

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 22 October 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
Marion Donaldson
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
Lewis Ritchie
Keith Robson
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Outcome of the Statutory Consultation Process on Options for Proposed Changes to the Catchment Area of Towerbank Primary School

a) Deputations

1) Guarantee Sibling Places at Towerbank

The deputation intimated their support for Option 4 set out in the report by the Executive Director of Communities and Families regarding the proposed amendment to the catchment boundaries between Towerbank Primary and neighbouring primary schools and in particular the sibling guarantee associated with that option.

The deputation felt that it was important for the overall welfare and wellbeing of children to be able to attend the same primary school as their siblings. Throughout the consultation, the community had also indicated strong support for the proposal.

The deputation urged the Council to accept Option 4.

2) Brightons and Rosefield Residents' Action Group

The deputation indicated that applying the sibling guarantee associated with Option 4 would have the effect of denying access to those families surrounding the local area of Towerbank Primary and would not benefit the wider community in Portobello.

The deputation asked the Council not to progress with Option 4 but to retain the existing catchment boundary position.

3) Parents of Children in the Towerbank Nursery Being Removed from the Towerbank School Catchment by Option 4

The deputation expressed concerns about traffic and safety issues at the main A1/Milton Road junction particularly in relation to those families resident within the proposed new Brunstane Primary catchment proposal.

The deputation felt that Option 3 was the most appropriate proposal and urged the Council to approve this as the way forward.

b) Report by the Executive Director of Communities and Families

Details were provided on the outcome of the consultation on proposals to alter catchment boundaries between Towerbank Primary School and neighbouring primary schools together with any associated changes required to secondary school catchment boundaries.

Decision

- 1) To agree that the catchment boundaries of Towerbank Primary School, Craiginny Primary School, The Royal High Primary School, Duddingston Primary School, Brunstane Primary School, Portobello High School and Leith Academy be amended with immediate effect in accordance with option 4 as set out in the statutory consultation paper on *Options for Proposed Changes to the Catchment Area of Towerbank Primary School* affecting the addresses and areas in Appendices 7, 8 and 9 of the report by the Executive Director of Communities and Families and that the sibling guarantee associated with option 4 be applied.
- 2) To agree that, in support of option 4, the recommendations outlined in Appendix 6 of the report to improve the routes to schools affected by the proposals be progressed and fully implemented where possible.

(References – Education, Children and Families Committee 3 March 2015 (item 12); report by the Executive Director of Communities and Families, submitted)

Declaration of Interests

Councillor Child declared a non-financial interest in the above item as a relative of children affected by the proposed catchment area changes.

2. Minutes

Decision

To approve the minute of the Council of 17 September 2015 as a correct record.

3. Questions

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

4 Leader's Report

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

- Challenge Poverty Week
- Council budget consultation process

The following questions/comments were made:

- | | |
|--------------------|--|
| Councillor Rose | - Transient Visitor Levy |
| | - Staffing levels in the next 2 years |
| | - Proportionality of Committees |
| Councillor Burgess | - Budget proposals – consultation |
| | - Unions concern over acceleration of proposed job losses |
| Councillor Edie | - Introduction of low emissions zones |
| Councillor Orr | - Appreciation – Greg Ward |
| | - Edinburgh Community Solar Co-operative – Promotion of share issues |
| Councillor Howat | - Budget priorities – concern at the level of crime and detection of crime |
| Councillor Keil | - Scottish Rugby Team – Civic Reception for achievement in Rugby World Cup |
| Councillor Whyte | - Council statutory requirements – achieving best value |
| Councillor Rust | - Crime rates in Edinburgh – discussions with the Convener of the Police and Fire Scrutiny Committee |
| Councillor Day | - Commendation to Council's Licensing Team for accreditation for Customer Services Excellence |
| | - Edinburgh – Best Place to Live award |
| Councillor Redpath | - Granton Exhibition – support for active and sustainable travel |

- Councillor Cardownie
- Edinburgh's elevation to number 1 Best Place to Live
 - Festivals in the City

5. Appointments to Committees Etc

The Council had made appointments to Committees, Boards and Joint Boards for 2015/16. Following the election of Councillors Donaldson and Ritchie, the overall political balance of the Council had altered and in accordance with the Committee Terms of Reference and Delegated Powers, vacancies on five Committees fell to be made by the Labour Group unless expressly agreed otherwise by the Council.

Decision

- 1) To agree to leave the political balance on Committees as agreed on 25 June 2015.
- 2) To note that resignations from Committees had been submitted and agree the following replacements:
 - Culture and Sport Committee – Councillor Donaldson in place of Councillor Gardner
 - Education, Children and Families Committee – Councillor Tymkewycz in place of Councillor Ritchie
 - Governance, Risk and Best Value Committee – Councillor Ritchie in place of Councillor Howat
 - Transport and Environment Committee – Councillor Donaldson in place of Councillor Perry
- 3) To note the resignation of Councillor Rankin as the Council's observer on Citizens Advice Edinburgh and agree to replace him with Councillor Ritchie.

(References – Act of Council No 5 of 17 September 2015; report by the Deputy Chief Executive, submitted)

6 Edinburgh Integration Joint Board – Appointment of Chief Officer

Details were provided on action taken by the Chief Executive, in consultation with the Lord Provost in terms of the urgency provisions within the Committee Terms of Reference and Delegated Functions, to intimate that the Council had no formal

objections to the appointment of Robert McCulloch-Graham as the Integration Joint Board (IJB) Chief Officer to enable this appointment to be confirmed at a special IJB meeting on 16 October 2015.

Decision

- 1) To note the action taken by the Chief Executive, in consultation with the Lord Provost, to intimate no formal objections to the appointment of Robert McCulloch-Graham as Edinburgh Integration Joint Board Chief Officer.
- 2) To note that the Integration Joint Board had confirmed the appointment at its meeting on 16 October 2015.

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

7. 2016/20 Revenue and Capital Budget Framework – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on a range of proposals that comprised the budget framework to form the basis of public engagement. The Council was asked to approve savings that were efficiency-related and not otherwise considered material decisions, set out in Appendix 2 of the report by the Deputy Chief Executive.

Decision

To approve the proposals that were efficiency-related or not otherwise considered material decisions as set out in Appendix 2 of the report by the Deputy Chief Executive with the exception of the removal of EA5 – Contribution-based charging for Self-Directed Support and care and support services, to be considered within the ongoing budget discussions.

(References – Finance and Resources Committee, 24 September 2015 (item 6); referral report from the Finance and Resources Committee, submitted.)

8. The City of Edinburgh Council – Report to those Charged with Governance on the 2014/15 Audit – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on the principal findings that arose from the Council's 2014/15 external audit. Approval was sought for the Council to set aside the £0.162 million increase in the in-year underspend within the Council's Priorities Fund.

Decision

To approve the setting aside of the £0.162 million increase in the in-year underspend within the Council's Priorities Fund.

(References – Finance and Resources Committee 24 September 2015 (item 12); referral report by the Finance and Resources Committee, submitted.)

9 Audited Annual Report 2015 of the Lothian Pension Fund, Lothian Buses Pension Fund and Scottish Homes Pension Fund – referral from the Pensions Committee

The Pensions Committee had referred a report on Audit Scotland's statutory audit of the Annual Report 2015 of the three pension funds administered by the City of Edinburgh Council. Only minor presentational changes had been made to the unaudited version and the annual report had been agreed by the Pensions Committee.

Decision

To note the report by the Pensions Committee.

(References – Pensions Committee 30 September 2015 (item 6); referral report by the Pensions Committee, submitted.)

10 Report by the External Auditor on the Annual Report 2015 of the Lothian Pension Fund, Lothian Buses Pension Fund and Scottish Homes Pension Fund – referral from the Pensions Committee

The Pensions Committee had referred a report on the External Auditor's annual report on the 2014/15 audit of the Lothian Pension Fund, the Lothian Buses Pension Fund and the Scottish Homes Pension Fund.

Decision

To note the External Auditor's report on the audit of the 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.

(References - Pensions Committee 30 September 2015 (item 7); referral report by the Pensions Committee, submitted.)

11 Edinburgh Athletic Club – Young Athletes – Motion by Councillor Austin Hart

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

“Council congratulates the young athletes (under 13 and under 15 age groups) of Edinburgh Athletic Club who competed against the champions of other areas to win the UK Youth Development League in Birmingham on 5 September and become the top UK club for this age group, and the first Scottish club to do so.”

Decision

To approve the motion by Councillor Austin Hart.

Appendix 1

(As referred to in Act of Council No 3 of 22 October 2015)

QUESTION NO 1

By Councillor Edie for answer by the Council Leader at a meeting of the Council on 22 October 2015

Question

Following questions and reassurances received about the Council's commitment to a Transient Visitor Levy, please list what communication there has been with the Scottish Government since April on this issue?

Answer

Further work on the development of the proposition has taken place since April as well as informal consultation with members of the industry. There have been two material meetings between Council Officers and Government Officials. These were on 24th September and 7th October 2015.

The dialogue and the development of the proposition continues as has been instructed by Council.

Supplementary Question

I've raised this question a number of times Lord Provost and my colleague Councillor Orr, over my shoulder, has as well both in this chamber and at various Committees and I'm slightly miffed at the amount of time it's taken to see any action and the action we've seen is after the last time it was raised in full Council, last month.

I'd like to get some reassurance from the Council Leader that the Administration actually are committed to a Transient Visitor Levy and also that the meetings, because the meetings mentioned in the answers only seem to relate to officers, that there will be political meetings sought so that we can press our case for a Transient Visitor Levy.

**Supplementary
Answer**

Can I thank Councillor Edie for his supplementary. I'm sorry that Councillor Edie feels slightly miffed but I just want to absolutely reassure him that the Capital Coalition, and I think almost every party I think I'm right in saying, across the Council Chamber, is in support of a Transient Visitor Levy and we are pressing the case as robustly as possible and we're even able to confirm to Councillor Edie that it's not just the officer level meetings that are listed in the answer, but I'm also able to confirm on the supplementary that Councillor Edie asked, that my colleague, Councillor Ross who's got portfolio lead on this issue is meeting Fergus Ewing, the relevant minister on 12 November, next month, and I hope that underscores to Councillor Edie that we are committed as a Coalition to driving this forward as quickly as we possibly can.

QUESTION NO 2

**By Councillor Orr for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 22 October 2015**

Question

Concerns have recently been expressed (for example by Living Streets Edinburgh and the Southside Association) about a number of oversized or badly placed new bus shelters, with advertising panels now at right angles to the road. Some of these have resulted in excessive restrictions on the space available for people walking along the footway.

Have the worst examples, such as Buccleuch Street in the Southside, been installed in line with the new contract?

What action is planned to review and remediate these worst examples?

Under the contract, what is the minimum width of space which must be left on the footway for wheelchair users or pedestrians to pass?

Answer

There are some locations that currently have advertising shelters that will have to be replaced with smaller non advertising shelters due to limited footway width. We will look to find suitable alternative locations for advertising shelters, install smaller types of bus shelters with advertising and consider footway widening works in order to assist.

A number of bus shelters are located on narrow footways and have restrictions of around 1 metre in width adjacent to end panels or glazing. This is an existing issue and common to Edinburgh's narrow streets. The replacement shelter programme should not be creating any unacceptable restrictions.

The shelter at Buccleuch Street actually complies with the minimum clear footway width of 1 metre, however, having reviewed the site, we have decided to replace the shelter with one that has a less obtrusive design.

The Council's Bus Friendly Design Guide notes that ideally a minimum circulating passage of 1.4m be provided.

However, as this can be difficult to achieve in some locations, the guidance does state that in exceptional circumstances the acceptable width can be reduced to 900mm. National guidance documents from the Department of Transport (Inclusive Mobility Guidance) and Transport for Scotland (Roads for All) is also referred to and they state that a 1metre minimum width over the length of the shelter is deemed suitable.

JCDecaux has been instructed to speak to us before progressing with any site that may encounter this issue, or where there is any concern about shelter positioning, busy footways or adjacent properties that may be adversely affected.

QUESTION NO 3

By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 22 October 2015

Question

What overspend (if any) has there been in Devolved School Management Budgets per High School in each of the past three financial years (a) in real terms and (b) as a percentage of budget?

Has any such overspend been written off? If yes, please advise (a) the name of school and (b) the amount of write off?

Answer

The budget position for each school is in the attached table.

Budgets are monitored closely through a quarterly budget return from each school. Each school has a nominated finance officer who provides support and training for Head Teachers and Business Managers.

For any school in an overspend situation an action plan is in place to reduce the overspend over an agreed period.

A Self Assurance Programme is being rolled out across schools. This includes assessment of financial controls.

School	2012/13		2013/14		2014/15		Notes on Overspend
	Actual Carry Forward Overspend	Percentage of Total Budget	Actual Carry Forward (Overspend)	Percentage of Total Budget	Actual Carry Forward (Overspend)	Percentage of Total Budget	
Balerno Comm High School	21,571	0.6%					
Boroughmuir High School					13,318	0.30%	
Broughton High School							
Castlebrae Comm High School	338,192	17.5%			34,927	1.99%	Overspend relating to 2012/13 written off.
Craigmount High School	79,033	1.6%	9,476	0.19%			
Craigroyston Comm High School	54,240	2.3%	96,875	4.32%	87,082	3.92%	
Currie Comm High School							
Drummond Comm High School							
Firrhill High School					1,252	0.03%	
Forrester High School			434	0.02%			
Gracemount High School							
Holy Rood RC High School							
James Gillespie's High School			158,059	3.57%	200,955	4.73%	
Leith Academy							
Liberton High School	77,279	2.6%	61,112	2.29%	13,089	0.51%	

Portobello High School							
Queensferry Comm High School	159,807	4.7%	103,679	3.31%	83,664	2.74%	
St. Augustine's RC High School							
St. Thomas of Aquin's RC High School			38,011	2.35%	150,725	4.63%	
The Royal High School					34,318	0.73%	
Trinity Academy	76,912	2.0%	156,491	4.49%	212,252	6.28%	
Tynecastle High School					969	0.04%	
Wester Hailes Education Centre	392,120	11.0%					This related to the Leisure centre not the school.

**Supplementary
Question**

I thank the Convener for his answer. I note in the answer it states that budgets are monitored closely through a quarterly budget return from each school and I wondered what action is taken as a result of that return when it comes to Council, because where there are obvious overspends, and I see for example Trinity Academy year on year. Are either the returns wrong or is nothing being done on submission.

**Supplementary
Answer**

Councillor Rust raised an important point. I'll just outline the answer. There are management senior officials assisting head teachers to bring their budget back into line and this will continue. I'm happy to look with Councillor Rust at the specific schools and recognise there is a concern with one school in particular where there is a continual rise in the overspend. That is something we are working closely with the new head teacher to address and I will give an absolute commitment, that we are absolutely committed to ensuring that all schools enter on budget and that is something that officers are working very hard to achieve.

QUESTION NO 4

**By Councillor Nick Cook for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 22 October 2015**

Question

To ask the Convener of Transport and Environment if, like Fife Council, CEC has any plans to pilot or introduce 4 weekly waste collections in Edinburgh? What discussions have taken place between coalition elected members and officials regarding the possibility of 4 weekly collections?

Answer

Waste Services currently has no plans to pilot or introduce 4 weekly residual waste collections and no discussions have taken place with elected members in this regard.

QUESTION NO 5

**By Councillor Orr for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 22 October 2015**

Question

In May 2011 the Council signed up to the Covenant of Mayors – a European initiative where towns, cities and regions commit to reducing carbon dioxide emissions through greater energy efficiency and renewable energy generation.

A requirement of this Covenant is that a SEAP (Sustainable Energy Action Plan) must be produced setting out how the reduction in emissions will be achieved. A SEAP report was commissioned from a third party contractor during the last administration but it was later shelved and never used. The process was restarted in 2013 by the current administration and a new (in-house prepared) draft SEAP was in existence from at least November 2013. After further delays the Sustainable Edinburgh Annual Report for 14/15 gave February 2015 as the new deadline for completion. However, as at November 2015, and four and a half years since signing the Covenant, the SEAP on the council website is still in draft form.

Can the Convener comment on whether or not she feels that this level of performance meets the standard that the people of Edinburgh expect of their council?

Assuming that a final version is published one day can the Convener confirm that she is confident that the council does have the ability and drive to fulfil its role in the implementation of the SEAP?

Answer

As Cllr Orr will be aware from his time as lead with the Sustainable Energy Action Plan, as well as securing commitments from the Council the SEAP also needs to involve key partners in the City.

A huge amount of work has been underway since the February Committee across the five SEAP programmes to get the commitment of these key partners. An updated report to November Committee will show that there has been an additional 216.8 kt of CO2 reductions included in the plan, this is an increase of 15.7% and has been identified from initiatives undertaken by service areas in the Council and through external stakeholders. This represents 81.3% of the reduction necessary to achieve the 2020 target. This is great progress and will continue.

In addition the Edinburgh SEAP received special praise from the Eurocities Secretary General following her recent visit to the Council for the fact that it identifies both mitigation and adaptation measures in the programme.

Supplementary Question

Can I thank Councillor Hinds for her response and her assurances. I actually sit on the Sustainability Partnership with Councillor Hinds and I do support what she's doing and the direction of travel and I'm heartened by the response in some ways and also the fact that building partnerships is very important and that it is ongoing. My concern does go back to the fact that there have been delays in key projects going back quite a number of years and the reason I'm raising this now is that there's been a change in the feed-in tariffs and a lot of these sustainability projects are no longer going to be as economically viable as they were before.

Now if we'd actually developed an action plan for the SEAP back in May 2011 when we first signed the Covenant and it was actually urgent back then, for example, we could have promoted a programme of solar installations which could have transformed the roof space of Edinburgh. Now that horse has bolted, it's not really going to be viable any more and the reasons I've been given for the delay in the SEAP were that we had a false start with a plan that wasn't any good, then we had the energy services company come along which has delayed things further, but what we

should have done really was had a plan and then when we get further good news of other things happening we adjust the plan to accommodate the new developments.

It's not just this one example, another example, Lord Provost, is the Saughton Muir Project, I know you've taken an interest in. We've had the money for that since 2010 and that's been delayed because of the lottery funding in 2013 for Saughton Park. Now it should have happened long before the lottery funding came about really and then we could have incorporated it into that second project and like I say it's really disappointing because the feed-in tariff position has changed dramatically now and we actually missed a big opportunity in some respects though.

My follow up question is just to ask Councillor Hinds for an assurance that she'll raise this with the Chief Executive given the ongoing senior management changes I'd like her to raise it with the Chief Executive and just make sure that sustainability projects get the priority they deserve going forward.

**Supplementary
Answer**

I'll answer the last part. As Councillor Orr will know as he was the Chair of the Sustainability Partnership and still sits on the Sustainability Partnership, for me the key is yes what the City of Edinburgh Council can do to contribute towards a Sustainable Energy Action Plan, but what also is just as important is the other organisations, the large organisations that are within the City, it's not the Council's SEAP plan it should be the whole of the city's SEAP plan and that's what's really important.

Some of these things when you want to do them in a different way, you want to change the way you are doing things, do take longer but also it's important we get it right. We also have to take into account the public purse, we need to make sure we're doing it and we're taking into account the funding. Perhaps and maybe this sounds a little bit cheeky, but it's not meant to be, I actually have met with the Chief Executive last week or the week before to say my concern regarding the Senior Management Team and the environmental and sustainability issues and a lead on that

and how I think it should be taken. So I had a one to one with the Chief Executive, he's given an assurance that the Management Team will be looking at sustainability and taking the lead on that and see what they can do at Senior Management Team to move the sustainability agenda forward.