

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 10 December 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. Minutes

Decision

To approve the minute of the Council of 19 November 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:

- Closure of the Forth Road Bridge
- Edinburgh as the second strongest economy outside of London in the whole of the UK
- Budget Consultation – Final Week
- Alastair Maclean – Appreciation
- Welcome Paul Lawrence, Executive Director of Place

The following questions/comments were made:

- | | |
|--------------------|--|
| Councillor Rose | <ul style="list-style-type: none">- Welcome Paul Lawrence, Executive Director of Place- Alastair Maclean – Appreciation- Privilege of being Councillors in Edinburgh- Concerns regarding events within the Children and Families Department |
| Councillor Burgess | <ul style="list-style-type: none">- Alastair Maclean – Appreciation- Welcome Paul Lawrence, Executive Director of Place- Flooding in the UK – sustainability action plan |
| Councillor Edie | <ul style="list-style-type: none">- Best wishes for the festive season- Welcome Paul Lawrence, Executive Director of Place- Alastair Maclean – Appreciation- Forth Road Bridge Closure – impact on businesses- Budget proposals |

Councillor Orr	- Jazz and Blues Festival
Councillor Rust	- Children and Families Department – Third Party Grant Awards
Councillor Work	- Loony Dook - Businesses in Queensferry
Councillor Godzik	- Children and Families Department – Third Party Grant Awards - James Gillespies – Times School of the Year - Congratulations to all staff in Children in Families for educational achievements throughout Edinburgh
Councillor Day	- Regeneration in Pennywell Awards - Commendation to apprentice of the year Stacey Bridges
Councillor Balfour	- Cameron House – Children and Families Team
Councillor Shields	- Travel and Business related matters in Queensferry - Loony dook
Councillor Walker	- Edinburgh/North Berwick and Borders Railway lines – concern at lack of carriages
Councillor Jackson	- Trinity Academy – condition – feasibility studies on Wave 4 schools
Councillor Barrie	- Childrens Rights – Education and Social Responsibility – congratulations to staff and pupils at Stockbridge Primary School
Councillor Paterson	- Forth Road Bridge closure – parking around Dalmeny Station
Councillor Howat	- Welcome Paul Lawrence, Executive Director of Place - Alastair Maclean – Appreciation - Mortonhall Memorial Gardens – appreciation to former Chief Executive Sue Bruce, Dame Eilish Angiolini, organisations and parents

- | | |
|----------------------|---|
| Councillor Aldridge | - Third Party Grants – clear communications
- Edinburgh Christmas Concert in aid of Childline - congratulations to Edinburgh Schools music staff |
| Councillor Lewis | - Loony Dook
- Youth Talk Programme – award for community engagement at Scottish Government |
| Councillor Tymkewycz | - Cycle Link |

4. Executive Management Structure

The Council had agreed to review the structure at the top level of the organisation and provide proposals to realign responsibilities to forge a stronger level of focus around matters of strategic importance.

Details were provided on the proposed revised structure.

Motion

To agree the revised Organisational Structure as detailed in Appendix 1 to the report by the Chief Executive subject to a further review by Council within one year to consider whether the role of Deputy Chief Executive should be reinstated.

- moved by Councillor Burns, seconded by Councillor Howat

Amendment

- 1) To agree the revised Organisational Structure as detailed in Appendix 1 to the report by the Chief Executive.
- 2) To agree to delete the tier 1 post, Executive Director of City Strategy and Economy and introduce a new tier 2 post, Head of Sustainable Economy with both that post and the Director of Culture reporting to the Chief Executive.

- moved by Councillor Corbett, seconded by Councillor Burgess

Voting

The voting was as follows:

- | | | |
|-------------------|---|----------|
| For the motion | - | 52 votes |
| For the amendment | - | 6 votes |

Decision

To approve the motion by Councillor Burns.

(References – Act of Council No 5 of 19 November 2015; report by the Chief Executive, submitted)

5 Edinburgh Tram Extension – Next Steps

The Council had agreed a number of recommendations in relation to proposals for moving the Edinburgh Tram Extension Outline Business Case to the next stage of project development.

Details were provided on a way forward and moving the tram extension to the next phase.

Motion

- 1) To note the findings of the Outline Business Case (OBC).
- 2) To note the response from Lothian Buses in relation to the extraordinary dividend.
- 3) To agree the high level governance structure as set out in the OBC and authorise the immediate implementation of the same, and in doing so request that the Corporate Leadership Team merges the Leith Programme with the tram project.
- 4) To agree to the commencement of all Option 4 Stage 1 activities as set out in the report by the Acting Director of Services for Communities, including the mobilisation of internal resources, and where required, the commencement of procurement processes for external support (project management, commercial, legal and technical) and site investigation and waiving Contract Standing Orders to retain the existing tram senior advisor for the delivery of Stage 1.
- 5) 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:
 - i) consultation with the Convener of the Finance and Resources Committee; and
 - ii) the summary of the procurement processes being reported to the Finance & Resource Committee;

- 6) To note 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.
- 7) To note that a report would be brought back to Council in Spring/Summer 2017 recommending a way forward.
- 8) To note that, in relation to the remaining 67 plots of land for Phase 1b, there might be other means of securing lands in the future should the Council agree to further develop the line and therefore seek further legal advice confirming this position.

- moved by Councillor Burns, seconded by Councillor Howat

Amendment

- 1) To note the Conservative Group had consistently opposed the proposals presented to Council to extend the tram, as detailed in their calls to take 'No Action' at the December 2014, June 2015 and November 2015 Council meetings.
- 2) To note the Administration's latest proposal was to proceed with 'Option 4, Stage 1' activities at a cost of at least £3.25 million yet delay a full decision and implementation of the extension until after the 2017 Local Government elections.
- 3) To express concern at the uncertainty said delay created for the Edinburgh business community, global inward investment, local residents and visitors alike.
- 4) To agree in principle that, given all of the above, the significant controversy surrounding the proposals and the high degree of risk to which the Council would be exposed, the **decision on the tram extension proposals should be taken through a city-wide referendum at the first practicable opportunity. The public should decide.**
- 5) To agree that, in the interests of delivering best value for Edinburgh taxpayers and avoiding prolonged uncertainty, said referendum should be held concurrent with the 2016 Scottish parliamentary elections on 5th May 2016.

- 6) To instruct officers to return a report to Council in one cycle detailing up to date costings and practical implementation of making possible a city-wide referendum on the tram extension proposals concurrent with the 2016 Scottish parliamentary elections.

- moved by Councillor Nick Cook, seconded by Councillor Rose

Voting

The voting was as follows:

For the motion	-	47 votes
For the amendment	-	11 votes

Decision

To approve the motion by Councillor Burns.

(References – Act of Council No 8 of 19 November 2015; report by the Acting Director of Services for Communities, submitted.)

Declaration of Interests

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

6. Formal Collaboration Proposal for Edinburgh, Lothians, Borders and Fife Councils

Details were provided on the process taken to explore opportunities for collaboration with other local roads authorities (within Edinburgh, Lothians, Borders and Fife (ELBF) Area), and approval sought for the creation of a shadow Joint Committee.

Decision

- 1) To approve the creation of a Shadow Joint Committee for collaborative road services as outlined in Appendix 1 to the report by the Acting Director of Services for Communities.
- 2) To report back to Council in 6 months.
- 3) To ask the Chief Executive to report on progress of any shared service proposals at the next full Council meeting, or an appropriate Committee, in order that elected members can monitor and accelerate progress where necessary.

- 4) To appoint Councillor Hinds as a member and Councillor McVey as substitute member of the Shadow Joint Committee.

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

7. Treasury Management Mid Term Report 2015-16 – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report which provided an update on Treasury Management activity in 2015/16. Approval was sought for the continued use of the Council's Investment balances to fund capital expenditure.

Decision

- 1) To approve the continued use of the Council's Investment balances to fund capital expenditure.
- 2) To refer the report to the Governance, Risk and Best Value Committee for scrutiny.

(References – Finance and Resources Committee 26 November 2015 (item 6); referral report from the Finance and Resources Committee, submitted.)

8 Internal Audit and Risk Services Delivery Model – referral from the Governance, Risk and Best Value Committee

The Governance, Risk and Best Value Committee had referred a report detailing the proposals for future service provision for internal audit and risk. The Council was asked to exercise its option to extend the existing co-source partnership arrangements with PwC for a further 12 months from 31 March 2016 in relation to the provision of audit services.

Decision

To agree to exercise the option to extend the existing co-source partnership arrangements with PwC for a further 12 months from 31 March 2016 in relation to the provision of audit services.

(References – Governance, Risk and Best Value Committee 12 November 2015 (item 9); referral report from the Governance, Risk and Best Value Committee, submitted.)

9. The Cooperative Capital Framework Three Year Progress Report – referral from the Communities and Neighbourhoods Committee

The Communities and Neighbourhoods Committee had referred an annual progress report which identified significant developments across all six themes of the Cooperative Capital Framework to the Council for information.

Decision

- 1) To note the progress achieved on the Capital Coalition's pledges and the substantial progress made in implementing the Framework.
- 2) To endorse the proposals for accelerated coproduction as outlined in paragraph 3.20 of the report by the Deputy Chief Executive (ie the inclusion of "coproduction with citizens/communities" in all executive committee and Council reports).

(References – Communities and Neighbourhoods Committee 24 November 2015 (item 5); referral report from the Communities and Neighbourhoods Committee, submitted.)

Declaration of Interests

Councillors Bill Henderson declared a non-financial interest in the above item as a Director of Edinburgh Community Solar Co-operative and a shareholder in Harlaw Hydro.

10. Community Empowerment (Scotland) Act 2015 Update and Interim Community Asset Transfer Policy – referral from the Communities and Neighbourhoods Committee

The Communities and Neighbourhoods Committee had referred a report on key areas of significance for the Council, the Cooperative Capital Framework and the Edinburgh Partnership as a result of the Community Empowerment (Scotland) Act 2015. Approval was sought for an adjustment to the Committee Terms of Reference and Delegated Functions to allow the Corporate Policy and Strategy Committee to determine appeals on community asset transfers.

Decision

- 1) To approve the Interim Community Asset Transfer Policy and an adjustment to the Committee Terms of Reference and Delegated Functions to allow the Corporate Policy and Strategy Committee to determine appeals against the

decision of the Finance and Resources Committee on community asset transfers.

- 2) To agree that in bringing back a final policy for consultation/approval, particular attention should be paid to:
 - Alignment or tensions with revised asset management strategy being developed within the Transformation programme
 - Feedback from groups who had been – successfully or unsuccessfully – engaging with the Council over community asset transfer to date.

(References – Communities and Neighbourhoods Committee 24 November 2015 (item 8); referral report from the Communities and Neighbourhoods Committee, submitted)

11 Transport for Edinburgh – Changes to Composition of Company Boards and Appointment of Directors

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

The Council had agreed that a further report be submitted advising on the outcome of the recruitment of a Chief Executive of Transport for Edinburgh Ltd, a Managing Director of Lothian buses and a General Manager of Edinburgh Tram.

An update on the outcome of the recruitment and the appointments of Directors to the boards of Transport for Edinburgh and its subsidiary companies was provided.

Decision

- 1) To note the recruitment of George Lowder as Chief Executive of Transport for Edinburgh Ltd, Richard Hall as Managing Director of Lothian Buses and Lea Harrison as General Manager of Edinburgh Tram.
- 2) To note that under the authority delegated to the Chief Executive the consents given to the appointment of George Lowder as an Executive Director of Transport for Edinburgh Ltd and as a Non- Executive Director of Edinburgh Tram, the appointment of Richard Hall as an Executive Director of Lothian Buses.
- 3) To note that under the authority delegated to the Chief Executive the consent given to the revised membership of the boards of Transport for Edinburgh and Edinburgh Tram.

4) To note that Councillor Bagshaw was also a non-executive director.

(References - Act of Council No 12 of 19 November 2015; report by the Chief Executive, submitted)

Appendix 1

(As referred to in Act of Council No 2 of 10 December 2015)

QUESTION NO 1

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 December 2015

Question

To ask the Convener of the Transport and Environment Committee, further to the answer to my question of 20 November 2014, what further action has been taken to implement a proactive approach to the sweeping of leaves from footpaths and cyclepaths.

Answer

Since the response to the same question of November 2014, the Confirm Management System has now been fully embedded. This allows us to monitor requests for leaf removal from particular locations including footpaths and cycleways. Confirm highlights locations where leaf fall is more significant and resources are being utilised to remove high levels of leaf fall from any identified locations. With the introduction of Confirm we can now monitor which locations receive the most enquiries relating to fallen leaves. This will help us to prioritise leaf removal in the city.

Supplementary Question (1)

I thank the Convener for her answer. For the benefit of those watching on webcam my question was what action the Council has taken to implement a pro-active approach to sweeping leaves from foot and cycle paths since I last asked the question in November 2014 and the answer can only best be summarised by “nothing”, we only react to complaints from members of the public.

In answer to my question last year, the Convener said, and I quote “We keep the snow cleared from our cyclepaths and

our footpaths and also we can do the same with leaves and we will be pro-active to ensure that happens”.

Why has the Convener not done what she promised to do more than a year ago.

Supplementary Answer (1) For those who are listening as well the answer is that we monitor the requests for leaf removal from particular locations including footpaths and cycleways. The Confirm new management systems allows us to monitor that and to then be able to highlight areas where we know there are within the local locality, because it’s local people, the people on the ground, the people who are working day in day out on the ground in the community can identify where they know there is a particular problem, particularly to do with leaves. Also with the new Confirm management system that we’ve now embedded, it means that we can also identify areas from the previous years and complaints as well.

So unlike Councillor Booth I’m willing to take what the people do on the ground, the workers on the ground, the people who day in day out work in our communities, and also the Confirm the new system which allows to identify areas and go out and make sure we keep our streets clean but also ensure footpaths and cycleways clean.

Supplementary Question (2) If I may be allowed a second supplementary Lord Provost. The evidence from my constituents suggests that she is being complacent in this. Leith Links Community Council in my Ward has asked for leaves to be cleared from the path alongside St Mary’s Primary School and as of yesterday this has not been done. More than two weeks ago a constituent asked for leaf clearing on the Water of Leith path in my Ward and as of yesterday this had not been done, and more than a week ago I contacted my neighbourhood office to ask them for the Warriston path to be swept, and again as of yesterday this had not been done.

There is no point in us having high quality walking and cycling infrastructure if it is not maintained in a safe and usable condition.

So can the Convener tell me when will she take the safety of pedestrians and cyclists seriously.

Supplementary Answer (2) Thank you for the supplementary Councillor Booth. I have to say that I've had I think one complaint to myself and as I've always encouraged people, if they feel that they're not getting the response as Councillors, then come to me, e-mail me, you haven't e-mailed me giving these, identifying these. I had one from Davidsons Mains and it's been done, it's been cleared, that's about being an active Councillor and making sure you pursue it and if it's not being done you need to make sure you put the officers to account.

If Councillor Booth really has a problem with these kind of areas my question to him is if he's not getting the response from the officers why has he not come to me

QUESTION NO 2

By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 10 December 2015

Question (1) How many primary and secondary Head Teachers in main-stream schools have received specific training in teaching and supporting children and young people with additional support needs?

Answer (1) All Headteachers are required to keep their professional learning up to date and this includes specific training in teaching and supporting children and young people with additional support needs and equalities.

Last year over 130 primary and secondary Head Teachers attended an equalities seminar and have been kept up to date with further briefings in the course of the past 12 months. This is a continuing process, for example our new policy and procedures for Better Relationships, Better Behaviour, Better Learning will now be supported by further Head Teacher Training.

Question (2) How many primary and secondary teachers in main-stream education have received specific training in teaching and supporting children and young people with additional support needs?

Answer (2) All teachers are required to keep their professional learning up to date and this includes training in teaching and supporting children and young people with additional support needs and equalities.

Over the past year there have been in excess of 1500 sessions attended by teachers at ASL specific sessions. In addition, over 150 P1 and P2 teachers have attended programmes targeted for teachers receiving new learners with an Autism Spectrum disorder.

Earlier this year the ASL Service Literacy and Dyslexia Team's training programme for teachers was the first of its

kind to achieve Accredited Professional Recognition with the GTCS.

From the beginning of January we will be introducing a new handbook developed in collaboration with Queen Margaret University - 'Inclusive Learning and Collaborative Working' to **all** primary teachers. This will be backed up by a training and follow up programme by headteachers, the ASL Service and Support for Learning Staff. A similar Handbook will be launched for secondary schools later in 2016.

**Supplementary
Question**

Thank you for the reply. My question is about ensuring that our Head Teachers have the skills and knowledge to support our young people with additional support needs. The reply suggests that the main responsibility for that lies with the Head Teachers themselves but we are aware now that over 20% of pupils in our mainstream schools have additional support needs and I'm sure that all of us are aware of some excellent Head Teacher leadership in ASN in some of our schools but unfortunately we're also aware that this has not always been the case.

Can the Convener outline what steps he's taken to satisfy himself that all our schools are fully supported, our mainstream schools and children in our mainstream schools and that they are able to achieve their full potential

**Supplementary
Answer**

I do welcome the opportunity to underscore our commitment to this vital area of work. All teachers are expected to maintain their professional standards and we recognise there is a shared responsibility to do that. I know that Councillor Main has obviously questioned the lead officer two days ago at the Committee, I am sure he would be more than happy to go into further detail with regards to this issue. Questions over training in terms of it being mandatory or voluntary are issues we have to discuss with the unions. I think the answer itself shows a very strong commitment to increasing training opportunities and to ensuring that our teachers are trained in this matter.

But I believe the answer does show a continued and a growing commitment to deal with this very important problem. Resources Councillor Main are going up and I

think that was shown in the report that came to Committee on Tuesday Demand is also going up considerably, that is something we know, something we recognise, it is something we do need to tackle but resources have been increasing over recent years and will continue to do so.