

Notice of meeting and agenda

The City of Edinburgh Council

10.00 am, Thursday, 27 April 2017

Council Chamber, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 The City of Edinburgh Council of 16 March 2017 (circulated) – submitted for approval as a correct record

5. Questions

- 5.1 By Councillor Bagshaw – Impact of Congestion on bus Journey Times – for answer by the Convener of the Transport and Environment Committee
- 5.2 By Councillor Corbett – Sale of Redhall House – for answer by the Convener of the Finance and Resources Committee
- 5.3 By Councillor Main – New Boroughmuir High School – Delays – for answer by the Convener of the Education, Children and Families Committee
- 5.4 By Councillor Heslop – 20mph Signposts – for answer by the Convener of the Transport and Environment Committee
- 5.5 By Councillor Rose – Garden Waste Collections – for answer by the Convener of the Transport and Environment Committee

6. Leader's Report

- 6.1 Leader's report

7. Appointments

- 7.1 None.

8. Reports

- 8.1 Rolling Actions Log – report by the Chief Executive (circulated)
- 8.2 Appointment to the Board of Transport for Edinburgh and Lothian Buses – report by the Executive Director of Place (circulated)
- 8.3 Establishment of Muirhouse/Salvesen Community Council – report by the Chief Executive (circulated)
- 8.4 Community Empowerment (Scotland) Act 2015 – Update Following Release of Scottish Government Guidance – referral from the Corporate Policy and Strategy Committee (circulated)

9. Motions

- 9.1 By Councillor Hinds – Bus Service 40/40A - South Queensferry/Dalmeny to Edinburgh

“Council expresses its disappointment and concern at the recent announcement by Stagecoach that they will withdraw the 40/40A bus service to South Queensferry and Dalmeny from June 2017.

Council commits to do everything in its power to ensure an accessible, affordable service to this part of the City of Edinburgh.

Council therefore authorises the Executive Director of Place to continue discussions with Lothian Buses and other service providers and delegates authority to the Executive Director, in consultation with the Convener and Vice Convener of Transport and Environment Committee, to take appropriate action within existing budgets to ensure this vital public transport link is maintained for the community.”

- 9.2 By Councillor Munro - Proposed Ban on Plastic Carrier Bag Use in Scotland

“Council recognises the unqualified success of the 5p levy on plastic carrier bags, introduced by the Scottish Government in 2014, which resulted in an estimated 80% reduction in the number of plastic bags handed out in Scotland in the first year alone of the levy, equivalent to 650 million bags.

Council notes that Scottish Government research concludes that a reduction of 650 million bags means a net saving to the Country of more than 4,000 tonnes of plastic and other materials each year.

Council further notes that this is equivalent to more than 500 million single-use carrier bags, once it is offset by estimated increases in other forms of plastic bag use, such as bags for life.

Council also notes the positive Environmental impact of this measure which includes a net carbon saving of more than 2,500 tonnes of CO2 equivalent annually, along with a consequential reduction in street and marine litter.

In view of the above, Council calls on the Scottish Government to consider the implications of extending these measures to include a total ban on the sale of single use plastic carrier bags in Scotland, and to determine how best to introduce such a ban to maximise its impact and benefit, particularly in relation to the effect on charities who currently benefit from the 5p levy.”

9.3 By Councillor Burgess – The Sustainable Cities ‘Basque Declaration’

“This Council:

Recognises that the ‘[Basque Declaration](http://www.sustainablecities.eu/endorse-the-basque-declaration/)’ promoted by ICLEI – Local Governments for Sustainability outlines new pathways for European Cities and Towns to create productive, sustainable and resilient cities for a liveable and inclusive Europe; <http://www.sustainablecities.eu/endorse-the-basque-declaration/>

Notes that this declaration was acclaimed by the participants of the [8th European Conference on Sustainable Cities & Towns](#), held in the Basque Country in 2016;

Welcomes that the Declaration acknowledges the need for transformation in order to decarbonise energy systems, create sustainable urban mobility patterns, protect and enhance biodiversity and ecosystem services, reduce the use of greenfield land and natural space, protect water resources and air quality, adapt to climate change, improve public space, provide adequate housing, guarantee social inclusion, and strengthen local economies;

Agrees that the Council Leader should endorse the Basque Declaration on behalf of the City of Edinburgh Council.”

Laurence Rockey

Head of Strategy and Insight

Information about the City of Edinburgh Council meeting

The City of Edinburgh Council consists of 58 Councillors and is elected under proportional representation. The City of Edinburgh Council usually meets once a month and the Lord Provost is the Convener when it meets.

The City of Edinburgh Council usually meets in the Council Chamber in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the Council meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Allan McCartney, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4246, e-mail allan.mccartney@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

For remaining items of business likely to be considered in private, see separate agenda.

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The City of Edinburgh Council

Edinburgh, Thursday 16 March 2017

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
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
Lewis Ritchie
Keith Robson
Cameron Rose
Frank Ross
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Minutes

Decision

- 1) To approve the minute of the Council of 26 January 2017 as a correct record.
- 2) To approve the minute of the Council of 9 February 2017 as a correct record subject to:
 - a) noting that the approved Capital Coalition budget motion erroneously referred to Dumbryden Sports Centre in Annex 3 (page 19 – Additional Investment) when this should have stated Dumbryden Care Home.
 - b) agreeing that the previous Council decision should be adjusted accordingly.

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:

- UK Budget – Progress on City Region Deal
- Constitutional Manouvres – Focus on Local Sevices – Local service delivery
- Local Council Elections – First stand alone election that 16 and 17 year olds will be able to vote in
- International Festival launch

The following questions/comments were made:

- | | |
|--------------------|--|
| Councillor Rose | - Delivery of local services – In-cab Technology – waste collection services |
| Councillor Burgess | - Endorse urging residents and 16 and 17 year olds to vote in forthcoming local election – focus on delivery of local services |
| | - Housing and rent levels within the city – forecast of private rent increase - |
| | - Moves to improve standards for tenants in the private rented sector |

| | |
|----------------------|--|
| Councillor Aldridge | <ul style="list-style-type: none"> - Importance of voting - Importance on focussing on delivery of local services and supporting local businesses – possible second referendum |
| Councillor Cardownie | <ul style="list-style-type: none"> - Thanks for ensuring Ken Buchanan received the Edinburgh Award- information board publicising information on recipients - Tram advertising – current position |
| Councillor Gardner | <ul style="list-style-type: none"> - Gretna Rail Disaster 1915 – centenary 2015 – 3rd national award for community project |
| Councillor Robson | <ul style="list-style-type: none"> - Scotland's first inclusive play charter – Thanks to Margaret Westwood's input in promotion of play agenda |
| Councillor Whyte | <ul style="list-style-type: none"> - Cycle Hire Scheme – number of years of Council's inaction for something that should have come to the City sooner |
| Lord Provost | <ul style="list-style-type: none"> - Lions Clubs International – 50 years of volunteering in Edinburgh and 100 years worldwide - Support for the Lord Provost in raising funds for the OneCity Trust |

4. Appointment to the Local Authority Pension Fund (LAPFF)

The Pensions Committee had endorsed the appointment of Councillor Rankin to the Local Authority Pension Fund Forum (LAPFF) Executive Committee. At their meeting in January 2017 the LAPFF had appointed Councillor Rankin to its Executive Committee and the Council was asked to ratify this appointment.

Decision

- 1) To approve the appointment of Councillor Rankin to the Executive Committee of the LAPFF.

2) To thank Councillor Rose for his work on the Executive Committee of LAPFF.

(References – Pensions Committee 6 December 2016 (item 6); report by the Acting Executive Director of Resources, submitted)

Declaration of Interests

Councillors Aldridge declared a financial interest in the above item as Chief Executive of an admitted organisation of the Lothian Pensions Fund and left the meeting during the Council's consideration of the above item.

5. Chief Officer Recruitment

Details were provided on the recommendations of the Recruitment Committee in regard to the roles of Executive Director of Resources, Executive Director of Communities and Families, Head of Place Development and Head of Place Management.

Decision

To make the following appointments, subject to the appropriate pre-employment checks:

Executive Director of Resources - Stephen Moir

Executive Director of Communities and Families - Alistair Gaw

Head of Place Development – Michael Thain

Head of Place Management - Gareth Barwell

(Reference – reports (2) by the Chief Executive, submitted)

6 Edinburgh Tram Board – Appointment of Executive Director

Approval was sought for the appointment of the Trams General Manager, Mr Lea Harrison to the Board of Edinburgh Trams as an Executive Director.

Decision

To agree to the appointment of the Trams General Manager, Mr Lea Harrison to the Board of Edinburgh Trams as an Executive Director.

(Reference –report by the Executive Director of Place, submitted.)

7. Urgent Revisions to Polling Places

Details were provided on a decision taken under paragraph A4 of the Council's Committee Terms of Reference and delegated functions to designate revised Polling Places for the Polling Districts WW01C (Dalmeny Parish Church Hall), NC051 (Bellevue Chapel) and NC11A (The Roxburghe Hotel) as the previously designated venues had become unavailable at short notice due to building works.

Decision

To note that the Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, had designated three new Polling Places as a matter of urgency to be used at the Scottish Local Government Elections to the City of Edinburgh Council on 4 May 2017

(Reference - report by the Chief Executive, submitted)

8. The Cooperative Capital Framework 2012/17: Final Progress Report

The Council had approved a 'Framework to Advance a Cooperative Capital 2012/17' to assist in the delivery of the Capital Coalition vision and pledge commitments.

A final progress report was provided on developments across the six themes of the Framework together with an update on the progress achieved with regard to the Cooperative Capital Coalition Pledges and proposals on how this progress could be sustained over the coming years.

Decision

- 1) To note the significant progress made in the delivery of the Cooperative Capital Coalition Pledges, and other commitments in the Cooperative Capital Framework 2012/17.
- 2) To agree the proposed approach to sustaining Cooperative Capital achievements from 2017/18 onwards, outlined in Appendix 1 to the report by the Chief Executive.

(References: Acts of Council No 10(c) of 25 October 2012 and 6 of 21 November 2013; report by the Chief Executive, submitted)

9. Annual Treasury Strategy 2017-18 – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on the proposed Treasury Management Strategy for the Council for 2017/18 which included an Annual Investment Strategy and Debt Management Strategy, for approval.

Decision

- 1) To approve the Treasury Management Strategy for 2017/18.
- 2) To refer the report to the Governance, Risk and Best Value Committee for scrutiny.

(References – Finance and Resources Committee 23 February 2017 (item 13); referral report by the Finance and Resources Committee, submitted.)

10. Time for Inclusive Education (Tie) – Motion by Councillor Fullerton

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

“Council affirms that all young people in Edinburgh and across Scotland have the right to study in a learning environment which is fully inclusive, tolerant and accepting of LGBTI+ identities, and which is free of homophobic and transphobic bullying.

Council notes the recent contribution of the Time for Inclusive Education (Tie) campaign in raising awareness around homophobia and transphobia.

Council also notes the progress already made in the Capital, such as being the first Children and Families department in Scotland to secure a Foundation LGBT Charter Award from LGBT Youth Scotland.

Council resolves to work closely with the Tie campaign and other external stakeholders, including equalities organisations and the Scottish Government, to ensure that homophobic and transphobic bullying in Edinburgh's schools is effectively tackled and that Edinburgh's classrooms continue to actively promote equality and inclusivity for young people of LGBTI+ identities.”

Decision

- 1) To approve the motion by Councillor Fullerton.
- 2) To instruct the Executive Director of Communities and Families to adapt the principles of the Tie campaign and apply them to all the protected characteristics under the Equality Act 2010 (i.e. disability, race, religion or belief) that apply to those at school, in order to further protect all children from bullying.

11. Edinburgh is a City of Sanctuary – Motion by Councillor Booth

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

“Council notes the City of Sanctuary movement which aims to build a culture of hospitality for people seeking sanctuary in the UK whose goal is to create a network of towns and cities throughout the UK which are proud to be places of safety for people seeking sanctuary and helping them integrate into their local communities;

Council notes the ongoing partnership working between the Council and Edinburgh City of Sanctuary;

Council recognises the positive contribution of asylum-seekers and refugees to the City of Edinburgh, and commits to welcoming and including them in the life of the city;

Council agrees the City of Edinburgh should continue to work constructively with Edinburgh City of Sanctuary in welcoming refugees and asylum seekers, and agrees that Edinburgh should become a recognised 'City of Sanctuary' for refugees and asylum-seekers.”

Decision

To approve the motion by Councillor Booth.

Appendix 1

(As referred to in Act of Council No 2 of 16 March 2017)

QUESTION NO 1

By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 16 March 2017

Question

What percentage of the council's annual revenue budget for 2016-17 was allocated through "participatory budgeting"?

Answer

The total spend in participatory budgeting initiatives for the 2016/17 budget allocation was £780,863. From this total, £645,863 was funded directly by the Council with the remainder from Scottish Government match funding, Police Scotland, the Edinburgh Partnership and Activity Agreement funding. The Council's revenue budget for 2016-17 is £953.879m, therefore, 0.07% of the Council's revenue budget was allocated by participatory budgeting initiatives.

Supplementary Question

Thanks Lord Provost. For the benefit of the webcast I asked what percentage of the Council's revenue budget was allocated via participatory budgeting, a process through which people in Edinburgh get directly a say over how money is spent and the answer is 0.07%.

I thank the Convener for his answer and I want to put on record my thanks and thanks of my colleagues for all the hard work of all the staff who've made progress on participatory budgeting the last few years, progress which Green Councillors have championed enthusiastically, but as the Convener will be aware the bar's now changing with the Scottish Government commitment to work with Councils towards a target of 1% of funds to be allocated via

participatory budgeting which in Edinburgh's case would amount to just under £10million – quite a significant increase.

So in light of that will the Convener say what preparation's being made to achieve that target.

**Supplementary
Answer**

Thank you Lord Provost. You know I think even though the figure is 0.07%, a relatively small amount, I think we're nevertheless already in quite a good place, certainly compared to other Councils to get participatory budgeting up to the kind figure which I understand from the Scottish Government the target is 1% of the budget as yet undefined capital, revenue or both but nevertheless I think we're in a strong position to achieve that figure of 1% of the budget by the end of this parliament's term of office. I understand that COSLA is still talking to the relevant minister, Kevin Stewart, about this and I think the minister's more interested in a light touch approach taking account of the need for local variation and I think the most important thing that's happening at the moment is that consultation with COSLA because we're talking about the Scotland wide policy although we are obviously interested in taking advantage of the relatively strong position that we're in at the moment to take things forward, and I think that this will largely be a job for the new administration after the election on 4 May 2017 but I think we've already got ourselves a decent basis from which to take this initiative forward.

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 16 March 2017**

Question

In light of the Education Minister's recent announcement about review of schools meals standards, does he agree that his call to source local food is very welcome?

Answer

Yes, I welcome this request to source local food and within our school meals service we already source produce from Scotland and the UK where possible; such as meat, chicken, dairy, fruit and vegetables. We continue to work with our supply chain to increase the range of local produce available to us and this is recognised by our ongoing work with Food for Life and maintaining the Bronze Catering Mark Award across all our schools.

Supplementary Question

Thank you Lord Provost and I thank the Convener for his answer. For the benefit of the webcast my question was about sourcing local food for school meals and the answer said that the Council source produce from Scotland and the UK where possible. I wonder if we could have some clarity on that and can he confirm whether all the meat and chicken used in school meals is now sourced from the UK and not as it was previously brought in from as far away as South America.

Supplementary Answer

I don't have that exact information but I'm happy to find that. Councillor Main is aware that all our schools have the bronze catering mark, two of our schools are piloting silver award, we're currently working with Food for Life and Edible Edinburgh to make our school meals even better and I'd welcome Councillor Main to come and join me in visiting some of our schools that provide some fantastic lunches for our young people.

QUESTION NO 3

**By Councillor Main for answer by the
Convener of the Education, Children
and Families Committee at a meeting
of the Council on 16 March 2017**

Question

Edinburgh College's curriculum is being developed to ensure that Edinburgh is able to provide the skilled labour force that will meet Edinburgh's future needs. This will include a vibrant construction sector, as Edinburgh builds many thousand new homes and the infrastructure, including schools. Has Edinburgh College been brought into discussions about the implementation of the Cole Report recommendations regarding training in the construction industry?

Answer

Edinburgh College Developing the Young Workforce Strategic Group is a multi-agency group comprising, College Senior Leaders, College Heads of Department and representatives from; Scottish Government, Skills Development Scotland, Local Authorities, Edinburgh Chamber of Commerce, Schools and Third Sector organisations. This group maintains a strategic overview of courses, curriculum development and labour market information.

Edinburgh College has advised that the training of apprentices at Edinburgh College adheres to the standards set out by the awarding body, the SQA, as well as the Construction Industry Training Board (CITB) and Scottish Building Apprenticeship and Training Council (SBATC). They teach to industry standards and are engaged regularly with industry partners to improve the learning and teaching experience at Edinburgh College.

**Supplementary
Question**

Thank you again Lord Provost and I thank the Convener for his response. For the benefit of the webcast this question was about Edinburgh College who will be training our Work For Edinburgh's construction industry workforce for the future and whether the College had been brought into discussions about the implementation of the Cole reports regarding training. His answer does not make it very clear whether that is the case and I wonder if he can give an assurance that he will ask Edinburgh College to address the recommendations in the Cole report.

**Supplementary
Answer**

Whilst I do not have control of Edinburgh College of course I'll do what I can. Had Councillor Main listened to John Cole last month or read the report you'd find that on page 241 it clearly states that the appropriate authority should undertake a review of the current levels of provision of training and that the CITV should review the industry effectiveness of apprenticeship arrangements. There is a Council Working Group which the Chief Executive chairs and I'll make sure he raises this with Edinburgh College.

QUESTION NO 4

By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 16 March 2017

Question

In each year since 2012-13, how many council tenants were a) evicted or b) abandoned their home while legal action was in place, in each case detailing whether the action was for rent arrears or some other reason.

Answer

Breakdown of tenants being evicted or abandoning their home while legal action was in place since 2012-13.

| | Eviction | | | Abandonment | | | TOTAL |
|---------|--------------|-----|-------|--------------|-----|-------|-------|
| | Rent Arrears | ASB | Other | Rent Arrears | ASB | Other | |
| 2012/13 | 17 | 6 | 0 | 69 | 1 | 0 | 93 |
| 2013/14 | 12 | 9 | 0 | 30 | 0 | 0 | 51 |
| 2014/15 | 11 | 4 | 0 | 36 | 1 | 0 | 52 |
| 2015/16 | 27 | 6 | 1 | 84 | 0 | 0 | 118 |

Total number of Council tenants evicted or abandoned their home while legal action was in place (figures from 2001-02 onwards for reference).

| Years | Number of cases resulting in a termination of the tenancy through abandonment or eviction |
|---------|---|
| 2001-02 | 529 |
| 2002-03 | 484 |
| 2003-04 | 342 |
| 2004-05 | 238 |
| 2005-06 | 188 |
| 2006-07 | 240 |
| 2007-08 | 230 |
| 2008-09 | 263 |

| | |
|----------------|-----|
| 2009-10 | 180 |
| 2010-11 | 113 |
| 2011-12 | 93 |
| 2012-13 | 93 |
| 2013-14 | 51 |
| 2014-15 | 52 |
| 2015-16 | 118 |

QUESTION NO 5

**By Councillor Burgess for answer by
the Convener of the Health, Social
Care and Housing Committee at a
meeting of the Council on 16 March
2017**

Question

What preparation has been or is being made by the council to use new powers on rent pressure zones when they commence?

Answer

The Private Housing (Tenancies)(Scotland) Act 2016 will allow local authorities to apply to the Scottish Government for Regulations designating all or part of their local authority area as a 'rent pressure zone'. Designation would restrict the amount by which private landlords could increase rent and would remain in effect for five years.

Officers are at the early stages of considering the implications of the legislation and what resources would be required if, at a future date, the Council wished to make such an application. For example, what level of evidence would be required to support an application. To date no area or 'zone' within the city has been identified for use of these powers.

The Scottish Government has indicated that the earliest date that these powers will come into effect is December 2017. It is anticipated that a report on this subject will be submitted to the relevant committee later this year.

QUESTION NO 6

**By Councillor Bagshaw for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2017**

Question

The City of Edinburgh Council has committed itself to a target of 15% of journeys being made by bicycle by 2020.

Does it have a similar target for the number of journeys being made by public transport and on foot and, if not, what plans does it have to introduce such a target?

Answer

| Modal split targets; all journeys by CEC residents | 2009 - 2010 % | 2020 target % |
|---|----------------------|----------------------|
| Walk | 35 | 36 |
| Cycle | 2 | 10 |
| Public Transport | 17 | 21 |
| Car | 43 | 31 |
| Other (inc motorcycle) | 2 | 2 |

| Modal split targets; travel to work | 2009 - 2010 % | 2020 target % |
|--|----------------------|----------------------|
| Walk | 19 | 21 |
| Cycle | 7 | 15 |
| Public Transport | 30 | 32 |
| Car | 42 | 29 |
| Other (inc motorcycle) | 2 | 2 |

QUESTION NO 7

**By Councillor Rose for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 16 March 2017**

Question (1) How many enquiries regarding domestic title deeds and registration of domestic title have been handled by the Corporate Governance Department in each of the past three years?

Answer (1) A wide variety of queries are handled, which range from telephone calls and emails which can be readily resolved to complex conveyancing work involving multiple parties and solicitors. Queries which are quickly resolved are not individually logged. There are currently 16 corrective conveyancing cases. 20 other cases were completed in the last 2 years.

Question (2) How many staff are allocated to handle this caseload?

Answer (2) Currently there is one full time staff member employed to handle this corrective conveyancing caseload, together with managing Council House sale activity. The requirement for further internal staff is currently under review as, given the recent spike in workload following the “right to buy” ending in July 2016, Council House sale work is presently outsourced.

Question (3) What is the average time taken to resolve cases?

Answer (3) Corrective conveyancing work is often complex and involves liaison not only with an owner’s solicitors but also the Registers of Scotland and frequently multiple neighbouring owners. Therefore, it is not uncommon that the process may take a number of months.

Question (4) How many have subsequently been the subject of complaints (all stages)?

Answer (4) Three formal complaints have been raised in the past year of which two have been resolved satisfactorily and one is currently in the process of being resolved.

**Supplementary
Question**

Thank you Lord Provost. My question was asking about whether we have enough resources in terms of conveyancing as a result of Council house sales and the correcting of mistakes which have been made and the response tells me that there is a further review of staffing.

Can you tell me, I would like to ask the Convener if he can tell me, when we're expecting a response as to whether we have sufficient staffing for this purpose and I ask the question because of difficulties that my constituents have had in relation to this.

**Supplementary
Answer**

Thank you Lord Provost. I do understand that there have been difficulties with this and I understand that you have a constituent who has a particular issue where this is concerned. Our legal department has been outsourcing a fair amount of this work because of the sheer volume of it, there's been, relatively recently, a spike in the number of considerations that they've had to make on title deeds. I'm not sure that I have a precise timetable or date for you at the moment in terms of when we'll be able to get to a point where we feel that we're fully staffed, but I know that officers in Legal and Risk in particular are working on that one and I'll be happy to provide you with any additional information that might be helpful.

QUESTION NO 8

**By Councillor Rose for answer by the
Convener of the Education, Children
and Families Committee at a meeting
of the Council on 16 March 2017**

Question (1) What is the budget per pupil allocated to Sciennes Primary school over each of the last five years?

Answer (1) The budget allocated to Sciennes Primary School with the Edinburgh average over the last five years is as follows:

Cost per Pupil

| | Sciennes Average | Edinburgh Average |
|---------|---------------------|----------------------|
| | £000 | £000 |
| 2012/13 | 2,489 | 2,957 |
| 2013/14 | 2,474 | 2,884 |
| 2014/15 | 2,446 | 2,857 |
| 2015/16 | 2,479 | 2,912 |
| 2016/17 | 2,573 | 2,953 |

Question (2) How does that compare with

- a) the Edinburgh average
- b) the Scottish average?

Answer (2) a) The Edinburgh average is included in the table above.

- b) There is no current facility to provide a national comparison.

QUESTION NO 9

**By Councillor Rose for answer by the
Convener of the Education, Children
and Families Committee at a meeting
of the Council on 16 March 2017**

Named Person Scheme

In relation to the Supreme Court decision on the
implementation of the named person policy

Question (1) In the City of Edinburgh Council, what is the current advice and practice as to in which circumstances information be shared without the consent of parents or children?

Answer (1) Our advice to practitioners has been: 'to seek consent of individuals to share information, the exception being where there are child protection concerns necessitating a more urgent response. In the latter cases, we are exercising our statutory duty to protect children and are acting to protect their vital interests.' (Briefing to staff and elected members from Andy Jeffries, Interim Head of Children's Services, August 2016).

Question (2) What distinction is currently being drawn between 'child protection' and 'child wellbeing' in advice and in practice?

Answer (2) The Scottish Government National Practice Model for Getting It Right for Every Child defines wellbeing within eight indicators; Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

We have delivered Getting It Right training courses since 2009 focussing on an early intervention / preventative approach. This essentially means identification of wellbeing concerns as early as possible and proportionate intervention to prevent greater need or risk arising for a child. In these circumstances, the advice as above is always to seek consent before sharing information.

"Child protection" applies when there is a risk of harm due to abuse and/or neglect. The Edinburgh and Lothians Child Protection Procedures, which are compliant with Scottish

Government guidance, specify the main types of abuse as being physical abuse, emotional abuse, sexual abuse and neglect. Where there is evidence that these things have occurred, or may be about to occur, staff are advised that information can be shared without consent if needed. This may be necessary, for instance, if an allegation of abuse has been made against a parent and the process of seeking parental consent for information sharing might put the child at further risk. This is consistent with data protection legislation which states that information sharing without consent can occur when it is necessary in order to protect the “vital interests” of an individual. It is in the vital interests of every child that they are protected from abuse or neglect.

Information sharing about child protection concerns occurs within Inter Agency Referral Discussions (IRDs). These are conversations between senior officers in police, social work and health. The main purposes of an IRD is to share information about child protection concerns; decide what further information is needed and what steps are required to get it (eg interview, medical examination); agree a risk assessment; decide what immediate actions are needed to keep the child/safe; and decide whether a multi agency Child Protection Case Conference or other meeting is needed in order to make a child plan.

Question

- (3)** Are ‘wellbeing assessments’ being undertaken within any City of Edinburgh schools? If so, are these being done with or without the consent or knowledge of parents? If so, are pupils participating identified or are they anonymous?

Answer

- (3)** “Wellbeing assessments” are undertaken in City of Edinburgh schools, in which they are called “assessments of need”.

An assessment of need requires the sharing of relevant and proportionate information between the Named Person and others involved in order to decide what help, if any, is needed. Consent is always sought from individuals prior to

information sharing, unless child protection concerns apply as above. So no assessment of need occurs without the parent being aware.

An assessment of need will always identify the individual.

**Supplementary
Question**

Lord Provost my question was about the implementation of the Named Persons Scheme and whether our implementation such as it is complies with the Supreme Court ruling and I thank the Convener for his detailed reply.

In relation to the third part of my question, my supplementary is this, what mechanisms does the Council use to track health and wellbeing as opposed to harm of school pupils in order to fulfil curriculum for education?

So the question is does it use the Chinnari self assessment questionnaires to do so and if so is explicit parental permission sought and obtained before children are asked to complete the questionnaire? Thank you.

**Supplementary
Answer**

Thank you Lord Provost and I thank Councillor Rose for his supplementary. Yes we do use the Chinnari process and I'm sure that we seek all parental guidance that we need to take but I'm happy to get back to you to confirm that information.

QUESTION NO 10

**By Councillor Heslop for answer by
the Convener of the Communities
and Neighbourhoods Committee at a
meeting of the Council on 16 March
2017**

Question

Will you support my request to make the Foodbank Working Group a permanent body?

Answer

The Council is committed to supporting the Foodbank Working Group for as long as this is necessary.

QUESTION NO 11

**By Councillor Heslop for answer by
the Convener of the Regulatory
Committee at a meeting of the
Council on 16 March 2017**

Public Acts of Demonstration

Question

Can you advise legal and practical grounds which may be used to limit repeated public acts of demonstration by the same groups, whilst recognising everyone has a democratic right to assemble?

Answer

It is important to note that permission is not required to hold a parade. However under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the Council and the police not less 28 days prior to the date of the event.

Upon receipt of a notification the Council has limited powers in respect of parades and processions. It can decide to take no action, and the parade will proceed as the organiser intended.

The Council can also decide to attach conditions or, under very limited circumstances, to ban a parade or procession.

When considering whether it is necessary to prohibit or impose conditions, the Council needs to consider four criteria:

- public safety;
- public order;
- damage to property; and
- disruption to the life of the community.

The Council must also consider whether containment of the risks arising from the parade would place an excessive burden on the police.

Other than stated above there are no other powers available to the Council which would allow a limit to repeated demonstrations.

The Council has no power to control or prevent any demonstration which is static for example a demonstration outside the Scottish Parliament Building.

Council officers continue to work with Police Scotland and others to mitigate any disruption a protest march may cause.

In respect of the use of existing powers, the Council has a consultation currently underway on the rules and guidance around holding protest marches, parades and processions in Edinburgh.

The public are being asked for their feedback on a new policy and code of conduct providing more clarity on the process for staging a public procession.

<https://consultationhub.edinburgh.gov.uk/sfc/public-processions>

The closing date for the consultation is: **31 March 2017.**

Supplementary Question

Thank you Lord Provost. For the benefit of the webcast I won't repeat my question but can I thank the Committee Convener for his response and I do welcome that we are having a public consultation on parades and processions and I am sure we would all welcome comments from the public by the end of this month. I am sure that he would agree with me that all of us in this Chamber respect and champion the right for peaceful marches and demonstrations whether we like the individuals or campaigns or not but would he also agree with me that it is somewhat testing for the same groups to have demonstrations on an increasingly regular basis and I'm being circumspect not naming any group but he is well aware that we had demonstrations on the same matter two weeks running, one of which took place on the opening of the six nations championship which did stretch our Council and police services and the Council was not notified in the 28 day period we try to impress on those who wish to participate in a parade. We face two years of constitutional upheaval and a presidency across the pond which is not universally popular, but can I ask the Committee Convener who is no shrinking violet, nor is he a meek little pussycat if

he could use his skills to impress on all groups who wish to demonstrate, the courtesy of notifying the Council of proposed parades which would be a great help to the police and would minimise disruption to the people of Edinburgh and visitors to our City.

**Supplementary
Answer**

Thank you Lord Provost. Yes

QUESTION NO 12

**By Councillor Booth for answer by
the Convener of the Health, Social
Care and Housing Committee at a
meeting of the Council on 16 March
2017**

- Question** **(1)** For each of the last 24 months where figures are available, will the convener please list:
- How many people in each month were waiting for longer than three days for discharge from hospital.
- Question** **(2)** Of those listed in answer to question 1, how many people in each month were waiting for a care home place.
- Question** **(3)** Of those listed in answer to question 1, how many people in each month were waiting for arrangements to be made for them to go home with social care support.
- Question** **(4)** How many people in each month had complex care needs and were therefore excluded from the headline figure on late discharge given in answer to question 1.

Answer The table below details the number of people waiting for discharge from hospital for longer than three days included in the monthly delayed discharge censuses from February 2015 to January 2017. The figures in the table relate to the census date for each month, which prior to July 2016 was the 16th of each month, and from July 2016 was the last Thursday in each month.

Patients delayed waiting discharge from hospital

| | Column 1 All delays longer than three days | Column 2 Waiting for a care home place (longer than three days) | Column 3 Waiting to go home with social care support (longer than three days) | Column 4 Complex (all delays) not included in first column |
|--------|--|---|---|--|
| Feb-15 | 98 | 31 | 45 | 34 |
| Mar-15 | 129 | 33 | 46 | 38 |
| Apr-15 | 102 | 33 | 54 | 29 |
| May-15 | 114 | 39 | 63 | 34 |
| Jun-15 | 132 | 30 | 73 | 37 |
| Jul-15 | 133 | 36 | 84 | 22 |
| Aug-15 | 124 | 36 | 74 | 19 |
| Sep-15 | 151 | 40 | 92 | 22 |
| Oct-15 | 127 | 28 | 83 | 23 |
| Nov-15 | 141 | 37 | 77 | 28 |
| Dec-15 | 117 | 26 | 67 | 28 |
| Jan-16 | 101 | 23 | 58 | 31 |
| Feb-16 | 91 | 16 | 51 | 27 |
| Mar-16 | 75 | 13 | 38 | 32 |
| Apr-16 | 44 | 14 | 16 | 28 |
| May-16 | 74 | 23 | 39 | 33 |
| Jun-16 | 107 | 32 | 57 | 27 |
| Jul-16 | 153 | 56 | 69 | 25 |
| Aug-16 | 144 | 64 | 72 | 22 |
| Sep-16 | 155 | 52 | 75 | 23 |
| Oct-16 | 168 | 69 | 74 | 24 |
| Nov-16 | 149 | 66 | 60 | 22 |
| Dec-16 | 180 | 70 | 74 | 19 |
| Jan-17 | 188 | 71 | 85 | 12 |

The above data has been taken from data published by ISD Scotland (<http://www.isdscotland.org/Health-Topics/Health-and-Social-Community-Care/Delayed-Discharges/Previous-Publications/>) with the exception of the non-complex delay information for February and March 2015. Prior to April 2015 ISD Scotland only published information on delayed discharges quarterly, so this information has been taken from local data sources.

Please note that prior to July 2016 published data by ISD Scotland only included people who were waiting on discharge after three days. This has particular relevance to

the complex delay data where there is the possibility that prior to July 2016 there might be included in the figures some people who were discharged within three days, though this is unlikely.

It should be noted that from July 2016 there was a change in the national definitions used as part of the census process. The changes will have made no impact to the answers given to these questions. The revised Delayed Discharge Definitions Manual can be found at <http://www.isdscotland.org/Health-Topics/Health-and-Social-Community-Care/Delayed-Discharges/Guidelines/docs/Delayed-discharge-Data-Definitions-Recording-Manual-FINAL.pdf>).

From the December 2016 census the system used to record delayed discharges was changed from EDISON, a national database used by both social care and health staff to record delayed discharge information, to TRAK, the clinical records system used by NHS staff. This resulted in a discontinuity of recording practice, but the change was necessitated by the forthcoming end of support for EDISON requiring a local solution to be found.

**Supplementary
Question**

Thank you Lord Provost. I asked about delayed discharges from hospital and in particular where these are due to people waiting for a care home place or where they are waiting for a care package to be put in place for them to be cared for at home. I thank the Convener for the answer and I obviously thank the officials for providing a very detailed response. I hope the Convener will agree with me that these figures are too high, that it's bad news for patients who are subject to delayed discharge because often they can recuperate much better either in a care home or in their own home. It's also bad news for the public sector because there's increased costs and does he agree with me that this should be a top priority in getting these figures down in the future?

**Supplementary
Answer**

Thank you Lord Provost and thanks to Councillor Booth for his question and for focusing on this very important issue for both ourselves and the individuals and families that are affected by delayed discharge and I do indeed agree with him that the numbers are currently too high. Delayed discharge has been a challenge in Edinburgh for some considerable time and continues to be so and continues to be our top priority for a number of reasons. I'm pleased to say that there are a number of workstreams currently in place with a great deal of focus from colleagues in Health and Social Care and the NHS and there are some early signs, some encouraging signs that we are beginning to tackle some of these numbers and I think as Councillor Booth rightly identifies the absolute priority is to make sure that people, once they're ready to be discharged from hospital, that they go home with the appropriate level of care preferably to a homely setting where they can be properly looked after.

Item no 5.1

QUESTION NO 1

**By Councillor Bagshaw for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 27 April 2017**

Question

Given the impact of congestion on bus journey times within Edinburgh, what action is being taken to record particular areas of delay caused by such congestion?

Answer

Item no 5.2

QUESTION NO 2

By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 27 April 2017

Question **(1)** Will the Convener confirm that when Redhall House was sold by the council in December 2007, it was a condition of sale that the house be developed for use within 2 years and 3 months of sale?

Answer **(1)**

Question **(2)** Subject to the answer in 1. above, what action has been taken to enforce that condition of sale?

Answer **(2)**

Question **(3)** Will the Convener detail what assessments have been made of the condition of the property, starting from December 2007 to date; and outline what those assessments have shown?

Answer **(3)**

Item no 5.3

QUESTION NO 3

**By Councillor Main for answer by the
Convener of the Education, Children
and Families Committee at a meeting
of the Council on 27 April 2017**

The opening of the new Boroughmuir High School Originally scheduled in August 2016, has been delayed for a sixth time, to January 2018.

At the Governance, Risk Best Value Committee on 24 October 2016 serious concerns were raised about continuing delays and an Assurance Review of the new Boroughmuir High School was requested and oversight of the project increased. However Boroughmuir High School's contractors, O'Hare & McGovern, have recently informed the Council that they are now unable to achieve the handover date of 16 June and are proposing a new date of 11 August just six days before the start of term.

Question **(1)** What was the reason given by the contractor for each of the delays?

Answer **(1)**

Question **(2)** For each of the delays, what penalty or changes to fees have been agreed with the contractor as the result of the delay?

Answer **(2)**

Question **(3)** What are the detailed additional costs associated with keeping the school on the current site and fit for purpose until 2018, and who will bear those costs?

Answer **(3)**

Item no 5.4

QUESTION NO 4

By Councillor Heslop for answer by
the Convener of the Transport and
Environment Committee at a meeting
of the Council on 27 April 2017

20 mph signposts

Question (1) How many new signposts have been erected showing the 20mph and what is the cost?

Answer (1)

Question (2) How many of these signposts have subsequently been removed, or removed and replaced with painted 20mph signs on the road.

Answer (2)

Question (3) What is the cost?

Answer (3)

Item no 5.5

QUESTION NO 5

By Councillor Rose for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 27 April 2017

Garden Waste Collection

Question

From the beginning of March 2017 garden waste collections changed to a three weekly rota year round.

It is noted that householders are receiving the following message:

We are not able to supply the new garden waste collection information or reminder emails for Edinburgh at present. We hope this will be available soon. We are sorry for any inconvenience.

When will this be resolved?

Answer



April 2017

Ongoing satisfaction with life in the Capital



The latest [Edinburgh People Survey results](#) made positive reading when they were published last month, showing that the vast majority of respondents (94%) are satisfied with life here in the Capital.

Services like public transport, parks and our calendar of cultural events continue to see a high level of satisfaction too, while results showed residents across the city feel secure in their communities.

I was particularly heartened by the sense of inclusion demonstrated by the results, with more people than ever agreeing their neighbourhood is a place where people of different backgrounds get along (84%), and 94% saying Edinburgh is welcoming and accessible to people of all ages.

As ever, the survey also gives us the opportunity to reflect on the areas where public perception is poorer. Responses allow us to pinpoint services, such as street cleaning and road maintenance, where people feel we could be doing better, and help us to make plans for improvement, to the benefit of everyone who lives in and visits the city.

Very much open for business

Edinburgh has been featuring in the news again for all the right reasons this month after being named the [best city in the UK to start a new business](#). Our speedy internet connections, reasonable office rent and a substantial pool of 'tech savvy' students all played their part.

This came hot on the heels of another, and even more impressive, result courtesy of JLL Investment's [Intensity Index](#), which ranked Edinburgh fourth in the world for property investment. This is remarkable when you consider that only Oslo, London and Munich scored more highly, with the likes of New York and Sydney further down the Top 10.

Of course, the evidence of this is right on our doorstep as the New Waverley and Haymarket developments continue to progress well and work getting underway on the £1 billion Edinburgh St James project.

Keeping Edinburgh Beautiful

Congratulations to the team working on the *Our Edinburgh* campaign, which was awarded 'Programme of the Year' at this year's Keep Scotland Beautiful Local Environment Quality Awards. The award recognises the great job they've done to encourage pride in the city.

We're always looking at ways of improving our waste and cleansing services, but by raising awareness of anti-social behaviour like fly-tipping, litter-dropping and dog fouling, *Our Edinburgh* is encouraging the public to do their bit too – and it's already having an impact.

In its latest phase in Gorgie and Dalry, the campaign saw litter complaints drop by 18% and 13 fixed penalty notices issued, while citywide there has been a 44% increase in special uplift requests.

Grand designs on Ross Theatre

It boasts one of the finest backdrops in the country and it seems the rest of the world agrees. The competition to replace the Ross Bandstand in West Princes Street Gardens is gathering pace after 125 groups of architects and designers spanning 22 countries were swiftly narrowed down last month.

The worldwide interest should come as no surprise. Images of the venue are beamed to TV screens across the world every Hogmanay and during the Festival Fireworks Concert each August. After flying in from Japan, the USA and across Europe to visit the site earlier this month, the [seven shortlisted architect teams](#) will have until June to submit their designs for a new pavilion.

An exhibition will be held by the Ross Development Trust, led by benefactor Norman Springford, this summer to showcase their concept designs and to receive local feedback, with a winner expected to be confirmed in August 2017.

Fighting inequality with the OneCity Trust

The OneCity Trust was established in 2003 (with the Lord Provost's 'Rapid Action Fund' added in 2013) to support the most vulnerable in our society and, over the last 12 months alone, has channelled over £125,000 into projects which help close the wealth gap here in the Capital.

Every community has a responsibility to care for its citizens and the OneCity Trust relies on generous donations from Edinburgh people and businesses. In the last year, it has received more than £36,300 support from Travis Perkins, £3,000 from CGI Ltd and over £6,000 from Harvey Nichols' carrier bag levy.

Countless individuals continue to pledge their support too. The Trust's President, the Lord Provost, will 'brave' the Virgin Money London Marathon this weekend. With Sunday's starting gun looming, you can show the Lord Provost and the OneCity Trust your support through Donald Wilson's marathon [donation page](#).

If you know an organisation or scheme which fights inequality and promotes inclusion, applications will be open until the end of May for 2017 grant funding. [Find out more](#) about applying for a OneCity Trust grant.

Have your say on 4 May

The local elections are almost upon us (as, of course, is another General Election!) and voters across the country will be heading to the polls to elect our new councillors on Thursday 4 May.

A few reminders about this year's vote:

- Some polling places have changed, so check your poll card or [our online guide](#) to find out where yours is before you head out
- If filling in a postal ballot, be careful to put your date of birth in the relevant bit, rather than that day's date (it often happens!), then make sure to sign it
- Use numbers when filling in the ballot, with 1 marking your first preference, 2 your second, and so on. Find out more about the [single transferable vote system](#)

These elections are your chance to influence how services in Edinburgh are delivered over the next five years by selecting the candidates you think will do the best job for the Capital. Do please have your say on 4 May!

Spelling out Edinburgh's history this summer

After transforming into the Edinburgh International Science Festival's quirky laboratory this spring, the City Art Centre is making way for another takeover in a few weeks time.

Our flagship gallery will open its doors to one of its most ambitious exhibitions when hundreds of artefacts and artworks are drawn together and placed on display for the very first time.

Spanning 60,000 years, [Edinburgh Alphabet: An A-Z of the city's collection](#) will feature never-before-seen treasures from the city's collections. For anyone with a love of this city and its rich history, this free exhibition really shouldn't be missed.

The last word

As you may be aware, many councillors, including myself, have chosen not to stand on 4 May. I haven't done the maths, but the cumulative experience leaving the Council must add up to many hundreds of years.

As current Council Leader, and on behalf of all the Group Leaders, I'd like to take this opportunity to pay tribute to all the retiring councillors who have given dedicated public service to their local communities over so many years.

I'd also like to wish all remaining councillors, and new candidates, all the very best of luck. It really is a privilege to serve your local community – and you never know how long that privilege will last – so please do enjoy it while you can.

Huge thanks also to our dedicated workforce, who have shown nothing but enormous understanding, adaptability, and sheer dedication to public service, over recent years. It's been my pleasure to work with you all.

And finally, many thanks to the people that matter most: the residents of Edinburgh. You have given us the chance to make a contribution to the ongoing evolution of this most beautiful city; one which I've had the good fortune to call my family home for the last 24 years.

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The City of Edinburgh Council

May 2015 to March 2017

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|---|--|--|--------------------------|------------------------|--|
| 1 | 20-08-15 | Future Investment in the School Estate – Wave 4 | To note that a report would be brought back to the Council on the outcome of this process, together with the proposed approach to prioritisation, at a later date. | Executive Director of Communities and Families | October 2016 | | <p>Recommended for closure</p> <p>Feasibility studies are now being progressed and any future investment requirements will be highlighted in strategic review of the Schools and Lifelong Learning Estate and future Council budget setting processes</p> |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|---|--|---|--------------------------|------------------------|--|
| 2 | 19-11-15 | Edinburgh Tram Extension - Next Steps | <p>1) 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 10th December 2015.</p> <p>2) To continue the proposal to delegate authority to the Chief Executive or such other officer to whom the Chief</p> | <p>Executive Director of Place</p> <p>Executive Director of Place</p> | June 2017 | | <p>Paper brought forward to Council in December 2015 setting out proposed way forward.</p> <p>Council agreed to commence with Stage 1 activities and for Officers to report back to full Council in Spring 2017.</p> |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|------|--------------|--|-----------------------------|--------------------------|------------------------|----------|
| | | | <p>Executive may sub-delegate to award the external support contracts and site investigation contract(s), subject to:</p> <p>a) consultation with the Convener of the Finance and Resources Committee; and</p> <p>b) the summary of the procurement processes being reported at the end of Stage 1. until the next Council Meeting on Thursday 10th December 2015.</p> <p>3) To continue the proposal that, at the conclusion of Stage 1, the project</p> | Executive Director of Place | | | |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|------|--------------|--|--------------|--------------------------|------------------------|----------|
| | | | <p>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 10th December 2015.</p> <p>4) 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</p> | | | | |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|------|--------------|--|--------------|--------------------------|------------------------|----------|
| | | | <p>Meeting on Thursday 10th December 2015.</p> <p>5) 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.</p> <p>6) 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</p> | | | | |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|---|--|-----------------------------|--------------------------|------------------------|---|
| | 19.12.15 | Edinburgh Tram Extension - Next Steps | to Council in December 2015. To note that a report would be brought back to Council in Spring/Summer 2017 recommending a way forward. | Executive Director of Place | June 2017 | | |
| 3 | 19-11-15 | St James Quarter - Update on Progress | 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 | Executive Director of Place | May 2017 | | Advice regarding the timing for the marketing and disposal of the site will be sought during the construction phase of St James. A report will be brought back to the Council in accordance with the recommendations of the report of 19 November 2015. |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|---|-----------------|--------------------------|------------------------|--|
| | | | <p>ii) Good land; the traffic implications of developing this site on wider traffic movements across the east of the City at this key traffic node; and</p> <p>iii) what the impact on active travel and place making would be if the site were released for development.</p> | | | | A further update will be provided in May 2017. |
| 4 | 10-12-15 | Executive Management Structure | 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. | Chief Executive | December 2016 | 15 December 2016 | Recommended for closure |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|--|---|---------------------------------------|------------------------|--|
| 5 | 10-12-15 | Formal Collaboration Proposal for Edinburgh, Lothians, Borders and Fife Councils | <p>1) To report back to Council in 6 months. (to include the wider issues referred to in the outstanding action.)</p> <p>2) 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.</p> | <p>Chief Executive</p> <p>Chief Executive</p> | <p>June 2016</p> <p>February 2016</p> | <p>January 2017</p> | <p>Recommended for closure</p> <p>Briefing note was circulated to Councillors in January 2017</p> |
| 6 | 10-03-16 | Funding Package Proposal for a New Meadowbank | To note that the outcome of the tender exercise, analysis of the expenditure and income cash flow, and revised estimates of total | Acting Executive Director of Communities and Families | Ongoing | 9 February 2017 | <p>Recommended for closure</p> <p>Capital budget established by</p> |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|---|--|-----------------|--------------------------|------------------------|---|
| | | | project cost would be reported to the Council, at which point the final funding package would be confirmed and a contribution from the Capital Investment Programme would be requested | | | | Council on 9 February 2017 |
| 7 | 28-04-16 | Appointments to Outside Organisations | 1) To agree, in principle, to the appointment of Councillor Cardownie as a Trustee of the Ken Buchanan MBE Foundation on an interim basis subject to a further report being submitted to a future meeting of the Council once the Foundation had been formally constituted as an | Chief Executive | Ongoing | | In June 2016 a report to Council gave advice to elected members on unincorporated associations and other organisations. It confirmed that where the organisation was a trust that had elected members as trustees, further work would be required |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|---|--|--------------------------|------------------------|---|
| | | | <p>organisation.</p> <p>2) That the further report requested include information on whether it was appropriate for the Council to appoint members:</p> <p>i) to unincorporated organisations or organisations in an advisory capacity only; and</p> <p>ii) to the Ken Buchanan MBE Foundation once it was formally constituted.</p> | Chief Executive | | | to be commissioned to ascertain the potential liabilities for the elected member and the Council. This work would be carried out as part of the Review into Outside Bodies to be carried out before the Local Government Elections in May 2017. |
| 8 | 02-06-16 | Common Good Asset Register | To note that further reports would be brought to Committee once Scottish Ministers guidance on | Acting Executive Director of Resources | March 2017 | 23 February 2017 | <p>Recommended for closure</p> <p>Reported to</p> |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|---|-----------------|--------------------------|------------------------|--|
| | | | common good registers had been issued and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012. | | | | Finance and Resources Committee in February 2017 and will be brought back to that Committee on a bi-annual basis |
| 9 | 30-06-16 | EU Referendum – Emergency Motion by Councillor Corbett | To call for a report to go to the Corporate, Policy and Strategy Committee – in two cycles – outlining the potential implications for the Council, of the UK leaving the European Union | | Ongoing | | Corporate Policy and Strategy Committee on 4 October 2016 established a Member/Officer Working Group to co-ordinate Council and Partner Responses. |
| 10 | 25-08-16 | Governance - Operational Governance Framework Annual Review 2016 | To note that the Scheme of Delegation had been reviewed in February 2016 to take into account the revised council management structure and | Chief Executive | February 2017 | 26 January 2017 | Recommended for closure |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|---|-----------------------------|--------------------------|--|-------------------------|
| | | | that further work was required to identify necessary updates or legislative changes and an additional report would be presented to a future Council meeting. | | | | |
| 11 | 15-12-16 | Fireworks – motion by Councillor Mowat | <p>Calls for a report in two cycles to investigate:</p> <p>a) What impact the noise of the bangs has on the health and wellbeing of people and animals;</p> <p>b) What damage may be caused to property from the vibrations from the large pyrotechnic displays;</p> <p>c) What other options are available for keeping the spectacle but reducing the impact</p> | Executive Director of Place | | Corporate Policy and Strategy Committee 28 March 2017 | Recommended for closure |

| No | Date | Report Title | Action | Action Owner | Expected completion date | Actual completion date | Comments |
|----|----------|--|---|-----------------|--------------------------|------------------------|----------|
| | | | such as silent fireworks.” | | | | |
| 12 | 26-01-17 | Designation of Chief Education Officer | To note that amendments to the Scheme of Delegation to Officers to reflect the changes to statutory regulations within the Education (Scotland) Act 2016 would be required and would be submitted to the Council in due course. | Chief Executive | | | |

10.00am, Thursday, 27 April 2017

Appointment to the Board of Transport for Edinburgh and Lothian Buses

| | |
|-------------------|---------|
| Item number | 8.2 |
| Report number | |
| Executive/routine | Routine |
| Wards | All |

Executive Summary

Mr Steve Cassidy was appointed to the Board of Transport for Edinburgh (TfE) as a Non-Executive Director on 18 December 2013 for the period of two years. Mr Cassidy was appointed as a Non-Executive Director to the Board of Lothian Buses (LB) on 6 February 2014 for a period of three years. This report requests Council approval for the retrospective appointment of Mr Cassidy to the Board of TfE for the period 18 December 2015 - 17 December 2018, in line with all other appointments to the company Board. The report also requests the re-appointment of Mr Cassidy to the Board of LB for the period 6 February 2017 – 5 February 2019.

Links

| | |
|--------------------------|--|
| Coalition Pledges | P19 , P50 |
| Council Priorities | CP7 , CP8 , CP9 , CP12 |
| Single Outcome Agreement | SO1 |

Appointment to the Board of Transport for Edinburgh and Lothian Buses

1. Recommendations

- 1.1 It is recommended that Council approves:
 - 1.1.1 The retrospective appointment of Mr Steve Cassidy to the Board of TfE for the period 18 December 2015 - 17 December 2018; and
 - 1.1.2 The appointment of Mr Steve Cassidy to the Board of LB for the period 6 February 2017 – 5 February 2019.

2. Background

- 2.1 TfE was established in October 2013 as the parent company for Lothian Buses (LB) and Edinburgh Trams (ET). TfE is an Arms Length External Organisation (ALEO) wholly owned by the City of Edinburgh Council. This arrangement is governed by a shareholder agreement between the City of Edinburgh Council and TfE.
- 2.2 LB is an ALEO which is 91% owned by the City of Edinburgh Council. This arrangement is governed by a shareholder agreement between the Council and LB.

3. Main report

Re-appointment to the Board of Transport for Edinburgh

- 3.1 Mr Steve Cassidy was appointed to the Board of TfE as a Non-Executive Director on 18 December 2013 for the period of two years. Legally he remains a company Director as no action has been taken to remove him from this position.
- 3.2 The Board of TfE have approved in principle the retrospective re-appointment of Mr Cassidy for the period from 18 December 2015 – 17 December 2018 (a period of three years). This will be ratified at their Board meeting on 26 May 2017. This appointment is in line with other Non-Executive Director appointments to the Board of TfE.
- 3.3 It is recommended that Council retrospectively approves the re-appointment of Steve Cassidy to the Board of TfE for the period outlined in para 3.2.

Re-appointment to the Board of Lothian Buses

- 3.4 Mr Steve Cassidy was appointed to the Board of LB as a Non-Executive Director on 6 February 2014 for the period of three years.
- 3.5 The Board of LB have approved Mr Cassidy's appointment for the period 6 February 2017 – 5 February 2019 on 14 April 2017 (to be confirmed post-APM). This is in line with other Non-Executive Director appointments to the Board of LB.
- 3.6 It is recommended that Council approves the re-appointment of Steve Cassidy to the Board of LB for the period outlined in para 3.5.

4. Measures of success

- 4.1 Delivery of a safe, efficient and cost effective integrated transport operation for the city.

5. Financial impact

- 5.1 There are no financial impacts arising from this report.

6. Risk, policy, compliance and governance impact

- 6.1 The appointment of both executive and non executive directors to the Board of ET helps to ensure there is good governance, and management of operational and financial risk.

7. Equalities impact

- 7.1 There are no equalities impacts arising from the recommendations in this report.

8. Sustainability impact

- 8.1 There are no sustainability impacts arising from the recommendations in this report.

9. Consultation and engagement

- 9.1 The Boards of TfE and LB have approved these appointments.

10. Background reading/external references

None

Paul Lawrence

Executive Director of Place

Contact: Ewan Kennedy, Senior Manager Transport Networks

11. Links

| | |
|---------------------------------|--|
| Coalition Pledges | P19 – Keeping Lothian Buses in public hands and encourage the improvement of routes and times P50 – Meet greenhouse gas targets, including the national target of 42% by 2020 |
| Council Priorities | CP7 – Access to work and learning CP8 – A vibrant, sustainable local economy CP9 – An attractive city CP12 – A built environment to match our ambition |
| Single Outcome Agreement | SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all |
| Appendices | None |

10am, Thursday 27 April 2017

Establishment of Muirhouse/Salvesen Community Council

| | |
|-------------------|-----------------|
| Item number | 8.3 |
| Report number | |
| Executive/routine | Executive |
| Wards | Ward 1 – Almond |

Executive summary

This report provides the City of Edinburgh Council with a briefing on the submission of a petition by over 20 electors requesting that a Community Council be established in Muirhouse/Salvesen and seeks approval for the process and timetable to deliver this.

Links

| | |
|--------------------------|---------------------|
| Coalition pledges | P33 |
| Council Priorities | CP4 |
| Single Outcome Agreement | SO4 |

Establishment of Muirhouse/Salvesen Community Council

1 Recommendations

It is recommended that the City of Edinburgh Council:

- 1.1 approve the process of combined online, postal and polling place voting, should a poll be required;
- 1.2 approve the timetable for the election of Muirhouse/Salvesen Community Council, and;
- 1.3 appoint the Election Manager as Returning Officer.

2 Background

- 2.1 Community Councils are the key community representative bodies within the local and strategic community planning arrangements in Edinburgh and have representation on each of the 12 Neighbourhood Partnerships and Edinburgh Partnership Board. This is a reflection of the national picture where Community Councils are seen as one of the key ways to encourage community involvement in decision making.

3 Main report

- 3.1 A petition was received on 6 April 2017 with a request from over 20 local electors to establish a Community Council for the Muirhouse/Salvesen area under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973. This is sufficient in terms of a formal request for a Community Council to be established.
- 3.2 An election process will therefore be required to support the establishment of the new Community Council for the Muirhouse/Salvesen area. This will involve a nomination process to identify new community councillors. At the close of nominations, should there be more valid nominations than the maximum permitted membership then a poll would be required to elect the members of the Community Council.

3.3 The City of Edinburgh Council [Scheme for Community Councils](#) requires that in the event of a poll being required, it will be conducted by secret ballot of local electors, organised by the Returning Officer (approved by the City of Edinburgh Council in accordance with the Scottish Local Election Rules subject to modification and simplification as deemed necessary by the City of Edinburgh Council). A poll was required for one Community Council in October 2016 in Leith Links. The poll was undertaken by a process of online and polling place voting. As this process resulted in an increased turnout, it is proposed to use this, together with postal voting, with Muirhouse/Salvesen Community Council, should a poll be required.

3.4 The proposed timetable for election is as follows:

- Nomination period – 5 June 2017 until 30 June 2017
- Notice of poll – 3 July 2017
- Poll (if required) – 13 July 2017

The poll, if required, needs to take place within six weeks of the start of the nomination period.

3.5 The Council's preferred practice is to appoint, where possible, a ward Councillor as the Returning Officer. The Returning Officer will be responsible for calling and chairing the first meeting of the new Community Council and will be advised of the terms of the proposals in this report. Given that there will be elections to the City of Edinburgh Council on 4 May 2017 rather than appoint a Councillor as Returning Officer it is proposed that the duties would be undertaken by the Elections Manager within the Governance and Democratic Services section of Strategy and Insight Division .

4 Measures of success

4.1 A Community Council is established in the Muirhouse/Salvesen area as requested by the signatories. Further, that the process is fully understood by all participants.

5 Financial impact

5.1 An annual administration grant of £620.16 is required for Muirhouse/Salvesen Community Council. This cost can be met from existing budgets. Should a poll be required for Muirhouse/Salvesen Community Council the cost is anticipated to be around £7,500. This will be managed within existing budgets.

6 Risk, policy, compliance and governance impact

6.1 The process will comply with the Scottish Local Election Rules as modified.

7 Equalities impact

- 7.1 The Scheme for Community Councils promotes and enhances the Council's ability to meet its General and Public Duties under equalities legislation. An Equalities and Rights Impact Assessment has recently been carried out as part of the Review of the Scheme. The addition of a new Community Council will contribute to and enhance the assessment.

8 Sustainability impact

- 8.1 There are no adverse environmental implications arising from this report.

9 Consultation and engagement

- 9.1 Council officers have been in discussions with local electors to support the submission of the petition to establish the Community Council. To encourage nominations, a publicity campaign will take place. As in previous circumstances where new Community Councils are being established, this will be led by the Council and will include the use of posters, leaflets, messages in local press and online promotion through existing social media platforms and the Council and Neighbourhood Partnership websites.

10 Background reading/external references

- 10.1 [Scheme for Community Councils](#)

Andrew Kerr

Chief Executive

Contact: Laurence Rockey, Head of Strategy and Insight

E-mail: Laurence.rockey@edinburgh.gov.uk | Tel: 0131 529 3654

Links

| | |
|---------------------------------|---|
| Coalition pledges | P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used |
| Council priorities | CP4 – Safe and empowered communities |
| Single Outcome Agreement | SO4 – Edinburgh's communities are safer and have improved physical and social fabric |
| Appendices | |

The City of Edinburgh Council

10.00am, Thursday 27 April 2017

Community Empowerment (Scotland) Act 2015 – Update Following Release of Scottish Government Guidance - referral from the Corporate Policy and Strategy Committee

| | |
|---------------|-----|
| Item number | 8.4 |
| Report number | |
| Wards | All |

Executive summary

The Corporate Policy and Strategy Committee on 28 March 2017 considered a report detailing proposed revisions to the Interim Community Asset Transfer Policy. The report has been referred to the City of Edinburgh Council for adoption of the principles detailed in the Interim Policy.

Links

| | |
|---------------------------------|---|
| Coalition pledges | See attached report |
| Council outcomes | See attached report |
| Single Outcome Agreement | See attached report |
| Appendices | Appendix 1 – Interim Community Asset Transfer Policy Appendix 2 – report by the Acting Executive Director of Resources |

Terms of Referral

Community Empowerment (Scotland) Act 2015 – Update Following Release of Scottish Government Guidance

Terms of referral

- 1.1 On 24 November 2015, the Communities and Neighbourhoods Committee approved the introduction of an interim Community Asset Transfer Policy in anticipation of the enactment of the Community Empowerment (Scotland) Act 2015.
- 1.2 On 28 March 2017, the Corporate Policy and Strategy Committee considered a report which provided an update on the Scottish Government guidance on Asset Transfers under the Act which came into force on 23 January 2017 together with suggested improvements to the interim policy to allow its adoption as formal policy.
- 1.3 The Corporate Policy and Strategy Committee agreed:
 - 1.3.1 To note the Scottish Government guidance for Relevant Authorities;
 - 1.3.2 To refer the report by the Acting Executive Director of Resources to the City of Edinburgh Council to adopt the principles detailed in the Interim Policy as being the agreed Policy together with the amendments recommended in the report and as detailed in the appendices to the report.
 - 1.3.3 To agree to adopt the Stage 1 and Stage 2 submission forms as the recommended procedure by which to progress Asset Transfer requests in compliance with the Act.
 - 1.3.4 To note the actions required by Council officers as detailed in the report to comply with the Act.

For Decision/Action

- 2.1 The Corporate Policy and Strategy Committee has submitted the report to the City of Edinburgh Council to adopt the principles detailed in the Interim Policy as being the agreed Policy as set out in Appendix 1.

Background reading / external references

Corporate Policy and Strategy Committee 28 March 2017

The City of Edinburgh Council 10 December 2015

Communities and Neighbourhoods Committee 24 November 2015

Laurence Rockey

Head of Strategy and Insight

Contact: Louise Williamson, Assistant Committee Clerk

E-mail: louise.p.williamson@edinburgh.gov.uk | Tel: 0131 529 4264

Links

| | |
|---------------------------------|---|
| Coalition pledges | See attached report |
| Council outcomes | See attached report |
| Single Outcome Agreement | See attached report |
| Appendices | Appendix 1 – Interim Community Asset Transfer Policy Appendix 2 - report by the Acting Executive Director of Resources |

Community Asset Transfer Policy

Implementation date: 27 April 2017

Control schedule

| | |
|-----------------------------------|--|
| Approved by | City of Edinburgh Council |
| Approval date | 27 April 2017 |
| Senior Responsible Officer | Peter Watton, Head of Property and Facilities Management |
| Author | Craig Lamont, Senior Estates Surveyor |
| Scheduled for review | April annually |

Version control

| Version | Date | Author | Comment |
|---------|--------|--------------|--|
| 0.1 | 3/4/17 | Craig Lamont | Final Community Asset Transfer policy document |

Committee decisions affecting this policy

| Date | Committee | Link to report | Link to minute |
|----------|--|---|----------------|
| 24/11/15 | Communities and Neighbourhoods Committee | Community Empowerment (Scotland) Act 2015 : Update and Interim Community Asset Transfer Policy | |
| 28/3/17 | Corporate Policy and Strategy Committee | Community Empowerment (Scotland) Act 2015: Update following release of Scottish Government Guidance | |

Community Asset Transfer Policy

Policy statement

- 1.1 This policy:
 - 1.1.1 Details the basis upon which the Council will manage requests made under the Community Empowerment (Scotland) Act 2015 (the Act) for Community Asset Transfers; and
 - 1.1.2 Ensures that this Council's statutory requirements under the Act are met.

Scope

- 2.1 This policy applies to:
 - 2.1.1 Council officers receiving and progressing requests made under the Act for a Community Asset Transfer of Council owned or leased property;
 - 2.1.2 Elected members involved in considering Asset Transfer requests as a member of a Community Asset Transfer Panel;
 - 2.1.3 Third party representatives invited to sit on a Community Asset Transfer Panel; and
 - 2.1.4 Community Bodies for guidance in submitting Community Asset Transfer requests under the Act.

Definitions

- 3.1 **Community Asset Transfer** means the transfer of land or buildings to a Community Body which are owned or leased by the Council.
- 3.2 **Community Bodies** are formally constituted community groups interested in acquiring use of, or occupancy, of a Council asset.
- 3.3 **Panel** is a group formed to consider Community Asset Transfer requests, comprising of community leaders/elected members, Council officials and other representatives who will provide advice and guidance to the Council.
- 3.4 **Relevant Authority** means the Council or other local authority or public body as defined in the Act.

- 3.5 **Stage 1 Expression of Interest form** comprises a pre-application process which does not in itself constitute a formal asset transfer application.
- 3.6 **Stage 2 Sustainable Business Case** is a detailed submission which constitutes a formal application under the Act for a Community Asset Transfer.
- 3.7 **The Act** means the Community Empowerment (Scotland) Act 2015.

Policy content

- 4.1 Disposal by Community Asset Transfer can be achieved by:
- Sale of the Council's heritable interest in land and/or buildings;
 - Entering into a lease for a property, typically of five years or longer and usually on full repairing and insuring terms; or
 - Granting a user agreement, management agreement or other form of occupancy arrangement.
- 4.2 Transfer of an asset should seek to deliver the following community benefit objectives:
- Contribution to a developing and sustainable community;
 - Involved and empowered communities;
 - Equality of access and influence;
 - Improved quality and efficiency of community service(s);
 - Demonstrate enhanced social (added) value;
 - Partnership collaboration; and
 - Assists the community to achieve aspirations.
- 4.3 To make an asset transfer request an organisation needs to be a community controlled body (as defined in Section 19 of the Act) or a body designated by the Scottish Ministers. Companies or other organisations established for profit are not eligible to apply for a Community Asset Transfer.
- 4.4 10 Key Principles to adopt for Community Asset Transfers:
- (i) The Council welcomes expressions of interest and community asset transfer requests to improve the use and potential for buildings and land under its control.
 - (ii) Options to transfer assets for community benefit will be investigated in consultation with community interest groups as part of the disposal process.
 - (iii) Stage 1 Expressions of Interest and Stage 2 Sustainable Business Cases will be considered on a case by case basis and asset transfers will therefore have different terms and conditions embedded into the disposal agreement.
 - (iv) Stage 1 and Stage 2 submissions will be considered in a partnership context and this should continue beyond the date of disposal of the asset.

- (v) Proposals should demonstrate the benefits of community occupation of the asset in line with the objectives highlighted at item 4.2.
- (vi) The Stage 2 sustainable business case should demonstrate: (a) the need for the community to own/operate or occupy the asset; (b) strong governance arrangements to ensure sound management and quality service delivery; and (c) strong community input, support, benefit and value.
- (vii) To mitigate risk to the Council and to the Community Body in the spirit of partnership, a gradual transfer of an asset should be considered as an option.
- (viii) Long term leases should be considered as a method of transferring assets to Community Bodies, affording the Council a greater degree of control over the asset.
- (ix) Where a transfer of the whole asset is deemed to be inappropriate, alternative approaches or solutions such as the use of licenses, management agreements or other user arrangements should be considered.
- (x) The Council will operate a process to: (a) record for internal purposes Stage 1 Expressions of Interest; (b) comply with the Act by acknowledging receipt of formal Asset Transfer requests following receipt of a Stage 2 submission; (c) record, publish and advertise Stage 2 sustainable business cases as is required under the Act; and (d) follow the timescale of actions required as prescribed in the Act.

Implementation

- 5.1 Items 4.1 to 4.3 identify criteria to be applied in operating the policy.
- 5.2 Item 4.4 defines a set of principles within which the policy will be operated.
- 5.3 Approaches from Community Bodies enquiring about a council asset will be progressed as follows and as depicted in Appendix 1. An initial preliminary meeting will be held with enquirers, thereafter (i) A Stage 1 form will be submitted and considered by the Panel (ii) Stage 2 business case will be prepared and considered by the Panel (iii) a report will be prepared for the consideration of the Finance and Resources Committee (iv) the asset transfer will be progressed or declined in accordance with Committee's instruction and in compliance with the Act.
- 5.4 Where an asset transfer request is refused, the reasons for refusal will be communicated to the Community Body which then has a right of appeal via the Scottish Ministers under the Asset Transfer Request (Appeals) (Scotland) Regulations 2016.

5.5 Council outcomes

5.5.1 At Stages 1 and 2 Community Bodies will be required to demonstrate alignment with:

- Council Coalition Pledges, Priorities and Single Outcome Agreements;
- City of Edinburgh Council Business Plan 2016-20, as updated from time to time;
- Neighbourhood Partnerships Development Plans; and
- Edinburgh Community Plan 2015-18, as updated from time to time.

Assessment of proposals for asset transfer

- 5.6 Asset transfer requests will be assessed using the Scoring Matrix appended to this Policy document. In addition to scoring asset transfer requests this will allow for a comparison to be made, should there be competing bids for an asset.
- 5.7 Requests will be assessed by a Panel comprising community leaders/elected members, Council officers and other appropriate representatives. Where there is a locality interest, the Locality Manager for that area will be invited to sit on the Panel.
- 5.8 Appendix 1 describes the processes to be applied in considering Community Asset Transfer requests (Four Stage Flow Chart).
- 5.9 Appendix 2 details the Assessment Scoring Matrix.
- 5.10 Appendix 3 provides a summary of the Asset Transfer process.
- 5.11 Appendix 4 comprises a Stage 1 Expression of Interest form which once completed will be assessed by the Asset Transfer Panel.
- 5.12 Appendix 5 comprises a Stage 2 Sustainable Business Case form containing information required to comply with a formal Asset Transfer request under the Act. This will be assessed by the Asset Transfer Panel in consultation with any other persons with specialist expertise or knowledge. Input will be sought from the Property Strategy Group, or a successor strategic property decision-making group.

Roles and responsibilities

- 6.1 The Community Asset Transfer policy will be implemented by Council officers, particularly those in Property and Facilities Management in consultation with officers from the Service Area involved with the asset and its use. A coordinated submission to the Finance and Resources Committee will be prepared with the recommendations of the Panel following consideration of the Stage 2 sustainable business case.

- 6.2 The Asset Transfer Panel will be responsible for considering the Stage 1 and 2 submissions and reporting its recommendations to the Finance and Resources Committee.

Related documents

- 7.1 [City of Edinburgh Council Interim Community Asset Transfer Policy](#), Communities and Neighbourhoods Committee, 24 November 2015
- 7.2 [Community Empowerment \(Scotland\) Act 2015](#)
- 7.3 [Scottish Government Guidance](#)

Equalities impact

- 8.1 An equalities and Rights Impact Assessment (ERIA) was undertaken for the establishment of the Interim Policy and no specific concerns were highlighted.
- 8.2 The final Policy does not deviate significantly from the Interim Policy and the equalities and rights issues considered for the Interim Policy apply equally to the final Policy.

Sustainability impact

- 9.1 The implementation of the Policy enables the council to meet the Climate Change (Scotland) Act 2009 public sector duties and contributes to the delivery of Sustainable Edinburgh 2020 objectives, in particular the advancement of vibrant flourishing communities, social and economic wellbeing and an efficient and effectively managed city.

Risk assessment

- 10.1 Key risks within the Community Asset Transfer Policy are associated with achieving the Capital Coalition Pledges. This is mitigated by the collaborative approach that has been applied to shaping the policy and the partnership based approach in considering Community Asset Transfer requests.

Review

- 11.1 The Policy will be reviewed in April 2018 and annually thereafter, following the compilation of the number and type of Community Asset Transfer requests received and progressed in each financial year.

Corporate Policy and Strategy Committee

10.00 am, Tuesday, 28 March 2017

Community Empowerment (Scotland) Act 2015: Update following release of Scottish Government Guidance

Item number

Report number

Executive/routine

Wards

Citywide

Executive Summary

The Communities and Neighbourhoods Committee on 24 November 2015, approved a report recommending the introduction of an Interim Community Asset Transfer Policy in anticipation of the enactment of the Community Empowerment (Scotland) Act 2015 ('the Act'). Following the release of Scottish Government guidance on Asset Transfers under the Act, which came into force on 23 January 2017, this report updates members and recommends suggested improvements to the interim policy to allow its adoption as formal policy.

Links

Coalition Pledges [P23](#), [P36](#)

Council Priorities [CP4](#)

Single Outcome Agreement [SO4](#)

Community Empowerment (Scotland) Act 2015: Update following release of Scottish Government Guidance

1. Recommendations

That Committee:

- 1.1 Notes the Scottish Government guidance for Relevant Authorities;
- 1.2 Refers this report to Council to adopt the principles detailed in the Interim Policy as being the agreed Policy together with the amendments recommended in this report and as detailed in the appendices;
- 1.3 Adopts the Stage 1 (Appendix 4) and Stage 2 (Appendix 5) submission forms appended to this report as the recommended procedure by which to progress Asset Transfer requests in compliance with the Act; and
- 1.4 Notes the actions required by Council officers as detailed in the report to comply with the Act.

2. Background

- 2.1 Part Five of The Community Empowerment (Scotland) Act 2015 ('the Act') which governs Asset Transfer Requests came into force on 23 January 2017. The Scottish Government issued guidance for Relevant Authorities and for Community Transfer Bodies in January 2017 and this report provides an update on matters pertaining to Community Asset Transfers. Both guidance documents can be found here: <http://www.gov.scot/Topics/People/engage/AssetTransfer>
- 2.2 Following the publication of these documents, the Interim Community Asset Transfer Policy has been revisited to ensure that this Council's policy aligns with the guidance. The guidance clarifies procedures, eligibility to apply for Asset Transfers, financial arrangements associated with a transfer, structure and governance of Community groups. It addresses:
 - the preparation and publication of asset lists by Relevant Authorities;
 - the recording of formal Asset Transfer requests which fall within the terms of the Act;
 - the processing and publication of Asset Transfer requests; and
 - the actions required should a Community body fail to meet its objectives or if it is wound up.

3. Policy Statement

- 3.1 This Policy responds to the framework for requests on Community Asset Transfers submitted under the Community Empowerment (Scotland) Act 2015.
- 3.2 The Interim Policy clarified the process by which the Council will manage Asset Transfer requests. This paper reinforces the robust nature of the Interim Policy, making minor amendments and improvements to align the Council Policy with the Act and with Scottish Government's guidance on Community Asset Transfers.
- 3.3 The Policy also provides guidance to community bodies with regard to the processes to be applied in preparing and submitting Community Asset Transfer requests.

4. Main report

- 4.1 Following a review of the Interim Community Asset Transfer policy in conjunction with the guidance, the processes in the Interim Policy remain robust. The Operational Estates Team in Property and Facilities Management has received Asset Transfer requests in advance of the Act coming into force and the Interim Policy has been implemented using the Four Stage process as detailed in the interim policy. Whilst these Asset Transfer requests have yet to progress to the Committee reporting phase at Stage 3, Stages 1 and 2 have been implemented successfully.
- 4.2 The Policy can however be improved upon by adopting terminology which has been used in the guidance. To this end, Stage 1 will be known as a pre-application phase. The formal Asset Transfer process will commence at Stage 2, where detailed and comprehensive information, as prescribed in the Act, is required from the Community body in order for an Asset Transfer request to comply and for it to be deemed a formal request. Once a formal Asset Transfer request has been received, the Relevant Authority is prevented from marketing the property or negotiating a disposal to any other party until the Asset Transfer process has been concluded. It should be noted that where marketing of a property has already commenced or where negotiations are already in progress with other parties, an Asset Transfer request can still be submitted and considered, but not to the exclusion of other existing disposal intentions or negotiations.
- 4.3 Upon receipt of a Stage 2 submission, the Relevant Authority is required to formally acknowledge receipt of the Asset Transfer request and to respond in prescriptive terms to include explanations of timescales for key actions, information on any other requests received for the same property and details of rights of appeal. At this stage the Asset Transfer request must be publicised both on line and at the property, inviting other interested parties to make representation. Following receipt of a valid Stage 2 Asset Transfer request, the Council has six months within which to consider the request, report the matter to Finance and Resources Committee for

deliberation and to issue a notice to the Community Body with its decision. If necessary this timeline can be extended by agreement between the Authority and the Community Body. It is accepted that short time extensions may be required and the guidance encourages Community Bodies to agree to a request for an extension.

- 4.4 It is recommended that the four stage process be amended to clarify the pre-application and formal commencement stages of the Asset Transfer process. The interim policy has been updated and the stages of the process are clarified in the table at Appendix 1.
- 4.5 The assessment scoring matrix remains robust, although some terminology has been amended and incorporated to align terminology with the guidance. The revised matrix is found at Appendix 2.
- 4.6 The overall process as laid out in the Scottish Government guidance is demonstrated by the flow diagram in Appendix 3.
- 4.7 It should be noted that the Relevant Authority can refuse an Asset Transfer request where alternative proposals are deemed to be a better use for the asset and where the Authority has reasonable grounds to refuse the asset transfer request. Some grounds for refusal include requiring the property for existing or alternative Authority uses, or where disposal of the property on the open market is deemed the best option for the asset.

Asset List and Procedural Recording

- 4.8 The Relevant Authority is required to establish, maintain and publish an up to date register of assets which it owns or leases. The list must be updated periodically to account for any changes in ownership or leasehold status to help community bodies identify assets that may be available through asset transfer. This list is to be made available online and is to be advertised on the Council's website with links to the Scottish Government's guidance also being provided.
- 4.9 The Relevant Authority must also maintain a register of Asset Transfer requests. The asset list and register of requests is being maintained by the Operational Estates Team and will be published online, with the register of requests to be published annually at the financial year end in accordance with the Act.

5. Measures of success

- 5.1 The number of pre-application notes of interest (Stage 1 submissions) and subsequent formal Community Asset Transfer requests (Stage 2 submissions) will determine the success of this policy. This will be evidenced by the register of Asset Transfer requests received.
- 5.2 Ultimately, the conclusion of asset transfer requests and numbers of properties transferred by lease or by sale (or by some other arrangement) to Community bodies with the properties being managed by these bodies for their own use on a

sustainable basis will determine the overall success of the Community Empowerment (Scotland) Act 2015.

6. Financial impact

- 6.1 The Act stipulates that Community bodies must state the price that they are prepared to pay for an asset or the rent that they are prepared to offer for a lease. The Act does not define what this figure should be and that figure might not be the Market Value. The amount offered however must comply with Best Value principles and the benefit accruing to the community and to the Council as a result of a transfer is to be borne in mind when considering the price or rental offered. The guidance expects that the majority of valuations will be on the basis of market value however in some situations it may not be appropriate to use the market value.
- 6.2 Receipt of an Asset Transfer request renders an asset temporarily incapable of being marketed for disposal on the open market or to any other party by negotiation, unless that process has already commenced. The Asset Transfer process (and any appeals following thereon) must be allowed to run their course before another form of disposal can be contemplated where a request is made. The timelines afforded to a Community body to subsequently progress an asset transfer mean that the Council will remain responsible for the asset for an extended period. Following receipt of a completed Stage 2 Business Case containing all the required information, the Relevant Authority has up to six months to come to a decision about the request, at which point a decision notice is issued and the Community Body then has at least six months in which to submit its legal offer for the property. The Community Body may submit its offer earlier than the six month window however they must be afforded a minimum of six months in which to prepare their offer. The timelines can be extended by agreement or by application to the Scottish Ministers. The full timescale for disposal of an asset under the Act is therefore considerably longer than for a typical open market transaction, rendering the Council liable for property maintenance and running costs in the interim, together with any associated health and safety risks.
- 6.3 Resources for the implementation of the Policy are proposed to be broadly contained within existing service area budgets. However this may need to be readdressed depending upon the volume of additional work that the Policy generates.

7. Risk, policy, compliance and governance impact

- 7.1 The aspirations of Community bodies can be managed by providing information and guidance via the Council's website. Referral to Advisory Bodies such as the [Community Ownership Support Service](#) and to the Scottish Government's Guidance for Community Transfer Bodies document will also be provided to assist Community bodies.

- 7.2 The protracted disposal process incurs financial and health and safety risks to the Council.
- 7.3 There is a risk that proposed uses prove to be unsustainable in the long term.

8. Equalities impact

- 8.1 An Equalities and Rights Impact Assessment (ERIA) was undertaken for the establishment of the Interim Policy and no specific concerns were highlighted.
- 8.2 The final Policy does not significantly deviate from the Interim Policy and the equalities and rights issues considered for the Interim Policy apply equally to the final Policy.

9. Sustainability impact

- 9.1 Sustainability of proposals is scrutinised at Stage 2 of the Asset Transfer process to ensure that project plans and business cases extend beyond the inception of the project.
- 9.2 The development and implementation of the policy contributes to the delivery of Sustainable Edinburgh 2020 objectives, in particular the advancement of vibrant flourishing communities, social and economic wellbeing and an efficient and effectively managed city.

10. Consultation and engagement

- 10.1 The Scottish Government consulted widely on the implementation of the Act prior to releasing guidance to both Relevant Authorities and Community Transfer Bodies.
- 10.2 The Interim Policy was developed by the Asset Transfer Policy Co-production Steering Group that met on a regular basis between April 2014 and June 2015.
- 10.3 Progressing Community Asset Transfer requests aligns with other work on engagement and empowerment as part of the locality working programme, such as locality improvement plan engagement, participation requests, neighbourhood partnership activity and youth participation.

11. Background reading/external references

- 11.1 [Community Empowerment \(Scotland\) Act 2015: Update and Interim Community Asset Transfer Policy - Report to Communities and Neighbourhoods Committee 24 November 2015](#)
- 11.2 [Community Empowerment \(Scotland\) Act 2015](#)
- 11.3 [Scottish Government Guidance Papers](#)

Hugh Dunn

Acting Executive Director of Resources

Contact: Craig Lamont, Senior Estates Surveyor

E-mail: craig.lamont@edinburgh.gov.uk | Tel: 0131 529 5983

12. Links

| | |
|---------------------------------|---|
| Coalition Pledges | P23 – Identify unused Council premises to offer on short low-cost lets to small businesses, community groups and other interested parties P36 – Develop improved partnership working across the Capital and with the voluntary sector to build on the “Total Craigroyston” model |
| Council Priorities | CP4 – Safe and empowered communities |
| Single Outcome Agreement | SO4 – Edinburgh’s communities are safer and have improved physical and social fabric |
| Appendices | Appendix 1 – Four Stage Flowchart for considering requests Appendix 2 – Assessment Scoring matrix Appendix 3 – Summary of Asset Transfer process Appendix 4 – Stage 1 Expression of Interest form Appendix 5 – Stage 2 Sustainable Business Case form |

Appendix 1: Section 1 – Flowchart for considering requests for transferring a Council building or land

| Steps | Elements | Assessors/Decision makers | Timescales |
|--|--|---|---|
| <p><u>PRE-APPLICATION PHASE</u></p> <p>Stage 1: Expression of interest received.</p> <p><i>(The group does not need to be a legal entity.)</i></p> | <p>Presentation of information which:</p> <ul style="list-style-type: none"> clearly identifies the legal status the applicant – only at stage 1 can applications be received from unconstituted interest groups assesses strategic fit with the asset and the bidding organisation says why the asset is needed and what partnership arrangements are needed; examines the capabilities, skills and objectives of the bidder; demonstrates potential and realising sound management of the asset. | <p>This stage focuses upon an informal discussion.</p> <p>Council officials and organisational representatives come together to discuss the business prospects and feasibility.</p> <p>Identify legal hurdles e.g. Common Good, State Aid and/or better long-term leasing opportunities – if leasing, the process below should apply.</p> <p>Financial implications for the Council including consideration of capital receipt/ rent requirements</p> | <p>Minimum of 6 weeks</p> |
| <p><u>FORMAL ASSET TRANSFER REQUEST PHASE</u></p> <p>Stage 2:</p> <p>If successful at Stage 1, the lead organisation submits a detailed business and sustainability plan.</p> | <p>Provides evidence of:</p> <ul style="list-style-type: none"> a legal entity with clear governance and operational arrangements; interface with the Disposal Of Land by Local Authorities (Scotland) 2010 promoting or improving: economic development; regeneration; public health; social wellbeing; environmental wellbeing, or reducing inequalities of outcome which result from socio-economic disadvantage product/service delivery; partnership working, needs analysis experience, capacity. risk analysis projected income/expenditure and cash flow forecasts community support for the transfer | <p>Assessment of evidence by a panel – drawn from a range of city interests.</p> | <p>Assessment by panel should be between eight and sixteen weeks</p> <p><i>(However may take longer if complex)</i></p> |

| | | | |
|--|---|--|---------------------------|
| <p>Stage 3:</p> <p>If approved at Stage 2 a full assessment and testing of the business case and delivery model is undertaken.</p> | <p>Evaluation of:</p> <ul style="list-style-type: none"> • benefits to the wider community and Council; • comparisons with existing service providers/facilities; • test against local policies/priorities – e.g. Localised approaches, Neighbourhood Partnership Plan; • compliance with National policies/priorities and legislation – such as the Community Empowerment (Scotland) Act 2015, Local Government (Scotland) Act 2003, etc. | <p>Consultation with Neighbourhood Partnership.</p> <p>Consultation with localised services and service area managers.</p> <p>Investigate legal advice</p> <p>Formal decision by Finance and Resources Committee</p> <p>Written notification of the Council decision</p> | <p>Minimum of 8 weeks</p> |
| <p>Stage 4</p> | <ol style="list-style-type: none"> 1. If agreed by the Finance and Resources Committee: <ul style="list-style-type: none"> • Agree support plan and finalise legal contracts • Completion of documents 2. If not agreed by the Finance and Resources Committee: <ul style="list-style-type: none"> • Notification is made to the applicant organisation stating the reasons for the decision; • Further work is undertaken to address the Committee's concerns and the Council is notified of any further intent by the applicant organisation. | <p>Council staff and successful organisation (including legal teams) work closely together to avoid delays</p> <p>Council staff issue the decision of the Committee and are available to further assist if required.</p> | |

Appendix 2

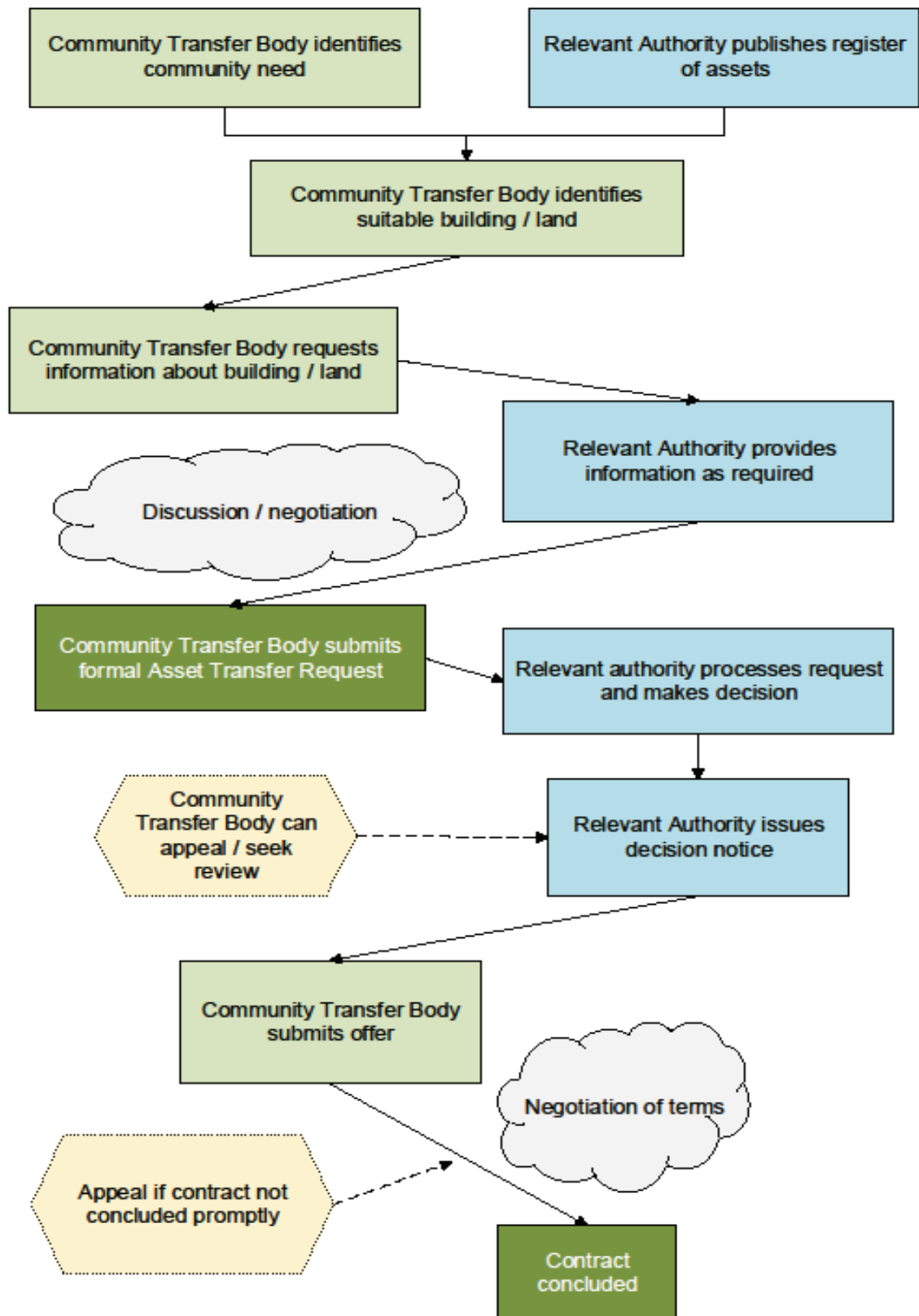
Assessment Scoring Matrix

A scoring matrix will be applied in the assessment of proposals and will consider the proposed use and financial arrangements for the asset.

The following scoring will be applied:

| | |
|------------------------|--|
| 0 = <u>Poor</u> . | Little or no response in regards to the submission with ill defined unrealistic ambitions |
| 1 = <u>Weak</u> . | The submission contains only minor detail and is not based on robust information |
| 2 = <u>Moderate</u> . | The submission provides a level of detail which enables understanding with acceptable projected benefits |
| 3 = <u>Strong</u> | The submission provides sufficient evidence that the issue has been taken into account with sound, sustainable Best Value characteristics |
| 4 = <u>Very Strong</u> | The applicant has included all issues in the submission and has provided additional information which enables detailed understanding with strong and sustainable Best Value characteristics with robust related project benefits |

Summary of Asset Transfer process



**City of Edinburgh Council
Application for an Asset Transfer**

**Stage 1 – Expression of Interest Form
Pre-application Process**

Introduction

This form allows your organisation to express an interest in an asset, i.e; a Council-owned building and/or piece of land. This first stage means that the Council will work with you to assess your use of the asset. The information will be used to develop a business case which will be presented to the Council's Finance and Resources Committee for consideration.

This form contains:

- Section 1 - Guidance on the Council's Asset Transfer Policy and for submitting a request at both Stage 1 and Stage 2;
- Section 2 - Sources of free and specialist advice (a fee may be payable for some advice) and support in progressing a detailed business plan;
- Section 3 – Stage 1 Form to detail the wider community benefits, proposed use of the asset, the costs involved and how you intend to maintain ownership and revenue provision over many years. The form can be completed and submitted electronically.

Section 1 - Guidance

Applicants should read the Council's Asset Transfer Policy before completing an initial request (Stage 1 – Expression of Interest Form) and for information relative to a more detailed submission (Stage 2 – Sustainable Business Case).

Question - Why do we need an Expression of Interest Form?

Answer: It is important that community organisations have the opportunity to discuss matters and submit proposals for council assets and that these are assessed at an early stage.

This initial consideration can signal; (i) key issues or matters of substantial concern – potentially preventing further community efforts when there may be good reason not to proceed, or (ii) substantial potential for the asset leading to further work and a Stage 2 submission.

Question – Who will be assessing submissions?

Answer: A Panel will consider Stage 1 and Stage 2 submissions and will make recommendations to Council Committee. The Panel will include Council staff, elected members and third parties and will seek specialist input when required to provide additional evidence. The Panel will provide recommendations to Council Committee

City of Edinburgh Council Application for an Asset Transfer

Stage 1 – Expression of Interest Form Pre-application Process

following receipt of Stage 2 submissions only; these will be for elected member's consideration and the Committee is not bound by the panel's view.

Question –What should be included in the Stage 2 Sustainable Business Case and how should this be presented?

Answer: A detailed Business Case is required to cover a period of years, setting out how you intend to use and finance the asset. The sustainability aspects relate to; (i) how you intend to continue long-term ownership, (ii) arrangements for strong governance and intended operations and financial arrangements for long-term growth, (iii) improving community benefit while (iv) minimising any harmful environmental impacts.

In relation to how your early plans should be presented, it is sometimes helpful to share your initial thinking with someone independent from you and asking them to be a “critical friend” as they are often able to offer an objective view, for example if the answer is: ‘I don’t know’, or ‘not sure’, or ‘perhaps’ then further thinking may be required to develop your outline proposals.

Section 2 – Sources of Advice and Support

In examining the use of an asset (for the benefit for the community), it may be helpful for applicants to request specialist help and support. The following organisations* are independent of the Council and could provide additional support if requested.

Dependent upon the nature of the request, some of these will be free and some may apply a fee.

- [Community Ownership Support Service](#)
- [Edinburgh Business Gateway](#)
- [Edinburgh Third Sector Interface](#)
- [Community Shares Scotland](#)
- Council and Community Learning and Development services

Sources of further information and reference* are also available, some of which are as follows:

[SME Business Planning Toolkit](#)
[Starting a Social Enterprise – Business Planning](#)
[Business planning – 8 critical success factors](#)

*Other sources of information and advice are available and this should not be interpreted as an endorsement from the Council.

**City of Edinburgh Council
Application for an Asset Transfer**

**Stage 1 – Expression of Interest Form
Pre-application Process**

Section 3 – Completing the Stage 1 Expression of Interest Form

In the form, you are asked to provide; (i) initial details of the asset, (ii) your proposals for use of the asset, (iii) early community support, (iv) how your use of the asset contributes to key city and community plans, and (v) any other details.

NOTE: Applicants are asked to note that the commissioning of a Stage 2 submission does not represent a commitment from the Council to transfer the asset. It merely represents a request to develop a sustainable business proposal.

Finalising your submission and accompanying information

Please ensure that you answer all of the questions asked throughout the form. Any failure to fully respond may delay your request being considered by the Council.

Please also ensure that:

- a) You attach any documents that you think provide additional information to assist with your proposals at this early stage; and
- b) Three people from your organisation sign off the Stage 1 Expression of Interest Form to ensure that the Board of Directors/Management Group is aware of and support the submission.

Please return the Form to:

Property and Facilities Management
G4 Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

**City of Edinburgh Council
Application for an Asset Transfer**

**Stage 1 – Expression of Interest Form
Pre-application Process**

1 Organisation Name

| |
|--|
| |
|--|

What type of organisation are you: e.g. charity, social enterprise, cooperative, not formally established

| |
|--|
| |
|--|

What is the organisation's objectives or core business

| |
|--|
| |
|--|

2 Contact Details – for enquiries relating to this request

| | | | |
|-------|--|-------|--|
| Name | | Phone | |
| email | | | |

3 Council Asset(s) – Please identify below the building(s) and/ or land that you are expressing an interest in

| |
|--|
| |
|--|

4 Using the Asset(s) – Please describe below your proposals for use of the land and/or building and outline the benefits.

**City of Edinburgh Council
Application for an Asset Transfer**

**Stage 1 – Expression of Interest Form
Pre-application Process**

| |
|--|
| |
|--|

- 5 Maintaining / Developing the Asset(s) – please describe how resources would be obtained to maintain and/or develop the building/land

| |
|--|
| |
|--|

- 6 Previous Discussions - If there have already been any discussions about your ideas for using the asset with the wider community or Council officials please provide details

| Who | When | Any agreed outcome(s) |
|-----|------|-----------------------|
| | | |
| | | |

- 7 Supporting Priorities - Please indicate how your proposals will help to deliver the city, Council and neighbourhood partnership priorities (should support all three in some way)

City priorities [[Edinburgh Community Plan 2015-18](#)]

| |
|--|
| Insert the outcomes that would be achieved |
|--|

Council priorities [[City of Edinburgh Council Business Plan 2016-20](#)]

| |
|--|
| Insert the outcomes that would be achieved |
|--|

Local priorities [[Neighbourhood Partnerships Development Plans 2014-17](#)]
also e.g. Leith Town Centre Plan

**City of Edinburgh Council
Application for an Asset Transfer**

**Stage 1 – Expression of Interest Form
Pre-application Process**

| |
|--|
| Insert the outcomes that would be achieved |
|--|

- 8 Please add below any other information that you would want to provide in support of your request.

| |
|--|
| |
|--|

Signing Off

| | | |
|--|---|-----------|
| | Please get the following to sign-off your application*: | |
| | | Signature |
| | Chairperson of your organisation NAME: DATE: | |
| | | |
| | Senior Director/Committee Member NAME/POSITION: DATE: | |
| | | |
| | Name of person submitting the application: NAME/POSITION: DATE: | |
| | | |

* Signatories: In signing the above you have assessed that the information contained within the application form is accurate at the time of submission. Should the Asset Transfer request be successful, conditions of transfer will be the subject of separate legal agreement(s) with the Council.

City of Edinburgh Council Application for an Asset Transfer

Stage 2 – Sustainable Business Case

Introduction

Following assessment of a Stage 1 Expression of Interest by a Panel, your organisation may be invited to progress your proposals, setting out in further detail the wider community benefits, provision of services and financial aspects of your proposals that could enable the transfer of the land and/or building currently owned by the City of Edinburgh Council.

This form provides for the following:

- Section 1 - Guidance on the Council's Asset Transfer Policy and on submitting a request at Stage 2;
- Section 2 - Sources of free and specialist (with a fee) advice and support in progressing a detailed capability and financial plan;
- Section 3 – Completing the Stage 2 Form. This addresses the wider community benefits, proposed provision of services, the costs involved and how you intend to maintain ownership and revenue provision over many years. (The form can be completed and submitted electronically).

Section 1 - Guidance

You should read the [Scottish Government Guidance for Community Transfer Bodies](#) to ensure that you have included all the information required for this submission to comply as an Asset Transfer request. Specific timescales for submissions apply and you should make yourself familiar with these.

Applicants should also read the Council's Asset Transfer Policy prior to completing an initial request (Stage 1 – Expression of Interest Form) or the more detailed Stage 2 – Sustainable Business Case.

Question - Why do we need to set out our detailed proposals at Stage 2 for using the asset and how the project is to be funded?

Answer: Your application will be considered by the Council's Finance and Resources Committee. The Committee needs to know that the proposals contain a number of key factors, for example;

- Is there evidence of strong community support for your proposals for use of the asset and any related impacts taken into account?
- Is there a considered analysis of the market for the use of the asset as this lets Committee know that other services/provision has been examined within the local area and across the City?
- Have the financial aspects of acquiring and using the asset been thoroughly examined to ensure that any risk is minimised and that the prospect of returning to the Council for assistance or for requests for funding is minimal?

City of Edinburgh Council Application for an Asset Transfer

Stage 2 – Sustainable Business Case

Question – What is a Sustainable Business Case, what should be included and how should this be presented?

Answer: A detailed Business Case is required to cover a period of years, setting out how you intend to use and finance the asset.

The sustainability aspects relate to; (i) how you intend to continue long-term ownership, (ii) arrangements for strong governance and intended operations including financial arrangements for long-term growth, (iii) improving community benefit and (iv) minimising any harmful environmental impacts.

In relation to how your plans should be presented, this is a matter for you to decide, so long as your Stage 2 Business Case provides the level of detail required.

Question - What can be included within a sustainable business plan?

Answer: The following is provided for additional guidance only and is not comprehensive because plans for the use of an asset will be different in each case. You may wish to consider some of these elements within your plan which will help make use of the asset a success.

Part A

Market and operational environment:

- strategic fit between the business objectives of the community body and the proposed use of the asset;
- impact of taking on the asset based upon current and future capacity and capability;
- the skills of the community body that will enable sound management and productive use of the asset;
- the strength of partnership to take on and make the asset a success, in particular clear identification of the community benefits arising from the transfer of the asset;
- current capacity and what partnership arrangements exist to enhance the prospects for medium and long-term success of the use of the asset;
- is there a clear business growth plan and marketing plan in place in order to maximise the use and income generation prospects;
- why the asset is needed and its intended use - aligned to local policy, strategy and community needs;
- define the economic, social and environmental benefits of the use of the asset and the advantages in this regard of the proposal;
- demonstrate engagement with the wider community in order to ascertain usage and success of the proposal;
- management of risk, accounting for unforeseen circumstances and avoiding putting at risk the core organisation/partners;
- information on the strength of commitments by interested parties;
- the most advantageous delivery model and governance structure to manage the asset during/post transfer.

City of Edinburgh Council Application for an Asset Transfer

Stage 2 – Sustainable Business Case

Part B

Financial management - Budget and income, provides evidence of:

- revenue costs are known and plans take these into account;
- repairs and other improvements to the asset are taken into account to reflect the business proposition;
- projected income/expenditure plan for at least five years to identify a range of sustainable income streams;
- financial risks to both the asset and applicant organisation;
- projected utilisation and cash flow forecasts;
- market analysis and mitigation of financial risk for partners and the wider community;
- available funds to invest in the asset.

Section 2 – Sources of Advice and Support

In examining the use of an asset for the benefit for the community it may be helpful for you to request specialist help and support. The following organisations* are independent of the Council and can provide additional support if requested. Dependent upon the nature of the request, some of these will be free and some may apply a fee.

- [Development Trust Association Scotland](#)
- [Edinburgh Business Gateway](#)
- [Edinburgh Third Sector Interface](#)
- [Community Shares Scotland](#)

Also,

- Council and the Community Learning and Development Service

*Other support agencies are available and this should not be interpreted as an endorsement from the Council.

Sources of further information and reference* are also available, some of which are as follows:

[SME Business Planning Toolkit](#)
[Starting a Social Enterprise – Business Planning](#)
[Business planning – 8 critical success factors](#)

*Other sources of information and advice are available and should not be interpreted as an endorsement from the Council.

**City of Edinburgh Council
Application for an Asset Transfer**

Stage 2 – Sustainable Business Case

Section 3 – Completing the Stage 2 Sustainable Business Case Form

Assessment Scoring

Question: How will Stage 2 submissions be assessed?

Answer: A scoring matrix will be applied in the assessment of proposals and these will consider the proposed use and financial provisions made for the asset.

The following scoring will apply:

| <u>Score</u> | <u>Criteria</u> |
|-----------------|--|
| 0 = Poor | Little or no response in regards to the submission with ill defined unrealistic ambitions |
| 1 = Weak | The submission contains only minor detail and is not based on robust information |
| 2 = Moderate | The submission provides a level of detail which enables understanding with acceptable projected benefits |
| 3 = Strong | The submission provides sufficient evidence that the issue has been taken into account with sound, sustainable Best Value characteristics |
| 4 = Very Strong | The applicant has included all the issues in the submission and has provided additional information which enables detailed understanding with strong and sustainable Best Value characteristics with robust related project benefits |

Assessing Equality and Rights and Sustainability Impacts

The Council under the Equality Act 2010 and the Climate Change (Scotland) Act 2009 with the related Public Sector Duties is required to assess whether there are any detrimental impacts potentially arising within asset transfer proposals and to identify how these can or should be mitigated. Council officers will assist you in the development of these assessments which are used by the Council in the decision making process. Questions are included within the application form (see part C).

Completing the Stage 2 Form

The key questions in the form below are designed to tell Committee about the governance of your organisation, your detailed plans for the asset, support from the local community and other interested parties, financial plans, current relationship with the Council and other information. Information contained within the application will however be shared with those involved within the decision-making process and data protection and commercial confidentiality arrangements will apply on such occasions.

City of Edinburgh Council Application for an Asset Transfer

Stage 2 – Sustainable Business Case

The Stage 2 Form contains sections for (i) information on the key elements of the Business Case, (ii) information on how the asset relates to Council policy outcomes and/or key public strategies in Edinburgh and (iii) any additional information. Please ensure that if you have a separate Business Case that you attach it to your Stage 2 Form as this will avoid the need for any delays in the assessment of your submission.

Please note that:

- Council officers may require a number of follow-up meetings to discuss your proposals. This is with the aim of better understanding your intentions.
- The minimum timelines, whilst set out in the policy, may be extended for particularly complex submissions, for the briefing of community members and other interested parties including local elected members, or where there is a delay in submitting additional information beyond the control of those involved.

Finalising your submission and accompanying information

Please ensure that you answer all of the questions asked throughout the form. Failure to fully respond may delay your request being considered by the Council.

Please also ensure that:

- a) You attach the required documents as identified at the end of the form,
- b) Three people from your organisation sign off the application. This is to ensure that the Board of Directors/Management Group are aware of and support the submission.

Please return the form to:

Property and Facilities Management
G4 Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

**City of Edinburgh Council
Application for an Asset Transfer**

Stage 2 – Sustainable Business Case

**APPLICATION FOR THE TRANSFER OF AN ASSET
CURRENTLY OWNED BY THE CITY OF EDINBURGH COUNCIL**

Request to the Council

| | | | |
|----|---|---------------------|------------|
| | Is this application being made under Part 5 of the Community Empowerment (Scotland) Act 2015? | NO | YES |
| 1. | Are you requesting the transfer of a building that is owned or leased by the City of Edinburgh Council YES/NO (Please delete as necessary) | | |
| | Are you requesting the transfer of a piece of land that is owned or leased by the City of Edinburgh Council YES/NO (Please delete as necessary) | | |
| 2 | Please identify the building and/or piece of land that is the subject of your request: NAME: ADDRESS: POSTCODE: MAP REFERENCE: (please attach a map indicating the location of the building/land – this is in order that all parties are clear on the nature of the request) | | |
| 2a | Please state whether this is an application to purchase or to lease the property or if the request is for other rights to use the property: | | |
| 2b | VALUE Have you sought an independent financial assessment of the value for the building/land? If so please identify the source and the estimated value (Note: because your request concerns a public asset, references to the source(s) and value(s) may be referenced in reports to council committee(s) in reference to your submission: | | |
| | Source: | Estimated value (£) | |

City of Edinburgh Council
Application for an Asset Transfer

Stage 2 – Sustainable Business Case

| | | |
|----|--|--|
| | | |
| | | |
| | | |
| 3 | Please detail below the nature of the request to the Council (please complete one section only): | |
| 3a | Total transfer by sale or lease of the building/land identified in Section 2 above: : YES/NO (Please delete as necessary) | |
| 3b | Gradual transfer by sale or lease of the building/land identified in Section 2 above: YES/NO (Please delete as necessary) | |
| 3c | A transfer of just a part of a larger building or part of a larger area of land: YES/NO (Please delete as necessary) | |
| 3d | If the request is for other property rights (ie not a sale or a lease) to make use of a property please specify the nature and extent of the rights sought: | |
| | | |
| 4 | Please indicate below the purchase price, rental or other payment being offered for the asset (please complete one section only) | |
| 4a | Where a purchase is being requested please state the price that you are prepared to pay for the building/land that you have identified in Section 2 above: £ | |
| 4b | Where a lease is being requested please specify: (i) The annual rent that you are prepared to pay: (ii) The duration of the lease requested: (iii) Any other special lease terms required: | |
| 4c | Where another form of occupancy (not a sale or lease) is being requested please state the price that you are prepared to offer for such rights to use the property: | |
| 5 | Please summarise below the reasons for making the Asset Transfer request, any special terms and conditions applicable to the request, how you intend to use the Council building/land and any related timescales: | |
| 6 | Date of Submission to the Council: | |

**City of Edinburgh Council
Application for an Asset Transfer**

Stage 2 – Sustainable Business Case

PART A – About your organisation

| | | | |
|-------------|---|--|--------------------|
| A1.1 | Organisation Name, Location and geographic areas of current operation: | | |
| | | | |
| A1.2 | Organisation postal address: | | |
| | | | |
| A1.3 | Organisation Contact details for this request: | | |
| | Name | | |
| | E-mail | | Tel. Number |
| A1.4 | Organisational Governance – State the type of organisation you are, for example a registered charity or a registered company. If your agency is not a registered charity or company, please state if you have a Constitution / Statement of Aims / Memorandum and Articles (relevant documents must be supplied on request) | | |
| | | | |
| A1.5 | OSCR Registration Number (if your organisation is a charity registered in the UK and/or Scotland): | | |
| | | | |
| A1.6 | Companies House Registration Number if applicable | | |
| | | | |

PART B – Your proposal for use of the asset

In summary, please answer the following questions relating to your proposal (please ensure that you attach your full Business Plans as this will provide further detail)

NOTE: the term ‘the asset or asset’ means the Council-owned asset which is the focus of your submission

| | |
|--|--|
| | Assessment of the operational and market environment |
| | |

**City of Edinburgh Council
Application for an Asset Transfer**

Stage 2 – Sustainable Business Case

| | |
|----|---|
| B1 | Please summarise below any history that your organisation has for; (i) delivering good quality services, (ii) meeting the needs of your community and (ii) enabling sustainable growth of your organisation? |
| | Answer: |
| B2 | Is there a strong business-fit between the core objectives of your organisation and the proposed use of the asset? |
| | Answer: |
| B3 | How will your organisation's current operational capacity and financial turnover be affected by taking forward your proposals for the asset? |
| | Answer: |
| B4 | Please evidence below, the strength of leadership and skills of the Board and staff of your organisation to maximise the prospects of the asset? If the skills are not currently in place, please describe how you intend to address this. |
| | Answer: |
| B5 | Please detail how you intend to evidence long-term community benefit arising as a result of the proposed asset transfer? |
| | Answer: |
| B6 | |
| | Answer: |
| B7 | Please summarise below the partners involved in your proposal, describing the current and future strength of partnership work in the context of the submission and if so, is this influencing the operational arrangements for the asset? |
| | Answer: |
| B8 | Please describe the governance arrangements which will oversee the |

17/02/2017

City of Edinburgh Council Application for an Asset Transfer

Stage 2 – Sustainable Business Case

| | |
|-----|---|
| | operations of the asset. If this is to be separate to arrangements for your organisation, please provide further description and include diagrams if necessary. Please also describe how accountability for the asset will be provided for. |
| | Answer: |
| B9 | Please evidence how you know that your proposals for the use of the asset are supported by and meet the needs of the wider community and City. You should describe the level and nature of support for the request from the community. |
| | Answer: |
| B10 | Where applicable, please detail how your proposals for use of the asset will enhance the existing use of the building/land |
| | Answer: |
| B11 | Please outline how your proposals take account of the influence of local and city market forces and (i) if so are there plans in place to ensure that your proposals for the use of the asset are competitive in order to sustain the asset, (ii) if not please explain why. |
| | Answer: |
| B12 | If suitable, is there marketing and development plan in place for the asset for the next five years? If so, please provide further details in relation to your approach |
| | Answer: |
| B13 | Please detail evidence of support from the appropriate <u>Neighbourhood Partnership</u>, Councillors, other community leaders and other relevant interests? |
| | Answer: |

**City of Edinburgh Council
Application for an Asset Transfer**

Stage 2 – Sustainable Business Case

| | |
|-----|--|
| | |
| B14 | Are there any objections to your proposals for the asset that you are aware of? If yes please detail these and how your organizations is dealing with these, if no then please detail how you would handle any concerns should these develop in the future. |
| | Answer: |

| | |
|-----|---|
| | Financial Management |
| | |
| B15 | In relation to your plans for the asset, is the proposed income dependent upon; (i) a single income source, (ii) a dominant income source or (iii) multiple, but inter-dependent sources of income? Please detail below. |
| | Answer: |
| B16 | In relation to your plans for the asset, are the sources of income sustainable, i.e.; likely to persist over the next few years, or are short-term, or will there be a need for subsidy from another source for example the parent organisation or public funds? |
| | Answer: |
| B17 | In relation to your plans for the asset, please evidence any trading and other efforts to generate income. Please include any anticipation of bidding for public sector grants/contracts or other funding? |
| | Answer: |
| B18 | Please describe below the financial relationship between your organisation and your plans for use of the asset. Please include details about implications that there may be for your organization and the asset and how you will manage any risks identified. |
| | Answer: |

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| | |
| B19 | Has your organisation ever been investigated on the basis of poor financial management or failure to demonstrate good organisational governance? |
| | Answer: |
| B20 | Does your organisation currently have operational capital, if yes is this being applied as part of the request, if no, will the proposed asset provide for a financial asset or liability? |
| | Answer: |
| B21 | Is the request for asset transfer being made in order to add to an existing property asset portfolio for the purposes of continued trading? |
| | Answer: |
| B22 | Please indicate with an example where the financial aspects of your proposal have been successfully applied elsewhere? |
| | Answer: |
| B23 | Please identify if; (i) your proposals for impacts upon the finances of your organisation and (ii) plans for mitigation if negative issues arise concerning cash-flow, liquidity or financial capacity issues that may impact upon the request? |
| | Answer: |
| B24 | How do you intend to continue to operate should any income related to the proposed building/land not be generated as planned? Have you plans for alternative forms of income and/or alternative business model should income streams not continue? |
| | Answer: |

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| | |
| B25 | What are your plans for the proposed asset should your organisation incur operational difficulties or cease to trade? |
| | Answer: |
| B26 | How have you factored in the impact of the total ‘on-costs’ for the asset for your organisation, i.e. repair, maintenance, insurance, energy requirements? |
| | Answer: |
| B27 | Please summarise below how you have factored in the following in regards to your proposals for use of the asset; market awareness, sales and other income generation opportunities. |
| | Answer: |

PART C - Sustainability Impacts

| | |
|----|---|
| C1 | In considering your proposals it is important that the impacts of proposals for use of the asset on the City’s economy, community-wellbeing and environment are identified. |
| | Please detail below the impacts upon the following: |
| | |
| C2 | Please detail below what you think are the benefits to the Edinburgh economy, please outline both positive and negative benefits that you think may occur: |
| | Answer: |
| C3 | Please detail below what you think are the benefits to the community outlining both positive and negative benefits that you think may occur: for example; what the impacts on the local community will be: |

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| | |
|----|---|
| | Answer: |
| C4 | Please detail below what you think are the benefits to the City environment – please outline both positive and negative benefits that you think may occur: |
| | Answer: |

PART D – Summary Budget Information

| | | | |
|----|--|--------|-------------|
| D1 | If appropriate, please summarise the budget arrangements for the requested building/land: | | |
| | | Income | Expenditure |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PART E - Other Issues relating to your request

Current financial and other support from the City of Edinburgh Council

| | | | |
|----|---|------|---------|
| E1 | Please identify below any investment that your organisation currently receives from the Council: | | |
| | | £sum | Purpose |
| | | | |
| | | | |
| | | | |
| | | | |
| E2 | Please identify below any investment that your organisation has attracted from the Council in regards to the proposed transfer of the building/land identified in item 2 above: | | |
| | | £sum | Purpose |
| | | | |
| | | | |

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| | | | |
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| | | | |
| E3 | Please identify below any investment in kind that your organisation currently receives from the Council in regards to the proposed transfer of the building/land identified in item 2 above: | | |
| | | £sum or equivalent value | Purpose |
| | | | |
| | | | |
| E4 | If receiving investment or other financial support as above, is it anticipated that this will continue for the future and be of benefit in regards to your proposals for the building/land? | | |
| | | | |

Added Social Value

| | | | |
|----|---|---|--|
| E4 | Please summarise below any additional social added value that your proposals may generate (for example; this may include volunteering, new services, improved trading or other initiatives) | <i>Please identify any equivalent social added value (£m)</i> | |
| | | | |
| | | | |

Submission Checklist

| | | | |
|--|---|-----|----|
| | Please check that you have included the following as part of the accompanying information to your stage 2 submission: | | |
| | | Yes | No |
| | Full Business Plan (including financial plans) for the use of the Council-owned building or land | | |
| | Most recent Full Year Accounts for your organisation | | |
| | Articles of Association/ Constitution/Governance Document for your organisation | | |
| | Supporting material from community members or other interests | | |
| | Have you read the Council Policy on Asset Transfers? | | |
| | Have you read the Guidance for completing the application? | | |
| | Have you read the Scottish Government Guidance for Community Transfer Bodies? | | |
| | Are you able to prepare public briefing material on your | | |

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|--|-----------------------------------|--|--|
| | proposal and present at committee | | |
|--|-----------------------------------|--|--|

Signing Off

| | | |
|--|---|-----------|
| | Please get the following to sign-off your application*: | |
| | | Signature |
| | Chairperson of your organisation | |
| | NAME: | |
| | DATE: | |
| | Senior Director/Committee Member | |
| | NAME/POSITION: | |
| | DATE: | |
| | Name of person submitting the application: | |
| | NAME/POSITION: | |
| | DATE: | |

* Signatories in signing the above assess that the information contained within the application form is accurate at the time of submission. In addition, should their request be successful, conditions of transfer will be the subject of separate legal agreement(s) with the Council.