

# Minutes

## The City of Edinburgh Council

Edinburgh, Thursday 19 November 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  
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  
Iain Whyte  
Norman Work

## 1. Minutes

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### Decision

To approve the minute of the Council of 22 October 2015 as a correct record.

## 2. 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.

## 3 Leader's Report

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

- Syrian Refugees
- Cities Convention
- Greg Ward – Appreciation
- Welcome Rob McCulloch-Graham, Chief Officer, Edinburgh Health and Social Care Partnership

The following questions/comments were made:

- |                    |  |
|--------------------|--|
| Councillor Rose    | - Greg Ward - Appreciation<br>- Celebration of 100 <sup>th</sup> Birthday of former Lord Provost Ken Borthwick             |
| Lord Provost       | - Celebration of 100 <sup>th</sup> Birthday former Lord Provost Ken Borthwick<br>- Greg Ward - Appreciation                |
| Councillor Jackson | - Celebration of 100 <sup>th</sup> Birthday of former Lord Provost Ken Borthwick   |
| Councillor Rose    | - Report in Evening News –Castlebrae, Cameron House Community Centre – proposed action                                     |
| Councillor Burgess | - Greg Ward - Appreciation<br>Welcome Syrian refugees and condemnation of racial abuse following Paris attacks             |
| Councillor Edie    | - Greg Ward - Appreciation<br>- Syrian Refugees - welcome<br>- Capital Coalition Pledge No 26 – no compulsory redundancies |

Councillor Howat	<ul style="list-style-type: none"> <li>- Greg Ward – appreciation</li> <li>- Welcome Rob McCulloch-Graham, Chief Officer, Edinburgh Health and Social Care Partnership</li> <li>- Capital Coalition Pledge 26</li> <li>- Seven Cities Convention</li> </ul>
Councillor Tymkewycz	<ul style="list-style-type: none"> <li>- Welcome to Syrian Refugees</li> <li>- 5/6 December 2015 Ukranian Heritage Weekend – contribution of all minority groups within the Capital</li> </ul>
Councillor Godzik	<ul style="list-style-type: none"> <li>- Grow in Confidence Project – award – Congratulations to Children and Families Staff</li> </ul>
Councillor Day	<ul style="list-style-type: none"> <li>- Regeneration in Pennywell Awards</li> <li>- Commendation to apprentice of the year Stacy Bridges</li> </ul>
Councillor Balfour	<ul style="list-style-type: none"> <li>- Cameron House – Children and Families Team</li> </ul>
Councillor Shields	<ul style="list-style-type: none"> <li>- Withdrawal of Police Scotland written reports to Community Councils</li> </ul>
Councillor Work	<ul style="list-style-type: none"> <li>- Carers Rights Day – Stall at Waverley Court 20 November 2015</li> </ul>
Councillor Rust	<ul style="list-style-type: none"> <li>- Nomination of Councillor Burns for Local Politician of the Year Award</li> </ul>

#### **4. Appointment of Monitoring Officer**

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Details were provided on the appointment of the Council’s Monitoring Officer.

##### **Decision**

To approve the appointment of Carol Campbell, Head of Legal and Risk, as Monitoring Officer to take effect immediately following this meeting.

(Reference – report by the Chief Executive, submitted)

#### **5 Executive Management Structure**

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The Council had approved an Executive Structure as part of the Council’s Transformation Programme.

Details were provided on a number of vacant posts in Tiers 1 and 2 of the organisation and a proposal for the Chief Executive to review the structure at the top level of the organisation. It was the intention to provide proposals to realign responsibilities to forge a stronger level of focus around matters of strategic importance to the next meeting of the Council.

### **Motion**

To note the report by the Chief Executive.

- moved by Councillor Burns, seconded by Councillor Howat

### **Amendment**

- 1) To note the report by the Chief Executive.
- 2) To agree that that the Chief Executive's review of tier 1 and tier 2 posts should consider the option of deleting the tier 1 post, Executive Director of City Strategy and Economy and introducing a new tier 2 post, Head of Sustainable Economy.

- moved by Councillor Corbett, seconded by Councillor Burgess

### **Voting**

The voting was as follows:

For the motion	-	50 votes
For the amendment	-	6 votes

### **Decision**

To approve the motion by Councillor Burns.

(References – Act of Council No 3 of 25 June 2015; report by the Chief Executive, submitted.)

## **6. Capital Coalition Pledges Performance Monitoring May-October 2015**

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

An update was provided on the performance against the Capital Coalition's Pledges for May to October 2015.

## Motion

- 1) To welcome the Performance Monitoring Report on the Capital Coalition Pledges for May to October 2015.
- 2) To note that reporting of the pledges complemented wider corporate performance reporting to Committees.
- 3) To agree performance against the Capital Coalition's Pledges for May to October 2015.
- 4) To acknowledge the significant challenges proposed by the transformation programme which supported the delivery of the Capital Coalition Pledges.
- 5) To note the following regarding Capital Coalition Pledges;
  - Against **pledge 1**, to note the additional priority needed to ensure that educational attainment and positive destinations of looked after young people are strengthened;
  - Against **pledge 8**, the concern that it will not be possible to deliver the pledge that the Local Development Plan and the Strategic Housing Investment Plan deliver on the "brownfield sites first" commitment;
  - Against **pledge 9**, the need to ensure that homes being built under affordable housing programmes are benefiting people in the most acute housing need, that the homes being built are available at below market cost for the long term and that more Council, public and private sector land is released for affordable house building;
  - Against **pledge 10**, to recognise the success of the Council's Empty Homes Officer in bringing back into use properties that have blighted communities and in increasing revenue through payment of Council tax for second homes;
  - Against **pledge 12**, the need to ensure that progress in developing alcohol treatment programmes is matched by best practice and sound evidence in licensing policy;
  - Against **pledge 13**, to take an active role in ensuring that the city's private tenants are well-informed and able to benefit from new rights coming from national legislation;
  - Against **pledge 15**, to continue to recognise that inward investment should be targeted at those sectors which best enhance Edinburgh's vision of a sustainable, low-carbon, jobs-rich economy, rather than displacing home-

grown business and that the incoming lead officer for economic development should be recruited with these aims in mind;

- Against **pledge 16**, the importance of the social enterprise sector to the city, the need to further support Edinburgh Social Enterprise Network at the earliest opportunity and to ensure that asset disposal processes reflect the aspirations of the social enterprise sector;
- Against **pledge 17**, to recognise the inclusion within the Edinburgh regional city deal bid a criterion on sustainable, low carbon economy and to progress this aim at an earliest opportunity once the deal is confirmed by Government ;
- Against **pledge 20**, to note recently acquired powers to reduce business rates in target areas but to make representation to government that this is a very limited response without a parallel power to raise rates; and, more generally, for local government to determine the appropriate level of local taxation;
- Against **pledges 21 & 24**, this Council's clear majority on the case for a transient visitor levy at a time of increased strain on core council budgets and the ongoing need to press Scottish Ministers more firmly on enabling local authorities to take decisions in the best interests of the localities they are elected to serve;
- Against **pledge 25**, the importance of ensuring that Living Wage annual updates are passed on to employees at the point at which updated rates are published;
- Against **pledge 30**, to press the Scottish Government for reform of local taxation so that local taxation is fairer and more comprehensive so that the council is better able to invest in the services the city needs;
- Against **pledge 33**, the value of participatory budgeting in increasing the public engagement with Neighbourhood Partnerships; the value of the approach being used in all Partnership areas; and the need to roll out PB principles within larger budget decisions;
- Against **pledge 40**, to note the need for landmark sites in the city centre to have development which complements the historic environment;
- Against **pledge 41**, to note overall significant progress in reducing the backlog of property conservation cases; to recognise that some clients of the former service remain deeply unhappy about the work carried out; and to ensure that the new shared repairs puts high quality customer care and communication at the heart of how it works;

- Against **pledge 42 & 43**, to ensure that the transfer of responsibility for school sports facilities to Edinburgh Leisure does not diminish their availability to schools or to the local community;
- Against **pledge 44**, to commend the range of community-led projects to enhance street cleanliness and to ensure that council services work alongside them in securing improvements;
- Against **pledge 49**, the continuing need to meet incremental recycling targets and so reduce landfill tax pressures;
- Against **pledge 50**, the need for the Council's to hit annual CO2 reduction targets and ensure that there are Council actions and projects in place to achieve this;
- Against **pledge 51**, the need to seize on the recent Scottish Government report on air quality and progress Low Emission Zones to deteriorating air quality in the City.

- moved by Councillor Burns, seconded by Councillor Howat

### **Amendment**

To note performance against the Capital Coalition's Pledges for May- October 2015.

- moved by Councillor Rose, seconded by Councillor Balfour

### **Voting**

The voting was as follows:

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

### **Decision**

To approve the motion by Councillor Burns.

(References – Act of Council No 8.1(a) of 23 August 2012; report by the Deputy Chief Executive, submitted.)

## **7. Rolling Actions Log**

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Details were provided of the outstanding actions arising from decisions taken by the Council from May to October 2015.

## **Decision**

- 1) To agree to close the following actions
  - Action 1 - Review of Appointments to Committees, Boards and Joint Boards for 2015-16
  - Action 3 - Edinburgh Tram Extension – Draft Outline Business Case Preliminary Findings
  - Action 6 - Appointments to Committees etc
- 2) To otherwise note the Rolling Actions Log.

(References – Act of Council No 12 of 25 June 2015; Rolling Actions Log, submitted.)

## **8 Edinburgh Tram Inquiry – Progress Update**

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An update was provided on the progress of the Edinburgh Tram Inquiry. Details were provided on the status of legal action by the Council against tie Limited (now CEC Recovery Limited).

## **Decision**

- 1) To note the Council's willingness to assist and fully cooperate with the Edinburgh Tram Inquiry.
- 2) To note that there was as yet no timetable for the oral hearings in the Inquiry.
- 3) To note that authority had been delegated to officers by the full Council on 20 August 2015 to take all decisions or actions in relation to the Council's involvement in the Inquiry (with the stated provisos), but in light of Lord Hardie's remarks at the preliminary hearing in the Inquiry and subsequent Note and Direction, to take this opportunity to reaffirm the Council's position and the decisions taken by the Council in August 2015 in relation to the extent of legal representation of individuals at the Inquiry, the participation of tie and potential conflicts of interest.
- 4) To instruct the Chief Executive to take steps to ensure any appropriate action was taken before expiry of the further prescriptive period.

(References – Act of Council No 6 of 20 August 2015; reports (2) by the Chief Executive, submitted.)



## Declaration of Interests

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

## 9. Edinburgh Tram Extension – Next Steps

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The Council had agreed a number of recommendations on developing the Outline Business Case and the next steps required prior to any decision being taken on how to progress with any extension of the tram from York Place.

Details were provided on the conclusions from the Edinburgh Tram Extension – Draft Outline Case Preliminary Findings together with proposals in relation to moving the project to the next stage of project development.

### Motion

- 1) To note the findings of the Outline Business Case (OBC) on a non-committal basis; and for the reasons pursuant to paragraphs 12 and 13 below, continue consideration of the OBC for one cycle until the next Council Meeting on Thursday 10<sup>th</sup> December 2015.
- 2) To approve in-principle the selection of Option 1 (Newhaven) as the Council's preferred option.
- 3) To continue consideration of the commencement of all Stage 1 activities as set out in the OBC, including the commencement of procurement processes for external support (project management, commercial, legal and technical) and site investigation until the next Council Meeting on Thursday 10<sup>th</sup> December 2015.
- 4) To continue the proposal to delegate authority to the Chief Executive or such other officer to whom the Chief Executive may sub-delegate to award the external support contracts and site investigation contract(s), subject to:
  - a) consultation with the Convener of the Finance and Resources Committee; and
  - b) the summary of the procurement processes being reported at the end of Stage 1.until the next Council Meeting on Thursday 10<sup>th</sup> December 2015.
- 5) To continue the proposal that, at the conclusion of Stage 1, the project financials would be further refined to take account of the new Government guidance on Local Authority borrowing, taxation advice and any revision in

assumptions, particularly patronage and capital costs until the next Council Meeting on Thursday 10<sup>th</sup> December 2015.

- 6) To continue the proposal that a report will be brought back to Council at the end of Stage 1 recommending a way forward until the next Council Meeting on Thursday 10<sup>th</sup> December 2015.
- 7) To defer a decision on the implementation of any high level governance structure, as set out in the OBC, until additional information was forthcoming at the December meeting of Council.
- 8) To note that legal advice was being sought on the Council's options to acquire the remaining 67 plots of land for Phase 1b and the options would be reported to Council in December 2015.
- 9) To note that the Council was assisting and fully cooperating with the Edinburgh Tram Inquiry, chaired by Lord Hardie.
- 10) To note that a timetable for the oral hearings in the Inquiry had not yet been set.
- 11) To note that a number of lessons learned by the Council arising from the first phase of the Edinburgh Tram Project had been taken into account in developing the Outline Business Case.
- 12) To further note paragraph 3.51 in the report by the Acting Director of Services for Communities and understands that Lothian Buses were likely to finalise their 2017/19 business plan in Spring 2016. Thus instruct the Chief Executive to write to Lothian Buses to request details of any impacts such an extraordinary dividend would make on their future transport strategy, fleet modernisation plans, the likelihood of future fare increases, loss of other transport initiatives (hidden opportunity costs), and the confidence or otherwise of their ability to ensure the company could continue to meet its liabilities.
- 13) To finally note that there were outputs within the proposed 'Stage One' which may be prudent to undertake now, in order to avoid unnecessary disruption during a future tram extension. These would include the Leith enabling works, and therefore requests that options on taking forward these actions would now subsequently be reported to the next meeting of Council in December 2015. Works already undertaken to 'tram proof' the Leith Walk improvement programme should also be detailed, including specifying previously agreed Council expenditure, to avoid duplication of cost.

- moved by Councillor Burns, seconded by Councillor Howat

## 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" and subsequently proposed taking no further action at the June 2015 Council Meeting in respect of Item 8.3 "Edinburgh Tram Extension – Draft Outline Business Case Preliminary Findings".
- 2) To agree to take no action based upon the content of this latest report, as :
  - a) The Edinburgh Tram Inquiry remained in its infancy. It is considered that in order to learn fully from the original project, the outcome of this Inquiry still required to be known.
  - b) The Council's financial and organisational position was prohibitive to the funding for a tram extension:
    - i) with total borrowing as at 31 March 2015 already in the region of £1,439.894 million and a forecast deficit of £141 million and rising.
    - ii) the recent departure of the former Chief Executive and a number of senior directors, as well as further planned re-organisation, all raise concern over the capacity of the Council to deliver a project of this scale. Therefore does not consider it prudent use of Edinburgh taxpayer's money to consider spending £162 million on a tram extension.
    - iii) it is noted that this £162million figure (Newhaven) had already risen from the quoted £144.7 million provided to Council in June and does not represent good value.
  - c) The proposed project timetable assumption of almost 6 years was of concern;
    - i) given that extensive preparatory works were undertaken as part of the original project
    - ii) a significant number of potential conflicts with utilities and other below ground assets, in the region of 1200, had been identified to the bottom of Leith Walk alone and continued to pose considerable risk.

- d) There was uncertainty of funding and impact for Lothian Buses;
  - i) note the increased funding from Lothian Buses had not been subject to agreement and inadequate consideration of its impact on Lothian Buses, contributes to uncertainty.
- e) There was unacceptable risk and uncertainty
  - i) information presented made clear that the case for extension relied heavily on assumption;
  - ii) significant risks existed, particularly, but not exclusively, around inflation and projected passenger numbers which meant that final project cost could end up bearing little resemblance to provided costings;
  - iii) considered that the Administration's continually evolving timetable further illustrated the fundamentally high level of assumption, uncertainty and risk upon which these proposals were ultimately based and to which the Council would be exposed.
- f) To note that the proposals in the report were ill-conceived and represented poor value for Edinburgh and Council resolves to take no action

- moved by Councillor Nick Cook, seconded by Councillor Whyte

### **Voting**

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	11 votes

### **Decision**

To approve the motion by Councillor Burns.

(References – Act of Council No 10 of 25 June 2015; report by the Acting Director of Services for Communities, submitted.)

## **10. St James Quarter – Update on Progress**

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The Council had agreed a number of recommendations in regard to the regeneration of the St James Quarter and proposals for a new investment model known as the Regeneration Accelerator Model (RAM).

Details were provided on the working arrangements between the City of Edinburgh Council, the Scottish Government and TH Real Estate in the delivery of the Edinburgh St James development.

## **Decision**

- 1) To note up to £61.40m in new potential borrowing, which would be maintained and repaid over and up to a 25 year period through a combination of public and private sector investment; all as previously approved by Council in May 2014.
- 2) To delegate authority to the Chief Executive to take such action as deemed necessary or desirable to commit the City of Edinburgh Council to the Growth Accelerator Model funding agreement with the Scottish Government and to sign said agreement. (details of which had been made available to members).
- 3) To delegate authority to the Chief Executive to take such action as deemed necessary or desirable to commit the City of Edinburgh Council to the Growth Accelerator Model funding agreement with TH Real Estate and to sign said agreement substantially on the terms set out in this report.
- 4) To delegate authority to the Chief Executive to take forward the potential development site at Picardy Place to the open market, to engage marketing agents to provide a full marketing campaign and to seek tenders in order to secure best value for the site's disposal. A report on the offers received would be brought back to Council for a decision on disposal and would also consider:-
  - i) is this Common Good land;
  - ii) the traffic implications of developing this site on wider traffic movements across the east of the City at this key traffic node; and
  - iii) what the impact on active travel and place making would be if the site were released for development.
- 5) To note that agreement had been reached between John Lewis Partnership and TH Real Estate for John Lewis Partnership to remain as the anchor tenant in the store and to continue trading during the construction period. Notwithstanding the agreement reached between the parties, Council officers, as part of their due diligence, continued, up to the point that an agreement was reached between John Lewis Partnership and TH Real Estate, to assess and satisfy themselves of the viability of the project as a reasonable prospect in the event that John Lewis Partnership were to be replaced by a retailer of equal standing.

- 6) To note that TH Real Estate would continue to seek negotiated agreements for the remaining properties and interests (as detailed in the report) in parallel with the Council enacting the Compulsory Purchase Order;
- 7) To delegate authority to the Chief Executive in consultation with the Council Leader and Depute Leader to make and implement a further Compulsory Purchase Order for the St James Quarter redevelopment area pursuant to Section 189 of the Town & Country Planning (Scotland) Act 1997 (“the 1997 Act”) for the purposes of acquiring land and interest within the consented planning red line boundary should such necessary interest not have been secured by the making of the Compulsory Purchase Order known as The St James Quarter, Edinburgh (Number Two) Compulsory Purchase Order 2014.
- 8) To note the creation of a Joint Development Initiative Programme of Works to oversee and control traffic management works in conjunction with the Council’s Roads service, public utility companies, emergency services, the St James contractor, TH Real Estate and other city centre projects. The detailed methodology of the management controls and a regular update would be provided to members as part of the regular St James Quarter members briefing meeting cycle.

(References – Act of Council No 17 of 1 May 2014; report by the Deputy Chief Executive, submitted)

## **11. Street Lighting – Rollout of Light Emitting Diode (LED) Lanterns Across the City – referral from the Transport and Environment Committee**

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The Transport and Environment Committee had referred a report on the Street Lighting – Roll Out of Light Emitting Diode (LED) Lanterns across the City to the Council for approval of the business case.

### **Decision**

To approve the business case and prudential borrowing required.

(Reference - report by the Transport and Environment Committee, submitted)

## **12. Transport for Edinburgh – Recruitment of Senior Managers and Appointment of Directors to Board**

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The Council had agreed governance arrangements for the Transport for Edinburgh (TfE) group of companies, including the composition of the boards.

An update was provided on the recruitment process for key senior management positions for Transport for Edinburgh

### **Decision**

- 1) To note that the recruitment of a Chief Executive of Transport for Edinburgh Ltd, a Managing Director of Lothian Buses and a General Manager of Edinburgh Tram was in its final stages.
- 2) To delegate authority to the Chief Executive, in consultation with members of the respective Nomination Committees, to give the consents required under the shareholders agreements for the removal and appointment of Directors of Transport for Edinburgh and its companies.
- 3) To note that a further report advising on the outcome of the recruitment to all three posts, the appointment of company Directors and any other changes to membership of the boards of Transport for Edinburgh and its companies would be submitted to Council at its meeting on 10 December 2015.
- 4) To consult with the Opposition Group Spokespersons prior to any final decision being made.

(References – Act of Council No 10 of 22 August 2013; report by the Acting Director of Services for Communities, submitted)

### **13 Playing Out – Motion by Councillor Burgess**

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

“This Council:

Welcomes the initiative ‘Playing Out’ to temporarily close individual roads to traffic in residential areas on a recurring basis to allow children’s play and notes the success of this initiative South of the border;

Notes the contribution that this initiative is reported to have in facilitating contact between neighbours and building community cohesion;

Recognises the significant interest from different groups of parents in various areas of Edinburgh in playing out;

However, notes the regulatory hurdles encountered in obtaining permission, the prohibitive cost and the practicalities of closing roads for more than a one-off occasion;

Understands that dialogue with the Scottish Government to clarify guidance around the law relating to playing out may be useful in taking the initiative forward in Scotland; and therefore

Supports the Transport Convener Councillor Lesley Hinds and the Play Champion Councillor Keith Robson in their ongoing efforts to find a way to facilitate playing out in Edinburgh.”

### **Decision**

To approve the motion by Councillor Burgess.

## **14 Meantime Use of Vacant Property – Motion by Councillor Corbett**

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

“Council:

- 1 Notes and commends the considerable success of the “meantime” land uses on the former brewery sites at Fountainbridge, led by community groups Fountainbridge Canalside Initiative and the Grove Community Garden;
- 2 Notes that in its own asset management, in its economic development role and in its land use planning role, the Council has considerable scope to influence greater meantime use of long term empty land or property;
- 3 And therefore instructs a report to Corporate Policy and Strategy Committee within 3 cycles on the options for embedding meantime use as a routine option for long term empty property.”

### **Decision**

- 1 To note and commend the considerable success of the “meantime” land uses on the former brewery sites at Fountainbridge, led by community groups Fountainbridge Canalside Initiative and the Grove Community Garden;
- 2 To acknowledge that, while the strategic goal of encouraging both public and private landowners and developers to bring forward sites to accelerate house building for people on low to moderate incomes should be maintained, in its own asset management, in its economic development role and in its land use planning role, the Council had considerable scope to influence greater “meantime” use of long term empty land or property.



- 3 And therefore instructs a report to Corporate Policy and Strategy Committee within 3 cycles on the options for embedding meantime use as a routine option for long term empty property.”

## **15 Women: 50:50 Campaign – Motion by Councillor Burns**

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

“Council notes that women are under-represented across councils in Scotland and make up only 25% of councillors. Council further acknowledges that whilst voluntary mechanisms such as all women shortlists have made some progress, women are still not represented equally.

Council congratulates the Women 50:50 campaign which has been working across all political parties and has gained support from the SNP, Scottish Labour, Scottish Liberal Democrat and Scottish Green Party leaders.

Council welcomes and supports Women 50:50’s call for fair representation of women in Scotland; and welcomes the debate on the issue of legislated candidate quotas in the Scottish Parliament and Council elections.

Council recognises that alongside gender equality there are also challenges in relation to under-represented groups, such as those with disabilities and those from ethnic minority groups.”

- moved by Councillor Burns, seconded by Councillor Howat

### **Amendment**

- 1) To note that women were under-represented across councils in Scotland and made up only 25% of councillors.
- 2) To note that only two political Groups, including the Conservatives, on the City of Edinburgh Council had more than 25% female representation. Council acknowledges that in the Scottish Parliament, 40% of Scottish Conservative MSPs are female and these MSPs have been elected without all women short lists or other artificial mechanisms. Council further notes that the leaders of the Scottish Conservative Party, Scottish Labour Party and Scottish National Party were all female.
- 3) To support gender balance both council and parliamentary levels in Scotland, and the rest of the UK, being achieved through merit rather than all-women shortlists and female candidate quotas and acknowledges the lead shown by the Conservative Party in having the first female MP and the first female Prime Minister and a British Government where women play key roles from

the Home Office to the Treasury, all of whom achieved office through merit and determination and not through quota systems.

- 4) To ask that political parties examine ways in which they could encourage women to come forward for elected office without the need for restrictive quotas and recognises that alongside gender equality there are also challenges in relation to under-represented groups, such as those with disabilities and those from ethnic minority groups.”

- moved by Councillor Paterson, seconded by Councillor Heslop

### **Voting**

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	11 votes

### **Decision**

To approve the motion by Councillor Burns.

## **16 Edinburgh Monarchs – Motion by Councillor Day**

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

“Council congratulates Edinburgh Monarchs on their success in 2014 and 2015. In 2014 the club finished top of the British Speedway’s Premier League and were crowned Premier League Champions. They also won the League’s Knock-out Cup, Premier Trophy and best pairs Championship. In the current season they again finished top of the league and retained the Premier League Championship, the Premier Trophy and the Premier 4 team Championship and finished runner-up in the Knock-out Cup.

The club is world renowned with a history going back to 1928 at the Marine Gardens, Portobello. Although now based in West Lothian, since the loss of their base at Powderhall Stadium, the club is run by an Edinburgh based Board of Directors and the majority of fans are city based.

Accordingly, Council asks the Lord Provost to recognise the success this club has brought to Edinburgh.”

### **Decision**

To approve the motion by Councillor Day.

## 17 Royal Lyceum Theatre Company – Motion by Councillor Austin Hart

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

“Council notes the fiftieth anniversary in October 2015 of the first production of Royal Lyceum Theatre Company.

Council recognises the major contribution of the Royal Lyceum Theatre Company to the artistic life of the capital and to the whole of Scotland, being one of the country’s leading producing theatres.

Council calls on the Lord Provost to celebrate this anniversary in an appropriate way in honour of the Royal Lyceum’s contribution to Scottish Theatre.”

### **Decision**

To approve the motion by Councillor Austin Hart.

## 18 Monitoring Officer Investigation

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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 Paragraphs 1 and 3 of Part 1 of Schedule 7(A) of the Act.

a) Deputation

The Council heard a deputation from the complainant in response to the report by the Deputy Chief Executive.

b) Report by the Deputy Chief Executive.

### **Decision**

- 1) To note the contents of the report of the Monitoring Officer Investigation.
- 2) To note the actions taken to date.
- 3) To agree that the Chief Executive should ensure all appropriate management actions were followed through and thereafter provide an update to group leaders.
- 4) To agree that the Chief Executive should send a written apology to the family in such terms as he considers appropriate in light of the findings of the report (see Appendix 2).

- 5) That an appropriate summary of the review report by the independent solicitors be forwarded to the complainant.

(Reference - report by the Deputy Chief Executive, submitted)

## Appendix 1

(As referred to in Act of Council No 2 of 19 November 2015)

### QUESTION NO 1

**By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 19 November 2015**

**Question** (1) What overspend (if any) has there been in Devolved School Management Budgets per Primary School in each of the past three financial years (a) in real terms and (b) as a percentage of budget?

**Answer** (1) See attached. 75% of our primary schools reported no overspend over that time. From the figures provided it should be noted that the majority of overspends related to sums under 1% of budget, with none exceeding 4% this year.

Finance officers are fully engaged with schools to support school based staff and where necessary ensure that budgets are brought into line over an agreed period.

**Question** (2) Has any such overspend been written off? If yes, please advise (a) the name of school and (b) the amount of write off?

**Answer** (2) None of the overspends was written off. The schools repaid the overspends within two years. Sighthill Primary, which currently has the highest percentage overspend, is projected to be in budget by the end of session 2015/16.

Business Managers have undergone significant training on monitoring and controlling expenditure which has reduced the overspend levels over the years.

### Primary School Overspends 2012/13 to 2014/15

School	2012/13		2013/14		2014/15	
	Actual Carry Forward Overspend	Percentage of Total Budget	Actual Carry Forward Overspend	Percentage of Total Budget	Actual Carry Forward Overspend	Percentage of Total Budget
Abbeyhill Primary						
Balgreen Primary						
Blackhall Primary						
Bonaly Primary						
Broomhouse Primary						
Broughton Primary	52,453	3.90%				
Brunstane Primary						
Bruntsfield Primary						
Buckstone Primary						
Bun-sgoil Taobh na Pàirce					1,063	0.14%
Canal View Primary						
Carrick Knowe Primary						
Castleview Primary						
Clermiston Primary						
Clovenstone Primary						
Colinton Primary						
Corstorphine Primary	25,432	1.8%	19,985	1.46%		
Craigentenny Primary						
Craiglockhart Primary						
Craigour Park Primary	2,576	0.2%	6,399	0.52%		
Craigroyston Primary						
Cramond Primary						
Currie Primary						
Dalmeny Primary						
Dalry Primary						
Davidson's Mains Primary						
Dean Park Primary			7,709	0.55%	2,207	0.16%
Duddingston Primary						
East Craigs Primary						
Echline Primary						

Ferryhill Primary						
Flora Stevenson Primary					4,860	0.32%
Forthview Primary						
Fox Covert Primary						
Fox Covert RC Primary						
Gilmerton Primary	20,910	2.0%				
Gracemount Primary						
Granton Primary						
Gylemuir Primary	4,655	0.3%				
Hermitage Park Primary						
Hillwood Primary						
Holy Cross Primary			8,205	0.86%	6,525	0.69%
James Gillespie's Primary	13,305	1.1%			15,451	1.26%
Juniper Green Primary						
Kirkliston Primary						
Leith Primary						
Leith Walk Primary						
Liberton Primary			6,108	0.51%	1,478	0.13%
Longstone Primary	5,638	0.7%	7,844	1.02%	13,775	1.71%
Lorne Primary						
Murrayburn Primary	10,962	0.7%				
Nether Currie Primary						
Newcraighall Primary						
Niddrie Mill Primary						
Oxgangs Primary						
Parson's Green Primary						
Pentland Primary						
Pirniehall Primary						
Preston Street Primary						
Prestonfield Primary			13,846	2.00%		
Queensferry Primary						
Ratho Primary						
Roseburn Primary						
Royal Mile Primary						
Sciennes Primary						
Sighthill Primary					30,869	3.83%
South Morningside						

Primary						
St Catherine's Primary						
St Cuthbert's Primary	17,963	2.6%	5,621	0.82%		
St David's Primary						
St Francis Primary						
St John Vianney Primary						
St John's Primary						
St Joseph's Primary						
St Margaret's S.Q Primary						
St Mark's Primary						
St Mary's (Edin) Primary			4,453	0.47%		
St Mary's (Leith) Primary			3,684	0.38%	7,575	0.77%
St Ninian's Primary			3,789	0.50%		
St Peter's Primary						
Stenhouse Primary						
Stockbridge Primary			6,667	0.93%		
The Royal High Primary						
Tollcross Primary			5,892	0.80%		
Towerbank Primary						
Trinity Primary						
Victoria Primary	25,320	4.7%	2,479	0.49%		
Wardie Primary						
Total Overspends	179,214		102,680		83,804	

Note:

None of the overspends were written off.

The majority of schools repaid the overspend within two years

Overspends often correlated with absence of a Business Manager

Business Managers have undergone significant training on

monitoring and controlling expenditure which has reduced the

overspending levels over the years



**QUESTION NO 2**

**By Councillor Rust for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 19 November 2015**

**Question** (1) Is City of Edinburgh Council (CEC) anticipating meeting the Scottish Government public sector target of having all land owned by CEC registered on the Land Register of Scotland by 2019?

**Answer** (1) Yes

**Question** (2) What work has been undertaken by CEC to estimate the cost of registering all land owned by CEC on the Land Register by 2019?

**Answer** (2) An initial scoping exercise has been completed.

**Question** (3) What work has been undertaken by CEC to assess the staffing requirement for this work?

**Answer** (3) The staffing requirement is as follows: solicitor, archivist/historian, surveyor and a property research officer, administrative support.

**Question** (4) What is the anticipated total cost at present?

**Answer** (4) The cost has been estimated at £250,000 per annum not including registration dues which are based on the capital value of individual properties.

**Question** (5) From what CEC budget will registration dues and any other related costs be met?

**Answer** (5) As this is a statutory function, the cost will be contained in the 2016/17 budget with appropriate prioritisation of existing resources reducing the overall cost to the Council.

### QUESTION NO 3

**By Councillor Rose for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 19 November 2015**

- Question** (1) Which renewable companies in, or associated with, Edinburgh in the last five years have:
- (a) gone into administration?
  - (b) withdrawn from previously publicised investment plans?
- Answer** (1) (a) As far as officers are aware there are two renewable energy companies based in Edinburgh that have gone into administration in the last five years. Pelamis went into administration in December 2014 and Aquamarine Power in October 2015.
- (b) Other than Mitsubishi Power Systems looking at potential research and development for wind, officers are not aware of other companies looking to withdraw from previous plans.
- Question** (2) How many of the above have received Council or Government funding or support, and how much?
- Answer** (2) The Council has provided a range of non financial support services to Pelamis and Aquamarine Power as part of the economic development service. This includes advice and support from officers in Enterprise, Innovation and Investment. Scottish Enterprise has provided funding of £12.9M to Pelamis Wave Power and £15.5M to Aquamarine Power.
- Supplementary Question** I'd like to thank the Convener for her answer in relation to renewable energy companies which have either gone into administration or have withdrawn from publicised investment plans. My understanding is that there's more and the reason for my question was to gather that together so that we would be able to look at it as a whole and I note the two responses which there are there, but indeed I understand that there has also been at least two others that I know of ,

the Gamessa investment of £125m in the Leith Docks area and the north side of the City, but also a joint project by Forth Ports Authority, Scottish Southern Energy, I think that was at the Port of Leith where there was a multi-million pound investment which appears to have been withdrawn. So would you accept that these are perhaps not complete and it would be worth going back and having another look to draw together what has been happening over the last few years.

**Supplementary  
Answer**

I'm sure I take his word for it that he thinks that there's more, but all I can do as Convener is ask, I'm not an expert on that, to ask the officers of the Economy Department who have looked at it and come back with the answers, but I'm happy to go back, and if he wants to furnish me with who he thinks I'd be happy to go back and ask again.

#### QUESTION NO 4

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 19 November 2015**

- Question** (1) Under the Environmental Protection Act 1990: Code of Practice on Litter and Refuse (Scotland) 2006 CEC must classify all areas in the city according to 12 zones; 1 being town centres, shopping centres and shopping streets, 2 being high density residential areas – Where is this information published?
- Answer** (1) The Council has classified all its streets according to the EPA. This information is held in a Geographical Information System (GIS) format, which is not easily accessible. However, it is available on request from the Environment Service Support Unit. In addition, the information on zoning was previously communicated to all Elected Members as part of the Zero Based Resourcing (ZBR) project. As part of the development of Edinburgh's Litter Strategy, the zoning information will be made available in a more publically accessible format.
- Question** (2) Under the above Act there are recommended timescales associated with clearing of litter in each of the zones – could the Convener detail how the Council's performance is measured under this matrix, to whom this is reported and whether this reporting is publically available or reported to Councillors.
- Answer** (2) Performance data is collated and reported to the Transport and Environment Committee every quarter. A complete picture of the standard of cleanliness across the city is derived from a number of sources as follows:-
- (a) assessment of street cleanliness through the Keep Scotland Beautiful CIMS report and LEAMs surveys;
  - (b) operational performance and data from the Council's Confirm on Demand asset and works order management software; and,

(c) feedback from members of the public and businesses via the Edinburgh People Survey.

**Question** (3) Does the Convener commit to meeting the timescales for clearing litter in the relevant zones?

**Answer** (3) As Councillor Mowat is aware, all Members of the Council should be committed to ensuring a clean environment in the city and all Councillors should be striving to put pressure on officers to meet these timescales.

Through the Transformation Programme we are reviewing how operational teams can react more efficiently to issues whilst minimising the impact on other scheduled work.

**Question** (4) Does the Convener consider that the application of regulations appropriate to individual household bins i.e. the non collection of side waste when applied to large on street bins leads to additional littering and hampers the Council's ability to meet its obligations under the EPA 1990 (Scotland) 2006?

**Answer** (4) I acknowledge the challenges that Waste Services and local Task Forces face in relation to this issue.

However, Departmental policy for communal bins has to be different compared to the practice for dealing with side waste at individual household bins.

This involves the collection of smaller side waste beside on-street communal bins when these bins are serviced. Larger items have to be collected by a separate vehicle, as refuse collection vehicles are not designed to collect items of this size. When issues which may result in side waste are identified or when they occur, Waste Services and Task Force Teams work together to minimise the impact.

**QUESTION NO 5**

**By Councillor Orr for answer by the  
Leader of the Council at a meeting of  
the Council on 19 November 2015**

**Question**

The decision of the new Capital Coalition in 2012 to make a number of pledges and monitor the outcomes was widely welcomed, but a number of them are now out of date. Pledge 45 for example to “Spend 5% of the transport budget on provision for cyclists” is old news as the council are doing much more. Would it not be a good idea to revise a number of pledges to reflect the progress made in the last three and a half years so that the full potential of the five year council term can be optimised, especially as we approach its last year?

**Answer**

The pledges are the Coalition’s commitments established at the outset of the administration in May 2012 and reports on progress will continue to be provided.

While some of the pledges have met or exceeded their target, the text within the report allows for the opportunity for further progress or details to be reported.

Revising the language of the pledges at this stage would impact on further monitoring of progress. The Coalition will continue to work with officers to ensure the evidence of progress is explicit.

**QUESTION NO 6**

**By Councillor Orr for answer by the  
Leader of the Council at a meeting of  
the Council on 19 November 2015**

**Question**

On 2nd November it was reported that tourists staying in Edinburgh could be charged some sort of “culture and events contribution” during the summer and winter festivals as part of the proposed City Deal. This is a significant and welcome development for those of us who support a Transient Visitor Levy but could the council leader please ensure that, in future, elected members of the council are fully and immediately informed of such proposals via a members’ briefing rather than through the press, particularly as we are now negotiating with both Westminster and Holyrood governments?

**Answer**

Thank you Councillor Orr. I have asked Council Officers to ensure that members are briefed as proposals are progressed.

## QUESTION NO 7

**By Councillor Orr for answer by the Convener of the Economy Committee at a meeting of the Council on 19 November 2015**

**Question** (1) At Corporate Policy and Strategy Committee on 24th March 2015 the council “agreed to make further representation to the Scottish Government and its Commission on the introduction of a TVL”. Many months on from that decision, the Council Leader confirmed on 22<sup>nd</sup> October that a political meeting will take place on 12<sup>th</sup> November with the Minister for Business, Energy and Tourism to push for a TVL (Transient Visitor Levy). Given the pressing need for the council to raise external funds, and the occasional lapses in urgency and communications on pushing for a TVL to date, could a minute of the meeting with the Minister please be circulated to elected members in time for the full council meeting on 19<sup>th</sup> November?

**Answer** (1) Due to the non-public nature of the meeting with the Minister, a full minute of the meeting will not be circulated. However a report of the discussion points will be circulated to members in due course.

**Question** (2) What representations on a TVL were finally made by the council to the cross party Local Tax Commission as agreed at CP&S and can this information also be circulated please?

**Answer** (2) The Council did not make a submission to the Local Tax Commission however political groups were encouraged to submit responses to the Commission directly. The Green Group of the City of Edinburgh Council submitted a response. Concerning TVL, the Green Group responded: *“Local authorities should gain the power to implement a visitor levy that could help authorities benefit financially from their investment in tourism and cultural events that attract visitors.”* The submission can be viewed on the [Local Tax Commission](#) website.

**Supplementary Question** Can I thank Councillor Ross for his answer. I’m starting to bore myself with the Transient Visitor Levy and I do apologise for keeping raising this. When we talk about a



Transient Visitor Levy Lord Provost on this side of the Chamber we're really referring to a compulsory levy – any levy by definition is compulsory if it's not compulsory it's not really a levy and I think that Councillor Ross is continuing to proceed along the understanding that there's an interest in a voluntary levy so I would like to ask if he, when he met with the minister can he confirm it was the compulsory levy he was discussing or the voluntary levy.

**Supplementary  
Answer**

Thank you Lord Provost, it was the compulsory levy.

**Councillor Orr**

I'm very pleased to hear that thank you.

**QUESTION NO 8****By Councillor Orr for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 19 November 2015****Question**

In 2012 the City of Edinburgh Council won the Fields in Trust Landowner of the Year Award, and in 2013 the city as a whole won a Gold Award in the large city category of Britain in Bloom, following that up in 2014 with a gold medal for “management of natural and built environment” at the Entente Florale (European) awards. In 2015 “Edinburgh In Bloom” won yet another award from Eurocities at a ceremony in Malmö. The credit for such awards must be shared with all sorts of stakeholders across the city but does the Convener agree that the Council’s parks and greenspace team have performed exceptionally well in recent years.

**Answer**

Yes, I agree that the parks and greenspace team have performed exceptionally well. However I would also like to recognise the work of the local parks and grounds maintenance staff in our neighbourhood teams who have also contributed towards these achievements.

## **Appendix 2**

**(As referred to in Act of Council No 18 of 19 November 2015)**

### **Sam Paechter**

#### **1. Background**

A review has recently been carried out on behalf of the Council's Monitoring Officer in relation to events surrounding the education and welfare of Sam Paechter, during his P7 year at James Gillespie's Primary School.

The Council would like to:

- (a) help in setting out some key facts in relation to a number of rumours circulating in the community about these events; and
- (b) apologise for the Council's failures in relation to these events.

#### **2. Clarification**

Following discussion with the Paechter family we would like to confirm that:

- (a) any rumours that there were a large number of staff absences at the school as a result of complaints by the Paechter family or the adjustments put in place for Sam were unfounded;
- (b) the arrangements that were put in place for Sam were appropriate and agreed by those staff supporting Sam. Difficulties arose when these arrangements were not implemented appropriately in the wider school. Any mention of no-go areas for staff was mistaken; and
- (c) the Paechter family maintained good relationships with staff members involved in directly supporting Sam. The Paechters also arranged for four members of school staff to receive 'Happiness Hero' awards from the National Autistic Society.

#### **3. Apology**

The review found that:

- (a) Sam was effectively prevented from accessing education from February 2013 until the end of that school year and that there had been defective management at school level including some neglect and inattention resulting in a service failure at that time;
- (b) This was partly as a result of not learning all appropriate lessons from a previous review; and
- (c) Some members of staff at James Gillespie's Primary School at that time did not have appropriate training in order to provide the support that Sam needed.

The review also concluded that a complaint lodged by Professor and Mrs Paechter arising from the situation at the time, was not dealt with appropriately and did not

fully comply with the Council's own procedure. Concerns raised by the Paechter family were both serious and legitimate.

The Council recognises the real hurt these events have caused the Paechter family and we apologise unreservedly to Sam, his parents Ben and Linda, his sister Molly and brother Joe.

As a result of this, we have made considerable progress in improving how we manage situations like this now and in the future. We would like to thank the Paechter family for their constructive and generous contribution to this work which has led to considerable improvements to services in the city which will enhance services for children throughout Edinburgh. The contribution from the Paechter family includes significant input to various policies, improvements to procedures across a range of services and the provision of valuable training material.

With the help of the Paechter family our new 'Better Relationships, Better Behaviour, Better Learning' approach has been transformed and our schools are benefitting from the family's expert advice on restorative approaches. A document authored by Mrs Linda Paechter on this subject has been approved by Education Scotland and will be distributed across Edinburgh schools.

The Council is delighted to hear that Sam is now thriving at James Gillespie's High School where his contribution to school life is highly valued, he is performing well and he is studying for eight National 5 qualifications.

The independent review commissioned by the Council has been extremely thorough and highlighted where the Council has fallen significantly short of expectations. We fully accept the findings of the report. The Chief Executive has resolved to put in place measures to prevent a similar situation arising again.