamont



### **Planning Committee/Development Management Sub-Committee**

15 members – 6 Labour, 5 Scottish National Party, 3 Conservative, 1 Green

Councillor Blacklock	Councillor Howat
Councillor Child	Councillor McVey
Councillor Milligan	SNP Vacancy
Councillor Perry (Convener)	Councillor Heslop
Councillor Robson	Councillor Mowat
Councillor Keil	Councillor Balfour
Councillor Cairns	Councillor Bagshaw
Councillor Dixon (Vice-Convener)	

**Planning Local Review Body** – All members of the Planning Committee comprising three panels as follows:

#### **Panel 1**

Councillor Milligan	Councillor Howat
Councillor Robson	Councillor Mowat
SNP Vacancy	

#### **Panel 2**

Councillor Blacklock	Councillor Cairns
Councillor Perry	Councillor Balfour
Councillor McVey	

#### **Panel 3**

Councillor Child	Councillor Heslop
Councillor Keil	Councillor Bagshaw
Councillor Dixon	

**Regulatory Committee/Licensing Sub-Committee** – 9 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Blacklock (Vice-Convener)	Councillor Lunn
Councillor Gardner	Councillor Aitken
Councillor Redpath	Councillor Heslop
Councillor Barrie (Convener)	Councillor Burgess
Councillor Cairns	

**Leadership Advisory Panel** – 5 members of the Council plus 3 statutory representatives, appointed by the Education, Children and Families Committee when considering education business

Leader of the Council (Convener)	Green Group Leader
Deputy Leader of the Council	Scottish Liberal Democrat Group Leader
Conservative Group Leader	

## Administration of Trust Funds

**Committee on the Jean F Watson Bequest** – 8 members plus one nominee of Friends of the City Arts Centre and two nominees of Director of Corporate Governance – 3 Labour, 2 Scottish National Party, 2 Conservative, 1 Green

Councillor Doran  
Councillor Keil  
Councillor Redpath  
Councillor Lewis

Councillor Fullerton  
Councillor Aitken  
Councillor Paterson  
Councillor Burgess

## Reviews and Appeals

**Committee on Discretionary Rating Relief Appeals** – 5 members – 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Day  
Councillor Griffiths  
Councillor Tymkewycz

Councillor Work  
Councillor Whyte

**Personnel Appeals Committee** – 9 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Austin Hart (Convener)  
Councillor Redpath  
Councillor Walker  
Councillor Barrie  
Councillor Howat

Councillor Key  
Councillor Aitken  
Councillor Balfour  
Councillor Chapman

**Committee on Pupil and Student Support** – 5 members and one religious representative – 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Godzik (Convener)  
Councillor Keil  
Councillor Fullerton

Councillor Key  
Councillor Rust  
One religious representative

**Placing in Schools Appeals Committee** – 3 persons drawn from three Panels as described in Committee Terms of Reference and Delegated Functions number 17

Panel 1 – All members of Council and religious and teacher representatives on the Education, Children and Families Committee

**Social Work Complaints Review Committee** – 3 persons drawn from a panel approved by the Council (including all Councillors who are not members of the Education, Children and Families or Health, Social Care and Housing Committees)

## **Recruitment**

### **Recruitment Committee**

Leader of Council (Convener), Deputy Leader of the Council, Convener of the Finance and Resources Committee and the appropriate Executive Committee Convener and relevant opposition spokespersons (or nominees)

## APPENDIX 4

(As referred to in Act of Council No 8 of 25 June 2015)

### APPOINTMENTS 2015/16

#### MEMBERS OF NEIGHBOURHOOD PARTNERSHIPS

##### ALMOND

Councillor Paterson  
Councillor Shields

Councillor Work

##### CITY CENTRE

Councillor Doran  
Councillor Mowat

Councillor Rankin

##### CRAIGENTINNY/DUDDINGSTON

Councillor Griffiths  
Councillor Lunn

Councillor Tymkewycz

##### FORTH

Councillor Cardownie  
Councillor Day

Councillor Jackson  
Councillor Redpath

##### INVERLEITH

Councillor Bagshaw  
Councillor Barrie

Councillor Hinds  
Councillor Whyte

##### PENTLANDS

Councillor Aitken  
Councillor Bill Henderson  
Councillor Ricky Henderson

Councillor Heslop  
Councillor Lewis  
Councillor Rust

##### LEITH

Councillor Blacklock  
Councillor Booth  
Councillor Chapman  
Councillor Gardner

Councillor McVeyr  
Councillor Munro  
Vacancy

## **LIBERTON/GILMERTON**

Councillor Austin Hart  
Councillor Bill Cook

Councillor Nick Cook  
Councillor Robson

## **PORTOBELLO/CRAIGMILLAR**

Councillor Bridgman  
Councillor Child

Councillor Walker

## **SOUTH CENTRAL**

Councillor Burgess  
Councillor Godzik  
Councillor Howat  
Councillor Main

Councillor McInnes  
Councillor Orr  
Councillor Perry  
Councillor Rose

## **SOUTH WEST**

Councillor Burns  
Councillor Corbett  
Councillor Dixon  
Councillor Fullerton

Councillor Key  
Councillor Milligan  
Councillor Wilson

## **WESTERN EDINBURGH**

Councillor Aldridge  
Councillor Balfour  
Councillor Cairns

Councillor Edie  
Councillor Keil  
Councillor Ross

## APPENDIX 5

(As referred to in Act of Council No 8 of 25 June 2015)

### APPOINTMENTS 2015/16

#### JOINT COMMITTEES AND BOARDS, THE LICENSING BOARD AND LoTHIAN AND BORDERS COMMUNITY JUSTICE AUTHORITY

**Lothian Valuation Joint Board/Lothian Electoral Joint Committee** – 9 members  
– 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Ricky Henderson	SNP Vacancy
Councillor Doran	Councillor McInnes
Councillor Keil	Councillor Rust
Councillor McVey	Councillor Bagshaw
Councillor Work	

**Licensing Board** – up to 10 members – 4 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Day	Councillor Bridgman
Councillor Milligan	Councillor Work
Councillor Redpath	Councillor Balfour
Councillor Walker	Councillor Nick Cook
Councillor Barrie	Councillor Booth

**SEStran (South East of Scotland Regional Transport Partnership)** – 5 members  
– 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Gardner  
Councillor Hinds  
Councillor Bill Henderson  
Councillor McVey  
Councillor Nick Cook

**Lothian and Borders Community Justice Authority** – 1 member

<b>Substantive member</b> Convener of Health, Social Care and Housing Committee	<b>Substitute member</b> Councillor Bill Cook
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**Integration Joint Board** – 5 elected members – 2 Labour, 2 SNP, 1 Opposition Group

Councillor Griffiths  
Councillor Ricky Henderson (Vice  
Convener)  
Councillor Howat

Councillor Work  
Councillor Aitken

## APPENDIX 6

(As referred to in Act of Council No 9 of 25 June 2015)

### APPOINTMENTS TO OUTSIDE BODIES

Outside Organisation	Resigning Member	Replacement Member
Edinburgh International Festival Society	Councillor Austin-Hart (Labour) Councillor Brock (SNP)	Councillor Doran Councillor Howat
Edinburgh Festival Centre Limited	n/a	Councillor Munro
Edinburgh Leisure	Councillor Austin-Hart (Labour)	Councillor Doran
Edinburgh Leisure Two	n/a	Councillors Balfour, Booth, Cairns and Lewis and Doran
Centre for the Moving Image	Councillor Brock (SNP)	Councillor Fullerton
Dancebase	Councillor Fullerton (SNP)	Councillor Key
Edinburgh International Conference Centre	Councillor Ross (SNP)	Councillor Rankin
Edinburgh International Science Festival	Councillor Austin-Hart (Labour) Councillor Ross (SNP)	Councillor Doran Councillor Lunn



Edinburgh Mela	Councillor Cardownie (SNP)	Councillor McVey
Festival City Theatres Trust	Councillor Austin-Hart(Labour)	Councillor Doran
Imagine	Councillor Austin-Hart (Labour)	Councillor Doran
Queen's Hall (Edinburgh) Ltd	Councillor Austin-Hart (Labour)	Councillor Doran
Royal Lyceum Theatre Company	Councillor Austin-Hart (Labour)	Councillor Doran
Royal Scottish National Orchestra	Councillor Austin-Hart (Labour)	Councillor Doran
Cre8te Opportunites Limited	Councillor Ross (SNP)	Councillor Bridgman <b>Note:</b> Subject to confirmation from Cre8te.
EDI Group Limited (EDI) (and subsidiaries – Waterfront, EDI, PARC, Shawfair)	Councillor Rust (Conservative)	Councillor Whyte
Creative Edinburgh	Councillor Brock (SNP)	Officer only representation
Joint Committee of SESplan	Councillor Howat (SNP)	Councillor Dixon
Edinburgh and Lothians Greenspace Trust Board	Councillor Howat (SNP)	Councillor Dixon

6VT City Cafe	Councillor McVey (SNP)	Councillor Fullerton
Merchants Endowment Trust	Councillor Ross (SNP)	Councillor Tymkewycz
Fettes Trust (the Governors of) – Director	Councillor Balfour (C)	Councillor Paterson

## Item no 5.1

### QUESTION NO 1

**By Councillor Jackson for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 20 August 2015**

Of the public toilets which are being closed in the current round -

**Question** (1) Have any been refurbished in the last ten years?

**Answer** (1)

**Question** (2) If so – which ones and what was the cost for each?

**Answer** (2)

## Item no 5.2

### QUESTION NO 2

**By Councillor Nick Cook for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 20 August 2015**

**Question** (1) What is the average wait time for residents making a telephone enquiry regarding waste collection issues?

**Answer** (1)

**Question** (2) Why does the Council deem it necessary for residents to provide sensitive personal information, via a MyGovScotland log-on, in order to inform the council of a missed on-street waste collection? How is this information stored and used?

**Answer** (2)

**Question** (3) What are the current wait times for residents receiving replacement waste and recycling bins after lodging a replacement request? Please break down by bin type.

**Answer** (3)

**Question** (4) Is the current wait time above or below the average for the last twelve months?

**Answer** (4)

## Item no 5.3

### QUESTION NO 3

By Councillor Nick Cook for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 20 August 2015

**Question** (1) How much money has the Council spent, since 2012, correcting road and footway works not carried out to the provided specification?

**Answer** (1)

**Question** (2) What percentage of such works were carried out 'in-house' and what percentage by a private contractor?

**Answer** (2)

**Question** (3) How much money has the Council spent, since 2012, correcting road and footway works carried out to a specification later deemed to be flawed after works were undertaken?

**Answer** (3)

**Question** (4) What percentage of such works were carried out 'in-house' and what percentage by a private contractor?

**Answer** (4)

## Item no 5.4

### QUESTION NO 4

**By Councillor Whyte for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 20 August 2015**

City of Edinburgh Council recently declined a Freedom of Information request to provide a list of data breaches.

**Question** (1) Could the Convener clarify where the details of such breaches are reported and made available for scrutiny by Elected Members?

**Answer** (1)

**Question** (2) What has been the scale and frequency of such breaches over the last 3 years?

**Answer** (2)

**Question** (3) How many have been reported to the Scottish Information Commissioner by the Council?

**Answer** (3)

**Question** (4) How many of these breaches have been reported to the Scottish Information Commissioner by other parties?

**Answer** (4)



August 2015

## Top of the class



Early indications from the Scottish Qualifications Authority are that 2015 has been another positive year for exam results in Edinburgh. It's a real achievement to have not only sustained but built on the successes of last year.

Our pupils should be very proud of themselves – all their hard work has certainly paid off and praise should also go to parents and carers who have supported their children over the past year.

I also want to congratulate all our teaching staff on their commitment to delivering learning experiences of the highest standards, particularly given the introduction of the new exams.

We are committed to making sure all school leavers enter a positive destination of employment, training or further education. This year a record 93.1% of young people achieved and sustained a positive destination through initiatives such as the Edinburgh Guarantee.

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## New Chief Exec takes the reins

Our new Chief Executive, Andrew Kerr, began work on 27 July. He joins us from Cornwall Council, succeeding Dame Sue Bruce who retired following 40 years of public service.

It was clear from the recruitment process that he had the qualities required to take on the role and I look forward to working closely with him to ensure the continuing success of our city.

Andrew brings significant experience of leading and delivering change in the public sector and has achieved recent success in securing a Devolution Deal for Cornwall – all of which is very encouraging as he moves into his new role.

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## City Deal business breakfast

This Monday, 17<sup>th</sup> August, the Edinburgh and South East Scotland City Region – comprising ourselves, East Lothian, Fife, Scottish Borders, Midlothian and West Lothian Councils – will be hosting a [business breakfast](#) at the EICC.

We will be encouraging business leaders to pledge their support for our proposed £1bn city deal, designed to accelerate growth across the region. It is important that we align our ambitions with the business community and we want to keep them fully involved in the process.

In shaping the deal, we want to build on our strengths across the region, whilst tackling persistent inequality and other constraints that threaten to hold us back. If successful, we could potentially unlock an additional £3.2bn worth of private sector investment.

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## Usher Hall success

Congratulations to the team at the Usher Hall, who this week reported a [record-breaking year](#), with bumper ticket sales of £2.7m and total income breaking the £4m barrier. The council-run venue has seen an increase in both sales income and events held at the venue during 2014/15.

Fitting, then, that our premier concert hall should play host to the [Harmonium Project](#), the quite stunning launch of this year's Edinburgh International Festival – Director Fergus Linehan's first programme. Running until 31 August, the Festival welcomes 2,300 artists from 39 nations to perform in the city.

Not forgetting, of course, the irrepressible Fringe, our biggest yet, and the International Book Festival, which promises to take us 'around the world in 18 days' – opening tomorrow (15 August) in Charlotte Square.

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## ICT deal

A new [ICT contract](#), approved last week, is set to transform our services and save a minimum of £45m over the next seven years. It will also deliver an estimated £46m worth of essential services at no extra cost.

Our preferred bidder – CGI – is one of the largest independent suppliers in the world and bring vast experience of transforming ICT services and accelerating channel shift, which will be hugely important in supporting our objectives for change.

Our schools will benefit greatly with bandwidth in secondary schools set to increase by up to 50 times, and primary schools by up to 100 times. The contract will also create over 200 jobs locally, plus over 60 new modern apprentice opportunities.

## A first for Leith – and Scotland

Leith Walk constituents are being asked to elect two councillors on 10 September – a Scottish first.

The [by-election](#) will use the Single Transferable Vote (STV) system, where voters use numbers to rank candidates in order of preference rather than using a single cross. Voters can express 'preferences' for as many or as few of the candidates as they wish.

If this is your ward, I would urge you to have your say on who represents your interests locally. You have until Tuesday 25 August to register to vote or apply for a postal vote for the by-election. Contact the [Electoral Registration Office](#) or phone 0131 344 2500

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## Edinburgh Partnership Community plan

As Chair of the Edinburgh Partnership, I am pleased to introduce our new three-year [Edinburgh Partnership Community Plan 2015-18](#).

Central to the plan is our vision for Edinburgh to be a thriving, successful and sustainable city in which all forms of deprivation and inequality are reduced

It has been informed by feedback from communities and partnerships across the city, underlining the Board's commitment to working with partners across the public, private, community and third sectors to plan and deliver better services and improve the lives of local people.

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## Stay in the picture

Keep yourself in the picture with our [news section online](#). If you wish to unsubscribe please [email](#) us. Watch live full Council and some committee meetings on our [webcast](#). Join the debate on Twitter [#edinwebcast](#)

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◆ EDINBURGH ◆  
THE CITY OF EDINBURGH COUNCIL



10.00am, Thursday 20 August 2015

## Appointments to the Board of Edinburgh Community Solar Co-operative

Item number 7.1  
Report number  
Executive/routine  
Wards

### Executive summary

The purpose of this report is to ask Council to appoint up to three representatives to the Board of Edinburgh Community Solar Co-operative - a local community benefit society. The proposed scheme has been the subject of reports to the Corporate Policy and Strategy Committee and more recently to the Transport and Environment Committee.

### Links

Coalition pledges	P1P15, P33, P50, P53
Council outcomes	All
Single Outcome Agreement	SO4

## Appointments to the Board of Edinburgh Community Solar Co-operative

### Recommendations

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- 1.1 It is recommended that the Council appoint three elected members to the Board of Edinburgh Community Solar Co-operative (ECSC).

### Background

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- 2.1 In December 2013 the Corporate Policy and Strategy Committee approved the signing of a Memorandum of Understanding (MoU) between the City of Edinburgh Council and the Edinburgh Community Solar Cooperative (a local community benefit society) for the development of a community owned Solar Photovoltaic Scheme on 25 Council buildings.
- 2.2 In January 2015, the Transport and Environment Committee considered a progress report which provided further details on the feasibility, operations, funding and risks of the scheme. On 26 February 2015 in consultation with members of the Transport and Environment Committee, under delegated authority the Acting Director of Services for Communities agreed that the Council should progress with the Edinburgh Community Solar Cooperative (ECSC) proposal.

### Main report

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- 3.1 Following the Council's agreement to progress the scheme, ECSC have secured financial support from CARES (Community and Renewable Energy Scheme) and has entered the project delivery phase.
- 3.2 ECSC plan to raise £2.4m through a community share offer which is due to take place in early autumn 2015. Promotion of the scheme to the public will include the sites identified to receive the panels.
- 3.3 The ECSC Board is currently made up of 8 members with provision for an additional 3 spaces reserved for Council representatives. Further details are provided in appendix 1.
- 3.4 The Board will oversee delivery of the solar photovoltaic project and the distribution of any related community benefits that may result over the next 20 years or more.

- 3.5 Heads of Terms between the Council and ECSC have recently been agreed and the contract (Service Level Agreement – SLA) which defines respective responsibilities and benefits between the Council and ECSC is currently being progressed with a view to being settled in advance of the share offer launch in the autumn.

## Measures of success

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- 4.1 Appointment of three elected members to the Board of Edinburgh Community Solar Co-operative. Delivery of the solar photovoltaic project in line with ECSC Business Plan timelines.

## Financial impact

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- 5.1 There is no direct financial impact to the Council arising from the recommendation in this report. The solar photovoltaic project will in due course provide energy cost reductions for the council buildings receiving the panels. In addition community benefits will occur as part of the installation of the panels and in the distribution of any profits generated by the scheme.

## Risk, policy, compliance and governance impact

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- 6.1 The SLA will set out the liabilities, risks and benefits to the partners for the operation of the scheme over the next 21 years.
- 6.2 The Council's appointments to the ECSC Board will comply with Council Practice in relation to Appointments to External Organisations.

## Equalities impact

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- 7.1 Not applicable.

## Sustainability impact

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- 8.1 Appointment of elected members onto the Board of ECSC will help:
- advance the Council's contributions to the Climate Change (Scotland) Act 2009 public sector duties,
  - contribute to the delivery of Sustainable Edinburgh 2020 objectives, in particular the advancement of vibrant flourishing communities, social and economic wellbeing and an efficient and effectively managed city; and
  - contribute to the development of cooperative societies as part of the Cooperative Capital Framework.

## Consultation and engagement

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- 9.1 Discussions on the formation, governance and operation of the ECSC have been ongoing between ECSC and the Council over the last two years.

## Background reading/external references

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[Edinburgh Community Solar Cooperative](#), Transport and Environment Committee, January 2015

[Edinburgh Community Solar Cooperative Proposal](#), Corporate Policy and Strategy Committee, December 2013

[Edinburgh Community Solar Cooperative website](#)

### Alastair D Maclean

Chief Operating Officer

Deputy Chief Executive

Contact:

Nick Croft – Corporate Policy and Strategy Manager

Email: [nick.croft@edinburgh.gov.uk](mailto:nick.croft@edinburgh.gov.uk) Tel: 0131 469 3726

Graeme McKechnie – Senior Corporate Policy and Strategy Officer

Email: [graeme.mckechnie@edinburgh.gov.uk](mailto:graeme.mckechnie@edinburgh.gov.uk) Tel: 0131 469 3861

## Links

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<b>Coalition pledges</b>	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors. P33 - Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used P50 - Meet greenhouse gas targets, including the national target of 42% by 2020. P53 - Encourage the development of Community Energy Cooperatives.
<b>Council outcomes</b>	All
<b>Single Outcome Agreement</b>	S04 - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1: ECSC Guide for Directors



## Directors Pack

## Edinburgh Community Solar Co-operative

### General Data

**Solar Locations:** Community buildings across Edinburgh. Final list to be determined subject to planning consents and signed grid connection agreements

Administration Address	Registered Address
Edinburgh Community Solar Co-operative Unit 26, Trinity Enterprise Centre Furness Business Park Barrow in Furness Cumbria LA14 2PN  Email: <a href="mailto:info@edinburghsolar.coop">info@edinburghsolar.coop</a>  Website: <a href="http://www.edinburghsolar.coop">www.edinburghsolar.coop</a>  Registered Number: 32277R	Edinburgh Community Solar Co-operative C/o - Friends of the Earth Scotland Thorn House 5 Rose Street Edinburgh EH2 2PR  Email: <a href="mailto:info@edinburghsolar.coop">info@edinburghsolar.coop</a>  Website: <a href="http://www.edinburghsolar.coop">www.edinburghsolar.coop</a>  Registered Number: 32277R

### General Co-op Data

Co-op established: 2014  
Projected returns to members: Capped at 5% rising with RPI  
Capital investment by Co-op:  
Marketing:

Share offer launched: End September / Early October 2015  
Share offer closed: Expected December 2015

### **Summary**

After 5 years of trying to deliver a range of urban community renewable energy projects the Edinburgh Community Energy Co-operative, the predecessor of ECSC, decided to re-think its priorities and strategy. The directors decided that a large scale solar photovoltaic (PV) project on Edinburgh roofs would offer the best chance of delivering a viable co-operative energy project within the city. Edinburgh is low on the league tables of installed PV of any city in the UK and it is perceived that this is because many people live in tenement flats, with no access to the roof. ECSC will offer Edinburgh residents the chance to collectively own solar panels and do something positive about climate change, benefit financially while at the same time helping those in the city who live in fuel poverty and possibly can't afford to invest. With Government incentives for community ownership, project scale and recent

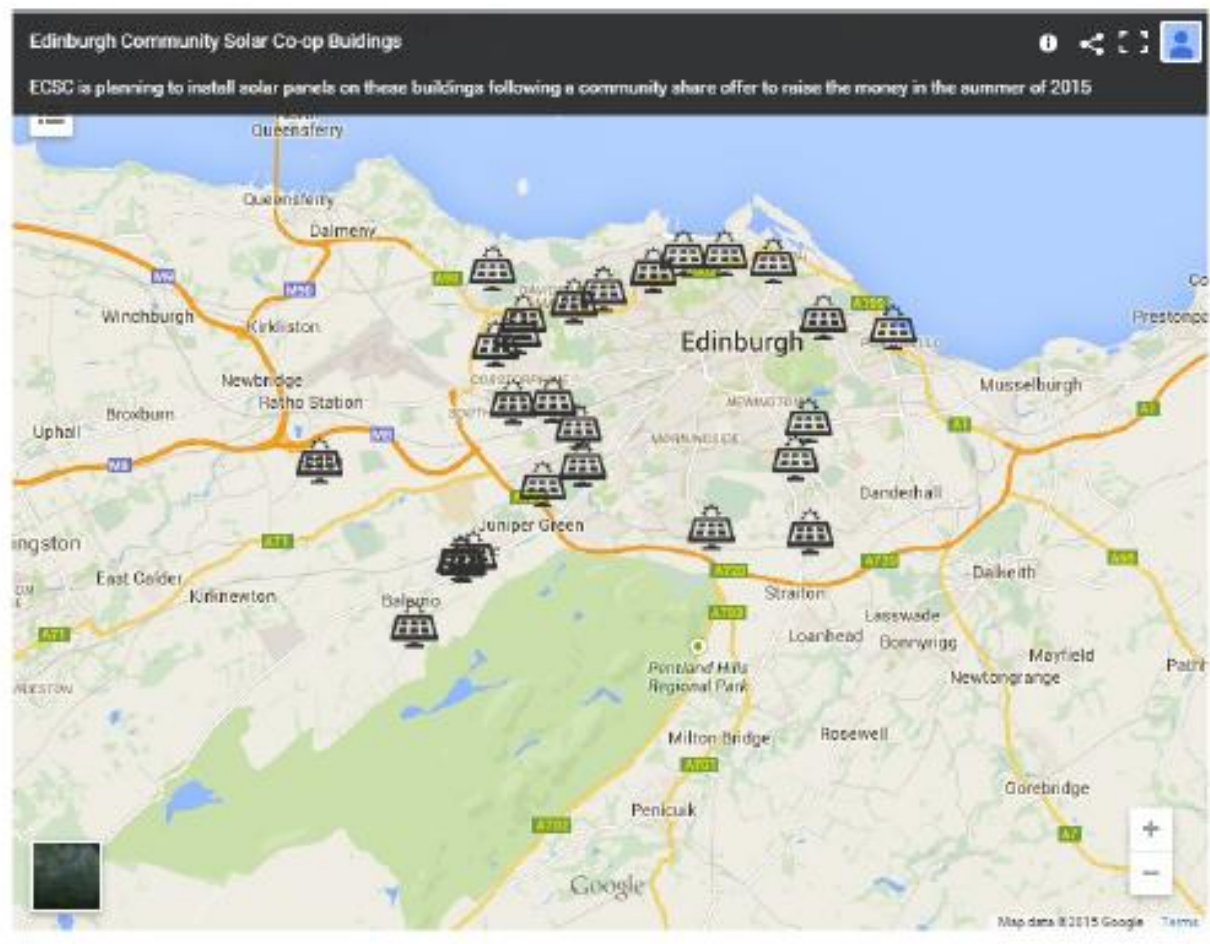


reductions in the cost of panels, roof mounted solar PV arrays are now a viable business model. Even this far North

An approach was made to the City of Edinburgh Council and a Memorandum of Understanding was agreed. This allowed us to investigate a solar PV project on suitable public buildings. With support from Co-operative Development Scotland and Energy4All a new community solar co-operative was created to investigate the opportunity. We then applied to CARES for funding to investigate the proposal which allowed us to survey 47 eligible buildings. Following a series of surveys by Onsite Generation, the list was refined to the 25 we are currently progressing.

The intention now is to raise project capital from Edinburgh residents with a public share offer. By offering a capped return on share interest to members of 5% per annum and returning capital as we go, the co-op generates a surplus profit for community benefit. This is a model which has proven to work successfully in other cities throughout the UK and Europe.

## Location of the Solar Projects



This list of buildings is subject to change. The live list can be found at [https://www.google.co.uk/maps/@55.9279331,-3.2512671,12z/data=!3m1!4b1!4m2!6m1!1szU4QxUyXJrE.kp0RoL\\_KSbiw](https://www.google.co.uk/maps/@55.9279331,-3.2512671,12z/data=!3m1!4b1!4m2!6m1!1szU4QxUyXJrE.kp0RoL_KSbiw)

## Industrial and Provident Societies

### **What is an Industrial & Provident Society?**

An industrial and provident society is an organisation conducting an industry, business or trade, either as a co-operative or for the benefit of the community, and is registered under the Industrial and Provident Societies Act 1965.

The FSA is the registering authority for societies which register under the Industrial and Provident Societies Act 1965 (I&P Act 1965). Companies House carry no information on an IPS other than its name & registration number. An annual return with details of the directors and financial information must be submitted to the FSA.

Further information can be found on the FSA website

[http://www.fsa.gov.uk/Pages/Doing/small\\_firms/MSR/Societies/index.shtml](http://www.fsa.gov.uk/Pages/Doing/small_firms/MSR/Societies/index.shtml)

### **IPS Update Sep 2010:**

Following recent amendment to legislation, IPSs now fall under the new Co-operative and Community Benefit Societies and Credit Unions Act 1965, enacted in April this year.

### **Recent legislation changes effective from 8<sup>th</sup> January 2012:**

#### **Maximum Shareholding**

The LRO (Legislation Reform Order) removes the limit of £20,000 on the interest in non-withdrawable shares issued by an industrial and provident society that may be held by an individual member.

#### **Year Ends**

Flexibility for societies to choose their own year ends.

#### **Provision of copies of rules**

A society may charge for supplying a copy of its rules to any other person from 10p to £5. This increase also applied to a member who has previously received a copy of the society's rules.

#### **Members under 18 Years**

A society may have a member who is under the age of sixteen years. Additionally it states that if a member is aged sixteen years or above, they may enjoy all the rights of a member, be able to execute all instruments and give all receipts necessary to be executed or given under the society's rules, and be a member of the society's committee or board.

The above applies unless the society's rules provide to the contrary (e.g. a society may decide to keep the minimum age for board membership at 18 in its rule book).

#### **Dissolution**

An easier route to dissolution for "dormant" societies.

#### **Publication of unaudited interim accounts**

Societies to publish unaudited interim accounts provided they are clearly identified as unaudited and published alongside a society's most recent audited accounts.

#### **Co-operative Principles**

- Open Membership
- Democratic Member Control
- Economic Participation for/by all Members
- Autonomy and independence
- Provision of Education, Training & Information
- Co-operation among Co-operatives
- Community Concern



## Edinburgh Solar Community Co-op Rules in Brief

We refer to directors as Board members.

- Maximum individual or company investment (by law) £100,000, minimum investment £250. However, another co-op can invest more than £100,000
- One member one vote regardless of the number of shares held.
- Rule 7.1 ~ Must give members 21 days notice of AGM.
- Rule 7.1 ~ A General meeting can be called at the request of 10% or more of the membership.
- Rule 7.2 ~ AGM has to be held within 7 months of the year end (year end December).
- Rule 9 ~ Rules can only be amended at the AGM followed by registration with the FSA.
- Rule 11.2.a ~ Not less than 3 and no more than 7 Board members.
- Rule 11.2.b ~ The Board can elect up to two additional Board members as a representative of another company such as another co-op or Energy4All so long as they are a member of Kilbraur.
- Rule 11.2.b ~ A Director must be 18 years or over to join the Board.
- Rule 11.7 ~ One third of the Board retire each year by rotation and can stand for re-election.
- Rule 13.1 Share Capital ~ £1 ordinary shares.
- Rule 14 Transferable Shares ~ Share can be transferred to another member subject to Board approval. Transfer can mean sale, gift or mortgage.
- Rule 15 Withdrawable Shares ~ shares can be withdrawn after 5 years from registration of Rules subject to Board approval and no more than 5% of total share capital in any one year. Death or bankruptcy share can be withdrawn immediately.
- Rule 17.1.a ~ Co-op can borrow up to £10million.  
Founder Members –

You should familiarise yourself with the full set of Rules (see Appendix A).

### Trading Shares & EIS Tax Relief

The trading of shares can be carried out under Rule 14.

### Annual General Meetings (AGM)

Each year the Co-op will hold an AGM for the following purpose:

- Approve minutes to last year's AGM
- Approve accounts
- Appoint the auditor
- Approve the distribution of surplus funds.

Any member has the right to put forward a motion at the AGM. The Co-op will write to all members requesting any motion is received by a certain date to allow for the inclusion in the agenda. This does not mean to say that all motions will be included. Any motion(s) received will require approval by the Board. In general, most members tend to send in questions/suggestions rather than actual motions.

# **Duties and Liabilities of Directors**

## **Duties and liabilities of directors of Industrial and Provident Societies**

### **Appointment and Removal of Directors**

Every Industrial and Provident Society must have a board of directors more commonly known as the committee. Although an Industrial and Provident Society must have at least three members there is no minimum number of directors required - any minimum will be specified in the rules of the society. However every society must have a secretary.

### **Appointment**

There is no statutory procedure for the appointment of directors - the procedure for the appointment of directors will be prescribed in the rules of that society. The Financial Services Authority is only concerned to see that, at the time of registration of a new society or upon amendments to the rules, the society is run democratically. The rules of a Society will lay down the number of directors, and the length of term of office. Details of society's officers must be kept in their register of members and included in the society's annual return to the registrar.

### **Disqualification**

Again there are no statutory rules concerning the disqualification and removal of directors from the committee of an Industrial and Provident Society, aside from that no one less than 18 years may be an officer of the society or be a committee member. The grounds for disqualification and removal will be set out in the rules of the society, so for example, the rules of a society may disqualify undischarged bankrupts, and people of unsound mind who are incapable of managing their own affairs, from acting as directors.

## **Powers and Duties of Directors**

### **Powers of Directors**

The powers of the committee will be set out in the rules of the society. Usually the rules provide that the committee has all the powers to manage and conduct the business of the society. The rules of the society will also set out specific powers that a society has, i.e. it will state that a society has the power to borrow, to take on leases etc. The rules will set out the procedures a society must adhere to. The rules of the society therefore contain important information about the management of the society and it is essential that the directors are familiar with their provisions, so that they can carry out their duties in the correct manner.

### **The Duty of Skill and Care**

In carrying out your role as director you are expected to show levels of skill and care commensurate with your particular skills and experience. This means that if by profession you are an accountant or a solicitor, you are expected to show a greater degree of expertise than someone without such a professional qualification.

### **Fiduciary Duty**

The director of a society owes a fiduciary duty first of all to the society of which she/he is a director and not to the individual members of that society. This essentially means that the director of that society must always act in the best interests of the society *as a whole*, and not of themselves or of one particular section of the membership with which they may be associated.

### **Interests in Contracts**

If a director has an interest in a contract that the society wishes to enter into, for example s/he is a director of a company that is going to provide a service to the society, if she/he fails to advise the society of this interest, then the society has the following remedies - it can decide to set aside the contract and recover any loss from the director or it can decide to go ahead with the contract and recover any profits that the committee member may have made from the transaction. In such a situation the committee member has a duty to provide full information about the contract to a general meeting of the society which will decide whether to exercise its rights to recover profits. However, if the rules of a society deal with this situation then the procedure set out in the rules should be followed. Usually, a director would be required to declare his/her interest to the

committee and would not be allowed to vote on the issue of the contract. If the rules of the society make provision for this and the correct procedure is followed then the society cannot challenge the transaction or claim the directors' profits.

#### **Misuse of Property or Information**

A director must deal with the assets of a society in accordance with the society's interests. If a director is in breach of this duty then the society can recover any loss from a director in breach through the courts in the normal way. Industrial and Provident Societies also have a cheap and easy alternative to this - they can recover money or other property misappropriated with an order from the magistrates court (with or without the director gaining a conviction for a criminal offence).

### **Liabilities of Directors'**

Directors of Industrial and Provident Societies are protected by the concept of limited liability. This means that when the society goes into liquidation or is wound up with outstanding debts, they will not have to contribute to the assets of the society above the amount of the value of the shares they hold (usually a nominal sum). This protection may be lost in certain situations.

#### **Personal Guarantees**

If a society approaches a bank or other financial institution for a loan, it is common practice for them to ask that the directors give personal guarantees, particularly if the society of which they are a director does not have many assets. Giving a personal guarantee is the equivalent of taking out a personal mortgage, and the director will not be protected by limited liability.

#### **Wrongful trading**

The court can order the director of a society which has gone into insolvent liquidation to make a contribution to the assets of the society, if it appears that she/he knew or ought to have known that the society was going into insolvent liquidation, but took no steps to try and avoid it. The court may make such an order even if the director didn't know the society was going insolvent. The crucial test is that she/he *ought* to have known.

#### **Fraudulent trading**

If it can be proved that directors have carried on trading with the intent to defraud creditors, the court has the power to order a director to contribute to the assets of the society. Unlike limited companies, there is no power to bring criminal proceedings against directors of Industrial and Provident Societies for fraudulent trading.

#### **Liabilities to third parties**

A director of a society can be personally liable to a third party in these situations:

If she/he signs a cheque which doesn't contain the full and proper name of the society,

If she/he doesn't make it clear she/he's signing as an agent of the society,

If the third party has the impression that the contract is being made personally with the director and not with the society,

If she/he makes fraudulent or negligent statements to the third party which that person subsequently relies on,

If she/he acts outside his/her area of responsibility without the authority of the board of directors (a concept known as "breach of warranty").

In each of these situations any debt which follows and which remains unpaid will be considered to be the debt of the director and she/he may be sued for payment.



# The City of Edinburgh Council

10am, Thursday, 20 August 2015

## Appointment to the Rosyth Local Liaison Committee

Item number	7.2
Report number	
Executive/routine	
Wards	All

### Executive summary

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The purpose of the report is to ask Council to appoint a representative to the Rosyth Local Liaison Committee. Councillor Maureen Child has resigned from the Local Liaison Committee. Council is asked to appoint a replacement.

### Links

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Coalition pledges	n/a
Council outcomes	n/a
Single Outcome Agreement	n/a

## Appointment to the Rosyth Local Liaison Committee

### Recommendation

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- 1.1 It is recommended that Council appoint a replacement representative to the Rosyth Local Liaison Committee.

### Main report

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- 2.1 Councillor Maureen Child has tendered her resignation from the Rosyth Local Liaison Committee. Council is asked to appoint a replacement.
- 2.2 The Rosyth Local Liaison Committee is the primary forum for consulting with the Local Authorities on matters affecting public protection from nuclear and radiation hazards arising from nuclear operations in Rosyth Business Park. Meetings typically are annually although they may be more frequent by agreement.
- 2.3 The Council's current membership on the Rosyth Local Liaison Committee is:
- Councillor Child (L)
  - Councillor Paterson (C)
  - Councillor Shields (LD)
  - Councillor Work (SNP)

### Measures of success

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- 3.1 New member of Rosyth Local Liaison Committee appointed.

### Financial impact

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- 4.1 Not applicable.

### Risk, policy, compliance and governance impact

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- 5.1 Not applicable.

### Equalities impact

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- 6.1 Not applicable.

### Sustainability impact

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- 7.1 Not applicable.

## Consultation and engagement

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8.1 Not applicable

## Background reading / external references

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### John Bury

Acting Director, Services for Communities

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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** None

10.00am, Thursday, 20 August 2015

## Edinburgh Tram Inquiry

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

### Executive summary

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This report asks Council to note the action taken under the urgency procedures set out at paragraph A4.1 of the Committee Terms of Reference and Delegated Functions, in relation to issues concerning participation and representation at the Edinburgh Tram Inquiry and to delegate authority to the Chief Executive or the Deputy Chief Executive to take decisions and actions in relation to the Inquiry.

### Links

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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



## Edinburgh Tram Inquiry

### Recommendations

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- 1.1 The Council is recommended:
  - 1.1.1 to note the action taken under the urgency procedures set out at paragraph A4.1 of the Committee Terms of Reference and Delegated Functions;
  - 1.1.2 to delegate authority to the Chief Executive and/or the Deputy Chief Executive to take all decisions or actions in relation to the Council's involvement in the Edinburgh Tram Inquiry provided that the financial consequences of such decisions or actions do not exceed £2 million in aggregate (to be funded from the Council's reserves) and subject to regular reporting of updates to group leaders' meetings; and
  - 1.1.3 to note that where in the opinion of the Chief Executive or the Deputy Chief Executive (as the case may be) any such decision or action is particularly sensitive or controversial, the Chief Executive and/or the Deputy Chief Executive will where practical, consult in advance with group leaders and will report such decision or action taken to the next meeting of the full Council.

### Background

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- 2.1 The Edinburgh Tram Inquiry (the "Inquiry") has been set up with the aim of establishing "why the Edinburgh Trams project incurred delays, cost more than originally budgeted and through reductions in scope delivered significantly less than projected".
- 2.2 Following an invitation from the Inquiry, the Council has applied for and been granted Core Participant status in the Inquiry.
- 2.3 A preliminary hearing has been convened by the Chairman of the Inquiry, Lord Hardie, to take place on 19 August 2015.
- 2.4 The Council has been in discussion with members of the Inquiry team, including the Chairman, in relation to the participation of tie Limited (now CEC Recovery Limited) ("tie"), and the representation of individuals at the Inquiry, and has been asked to consider and confirm its position in relation to those issues.

- 2.5 There was an urgent requirement for the Council to deal with this request, in order to confirm its position to the Inquiry prior the hearing on 19 August 2015.

## Main report

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### **Decisions taken under the Council's urgency procedure**

- 3.1 Paragraph A4 of the Council's Committee Terms of Reference and Delegated Functions provides that if a decision which would normally be made by the Council requires to be made urgently between meetings of the Council, 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.
- 3.2 Appendix 1 sets out the terms of the decision made on 12 August 2015 by the Chief Executive, in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council (CEC). Given the importance of this decision, there has also been consultation with the Leader and Deputy Leader of the Council, the Conveners of Transport and Finance and the leaders of the Conservative, Green and Liberal Democrat groups. Further details of the background to and basis for the decisions are set out in this report.

### **Delegated authority to officers**

- 3.3 As the Inquiry progresses, further decisions will need to be made on the Council's position on various issues. The Council is requested to delegate authority to the Chief Executive and/or the Deputy Chief Executive to take all decisions or actions in relation to the Council's involvement in the Inquiry provided that the financial consequences of such decisions or actions do not exceed £2 million in aggregate. The financial cost of the Council's participation in the Inquiry will require to be funded from the Council's reserves.
- 3.4 There will be regular updates by the Chief Executive and/or the Deputy Chief Executive to the group leaders, and in any case where the Chief Executive or Deputy Chief Executive considers a decision or action to be particularly sensitive or controversial, group leaders will be consulted in advance where it is practical to do so and any such decision or action taken will be reported to the next meeting of the full Council.

### **Funding/participation of tie in the Inquiry**

- 3.5 In 2002, CEC set up tie as a wholly owned subsidiary in order to investigate, amongst other aspects of a local transport strategy, the possibility of one or more tram lines in Edinburgh.
- 3.6 The Edinburgh Tram Acts passed in 2006 gave the necessary statutory powers to CEC to delegate to tie responsibility for entering into the relevant contracts. Through resolutions and Operating Agreements, CEC authorised tie to enter into

the contracts required for the design, construction and maintenance of the tram project. CEC as ultimate shareholder entered into a parent guarantee with the construction consortium, Infraco, guaranteeing the financial obligations of tie to Infraco.

- 3.7 Until September 2011, tie was managed by a board of directors which included executive directors, independent non-executive directors and representatives of CEC as shareholder. The board of directors operated under the corporate governance regime of the Companies Act 2006 like any other private limited company and independent of its shareholder.
- 3.8 Following the mediation process of 2011 when agreement was reached in relation to various disputes concerning the project, CEC determined that its direct involvement in the project was necessary and accepted the business, assets and certain liabilities of both tie and tie's holding company Transport Edinburgh Limited ("TEL") through a hive up agreement entered into in September 2011.
- 3.9 Since the hive up, tie has been a dormant non-trading company ultimately owned by CEC, which has appointed a senior officer of CEC to act as sole director. tie has no assets, and does not trade.
- 3.10 In the circumstances, CEC's position has been that tie should not participate as a separate entity in the Inquiry, or have separate representation. CEC and tie and TEL are distinct legal entities having their own legal rights and obligations arising out of their status respectively as a local authority and limited companies. CEC, whilst taking care not to undermine this legal distinction with regard to the role that it performed in relation to the project with that performed by tie and TEL, has used and will continue to use all proper endeavours to assist the Inquiry and provide information to it in relation to the role of tie and TEL. This will not preclude the Council from taking a position in the Inquiry which is critical of any person or organisation.
- 3.11 The Chairman of the Inquiry has invited CEC to reconsider its decision not to fund tie to enable it to apply for core participant status and to participate fully in the Inquiry.
- 3.12 If tie were to participate in the Inquiry as proposed, it would require to be legally represented. The nature of tie's role in the project makes it likely that it would be involved in most, if not all, chapters of evidence to the Inquiry.
- 3.13 tie would require to be "revived" with the appointment of further officers in order for it to issue instructions as a core participant in the Inquiry. There would be undoubted challenges in finding individuals who would be willing to be appointed to tie. Even if such individuals could be found, they would not have any first hand knowledge of the project. Those imbued with this knowledge are the former officers and employees of tie.
- 3.14 Instructions on behalf of tie would require to be issued to legal representatives appointed on its behalf. For tie in its current form to provide instructions would require, as indicated above, individuals to be appointed to it, and for those individuals to immerse themselves into an extensive factual matrix in order to be in a position to provide instructions to legal representatives. Similarly, those legal

representatives would require to carry out their own factual investigation and legal analysis which would be both time consuming and costly.

- 3.15 The foregoing costs associated with reviving tie in order for it to be in a position to provide instructions and the legal costs involved with regard to representation at the Inquiry would be substantial. tie has no income or assets to meet any costs and they would have to be borne by the public purse.
- 3.16 It is the case that former officials and employees of tie can be called to give evidence to the Inquiry about the actions of tie. tie as a legal entity does not require to be present at the Inquiry for those individuals to give their evidence and those individuals will be able to give evidence on all matters which are considered by the Inquiry to be relevant.
- 3.17 On the basis of the foregoing, the decision has been taken pursuant to the Council's urgency provisions that the proper and proportionate approach, having regard to avoiding the unnecessary expenditure of public funds, is that CEC's position should remain as previously communicated to the Inquiry, and as referred to above in paragraph 3.10.

#### **Legal representation for current and former Council members and employees**

- 3.18 The Inquiry will seek to take statements from individuals involved in the Edinburgh Tram Project, some of whom may also be called to give oral evidence to the Inquiry at hearings. Some of these individuals will be current or former Council employees or elected members.
- 3.19 The decision has been taken under urgency procedures that CEC will fund legal advice from an independent law firm to those current and former employees or elected members of CEC who are asked by the Inquiry to provide a statement and who wish to have advice in relation to the provision of that statement.
- 3.20 The Inquiry has asked CEC to consider its position on legal representation for existing and former members and employees of CEC who may be the subject of criticism at the Inquiry.
- 3.21 No decision has been taken by CEC about the extent to or circumstances in which current or former elected members and employees may be subject to criticism by CEC.
- 3.22 No decision has yet been taken by CEC to fund representation for those called to give evidence at Inquiry hearings. Any further decisions which might come to be necessary in this respect will be taken on a case by case basis, to be considered further as the Inquiry progresses.

#### **Legal representation for current and former tie employees**

- 3.23 The Inquiry has invited CEC to provide representation for employees of tie liable to be criticised by CEC.
- 3.24 There are no current employees of tie, which is a dormant company.
- 3.25 No decision has been taken about the extent to or circumstances in which former tie employees are liable to be criticised by CEC.
- 3.26 The former tie employees, particularly in the period after 2006, were almost solely focused on the delivery of the Tram project, and had been recruited

specifically for that purpose because of their particular expertise and professional background, some of them as consultants via service companies. They ought to be well equipped to explain their position in relation to the decisions and actions that were taken. If any of them consider it appropriate to have legal representation, they will be able to appoint their own lawyers.

- 3.27 Under the Inquiries Act, there is provision for the Chairman to make an award of expenses for legal representation to those who give evidence, irrespective of whether they have core participant status, subject to any conditions or qualifications imposed by the Minister. Both the public interest and the financial resources of the applicant are to be taken into account in deciding whether to make an award of expenses.
- 3.28 The decision has been taken under urgency procedures that CEC should not fund or provide legal representation for former employees or consultants of tie (or TEL).

### **Measures of success**

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- 4.1 The City of Edinburgh Council participates in the Edinburgh Tram Inquiry in an open and transparent manner whilst avoiding the unnecessary expenditure of public funds.

### **Financial impact**

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- 5.1 There is a requirement to allocate up to £2 million of funding from the Council's reserves.

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

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- 6.1 The decision complies with the Council's governance procedures as set out in the Council's Committee Terms of Reference and Delegated Functions.

### **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 In addition to the required consultation with the Lord Provost in accordance with the Council's Committee Terms of Reference and Delegated Functions, the decision was made in consultation with the Leader and Deputy Leader of the

Council, the Transport and Finance Conveners and the leaders of the Conservative, Green and Liberal Democrat groups.

## Background reading/external references

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[Minutes of the City of Edinburgh Council, 26 June 2014](#)

### Andrew Kerr

Chief Executive

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## Links

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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

#### Appendix

Appendix 1 - Decision of the City of Edinburgh Council taken under urgency procedure on 12 August 2015.

## THE CITY OF EDINBURGH COUNCIL

### DECISION UNDER PARAGRAPH A4 OF THE COUNCIL'S COMMITTEE TERMS OF REFERENCE AND DELEGATED FUNCTIONS

Considering that:

- a) On 22 July 2015 the Edinburgh Tram Inquiry (Inquiry) requested that the Council confirms its position in relation to certain issues concerning participation of tie Limited (now CEC Recovery Limited) (tie) in the Inquiry and concerning representation at the Inquiry.
- b) The Preliminary Hearing in the Inquiry is taking place on 19 August 2015. At that hearing, the Chairman, Lord Hardie will give the details of individuals and organisations who have been designated as 'core participants'.
- c) In light of the fact that that the next meeting of the Council does not take place until 20 August 2015, the day after the Preliminary Hearing, there is an urgent requirement for the Council to confirm its position in relation to the role of tie in the Inquiry and in relation to the extent of representation for Council and tie individuals.
- d) tie is a dormant non-trading company with a sole director appointed by the Council. It would require to be "revived" with the appointment of further officers in order for it to issue instructions as a core participant in the Inquiry. The costs associated with reviving tie in order for it to be in a position to provide instructions and the legal costs involved with regard to representation at the Inquiry would be substantial. tie has no income or assets to meet any costs and they would have to be borne by the public purse, in addition to the costs already being borne by CEC in relation to the Inquiry.
- e) It is proposed that the tie should not participate as a separate entity in the Inquiry or have separate representation and that the Council should use all proper endeavours to assist the Inquiry and provide information to it in relation to the role of tie, and also of Transport Edinburgh Limited (TEL), tie's holding company, which is also dormant.
- f) The Council has agreed to fund legal advice from an independent legal firm for all current and former Council employees and elected members who are asked to provide a statement to the Inquiry and who wish to have advice in relation to the provision of that statement. The Council does not propose at this stage to make a decision to fund representation for current and former employees and elected members who are called to give evidence at the Inquiry hearings, but to decide this on a case by case basis as the Inquiry progresses.
- g) It is not proposed that the Council will fund legal advice or representation for the former employees and consultants of tie or TEL.
- h) The Council's position on these matters has been formulated with the benefit of legal advice from senior counsel, taking into account that the Council has an aim of acting objectively, with an obligation to safeguard public funds.
- i) In addition, given the importance of this decision, there has been consultation with the Leader and Deputy Leader of the Council, the Convener of the Transport and Environment Committee, the Convener of the Finance and Resources Committee

and with the leaders of the Conservative, Liberal Democrat and Green groups, as well as consultation with the Lord Provost, as the Convener of the City of Edinburgh Council.

- j) Paragraph A4 of the Council's Committee Terms of Reference and Delegated Functions provides that if a decision which would normally be made by the Council requires to be made urgently between meetings of the Council, 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.
- k) Given the considerations noted above, the Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, agrees that:
- i. tie will not participate as a separate entity in the Inquiry or have separate representation. The Council, tie and TEL are distinct legal entities having their own legal rights and obligations arising out of their status respectively as a local authority and limited companies. The Council, whilst taking care not to undermine this legal distinction with regard to the role that it performed in relation to the project with that performed by tie and TEL, has used and will continue to use all proper endeavours to assist the Inquiry and provide information to it in relation to the role of tie and TEL. This will not preclude the Council from taking a position in the Inquiry which is critical of any person or organisation;
  - ii. The Council will fund legal advice from an independent law firm to all those current and former Council employees and elected members who are asked by the Inquiry to provide a statement and who wish to have that advice in relation to the provision of their statement. The question of funding of any further legal advice or representation for current and former Council employees and elected members will be considered on a case by case basis as the Inquiry progresses; and
  - iii. Any funding by the Council of legal advice or representation will not extend to legal advice or representation to former employees or consultants of tie or TEL.

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Andrew Kerr, Chief Executive

12<sup>th</sup> August 2015 /

Donald Wilson, Lord Provost

12 August 2015



10am, Thursday, 20 August 2015

## Appointment of Executive Director of Place

Item number	8.2
Report number	
Executive/routine	
Wards	All

### Executive summary

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This report refers the recommendation of the Recruitment Committee for the appointment to the post of Executive Director – Place to Council for approval.

### Links

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Coalition pledges  
Council outcomes  
Single Outcome Agreement

## Appointment of Executive Director of Place

### Recommendations

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- 1.1 That Council appoint Paul Lawrence to the post of Executive Director – Place, subject to any necessary pre-employment checks.

### Background

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- 2.1 Following the commencement of the Transformation Programme, Aspen People were engaged to source suitable applicants for the role of Executive Director – Place. External online advertising and social media recruiting methods were used to source applicants, as well as more traditional headhunting methods.

### Main report

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- 3.1 The composition of the Recruitment Committee for the Executive Director - Place was Councillors Burns, Aldridge, Burgess, Hinds, Howat, Rankin and Rose.
- 3.2 The Recruitment Committee shortlisted applications on Monday 10 August 2015. Those shortlisted were invited to attend Recruitment Committee interviews which were held on Monday 17 and Tuesday 18 August 2015.
- 3.3 The Recruitment Committee agreed to recommend that the Council appoint Paul Lawrence to the post of Executive Director – Place.

### Measures of success

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- 4.1 That an individual is appointed to undertake the role of Executive Director – Place.

### Financial impact

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- 5.1 As noted in the report agreed by the Corporate Policy and Strategy on 24 March 2015, Aspen People have been competitively procured for Chief Officer recruitment.

### Risk, policy, compliance and governance impact

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- 6.1 The Council's recruitment and selection policy for the recruitment of Chief Officers has been followed.

## Equalities impact

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7.1 The appointment process complies with relevant equalities legislation.

## 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 Recruitment Committee has been conducted in an open and transparent manner.

## Background reading/external references

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[Succession Planning - Chief Executive - Recruitment - report to Corporate Policy and Strategy Committee 24 March 2015](#)

Minutes of the Recruitment Committees of 10, 17 and 18 August 2015.

### **Andrew Kerr**

Chief Executive

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## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome**

**Agreement**

**Appendices**

# City of Edinburgh Council

10am, Thursday, 20 August 2015

## Future Investment in the School Estate – Wave 4

Item number	8.3
Report number	
Executive/routine	Executive
Wards	All

### Executive summary

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At its meeting on [25 September 2014](#) Council noted the position regarding the two existing unfunded priorities in, and approved the approach to determining the remaining scope of, the Wave 4 school investment programme.

The purpose of this report is to advise the outcome of the first stage of the process to determine the remaining scope of the Wave 4 programme and seek approval for four secondary schools to be shortlisted for further consideration.

### Links

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Coalition pledges	<a href="#">P03</a>
Council outcomes	<a href="#">C01</a> and <a href="#">C02</a>
Single Outcome Agreement	<a href="#">S03</a>

## Future Investment in the School Estate – Wave 4

### Recommendations

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- 1.1 Approve that the four secondary schools identified in this report be shortlisted for further consideration and note that a report will be taken back to Council on the outcome of this process, together with the proposed approach to prioritisation, at a later date.

### Background

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- 2.1 Since 2000 the Council has undertaken a significant and sustained level of investment in its school estate. Two large Public Private Partnership (PPP) programmes have been delivered in addition to a number of individual projects. With funding identified to deliver all five schools in the Wave 3 programme and most of the projects already well underway, it is now appropriate to consider a fourth wave of investment – a 'Wave 4' school investment programme.
- 2.2 When considering the projects to be included in a Wave 4 programme and their relative priority, cognisance must be taken of two of the existing unfunded priorities which must, by their nature, be included as the first and second priority. The first priority is the requirement to respond to the challenges of rising primary school rolls to ensure that the Council's statutory duties are fulfilled; the second priority being the existing commitment made by the Council to delivering a new secondary school in Craigmillar.
- 2.3 At its meeting on [25 September 2014](#) Council noted the position regarding the two existing unfunded priorities in, and approved the approach to determining the remaining scope of, the Wave 4 school investment programme.
- 2.4 The purpose of this report is to advise the outcome of the first stage of the process to determine the remaining scope of the Wave 4 programme and seek approval for four secondary schools to be shortlisted for further consideration.

### Main report

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- 3.1 It was agreed that the Wave 4 programme would follow the lead of earlier initiatives and focus mainly on secondary schools, along with assessing the investment requirement for any other schools that are rated as being in poor condition; the Council has no schools in bad condition.

- 3.2 The rationale for the main focus on secondary schools was that the replacement, or partial renewal or upgrade, of a secondary school would benefit a significant number of pupils. The type of specialist facilities provided in a secondary school are also more complex than the standard classrooms provided in a primary school and are therefore more likely to require upgrade to ensure they reflect the modern curriculum.
- 3.3 A bid for a replacement Queensferry High School has been submitted to the Scottish Government, as approved by Council on [25 September 2014](#). Should, for whatever reason, Scottish Government funding not become available then Queensferry High School would also be included within the Wave 4 process but below the existing commitments outlined in paragraph 2.2 of this report.
- 3.4 Therefore excluding Queensferry High School there are six secondary schools which have not had any significant investment in the last fifteen years and where replacement is not already committed. These are Balerno, Currie, Leith, Liberton, Trinity and WHEC and Council agreed that these schools should be considered.
- 3.5 It was also agreed that the other focus of the Wave 4 programme would be to assess all remaining poor condition (C) schools to ensure they are all suitably addressed by planned upgrade. Condition is rated on a scale of A-D with A being best. The remaining schools in the estate that were assessed in the 2012/13 condition surveys as being in poor condition are all primary schools and were as follows: Abbeyhill, Blackhall, Gilmerton, Holy Cross, Nether Currie, St Cuthbert's, St John Vianney and Stenhouse. Council agreed that these eight primary schools should also be considered.
- 3.6 On [25 September 2014](#) Council approved a two stage approach to determining the remaining scope of the Wave 4 programme. The first stage of the process involves an initial assessment to determine a shortlist of schools for further consideration regarding the most appropriate and suitable solution i.e. refurbishment or complete replacement. The criteria to determine what secondary and primary schools would proceed to the shortlist are as follows:

#### *Primary Schools*

- If the existing building structure is identified as having a short life expectancy the school would proceed to the shortlist.
- If, even following the existing approved investment, the school would be expected to remain as in poor condition then the school would proceed to the shortlist.

#### *Secondary Schools*

- If the existing building structure is identified as having a short life expectancy the school would proceed to the shortlist.
- If the core facilities could not support the necessary size of the expected future school roll then the school would proceed to the shortlist.

- For any remaining schools not already shortlisted as a result of either of the above criteria, those with the lowest combined condition and suitability scores which are considered to merit further detailed examination would proceed to the shortlist.
- 3.7 This first stage of the process has now been completed. The details of the outcomes are provided in Appendix 1 with the following conclusions arising:
- (i) There are no life expectancy or condition issues which would mean that any of the eight primary schools should be shortlisted.
  - (ii) There are no issues with the life expectancy of the six secondary schools which would mean that they should be short-listed for that reason.
  - (iii) Trinity Academy has been identified as already having issues with its core facilities to meet its existing capacity and forecast roll increases will exacerbate this.
  - (iv) Four of the secondary schools (Trinity, Liberton, Balerno and WHEC) have a combined condition/suitability score of below 60%, the lowest (Trinity) being 56.25%, however a margin of only 2% separates them. In comparison, the combined scores for the five schools in the Wave 3 programme ranged from 54.75% to 44%. It is proposed that these four schools be shortlisted for further assessment.
  - (v) The remaining two secondary schools (Leith and Currie) have, in comparison with the other four schools, high combined scores and are rated as being 'satisfactory' (B) for both condition and suitability. It is proposed that these two schools are not shortlisted.
- 3.8 For those four secondary schools which it is proposed are shortlisted the second stage process will be progressed to determine whether refurbishment or new build would be the appropriate intervention. This will be achieved by undertaking feasibility studies to assess any potential suitability and sufficiency improvements that the existing building could offer, with extension where necessary, together with an examination of how the building environment and suitability could be upgraded through refurbishment, identifying costs.
- 3.9 These studies will also assess the deliverability of any suggested approaches including any planning issues and the extent of potential disruption to the school and any decant accommodation which would be required as a consequence (and the cost thereof which would, in all probability, be revenue).
- 3.10 The ability of a school to sustain a refurbishment programme while operating would also have to be considered, particularly as secondary school rolls start to rise, reducing the flexibility to decant. While some schools may have space on their sites for new build, others - specifically Trinity Academy and Balerno Community High School - are on very small sites with inherent constraints where an alternative site is unlikely to be an option. Accordingly refurbishment may be the only choice in these instances.

- 3.11 As highlighted in Appendix 1, unforeseen fabric failures occurred at Trinity Academy in February 2015 in the swimming pool area; the recommended solution to address the issue would be to replace the roofing deck in its entirety at an estimated cost of approximately £0.4m-£0.5m. In light of the significant restrictions and constraints on the school site and the potential opportunity for other approaches to this part of the building to be considered it is proposed that no remedial work be progressed at this time and that the future use of this area be considered as part of the planned feasibility study. During this period Children and Families will make every reasonable effort to ensure alternative swimming arrangements are provided where required for all those who previously used the Trinity Academy swimming pool.
- 3.12 The feasibility studies will not be progressed until the exercise to establish the future capacity requirements of the four secondary schools has been completed. Once the studies have been completed, the conclusions will be reported to Council together with the recommended approach to prioritisation.
- 3.13 In the interim, this matter will be kept under review and if a point did arise when there was the prospect of additional capital funding becoming available in the near future, the appropriate prioritisation would be undertaken based on the available information prevailing at that time. However, the likelihood of such a situation arising is considered to be remote as:
- The costs of either refurbishing or replacing any of these schools would be very significant and there appears to be very little prospect of significant levels of new additional capital funding being available in the next five years at least.
  - Even if capital funding did become available, there are already significant unfunded capital priorities equating to nearly £200m as detailed in the report to the Finance and Resources Committee on [15 January 2015](#). This includes the considerable level of backlog maintenance work required across the Council estate and the estimated costs of the two existing unfunded priorities in the Wave 4 programme. This sum excludes any capital funding which the Council may require to provide towards the future infrastructure requirements as a consequence of housing growth in the city initiated through the Local Development Plan.

## Measures of success

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- 4.1 The eventual scoping of a Wave 4 school investment programme which fully encapsulates the priorities for future investment in the school estate.

## Financial impact

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- 5.1 The cost of undertaking the condition surveys was £66,553 which was met from the Children and Families revenue budget.



- 5.2 The costs of undertaking the feasibility studies for the four secondary schools is estimated to be between £100,000 and £140,000; the majority of which would be internal recharge costs from Services for Communities. These costs will require to be met from the Children and Families revenue budget.

## Risk, policy, compliance and governance impact

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- 6.1 There are no risk, policy, compliance or governance issues arising from this report.

## Equalities impact

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- 7.1 There are no equalities issues arising from this report.

## Sustainability impact

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- 8.1 There are no sustainability issues arising from this report.

## Consultation and engagement

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- 9.1 Not applicable at this point.

## Background reading/external references

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Report to Council on 25 September 2014 – [Future Investment in the School Estate - Wave 4](#)

Scottish Government Guidance for local authorities on assessing the condition of school buildings at <http://www.gov.scot/Publications/2007/03/12142801/0>.

Scottish Government Guidance for local authorities on assessing the suitability of school buildings at <http://www.scotland.gov.uk/Publications/2008/09/19123626/0>.

## Gillian Tee

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## Links

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<b>Coalition pledges</b>	P03 - Rebuild Portobello High School and continue progress on all other planned school developments, while providing adequate investment in the fabric of all schools
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<b>Council outcomes</b>	C01 - Our children have the best start in life, are able to make and sustain relationships and are ready to succeed. C02 - Our children and young people are successful learners, confident individuals and responsible citizens making a positive contribution to their communities.
<b>Single Outcome Agreement</b>	S03 - Edinburgh's children and young people enjoy their childhood and fulfil their potential
<b>Appendices</b>	1 Scoping of Wave 4 Programme – Outcome of Stage 1 2 Assessment of Existing Core Facilities

## APPENDIX 1

### Scoping of Wave 4 Programme – Outcome of Stage 1

#### 1 Primary Schools

##### Life Expectancy

- 1.1 Will Rudd Davidson (WRD) were appointed to undertake structural assessments of each of the eight primary schools on the basis of a 15 year lifespan. Whilst defects were identified these were deemed generally cosmetic and non-structural and not uncommon in buildings of their age or construction.
- 1.2 WRD advised 'provided the defects as noted in our reports are addressed, and provided there is a proactive and regular ongoing maintenance regime, there is no reason that the structure could not be viable for a minimum further 15 years'.
- 1.3 An action plan has been developed to address all of the defects identified within the WRD report however there remains insufficient funding available to undertake a planned preventative maintenance programme within these schools and also the other non-PPP establishments within the Children and Families estate.

##### Condition

- 1.4 The condition surveys undertaken in 2012/13 identified eight primary schools as being condition 'C' which is 'poor' showing signs of major defects. In December 2013 the Education, Children and Families Committee approved a [five year investment programme](#) of approximately £5m to improve the eight primary schools to be condition 'B' which is 'satisfactory'.
- 1.5 The improvement programme is well underway. On completion of all the approved scope of works the condition rating of each school will be re-assessed; it is anticipated the revised condition ratings and scores for each of the eight primary schools will be condition 'B'.

##### Schools to be Shortlisted

- 1.6 Based on the assessment undertaken none of the eight primary schools identified should be shortlisted for further consideration as no existing building structure has been identified as having a short life expectancy and, following the existing approved investment, all schools are expected to improve to being at least in satisfactory condition.

#### 2 Secondary Schools

##### Life Expectancy

- 2.1 Will Rudd Davidson (WRD) were appointed to undertake structural assessments of all high school schools on the basis of a 15-30 year lifespan. Whilst defects were identified these were deemed generally cosmetic and non-structural and not uncommon in buildings of their age or construction. Further specialist

investigations were recommended and carried out at WHEC (concrete testing); Balerno (corrosion steel frame structure) and Trinity (concrete testing). None of the defects found were causing immediate concern regarding the structural adequacy of the buildings but if left untreated could potentially compromise the future lifespan of the buildings as well as being an aesthetic issue.

- 2.2 WRD advised that 'Going forward and commenting on the potential for a 15 year lifespan, we would note that provided the defects as noted in our reports are addressed, and provided there is a proactive and regular ongoing maintenance regime, there is no reason that the structure could not be viable for a minimum further 15 years'.
- 2.3 An action plan has been developed to address all of the defects identified within the WRD report however there remains insufficient funding available to undertake a planned preventative maintenance programme within these schools and also the other non-PPP establishments within the Children and Families estate.
- 2.4 Based on the assessment undertaken none of the six secondary schools identified should be shortlisted for further consideration from a life expectancy perspective.

#### Condition

- 2.5 The condition surveys undertaken in 2012/13 identified two secondary schools - WHEC and Queensferry - as being condition 'C'. In December 2013 the Education, Children and Families Committee approved a [five year investment programme](#) of approximately £4.5m to improve the condition of both 'C' condition high schools to a (satisfactory) 'B' condition. Subsequently the budget has increased to £7.225m to cover an increased scope at the WHEC as a result of asbestos removal and decant costs, whilst the scope has been reduced at Queensferry due to the proposal for a new school.
- 2.6 A further £5.6m was approved for three secondary schools in need of significant investment – Currie, Liberton and Trinity. Subsequently the budget has increased to £6.029m predominantly due to the additional structural improvements required at Trinity. Balerno and Leith were rated as condition 'B' and the majority of the improvement work identified was revenue repairs, therefore these schools did not meet the prioritisation criteria for five year budget allocations and capital funding of £0.26m was allocated. However, due to the need for window replacements at Balerno and failure of the boiler plant at Leith, the budget has increased to £1.057m.
- 2.7 The Asset Management Works (AMW) improvement programme is underway however, due to the scale and the complexity of the scope of works, they cannot be contained within holiday periods and the majority of work requires to be progressed during term time. As a result this is having a significant impact on the day to day operation of the schools, and in some instances full decant or closure of areas is required.

- 2.8 Updated 30 year condition surveys were commissioned in 2014/15 to take a longer term view of the condition of the six secondary schools identified for consideration as part of Wave 4. The previous 2012/13 condition surveys only assessed the current condition over a five year period in line with guidance from the Scottish Government called the [Condition Core Fact](#). They did not take into consideration obsolescence of plant, material or components beyond the five year period, or changes in legislation or regulation. In some instances, elemental replacements need to be factored into the cost plan more than twice over the 30 year period.
- 2.9 A common theme has emerged from the recently completed 30 year surveys which is that many of the original systems and components in these schools are still in use. Although some are still in reasonable working order, they are approaching or exceeding their life expectancy and are at risk of imminent failure. The overall condition of the schools has been exacerbated by a lack of planned preventative maintenance.
- 2.10 The outputs from the 30 year condition surveys are summarised in the following table. It is important to note that this data excludes the impact of any further investment already planned to be undertaken in any of these schools either in summer 2015 or in subsequent years, the impact of which could be significant.

Secondary School	Condition Rating	Condition Score	Capital & Revenue costs Year 1-5	Capital & Revenue costs Year 6-30	Capital & Revenue costs 30 Yr Total
Balerno	C	55.0%	£5,381,218	£7,190,177	£12,571,395
Currie	B	82.0%	£1,816,044	£7,246,778	£9,062,822
Leith	B	67.0%	£5,752,772	£9,511,790	£15,264,562
Liberton	B	62.0%	£2,981,672	£8,338,676	£11,320,348
Trinity	C	58.0%	£5,994,711	£8,125,550	£14,120,261
WHEC	B	66.0%	£6,026,297	£10,110,489	£16,136,786
<b>Total</b>			<b>£27,952,714</b>	<b>£50,523,460</b>	<b>£78,476,174</b>

- 2.11 It should be noted that several schools have more than one building and that, whilst each building will have had a separate score, an overall aggregate score is identified. All costs are at current prices and exclude: future cost inflation, contingency, asbestos removal, decant costs and any replacement of internal fitted furnishings and equipment in specialist teaching areas which are also beyond their anticipated life expectancy.
- 2.12 Whilst the costs shown in the table above for each school are significant, the costs of replacement would be even greater. For example, using our standard

metrics for the construction of a new secondary school the cost of replacing Leith Academy at its current capacity of 950, including the re-provision of the swimming pool, is estimated to be £27m which is based on current prices. This excludes any repairs and lifecycle replacement costs over a 30 year period which would also need to be added to allow a direct comparison to be made and could add a further 30% or more to the cost.

2.13 The overall condition ratings for some of the schools have changed in the intervening period since the 2012/13 surveys were undertaken as follows:

- (i) The rating for *Balerno* has reduced from 'B' to 'C'. This is predominantly due to the revised condition rating for the mechanical plant previously rated 'A' condition now being rated 'D'. The original systems are still in use and, although they are in reasonable working order, they are all at or approaching their expected life expectancy and it is recommended they are replaced in the near future. Similarly the electrical installations are also reaching the end of their life expectancy and the condition rating has dropped from a 'B' condition to 'C'. In addition, a programme of window replacement has been identified as being necessary, and has been allocated funding. The additional cost associated with the mechanical and electrical services is £1.475m (capital and revenue). Further consideration needs to be given to identifying funding for the additional scope of works from 2018-20 as the original five year AMW budget allocation (2013-18) is now fully committed.
- (ii) The rating for *Trinity* has reduced from 'B' to 'C'. The most significant difference in the previous condition rating is the electrical services previously rated condition 'A' and now rated 'C'. The original systems are still in use and, although they are in reasonable working order, they are all at or approaching their expected life expectancy and it is recommended they are replaced in the future. The additional cost associated with the electrical services in total is £2.375m (capital and revenue). Further consideration needs to be given to identifying funding for the additional scope of works from 2018-20 as the original five year AMW budget allocation (2013-18) is now fully committed. Whilst short term (3 to 5 years) external fabric improvements have been completed, further cladding improvements have been identified at a cost of £1m-£2.5m dependant on the decant requirements. Unforeseen fabric failures occurred in February 2015 in the swimming pool area; the recommended solution to address the issue would be to replace the roofing deck in its entirety at an estimated cost of approximately £0.4m-£0.5m.
- (iii) The rating for *WHEC* has increased from 'C' to 'B' which is reflective of the significant investment which has already been made in improvements to the school buildings. However some buildings within the campus remain in a poor condition until the planned improvement works can be completed.

## Suitability

- 2.14 'Suitability' relates to how well the design and layout of a school building and the way it works as a whole in combination with its grounds supports quality learning and teaching and other services provided to children and the school community; in simple terms how well does it meet their needs. It is not about the physical condition of the school building and its services which is assessed separately.
- 2.15 The way in which suitability is assessed for all schools in Scotland is by following a process and methodology which has been created by the Scottish Government called the [Suitability Core Fact](#). The suitability assessment is broken down into five factors: Functionality, Accessibility, Environmental Conditions, Safety and Security and Fixed Furniture and Fittings. For secondary schools these elements are then assessed for six different areas of a school each of which have a different weighting reflecting their relative importance.
- 2.16 For each area and factor combination a rating of either A (Good), B (Satisfactory), C (Poor) or D (Bad) is given. All of these scores are then aggregated with the weightings applied and an overall rating of A, B, C or D determined for the school.
- 2.17 The end users of a building are best placed to make an assessment of its suitability. In previous such exercises it has been with the Head Teacher of the school that the assessment of all areas and associated factors has been undertaken with the outcomes being moderated by Council staff with experience in the area to ensure that a consistent approach is applied across all schools.
- 2.18 This approach was adopted with school management to consider the latest assessment for two of the five factors – Accessibility and Safety and Security. However, views regarding the remaining three suitability factors of Functionality, Environmental Conditions and Fixed Furniture and Fittings were sought via an online questionnaire which was issued to each school, the intention being for as many students and staff as possible in each school to complete the questionnaire so that the grades for these factors were as representative of the views of users as possible. The approach taken in each school was left to the discretion of the Head Teacher and the number of responses received varied from school to school.
- 2.19 The results from all the surveys completed on behalf of each school were collated and average grades identified for the three factors. The final scores were reviewed for all schools and minor moderation undertaken by the Children and Families Asset Planning Team to ensure consistency and parity across all six schools assessed. The final scoring for each school was shared with the Head Teacher who was given the opportunity to make a reasoned case for any change they considered necessary which was by exception.
- 2.20 The overall suitability rating and score for each school is shown in the table below.

Secondary School	Suitability Rating	Suitability Score
Balerno	C	59.0%
Currie	B	69.5%
Leith	B	70.0%
Liberton	C	51.5%
Trinity	C	54.5%
WHEC	C	50.5%

### Sufficiency

- 2.21 There are several elements to consider relating to the sufficiency of accommodation in school buildings. Sufficiency by itself could be addressed though the extension of a building and is not necessarily a driver as to whether a building should be refurbished or completely rebuilt. However, one key issue is whether the existing core facilities such as sports facilities, assembly halls and dining space could accommodate an increased roll.

### *Rising School Rolls*

- 2.22 A report to the Education, Children and Families Committee on [9 December 2014](#) regarding rising school rolls included city wide projections based on the latest population data from the National Records of Scotland which estimate that, as the impact of rising rolls in the primary sector work through to secondary, the current capacity of the secondary school estate will be exceeded by 2022 with demand continuing to rise until at least 2030.
- 2.23 Further detailed analysis suggests this will create capacity issues at many secondary schools in the estate. To begin the process of considering solutions to address the issue of rising rolls within the secondary sector, officers have been working to determine possible options to create additional capacity.
- 2.24 Whilst in the primary sector it is relatively straightforward to increase the capacity of schools through the provision of additional classrooms, it is not as easy in the secondary sector due to the range of classroom types required for different subjects and their grouping into departmental areas. Therefore the work which has been carried out to date has focused on opportunities to increase capacities within secondary schools without having to provide additional accommodation.
- 2.25 The assessment has been carried out by a former secondary school Head Teacher and has involved consultation with all other secondary Head Teachers. The outcome of the analysis is that three areas merit, and require, further consideration:



- (i) Review capacity methodology to determine a more flexible system where S1 intake levels are more closely related to stay on rates in the senior school.
  - (ii) Investigate opportunities where groups of schools could increase collaboration in relation to delivery of the senior school curriculum.
  - (iii) Investigate opportunities for changing the structure of the school day.
- 2.26 For each secondary school where a specific potential rising rolls issue is identified it is proposed to establish a working group involving officers from Children and Families Asset Planning and representatives from the school management team to begin the process of determining the most suitable solution for that school. As part of this process roll projections will be prepared for each school to assist with determining the scale of any potential issue.
- 2.27 The outcome of this process will be initial proposals for each school, particularly in relation to senior school co-operation and changing the structure of the school day, and an indication of the additional capacity which could be created by the proposed measures. At any school where the proposed measures are not considered sufficient to address the potential rising rolls issue identified then options to provide additional accommodation would have to be considered.
- 2.28 It is the intention to establish the working groups and complete the necessary work on development of solutions during the remainder of 2015. Initial proposals for each secondary school potentially affected by rising rolls, including details of any further feasibility studies or stakeholder engagement required, would then be provided as part of a full report on rising rolls in the secondary sector to the Education, Children and Families Committee in December 2015. This process will encapsulate any of the secondary schools under consideration if any potential future accommodation pressures are identified.

#### *Second Local Development Plan*

- 2.29 The significant new housing development across the city arising from the second Local Development Plan (LDP) will significantly increase the number of pupils that will require to be accommodated in the primary and secondary school sectors; this is detailed in the [Education Infrastructure Appraisal](#). There are a number of secondary schools identified as potentially requiring additional capacity to be provided to accommodate these additional pupils, Liberton High School being one of them. The impact of these potential requirements will be taken into consideration in the assessment referred to above.

#### *Core Facilities*

- 2.30 Once the future capacity requirements for each school have been determined, an assessment can be made of the extent to which the existing core facilities such as sports facilities, assembly halls and dining space could accommodate and support the expected future school roll. If the core facilities of the school could not support a substantially increased roll then there may be merit in

replacing the entire core of the school however there would have to be a significant deviation from the generic standards to justify its replacement.

- 2.31 In the interim an assessment has been undertaken of the existing core facilities which is summarised in Appendix 2. This assessment has identified that the existing level of core facilities in most of the six schools could, in some cases with relatively minor adaptations, accommodate an increased capacity. The exception is Trinity Academy which was identified as being problematic as in some areas the core facilities are already insufficient to accommodate its existing capacity.

Schools to be Shortlisted

- 2.32 Based on the assessment undertaken regarding life expectancy, none of the six secondary schools identified should be shortlisted for further consideration for that reason.
- 2.33 The second factor to be considered was that, if the core facilities could not support the necessary size of the expected future school roll, then the school would proceed to the shortlist. Further work requires to be undertaken to determine what the future capacity requirements for each of the schools might be before then considering if there are any issues. However, Trinity Academy has already been identified as having insufficient core facilities in some areas to meet its existing capacity.
- 2.34 It was agreed that for any remaining schools not already shortlisted as a result of either of the above criteria, those with the lowest combined condition and suitability scores which are considered to merit further detailed examination would proceed to the shortlist.
- 2.35 The combined condition and suitability scores for each of the six secondary schools are shown in the following table with an equal weighting of 50% having been applied to each score, this being consistent with the approach used in 2008 to prioritise the [Wave 3 schools](#). The schools are shown in ascending order with the lowest combined score being first.

Secondary School	Suitability Rating	Suitability Score	Condition Rating	Condition Score	Combined Score
Trinity	C	54.5%	C	58.0%	<b>56.25%</b>
Liberton	C	51.5%	B	62.0%	<b>56.75%</b>
Balerno	C	59.0%	C	55.0%	<b>57.00%</b>
WHEC	C	50.5%	B	66.0%	<b>58.25%</b>
Leith	B	70.0%	B	67.0%	<b>68.50%</b>
Currie	B	69.5%	B	82.0%	<b>75.75%</b>

## Appendix 2

### Assessment of Existing Core Facilities

School	Current Capacity	Projected Roll	Kitchen	Dining	PE	Assembly/ Social	Assessment of Core Spaces Capacity
Balerno	850	727	<ul style="list-style-type: none"> <li>Production kitchen and ancillaries of c180m2.</li> <li>Prime cooking capacity 600.</li> </ul>	173m2	<ul style="list-style-type: none"> <li>Games Hall, Gymnasium and Pool. No Dance or Fitness spaces.</li> <li>External pitches.</li> <li>Capacity up to 1,150.</li> </ul>	<ul style="list-style-type: none"> <li>Drama Hall of 215m2 with limited capacity for assemblies.</li> <li>Concourse social space of 950m2.</li> </ul>	<ul style="list-style-type: none"> <li>Core Facilities could accommodate increase in roll to 1,150.</li> <li>Dining and Assembly space limited.</li> </ul>
Currie	900	736	<ul style="list-style-type: none"> <li>Feeder Production kitchen and ancillaries of c200m2.</li> <li>Prime cooking capacity 600.</li> </ul>	230m2 but not all useable	<ul style="list-style-type: none"> <li>Games Hall, Gymnasium, Dance Studio and Pool. No fitness room.</li> <li>External pitches.</li> <li>Capacity up to 1,400 with possible need for fitness room.</li> </ul>	<ul style="list-style-type: none"> <li>Assembly Hall 333m2 with separate stage of 118m2.</li> <li>Social space in courtyards?</li> </ul>	<ul style="list-style-type: none"> <li>Core Facilities could accommodate increase in roll to 1,100.</li> <li>Dining and social space limited.</li> </ul>
Leith	950	924	<ul style="list-style-type: none"> <li>Feeder Production kitchen and ancillaries of c160m2.</li> <li>Prime cooking capacity 600.</li> </ul>	320m2 and extendable into concourse	<ul style="list-style-type: none"> <li>Games Hall, Fitness Room and Pool. No Dance Studio or Gymnasium.</li> <li>External pitches.</li> <li>Capacity up to 1,150 with possible need for Dance/Gymnasium.</li> </ul>	<ul style="list-style-type: none"> <li>Drama Theatre of c240m2 combined.</li> <li>Concourse social space of c900m2.</li> </ul>	<ul style="list-style-type: none"> <li>Core Facilities could accommodate increase in roll to 1,150.</li> <li>PE space limited.</li> </ul>

School	Current Capacity	Projected Roll	Kitchen	Dining	PE	Assembly/Social	Assessment of Core Spaces Capacity
Liberton	850	570	<ul style="list-style-type: none"> <li>Feeder Production kitchen. Area n/a.</li> <li>Current Prime cooking capacity is 400 but potential to raise to 600 with additional equipment.</li> </ul>	220m2	<ul style="list-style-type: none"> <li>Games Hall, Gym/Dance and Fitness Room (on completion of current extension project).</li> <li>External pitches.</li> <li>Capacity up to 1,150.</li> </ul>	<ul style="list-style-type: none"> <li>Assembly Hall c.200m2 with stage area of c.40m2</li> <li>Social space c.350m2</li> </ul>	<ul style="list-style-type: none"> <li>Core Facilities could accommodate increase in roll to 1,150.</li> <li>Dining, Assembly and social space may be limited</li> </ul>
Trinity	950	816	<ul style="list-style-type: none"> <li>Feeder Production kitchen and ancillaries of c180m2.</li> <li>Current Prime cooking capacity is 400 but potential to raise to 600 with additional equipment.</li> </ul>	242m2	<ul style="list-style-type: none"> <li>Two small gym halls of 167m2. Small Pool. No fitness room. No games Hall. PE classes also use Assembly Hall. External pitches off site (but walking distance).</li> <li>Insufficient PE accommodation for modern curriculum. Games Hall and changing required in all cases.</li> <li>Additional Dance Studio and alterations required to meet 1,100+ capacity.</li> <li>Limited space on site.</li> </ul>	Assembly Hall 350m2 with separate stage area of 130m2. Minimal social space.	<ul style="list-style-type: none"> <li>Core Facilities do not meet current capacity.</li> <li>Games Hall and social space required could increase roll to 1,100.</li> </ul>

School	Current Capacity	Projected Roll	Kitchen	Dining	PE	Assembly/Social	Assessment of Core Spaces Capacity
WHEC	750	282	<ul style="list-style-type: none"> <li>• Feeder Production kitchen and ancillaries of c400m2.</li> <li>• Current Prime cooking capacity is 1,000 but potential to raise to 1,200 with additional equipment.</li> </ul>	514m2	<ul style="list-style-type: none"> <li>• Games Hall, Gymnasium, Utility/Dance studio, Fitness Room, Squash Courts, Pool.</li> <li>• External pitches.</li> <li>• Capacity 1,400.</li> </ul>	<ul style="list-style-type: none"> <li>• Assembly Hall of 144m2 with stage area of 46m2.</li> <li>• Limited social space other than dining.</li> </ul>	<ul style="list-style-type: none"> <li>• Core Facilities could accommodate increase in roll up to 1,400 however increase in assembly and social space would be required.</li> </ul>

10.00am, Thursday, 20 August 2015

## Reprioritisation of the Services for Communities Capital Investment Programme

Item number	8.4
Report number	
Executive/routine	
Wards	All

### Executive summary

The Services for Communities Capital Investment Programme is currently fully allocated. However, there are two new projects without funding which are considered to be high priority, namely, the provision of memorials for the families affected by historical practices at Mortonhall Crematorium, and the redevelopment of Saughton Park. These projects were approved by the Transport and Environment Committee on 2 June 2015. Accordingly a realignment of the Services for Communities Capital Investment Programme is proposed. The projects between them would account for £1.4m.

The realignment would see the release of funding currently allocated to the upgrade of the public realm at Charlotte Square, amounting to £1m. It would also see the release of £520,000 from the positive balance contained within the Niddrie Burn Phase 1 works, which would allow the delivery of a new bridge at Niddrie Burn.

### Links

Coalition pledges	P23 P27 P29 P30 P31 P36 P40 P42 P43 P48
Council outcomes	CO4 CO7 CO10 CO17 CO19 CO20 CO23 CO24 CO25 CO26 CO27
Single Outcome Agreement	SO1 SO2 SO4

## Reprioritisation of the Services for Communities Capital Investment Programme

### Recommendations

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- 1.1 It is recommended that Council agrees to the realignment of the Capital Investment Programme proposed in this report, and
- (i) releases £1m from the Charlotte Square Project and £520,000 from Niddrie Burn Phase 1; and
  - (ii) allocates funding amounting to £320,000 towards Mortonhall; £1.08m towards Saughton Park and £120,000 towards a new bridge at Niddrie Burn.

### Background

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- 2.1 The Transport and Environment Committee approved two reports on 2 June 2015; Mortonhall Memorial Options and Saughton Park and Gardens. A further report, on the Mortonhall Action Plan, was approved by Council on 25 June 2015. Neither project currently has capital funding allocated. The intention is to reprioritise the capital investment programme in order to fund them, which is the purpose of this report. In addition, it is proposed that funding is made available to construct a bridge across the Niddrie Burn to complement the phase 1 works.

### Main report

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#### Current Position

##### Mortonhall

- 3.1 The reports, on the Mortonhall memorial options, detailed the outcome of consultation on developing fitting memorials for the families affected by historical practices at the crematorium. The Transport and Environment Committee approved the design of a walled circular water garden at Mortonhall, and a second memorial at Princes Street Gardens. Associated with these works, it is also proposed to upgrade the rose garden at Mortonhall. It is anticipated that the combined financial impact of these proposals would amount to £320,000.

##### Saughton Park

- 3.2 The report on Saughton Park outlined the master plan proposals for the park, and Transport and Environment Committee approved the submission of a bid to the Heritage Lottery Fund (HLF) 'Parks for People' second round, to be made by

1 September 2015. The submission of the bid requires match funding to be provided by the Council. The full cost to the Council of delivering the proposal is expected to be £1.33m, of which £250,000 is already secured, leaving an unfunded balance of £1.08m.

- 3.3 The park proposals aim to restore the park as a major visitor destination. This includes the restoration of the walled gardens, bandstand, winter garden and other park features. The upgrade of the stable yard will provide a teaching and events space, and facilitate the development of a new café. New paths and viewpoints and planting would be introduced.
- 3.4 If successful, the bid will secure funding of almost £3.8m from the HLF. Accordingly, the Council's proposed contribution will unlock significant additional funding for the city. It should be noted that, should the bid be unsuccessful, structures within the park are of a condition where upgrade or demolition would be necessary due to structural defects. It is anticipated that the upgrade costs would be in excess of £1.5m, higher than the proposed contribution for the wider redevelopment scheme.

### **Niddrie Burn**

- 3.5 Work was completed on site for Phase 1 of the Niddrie Burn River Restoration (NBRR), and the Public Transport Link project, in May 2013. In March 2014, Carillion Construction made a claim against the Council in relation to weather events, and challenged the Council's assessment of a number of design changes. This claim is approximately £4.4m. The Council has sought legal advice on the Carillion claim, which supports its rejection. It should be noted that Carillion could still lodge a notice of adjudication within five years of formally notifying the Council of the claim (i.e., by December 2019).
- 3.6 The second phase of works for Niddrie Burn involves further work in the park area at an estimated cost of around £3.0m. There is currently no Council approval to proceed with this second phase, and this would require to be the subject of a further report identifying full funding for it to progress. However, an additional bridge crossing point for the Niddrie Burn and landscaping improvements, which are considered to be priorities by the local community, could now be delivered to complement the completed first phase at a cost of £120,000.
- 3.7 At present there is a positive budget balance for Niddrie Burn Phase 1. Consequently, it is recommended that £520,000 be released from the current provision.
- 3.8 It is proposed that £400,000 of this release is reprioritised to other funding pressures within the Capital Investment Programme. It is also proposed that £120,000 would be allocated to deliver a new bridge crossing at Niddrie Burn.



## Charlotte Square

- 3.9 A proposal has been developed for public realm improvements at Charlotte Square, to improve connectivity by focusing on the footways outwith the private gardens at the centre. The proposals have been subject to a Traffic Regulation Order approved in 2012, and include a rationalisation of the carriageway, an expansion of the pedestrian area, and alterations to street lighting, signage and furniture. The design includes re-engineering of the levels to provide a shared area for pedestrians and cyclists, significantly wider than the existing pavements. A significant element of the funding for this project was expected to come from developer contributions.
- 3.10 The total cost of the project is estimated at £4m. The developer of properties on the south side of Charlotte Square had agreed to contribute £3m to the works subject to an allocation of £1m from the Council. This allocation is contained within the Capital Investment Programme, but there is no immediate prospect of the project proceeding. Accordingly, it is proposed to release this funding by reprioritising it to projects that are ready to commence. Should developers come forward with confirmation of their contribution towards the redevelopment of public realm, the project can be reconsidered at that time within the wider Capital Investment Programme.
- 3.11 Although the Charlotte Square Project will not progress in the immediate future, there is a requirement to carry out footway and carriageway works. These are likely to be progressed in the next two/three years and present the opportunity to link to the proposed enhancements to the Roseburn to Leith Walk cycle route.

## Measures of success

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- 4.1 The successful implementation of appropriate memorials for the babies and families affected by historical practices at Mortonhall crematorium.
- 4.2 The successful bid for HLF funding for the delivery of a redeveloped park facility at Saughton Park.
- 4.3 The delivery of a new bridge crossing at Niddrie Burn.

## Financial impact

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- 5.1 The cost of delivering the two memorials, and the upgrade of the rose garden, associated with Mortonhall is estimated at a maximum of £320,000.
- 5.2 With regard to Saughton Park, the Council's second round bid application will be to secure HLF funding of £3.8m, which will cover 70% of the costs. In order to meet the matched funding requirements there will need to be future contributions from the Council of £1.33m. £250,000 of this commitment has already been secured from Corporate Governance funding, and committed to the installation of a micro-hydro turbine on the adjacent Water of Leith, leaving an unfunded balance of £1.08m.

- 5.3 It is proposed to offset these costs by reprioritising the full £1m currently allocated to public realm proposals for Charlotte Square, and releasing £520,000 from the remaining budget of the Niddrie Burn restoration project.
- 5.4 It is proposed to complement the completion of Phase 1 of the Niddrie Burn works with the construction of a further bridge in the area. Initial estimates for the cost of the bridge are £120,000, which would be funded by the remaining release from the Niddrie Burn Phase 1 budget.

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

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- 6.1 The risks to the Council of not proceeding with this reprioritisation are as follows.
- 6.2 There is a reputational risk of failing to have a funding source for the delivery of high profile memorials, and for well developed proposals for the regeneration of Saughton Park. The failure to lever in significant external funding for Saughton Park, comprising 70% of the total funding requirement, would also leave the Council with works to make structures in the park safe. The Council would have to fully fund these costs itself, estimated at a cost of £1.5m. Failure to submit a second round bid to the HLF by 1 September 2015, with a demonstration of committed Council funding, would present a high risk of failing to secure funding.
- 6.3 Should these capital projects not proceed, then the fees incurred to date on their design and delivery will require to be written off to revenue. The fees for the Saughton Park project have been £125,000 to date.
- 6.4 There is a reputational risk to the Council of reallocating the funding for the Charlotte Square public realm proposals. However the full funding package is not available. Should this proposal remain in the capital programme, there remains a high risk that these resources will continue to be unspent for some time, and will require slippage into subsequent years.

## **Equalities impact**

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- 7.1 The activities proposed for Mortonhall memorials will contribute to a significant enhancement of rights, particularly in relation to health, individual, family and social life, participation, influence and voice and productive and valued activities.
- 7.2 The redevelopment of Saughton Park will increase recreational facilities available to all sections of society. It will also improve accessibility for the elderly and groups with a disability, increase educational facilities for all and facilities aimed at children. It will also offer enhanced opportunities for healthy lifestyles.
- 7.3 The development of a new bridge at Niddrie Burn will improve access in this area. However, the bridge will provide a crossing for the watercourse only and not the full valley. Accordingly access complying with the equalities requirements will continue to be delivered by the two existing bridges in the area, rather than by this new bridge.

## Sustainability impact

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- 8.1 The development of Saughton Park will see the redevelopment of existing structures and provide a new function for redundant facilities. The proposals encourage education and lifelong learning regarding sustainable measures, including the provision of zero carbon energy solutions. All proposals for changes at Mortonhall will comply with all relevant environmental legislation. The Niddrie Burn project has reduced the risk of flooding in this area of the city.

## Consultation and engagement

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- 9.1 The proposals for the memorials have been subject to extensive consultation with affected parents, parents' representative bodies SANDS Lothians and SiMBA, and other individuals with a personal or professional interest in the development of a memorial.
- 9.2 The proposals for Saughton Park have been subject to extensive public consultation about the shape and design of the proposals, including a series of workshops and exhibitions, culminating in a major public consultation between 2 March and 6 April 2015.
- 9.3 The proposals for a new bridge at Niddrie Burn respond to public consultation identifying the need for an additional crossing point in this area.

## Background reading/external references

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## Links

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<b>Coalition pledges</b>	<b>P23</b> Identify unused Council premises to offer on short low-cost lets to small businesses, community groups and other interested parties
	<b>P27</b> seek to work in full partnership with Council staff and their representatives
	<b>P29</b> Ensure the Council continues to take on apprentices and steps up efforts to prepare young people for work

**P30** Continue to maintain a sound financial position including long-term financial planning

**P31** Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure

**P36** Develop improved partnership working across the Capital and with the voluntary sector to build on the "Total Craigroyston" model

**P40** Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage

**P42** Continue to support and invest in our sporting infrastructure

**P43** Invest in healthy living and fitness advice for those most in need

**P48** Use Green Flag and other strategies to preserve our green spaces

#### **Council outcomes**

**CO4** Our children and young people are physically and emotionally healthy

**CO7** Edinburgh draws new investment in development and regeneration

**CO10** Improved health and reduced inequalities

**CO17** Clean - Edinburgh's streets and open spaces are clean and free of litter and graffiti

**CO19** Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm

**CO20** Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens

**CO23** Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community

**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

**CO26** The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives

**CO27** The Council supports, invests in and develops our people

**Single Outcome Agreement**

**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.

**SO4** Edinburgh's communities are safer and have improved physical and social fabric

**Appendices**