

The City of Edinburgh Council

Edinburgh, Thursday 20 August 2015

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
Jeremy R Balfour
Gavin Barrie
Angela Blacklock
Chas Booth
Mike Bridgman
Steve Burgess
Andrew Burns
Ronald Cairns
Steve Cardownie
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
Jim Orr
Lindsay Paterson
Ian Perry
Alasdair Rankin
Vicki Redpath
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Minutes

Decision

To approve the minute of the Council of 25 June 2015 as a correct record.

2. Questions

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

3. Leader's Report

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

- Andrew Kerr, Chief Executive - Welcome
- Congratulations on the look of the City during the Festival

The following questions/comments were made:

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| Councillor Rose | - Problems with and delivery of core services – in particular in relation to waste collection |
| Councillor Burgess | - Welcome to Andrew Kerr
- Councillor Maggie Chapman - appreciation
- City Deal bid for the region |
| Councillor Booth | - Apologies to Leith Primary School for lack of hot water and school meals at start of school year |
| Councillor Lewis | - Tribute to Edinburgh Festivals – Al Harah Theater – Out of the Blue Drill Hall – Sunday 23 August 2015 |
| Councillor Robson | - Employability Fair South Edinburgh – Gilmerton Library – w/c 8 September 2015 – thanks to officers involved |
| Councillor Edie | - Welcome to Andrew Kerr
- Re-opening of Borders Railway Line – visit by Lord Provost
- Transient Visitor Levy |
| Councillor Day | - Welcome to Andrew Kerr
New tennis and basketball courts at Victoria Park |
| Councillor Mowat | - Pressure on streets and facilities during the festival period |

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| Councillor Rust | - Welcome to Andrew Kerr
- Leith Walk by-election
- Jeremy Corbyn – success in Leadership bid |
| Councillor Shields | - Welcome to Andrew Kerr
Rejection of LDP2 proposals to build on Cammo green belt |

4. Appointments to the Board of Edinburgh Community Solar Co-operative

On 26 February 2015, in consultation with members of the Transport and Environment Committee, under delegated authority, the Acting Director of Services for Communities had agreed that the Council should progress with the Edinburgh Community Solar Co-operative (ECSC).

The Council was now asked to appoint up to three representatives to the Board of Edinburgh Community Solar Co-operative.

Decision

To appoint Councillors Booth, Bill Henderson and Hinds to the Board of Edinburgh Community Solar Co-operative.

(Reference –report by the Chief Operating Officer and Deputy Chief Executive, submitted)

5. Appointment to the Rosyth Local Liaison Committee

The Council had made appointments to outside bodies for 2012-2017.

Councillor Child had now resigned from the Rosyth Local Liaison Committee and the Council was invited to appoint a member in her place.

Decision

To appoint the Councillor Gardner to the Rosyth Local Liaison Committee.

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

6. Edinburgh Tram Inquiry

Details were provided on the action which had been 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.

Decision

- 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.
- 2) Subject to the qualifications set out below, 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.
- 3) To note that where in the opinion of the Chief Executive or the Deputy Chief Executive (as the case might be) any such decision or action is particularly sensitive or controversial, the Chief Executive and/or the Deputy Chief Executive would where practical, consult in advance with group leaders and would report such decision or action taken to the next meeting of the full Council.
- 4) To agree that, recognising that the Council had an obligation to safeguard public funds, the costs associated with supporting the Tram Inquiry should be kept minimal. Further to the estimated financial burdens, detailed costings should be provided to the Council Leader and Deputy Leader at the earliest opportunity.
- 5) Further recognising that the Council had yet to decide on whether to fund representation for those called to give evidence, Council instructs officers to draw up criteria for assessing any such requirement. These criteria should be approved by the Council Leader and Deputy Leader and allow a consistent and fair approach to assessing any future decisions then taken on a case by case basis.
- 6) To agree that, wherever possible, decisions that would incur a cost in excess of £10,000 should be agreed by the Chief Executive and/or Deputy Chief Executive in consultation with the Council Leader and Deputy Leader at their weekly meetings.
- 7) To ensure the public interest was safeguarded, to agree that there would be detailed costings made regularly available to all Group Leaders apportioning where the financial costs had been incurred and by whom.

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

Declaration of Interests

Councillors Balfour, Child, Jackson and Perry declared a non financial interest in the above item as former members of TIE.

7. Appointment of Executive Director - Place

Details were provided on the Recruitment Committee's recommendation for appointment to the post of Executive Director - Place.

Decision

To agree to the appointment of Paul Lawrence to the post of Executive Director - Place subject to any necessary pre-employment checks.

(References – Corporate Policy and Strategy Committee of 24 March 2015 (item 5); report by the Chief Executive, submitted.)

8. Future Investment in the School Estate – Wave 4

Details were provided on the outcome of the first stage of the process to determine the remaining scope of the Wave 4 school investment programme and approval sought for four secondary schools to be shortlisted for further consideration.

Decision

- 1) To agree that the four secondary schools identified in the report by the Executive Director of Communities and Families be shortlisted for further consideration.
- 2) To note that a report would be brought back to the Council on the outcome of this process, together with the proposed approach to prioritisation, at a later date.

(References – Act of Council No 10 of 25 September 2014; report by the Executive Director of Communities and Families, submitted)

9. Reprioritisation of the Services for Communities Capital Investment Programme

Details were provided on the proposed realignment of the Services for Communities Capital Investment Programme to enable two new projects to be funded. The projects between them would account for £1.4m.

Decision

- 1) To agree to the realignment of the Capital Investment Programme proposed in the report by the Acting Director of Services for Communities.
- 2) To agree to release £1m from the Charlotte Square Project and £520,000 from Niddrie Burn Phase 1.
- 3) To allocate funding amounting to £320,000 towards Mortonhall; £1.08m towards Saughton Park and £120,000 towards a new bridge at Niddrie Burn.

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

10. LifeCare – Motion by Councillor Hinds

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

“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.”

Decision

To approve the motion by Councillor Hinds.

11. Ken Buchanan – Motion by Councillor Cardownie

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

“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.”

Decision

To approve the motion by Councillor Cardownie.

Appendix 1

(As referred to in Act of Council No 2 of 20 August 2015)

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) Repairs and maintenance works have been carried out on all toilets as required, funded from the revenue budget. However, none of the toilets identified for closure have had major refurbishment works done within the last 10 years.

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

Answer (2) See answer (1) above.

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) Breakdown of each line of business covered and a comparison between May – July 15. The times quoted are in minutes:seconds

Environmental		Special Uplifts		Waste	
May-15	2:45	May-15	2:48	May-15	2:47
Jun-15	6:13	Jun-15	6:32	Jun-15	6:00
Jul-15	5:43	Jul-15	5:30	Jul-15	10:49

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) When informing the Council of a missed on-street waste collection customers can complete the form without signing in, however the option to do so is still available.

We always encourage customers to register in order that they can begin to enjoy the full benefits of interacting with the Council through the on line channel.

We ask questions when a customer is registering to make sure the customer is who they say they are. A customer's online account allows them to view very sensitive information, such as details of their council tax for example. It's therefore very important we are certain only the customer can access it. The information provided is cross-checked with information held by National Records of

Scotland (NRS). This ensures nobody else can create a fraudulent account in their name.

However, I have asked the Chief Operating Officer and Deputy Chief Executive to consider if there is any requirement to make the system more easily accessible to residents.

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) The information requested is provided in the table below.

There has been an unsatisfactory delay in waiting times for residents to receive new or replacement bins and containers.

There are 2 reasons for this as follows:-.

Firstly, the Department has experienced exceptionally high demand for containers (particularly food waste caddies), due to the successful roll-out of new recycling service which has seen recycling yields increase by 101% for those receiving the new service.

There are currently around 10,500 outstanding requests for bins and approximately 6,000 of these relate to food waste caddies.

In addition, the Department has experienced issues with suppliers, increasing the lead time for delivery of stock to the Council, particularly for green and brown wheelie bins, and this has also contributed to the delays in delivering these containers to residents.

Supply has now been fully restored and the Department are confident that the delivery of the vast majority of all food waste caddies will be completed by Friday 25 September 2015. This is in hand and resources are now being focused on the delivery of the remaining bins and boxes, to deal with the backlog for these bins and improve the average waiting time further. It is anticipated that the bulk of the backlog of all bins will be dealt with by the end of September 2015.

In the meantime, I have asked the Senior officers to consider what further action is possible, to reduce future waiting times for the delivery of bins to residents and I will update Members once this is available.

Request Type	Average number of days for current open requests to 12 August 2015
Bag	25
Box	20
Communal Repair Replace	39
Food	40
Garden Bin	40
Recycling Bin	28
Residual Bin	42
Trade Waste bin	35

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

Answer (4)

Request Type	Average number of days to closure for requests 1 August 2014 to 31 July 2015
Bag	15
Box	10
Communal Repair Replace	31
Food	30
Garden Bin	88
Recycling Bin	34
Residual Bin	39
Trade Waste Bin	25

Supplementary Question (1) Supplementary to Question (1), I do thank you for the frank and comprehensive answer which conveniently for some provides a frank and comprehensive evidence of failure to provide the level of service expected by Edinburgh residents.

Do these call figures include dropped calls in terms of when people have actually just given up waiting and hung up when they were trying to report an issue with waste.

What are you doing to get the issue under control and will you commit to a timetable today for doing so.

Supplementary Answer (1) I accept that the time people have to wait on the telephone is unacceptable and I've raised it on occasions with both the Director and with the Head of Waste and I'd be happy to speak to you outwith the meeting about what action I've been taking on that – I'm happy to give a timetable to get these figures a lot better.

Supplementary Question (2) My second one is to Question (3) which for the benefit of the webcast, people will notice that there are 10.500 outstanding requests for replacement bins across the City, which is rather astonishing.

Will you give a personal cast iron commitment today on behalf of the Administration that these issues will be resolved by the end of September as is stated in the answer?

Do you also agree, and I suspect I already know the answer to this question, these figures are for illustration, the Administration got it wrong when they refused to rule out an alternative delivery model for waste collections?

Supplementary Answer (2) You won't be surprised to hear for your second part, is to say that, no we didn't get it wrong. What it is, is actually almost a victim of the success of the recycling service which has been rolled out into the final phase coming in September which personally I'm looking forward to. One of the last phases to come in has been very successful and what the officers are finding they expected to be a rise in the numbers of requests, particularly for food waste caddies, but as people are changing their behaviour and recycling in the street with the new recycling service, there's been a massive increase in the request for food caddies which is one of the issues they are trying to deal with. So the two issues where there have been difficulty is the massive rise in requests for recycling bins, for food caddies etc, the other issue is to do with one of the companies that we deal with closed down for a month and therefore we were unable to get the bins.

I am assured by the Head of Waste and by the Acting Director that that is now on track. They put extra resources into it to ensure that we do get it back to what I would say an acceptable level.

My concern in particular is - if it's a recycling bin but also if it's a landfill bin – if it's not your fault, if the bin gets chewed up in the back of the lorry or someone takes your bin. It's the unacceptable times that people have to wait – what do they do with their waste? So we accept that these times are unacceptable and I will give a cast iron assurance, I will ensure over the next few weeks, continue as I do on my weekly and fortnightly meetings with the Director etc, to ensure that we get back to a level that is acceptable. I hope that you accept Councillor that there are the two issues - one is the massive increase in people asking for food waste caddies in particular and secondly one of the companies we're dealing with just closed down for a month without any notice and therefore obviously trying to then get back the bins to get into the service. So I hope you accept that there are sometimes some of these challenges and it's how you deal with the challenges, how you get on with it and make sure you put in place the extra resources, extra time , prioritise them so we get back to the service that as you say Edinburgh residents should accept.

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) There is no cost to the Council, as any carriageway and footway works that have been carried out by external contractors have been procured to the specifications detailed. The contractor is therefore responsible for ensuring that their work meets the specification and is responsible for any costs associated with the undertaking of remedial work.

Works carried out by the in-house Road Services team are carried out to specification; however remedial works may be required due to various reasons eg, unexpected road foundations. Therefore there is no recorded cost to the Council in relation to works not carried out to specification. The costs for any remedial repairs are added to the main resurfacing costs and cannot currently be identified as a separate cost.

Going forward, all future carriageway and footway works will be recorded on the Council new Asset Management System, Confirm. This will allow all remedial works to be recorded and approved to allow these costs to be separated from the main works and analysed for future improvements.

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

Answer (2) See Answer (1) above.

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) No costs have been incurred by the council correcting work due to flawed specifications.

In 2015/16 remedial works were carried out on a large number of schemes from the 2014/15 Local Roads Thin Surfacing Programme. This was due to a fault with the original road surfacing material. Responsibility for this was accepted by the material supplier and the remedial works were carried out at no cost to the Council.

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

Answer (4) See Answer (1) above.

Supplementary Question While it is regrettable there didn't seem to be any effective reporting mechanism in place to date, I appreciate that's not your personal fault. I do welcome the introduction of the new asset management system, but will the new asset management system have provision for logging when works are carried out on time and on budget or indeed otherwise?.

Supplementary Answer I think we need to look, as I said in the answer, to see exactly what we can do to improve that kind of service, especially for some people who perhaps ask how do we get into that and how are we able to do that? I think we need to look at in more detail.

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) In line with the Council's Data Protection Policy, all breaches which contain personal data are reported to the Council's Information Governance Unit in Corporate Governance.

To ensure corporate oversight and scrutiny, all breaches are routinely reported to the Information Council and to the Deputy Chief Executive as the Council's Senior Information Risk Owner. Depending on the seriousness of the breach, some may be reported to the UK Information Commissioner's Office (ICO).

An annual report is presented to Corporate Policy and Strategy Committee at the end of each financial year.

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

Answer (2) There have been 52 data protection breaches for the period 2012-2015. The majority of these were assessed as being minor and did not require to be reported to the UK Information Commissioner.

In line with the Information Commissioner's Office guidance, the Council has reported four breaches to the ICO where the volume and sensitivity of the information involved, and the potential level of harm and distress to individuals, was deemed serious enough to warrant notification.

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

Answer (3) Four breaches have been reported to the ICO by the Council for the period 2012-2015.

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

Answer (4) Five breaches have been reported to the ICO by other parties for the period 2012-2015.

Supplementary Question The Convener in his answer to Part 1 of the question states that an annual report is presented to the Corporate Policy and Strategy Committee at the end of each financial year. This is of course about data breaches within the Council. It goes on to list some of those breaches.

As far as I can see Lord Provost, there is a report that has been presented to the Corporate Policy and Strategy Committee that was an Information Governance update and it was on 2 December 2014. That doesn't seem like an annual report at the end of each financial year and indeed as I go through it there are headings – freedom of information, data protection, records management, archives and information governance, but I see no reference in there to the number and the extent of data breaches and how many of those have been reported to the Information Commissioner.

So can the Convener give us an assurance that what he says is happening will actually happen in the future and these will be reported and can he inform us as to how he intends to make up for the failure to report so far on this matter?

Supplementary Answer I thank Councillor Whyte for his question. I'm happy to give him that assurance that we will provide all the information that we can in line with the Data Protection Act. These are sometimes not trivial matters. Although we have no legal obligation to report some of the more serious ones to the Information Commissioner we nevertheless do as a matter of good practice and I think that as we are doing that for both

major and minor matters, it's only reasonable that we should be as transparent as possible and that information should be provided to the relevant Committee at the end of the financial year.

Insofar as you've identified any shortcomings, I will do my best to see that those are made good.