

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 14 December 2017**

Council Chamber, City Chambers, High Street, Edinburgh

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

### **Contact**

E-mail: [allan.mccartney@edinburgh.gov.uk](mailto:allan.mccartney@edinburgh.gov.uk)

Tel: 0131 529 4246

## **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 23 November 2017 (circulated) – submitted for approval as a correct record

## **5. Questions**

---

- 5.1 By Councillor Osler – Pedestrian Crossings within the City – for answer by the Convener of the Transport and Environment Committee
- 5.2 By Councillor Jim Campbell – ICT Service Availability – for answer by the Convener of the Finance and Resources Committee
- 5.3 By Councillor Brown – Road Repairs – for answer by the Convener of the Transport and Environment Committee
- 5.4 By Councillor Jim Campbell – Edinburgh 2050 – for answer by the Lord Provost
- 5.5 By Councillor Hutchison – Planning Documentation for the Visually Impaired – for answer by the Convener of the Planning Committee
- 5.6 By Councillor Hutchison – Transient Visitor Levy – for answer by the Convener of the Finance and Resources Committee
- 5.7 By Councillor Mowat – Low Emission Zones – for answer by the Convener of the Transport and Environment Committee
- 5.8 By Councillor Lang – Building Warrants – for answer by the Convener of the Planning Committee
- 5.9 By Councillor Lang - Parking – for answer by the Convener of the Transport and Environment Committee

- 5.10 By Councillor Lang – Davidson’s Mains Roundabout – for answer by the Convener of the Transport and Environment Committee
- 5.11 By Councillor Burgess – Stair Lighting – for answer by the Convener of the Transport and Environment Committee
- 5.12 By Councillor Aldridge – Potholes – for answer by the Convener of the Transport and Environment Committee
- 5.13 By Councillor Aldridge – Carbon Monoxide Detectors in Sheltered Housing – for answer by the Convener of the Housing and Economy Committee
- 5.14 By Councillor Staniforth – Volunteer use at Edinburgh’s Hogmanay – for answer by the Convener of the Culture and Communities Committee
- 5.15 By Councillor Miller – Parking in Pedestrianised Bollarded Areas – for answer by the Convener of the Transport and Environment Committee
- 5.16 By Councillor Rae – Parking Enforcement in Leith Walk – for answer by the Convener of the Transport and Environment Committee
- 5.17 By Councillor Jim Campbell – Safety of School Estate – for answer by the Convener of the Education, Children and Families Committee
- 5.18 By Councillor Smith – Schools Consultations – for answer by the Convener of the Education, Children and Families Committee
- 5.19 By Councillor Webber – Proposed School Merger in South West Edinburgh – for answer by the Convener of the Education, Children and Families Committee
- 5.20 By Councillor Laidlaw – Strategic Reviews – for answer by the Convener of the Education, Children and Families Committee
- 5.21 By Councillor Whyte – School Cash Plea – for answer by the Leader of the Council
- 5.22 By Councillor Bruce – Woodlands Special School – for answer by the Convener of the Education, Children and Families Committee
- 5.23 By Councillor Young – School Internet Provision – for answer by the Convener of the Education, Children and Families Committee
- 5.24 By Councillor Young – Queensferry Halcrow Report – for answer by the Convener of the Transport and Environment Committee
- 5.25 By Councillor Young – Kirkliston Traffic Study – for answer by the Convener of the Transport and Environment Committee

- 5.26 By Councillor Mowat – Traffic Management – Old Town Community Council - for answer by the Convener of the Transport and Environment Committee

## **6. Leader's Report**

---

- 6.1 Leader's report (circulated)

## **7. Appointments**

---

- 7.1 If any

## **8. Reports**

---

- 8.1 Operational Governance: Review of Council Contract Standing Orders and Guidance on the Appointment of Consultants – report by the Executive Director of Resources (circulated)
- 8.2 Maternity, Paternity and Adoption Leave for Councillors – report by the Executive Director of Resources (circulated)
- 8.3 Monitoring Officer Investigation – report by the Monitoring Officer (circulated)
- 8.4 Standards Commission for Scotland – Decision of Hearing Panel – Lord Provost Councillor Frank Ross – report by the Chief Executive (circulated)

## **9. Motions**

---

- 9.1 By Councillor Graczyk – International Day of Persons with Disabilities

“Council:

1. Notes, 3rd December is the annual observance of the International Day of Disabled Persons which has been promoted since 1992, by the United Nations General Assembly resolution 47/3.
2. Promotes, the rights and well-being of persons with disabilities in all spheres of society and development, and to increase awareness of the situation of persons with disabilities in every aspect of political, social, economic and cultural life.
3. Celebrates, the empowerment and aid to create real opportunities for people with disabilities as it enhances their own capacities, embraces more of their civic responsibilities, and supports them in setting their own priorities. Thus enabling them to take advantage of opportunities and become immense agents of change.”

9.2 By Councillor Hutchison - Scottish Ambulance Service

“Council:

Congratulates Sam Grieve and Bryan Findlay of the Scottish Ambulance Service on winning the Team of the Year Award at the Staff and Volunteer Awards 2017 and thanks them for the informative and potentially lifesaving CPR and PAD training sessions delivered to members and officers during November.”

9.3 By Councillor Webber - Woodlands Special School

“Council

Woodlands Special School has recently achieved the Sportscotland Gold School Sport Award - their highest award level. The award recognises the school's ongoing commitment to self-evaluation, continuous improvement and for putting young people at the forefront of the decision-making and planning. The implementation of the pupil centered processes emphasises on the use of sport and physical activity in the school.

Therefore, congratulates Woodlands Special School’s success in gaining this outstanding achievement and confirms its continued support for the staff and pupils.”

9.4 By Councillor Jim Campbell - Waste Data Innovation

“Council

Thanks officers for the daily waste uplift failures that are reported to Group Business Managers.

Tasks the Head of Place to report to the Transport and Environment Committee in two cycles how the different data sets will be merged into one meaningful daily report, to include failed waste uplifts as proportion of planned uplifts.

Furthermore, requires an investigation of the earliest date meaningful dynamic daily waste uplift performance data can be published live on the City of Edinburgh website to inform citizens and stimulate data innovation.”

9.5 By Councillor Mowat - Plastic Free Coastlines

“Council:

Welcomes the campaign Plastic Free Coastlines being promoted by Surfers Against Sewage which looks to reduce single use plastics to prevent them ending up in the seas and oceans and considers that supporting such a campaign could reduce landfill, litter and costs and asks officers to engage

with the campaign and report back in two cycles to the Transport and Environment Committee detailing how the council could support this.”

9.6 By Councillor Day - National Children’s Day UK 2018 and the Year of Young People

“Council:

Notes that National Children’s Day UK will take place on 13 May 2018. This day is all about the importance of a healthy childhood and how to protect the rights and freedoms of children in order to ensure that they can grow into happy, healthy adults.

Notes also that 2018 has been designated as the Year of Young People. This offers an opportunity to celebrate young people’s talents and achievements and to inspire the nation through its young people’s ideas, attitudes and ambitions.

Asks the Executive Director of Communities and Families to report on how the Council can mark these events.”

9.7 By Councillor Aldridge – Short Term Lets

“Council;

Noting the Scottish Parliament’s consideration of the issue of short term lets and the unique impact such lets have on the City of Edinburgh, council agrees to establish a short term multi- agency working group to ensure both a co-ordinated input to the Parliament’s considerations and to seek an agreed approach by all partners to the specific needs of the city – the working group to include all party representation, officers from housing, planning, regulatory, community safety, environmental services, police, private landlords and letting agents and community reps: the group to be based around the model pioneered by Edinburgh prior to the introduction of HMO licensing.”

9.8 By Councillor Jim Campbell – Essential Repairs to School Estate

“Council:

requires a report in one cycle detailing the foreseeable maintenance expenditure to maintain school buildings in a safe and useable condition.

reported maintenance costs for the next five years should be broken down by school and category of maintenance expenditure.

reported maintenance costs for the period between five years and 25 years hence should be forecasts costs, broken down by school, based on industry average assumptions by building construction type in use.

requires that the report sets out the budgetary requirements, both capital and revenue, to be built into base budget assumptions prepared by officers from the 2018/19 year forward and detail the implications for the Council's long term financial planning."

9.9 By Councillor Rose – Retiring Principal of George Heriot's School - Cameron Wyllie

"Council:

Recognises the valuable contribution in the life of Edinburgh, and Scottish, education by the retiring Principal of George Heriot's School, Cameron Wyllie.

Applauds the significant contribution Mr Wyllie has played in Scottish Schools' debating, particularly his successful period as coach to the Scottish team that was runners-up four times in the World Championship during his tenure.

Recognises his leadership of George Heriot's School and extending the bursarial awards to provide free education to three Syrian refugees, as well as establishing the Foundation Fund that extends the original aims of the founder in its charitable objectives.

Wishes Cameron a happy retirement, while acting as a Trustee of the English-Speaking Union in Scotland and Circle (Scotland), which the School has supported for 22 years."

9.10 By Councillor Doggart – Data Driven Community Empowerment

"Council:

Recognises Edinburgh's ability to become a centre of international excellence in the field of data driven innovation through the contribution of the universities and the business sectors.

Chooses to fully participate in the development of practical usage of such technological change.

Recognises that such innovation in data could cause considerable disruption to existing businesses and individuals, as well as delivering benefits.

Recognises the benefits data driven change can bring to the delivery of Council services in greater efficiency and lower costs.

Requests the Chief Executive presents to Corporate Policy and Strategy within two cycles an outline plan on how data innovation could be used to:

- Foster greater participation in public decision making, as proposed in section 10 of the Community Empowerment (Scotland) Act 2015, both in the making of decisions and in the building of communities; and
- Drive efficiencies in the delivery of Council services.”

9.11 By Councillor Mary Campbell – To Commemorate the Edinburgh Members of the XV International Brigade

“Council notes –

- 1) In early 1937, Franco's fascist troops were at the gates of Madrid and the British Battalion of the XV International Brigade entered the battle of Jarama, a victory for the Republic but one in which the British Battalion lost well over half its number.
- 2) That 39 Scottish Brigadistas died of their wounds at Tarancon Hospital, near Madrid, and are buried in Tarancon cemetery, about a quarter of them being from Edinburgh.
- 3) That there is now a permanent memorial in the cemetery both to the International Brigaders and the many local civilians who died in the repression following Franco's rule.
- 4) That work to create, maintain and interpret the grave sites of Scottish volunteers has been done by the Association for Recovery of Historical Memory Cuenca.

Therefore -

- 1) Council would like to thank Maximo Molina, a town councillor from Tarancon who was a driving force in the Scottish memorial, and ARHMCuenca for their work in maintaining the lost graves of men from Edinburgh.
- 2) Council requests that the Lord Provost writes to Maximo Molina and ARHMCuenca to thank them for their work.”

**Laurence Rockey**

Head of Strategy and Insight

## Information about the City of Edinburgh Council meeting

---

The City of Edinburgh Council consists of 63 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](mailto: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](http://www.edinburgh.gov.uk/cpol).

## Webcasting of Council meetings

---

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the use and storage of those images and sound recordings and any information pertaining to you contained in them for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by you to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk) .

## The City of Edinburgh Council

Edinburgh, Thursday 23 November 2017

Present:-

### LORD PROVOST

The Right Honourable Frank Ross

### COUNCILLORS

Robert C Aldridge  
Scott Arthur  
Gavin Barrie  
Eleanor Bird  
Chas Booth  
Claire Bridgman  
Mark A Brown  
Graeme Bruce  
Steve Burgess  
Lezley Marion Cameron  
Ian Campbell  
Jim Campbell  
Kate Campbell  
Mary Campbell  
Maureen M Child  
Nick Cook  
Gavin Corbett  
Cammy Day  
Alison Dickie  
Denis C Dixon  
Phil Doggart  
Marion Donaldson  
Karen Doran  
Scott Douglas  
Catherine Fullerton  
Neil Gardiner  
Gillian Gloyer  
George Gordon  
Ashley Graczyk  
Joan Griffiths  
Ricky Henderson

Derek Howie  
Graham J Hutchison  
Andrew Johnston  
David Key  
Callum Laidlaw  
Kevin Lang  
Lesley Macinnes  
Melanie Main  
John McLellan  
Amy McNeese-Mechan  
Adam McVey  
Claire Miller  
Max Mitchell  
Joanna Mowat  
Gordon J Munro  
Hal Osler  
Ian Perry  
Susan Rae  
Alasdair Rankin  
Cameron Rose  
Neil Ross  
Jason Rust  
Stephanie Smith  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Louise Young

## 1 Minutes

---

### Decision

To approve the minute of the Council of 26 October 2017 as a correct record.

## 2. Questions

---

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

## 3 Leader's Report

---

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

- Progress on Edinburgh projects
- Homelessness
- Success of winter events
- Support for Cash for Kids – sponsorship for wearing a tie

The following questions/comments were made:

- |                         |   |
|-------------------------|---|
| Councillor Whyte        | - Senior Councillor payments for Locality Committees  |
| Councillor Burgess      | - Private Residential Tenancy Launch – 1 December 2017  |
| Councillor Aldridge     | - Edinburgh in care crisis  |
| Councillor Day          | - Edinburgh Interfaith Association<br>- Commendation to Nick Croft for work done in equalities partnership and engagement |
| Councillor Work         | - Alcohol related admissions to hospital  |
| Councillor Jim Campbell | - Potential sale of Wardie Playing Fields   |
| Councillor Bridgman     | - Support for Small Business Saturday on 2 December 2017  |
| Councillor Munro        | - Budget Consultation – representations to Scottish Government and COSLA  |
| Councillor Lang         | - Budget Consultation – financial settlement  |

Councillor Kate Campbell	-	Tax cut to those buying homes up to the value of £300,000
Councillor Laidlaw	-	City of Edinburgh Music School
Councillor Howie	-	Universal Credit
Councillor Mitchell	-	Accessibility for people with physical and mental disabilities

## 4 Appointments to Outside Organisations/Committees

---

The Council had agreed its political management arrangements and made appointments to a range of Committees, Boards, Joint Boards and outside organisations. Details were provided on requests for the Council to appoint members to various Council Committees and outside organisations.

### Decision

- 1) To appoint Councillor Gordon as Chair of Edible Edinburgh.
- 2) To appoint Councillors Dixon, Fullerton, Graczyk and Wilson, the four members for the Sighthill/Gorgie ward, to the Gorgie War Memorial Community Centre Management Committee.
- 3) To note the resignation of Councillor Dickie from the Governance, Risk and Best Value Committee and appoint Councillor Ian Campbell in her place.
- 4) To note that Councillor Ritchie had resigned as Convener of the Planning Committee.
- 5) To note that Councillor Ian Campbell had resigned from the Planning Committee.
- 6) To appoint Councillor Gardiner as a member and also Convener of the Planning Committee and Development Management Sub-Committee.
- 7) To appoint Councillor Ritchie to the Planning Local Review Body (Panel 1).
- 8) To note that Councillor Ritchie had resigned from the SESPlan Joint Committee (South East Scotland Regional Joint Committee) and appoint Councillor Gardiner in his place.

(References – Act of Council No 3 of 22 June 2017; Acts of Council Nos 8 and 9 of 29 June 2017; report by the Chief Executive, submitted.)

## 5. Senior Councillor Allowances

---

The Council had agreed senior Councillor remuneration to Councillor Burgess as co-leader of the Green Group with effect from 22 June 2017. Details were provided on a proposal that this be allocated to Councillor Main to take effect from 23 December 2017.

The Lord Provost ruled in terms of Standing Order 27(1) that this matter should be considered due to a material change in circumstances, namely the re-allocation of responsibilities within the Green Group and the resignation of Councillor Ritchie as Convener of the Planning Committee.

The Lord Provost also ruled in terms of Standing Order 27(1) that an addendum submitted by the Conservative Group which, if accepted, would require a change to Act of Council No 3 of 22 June 2017, should not be considered as in his view there had been no material change in circumstances.

### **Decision**

- 1) To allocate the Green Group Leader senior responsibility allowance to Councillor Main with effect from 23 December 2017.
- 2) To note the resignation of Councillor Ritchie as Convener of the Planning Committee and the appointment of Councillor Gardiner in his place and agree to amend the Council decision of 22 June 2017 in relation to payment of Senior Councillor Remuneration as follows:

<b>Role</b>	<b>Percentage</b>	<b>Salary</b>	<b>Councillor</b>
Planning Convener	62.5%	£31,739	Councillor Gardiner

(References – Act of Council No 3 of 22 June 2017; report by the Chief Executive, submitted.)

## **6 Improving Accessibility – Amendment to Procedural Standing Orders**

---

Details were provided on a proposal to amend the Procedural Standing Orders to ensure that the procedures and practice of the City of Edinburgh Council and its committees would allow all members to actively and effectively engage with the Council's democratic process.

## **Motion**

To repeal the existing Standing Orders and agree in their place Appendix 1 to the report by the Chief Executive, such repeal and approval to take effect from 24 November 2017.

- moved by Councillor McVey, seconded by Councillor Wilson

## **Amendment 1**

Insert a new clause 20.4, and renumber subsequent clauses as required:

### 20.4

*Clause 20.3 will not apply to any agenda items where the final report or reports were not issued alongside the notice of the meeting.*

- moved by Councillor Jim Campbell, seconded by Councillor Graczyk

## **Amendment 2**

To add new recommendation 1.2

To report back to the Corporate Policy and Strategy Committee after 6 months of the revised standing orders being in operation on any further adjustments which might be required to enable better access: the report to include the feasibility of publishing full meeting papers one week in advance of full council meetings and whether any further changes might assist people with dyslexia or people with any sensory impairment.

- moved by Councillor Aldridge, seconded by Councillor Lang

In accordance with Standing Order 20(7), Amendments 1 and 2 were accepted as addendums to the motion.

## **Decision**

To approve the following adjusted motion:

- 1) To repeal the existing Standing Orders and agree in their place Appendix 1 to the report by the Chief Executive (amended by (3) below), such repeal and approval to take effect from 24 November 2017.
- 2) To report back to the Corporate Policy and Strategy Committee after 6 months of the revised standing orders being in operation on any further adjustments which might be required to enable better access: the report to include the feasibility of publishing full meeting papers one week in advance

of full council meetings and whether any further changes might assist people with dyslexia or people with any sensory impairment.

- 3) To insert a new clause 20.4, and renumber subsequent clauses as required:

#### **20.4**

Clause 20.3 will not apply to any agenda items where the final report or reports were not issued alongside the notice of the meeting.

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

## **7. Implementing the Programme for the Capital: Council Performance Framework**

---

The Council had approved the Council Business Plan (A Programme for the Capital: The City of Edinburgh Council's Business Plan 2017-22). Details were provided on a new performance framework which had been revised to support the implementation of the Council Business Plan 2017-22.

### **Motion**

- 1) To agree the principles and scheduling set out in paragraph 3.8 of the report by the Chief Executive.
- 2) To approve the proposed measures for the Coalition Commitments in Appendix 1 to the report, within the context of the broader performance framework.
- 3) To note the Council's Performance Framework Strategy Map in Appendix 2 to the report.
- 4) To refer the report to the Corporate Policy and Strategy Committee for further scrutiny.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 1**

- 1) To delete recommendation 1.1.2
- 2) To replace recommendation 1.1.4 wording with the following:

To refer the report to the Corporate Policy and Strategy Committee to agree specific and assessable performance measures, milestones and actions for all commitments.

- moved by Councillor Doggart, seconded by Councillor Webber

## **Amendment 2**

Council;

Recognises that the commitments and their associated measurements as set out in this report are those of the SNP-Labour council coalition and therefore agrees the recommendations except replacing the existing 1.1.2 with;

1.1.2 **Notes** the proposed measures for the Coalition Commitments in Appendix 1, within the context of the broader performance framework.

- moved by Councillor Burgess, seconded by Councillor Main

In accordance with Standing Order 20(7), Amendment 1 was adjusted and accepted and Amendment 2 was accepted as addendums to the motion.

## **Decision**

- 1) To note that the commitments and their associated measurements as set out in the report were those of the SNP-Labour council coalition.
- 2) To agree the principles and scheduling set out in paragraph 3.8 of the report by the Chief Executive.
- 3) To note the proposed measures for the Coalition Commitments in Appendix 1 to the report, within the context of the broader performance framework.
- 4) To note the Council's Performance Framework Strategy Map in Appendix 2 to the report.
- 5) To refer the report to the Corporate Policy and Strategy Committee to agree specific and assessable performance measures, milestones and actions for all commitments by February 2018.

(References – Act of Council No 7 of 24 August 2017; report by the Chief Executive, submitted.)

## **8 Establishment of Locality Committees**

---

The Council had agreed that Locality Committees should be established. Details were provided on the proposed membership and remit of the Locality Committees.

### **Motion**

- 1) To agree the membership and remit for the four Locality Committees, as outlined in Appendix 1 to the report by the Executive Director of Place.
- 2) To agree that only Councillors act as voting members on the Locality Committees.
- 3) To note that Locality Committees would be reviewed in June 2018, as part of the review of the Council's governance arrangements and then thereafter annually.
- 4) To delegate authority to the Chief Executive, to make the amendment to Procedural Standing Orders outlined in paragraph 3.16 and any amendments to the Terms of Reference and Delegated Functions as is necessary to implement the decision on this item.
- 5) To agree that Locality Committees should each have their first meeting before the end of 2017.

- moved by Councillor Wilson, seconded by Councillor Ian Campbell

### **Amendment 1**

Council:

Appendix 10.2. Delete second sentence: "It will be usual practice for a member to serve for a maximum of one year as convener in each Council term."

- moved by Councillor Jim Campbell, seconded by Councillor Brown

### **Amendment 2**

Council notes item 3.11 in the report and the role of Neighbourhood Partnerships to oversee and scrutinise the delivery of the Locality Improvement Plans, until the Locality Committees are established.

Council recognises the flexibility for Locality Committees to appoint sub-committees to fulfil an advisory role if desired.

Council therefore inserts at the end of recommendation 1.1:

*“subject to the addition of the following under delegated functions:*

*10.19 - To decide whether Neighbourhood Partnerships of their equivalent should continue within their locality as advisory groups on local issues and spending priorities.”*

And amends recommendation 1.5 to read:

*“To agree that Locality Committees should each have their first meeting before the end of 2017 or as soon as is practically possible afterwards”*

- moved by Councillor Young, seconded by Councillor Osler

In accordance with Standing Order 20(7), Amendment 2 was accepted as an addendum to the motion.

## **Voting**

The voting was as follows:

For the motion (as adjusted)	-	44 votes
For Amendment 1	-	18 votes

(For the Motion: The Lord Provost, Councillors Aldridge, Arthur, Barrie, Bird, Booth, Bridgman, Burgess, Cameron, Ian Campbell, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Donaldson, Doran, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Henderson, Howie, Key, Lang, Macinnes, McNeese-Mechan, McVey, Main, Miller, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Staniforth, Watt, Wilson, Work and Young.

For Amendment 1: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Graczyk, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

## **Decision**

- 1) To note item 3.11 in the report by the Executive Director of Place and the role of Neighbourhood Partnerships to oversee and scrutinise the delivery of the Locality Improvement Plans, until the Locality Committees were established.
- 2) To recognise the flexibility for Locality Committees to appoint Sub-committees to fulfil an advisory role if desired.

- 3) To agree the membership and remit for the four locality committees, as outlined in Appendix 1 to the report subject to the addition of the following under delegated functions:  
  
*10.19 - To decide whether Neighbourhood Partnerships of their equivalent should continue within their locality as advisory groups on local issues and spending priorities.*
- 4) To agree that only councillors act as voting members on the Locality Committees.
- 5) To note that Locality Committees would be reviewed in June 2018, as part of the review of the Council's governance arrangements and then thereafter annually.
- 6) To delegate authority to the Chief Executive, to make the amendment to Procedural Standing Orders outlined in paragraph 3.16 and any amendments to the Terms of Reference and Delegated Functions as is necessary to implement the decision on this item.
- 7) To agree that Locality Committees should each have their first meeting before the end of 2017 or as soon as is practically possible afterwards.

(References – Act of Council No 6 of 26 October 2017; report by the Executive Director of Place, submitted.)

## **9. Licensing (Scotland) Act 2015 – Reappointment of the City of Edinburgh Licensing Forum and Revised Constitution**

---

Details were provided on a proposed revised structure for the City of Edinburgh Licensing Forum and the method for the appointment of members.

### **Decision**

- 1) To agree the revised membership of the City of Edinburgh Licensing Forum as set out at Appendix 1 to the report by the Executive Director of Place.
- 2) To agree to the reappointment of any existing member of the Forum, where appropriate, should they wish to volunteer; and note that the Executive Director of Place had delegated authority to appoint any remaining members.
- 3) To approve the amended City of Edinburgh Licensing Forum Constitution as set out in Appendix 2 of the report.

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

## **Declaration of interest**

Councillor Smith declared a non-financial interest in the above item as she was related to the current Convener of the Licensing Forum.

## **10 Revenue Monitoring 2017/18 – Month Five Position – referral from the Finance and Resources Committee**

---

The Finance and Resources Committee had referred a report on the projected overall position for the Council's revenue expenditure budget for 2017/18 based on analysis of period five data, for ratification of the Spend to Save application in respect of the International Climbing Arena.

### **Decision**

- 1) To agree the Spend to Save application in respect of the Edinburgh International Climbing Arena.
- 2) To refer the report by the Executive Director of Resources to the Governance, Risk and Best Value Committee as part of its work programme.

(References – Finance and Resources Committee 7 November 2017 (item 6): referral report from the Finance and Resources Committee)

## **11 Treasury Management: Mid-term Report 2017/18 – referral from the Finance and Resources Committee**

---

The Finance and Resources Committee had referred a report which provided an update on Treasury Management Activity in 2017/18, to the Council, for approval of the Treasury Management Strategy.

### **Decision**

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

(References – Finance and Resources Committee 7 November 2017 (item 10): referral report from the Finance and Resources Committee)

## 12 Fireworks/Bonfire Night - Motions by Councillors Day, Lang and Brown

---

The Lord Provost ruled that the following motions, which had been submitted in terms of Standing Order 16, be considered together:

### **Motion 1 - By Councillor Day:**

“Council:

Notes with great concern the recent incident in north Edinburgh where police officers were targeted with fireworks, leading to serious injury to police officers, and the substantial damage caused to property in east Edinburgh as a result of fireworks.

Notes that across the city over 250 calls regarding dangerous fireworks and anti-social behaviour were received requiring emergency service attendance.

Calls for the Chief Executive to report to the February meeting of the Corporate Policy and Strategy Committee on:

- working with the Scottish and Westminster Governments to consider options for better control of the sale of fireworks to individuals; and
- encouraging organised and licensed community firework and bonfire events.”

- moved by Councillor Day, seconded by Councillor Fullerton

### **Motion 2 – By Councillor Lang**

“Council;

1. recognises that the vast majority of Edinburgh residents enjoy fireworks responsibly as part of the annual Guy Fawkes night celebrations,
2. commends those working in Police Scotland, the Scottish Fire & Rescue Service and other agencies for their commitment, bravery and professionalism in seeking to protect our local communities from harm,
3. condemns the reported acts of violence which took place in some parts of Edinburgh around 5 November, including fireworks being thrown at emergency service staff, and expresses its sympathy and support to those who suffered injury,
4. acknowledges motion S5M-08695 which was recently tabled to the Scottish Parliament and which has received cross party support, calling on (i) the UK Government to review the rules governing the sale of fireworks, and (ii) the

Scottish Government and its partner agencies to investigate and address the antisocial use of unlicensed fireworks,

5. agrees for the Leader of the Council to write to the Cabinet Secretary for Justice and the Secretary of State for Business, Innovation & Skills to express the Council's support for both reviews so new measures can be considered and, where possible, implemented [before 5 November 2018](#)."

- moved by Councillor Lang, seconded by Councillor Osler

### **Motion 3 - By Councillor Brown**

"Council

- Commends the resilience and bravery of emergency service personnel in respect of the much-reported and unprecedented levels of unruly and shameful behaviour on 'Bonfire Night' at a number of locations City-wide.
- Extends its gratitude to the female Police Officer hit by a firework deliberately thrown at her and wishes her a full and speedy recovery. No-one should expect to leave their home to attend their place of work and be subject to such a premeditated and despicable attack.
- Condemns the outrageous behaviour that resulted in not only the injuries to said officer but the damage to police vehicles.
- Agrees to work in conjunction with our emergency services colleagues to assist where practical in helping to identify those responsible in respect of behaviour unbecoming of this fine capital city.
- Agrees to work in conjunction with emergency services ahead of next year to assist where practical to prevent a repeat of a plethora of incidents that caused damage to personal property of local residents and left a series of public parks with scorched areas together with debris from unsolicited bonfires."

- moved by Councillor Brown, seconded by Councillor McLellan

### **Amendment**

To amend Motion 3 by Councillor Brown to read

Council:

Recognises that community bonfires can be a valuable neighbourhood bonding experience.

Commends the police and fire services in regard to the antisocial and dangerous behaviour they were faced with on Nov 5<sup>th</sup> at a number of locations.

Recognises the need for and right of residents to feel safe both in and outside their homes.

Agrees to work with the emergency services ahead of next years Bonfire Night to prevent incidents which cause injury to people and/or damage to property.

Recognises that though restricting fireworks further may prevent these exact incidents happening in future there is a wider need to address the antisocial behaviour that lies behind these incidents.

- moved by Councillor Staniforth, seconded by Councillor Burgess

In accordance with Standing Order 20(7), the amendment was accepted in place of Motion 3.

### **Decision**

- 1) To approve Motion 1 by Councillor Day.
- 2) To approve Motion 2 by Councillor Lang.
- 3) To approve Motion 3, as adjusted by Councillor Brown.

### **13 Prison Community Integration Working Group - Motion by Councillor Graczyk**

---

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

“Council:

Recognises that services to prisoners at the front end after release are patchy and inconsistent and aims to create a collaborative working group to review and bring forward innovative ideas which provides advice, guidance and assistance to prisoners and their families before and after release.

1. Calls for a report in three cycles to improve help for prisoners’ reintegration into local communities and reduce the risk of further offending by giving them support, such as benefit, housing, employment, healthcare and befriender services which starts inside and seamlessly continues after their release. To improve communications between Council and relevant stakeholders including, prison specialist agencies, NHS Lothian, Edinburgh Partnership and relevant Third Sector organisations.

2. Requests that said report includes, but is not limited to:
- (a) Exploring the establishment of a joint initiative of relevant groups between the Council, prison specialist agencies, NHS Lothian, relevant stakeholders including Third Sector organisations, and cross-party elected members;
  - (b) themes of co-production and early prevention to address the root causes of reoffending and homelessness;
  - (c) investigating the creation of an appropriate mechanism or body to assist any improvements in the effective implementation of service;
  - (d) improving or implementing a City-wide information sharing network for advice and knowledge so all relevant stakeholders can be more informed;
  - (e) investigating how housing and other relevant advice could be best delivered to all relevant stakeholders and prisoners to ensure the best support is provided for prisoners and their families;
  - (f) considering best practice as operated by other local Councils and other external bodies representative of prison specialist agencies and relevant stakeholders;
  - (g) the level of civic and budgetary support required by the Council;
  - (h) contributing to the development of a common understanding on the implementation of framework and guidelines for all relevant stakeholders.”

## **Decision**

To approve the motion by Councillor Graczyk.

## **14 Motion Security Barriers - Motion by Councillor Jim Campbell**

---

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

“Council

Holds dear our liberal democracy and regrets the need to install National Barrier Assets on the High Street at George IV Bridge and Cockburn Street and on St Giles Street.

Understands the imperative for keeping residents and visitors safe on our High Street prior to the Edinburgh Festival this year, an area of dense pedestrian activity.

Thanks Officers, Police Scotland and others for reacting swiftly to Home Office advice on vehicle borne security threats, which the National Barrier Assets are designed to counter.

Accepting this, Council requests a report to the Transport and Environment Committee in three cycles to:

- 1) Consider the likely duration of the need to protect pedestrians in the High Street with the likes of the National Barrier Assets.
- 2) Assess the impact the barriers had on pedestrian flows on the High Street during the peak summer period.
- 3) Model whether the National Barrier Assets could be re-positioned to improve pedestrian flows round their immediate vicinity, without compromising their primary purpose.
- 4) Develop and cost design proposals that would achieve the same security goal, but be in greater harmony with the historic streetscape and public realm and additionally control the access of service vehicles to the High Street.”

### **Motion**

To approve the motion by Councillor Jim Campbell.

- moved by Councillor Jim Campbell, seconded by Councillor Mowat

### **Amendment**

Council;

Values the safety and security of all residents and visitors, understands the need to install National Barrier Assets (NBA) and thanks Officers, Police Scotland and others for reacting swiftly to Home Office advice on vehicle borne security threats, which the NBAs are designed to counter;

Notes that the Centre for Protection of National Infrastructure (CPNI) is currently producing a report including recommendations for long term solutions to provide protection from moving vehicle threats in Edinburgh;

Agrees that the Convener of Corporate Policy and Strategy Committee requests that CPNI recommendations are scrutinised by the committee.

- moved by Councillor Miller, seconded by Councillor Main

In accordance with Standing Order 20(7), the amendment was accepted in place of the motion.

### **Decision**

To approve the motion by Councillor Jim Campbell, as adjusted.

## **15 Statutory Duties of the Council - Motion by Councillor Hutchison**

---

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

“Council

Instructs the Head of Finance within two cycles to report on the feasibility of Department Heads reporting their Department’s expenditure from financial year 2018/19 in such a way as to make clear what the Council is spending on non-statutory services that do not have any external or dedicated funding stream to offset the cost, that Council can better understand costs and statutory obligations.

Asks the Head of Finance to report back to the Finance and Resources Committee within one cycle all non-statutory expenditure in the last 12 months of single payments, or payments to the same recipient, of £50,000 or over.”

### **Decision**

To approve the motion by Councillor Hutchison subject to the detailed report back to the Finance and Resources Committee being within 3 cycles.

## **16 Budget Meeting - Motion by Councillor Whyte**

---

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

“Council

Notes that the proposed budget meeting originally in the Council diary for Thursday 8 February 2018 has been cancelled without any explanation being provided to elected members through Group Leaders.

Expresses concern that, with the meeting scheduled for 22 February 2018 now being designated the Budget Meeting, there will be no opportunity for other Council business or questions to the Administration to be raised for a three-month period between 14 December and 15 March.

Therefore, agrees that the Chief Executive undertake forward agenda planning to consider what business might be required to be conducted in this period prior to consulting Group Leaders on a way forward as to how this long gap in business and scrutiny can be resolved.”

### **Decision**

- 1) To note that Councillor Whyte had withdrawn his motion.
- 2) To note that a meeting of the Council had been arranged for Thursday 1 February 2018.

## **17 Councillors Complaints Procedures - Motion by Councillor Main**

---

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

“Council notes that there are formal procedures in place to allow staff and public to make complaints about inappropriate behaviour of councillors: the complaints procedures and the externally commissioned whistle-blowing service.

Council also notes that Councillors cannot complain about fellow councillors through the whistle blowing service and there is no formal Council procedure for councillors who might wish to make a complaint about inappropriate behaviour of other Councillors.

Therefore asks that each political group to nominate one member to meet with the Chief Executive to ensure that the appropriate Council provision is made as soon as possible, in addition to the Standard Commission’s provisions of the Councillors’ Code of Conduct, and a report will be brought to the Corporate Policy and Strategy Committee within two cycles.”

### **Decision**

To approve the motion by Councillor Main.

## **Appendix 1**

**(As referred to in Act of Council No 2 of 23 November 2017)**

### **QUESTION NO 1**

**By Councillor Rae for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

#### **Question**

What discussions have taken place between the council and Network Rail, with a view to construction of a walking/cycling path on the former Powderhall rail line?

#### **Answer**

There have been no recent discussions with Network Rail regarding re purposing of this rail line. However, it is safeguarded for use as a cycleway footpath in the Edinburgh Local Development Plan. Furthermore, it is included in the city's proposed 'QuietRoutes' network as shown in the 2016 refresh of the Council's Active Travel Action Plan. It is intended to bring forward proposals for the future use of the route in association with the redevelopments of the Powderhall waste transfer station and land at Meadowbank, sites which the line connects.

#### **Supplementary Question**

Thank you Convener. I would like to ask if the Convener can commit to a meeting with Network Rail in the future to look at Powderhall rail as a walking and cycling path at a future period.

#### **Supplementary Answer**

Thank you Councillor Rae. I'd be happy to commit to meeting with Network Rail but I should perhaps give you a little bit more background. There were initial discussions with Network Rail about a year ago and more formal discussions are likely to start quite soon but they may take some time not least because of the procedures that Network Rail need to go through to close a railway. Powderhall is expected to be a broadly residential development there and planning permission is going to take some time partly due to the problems of land clearance on that particular site, but yes I'd be very happy to commit to that meeting, thank you.

## QUESTION NO 2

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

### Question

On 30 May 2017, Councillor Young and I submitted a petition to officials calling for action to address the parking issues in Newbridge. This was signed by the majority of the residents in the village.

What action has been taken since this date, particularly in the period since [10 August](#) when the Transport and Environment Committee approved the new Parking Action Plan?

### Answer

The Council established a monitoring regime in August 2017 and have committed to visiting the area each month to collect details on the available number and location of parking spaces and to help identify any other relevant issues.

The monitoring will continue over the next three to six months to determine if the area meets all of the criteria as outlined in the Controlled Parking and Priority Parking Protocol, in particular:

- There must be indications of parking pressures generated by non-residential vehicles.
- Most properties within the area being considered should have no access to off street parking.
- Parking controls will only be considered in instances where the parking problems are either long-standing or established and reflect a permanent situation.

Initial reviews ascertained that alternative measures may also help to improve conditions for residents and these include; a review of restrictions in the vicinity of Newbridge village, removal of 'no parking' cones being used to keep

kerbside space clear, introducing enforceable disabled bays for residents in the area and considering the introduction of yellow lines around junctions to improve sight-lines and enhance road safety.

Once the monitoring period concludes the Council will consider if the area meets all of the criteria within the Controlled Parking and Priority Parking Protocol. Should this be the case then we will engage further with ward members and residents to consult upon the design of any parking schemes.

**Supplementary  
Question**

I thank the Convener for her answer. As a follow up can I ask her if she would be able to make arrangements for me, for the officials to write to me with the dates and the times of the monitoring that has been carried out over the last few months.

**Supplementary  
Answer**

In anticipation of your question Councillor Lang I had in actual fact asked the officials, unfortunately due some absence I haven't been able to provide you with the exact information attached to it but I will probably be able to get that for you tomorrow.

**QUESTION NO 3**

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question**

What action is being taken to tackle excessive vehicle speeds on rural roads in the Almond ward, particularly in areas close to small groups of residential housing?

**Answer**

The Council undertakes an annual collision investigation into all streets within the city, using details of all collisions that involve personal injury.

Two locations on rural roads in Almond Ward have been identified through this process for road safety interventions aimed at reducing vehicle speeds.

Design work is ongoing for the provision of a vehicle activated warning sign on Maybury Road, on the approach to its junction with Cammo Gardens.

It is also intended to commence the statutory process to lower the speed limit on the section of Burnshot Road between the A90 and Kirkliston in January 2018.

Responsibility for the enforcement of moving traffic offences, including speeding, lies with Police Scotland.

The provision, maintenance and operation of safety cameras (both speed and red light cameras) in Scotland is undertaken by the Scottish Safety Camera Programme, which is part of Police Scotland.

The Safety Camera Programme undertakes an annual review, in partnership with Local Authorities, to identify sites that meet its national criteria for the installation of safety cameras. This year's review of the Council's area did not identify any potential camera sites on rural roads in Almond Ward.

**Supplementary  
Question**

There is a real risk that people think this is somehow choreographed. Lord Provost, I thank the Convener for this answer. Some time ago I received a wonderful letter from three of my constituents, Merryn Gunderson, Aiden Forest and Gemma Mowbray, and what made this letter different and special was that all three of them were 10 years old or younger and they wrote to me because of their concern over the speed of cars that are going past their homes at Lennie Muir which is a small area of housing just to the east of the cargo area at Edinburgh airport. Now when I approached officials about possible speed reduction measures I was told that nothing could be done until the full review that is to follow after the final phase of the 20 mile an hour roll out and that could of course be two to three years away.

So can I ask the Convener if she will be prepared to meet with myself, Merryn, Aidan and Gemma or at least make arrangements for officials to meet with them so that they can hear first hand why we really need action here sooner rather than later.

**Supplementary  
Answer**

Thank you Councillor Lang. I'd be happy to meet with your constituents, perhaps to bring them into the City Chambers so they can see democracy in action. I would be very delighted to meet with them but I can't promise anything particular on the content of the rest of your question.

**QUESTION NO 4**

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question** (1) What statutory responsibility exists on the Council to ensure there is adequate lighting of the cycle path network?

**Answer** (1) There is no statutory requirement on local authorities in Scotland to provide public lighting.

**Question** (2) What percentage of the cycle path network in the City of Edinburgh is covered by lighting?

**Answer** (2) Precise information on percentages is not readily available. However, it is estimated that around 45% of the paths available to cycle on in Edinburgh are lit. Within the city bypass, the figure is estimated to be around 65%.

This estimate includes:

- the tarmac surfaced off-road path network, the large majority of which is lit, with exceptions mostly being in parks and on the waterfront promenade;
- non-tarmac surfaced paths, most of which are unlit, for example most of the Water of Leith Path; and
- paths adjacent to rural main roads, such as the A90 and A8, some of which are lit and others unlit.

**Question** (3) What plans exist to install additional lighting on the National Cycle Route 1 between Queensferry and Dalmeny?

**Answer** (3) The Council is undertaking an extensive programme of Active Travel improvements at locations throughout the City. However, there are no current proposals to install additional lighting on the National Cycle Route 1 between Queensferry and Dalmeny.

**Supplementary  
Question**

Again I thank the Convener for the answer. As the community of Queensferry gets bigger, we obviously want to encourage active travel wherever we can particularly to try and avoid private car use, however pedestrians and cyclists are telling me just how dangerous it is to walk or cycle on the NCR1 route next to Queensferry and Dalmeny especially at this time of year because of just how dark it is.

So can I ask the Convener if you could advise me how best can I pursue this and how best can I try and get new path lights here made more of a priority.

**Supplementary  
Answer**

As Councillor Lang will appreciate, we have a number of priorities sitting around active travel projects across the city and we're making quite large strides towards achieving those. I would suggest that we hold a meeting between officials, myself and Councillor Lang to explore that particular issue.

**QUESTION NO 5**

**By Councillor Lang for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 23 November 2017**

Janitorial Review

**Question**

At the 26 October Council meeting and in response to my second supplementary question on Item 5.8, the Convener said he would "look into the question in more detail and see if there are any issues that can be resolved".

When does he expect to provide me with follow up information?

**Answer**

The provision of facilities management support to community centres forms one part of the wider review of janitorial services provided across the Council estate which is currently underway. This review also incorporates the provision of service to those buildings run under the Communities and Families directorate, such as schools and nurseries.

The review process is aligned to the Council's Asset Management Strategy 2015-19 and has involved formal legal consultation with the affected staff and their trade unions, in accordance with the Council's organisational review procedure and processes. It has also involved direct engagement and consultation with Communities and Families over the levels of provision they require across the education and learning estate.

Part of the review process has equally involved engagement with users of the estate. In the case of community centres this has involved opportunities for management committees to meet directly with the project team to discuss the proposed arrangements for future janitorial hours that are able to be provided and how that can be delivered in a way that appropriately supports the activities that are run in community centres across the City. The majority of the community centre management committees have met with

the project team and local councillors have also been present at a number of these meetings by invitation of the management committee.

Given that the formal consultation process with the staff and trade unions has not yet concluded, no final confirmation of the hours and shift patterns are able to be confirmed in the public domain. The formal consultation with the janitorial staff is due to close on 24 November and after that date that a finalised structure for janitorial support across the Council estate will be determined. This is planned to complete in December.

Following the conclusion of the consultation and the confirmation of a final service model, I have instructed the Head of Property and Facilities Management to provide a briefing to all Councillors on the outcomes of the Janitorial review. I would expect this briefing process to take place in December, subject to the conclusion of the consultation process. This will also be formally reported to the Finance and Resources Committee in January 2018, as part of the wider Asset Management Strategy update reporting process.

**Supplementary  
Question**

I thank the Convener for this answer although I have to say I'm sorry that I had to table another written question in order to get it. I appreciate the sensitivities around individual members of staff and the union negotiations which have been ongoing, however, as I did say to the Convener last month, Community Centres have already been given the information, they have already been told the janitorial cover that they will get from next year, changes which I fear that in some parts of my ward risk making Community Centres financially unviable. I'm still trying to understand Lord Provost, why that information, not individual janitorial contracts, but the overall levels of cover for community centres, information that has already been handed out and described as final, why can that information not be provided now.

**Supplementary  
Answer**

I thank Councillor Lang for his question. I'm inclined to say that whatever information may have been provided to this point to Community Centre Management Committees cannot possibly be final until the consultation is complete and the outcome of that consultation has been fully considered, so I will be interested to know why those assurances have been given, and if they have, I cannot understand that they would have any real validity given where we are in the process.

**QUESTION NO 6**

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

**Question** (1) What discussions has the council had with the Scottish Government regarding the possibility of allowing Scottish councils to use CCTV cameras for parking enforcement?

**Answer** (1) The use of CCTV cameras for parking enforcement is not currently permitted in Scotland. In England and Wales, the Traffic Management Act (TMA) allows the use of CCTV enforcement, for instance around schools.

As part of the Council's recent response to the Scottish Government's consultation on *Improving Parking in Scotland* it was suggested that allowing the use of CCTV cameras in Scotland could help improve parking enforcement. The Council also raised this point at Transport Scotland's recent *Parking in Scotland* event, where a number of Local Authorities and stakeholders came together to discuss themes arising from the consultation responses.

**Question** (2) What discussions has the council had with the Scottish Government regarding the possibility of decriminalising school streets enforcement?

**Answer** (2) Non-compliance with school streets restrictions is a criminal offence and must be enforced by Police Scotland. The Council does not have powers to enforce such offences and there have been no discussions with the Scottish Government regarding decriminalising this restriction.

**Question** (3) What discussions has the council had with the Scottish Government and other Scottish local authorities regarding the possible introduction of graduated parking ticket charges?

**Answer** (3) As part of the Council's response to the Scottish Government's consultation on *Improving Parking in Scotland* it was suggested that allowing differential parking ticket charges could enhance compliance with parking regulations and improve road safety.

**Question** (4) What is the URL for members of the public to download the council's enforcement protocol; controlled parking zone and priority parking protocol; and private roads protocol, as approved by Transport and Environment Committee on 10 August 2017?

**Answer** (4) The Council's Protocols on:

- Parking Enforcement
- Controlled Parking and Priority Parking; and
- Private Roads

Can currently be found using the following URL:

[http://www.edinburgh.gov.uk/download/meetings/id/54363/item\\_72\\_-\\_delivering\\_the\\_local\\_transport\\_strategy\\_2014-2019\\_parking\\_action\\_plan](http://www.edinburgh.gov.uk/download/meetings/id/54363/item_72_-_delivering_the_local_transport_strategy_2014-2019_parking_action_plan).

We are currently reviewing the parking web pages and it is intended to provide these documents online, in an easy to find location, once this review is concluded.

**Supplementary Question**

Thank you Lord Provost and I thank the Convener for her response. I'm sure she will share with me the frustration and real anger many of my constituents and I'm sure many constituents of Councillors around the room at illegal and irresponsible parking in particular pavement parking and parking on double yellows and there's a general perception out there that we need to get better as a Council at enforcement. I'm sure it also won't have skipped her attention that the 3 first parts of my question were all identified as action points in the Parking Action Plan which was signed off more than a year ago and it's disappointing

therefore that in her response she has said that the only action the Council has taken on this is to respond to a Scottish Government consultation.

Will she agree specifically to write to the Transport Minister Humza Yousaf to raise these three points and will she agree to put this on the agenda for the next meeting of the next time she meets with the Transport Minister to ensure that we get real action on parking enforcement?

**Supplementary  
Answer**

Thank you Councillor Booth. I do agree with you, I think the question of selfish parking habits across the city are quite deplorable they cause incredible amounts of difficulty around active travel issues as well as general inconvenience to other drivers and for the safe transit of public transport networks throughout the city. You'll also be well aware of the fact that our powers are somewhat limited in this, we are constantly looking to national legislation to allow us to take more action attached to it, and yes I would be very happy to write to the minister and in one of my frequent meetings with him I will raise that, thank you.

**QUESTION NO 7**

**By Councillor Miller for answer by  
the Convener of the Planning  
Committee at a meeting of the  
Council on 23 November 2017**

**Question**           (1) What systems are in place to track onward sales or uses of designated “affordable housing” whether provided through section 75 planning agreements; public subsidy or other financial mechanisms?

**Answer**           (1) Most affordable homes, including those delivered by Section 75 planning agreements, are delivered by the Council or housing associations with Scottish Government grant funding. Grant funded homes cannot be disposed of without the consent of Scottish Government.

Affordable homes are also delivered through the Scottish Government’s National Housing Trust (NHT) programme. Homes must be retained in mid rent for a minimum of 5 years after which tenants can be offered the option of buying their home. There have been no disposals of NHT homes to date.

The remainder of affordable homes are for low cost home ownership and are delivered by private developers without grant subsidy. Scottish Government processes are in place for tracking onward sale of shared equity homes. The Council has a process for monitoring onward sale of low cost home ownership that are delivered through Golden Share.

**Question**           (2) What policies and procedures are in place to ensure that “affordable homes” as defined above are kept in perpetuity within the reach of people who cannot afford market prices to rent or buy?

**Answer** (2) For grant funded homes the terms of the grant offer requires the affordable housing provider to restrict rents to affordable levels.

All homes delivered through the National Housing Trust are required to be let at mid-rent levels (within Local Housing Allowance) for a minimum of 5 years.

In the instance of Golden Share homes, title deeds restrict the sale of homes to 80% of the market price in perpetuity.

**Question** (3) How many designated “affordable homes” as defined above are now in use as short term holiday lets?

**Answer** (3) Permission is normally required to sublet in Council and housing association tenancies to ensure homes are occupied by tenants as permanent residences. No Council tenancies have been granted permission to sublet on this basis in the last 12 months. One case of unauthorised subletting as a short term holiday let was reported with action taken to repossess the tenancy and re-let it as an affordable home.

**Supplementary Question** Thank you Lord Provost. The question that I had asked was of the Planning Convener so I wondered was it possible to ask a supplementary at the minute? I wanted to thank the Convener for the answer that I was given, however, the answer didn't really get to the heart of the question that I had asked which was what is the Council doing to ensure that the money that we're ploughing gratefully into affordable housing is not lost to other purposes while we still have a housing crisis on our hands. The partial answer that the Convener has given is welcomed but there is nothing in the answer that assures me that we're doing enough to track what is happening to affordable housing which is being built and ensure that its being retained. I wondered if we could have a further answer on that on the process we would be looking to have in order to track that, thank you very much.

**Supplementary  
Answer**

Thank you very much for your question and your supplementary. We do track it as described in the answers. I am quite happy to try to get more information to you, perhaps a meeting might be better, for instance I can say for Golden Share housing, we actually know there's been five resales of Golden Share homes approved in the last two years and that's actually less than three percent of Golden Share homes delivered in the last three years, and of course Golden Share homes are sold at 80 percent of market value this is written in the title deeds so these are completely traceable and we can guarantee we are not losing an amount of houses under the Golden Share process. Of course the affordable houses generally speaking are within control of the housing associations or the Council so there will be numbers available. Perhaps this will be more difficult from Housing Associations but certainly our social housing that we own I'm pretty sure we can come up with these numbers for you if that's what you require.

**QUESTION NO 8**

**By Councillor Mary Campbell for  
answer by the Convener of the  
Education, Children and Families  
Committee at a meeting of the  
Council on 23 November 2017**

- Question** (1) How many young people in City of Edinburgh Council Schools are eligible for the education maintenance allowance (EMA)?
- Answer** (1) The EMA is means tested and requires application, therefore eligibility can only be determined for those who apply.
- Question** (2) How many young people in City of Edinburgh Council Schools are receiving the EMA?
- Answer** (2) 1,080 have received an EMA payment for the 2017/18 academic year however applications are received up to the end of March 2018 therefore, this figure will increase.
- Supplementary Question** (1) Thank you Lord Provost and I thank the Convener for his answer. As I am sure the Convener is aware, nationally the uptake of the educational maintenance allowance is down by 4 percent and I would like to know what the Council is doing to encourage our young people from low income families to apply for the educational maintenance allowance
- Supplementary Answer** (1) I was aware of that fact and I do know that at least two primary schools, certainly one but I think two primary schools have actually used the PEF funding to invite a benefits adviser into the school to work with the parents and families to make sure everyone is achieving the benefits they require. If that is successful and I understand it is producing some good results and we would want to try and promote that to other primary schools and secondary schools as well.

**Supplementary Question (2)** Sorry, I would just like to clarify that educational maintenance allowance is for low income young people aged 15 to 19 and I know forms are available in libraries but it's not very well promoted and I would be interested in, could we as a Council do more to promote this very specific fund that people can access?

**Supplementary Answer (2)** The answer is yes using the PEF funding as well.

## QUESTION NO 9

**By Councillor Brown for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

### Question

Further to my question in relation to Road Surfacing Works to the meeting of the Council on 24<sup>th</sup> August 2017, can the Convener supply a list of all locations where the contractor has yet to return to make good the road surfaces, a note of said works highlighted and dates when the respective remedial works will be undertaken?

### Answer

I have attached the current Defects Register. The items highlighted in Green have been completed. A meeting was arranged with the contractor on Tuesday 21 November to review their proposals to rectify the remaining defects. Rectification dates will be requested from the contractor at this meeting.

### Supplementary Question

Thank you Lord Provost. I'd like to thank the Convener for her response, a copy of the defects register and note within her commentary that there was a meeting held just two days ago with the contractor which I hope was a constructive one. If I may I have got a supplementary question of three parts or three questions if you want to put it that way.

I note that the Convener's response in August that the contractor will return to these locations before the end of the surface dressing period to complete the works. Can the Convener advise what has changed significantly enough that the contractor is now scheduled to reinstate during the next surface dressing window? Following on from said meeting will the Convener publish a note of these rectification dates for public consumption in terms of openness and transparency to reassure residents in affected streets that plans are in place for a return by the contractor and finally as much as I enjoy a monthly correspondence on a number of matters what reassurance can the Convener offer a more robust system is in place to ensure the contract will get things right first time?

**Supplementary  
Answer**

Thank you Councillor Brown. I should highlight perhaps that in this last year we have put over 20km into resurfacing across the city. I think is a relatively short list of defects which are currently sitting at this point. In terms of the end of August commitment, that would imply that I sat in on every meeting that every official ever had around the work that they are doing, despite the fact I'd like to stretch my day just even further, that's proved an impossibility, I'll come back to you separately. In terms of public information, I see no reason why we can't do that I will talk to officials about how we get that under way and at what timing is appropriate. What was in your third question I'm sorry it was so long I've forgotten the last part, and so it would appear you have too.

**Councillor  
Brown**

Sorry, I was blown away by your response I completely forgot what my third question was, so, are you sitting comfortably.

As much as I enjoy our monthly correspondence on a number of matters even having to ask them twice, what reassurances can the Convener offer a more robust system is in place to ensure the contractor gets things right first time, thank you.

**Councillor  
Macinnes**

Thank you for the re-iteration of the question and I think as you'll have known from previous answers that this is quite complex and a lot of it sits on whether or not we can actually get people to comply with the no parking at the time that the road surface is undertaken. Road surfacing is by necessity quite a quick process and if we can't get the cars removed it's actually quite difficult to achieve that so I been talking to officials about this and if you want to we can sit down and have a meeting to reassure you that all is being done at the moment, thank you.

<b>Defect Number</b>	<b>Details</b>	<b>Location</b>	<b>Issued To</b>	<b>Date issued by CEC</b>	<b>Action</b>	<b>Date Closed Out</b>
DN001	Areas not patched edge of carriageway	East Fettes Avenue	BB	29/8/17	CP005	17/10/17
DN002	Toby covered surface dressing	no16 Braid Farm Road	Kiely	29/8/17	CP004	
	Toby cover missing	Braid Hills Avenue	BB	29/8/17	Toby replaced and reinstatement around cover.Works completed by Kiely	27/9/17
	Damage to Surface Dressing	Gardiner Road @ Jeffrey avenue junction	Kiely	29/8/17	CP001	
	Manhole to be uncovered	Gardiner Road @ Jeffrey avenue junction	Kiely	29/8/17	CP004	
DN003	Low ironwork Orchard Road south	Ravelston Dykes	BB	1/9/17	CP002	20/10/17
	Missing cover on toby frame	Ravelston Dykes	BB	1/9/17	CP002	20/10/17
	Loose chippings footway	Blackford Avenue	Kiely	1/9/17	Footways cleared and channels swept again	21/9/17
	Area of surface dressing missing @ South oswald road	Blackford Avenue	Kiely	1/9/17	CP003	
	Carriageway defect at Bus stop South oswald road	Blackford Avenue	BB	1/9/17	CP005	20/10/17
	Carriageway defect at South oswald road junction	Blackford Avenue	BB	1/9/17	CP005	20/10/17
	SD defects at South oswald road junction	Blackford Avenue	Kiely	1/9/17	CP001	

	Carriageway defects From Junction of Grange Terrace down to just before St Albans road	Blackford Avenue	BB	1/9/17	CP005	20/10/17
	Outside EFI furniture store, iron-work covered	Blackford Avenue	Kiely	1/9/17	CP004	
DN004	Micro Asphalt laid too high removing upstand from driveway kerb	Dundas Place (12, 19, 23, 24, 29, 55)	Kiely	26/9/17	Areas profile planed prior to works. Kiely to provide proposal to defect. <b>Micro-asphalt re-profiled to provide a small kerb check at 19, 23, 24, 29 and 55. Re-profiling not possible at no.12 due to existing kerb levels/damage. BB will need to lift/replace kerbs. BB to reset kerbs at No 29 and No55</b>	
	Toby cover filled micro material	Dundas Place (14)	Kiely	26/9/17	Cover replaced.	27/9/17
	Covers missing from 3no toby frames	Dundas Place	Kiely	26/9/17	Covers replaced.	27/9/17
DN005	Poor quality of micro asphlat material. Possibly laid in wet weather. Excess loose chippings	Burnbrae	Kiely	2/10/17	Kiely to provide proposal for solution. <b>Burnbrae swept again and surface inspected by G Duncan/J Stalker on 5/10/17. Surface was found to be acceptable and is continuing to bed in. No remedial works are required.</b>	11/10/17
	Two small areas of micro material missing.	Burnbrae	Kiely	2/10/17	Two areas removed and reinstated.	22/9/17
DN006	MA laid too high removing upstand from driveway kerb	Craigeith Hill Avenue	Kiely	3/10/17	CP006	

DN007	MA laid too high removing upstand from driveway kerb	Coilesdene Crescent	<b>Kiely</b>	4/10/17	CP007	
DN008	Potholes in surface dressing	Braid Crescent	<b>Kiely</b>	31/10/17	Repair to surface dressing	
DN009	Raised MA/Line markings burned on	Craigcrook Road		30/10/17	No action with raised MA there is not a significant dip in road. Line markings were burned to dry out and install markings no noticable damage to MA.	15.11.17
DN010	Potholes in surface dressing	East Fettes Avenue	<b>Kiely/BB</b>	10/11/17	Repair to surface dressing / reinstate surfacing	

<b>Defect Number</b>	<b>Details</b>	<b>Location</b>	<b>Issued To</b>	<b>Date issued by CEC</b>	<b>Action</b>	<b>Date Closed Out</b>
CP001	Several areas of surface dressing push up	Saughton Road North	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	SD materail not taken to kerb leaving gap	Midmar Drive (No 10 to 30)	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	Several areas of surface dressing push up	Midmar Drive @ Cluny Drive Junction	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	Damage to Surface Dressing	Gardiner Road @ Jeffrey avenue junction	<b>Kiely</b>	29/8/17	Kiely to reinstate during next SD window	
	SD material exposed	Davidson Road no 23	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Hole in SD to be surveyed	Davidson Road no 25	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Several potholes in surface dressing	Braid Crescent	<b>Kiely</b>	31/10/17	Kiely to reinstate during next SD window	
CP002	3no Toby covers to raise	Midmar Drive @ Cluny Drive Junction	<b>BB</b>	4/10/17	BB/Kiely to raise	23/10/17
	3no Toby covers to raise	Glenogle Road	<b>BB</b>	1/10/17	BB/Kiely to raise	23/10/17
	Low ironwork Orchard Road south, Missing cover toby	Ravelston Dykes	<b>BB</b>	1/9/17	BB/Kiely to raise	23/10/17
	2no toby covers to raise	No 29 Barnton Gardens	<b>BB</b>	4/10/17	BB/Kiely to raise	23/10/17
CP003	Areas missed due to parked vehicles	Braid Crescent 24m2 + 12m2	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	27 Greenbank Crescent 12m2	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	1A House O Hill Avenue 24m2	<b>Kiely</b>	4/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	Davidson Road (opp no3 14m2)	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	Glenogle Road(Swim centre 44m2,	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	

		Gabriels road 20m2, Teviotdale Place 16m2, Opp standard life 10m2)				
	Areas missed due to parked vehicles	Keith Row (Craigcrook Place) no7 24m2	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	Albion road (no13 12m2)	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	East Fettes Avenue (Fettes college @ inverleith place 170m2, stewarts melville college 72m2)	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
	Areas missed due to parked vehicles	Blackford Avenue (No8 24m2, Grange Terrace 80m2, Ashfield Grange 60m2)	<b>Kiely</b>	11/10/17	Kiely to reinstate during next SD window	
CP004	Gas toby covered in SD material	Midmar Drive No30	<b>Kiely</b>	4/10/17	Cover to be cleaned	
	SV toby covered in SD material	House O Hill Avenue	<b>Kiely</b>	4/10/17	Cover to be cleaned	
	Manhole to be uncovered	Gardiner Road @ Jeffrey avenue junction	<b>Kiely</b>	29/8/17	Tape to be removed from MH	
	Toby covered surface dressing	no16 Braid Farm Road	<b>Kiely</b>	29/8/17	Toby to be uncovered	
	Ironwork covered SD material at EFI store	Blackford Avenue	<b>Kiely</b>	4/10/17	Cover to be cleaned	
CP005	Carriageway defects	Craigcrook Road/ Keith Row	<b>BB</b>	11-Oct	Remedial works by BB	18-Oct
	Carriageway defects	Midmar Avenue	<b>BB</b>	11-Oct	Remedial works by BB	18-Oct
	Carriageway defects	Blackford Avenue	<b>BB</b>	11-Oct	Remedial works by BB	20-Oct
	Carriageway defects	East Fettes Avenue	<b>BB</b>	11-Oct	Remedial works by BB	17-Oct
CP006	Micro Asphalt laid too thick removing kerb upstand and causing water to flow over kerb	Craigleith Hill Avenue	<b>Kiely</b>	31-Oct	Proposals by kiely. Site meeting required.	

CP007	Micro Asphalt laid too thick removing kerb upstand and causing water to flow over kerb	Coillesdene Crescent	<b>Kiely</b>	31-Oct	Proposals by kiely. Site meeting required.	
CP008	Profile planing/Kerb adjustment required to give kerb upstand	Dundas Place (13, 15, 19, 29, 55)	<b>BB</b>	1/9/17, 2/11/17	13-MA scrapped to remove excess material leaving upstand, 15-No issue, 19-TBC, 29-Kerbs to be raised, 55-Kerbs to be raised and block paving altered.	

**QUESTION NO 10**

**By Councillor Bruce for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question**

Please could the Convener contact the owners of these telecoms junction boxes that line Lanark Road West as you enter Balerno and the junction of Cockburn Crescent & Whitelea Road and encourage them to have the graffiti removed as soon as a possible in order to help restore the area to its original condition?

**Answer**

I will ask the South West Locality to inspect the apparatus to identify the Public Utility responsible. We will then request that the Public Utility company arranges for the graffiti to be removed.

**Supplementary  
Question**

Thank you. Can I thank the Convener for her answer to my question. Can I ask the Convener to keep me in the loop as to the correspondence with South West locality and the public utility company responsible for the apparatus?

**Supplementary  
Answer**

Thank you for your question. Since you've asked then yes I can give that commitment although I'm rather surprised that I have to. This is a question that I would have thought could have been dealt with quite easily through direct contact with the officials, but I'd be happy to take that further for you.

**QUESTION NO 11**

**By Councillor Bruce for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

At this time as we approach winter please confirm

- Question** (1) How many grit bins are in serviceable condition?
- Answer** (1) There are approximately 2,250 salt bins positioned throughout the City of Edinburgh and these are checked, replaced if necessary and refilled on a cyclical basis.
- Question** (2) What is the turnaround time to replace or repair unserviceable grit bins?
- Answer** (2) They are checked and replaced if necessary, on a cyclical basis. During normal mild conditions in the winter, a reported unserviceable salt bin will be attended to within five working days. During periods of freezing weather they will be attended to per answer four below.
- Question** (3) Are all the serviceable grit bins fully stocked?
- Answer** (3) Grit (salt) bins are checked, and refilled on a cyclical basis during the winter months.
- Question** (4) What is the anticipated turnaround time from the moment of notification of empty grit bin to it being fully restocked?
- Answer** (4) For efficiency and to enable resources to be directed effectively, salt bins are checked and refilled on a cyclical basis. Areas that have had more frequent lower temperatures, usually the South West of the City, will be checked and refilled more frequently.
- Question** (5) Does the council have enough resources to act upon empty grit bins?

**Answer** (5) The Council has sufficient resources to check and refill salt bins on a cyclical basis. In 2016/17, 2 staff were deployed on average for two to three days per week for part of the winter. This was sufficient and a similar resource is deployed for 2017/18.

**Supplementary Question** Thank you Councillor Macinnes for her answer to my question again. Are you aware of burnt out grit bins and do you have any idea on this scope of grit bins in the City of Edinburgh, thank you?

**Supplementary Answer** Oddly enough I don't really have time to go and examine every particular grit bin around the city since I think we're looking at a total of two thousand two hundred and fifty grit bins, I'm glad that you're suggesting that I might find the time to do so.

On the question of burnt out grit bins I will ask the officials specifically about this question but I think it speaks to a wider issue which is how we service the grit bins across the city for a variety of reasons and I think the answer that I gave, written answer was reasonably comprehensive thank you.

**QUESTION NO 12**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Planning Committee at a meeting of  
the Council on 23 November 2017**

**Developer Contributions**

- Question**            (1) Of all Developer Contributions that have been agreed, what is the total sum:
- a) outstanding due to the site works not yet being at a stage that would trigger payment?
  - b) outstanding, where the site is completed or where works have progressed beyond a trigger point?
  - c) paid, but held in escrow pending the Council completing its contractual obligations?
  - d) paid to the Council?
  - e) returned to developers?

- Answer**            (1) a) £63.392m since 2007 recorded through the monitoring system.
- b) None. There are no outstanding payments overdue at the present time.
  - c) As at 31 March 2017 the Council held £22.357m.
  - d) £26.724m since 2007 recorded through the monitoring system.
  - e) As repayments to developers have not been monitored in this way in the past, calculating the total amount returned will involve an audit of payments over a period of time. The intention is to report this figure in the next report to Housing and Economy Committee on the LDP Action Programme.

From 1 April 2018/19 repayments to developers, along with other aspects of S75 payments will be reported annually as part of the performance management of the LDP Action Programme.

- Question** (2) Where is this information publicly available?
- Answer** (2) Information regarding planning legal agreements is publicly held on the Council's Planning and Building Standards Portal. This is on an individual case basis.
- Supplementary Question** Can I thank the Convener for his answer. This is an issue that's been raised by local community groups with me on a number of occasions following concern that the headline amounts in Section 75 payments haven't flown through to the communities that were expecting some improvements and given from his answer there are very substantial sums involved up to eighty five million that has yet to be spent by the Council that has been committed to through developer contributions, I would like to welcome the additional reporting that's coming to Housing and Economy and I'd like to ask if he expects that reporting will include the headline figures as well as the contributions that have been paid, the contributions that are held in Escrow and any contributions that have had to be returned.
- Supplementary Answer** Thank you very much for your question. Obviously it will be for officers to decide exactly what's reported and what's available, I would certainly hope that all of the figures that you're suggesting should be in there, will be in there and if they're not I'd be happy to explain to you why that's perhaps not available but I would certainly hope they would be available.

**QUESTION NO 13**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Housing and Economy Committee at  
a meeting of the Council on 23  
November 2017**

**Question** What additional resources will the Council need to provide to maintain the assets that will transfer from EDI to the City of Edinburgh?

**Answer** There are no immediate plans to change the current contract arrangements for the maintenance of assets currently held by EDI. These will continue. Longer term maintenance arrangements will form part of the development plans for each site.

**Supplementary Question** Can I thank the Convener for his answer again, this is a local ward issue also. The Convener may not be aware that there are already some adopted streets in my ward that are still being maintained by EDI and I just wonder what sums have been included in the revenue budget for next year to cover the costs of that maintenance either on an ongoing basis with the existing contractors or through the Councils own teams.

**Supplementary Answer** Thank you for your question your supplementary. I'm unaware of any sums on the revenue budget. What I would say is EDI as of today and going forward for immediate future is a fully operating company so until such times it's not, there's not going to be any transfer of responsibility to the Council. Where there's a timetable for that I'm absolutely sure that we will take all steps necessary to make sure the requisite funding to maintain what EDI was doing is continued to be done once that transfer takes place.

**QUESTION NO 14**

**By Councillor Cook for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question** (1) What preparations have been undertaken to ensure that the Council can effectively respond to incidences of severe winter weather, not only in the city centre and main thoroughfares but in primarily suburban areas of the city?

**Answer** (1) We closely monitor the weather situation based on detailed forecasts, data from our roadside weather monitoring stations and in communication with the Met Office, and have a number of gritting teams on standby ready to respond to severe winter weather.

We have night shifts on patrol overnight when necessary. Our gritting fleet have snow ploughs that are attached when snow is forecast and to deal with snow that drifts onto the roads in high winds.

Road closures are ready to be put in place where necessary.

Our salt stock levels are at around 80% of that used in 2010/11 and we can restock within three weeks if required. We have arrangements with contractors to help us treat the roads and clear snow and many staff across the Council with skills and experience to deal with situations like this.

We have 96 Edinburgh Roads Services staff to treat roads and 60 volunteer staff from across many departments in the Council to treat pavements and cycleways. They are rostered on three shifts (in addition to their normal work) and are on standby and available to come out over a three-week cycle for one week of days, one week of nights and then one week off.

This year, the service will benefit from new tracking technology enabling more efficient management of

resources. Following a trial in 2016/17, telematics devices have been fitted to the entire winter weather fleet, allowing lorries and tractors to transmit their location and gritting operation, meaning teams can respond more quickly to the public. In addition, the temperature of the city's road network will be digitally logged throughout winter to create a thermal map, allowing for better gritter route planning in years to come.

**Question** (2) Does the Convener have full confidence that preparations undertaken thus far will be sufficient to comprehensively meet the challenges posed by winter weather, including in suburban areas?

**Answer** (2) Yes, in accordance with the Council's priority based treatment. Preparations undertaken are sufficient to deal with average freezing/snow conditions and periods of more severe weather. Preparations have been made in discussion with the Met Office but forecasting is not an exact science and we are not able to accurately predict all unusual weather events.

**Supplementary Question** Thank you Lord Provost and I thank the Convener for her detailed answer. We haven't had a severe winter for quite a number of years but the last time we did, there were a number of quite significant issues with the Council's response and again I would just seek further clarity from the Convener, if we are to have a severe winter weather this administration will take cognizance of where previous ones may have failed. That includes ensuring that residential areas in suburban areas are cleared of snow and our services as well as where main thoroughfares are as residents can't get out of their houses, they can't travel to work so it doesn't really matter if the main road's clear or not this would just ensure that due significance is attached to residential suburban areas when it comes to clearing winter weather.

**Supplementary  
Answer**

Thank you for your supplementary Councillor Cook. As you'll have seen from the written answer, preparations have been carefully managed this year. I had the great pleasure of going out to visit the salt stocks and I can assure everybody in this Chamber that they are there. Clearly we're as prepared as we possibly can be. I was a little concerned when I saw question 2, whether or not you were attempting to trip me up in case we had some unknown act that was going to dump us with a lot of snow as in previous years. Clearly we are attempting to be as prepared as we can as mentioned here the priority based treatment and that includes a priority of streets across the city. So no I cannot promise you that every single street in the city will be treated, that would be an impossible task and I doubt any council anywhere would give such an undertaking, but what I can do is say to you that having looked at the preparations out at Bankhead, having discussed it with the team, they are as ready as they possibly can be. I know that in the last one, I think I was wasn't living in the country at the time, but I think 2011 was a bad winter, it even provided council officials out driving people from their homes into their work so I think we can assume that the Council will be ready to take any required action.

**QUESTION NO 15**

**By Councillor Doggart for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 23 November 2017**

- Question** (1) Could the Convener inform council how many artificial sports pitches are operated by Edinburgh Leisure?
- Question** (2) Could the Convener provide a breakdown of how many of those pitches are available for football, hockey and rugby?
- Question** (3) Could the Convener inform Council which of those pitches are floodlit, broken down by sport?
- Question** (4) Could the Convener provide an analysis of the proportion of available bookings that are utilised?
- Question** (5) Could the Convener indicate any ways in which Edinburgh Leisure is looking to increase the utilisation of each pitch?

**Answers 1-5** included in attached report

**Supplementary Question** Lord Provost thank you to the Convener for the detailed response. I just wonder if the Convener has any ideas how the usage of some of these expensive artificial pitches can be increased, particularly some of the hockey pitches where for example Craigoyston the take up during the time specified is precisely zero. That seems to be an extraordinary waste of money. So is the Convener looking at alternative ways of making sure that pitches are available at reasonable cost to clubs and to schools and also can the Convener make sure that the situation doesn't arise with new facilities such as that faced by the junior section of Edinburgh United football club in my ward who have access to new pitches but unfortunately they don't have goalposts which is a bit of an essential requirement for sports pitches, thank you.

**Supplementary  
Answer**

Well thank you for the question n. To take the last one first I was unaware of the lack of goal posts so I will certainly look into that one.

On the subject of uptake you'll notice that the uptake ranges very widely and there's a particular gap between hockey and rugby and football and with uptakes for rugby and football being up near 90 percent in many cases. So certainly Edinburgh Leisure's booking system which is concentrating on the website and Apps and through clubs has been quite a successful approach I think and we would look to mimic that for Council venues that are not operated through Edinburgh Leisure so that would be something that we would be looking to develop in the future to try to uptake that. I think there's particular issues with what the pitches are being used for and promoting the sport in general and that's of course a whole different issue although there are things that we can do to promote that as well but I agree these are expensive facilities and we need to maximise their use.

## QUESTION 15: By Councillor Doggart to the Convener of the Culture and Communities Committee

### Introduction

The artificial pitches operated or managed by Edinburgh Leisure form various models of delivery. These include Edinburgh Leisure facilities, School facilities that have transferred to Edinburgh Leisure for operation of the sports facilities out with curriculum time and school facilities let by Edinburgh Leisure's School Team but have not as yet transferred to be fully operated and managed by EL out with curriculum time. There are also pitches that are also currently still operated and booked via CEC. The tables below detail the different operating models and answer the questions being asked.

Using the various models detailed above, Edinburgh Leisure and CEC currently operate:

- 12 Full size 3G football/rugby pitches
- 2 Seven a side 3G football pitches
- 13 Hockey 2G pitches
- 7 artificial cricket wickets

### ARTIFICIAL PITCHES – EDINBURGH LEISURE VENUES

	Venue	Football/ Rugby	Floodlights	Uptake	Hockey	Floodlight	Uptake
1	Bangholm				1 x 2G	Yes	5.5%
2	Meadowbank	1 x 3G	Yes	86%			
3	Meggetland SC	1 x 3G	Yes	71%	1 x 2G	Yes	64%
4	Saughton SC	1 x 3G	Yes	68%			

- Saughton, Meggetland & Bangholm close 6pm Saturday & Sunday

There is also a 7 a side artificial pitch at Saughton which attracts **75%** use each week.

Meadowbank Sports Complex closes on 3 December 2017 for redevelopment and will reopen in the summer of 2020. Some regular let holders have already transferred to other facilities in preparation for the closure. These clubs and individuals have been supported by Edinburgh Leisure to secure appropriate facilities for them to continue to play.

### ARTIFICIAL PITCHES – SCHOOLS

School facilities 'operated' by Edinburgh Leisure in community time:

	School	Date of Transfer	Football/ Rugby	Floodlights	Uptake	Hockey	Floodlight	Uptake
1	Gracemount	21/08/17				1 x 2G	Yes	68%
2	Firrhill	28/08/17	1 x 3G	Yes	47%			
3	Portobello	07/11/16	2 x 3G	Yes	81%			
4	Holy Rood	01/05/17				1 x 2G	Yes	12%
5	Drummond	04/09/17				1 x 2G	Yes	23%
6	Broughton	11/09/17	1 x 3G	Yes	81%	1 x 2G	Yes	33%

7	Tynecastle	18/09/17				1 x 2G	Yes	36%
8	Royal High	14/08/17	1 x 3G	Yes	75%			
9	Craigroyston	30/10/17				1 x 2G	Yes	0%
10	Craigmount	14/08/17				1 x 2G	Yes	94%
11 /12	Forrester & St Augustine's (joint campus)	11/09/17	2 x 3G	Yes	90%	1 x 2G	Yes	54%

**School facilities – bookings only through Edinburgh Leisure:**

	School	Football/ Rugby	Floodlights	Uptake	Hockey	Floodlight	Uptake
13	Leith Academy				1 x 2G	Yes	26%
14	Currie				1 x 2G	Yes	21%
15	Balerno	1 x 3G	Yes	98%			

**School facilities – bookings and operations still with CEC:**

	School	Football/ Rugby	Floodlights	Uptake	Hockey	Floodlight	Uptake
16	Braidburn	1 x 3G 7s	Yes	Unknown			
17	Castlebrae	1 x 3G	Yes	Unknown			

There are also artificial cricket wickets at:

Bangholm Park (1)	Duddingston (2)	Gyle Park (2)	Inverleith Park (1)	Meggetland (1)
-------------------	-----------------	---------------	---------------------	----------------

These are operated during the summer for approximately 18 weeks for cricket matches.

The above uptake details are a 'snapshot' of a typical week at peak operating times. These are Monday to Friday 6.00pm to 10.00pm and 9.00am to 6.00pm on Saturdays and Sundays. For the school facilities, Wednesdays and Fridays are the least popular days, as well as, last slots after 8.30pm. Edinburgh Leisure have only recently been responsible for community time bookings (from August 2017).

Edinburgh Leisure are looking to maximise the use of all artificial pitches and promote these through clubs, via the Edinburgh Leisure web site and via the Edinburgh Leisure Booking app for Edinburgh Leisure venues. The artificial pitches are used for a variety of sports and all are supported by appropriate changing facilities. Pitches can be booked at any time for a regular weekly slot, club training sessions or occasional play. The Edinburgh Leisure artificial pitches are maintained on a regular basis to ensure the high quality of the playing surface.



**QUESTION NO 16**

**By Councillor Hutchison for answer  
by the Convener of the Housing and  
Economy Committee at a meeting of  
the Council on 23 November 2017**

**Question** (1) Can the Convener provide confirmation that all tower blocks in Muirhouse have been inspected to confirm that all building materials, doors and windows conform to current fire safety regulations?

**Answer** (1) Yes. Following the tragic fire at Grenfell Towers all Council managed tower blocks were inspected by a joint team from the Council and the Scottish Fire and Rescue Service (SFRS). These inspections were in addition to regular fire safety inspections by both the Council and (SFRS).

A detailed report was considered at Housing and Economy committee on 7 September 2017.

**Question** (2) Can the Convener provide a timetable for planned improvement works for the tower blocks in Muirhouse?

**Answer** (2) See Table 1.

**Question** (3) Does the Convener acknowledge that the lack of gas central heating in the Muirhouse tower blocks contributes to significantly higher energy costs for residents and as such leads to additional financial pressure on low income households?

**Answer** (3) The heating systems in these blocks have been replaced in the last two years with modern energy efficient SMART storage systems. Efficient heating systems are one of a range of measures, alongside insulation, energy supplier switching and controls, the Council takes when considering improvement measures to reduce energy costs for tenants. Other factors taken into account such as the availability of existing infrastructure and health and safety. These factors include the capital costs of different heating systems as these costs are ultimately borne by tenants through the rent charge. When installing new heating systems include health

and safety, capital costs of installation, existing infrastructure in buildings.

A research project, managed by Changeworks – an independent environmental charity - is underway to evaluate the effectiveness of these heating systems. This will include energy cost and usability. It will report later in 2018.

This is part of broader programme of research being managed with Changeworks, to ensure Council keeps pace with innovation in energy and insulation systems.

**Question** (4) Can the Convener confirm if there any future plans to install gas central heating in the Muirhouse tower blocks?

**Answer** (4) There are no plans to install gas central heating in these tower blocks.

**Question** (5) Can the Convener provide details of the Council's service level agreement for carrying out repairs to the fabric of council housing property and more specifically how this is impacted where hazardous materials e.g. asbestos are involved?

**Answer** (5) Repairs, maintenance and improvements are carried out by the Council's in house repairs or maintenance service or by contractors procured in accordance with the Council's approved Standing Orders. All contractors are required to have an asbestos management policy in place.

All works carried out follow the Council's Asbestos Policy.

**Supplementary Question** I thank the Convener for his response. I'd like to highlight in my follow up question one particular instance of a resident in Birnies Court, Muirhouse who suffered 21 months ago from the collapse of a ceiling in his property. After reporting it to the Council and having nobody visit the property, entering the room every week to Hoover and dust for a subsequent 14 months, 7 months ago he was then told there was

potentially asbestos in the ceiling material which he'd been diligently hoovering for the last 14 months.

7 months later nobody has entered this resident's property to check if there is indeed asbestos or not and no works have been completed within the resident's property to restore the room to a useable state.

In the answer to Part 5 of my question I was referred to the Council's Asbestos Policy which we just implemented on the 1st November and under 4.2 which talks about asbestos in Council housing properties bears no reference to any emergency occurrences and under 4.9 which does refer to emergencies it says the procedures are established.

Can the Convener please tell me what these procedures are, what the response time is and confirm that whatever the stated response time is when he finds it, it is certainly not being met in this case and would he agree to meet with me to discuss this case to ensure it's resolved promptly, thank you.

**Supplementary  
Answer**

Thank you for your question.

I can't tell you under asbestos because quite clearly we don't have that in the document. If it needs to be in the document it should be in the document but what I can say if you seriously believe there's a life threatening situation in that flat due to asbestos why are you asking it here, why didn't you write to me when you been contacting officials? This is not in my eyes a question for full Council questions, this is an immediate thing which has to be dealt with immediately. Had you contacted me last week, 10 weeks ago, whatever, I would have dealt with that but to wait to here. I'll quite happily meet with you and try and get this sorted out but in all honesty if it's a life threatening situation please, I'd beg all of you, don't wait until Council questions.

**Councillor  
Hutchison**

Sorry, if I can quickly respond to that if I may. I been working on this for five weeks with officers escalating up the chain trying to get a response and this is where it's got to because that's not been responded to.

## Appendix

### Table One – Outline Lifecycle Programme of work for Muirhouse Tower Blocks

Location	Tower Block	K&B	Heating	Windows	Doors	External Fabric	Roof	Lift upgrade
Muirhouse	Birnies Court	2029/30	2026/27	2025/26	2025/26	2040/41	2037/38	2025/26
Muirhouse	Fidra Court	2029/30	2026/27	2025/26	2025/26	2039/40	2020/21	2025/26
Muirhouse	Gunnet Court	2030/31	2026/27	2026/27	2028/29	2035/36	2021/22	2022/23
Muirhouse	Inchcolm Court	2028/29	2027/28	2018/19	2025/26	2023/24	2024/25	2021/22
Muirhouse	Inchgarvie Court	2028/29	2027/28	2018/19	2025/26	2023/24	2024/25	2021/22
Muirhouse	Inchmickery Court	2033/24	2026/27	2026/27	2031/32	2023/24	2021/22	2022/23
Muirhouse	May Court	2030/31	2026/27	2026/27	2028/29	2035/36	2021/22	2022/23
Muirhouse	Northview Court	2030/31	2027/28	2028/29	2026/27	2038/39	2023/24	2018/19
Muirhouse	Oxcars Court	2036/37	2026/27	2027/28	2031/32	2023/24	2022/23	2022/23

## QUESTION NO 17

**By Councillor Hutchison for answer  
by the Convener of the Planning  
Committee at a meeting of the  
Council on 23 November 2017**

- Question** (1) Can the Convener please provide the number of breaches of planning control which have been identified in the year to date?
- Answer** (1) Between April and October 2017, 443 new cases have been opened for enforcement investigation. 294 cases have been closed as either there has been no breach, the breach has been resolved or it is not in the public interest to take enforcement action. 142 cases are still pending consideration, two cases have led to planning applications being submitted and a further two cases are being registered. The remaining three cases have had enforcement notices served.
- Questions** (2) Of the breaches identified in the answer to question 1, how many have led to planning enforcement action?
- Answers** (2) Of the 443 cases identified above, three enforcement notices have been served. These numbers are annually reported within the Planning Performance Framework and publically available.
- Supplementary Question** I would like to thank whichever planning Conveners provided the answer for the response. As a follow up I'd like to ask what the cost of a Council of enforcement investigation has been and whether in light of the fact that only 3 cases out of 443 have led to enforcement being carried out, does the Convener consider the residents of Edinburgh are receiving value for money from this service?

**Supplementary  
Answer**

Thank you again for your supplementary.

Prosecution is not always the answer. I think quite clearly there's been a number of issues brought to officials' attention and the idea should be to resolve these issues as quickly as possible. Now if we go to enforcement that will come at a greater cost to the Department - more time, more effort. If we can manage these situations through without going to enforcement I would hope the Members would agree that's the right way to do it. I'm absolutely sure our officials will go to enforcement as and when they have to. I am content that that's the best value for money for the Council taxpayers and residents of our city.

**QUESTION NO 18**

**By Councillor Johnston for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question**

Will the Convener commit to weekend monitoring of road works in areas that experience higher volume of traffic on a Saturday and Sunday?

**Answer**

The Council has a statutory responsibility to co-ordinate roadworks and to ensure that wherever possible roadworks are carried out overnight, when traffic is least disrupted. However the duty to monitor road works lies with the utility company (to comply with the conditions placed on them by the Council as roads authority) or developers (to comply with permit conditions).

For major road works, the Council's City Wide Traffic Management Group review proposals in the context of other planned works and knowledge of existing traffic flow data to minimise disruption.

As a result of concerns regarding the perceived lack of activity on some road work sites, utility providers have recently been asked to improve performance by increasing activity on site, including weekends where required.

**Supplementary  
Question**

I want to thank the Convener for the answer. The Convener may be aware that there have been extensive road works at Chesser Avenue and New Mart junction on Saturday 4 November with temporary traffic lights which were there to help with the roadworks that were going on. They failed and there was extreme disruption for shoppers. At one large supermarket, it took more than two hours to enter and exit the car park. The supermarket estimates on that day alone profits were down by £170,000. Now I know not everyone has sympathy regarding the profits of large companies but there's a human element as well because the Christmas bonuses of the staff that are stacking the shelves and are scanning of the food is directly related to the sales.

It wasn't just large supermarkets that were affected but small businesses were as well and the Police had to be called to control the traffic. Can I suggest that in future when there are roadworks of this scale and temporary traffic lights are involved the situation is monitored over the weekend to avoid situations like this are rising again

**Supplementary  
Answer**

Thank you for your supplementary question. I am genuinely sorry to hear that people were inconvenienced to that degree and indeed the subsequent effects on shop workers is most regrettable. I think we can agree that over, particularly road works of that size that there should be some degree of monitoring. I'll meet with officials to discuss exactly how we take that forward. I'd just like to elaborate a little bit on the road authority duty to minimise the delay and disruption where possible. Clearly we can direct when the start date can actually take place and so on, we can direct the period of time during the day and which works can actually take place but when they're extensive and they're large inevitably there has to be some degree of relaxation around that. We've got a couple of different embargos around road works but essentially a lot of it is down to utilities. It can sometimes be a difficult relationship between the utility companies and our role to act to control what happens but we try to monitor as carefully as we can, thank you.

**QUESTION NO 19**

**By Councillor Laidlaw for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 23 November 2017**

**Question** (1) Can the Convener confirm whether schools are taking into account the teacher shortage in certain subjects when planning their course offerings for the next academic year?

**Answer** (1) A survey of secondary headteachers has revealed that, while schools are not yet at the stage of detailed planning for course choice options for session 2018-19, a number are reporting that they will be looking at potential national teacher shortages when deciding on specific subjects for inclusion. Of those who responded thus, the likely areas in which there might be restrictions on option choices were Computing/IT, Business Education and Home Economics.

A working group made up of Communities & Families and HR-related staff has been set up to initiate a more strategic approach to teacher recruitment campaign planning. The group tasked will now meet weekly until Christmas. A timeline has been produced in terms of co-ordinating recruitment campaigning with standard procedures around staffing returns, placing of surplus staff, identification of placements for probationers, etc. Elements of centralised recruitment, already practised in the primary sector, will be investigated for the secondary sector. Primary HTs will be consulted at their meeting on 28th November and secondary HTs at theirs on 29th November 2017.

**Question** (2) Is the Council aware of any current courses where pupils are not being taught by subject specialist teachers due to an inability to fill vacancies?

**Answer**

- (2) Subjects involved are Mathematics, Home Economics, Craft, Design and Technology, Business Education, English/Drama, Science and Music. Immediate steps taken in those schools where staffing shortage issues have led to a situation where not all lessons can be taught by subject specialists include increasing class sizes (still within agreed national limits), cross-setting, rotational arrangements and occasional recourse to Senior Leadership Team and Pupil Support staff. Certificate classes where pupils are aiming for National Qualifications have been prioritised in these approaches.

**Supplementary Question**

Thank you Lord Provost, I thank the Convener for a comprehensive answer and I am pleased to see that the recruitment challenges now at mainstream schools appear to be being addressed.

As a supplementary I'd like to ask the Convener if he is aware of the significant challenges our special schools, particularly their senior management teams, are facing with regard to recruitment. I've heard that a number of special schools have been without head teachers or deputy head teachers for up to six months and it appears particularly unsatisfactory when there's six months notice given by head teachers and advertisements for those positions only go out a few weeks before those teachers leave as was the case at Prospect Bank. It also appears to be a lack of parental engagement at those special schools. There was a city wide special schools meeting in September which should have been attended by Council officers and I understand from the special schools parent Council that no officers attended that meeting.

So can I ask the Convener to urgently address this situation and agree it is unacceptable that our special schools are not receiving the attention they so richly deserve, thank you.

**Supplementary Answer**

I can inform you that we appointed a head teacher at Prospect Bank yesterday so that place is now filled and I am aware of some of the issues you have raised and I will deal with them accordingly.

**QUESTION NO 20**

**By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 23 November 2017**

**Question** (1) How much has Edinburgh Council spent on pension costs in each of the last 10 years?

**Answer** (1)

<b>Financial year</b>	<b>Non-Teaching staff</b>	<b>Teaching staff</b>	<b>Total</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>2016/17</b>	66,158	21,798	87,956
<b>2015/16</b>	71,420	20,212	91,632
<b>2014/15</b>	61,838	18,846	80,684
<b>2013/14</b>	62,235	18,493	80,728
<b>2012/13</b>	61,617	18,478	80,095
<b>2011/12</b>	65,162	18,670	83,832
<b>2010/11</b>	61,781	19,078	80,859
<b>2009/10</b>	57,806	19,073	76,879
<b>2008/09</b>	53,319	17,242	70,561
<b>2007/08</b>	52,038	17,022	69,060

**Questions** (2) What is the breakdown of:

- a) employer contributions and
- b) redundancy, efficiency retirements and other “strain” costs?

**Answers****(2)**

	Non-teaching staff		
Financial Year	Employer contributions	Pension strain, added years and ex-gratia payments	Total
	£000	£000	£000
2016/17	52,689	13,469	66,158
2015/16	55,446	15,974	71,420
2014/15	54,843	6,995	61,838
2013/14	53,537	8,698	62,235
2012/13	51,427	10,190	61,617
2011/12	52,052	13,110	65,162
2010/11	51,310	10,471	61,781
2009/10	49,343	8,463	57,806
2008/09	46,117	7,202	53,319
2007/08	45,044	6,994	52,038

	Teaching staff		
Financial Year	Employer contributions	Pension strain, added years and ex-gratia payments	Total
	£000	£000	£000
2016/17	21,315	483	21,798
2015/16	19,715	497	20,212
2014/15	18,335	511	18,846
2013/14	18,002	491	18,493
2012/13	18,002	476	18,478
2011/12	18,223	447	18,670
2010/11	18,640	438	19,078
2009/10	18,635	438	19,073
2008/09	16,823	419	17,242
2007/08	16,673	349	17,022

**Questions****(3)** How does the increase in contribution rates relate to:

- a) the rate of inflation and
- b) the number of employees for each of the last 10 years?

Answers

(3)

Financial Year	Teaching staff		Year-on-year change in FTE numbers
	Year-on-year change in employer contribution rates	RPI rate as of December in each year	
	£000	£000	£000
2016/17	0.0%	1.8%	0.9%
2015/16*	15.4%	0.5%	1.1%
2014/15	0.0%	0.7%	-0.3%
2013/14	0.0%	1.9%	0.1%
2012/13	0.0%	2.4%	-0.2%
2011/12	0.0%	3.7%	-0.5%
2010/11	0.0%	3.1%	-5.5%
2009/10	10.4%	2.1%	-1.4%
2008/09	1.5%	3.0%	-1.0%
2007/08	6.4%	2.3%	0.4%
Cumulative change	37.6%	23.6%	-6.4%

\* Note: the employer's contribution rate for teaching staff increased from 14.9% to 17.2% in September 2015.

Financial Year	Non-teaching staff		Year-on-year change in FTE numbers
	Year-on-year change in employer contribution rates	RPI rate as of December in each year	
	£000	£000	£000
2016/17	0.0%	1.8%	-8.9%
2015/16	0.0%	0.5%	-3.5%
2014/15	0.0%	0.7%	1.6%
2013/14	0.0%	1.9%	3.0%
2012/13	0.0%	2.4%	-0.3%
2011/12	3.4%	3.7%	-4.3%
2010/11	3.0%	3.1%	-5.2%
2009/10	3.1%	2.1%	-1.1%
2008/09	2.1%	3.0%	-3.0%
2007/08	1.6%	2.3%	-1.1%
Cumulative change	13.9%	23.6%	-21.0%

**Questions**

- (4)** What are the figures in relation to:
- a) Lothian Pension Fund Members and
  - b) teachers?

**Answers**

- (4)** The analyses are presented by individual scheme in the tables above

## QUESTION NO 21

**By Councillor Rose for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 23 November 2017**

In 2017 Cabinet Secretary for Education announced Pupil Equity Funding allocation. The funding (£1200 per qualifying pupil) is to be spent at the discretion of Headteachers working in partnership with each other and their local authority.

Scottish Government guidance indicates (among other things):

- Headteachers must have access to the full amount of the allocated Pupil Equity Funding
- Headteachers can work at an individual school and local community level or collegiately in wider school clusters and beyond at local authority level to address common interests
- The Headteacher will be accountable to their local authority for the use of Pupil Equity Funding within their school
- To ensure transparency, schools will be expected to incorporate details of their Pupil Equity Funding plans into existing reporting processes to their Parent Council and Forum. These reports should be publicly available so that parents can understand what is happening at their school.

**Question** (1) Have there been any cases where the decision of the headteacher, or group of headteachers, to allocate the Pupil Equity Fund has been overruled or in any way diluted by the Director of Children and Families or his staff?

**Answer** (1) No, however there may have been cases where a delay in accessing requested provision has been necessitated owing to the need to abide by procurement regulations. Where this has been the case schools have been advised to apply for a waiver as an interim measure and asked to encourage the provider to apply to become part of the PEF Framework

list which has been established by the Council in order to facilitate access to a wide range of provision.

The Open Framework will be re-opened for all new providers at the end of November. This opportunity will be advertised via Public Contracts Scotland to give all new providers the same opportunity to join the Framework. The PEF Open Framework allows teachers the choice to decide which providers and services meet their school's requirements.

The criteria for joining the PEF Open Framework are based on the providers' meeting financial and business probity checks, clear and transparent pricing and also a quality evaluation based on the following criteria:

- the service provision – how and what they will deliver, how they will engage pupils and a case study including resulting outcomes (50%);
- how the service will close the attainment gap, ie a method statement detailing how the service will lead to improvements in pupils in literacy, numeracy and/or health and wellbeing (30%);
- details on how the provider will communicate with the school(s) (20%).

The Open Framework allows for new providers to be added twice yearly therefore it can grow to meet demand.

Further details of the process can be gleaned from the Pupil Equity Fund Open Framework, Finance and Resource Committee Report which was approved on 7 November 2017:

[http://www.edinburgh.gov.uk/meetings/meeting/4268/finance\\_and\\_resources\\_committee](http://www.edinburgh.gov.uk/meetings/meeting/4268/finance_and_resources_committee).

**Question** (2) If so, please list the cases and schools.

**Answer** (2) N/A

**Question** (3) If so please clarify what justification has been used.

**Answer** (3) N/A

**QUESTION NO 22**

**By Councillor Rose for answer by the  
Leader of the Council at a meeting of  
the Council on 23 November 2017**

**Question**

Please list instances where, in relation to Edinburgh Council, there has been a

- a) Finding of maladministration
- b) Breaches of data protection legislation or Freedom of Information (Scotland) rules noted or recorded by the Information Commissioner (including directions to the City of Edinburgh Council) overturning decisions already taken by the Council
- c) Adverse findings by the Ombudsman over each of the last 10 years.

**Answer**

- a) Four findings of maladministration have been made:

2015	1 - Reported to Council in November 2015
2016	1 - Reported to Council in June 2016
2017	2 – One reported to Council in June 2017 and one will be reported to Council in December 2017

b) Compliance with data protection legislation was centralised within the Information Governance Unit in 2014 so statistics are only available from that date. The following breaches have since been referred to the UK Information Commissioner:

2014	2
2015	3
2016	4
2017	3

One case, in 2016, overturned a decision taken by the Council.

The following decisions have been made against the Council by the Office of the Scottish Information Commissioner (OSIC) in relation to freedom of information requests. As an indication, in the last three years, these cases represent less than 0.01% of the total number of requests dealt with by the Council under this legislation.

2007	2
2008	5
2009	3
2010	5
2011	7
2012	14
2013	10
2014	8
2015	5
2016	6
2017	2

(Note: These figures do not include decisions made against the Council for failing to respond to a request within the statutory 20 working days.)

c) Information relating to decisions made by the Scottish Public Services Ombudsman (SPSO) is held by financial year. The following cases have been determined in favour of the applicant either wholly or in part for the period requested.

2007/08	17
2008/09	4
2009/10	5
2010/11	7
2011/12	10
2012/13	11
2013/14	10
2014/15	9
2015/16	15
2016/17	21

As an indication, in the last three years, these cases represent less than 0.001% of the total number of complaints received by the Council.

**QUESTION NO 23**

**By Councillor Rust for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

- Question** (1) How many broken streetlights/columns are waiting for the required maintenance?
- Answer** (1) There are currently 4,218 street lighting faults (including 123 Scottish Power faults).
- Question** (2) If there is a backlog, what are the reasons for this?
- Answer** (2) There are two main factors which have caused the backlog. There are currently five vacancies for Street Lighting Electricians which we are in the process of recruiting for. Our agency partner has been able to supply two staff and we are progressing a framework service contract to supply Street Lighting Electricians on a labour-only basis, as well as exploring the use of a contractor to assist us dealing with the current faults.
- In addition, we discovered a fault with a lighting unit that meant we then inspected 1,100 units and have programmed follow-up work identified during those inspections. This is additional unplanned work which has had to be accommodated on top of routine repair works.
- Question** (3) What is the average waiting time for a repair?
- Answer** (3) The average time taken to repair a street lighting fault in October 2017 is 18 days.
- Question** (4) What is the date of the oldest outstanding repair?
- Answer** (4) The oldest fault is for a street lighting column that needs replaced in Boswall Gardens dated 29 April 2014. Light is still working.
- Question** (5) How are repairs being prioritised?
- Answer** (5) Repairs are prioritised by risk and then by age of fault.

- Question** (6) Does the (Lighting) Department have sufficient staff to service unlit light issues as winter approaches?
- Answer** (6) Once recruitment at full staffing establishment, and with the use of agency and framework contractor labour (where required), there will be sufficient resource.
- Supplementary Question** Thank you Lord Provost and thank you to the Convener for her answer. I did appreciate the answer and also the fact that members received a briefing. What does concern me is my former colleague Councillor Elaine Aitken asked these same questions in December 2016 and at that point there were 1,581 requiring maintenance, which was the answer then and was stated would be in line with historic levels. Notwithstanding the issues around vacancies at the lighting unit, given that the dark nights etc at what time does the Convener anticipate this situation getting back to at the very least the historic levels given this is a fundamental service and as of yesterday no timescales could be given to me for report across my ward from Oxbgangs, Colinton Mains and Bonaly, thank you.
- Supplementary Answer** Thank you Councillor Rust for your supplementary question. In terms of the number of faults that we have running on a regular basis, the fault level that we would normally have would be about 1,400 per month which obviously gets dealt with. I understand that with the remedial action that has been taking place is that we should be able to achieve this within the next 8 to 10 weeks. Clearly there's some reasons behind the current situation and as mentioned in the written answer we have got a current shortage of street lighting electricians, that's something that is a structural issue attached to that particular part of industry and we're working hard to try and find our way around that. Can I just indicate though to you quite clearly that this is a problem which I hope will eventually evolve out of existence because we have the new LED lighting system going in.
- At the moment we rely on the community reporting faults and we appreciate that this can cause some degree of distress and concern for those people who are reporting them particularly when we are facing a difficult situation as it

stands at the moment. However as we go forward into the LED street lighting project will essentially evolving out that requirement for the public to be in contact with us about street lighting because there will be a centralised control management system which will allow those lights to automatically be notified to us. I hope that that will take some of the heat out of this topic both at full Council level and for those poor people who are having to engage with us to make those reports.

The current time to repair the faults has fallen slightly I think since the briefing note was issued to Councillors from 20 days to 18 so you can see that it is on a downward trajectory, although clearly it's not ideal. I've actually asked the Head of Place Management to urgently progress an action plan to improve that situation and I hope to be able to report back on that at some juncture, thank you.

**QUESTION NO 24**

**By Councillor Rose for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question**

- 1 In July the bus stops were repainted with yellow paint.
- 2 Around August the relevant section of Blackford Avenue was resurfaced – missing out areas where there were parked cars and covering the recently painted yellow lines.
- 3 Subsequently, yellow lines were again painted (repainted).
- 4 On or around 20<sup>th</sup> October more resurfacing work was done – covering areas where yellow lines had been recently repainted.
- 5 Markings have recently appeared in the areas of resurfaced roadway suggesting further post resurfacing repairs are about to be done.

Does the Convener consider the lack of sequencing and co-ordination is good value?

**Answer**

- 1 No bus stops within the site extents were marked prior to the surface dressing works. One bus stop marking to the south of the surface dressing site on Blackford Avenue was re-marked and three bus stops on Grange Loan to the north were re-marked.
- 2 Some areas were missed due to the presence of parked cars. NSL (our vehicle recovery contractor) were otherwise engaged moving cars within the city centre and were unable to attend Blackford Avenue before the contractor had completed the available area. Significant waiting time charges would have been incurred if the contractor was instructed to wait for the cars to be moved, as the issue was outwith the contractor's control. The surface dressing

contractor was booked to undertake works for another Council immediately after the works in Edinburgh were complete, so were unable to finish off the missed areas. These locations have been recorded and will be completed during next year's surface dressing programme.

- 3 As stated in answer one the road markings within the surface dressing area were re-marked for the first time at this point.
- 4 A number of defects were recorded by the contractor and our Clerk of Works. These were repaired around 20 October. Some short sections of road markings were removed by these repairs
- 5 Following reports of issues for cyclists, our Clerk of Works recorded some additional defects which will be able to be completed during week commencing 20 November. On completion of all the repairs, the missing road markings will be reinstated.

There will be no additional cost to the Council from rectifying these defects and reinstating the road markings.

**QUESTION NO 25**

**By Councillor Whyte for answer by  
the Convener of the Education,  
Children and Families Committee at a  
meeting of the Council on 23  
November 2017**

**Question**

In order to prepare for and to seek improvements in education within our schools in line with the Education Scotland Inspection regime it is helpful for Headteachers to be able to seek evidence of best practice through visits and engagement with their peers. On occasion, the very best practice may not be evident in schools in Edinburgh or in our surrounding collaborative authorities through Regional Boards.

What options for learning visits or collaborations for Headteachers are in place to “best in Scotland” schools and how can these be extended, especially when our schools are seeking to make tangible improvements for their pupils at the higher levels of inspection grading (e.g. from good to very good)?

**Answer**

All schools in Edinburgh are using Self-Evaluation to inform, compare and improve their practice in line with the national expectations set out in Education Scotland’s *How Good is our School? 4* and *How Good is Our Early learning and Childcare*. This requires looking *inwards* and evaluating their own practice, looking *outwards* to learn from elsewhere and using this to *look forward* to plan for improvement. Effective collaboration between schools is also recognised as an essential part of school improvement.

In Edinburgh, a wide number strategies are in place to enable groups of schools and HTs to learn from each other and share best practice. For example, HTs meet in small Joint Practice groups across the year to learn from each other and improve practice. This self-improving approach, where schools collaborate, support and challenge each other is backed by research evidence and recognised as

best practice. Most recently, HTs have worked in small groups to challenge and learn from each other's practice in raising attainment supported and challenged by the QIEO team.

There are currently schools in Edinburgh identified by HMle with excellent or very good practice and the QIEO team also works with these schools to share their best practice with all colleagues across Edinburgh schools – for example at the sector HT or cluster school meetings that are held regularly throughout the year, by or through specific sharing practice visits to a school.

Several QIEOs and HTs are also Associate Assessors with HMle and as a result bring innovative practice and understanding of standards nationally from the training they receive and from the schools they have inspected across Scotland back to share at these meetings. For example, at the most recent secondary HT meeting, one school shared their innovative work on middle leadership development and the rest of the session focussed on developing leaders' understanding of the national standards assessed by inspectors under the heading Leadership of Change in *How Good is Our School? (4)*. Associate Assessors' expertise is also used to support and challenge schools prior to and following inspection. They are also able to moderate how well our schools are improving in Edinburgh with schools across Scotland.

Leadership of Change is also a key focus for all QIEOs working across all establishments and is a key driver in the National Improvement Framework and all Edinburgh School Improvement Plans. Also looking outwards to drive improvement, we seek to learn about best practice in other local authorities, for example officers will soon make a visit to Fife and East Renfrewshire to look at how they track and monitor attainment across the authority. Officers and schools also look outwards to compare the progress of our children and young people at national, authority and school level to identify practice that is effective and can be used to inform improvement locally.

School leaders and officers also participate in – and contribute to - Education Scotland conferences, where best practice across the country is shared, most recently a national conference for Scottish Attainment Challenge Schools. This is then disseminated to colleagues across the city. There are many other organisations that offer similar opportunities to hear about innovative educational practice that are open to school leaders and other practitioners. Last week for example, several secondary school leaders visited Larbert High School, which received the highest inspection evaluations for a secondary school in Scotland last session, to learn about a whole range of practice and this has since been shared with all secondary HTs.

The primary sector is further developing the self-Improving school system to enable the sharing of practices across schools. As part of Leadership improvement, all head Teachers were offered the opportunity to attend Columba 1140. On retirement, one of our HT colleagues, having received the recent Scottish Award for Leadership, will be further supporting colleagues develop Leadership skills in this respect.

Opportunities are also available for schools to visit and collaborate with establishments internationally. For example, European Union Comenius funding has been successfully sought by Castlebrae HS to establish a partnership with a high school in a deprived area of Paris while schools in the James Gillespie's and Boroughmuir cluster have externally funded partnerships with schools in China. Gracemount PS has a partnership with Finland and Dean Park with Japan.

**Supplementary  
Question**

Thank you Lord Provost. The Convener's given me a very comprehensive answer about how we look at improvements in education. Perhaps, for helping me understand how the system works in practice he could tell me whether it's his understanding that the Quality Improvement Officers should be attempting to assist head teachers in finding best practice and do everything they can to let them visit and seek that best practice wherever it is in Scotland or sometimes wider including seeking to help them find funds

or find ways of making a practical rather than perhaps restricting where Head teachers meet those visits by limiting them to the City of Edinburgh only.

**Supplementary  
Answer**

I'm not sure of the detail of what you are saying Iain but I'll certainly ask the Director to answer that question and I'll get back to you.

**QUESTION NO 26**

**By Councillor Young for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question** (1) How many visits by environmental wardens has there been to the communities of Queensferry, Dalmeny Kirkliston and Ratho Station, for the purposes of monitoring responsible dog ownership in public places? Please provide figures broken down by month since 1<sup>st</sup> January 2017 to 31<sup>st</sup> October 2017.

**Answer** (1) We do not have a recording system that holds this type of information. Our system holds information relating to complaints and enquiries received and not for ad hoc daily/additional patrols carried out in the area.

I can inform you that the Environmental Wardens visit the Queensferry area at least 3 - 4 times per week, not only for dog fouling but other environmental complaints/enquiries received. Breakdown of complaints/enquiries:

**Enquiries**

**South Queensferry**

- 1 x Open Space Dog Fouling
- 1 x Idle Engine Enforcement
- 1 x Domestic Waste
- 1 x Accumulations/Rubbish

**Dalmeny**

- 1 x Flytipping

## **Complaints**

### **South Queensferry**

1 x Not in our remit  
2 x Animal and Birds  
10 x Vehicles Abandoned  
3 x Open Space Dog Fouling  
4 x Littering  
4 x Flytipping  
1 x Trade Waste  
2 x Open Space Accumulations  
1 x Idle Engine Enforcement  
1 x Tables and Chairs, Street Furniture  
3 x Domestic Waste

### **Dalmeny**

2 x Flytipping

### **Ratho Station**

1 x Other Public Health Nuisance  
2 x Vehicles Abandoned  
1 x Open Space Dog Fouling  
1 x Flytipping

### **Kirkliston**

13 x Vehicles Abandoned  
1 x Open Space Dog Fouling  
1 x Common Land Dog Fouling  
6 x Flytipping  
1 x Open Space Accumulations  
1 x Idle Engine Enforcement  
2 x Domestic Waste  
1 x Control of Dogs

**Question** (2) To detail (again split by community and by month) how many warnings or fines, have been made since 1<sup>st</sup> January to 31<sup>st</sup> October 2017

**Answer** (2) Kirkliston – 1 x Dog fouling FPN.

**QUESTION NO 27**

**By Councillor Young for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 November 2017**

**Question**

What statutory duty sits with the Council to ensure footbridges are compliant with the Disability Discrimination Act 2005?

**Answer**

Much of this information is available online and I have provided a link to a Government Publication for your information

(<https://www.gov.uk/government/publications/public-sector-quick-start-guide-to-the-public-sector-equality-duty>).

The Equalities Act 2010 replaces the previous anti-discrimination laws with a single Act and this includes the Disability Discrimination Act 2005.

It is Bridge Design Guide 29/17 which details the design criteria for footbridges and this has due regard for the disabled and those of reduced mobility. When providing a new bridge, the Council fully complies with this guidance.

However, there are many existing bridges that do not comply with the guidance. Typically, the bridges have inadequate width and do not have solely ramped access. When maintenance work on such bridges is to be undertaken consideration is given to making appropriate improvements where practicable.

**Supplementary Question**

This one I do. I wanted to thank the Convener very much for her response. What I wanted to ask was in relation to existing bridges which is alluded to in the answer. I want to know what alternatives are put in place where an existing bridge is not compliant with the Equalities Act and specifically in relation to the bridge at Ratho Station, what action is going to be taken to provide access to the other side of the road for those who are unable to use the stairs? You must actually cross this in order to be able to access the public transport on the other side because unless they want to make a mad dash across a rather busy road and a very broad road then they don't have an option to get over there, thank you.

**Supplementary Answer**

Thank you Councillor Young. I must apologise, I actually missed part of your supplementary question, which bridge in particular were you referring to?

**Councillor Young**

There is a footbridge at Ratho Station so the A90 just down from the airport, A 80 sorry

**Supplementary Answer cont'd**

I understand for that particular bridge there are quite a lot of problems attached to trying to make it DDA compliant, not least the area of land that we would have to take at the bottom of the bridge to allow us to change the ramping system that's in it at the moment is not available to us, it does leave us rather stuck. I also believe that it's a relatively low level of foot traffic that goes across that bridge across the Dee and clearly it's something that we may be able to look at again in more detail.

**Councillor Young**

Thank you, I believe that part of the problem of the low usage is because people are having to get a bus further down the road order to cross the street.

**QUESTION NO 28**

**By Councillor Young for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 November 2017**

**Question** (1) TRO/15/48 seeks to install parking restrictions on Barnton Avenue West, near to Cargilfield School. Of the 27 objections received, please provide (where known) the breakdown of numbers from:

Residents on Barnton Ave West

Residents on surrounding streets

School staff

Parents of school pupils

**Answer** (1) 47 Objections have been received following the public advertisement of the proposal.

Analysis of the responses has not been carried out yet, however, it is anticipated a review of valid objections will be carried out by 30 November 2017. Once complete the North West Roads team will consider whether to continue with the proposal, revise the suggested waiting restrictions or withdraw the scheme. Should the proposal continue the North West Roads team will make contact with each objector and prepare a report for the Transport and Environment Committee if appropriate.

**Question** (2) What is the current status of implementing this TRO and when is it due to be considered by the Transport Committee?

**Answer** (2) The proposed Traffic Regulation Order has recently completed the public advertising stage.

**Supplementary  
Question**

Thank you again for your answer to the question. Pleased to, well pleased is not the right word, interesting to see that the volume of complaints which has been received in relation to this TRO has indeed increased since the last update I had from officials. All I would ask is that the breakdown I asked for is the first part of my question, could that be provided as soon as possible after 30th of November once that analysis has been completed and just before the end of the year?

**Supplementary  
Answer**

I'll certainly undertake to have that transmitted to you as quickly as possible but I can't give a particular deadline on it. Perhaps I could expand a little bit, the initial analysis of the response indicates that they come broadly from residents, parents, staff at the school, and a small group of unknown sources, the main part is coming from parents.

Due to the volume and the nature of objections the North West Area locality Team have considered reducing the scope of the proposed waiting restrictions to the turning area only at the east end of the road adjacent to the school exit. So we're looking into that in particular and will be contacting all of the individuals who have submitted objections, thank you.

**QUESTION NO 29**

**By Councillor Neil Ross for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 23 November 2017**

- Question**           **(1)** Three recent changes on employment matters have implications for the Council
- Employment Tribunals no longer charge fees for bringing claims.
  - Following a recent ruling at the Employment Appeals Tribunal, employers are required to include all earnings when calculating holiday pay.
  - Gender pay gap reporting came into effect on 6 April 2017.

Since these changes, has the Council seen an increase in the number of claims made against it on employment matters?

- Answer**           **(1)** The Council has not seen a material increase in the number of claims made against it on employment matters arising from the 3 changes outlined.

- Question**           **(2)** Has any action been taken to reduce the likelihood of claims being made and, if so, what

- Answer**           **(2)** The Council wishes to resolve employment disputes at the earliest possible opportunity to maintain a positive employee relations climate.

By applying our Council employment policies and procedures consistently and fairly, as well as providing assurance upon the operation of these, we ensure the effective management and mitigation of such claims. Additionally, by working in partnership with the recognised trade unions representing both teaching and non-teaching staff, we also seek to address such issues effectively.

**QUESTION NO 30**

**By Councillor Neil Ross for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 23 November 2017**

**Question**

At the Finance and Resources Committee on 7 November, you accepted an addendum from me to insert the word 'Administration's' into the 2018/19 budget report recommendations in order to tie the budget proposals to the administration. I was assured at the meeting that the public consultation materials would also reflect this. What specific changes were made to give effect to this?

**Answer**

Following the decision of the Committee, the consultation documents and promotional materials were reviewed and references to 'Council proposals' were removed.

**Supplementary  
Question**

Thank you Lord Provost. Thank you again Convener for your answer which seems to indicate that a descriptive error has been avoided as the budget proposals of course were not made by the full Council. So by way of supplementary can the Convener explain why he was unable to go one step further and described the proposals as made by the Administration.

**Supplementary  
Answer**

I thank Councillor Ross for his question. I think in fact we have done, at the very least by implication, by describing these as Administration proposals. I fail to see how there's any lack of clarity there.

## Item no 5.1

### QUESTION NO 1

**By Councillor Osler for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

**Question** (1) To ask what number of pedestrian crossings within the City of Edinburgh have been fitted with a pedestrian signalling box with working rotating cones underneath, which enable partially sighted individuals to know when it is safe to cross?

**Answer** (1)

**Question** (2) To ask what number of pedestrian crossing within the City of Edinburgh have been fitted with a pedestrian signalling box but do not also have rotating cones to aid the partially sighted?

**Answer** (2)

**Question** (3) To ask what number of pedestrian crossings within the City of Edinburgh have not been fitted with a pedestrian signalling box at all?

**Answer** (3)

## Item no 5.2

### QUESTION NO 2

**By Councillor Jim Campbell for  
answer by the Convener of the  
Finance and Resources Committee at  
a meeting of the Council on 14  
December 2017**

- Question**           **(1)** How many instances in the last 12 months has City of Edinburgh (CEC):
- a) Email been unavailable to half or more of all CEC email account users
  - b) Of individual user reported problem accessing CEC email accounts?

**Answer**           **(1)**

- Question**           **(2)** What is the total duration of such periods of mass loss of service as requested in 1a?

**Answer**           **(2)**

- Question**           **(3)** Provide as of November 2017 total number of CEC email:
- a) addresses
  - b) addresses that are not alias to another account
  - c) accounts that are dormant

**Answer**           **(3)**

## Item no 5.3

### QUESTION NO 3

**By Councillor Brown for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### **Question**

Having been in touch with departmental officials following complaints received from residents over the quality of workmanship in relation to temporary pavement and road repairs in Drum Brae / Gyle ward, can the Convener confirm what plans are in place to ensure sufficient personnel are in place to ensure the Council 'gets it right first time' in order to deliver value for money for the City's taxpayers?

#### **Answer**

## Item no 5.4

### QUESTION NO 4

**By Councillor Jim Campbell for answer by the Lord Provost at a meeting of the Council on 14 December 2017**

#### **Question**

Following the recent phase launch of Edinburgh 2050, encouraging the widest conversation amongst all strata of our City, building on the experience of other Cities and our own earlier Radical Enlightenment, can the Lord Provost indicate the progress in raising the £350,000 target to launch this conversation?

#### **Answer**

## Item no 5.5

### QUESTION NO 5

**By Councillor Hutchison for answer  
by the Convener of the Planning  
Committee at a meeting of the  
Council on 14 December 2017**

**Question** (1) Can the Convener please advise how many requests have been received during the year to date for planning documentation for visually impaired citizens?

**Answer** (1)

**Question** (2) Can the Convener further advise the total cost of producing planning documents for visually impaired citizens in the year to date?

**Answer** (2)

**Question** (3) Will the Convenor agree to review the council's process for making planning documentation available to visually impaired citizens to make this more accessible and cost effective?

**Answer** (3)

## Item no 5.6

### QUESTION NO 6

**By Councillor Hutchison for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 14 December 2017**

**Question** (1) On what date was an approach made to the London Mayor's office in respect of a joint initiative on a transient visitor levy/tourist tax?

**Answer** (1)

**Question** (2) Who from the City Council made this approach and what form did it take?

**Answer** (2)

**Question** (3) What exactly is the joint initiative being proposed?

**Answer** (3)

**Question** (4) Please detail the response from the Mayor's office

**Answer** (4)

## Item no 5.7

### QUESTION NO 7

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### Question

In a response to my questions at The City of Edinburgh Council Meeting on 21<sup>st</sup> September about proposals for Low Emission Zones the Convenor replied “The Scottish Government has issued a public consultation document (Building Scotland’s Low Emission Zones). The Council is engaging in this consultation and a response will be considered by the Transport and Environment Committee in December”

No such report was provided to the 7<sup>th</sup> December Transport and Environment Committee – could the convenor inform Council when information on this matter will be reported to Council, either the council or an Executive Committee?

#### Answer

## **Item no 5.8**

### **QUESTION NO 8**

**By Councillor Lang for answer by the Convener of the Planning Committee at a meeting of the Council on 14 December 2017**

#### **Question**

On 3 November, I contacted planning officials to ask what the average turnaround time was for building warrant applications. After receiving no reply, I sent another email on 19 November. Given I have still not received a reply or acknowledgment, can the Convener provide this information?

#### **Answer**

## Item no 5.9

### QUESTION NO 9

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### Question

In response to item 5.3 of the October 2017 meeting of Council, the Convener advised me that "there are a number of locations through the city which may be used as parking by the public and/or residents. We will work to provide a comprehensive list of these locations over the next couple of weeks."

Given that almost six weeks have passed and in the absence of any updates from officials, can the Convener advise when I am likely to receive this list?

#### Answer

## **Item no 5.10**

### **QUESTION NO 10**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### **Question**

What report has been received from the police following the fatal accident at the Davidson's Mains roundabout in May of this year and what changes are planned to the roundabout as a result?

#### **Answer**

## **Item no 5.11**

### **QUESTION NO 11**

**By Councillor Burgess for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### **Question**

Whether the council will replace lighting in tenement stairs with more energy efficient LED lighting?

#### **Answer**

## Item no 5.12

### QUESTION NO 12

**By Councillor Aldridge for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

**Question**           (1) What are the latest available figures for potholes repaired using the 'Right first Time' hot box approach since May 2017?

**Answer**            (1)

**Question**           (2) What are the latest available figures for potholes repaired using the standard cold tar pothole filling method in the same period?

**Answer**            (2)

## Item no 5.13

### QUESTION NO 13

By Councillor Aldridge for answer by the Convener of the Housing and Economy Committee at a meeting of the Council on 14 December 2017

**Question** (1) What proportion of managed or owned sheltered housing, which have gas boilers, are fitted with carbon monoxide detectors?

**Answer** (1)

**Question** (2) Of these, how many are hard wired and how many battery driven?

**Answer** (2)

**Question** (3) What are the maintenance arrangements, including battery replacement, where appropriate, for battery driven carbon monoxide detectors in council owned or managed sheltered housing?

**Answer** (3)

## Item no 5.14

### QUESTION NO 14

**By Councillor Staniforth for answer  
by the Convener of the Culture and  
Communities Committee at a  
meeting of the Council on 14  
December 2017**

#### **Question**

Has there been discussion between the council and Underbelly regarding the scale and nature of volunteer use at Edinburgh's Hogmanay?

#### **Answer**

## Item no 5.15

### QUESTION NO 15

**By Councillor Miller for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

**Question**           **(1)** How many complaints and enquiries by month over the last 12 months have been received regarding vehicles parked in the pedestrian-only areas of Castle Street, Grassmarket, and Riego Street, where bollards protecting the pedestrianised areas are currently awaiting repair?

**Answer**           **(1)**

**Question**           **(2)** How many visits, vehicles logged, and tickets issued have there been for the pedestrian-only areas of Castle Street, Grassmarket, and Riego Street, broken down by month over the last 12 months?

**Answer**           **(2)**

**Question**           **(3)** Are there any additional measures or metrics which City of Edinburgh Council asks NSL to report, in order to quantify increased patrols where these have been requested and agreed?

**Answer**           **(3)**

## Item no 5.16

**QUESTION NO 16**

**By Councillor Rae for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 14 December 2017**

**Question**

Will the Convener list the number of parking enforcement visits, vehicles logged and parking tickets issued on Leith Walk in each of the last 12 months?

**Answer**

## **Item no 5.17**

**QUESTION NO 17**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Education, Children and Families  
Committee at a meeting of the  
Council on 14 December 2017**

**Question**

Can the Convener detail all instances of school building failures from May 2014 to date, including all buildings that were in use as Schools in May 2014, where the reasonably foreseeable worst-case injury would be life threatening?

**Answer**

## Item no 5.18

### QUESTION NO 18

**By Councillor Smith for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 14 December 2017**

**Question** (1) What date was the full consultation on schools in the South West of Edinburgh first shared with all Councillors with a ward interest, and with all members of the ECF Committee?

**Answer** (1)

**Question** (2) Are similar strategic consultations in plan for other areas of the City?

**Answer** (2)

**Question** (3) If so, what area?

(i) When is it anticipated each of these consultations will be launched?

(ii) What plans have been made to brief Councillors with a ward interest and all members of the ECF Committee?

**Answer** (3)

## Item no 5.19

### QUESTION NO 19

**By Councillor Webber for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 14 December 2017**

**Question** (1) Section 3.7 of the *Future Investment in the School Estate - Wave 4* Council report from 20 August 2015 states that Currie High School is rated (B) satisfactory for both condition and suitability.

Please detail the deterioration since that report which has led to a proposal to close the school.

**Answer** (1)

**Question** (2) When considering possible site locations for the proposed South West High School:

- a) What weight was given to the Council's stated goal that by 2030, 60.9% of school journeys will be by walking or cycling?
- b) What estimates and assumptions have been made regarding the mode of transport that students and parents will use to access proposed sites?
- c) What traffic modelling has been completed or is planned to understand the impact of any increase in car journeys on Lanark Road West at the start and end of the school day?

**Answer** (2)

## Item no 5.20

### QUESTION NO 20

**By Councillor Laidlaw for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 14 December 2017**

**Question** (1) Please can the Convener confirm which CEC schools in Edinburgh received combined condition / suitability score of less than 70 in the Councils strategic review launched in 2014, including the score each of these schools received.

**Answer** (1)

**Question** (2) Have these scores been updated since the last Strategic Review?

If so, what are the updated scores?

**Answer** (2)

**Question** (3) Do the scores remain the rationale to prioritise investment in the maintenance of core school facilities?

**Answer** (3)

## Item no 5.21

### QUESTION NO 21

**By Councillor Whyte for answer by the Council Leader at a meeting of the Council on 14 December 2017**

**Question**           **(1)** Can the Council Leader please provide a copy of the application by the City of Edinburgh Council to Scottish Government for additional funding as described to media 1st December as follows: "We will be applying to the Scottish Government for additional funding in specific areas like our schools to help us provide the level of investment required."

**Answer**           **(1)**

**Question**           **(2)** Can the Council Leader please provide date and signatory details, amounts sought and any references to the Council estate?

**Answer**           **(2)**

## Item no 5.22

### QUESTION NO 22

**By Councillor Bruce for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 14 December 2017**

#### **Question**

Woodlands Special School has recently achieved the SportsScotland Gold School Sport Award. With the proposed demolition of Currie Community High School, how will Woodlands Special School (who currently share the sports facilities with Currie HS) continue with their Sporting activities?

#### **Answer**

## Item no 5.23

### QUESTION NO 23

**By Councillor Young for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 14 December 2017**

To ask the Convenor for the following statistics in relation to the provision of both network (wired) and wifi (wireless) internet connections across the full school estate in the City of Edinburgh Council area:

- Question** (1) Of the total number of primary schools what percentage have network internet and what percentage have wifi?
- Answer** (1)
- Question** (2) Of the total number of secondary schools what percentage have network internet and what percentage have wifi?
- Answer** (2)
- Question** (3) How many of the schools included in (1) and (2) have complained more than once about the reliability of their network service in the last 12 months and how many about the reliability of their wifi service?
- Answer** (3)
- Question** (4) Please provide a list of all primary and secondary schools where there have been long term problems with reliability of service (ie pre-dating the current academic year).
- Answer** (4)
- Question** (5) Please provide details against each school identified at (4) regarding what action is being taken to resolve the problem and the target timescales for resolution.
- Answer** (5)

## Item no 5.24

### QUESTION NO 24

By Councillor Young for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017

**Question** (1) What was the cost of Queensferry Traffic Management and Parking Study which was carried out by Halcrow in September 2013?

**Answer** (1)

**Question** (2) What actions were taken in response to this report and its recommendations?

**Answer** (2)

## Item no 5.25

### QUESTION NO 25

**By Councillor Young for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### **Question**

At the June meeting of Full Council the Convenor agreed to a full traffic study in Kirkliston and the establishment of a working group. It was agreed that the study should be done once the school term started and after the new bridge opened. The bridge has now been open for 14 weeks and the school is coming to the end of its first term and the traffic study proposals have not progressed and no reply has been received in response to requests for details of the proposed scope or timescales. Could the Convenor therefore provide an update?

#### **Answer**

## Item no 5.26

### QUESTION NO 26

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2017**

#### **Question**

Has the Convener of the Transport and Economy Committee received the attached dossier on traffic management issues from the Old Town Community Council, and did she agree to meet with them to discuss this dossier, and if so when will this meeting take place?

#### **Answer**

# The Edinburgh Old Town Community Council

## OUR STREETS

### How unpleasant they have become – and what to do about it

NOVEMBER 2017

This is a collection of the observations of the Community Council together with some of our now vast collection of photographic evidence.

Please be aware that these do not represent some 'worst cases' or unusual events, these are the things that the residents and workers in the Old Town, along with our millions of visitors have to put up with all of every day.

Although the overall effect is of an unsustainable mess, we have broken this down into specific problem areas to which we proffer our suggestions as to solutions.

Some of those solutions may seem radical to CEC, but they are mostly standard long ago in other world Heritage Cities. But please note our comments on enforcement at the end, as to us it seems a lot could be done at little or no cost by simply robustly enforcing the rules we already have, and perhaps widening the scope of other existing regulations.

- Advertising boards on the footpath
- Rubbish, unemptied bins and waste
- Other clutter, Council and Contractors junk
- Traffic, too much and too many large vehicles
  - City tour buses
  - Tourist coaches
  - Band tour coaches
  - Delivery vehicles
  - Heavy goods vehicles
  - Waste collection vehicles
- Poor State of Repair of our Roads & pavements
- Market Street & Cowgate
- Enforcement
- Conclusion



# ADVERTISING BOARDS

In addition to the phalanx of oversize 'A' boards obstructing the pavement, here are some new extreme examples:



Note also non-containerized trade waste -->



This 'building' does not have planning consent.

In any case, is 'Pub Crawl' how the City wishes to promote itself ?



## The Community Council consider;

Pavement advertising devices should be banned outright within the WHS. They are also a severe problem in certain peripheral areas, eg. Clark St. where they should also be banned

They cause serious obstruction of the footpath.

They are deliberately placed by businesses for that purpose; to stop passers by. The previous regulations on size, number and location, proved unenforceable.

Pavement advertising is an absolutely unnecessary thing, it is just an 'arms race' Apart for a small number of businesses that are located down closes, who could apply for a permit for a small 'A' board. (60x40cm max. )

# RUBBISH.

Generally Edinburgh is a clean city compared to others, we like to keep it that way, when we can...

Sunday morning in July Outside City Chambers -

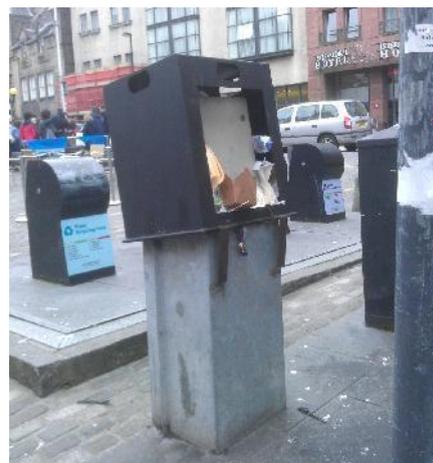


Payfair Steps (note also abandoned barriers)  
"I'm a bin – Nobody cares"



Cowgate – trade waste + fly tipping.

Grassmarket-  
Rising bin controller broken and used as a bin.



## The Community Council consider;

This seriously degrades the liveability of our City and seriously degrades it as a visitor destination. The Community Council believes that the City Council should direct resources to this issue before it spends money on promoting and advertising what a wonderful City it is to visit.

## OTHER CLUTTER

Grassmarket,  
contractors rubbish dumped on a  
bus top.



South Bridge,  
a narrow pavement that is one of the  
busiest pedestrian thoroughfares in  
the city.

So nice to get your ankle gouged on  
the way to work.

George IV Bridge, 50 metres from the 'Royal  
Mile' - at the time of this photo this had been  
here for over a year.

### **The Community Council considers;**

If anyone else left crap like this laying about they  
should be charged for fly tipping.

And if any of these things were on a business  
premises, they would constitute a prosecutable  
Health & Safety breach.

These things seriously degrade the liveability of  
our City and seriously degrade it as a visitor  
destination

The Community Council would like  
the City Council to clean up it's own act !



## TRAFFIC



Without question The City is congested, but it is blind dogma to continue to blame 'the cars' alone. This picture of Candlemaker Row is fairly typical, it shows a lot of pedestrians crowded onto the narrow pavement, one public bus, two huge virtually empty tour buses, two taxis and only two private cars.

Too many cars, possibly too many huge half empty tour buses, definitely.

## CITY TOUR BUSES

1. There are far too many of them.
2. They are far too large vehicles. rarely more than half full.
4. They may be 'low emission' but they still emit, and the 'Vintage bus' especially so.

Here on a nice sunny summer Saturday morning, 3 buses in a row, all half empty  
The one at the back is not moving, here they sit and wait for ages with engine running blocking the Grassmarket public bus stop.



To get up the 15% gradient on West Bow, as with most HGVs they need to take a run up of at least 35 mph. If they don't they get stuck on the bend, and then have to reverse down the one way street, and out onto the main road (both RTA offences)



Note the second bus, also empty, just behind  
Events like this make Victoria St into a logjam several times a day

### The Community Council considers;

Edinburgh is a WALKING CITY especially the Old Town, these oversized buses congest our narrow streets and represent a serious degradation of liveability of our City and serious degradation of it as a visitor destination for the very people that these buses are supposed to serve.

They should be BANNED from the old town. (as they are elsewhere in our sister city, Florence)  
Visitors who are too infirm to walk, should be transported in much smaller ELECTRIC vehicles.

## TOUR COACHES

The situation is much worse, these vehicles

- They are very very large.
- They are designed for Autobahn not City use.
- Driven by temporary or foreign drivers who have little or no regard to our regulations.
- They attempt to use narrow and unsuitable streets, Cockburn St, Victoria St. etc.
- They park selfishly and illegally, usually with their engines running for long periods.



Or maybe just park in the middle of the road in front of the Bow Well

Or maybe just double park in Johnston Terrace. Here blocking access for emergency vehicles)

No problem to park with engine running, the wrong way round in a one way street, which is a pedestrian only area as well !



### The Community Council considers;

Obviously a £30 ticket, even if issued is no deterrent whatsoever.

But these coaches are contracted to service particular Hotels or tour operators etc.

Clearly the solution is through them to find a way to more tightly control these vehicles.

Coaches should be banned from the Old Town, unless they apply for a permit to service a particular hotel or venue, with no waiting or parking allowed.

The current £20 for idling is a joke, for large vehicles it should be vastly increased.

## BAND TOUR BUSES

This problem occurs mainly at night when there is less congestion of the roads, but also when enforcement becomes non-existent. It only effects a few specific locations but is a serious loss of amenity none the less.



Here in Victoria St we allow overnight camping on the pavement.



Still 4 pm. This one has taken up residence on ten loading spaces (it has a trailer as well) during the hours of restriction. Notice the hazardous open hatch, and the roadie preparing to run power cables across the pavement into the venue.

A serious H&S issue.

This not just the Festival, it happens all year round. Cowgate and Forrest road are also effected

### **The Community Council considers;**

We don't think a £30 fine (even if they paid it) is going to deter these people.

The solution here is very simple:

Obviously venues that allow this sort of thing are not 'fit and proper' and should have their Entertainment Licences restricted.

# DELIVERY VEHICLES

The problem is that it is cheaper for delivery companies to use larger vehicles and fewer drivers. Advantageous for them, horrendous for other road users, pedestrians and everyone else.

Here a 26 tonner goes to make one small drop.



Drink is heavier, so perhaps requires a heavier vehicle, but not one three times the length of the loading bay. Meaning it has to double park and block West Bow

In Cockburn St a 26 tonner decides it is better to park on the pavement completely blocking it.

In the wider Nicolson street at 4:30 pm it is perfectly OK for this full size 44 tonne artic. to take up the bus & cycle lane.



It is not just deliveries, tradesmen's vans are a severe problem also. Here these two park all day on the narrow Cowgate pavement somehow without fear of a £30 ticket



## **The Community Council considers;**

The use of such large vehicles for small deliveries is purely and simply for the convenience of the operators. They must be forced to use small, preferably electric vehicles for City centre deliveries, if necessary by re-distribution from peripheral depots. Ban all delivery vehicles over 7.5 tonnes (already a licence class) with exception of drinks deliveries which could apply for 16 tonne vehicles.

# HEAVY LORRIES

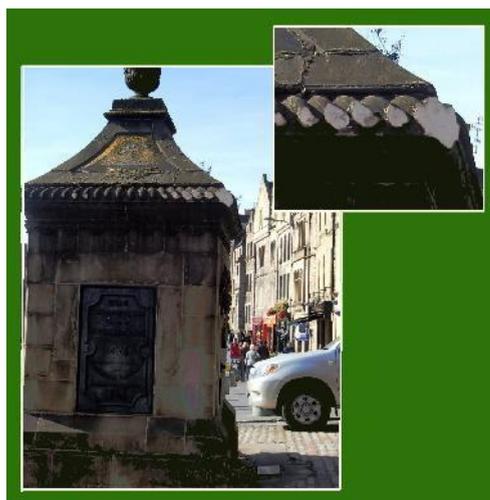
This is the only World Heritage Site in the World that has no restriction on LGV through traffic. The damage to the roads, the kerbs, to the listed buildings and of course to our lungs is totally unacceptable.

Quickest route to take these cables from the docks to west side of town, up the Cowgate of course



44 tonne bulker straight through the Grassmarket – no problem.

Damage to the recently restored Bow Well, 3 metres up, this was certainly caused by a heavy goods vehicle, probably a refuse truck, trying to negotiate West Bow.



## The Community Council considers;

Vehicles over a certain weight, say 26 Tonnes gross, should be banned from the whole City Centre, and vehicles over 16 tonnes gross be banned from the Old Town.

Permits could be issued in the rare case of needing to deliver a particularly heavy item within the area. Heavy duty bollards could be deployed to deter HVGs on certain streets.

## REFUSE COLLECTION VEHICLES

In addition to multiple private contractors all duplicating the same collection runs, gain the problem is that it is cheaper for refuse companies to use these vast vehicles and fewer drivers. Advantageous for them, abominable for other road users, pedestrians and everyone else.



OK at least these two engage in their bin lorry race during permitted access time in the Grassmarket. (note also the 'A' boards as well as bins obstructing the pavement)

Later in the day this huge bin lorry decides to try and mow down hundreds of pedestrians.

(note also the ancient polluting 'Party Bus' parked up)

(and note also the visible damage to the Bow Well caused by just such a truck)



Here the High St. this one just parks on the pavement while the crew gets their lunch.

(note the much more sensible sized Council bin lorry trying to get down the High Street)

### **The Community Council considers;**

But there is no sense, economic or otherwise, in having many separate operators using these huge vehicles to make one or two collections in every street.

The real culprit was of course privatization of what really should be a public service, and a creative solution may take a while, meanwhile vehicles over 16 tonnes gross should be simply banned.

The Council and some companies manage to collect using these smaller vehicles.

Any proposed restrictions on refuse vehicles, delivery lorries or coaches, will have the operators squealing that it will damage their viability etc. etc. The same invalid argument used to try and perpetuate every antisocial and harmful business practice since time began.

## POOR STATE OF THE ROADS & FOOTPATHS

The undeniable extremely poor state of the streets is a shame on the fine City that Edinburgh rightly likes to consider itself. Some streets are easily worse than places in the third world



Obviously there is no cheap fix for this problem

Money will have to come from some other part of the budget, we suggest that it is so urgent that the Council should divert some funds away from other more glamorous projects.

**We need to maintain and treasure what we have, before creating more things to maintain.**

For example; facilitating cycling is a wonderfully admirable cause which wholeheartedly support, but solving the problems we outline will do a lot to improve and promote cycling in the centre, maybe more so than spending the money on expensive peripheral cycleway projects, and solving the above problems would be a huge benefit for EVERYONE, not just those fit enough to cycle.

A bigger elephant in the room is the proposed tram extension at £200M +Why not spend a lot less on an equally good trolleybus system, and have loads of money left over to sort out these and a host of other things that the City needs done ?



See <http://www.tbus.org.uk>

Nearly all the damage to our roads and pavements is caused by vehicles that are too big and too heavy for use in the Old Town. These vehicles also produce nearly all the pollution.

**The Community Council considers that at the very least;**

Traffic calming and a large vehicle ban in

Victoria St. West  
Port Candlemaker  
row Cowgate  
Cockburn St.  
Lawnmarket  
East Market St.

lower High St.  
Canongate  
Jeffrey St.  
St Mary's St.  
and probably a few others

## **MARKET STREET**

Market Street is a shocking embarrassment to the City, currently the building works and the inactive refurbishment of North Bridge only serve to make it worse. But at any time the street represents a total failure of public transport integration. The chaotic and uncontrolled taxi rank, and the total lack of adequate drop off and collection points for Coaches (including 'rail replacement') as well as any facilities for private cars to set down and pick up passengers, make the place a vehicular scrum. A dangerous and unfriendly place to negotiate for the dense crowds of pedestrians as well. It is seriously over congested and definitely not conducive to the promotion of public transport. Not to mention the pathetically poor connecting links with city bus stops and the tram.

## **COWGATE**

A comprehensive street audit on Cowgate has already been compiled for the City Council, and the Old Town Community Council fully endorse the findings and the recommendations made. Most of the recommendations would be equally well applied to other locations in the Old Town.

## **FINALLY – ENFORCEMENT**

It seems to us that a great deal of the pain of of the problems above could be solved almost instantly and at very little or no cost, how ? Just by enforcing the traffic regulations, by-laws and licence terms as they stand.

We observe that the privatized parking 'enforcers' routinely fail to write tickets for commercial vehicles and coaches, probably because they know that they wont be paid. The Enforcers' contract needs enforced, and the police will be required to do their job too.

- Grassmarket bollards made to work (regardless of how the breweries want it).
- Vehicles on footpaths.
- Coaches parking on loading zones.
- Enforcement of 20mph speed limit in West Bow, West Port, Cowgate, Johnston Terrace etc.
- Enforcement against vehicles producing visible smoke, (including Lothian buses).

### **Quick further steps might be;**

- Substantially increase parking and other fines for commercial vehicles and coaches.
- License conditions applied to premises to make them responsible for controlling vehicles that service them.

### **Further,**

Until legal restrictions on oversize vehicles can be made into law, if the will was there, it would be easy and cheap to engineer deterrence to their use in certain areas. Just as speed bumps are already used to slow traffic, why not have a few awkwardly placed heavy obstacles that would force the use of smaller more nimble vehicles.

## **THE BOTTOM LINE:**

- we are perpetually told that it is necessary to sacrifice everything including our architectural integrity to attract ever more tourists to our City.
- That this is necessary because these tourists bring vast amounts of money into our City.
- Meanwhile we are told that the City is nearly bankrupt and cannot afford to undertake basic maintenance let alone upgrade anything.

**If this is the case then there is something SERIOUSLY WRONG**

---



## ***Schools review***

I want to begin this month's report by reassuring you that the guiding principle behind our [review of schools](#) in the west and south west of Edinburgh is to improve the learning opportunities for our children, helping us to deliver on our goal of narrowing the attainment gap. It is absolutely right that we prioritise learning needs and focus on our aspirations for all our pupils and future generations.

We fully appreciate there are many questions and comments from parents and school communities about the review and I want to repeat our pledge that we will take on board all of them and any impact it may have on schools and community facilities.

Please remember this is purely an informal consultation and no decisions have been made. Nothing can be taken forward without a statutory consultation so the ongoing feedback from local communities is welcome as we shape any future proposals.

## ***Homelessness provision***

You may remember from last month's report that we have created a cross-party task force to address the unprecedented pressures facing our homelessness services.

I'm delighted, therefore, that we've now been able to announce the provision (via the EdIndex Partnership) of 275 permanent housing association and council homes over an 18-month period for homeless people living in Edinburgh. This is in addition to the thousand-plus social lets already provided each year.

A range of new support services will also be piloted in partnership with third sector providers to assist tenants to remain in their homes.

This is a valuable addition to the work already being done with our partners across the city to support people who are homeless or at risk of becoming homeless, from support and advice on housing options, to assessment services and permanent and temporary accommodation.

## ***Still time to #PlayYourPart***

A big thank you to the 1000+ of you who have already taken the time to [share your views](#) in this year's budget engagement and, whilst the response so far has been encouraging, we're still keen to hear as many views as possible (between now and 19 December).

As part of this, we hosted our annual 'Question Time' event last Monday and members of the public took the opportunity to quiz our panel of senior Councillors on the Council services that mattered to them.

It was a lively debate, with the Chair, Evening News' Euan McGrory, taking contributions from the floor and from those watching at home. The panel was challenged about budget proposals for 2018/19, the proposed tram line to Newhaven, a possible tourist tax, our health and social care service and the introduction of a charge for garden waste. If you didn't catch it live, you can still [watch the webcast](#) on our archive.

## ***Health and Social Care update***

I've spoken at length in this report about the challenges facing our Health and Social Care service. I therefore welcome the report going to the next meeting of the Integration Joint Board (IJB) outlining an [ambitious improvement plan](#) for the New Year. Councillors will have a further opportunity to scrutinise the plan at a special meeting of the Corporate Policy and Strategy Committee in January.

The improvement programme, is focused on doing the basics well, improving performance and quality, strengthening governance, and growing important relationships with partners and stakeholders. It will also see the development of long-term plans to resolve the outstanding issues

The IJB is also making progress on the recruitment of a new Chief Officer. The Board, Council and NHS Lothian have agreed the process, with a closing date for applications of 12 December. This should see an appointment in early Spring.

## ***Time for a tourist tax***

The case for the introduction of a transient visitor levy, or tourist tax, isn't a new one, but it's a strong one. As is the (growing) body of opinion behind it. The public backing at last week's 'Question Time' event certainly indicated broad support amongst the people of Edinburgh.

The city welcomes over four million visitors a year, worth some £1.3bn to the national economy, with around 60% of visitors going on to see other parts of the country. Our world-class cultural offer is also a

vital stimulus for the region's wider creative and service industries and its attractiveness to skilled workers, businesses and students.

I believe the next stage is a consultation with industry leaders and the Scottish Government. We need a clear, balanced and thoughtful debate, considering the merits and disadvantages of every option. Reaching an agreement on the best route forward, with everything on the table.

With an appropriate level of funding in place, Edinburgh would be in the position to support our thriving hospitality industry, protect and build on our cultural and heritage offering, support existing festivals, afford global destination marketing campaigns and create new events to entice visitors into the city all year round.

## ***State of the estate***

You may have read reports in the media regarding a recent condition survey of the Council's estate, which set out the financial challenges we face in keeping our buildings properly maintained and fit for purpose.

The estimated cost of bringing all buildings up to a good or satisfactory standard in the next five years is £153.5m. We currently have £20m committed in our capital budget with a further £70m available over the next five years. This leaves a shortfall of around £60m to bring the entire estate up to our desired condition and prevent further deterioration.

I am acutely aware of the magnitude of the challenge we face and that many of our properties require significant investment. We are working hard with council officers to find a way of addressing the problem and I've written to the Scottish Government to request a meeting to discuss potential future funding that could help in areas, such as schools. Our property team is also working extremely hard to ensure that all of our buildings are as well used and, of course, safe.

## ***Celebrating young talent***

Congratulations to the 17 young people who celebrated the completion of their modern apprenticeships at a graduation ceremony at the City Chambers last week. I am delighted that we are helping them make such a positive step at this very important stage of their lives.

The programme brings great benefits to the young people themselves while, at the same time, making a direct and valued contribution to our workplaces. They are employed across a range of occupations including business administration, joinery, highway maintenance, procurement, health and social care and arboriculture and horticulture.

We currently have 68 apprentices working in the Council and we are planning to recruit around another 40 in the coming year. The vision of the [Edinburgh Guarantee](#) continues to grow across the city as companies are pledging jobs, paid work experience and training and mentoring every day. Since it launched six years ago, together we have helped 263 young people through the Modern Apprentice Programme.

## ***Farewell to a sporting legend***

Last Sunday, having served our city so well over the past 50 years, Meadowbank Stadium closed its doors for the final time.

Built for the Commonwealth Games in 1970 (and then having hosted it again in 1986), many athletes and sportsmen and women – professional and amateur - from across the world, together with the thousands of spectators cheering from the stands, will have great memories from within its walls and around its track.

By reaching this milestone and starting the work to decommission the old building, a new era has now begun. A planning application will be submitted in the New Year; the next step towards the creation of a state-of-the-art sporting facility that residents from across the city can enjoy for decades to come.

## ***Season's greetings***

Since 1947, Edinburgh has welcomed the world to enjoy its festivals and, I am happy to say, 2017 brought us one of our most successful summer seasons of celebrations on record.

To send off this milestone 70<sup>th</sup> anniversary year, our Hogmanay festivities will feature a spectacular three-day party with an extended *Midnight Moment* fireworks display above Edinburgh Castle. We have gained a reputation in Edinburgh as one of the best places in the world to count down to the new year, and with 60,000 partygoers expected to join us on the 31<sup>st</sup> alone, it looks like this year's events will be no different.

Our Christmas attractions will of course remain open until 6 January, and we'll also be launching a [new light project with author Val McDermid](#) to cheer up the dark nights of January.

All that remains for me to do is to wish you a very Merry Christmas and all the best for 2018!

## ***Get involved***

Keep up to date with all council news via our [news section online](#). You can watch live council and committee meetings via our [webcast](#) service and join the debate on Twitter using #edinwebcast. If you wish to unsubscribe, please [email](#) us.

[Follow us on twitter](#)



[Follow us on Facebook](#)



10.00am, Thursday, 14 December 2017

## Operational Governance: Review of Council Contract Standing Orders and Guidance on the Appointment of Consultants

Item number	8.1
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

---

The Council approved the current Contract Standing Orders (“CSOs”) and the Guidance on the Appointment of Consultants (“Appointment of Consultants”) on 29 October 2012 and subsequently approved updates on 23 October 2014, 5 February 2015 and 2 June 2016. CSOs are a legal requirement and provide the powers to control and regulate purchasing throughout the Council. They place requirements on service areas to effectively plan and contract manage the resulting contracts.

The CSOs are kept under review by the Finance Service Commercial and Procurement team to ensure that they work effectively, and address changes in legislation. This report sets out the results of the review of current CSOs, the engagement that was undertaken, and summarises the main changes that are proposed following consultation. The report seeks approval for the proposed changes.

## Operational Governance: Review of Council Contract Standing Orders and Guidance on the Appointment of Consultants

### 1. Recommendations

---

It is recommended that Council:

- 1.1 approve the proposed revisals to the existing CSOs (as noted in Table 1 and Appendix 1 of this report);
- 1.2 note that there will continue to be an annual review of CSOs to ensure that they work effectively and secure continuous improvement and Best Value; and
- 1.3 approve the repeal of the Appointment of Consultants as noted in Table 1 '11 Consultants' of this report.

### 2. Background

---

- 2.1 The Council is required to have CSOs under the Local Government (Scotland) Act 1973. CSOs provide the powers to control and regulate purchasing throughout the Council, and place requirements on service areas to effectively plan and contract manage the resulting contracts.
- 2.2 The purpose of the revised CSOs is to improve purchasing controls to ensure Best Value is delivered, and the Council's statutory obligations are observed.
- 2.3 Review of the operation of the current CSOs since June 2016 has identified that there is a need to
  - 2.3.1 make the changes identified in Table 1; and
  - 2.3.2 keep approval thresholds under review in the light of fewer Finance and Resource Committees leading to increasing number of procurement approval reports tabled at each Committee.

### 3. Main report

---

- 3.1 The proposed changes to CSOs will incorporate the Appointment of Consultants into the CSOs to create a single document, address practical issues encountered,

clarify the rules, and improve purchasing controls. Minor changes have also been made for stylistic reasons. The proposed revised CSOs are set out in Appendix 1 to this briefing note and the significant amendments are explained in Table 1 below.

### 3.2 Table 1

Standing Order No.	Change	Explanation for the Change
1.1 Extent and Interpretation	Deletion of reference to Guidance on Appointment of Consultants	The Guidance of Appointment of Consultants is to be incorporated into the CSOs to provide clarity as to status and ease of reference to a single document.
1.2. Definitions and Interpretation	<p>Definition of CLT included</p> <p>Definition of Consultant included.</p> <p>Amendments to the definition of Director</p>	<p>Definitions have been added for the purposes of clarification.</p> <p>Incorporates the previous definition from the Guidance on Appointment of Consultants</p> <p>The term Director has been amended to refer to Executive Directors and Chief Executive to accurately reflect the Council's organisational structure.</p>
2. Procedures	<p>Amendment to the requirement to establish whether the Council has an existing contract (2.1.1)</p> <p>Deletion of reference to light touch threshold. (2.5)</p>	<p>Not all existing public contracts provide best value for the Council whereas Council contracts will have established best value for the Council.</p> <p>Duplication as transparency and equal treatment provisions set out in the regulations and CSOs.</p>

	Escalation procedure to legal provided. (2.13)	Making current practice explicit.
3. Role and Responsibilities	<p>Duty of Executive Directors to carry out a Privacy Impact Assessments as appropriate.</p> <p>Duty to brief Elected Members as appropriate at the initiation of procurements.</p>	<p>Reflects new Data Protection requirements</p> <p>Reflects feedback from elected members. Influencing procurement decisions should be at the outset when the strategy is being set. At the approval stage influence is limited to approval or rejection of proposed contract.</p>
4. Tender Documents	Requirement to use Council conditions of contract unless otherwise agreed by Legal and Risk.	Contractor's conditions may not provide adequate protection for the Council or service users.
5. Evaluation	Contract may be awarded on basis of lowest cost below Regulated Procurement thresholds.	Clarity of the changes introduced by the 2016 Regulations i.e. for goods and services below £50,000 and works below £2million.
7. Termination	Requirement to notify Head of Finance and not automatic referral to Finance and Resources Committee of instances of grave misconduct, contractor deficiencies and instances of Contractor Blacklisting.	Recognition of need for proportionality and potential legal consequences of self cleansing rules. The Head of Finance (as the statutory Chief Financial Officer) can use discretion as to when it is appropriate to notify the Finance and Resources Committee.
9. Waivers	<p>Waiver approval process deleted and moved to Schedule</p> <p>A Head of Service may</p>	Change to threshold levels for Heads of Service as result of feedback and to reduce burden on Executive Directors.

	approve a waiver up to the value of £50,000 (an increase from £25,000)	
10. Contract Extensions or Variations	Extensions permitted to be delegated to Directors or Heads of Service provided they are permitted by the procurement rules. (10.1)	Reflects feedback particularly about to delays to a project in progress and to address the anomaly that Finance and Resources Committee might be asked to approve an extension to a low value contract which itself had not required Committee approval initially.
11. Consultants	<p>Consultancy provisions incorporated from the Guidance on the Appointment of Consultants</p> <p>Minor changes to 11.3 and 11.7</p> <p>11.5 new requirement that services which are financial, legal or ICT in nature must come through the relevant Head of Service</p> <p>11.11 new urgency provision</p>	<p>Easier to reference and clarity on status if Guidance incorporated in CSOs</p> <p>Finance/Legal/ICT can appropriately scope requirement and determine what service can be provided in house</p> <p>Urgency provision to prevent disproportionate delays to projects</p>
12 National Frameworks	To allow immediate adoption of National Frameworks subject to providing a follow up report to Committee.	Scotland Excel and Scottish Procurement frameworks may have little time built in between contracts expiring and new contracts commencing. Council reporting lead in times can mean a delay of several months before adopting the replacement contract. Elected members are represented on the joint committee for Scotland Excel. Delegation to Executive Directors would be based upon anticipated spend.

Schedule	Incorporates Guidance on Appointment of Consultants  Waivers approval thresholds included	
----------	---	--

#### **4. Measures of success**

---

- 4.1 The measure of success of the revised CSOs will be improved compliance and controls through increased clarity of the rules, allowing for flexibility where appropriate to allow delivery of better value contracts and reduce delays.

#### **5. Financial impact**

---

- 5.1 The changes to CSOs are expected to support the delivery of planned savings through the Commercial Excellence programme and in line with Council Business Plan and the medium term financial strategy.
- 5.2 Approval of these revised financial controls will continue to enhance the management of purchasing across all service areas.

#### **6. Risk, policy, compliance and governance impact**

---

- 6.1 The revisals will improve controls, increase compliance and improve the governance of contracts and reduce the risk of legal challenge

#### **7. Equalities impact**

---

- 7.1 There are no equalities impacts as a result of this report.

#### **8. Sustainability impact**

---

- 8.1 There are no adverse sustainability impacts as a result of this report.

## 9. Consultation and engagement

---

- 9.1 The CSOs were prepared in consultation with the Convenor and Vice Convenor of the Finance and Resources Committee and service areas and a wide range of officers involved in procuring and commissioning across all service areas of the Council, as well as Senior Management Teams. The revisions have been prepared in response to review by CPS and feedback as to improvements that could be made, to streamline processes and practical difficulties experienced following implementation.

## 10. Background reading/external references

---

- 10.1 [City of Edinburgh Council's Contract Standing Orders](#)
- 10.2 [Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants - Report to City of Edinburgh Council of 2 June 2016](#)
- 10.3 [Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants - Report to City of Edinburgh Council of 5 February 2015](#)

### **Stephen S. Moir**

Executive Director of Resources

Contact: Tammy Gillies, Chief Procurement Officer

E-mail: [tammy.gillies@edinburgh.gov.uk](mailto:tammy.gillies@edinburgh.gov.uk) | Tel: 0131 529 4930

## 11. Appendices

---

Appendix 1 – Contract Standing Orders

## Appendix 1



# CONTRACT STANDING ORDERS

14 December 2017

## Contents

1.	Preliminary, definitions and general principles	3
2.	Procedures	7
3.	Role and responsibilities of Directors	9
4.	Tender documents	11
5.	Evaluation of tenders and quotes	11
6.	Acceptance and award of contracts	11
7.	Eligibility to tender and termination, variation or suspension of a contract	12
8.	Electronic procurement	12
9.	Waiver of Contract Standing Orders	12
10.	Contract extensions or variations	14
11.	Consultants	15
12.	National Frameworks	16
13.	Review of Contract Standing Orders	16
	Schedule: Relevant values and associated tendering procedure.	17
	Schedule: Waiver Approval Procedure	21
	Contract Standing Orders flow chart	22

## **Introduction**

These Contract Standing Orders of the City of Edinburgh Council (“Council”) apply from 14 December 2017 and apply (with certain exceptions) to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services.

### **1 Preliminary**

#### **1.1 Extent and interpretation**

- 1.1.1 The Council makes these Standing Orders in terms of section 81 of the Local Government (Scotland) Act 1973.
- 1.1.2 These Standing Orders must be interpreted in accordance with the key principles of transparency, equal treatment, non-discrimination and proportionality.
- 1.1.3 These Standing Orders apply from 14 December 2017 and apply, subject to the provisions of Standing Order 1.1.5, to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services (including consultancy services).
- 1.1.4 The Standing Orders are subject to the over-riding provisions of European Union, United Kingdom, or Scottish legislation. They are also subject to any EU Commission, UK government or Scottish Executive guidance on public procurement that may be issued from time to time.
- 1.1.5 The Standing Orders do not apply to any of the following:
  - 1.1.5.1 contracts of employment;
  - 1.1.5.2 contracts solely relating to the lease, purchase or disposal of heritable property;
  - 1.1.5.3 the allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013;
  - 1.1.5.4 appointed guardians or legal services designated by a court of tribunal, any persons appointed under The Curators ad Litem and Reporting Officers (Panels) Scotland Regulations 2001 and the appointment of board members required by statute;
  - 1.1.5.5 contracts with statutory or public bodies on the basis of an exclusive right enjoyed by law; and
  - 1.1.5.6 those contracts excluded by the 2015 or 2016 Regulations for example arbitration or conciliation services.

- 1.1.6 The Standing Orders must be read in conjunction with, and all Council staff must comply with, the Scheme of Delegation to Officers, the Council's Financial Regulations and the Procurement Handbook. Where there is any discrepancy, the Standing Orders shall take precedence.
- 1.1.7 Failure to comply with these Standing Orders when making purchases or seeking offers may result in disciplinary action.
- 1.1.8 Any query regarding the application or interpretation of these Standing Orders should be made in the first instance to the Executive Director of Resources.

## 1.2 Definitions and interpretation

- 1.2.1 "Act" means the Procurement Reform (Scotland) Act 2014;
- 1.2.2 "Best Value" means the legal duty to secure continuous improvement in the performance of the Council's functions as set out in section 1 of the Local Government in Scotland Act 2003 as follows:-

### **"1 Local authorities' duty to secure best value"**

(1) It is the duty of a local authority to make arrangements which secure best value.

(2) Best value is continuous improvement in the performance of the authority's functions.

(3) In securing best value, the local authority shall maintain an appropriate balance among—

- (a) the quality of its performance of its functions;
- (b) the cost to the authority of that performance; and
- (c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

(4) In maintaining that balance, the local authority shall have regard to—

- (a) efficiency;
- (b) effectiveness;
- (c) economy; and
- (d) the need to meet the equal opportunity requirements.

(5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.

(6) In measuring the improvement of the performance of a local authority's functions for the purposes of this section, regard shall be had to the extent to which the outcomes of that performance have improved.

(7) In this section, "*equal opportunity requirements*" has the same meaning as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46)";

- 1.2.3 'CLT' means the Corporate Leadership Team
- 1.2.4 'Consultant' means a specialist who charges a fee for providing advice or services such as but not limited to business or project management, human resources, environment, communication, information technology, property and estates and financial services, but excluding agency and temporary workers and professional services provided by solicitors, counsel and actuaries;

- 1.2.5 “Contract Manager” means the nominated Contract Manager for a specific contract who is responsible for dealing with supplier performance and contractual matters of a day to day basis;
- 1.2.6 Co-production – means the real and meaningful involvement of the citizens of Edinburgh including future recipients of the services and key stakeholders and suppliers (both current and potential) in how and what community services and related goods and works are delivered with regard to the National Standards for Community Engagement.
- 1.2.7 “Executive Director” means the relevant Executive Director or in the case of Safer and Stronger Communities the Chief Executive) of the procuring service area or for the purpose of exercising any powers set out in these Standing Orders the Chief Executive of the Council or, in the case of cross-directorate purchasing or absence of the relevant Executive Director or the Chief Executive, such Head of Service as that Executive Director has nominated in accordance with the Scheme of Delegation, the Executive Director of Resources or such director as the Chief Executive may nominate.
- 1.2.8 “EU Thresholds” means the prescribed threshold values set by the EU Commission for supply, services, works, Social and other Specific Services or concession contracts as they may be amended from time to time;
- 1.2.9 “Legislative Exemptions” means an exemption from the application of procurement rules under EU law and principles developed through case law and other means
- 1.2.10 “Procurement Handbook” means the procurement handbook issued by the Executive Director of Resources, setting out the detailed requirements for the conduct of procurement activity within the Council (as amended from time to time);
- 1.2.11 “Procurement Requirement” means a document setting out as a minimum: -
- 1.2.11.1 what is the Council's requirement for the goods, works or services and why do we need it?
  - 1.2.11.2 what are all the available options, including internal provision, which is the best and why?
  - 1.2.11.3 can and should the Council afford it?
  - 1.2.11.4 what are the proposed supplier management arrangements and who is the nominated Contract Manager as required by Contract Standing Orders?
  - 1.2.11.5 how do we track, measure and account for the benefits?
- 1.2.12 “2015 Regulations” means the Public Contracts (Scotland) Regulations 2015 or successor legislation (as amended from time to time);

- 1.2.13 “2016 Regulations” means the Procurement (Scotland) Regulations 2016 or successor legislation (as amended from time to time);
- 1.2.14 “Regulated procurement” means a procedure to award a regulated contract being a public contract which is equal to or greater than £50,000 (other than works or health or social care contracts) or £2million for works contracts;
- 1.2.15 “Schedule” means the schedule to these Standing Orders;
- 1.2.16 “Social and other Specific Services means a public contract or framework for social and other specific services as defined by the 2015 Regulations including:-
- 1.2.16.1 Health, social and related services
  - 1.2.16.2 Administrative social, educational, healthcare and cultural services
  - 1.2.16.3 Other community, social and personal services
  - 1.2.16.4 Legal services
  - 1.2.16.5 Investigation and security services
  - 1.2.16.6 Postal services
- 1.2.17 “Standing Orders” means these standing orders including the Schedule and “Standing Order” shall be interpreted accordingly.

### **1.3 General Principles**

- 1.3.1 The relevant officer with responsibility for commissioning and/or procuring shall, prior to commencing any procurement process, ensure that an appropriate Procurement Requirement that meets the strategic and service objectives of the Council is completed in order to ensure that Best Value is achieved, that it complies with relevant sustainable development and equality requirements required by law and Co-production with key stakeholders is planned as appropriate and proportionate to the nature of the proposed contract,
- 1.3.2 The Procurement Requirement shall include consulting with other Council service areas to ensure that where there is a need for the same or similar services that they are jointly procured where appropriate. Where the approximate value of any proposed procurement is likely to exceed £1 million (or £25,000 in the case of consultancy spend) the relevant Procurement Requirement shall require the approval of the relevant Executive Director prior to proceeding to procurement.
- 1.3.3 All potential contracts above the EU thresholds and Regulated procurements must comply with the general principles of equal

treatment, non discrimination, transparency and proportionality. Procurements must not be designed with the intention of unduly favouring or disadvantaging any potential tenderer.

- 1.3.4 Throughout the life of a contract the contract should:-
- a. comply with the minimum standards set out in the Procurement Handbook and
  - b. be managed by the Contract Manager in respect of
    - i. performance;
    - ii. compliance with the specification and other terms of the contract;
    - iii. cost and benefits;
    - iv. Best Value requirements;
    - v. equality requirements;
    - vi. delivery and risk management; and
    - vii. continuous improvement and Co-production principles.
- 1.3.5 All procedures for initiating procurement, developing procurement plans, inviting and receiving tenders, approval of contracts, and all contractual arrangements entered into shall comply with the Council's equality and sustainability requirements and policies, shall encourage fair working practices and payment of the Living Wage and, where appropriate, contractual or procurement arrangements shall include the use of community benefit clauses.
- 1.3.6 All expenditure must comply with the Council's Financial Regulations.
- 1.3.7 Grants while not subject to the full application of the procurement regulations should be allocated in consultation with the Chief Procurement Officer and are subject to the requirement to
- a. secure Best Value
  - b. comply with the Council's Finance Rules
  - c. adhere to the Compact values in particular fairness, transparency, equality of treatment and mutual respect; and
  - d. comply with any guidance on grants in the Procurement Handbook

## **2 Procedures**

- 2.1 In addition to the obligations in Standing Order 1.3, before commencing a tendering procedure or making a purchase where no contract exists the relevant Executive Director must consult with the Chief Procurement Officer to establish whether:
  - 2.1.1 The Council has an existing contract for the same or similar requirement which may fulfill their requirements and provide best value; or
  - 2.1.2 there is any existing internal provision or other resources which could be used.
- 2.2 The procedure for the award of any contract shall depend upon the estimated aggregated value of that contract. The EU rules on aggregation of contracts shall apply and the artificial splitting of purchase orders or requirements to avoid the application of these Standing Orders is not permitted.
- 2.3 Subject to Standing Order 9, or where otherwise legally permitted in respect of proposed contracts which exceed the Regulated procurement thresholds provided by the Act or the EU Thresholds, the minimum associated tendering procedures that must be applied are detailed in the Schedule.
- 2.4 For a procedure other than competitive tendering e.g. the negotiated procedure without prior advertisement, advice must be sought from the Head of Legal and Risk and/or Chief Procurement Officer.
- 2.5 Health, social care and community services shall be procured in accordance with the Act, the 2015 Regulations, the 2016 Regulations, the Procurement of Care and Support Services 2016 (Best Practice) any statutory guidance issued under the Act and the principles of Co-production.
- 2.6 For all purchases in excess of £50,000 for goods and services and £2million for works the sustainable procurement duty introduced by the Act requires that before buying anything the Council must think about how it can improve the social, environmental and economic wellbeing of the area in which it operates with a particular focus on inequality and then act in a way that secures these improvements.
- 2.7 In accordance with its sustainable procurement duty the Council must consider how its procurement processes can facilitate the involvement of SMEs, third sector bodies and supported businesses and how innovation can be promoted. For contracts over the EU thresholds a contract may be awarded in the form of separate lots and where the decision is not to award in the form of separate lots this should be explained in the procurement documents.
- 2.8 The Council may reserve the right to participate in a tendering procedure to providers operating supported businesses, supported employment programmes or supported factories where more than 30% of the workers are disabled or disadvantaged persons in accordance with the 2015 Regulations. Where this right is exercised by the Council the contract award procedures provided by the Regulations and Act shall be followed.

- 2.9 Where legally permissible the Council shall seek to ensure that for purchases or contracts of an estimated value of £50,000 or less that at least one Small or Medium Enterprise (SME) from the City of Edinburgh or an SME who is a significant employer within the City of Edinburgh is invited to tender in any process. For future repeat procurements for similar goods, services or works the Council shall seek to ensure that at least one new SME from the City of Edinburgh or a new significant employer within the City of Edinburgh is invited to tender in any process.
- 2.10 Direct purchasing below £3,000 where the purchase cannot be secured from an existing contracted supplier without competitive tendering is permissible subject to the Council's duty to secure Best Value. Best Value will normally be secured by seeking 3 quotes and/or evidence of firm fixed prices.
- 2.11 Direct purchasing above £3,000 without seeking quotes is permissible only in those circumstances that would be permitted by the Act, the 2015 Regulations, the 2016 Regulations or in accordance with Standing Order 9.
- 2.12 The Chief Procurement Officer shall be consulted as appropriate in respect of tendering arrangements for any proposed contracts with an estimated value of less than £25,000.
- 2.13 The Chief Procurement Officer may seek advice and escalate such risks as considered appropriate to the Head of Legal and Risk who shall advise as to the appropriate action.
- 2.14 The Chief Procurement Officer shall advise on and make all tendering arrangements for any proposed contracts with an estimated value in excess of £25,000.
- 2.15 If an unsuccessful tenderer brings a written or formal challenge against the Council in relation to a tender exercise or questions the integrity of the tender process, the recipient of the notice of challenge or query must inform the Chief Procurement Officer. The Chief Procurement Officer must inform the Head of Legal and Risk as to potential legal challenges.
- 2.16 Parent Teacher Association monies may be subject to the application of the procurement regulations where the contract is entered into by the Council. The prior consent of the Council must be obtained where the expenditure of Parent Teacher Association monies will result in alterations to Council land or buildings require equipment to be fixed to Council land or buildings, have health or safety implications or maintenance obligations.

### **3 The Role and Responsibilities of Executive Directors**

- 3.1 Each Executive Director retains responsibility for selecting and appointing contractors, providers, suppliers or Consultants for their directorate, but shall seek guidance as appropriate from the Chief Procurement Officer. The Chief Procurement Officer shall be consulted at the earliest opportunity to ensure that all purchasing arrangements are made in compliance with these Standing Orders.
- 3.2 Each Executive Director has responsibility for all contracts tendered and let by

their Directorate and is accountable to the Council for the performance of their duties in relation to contract letting and management, which are:

- 3.2.1 to ensure compliance with these Standing Orders and the Procurement Handbook;
- 3.2.2 to ensure no contract is entered into by the Council without seeking advice where appropriate from the Chief Procurement Officer and Head of Legal and Risk and having proper regard to such advice;
- 3.2.3 to ensure that appropriate contract security (for example guarantees or performance bonds) is obtained where required or considered prudent;
- 3.2.4 to prepare and approve where required by these Standing Orders an appropriate Procurement Requirement for each proposed purchase or contract;
- 3.2.5 to prepare, in consultation with the Chief Procurement Officer, appropriate contract and tender documents which clearly specify the scope, quality and quantity of the works, goods or services;
- 3.2.6 to check whether there is any existing Council or other collaborative framework that can appropriately be used to achieve Best Value for the Council before undergoing a further competitive tender process;
- 3.2.7 to keep all bids confidential subject to any legal requirements;
- 3.2.8 to take appropriate measures to prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid distortion of competition and to ensure equal treatment of tenderers;
- 3.2.9 to ensure that any evaluation panel is suitably qualified and trained to assess tenders;
- 3.2.10 to ensure no supplier is requested by the Council to provide goods, services or works without first having a valid purchase order in place;
- 3.2.11 to enter all purchase order information onto the relevant Council financial system prior to the service or goods being delivered;
- 3.2.12 to ensure that for contracts of a value greater than £3,000 for goods and services and £10,000 for works, the contract register record is updated within 5 working days following issue of contract award and in any event prior to start date of contract;
- 3.2.13 to ensure all relevant staff putting in place a contract have read and understood and are familiar with these Standing Orders and the Procurement Handbook or other guidance issued in respect of these Standing Orders;
- 3.2.14 to conduct a timely Equality and Impact Rights Assessment and/or privacy impact assessment as appropriate;

- 3.2.15 to ensure contracts are awarded and any appropriate contract security documents are signed before work, services or supply provision commences;
- 3.2.16 to put in place arrangements for efficient contract and supplier management including the identification of a Contract Manager and management of benefits and performance, for the entire duration of the contract;
- 3.2.17 to retain a copy of the contract and keep proper records of all contracts and tenders, including minutes of tender evaluation panels and other meetings;
- 3.2.18 to take immediate action in the event of a breach of these Standing Orders or non compliance with the Procurement Handbook within his/her directorate;
- 3.2.19 to consult with Elected Members on matters reasonably considered politically, reputationally or financially sensitive in relation to proposed procurement activity and to brief Elected Members as appropriate at the Procurement Requirement stage of such procurements; and
- 3.2.20 to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the procurement process and where tenders are received in paper form to ensure they are opened in the presence of an officer nominated by the Chief Procurement Officer together with a witness.

#### **4 Tender Documents**

- 4.1 The tender documents shall clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the works, services and supplies required by the Council.
- 4.2 The Head of Legal and Risk will be consulted on conditions of contract for particularly significant or complex projects or contracts.
- 4.3 The Council's conditions of contract shall be used for all purchases over £3,000 unless the Head of Legal and Risk has advised that this is not required.

#### **5 Evaluation of Tenders and Quotes**

- 5.1 Tenders and quotes shall be evaluated on the basis of most economically advantageous and the best price-quality ratio. The award of a contract on the basis of lowest cost alone will only be permitted for goods and services contracts below £50,000, works contracts below £2million or under frameworks awarded prior to 18 April 2016.
- 5.2 Tenders and quotes received after the closing date and time stipulated for return of tenders, or tenders which are incomplete or in an incorrect format will not be opened or considered unless the Council, acting proportionately, decides that there are circumstances which allow it to exercise discretion in

allowing consideration of the tender. The Chief Procurement Officer must be consulted if tenders which are submitted late, incomplete or in an incorrect format are to be evaluated.

- 5.3 Tenders shall be evaluated by a tender evaluation panel which should comprise officers having sufficient knowledge and technical ability to enable them to evaluate detailed tenders appropriately. The evaluation process shall follow any guidance issued by the Chief Procurement Officer and be fully and appropriately documented.
- 5.4 Where a proposed purchase or tender involves the use, adoption or purchase of an Information Communication Technology (ICT) or digital service, software or hardware the advice of the Council's ICT services must be sought at the Procurement Requirement stage and any purchase must be undertaken in collaboration with the Council's ICT Solutions service. The Council's ICT contract should be used for any Council requirements unless it is unsuitable or will not provide best value.

## **6 Acceptance and Award of Contracts**

- 6.1 Following the conclusion of the procedure for awarding contracts set out in these Standing Orders and, where applicable, the expiry of the mandatory standstill period, the resulting contract between the Council and successful tenderer shall follow the approval process detailed in the Schedule. The signing of the contract document or letter of acceptance shall be in accordance with the Scheme of Delegation.

## **7 Eligibility to tender and termination, variation or suspension of a contract**

- 7.1 The relevant Executive Director, having due regard to legal advice from the Head of Legal and Risk, may treat a potential tenderer as ineligible to tender where there are reasonable grounds to conclude that the contractor or potential tenderer:
  - 7.1.1 has committed an act of grave misconduct in the course of their business or profession; or
  - 7.1.2 has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract which led to early termination of that prior contract, damages or other comparable sanctions, subject to consideration by the Council of any measures taken to demonstrate reliability; or
  - 7.1.3 falls within one or more of the other grounds set out in the 2015 Regulations or
  - 7.1.4 has compiled, used, sold or supplied a prohibited list which:
    - i. contained details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and

- ii. was compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers, within the meaning of the Employment Relations Act of 1999 (Blacklists) Regulations 2010.

7.2 The relevant Executive Director may terminate, suspend or vary a contract, in accordance with the express or implied terms of the contract and may also take such further action with regard to any contract as the Council is legally entitled to take.

7.3 The relevant Executive Director will notify the Head of Finance and Chief Procurement Officer without delay of any actions taken in accordance with Standing Order 7.1 to 7.2.

## **8 Electronic Procurement**

8.1 Requests for quotations and invitations to tender shall be issued and/or received by electronic means.

## **9 Waiver of Contract Standing Orders or Legislative Exemptions**

9.1 The requirement to comply with any provision of these Standing Orders may be waived in accordance with the waiver approval process detailed in the Schedule if on considering a written report by an appropriate officer the waiver is considered to be in the Council's best interests having regard to

9.1.1 best value

9.1.2 any potential risk of successful legal challenge

9.1.3 the principles of transparency, equal treatment, non discrimination and proportionality and

9.1.4 any impact upon services users

9.2 A record of the decision approving a waiver must be kept by the relevant Executive Director and a copy of such approved waiver provided to the Chief Procurement Officer who shall where appropriate make an entry in the contract register and any other appropriate register.

9.3 Where approval for a waiver of these Standing Orders has not been obtained in advance the reason for this must be contained in the waiver or Committee report.

9.4 Where a waiver, committee approval or procedure permitted by this Standing Order 9 allows the direct award of a contract which exceeds £50,000 then a contract award notice must be recorded on the Public Contracts Scotland portal and the relevant Executive Director must notify Commercial and Procurement Services of the details to allow entry on the contract register and any other appropriate register,

9.5 Where these Standing Orders have been waived in accordance with this

Standing Order 9 the relevant Director shall put in place a written contract for that requirement without delay, inform the Chief Procurement Officer and ensure appropriate plans are made for tendering the requirement where appropriate.

9.6 The requirement to waive these Standing Orders is not required where:-

9.6.1 a procedure or specific situation other than the open or restricted procedure is permitted by the 2015 Regulations, 2016 Regulations, the Act, EU law or relevant case law. In deciding whether the use of another procedure or specific situation is permitted the relevant Head of Service or Director shall seek advice from the Chief Procurement Officer and/or Head of Legal and Risk

9.6.2 the circumstances of the proposed contract are covered by legislative exemptions, for example certain research and development services

9.6.3 contracts with another public body for the purposes of ensuring co-operation with the aim of providing public services or

9.6.4 a tender process or contract negotiations are currently in progress and contact award and contract commencement is anticipated within four months.

## **10 Contract extensions or variations**

10.1 Subject to 10.2, an Executive Director (or where the value or consequent change in price does not exceed £25,000, the relevant Head of Service) may authorise an extension to a contract, or any other variation including a consequent change in price, provided such extension or variation has been provided for in the initial procurement documents which may include price revision clauses or options, is not contrary to the Act, the 2015 or 2016 Regulations or the Council's EU obligations.

10.2 An Executive Director or Head of Service shall not extend or vary a contract if such extension or variation is not expressly permitted by the contract without seeking advice from the Head of Legal and Risk or the Chief Procurement Officer.

10.3 The EU rules on aggregation of contracts shall apply.

## **11 Consultants**

11.1 Consultants shall only be appointed where the service cannot be provided by Council staff due to a lack of expertise or capacity.

11.2 The cost of appointing a Consultant shall be contained within the budget of the service or project for which the Consultant is to be appointed.

11.3 Executive Directors shall ensure a clear specification identifying the required outcomes shall be in place at the time of appointing the Consultant.

11.4 Executive Directors shall ensure that appropriate monitoring

arrangements, such as gateway reviews, are in place prior to a Consultant's appointment in order that payments to the consultant are only made in accordance with the satisfactory achievement of measurable outcomes.

- 11.5 Where a Consultant is to be appointed and the services are:-
- 11.5.1 of a financial nature the Head of Finance must be consulted on the scope and specification of the services prior to appointment
  - 11.5.2 of a legal nature the Head of Legal and Risk must be consulted on the scope and specification of the services prior to appointment
  - 11.5.3 of an ICT nature the Head of ICT must be consulted on the scope and specification of the services prior to appointment

For all other appointments the relevant Executive Director shall approve the scope and specification where the services (or series of related services) are anticipated to be provided at an aggregate cost of up to £25,000.

- 11.6 Where Consultants are appointed, Executive Directors shall ensure that where appropriate, Council staff fill key project roles and work closely with Consultants to maximise the potential for transfer of skills and knowledge to Council staff.
- 11.7 Executive Directors shall maintain up-to-date records on the consultancy spend within their service area and shall include consultancy spend as a line in the detailed monitoring reports for months six and twelve of each financial year to CLT.
- 11.8 Subject to 11.9 the appointment of a Consultant where the services (or series of related services) are anticipated to be provided at an aggregate cost of £25,000 or more shall follow the approval process detailed in the Schedule.
- 11.9 Further approval shall not be required for services that are essential to the completion of a Pre-Approved Council Project. A Pre-Approved Council Project is a project for which there is:
- 11.9.1 approved revenue or capital expenditure in accordance with the Council's Financial Regulations; and
  - 11.9.2 for projects that have a Council or appropriate committee report approving the recommendation to commence the project which includes an explicit reference to the requirement for consultants in the delivery of that project.
- 11.10 Committee approval shall not be required for the appointment of a Consultant employed in the design, evaluation and delivery of a works contract where the value is below the Committee reporting requirements as set out in the Contract Standing Orders for services or works. Any such appointment shall require the prior approval of the relevant

Executive Director and the Chief Procurement Officer and details of any such appointments shall be included in a regular update report to CLT for noting.

- 11.11 In the event that the requirements of 11.9.2 are not met and the use of a Consultant is required as a matter of urgency the urgency provisions set out in provision 4 of the Council's Committee Terms of Reference and Delegated Functions and the Waiver provisions contained in Contract Standing Order 9 where appropriate should be followed.
- 11.12 An Executive Director shall not appoint a former employee who has been granted early retirement or been given a redundancy or severance package ("former employee") as a consultant unless:
- 11.12.1 a minimum of 1 year has elapsed since the former employee ceased to be employed by the Council; or

subject to consultation with the Chief Executive, the Executive Director is satisfied that there is a clear and robust justification for the appointment of the former employee as a consultant.

## **12 National Frameworks**

- 12.1 In order to purchase from National Frameworks such as those put in place by Scotland Excel or Scottish Procurement without delay the Council may make use of the framework and make purchases under that framework subject to reporting the adoption of such frameworks in a six monthly report to the Finance and Resources Committee.

## **13 Review of Standing Orders**

- 13.1 These Standing Orders will be reviewed annually.

## RELEVANT VALUES AND ASSOCIATED TENDERING PROCEDURE

Total value for duration of contract or purchase (aggregation rules apply)*	Procedure	Approval of contractual obligation	Committee Approval
Up to £3,000	<p>Use existing local, national, Council framework or call- off contracts or</p> <p><b>Appropriate choice of provider</b> documenting reasoning and quote <i>or</i></p> <p>Public Contracts Quick Quote facility.</p> <p>Best Value must be delivered and this will usually be demonstrated by seeking 3 quotes.</p>	<p>Executive Director, Head of Service or such other officer to whom the relevant Executive Director or Head of Service has appropriately delegated their powers to in consultation with Chief Procurement Officer as appropriate</p>	Not required
£3,000 to £25,000 (excluding health or social care services)	<p>Use existing local, national, Council framework or call- off contracts or</p> <p>Seek a minimum of 3 quotes using Public Contracts Scotland "Quick Quote" facility <b>or</b></p> <p><b>written/formal quotations</b> – written description of requirements followed by written / electronic submission of quotes</p>	<p>Executive Director, Head of Service or such other officer to whom the relevant Executive Director or Head of Service has appropriately delegated their powers to in consultation with Chief Procurement Officer as appropriate, and Head of Legal and Risk as appropriate</p>	Not required
£3,000 up to £25,000 for Consultancy spend	<p>Use existing local, national, Council framework or call- off contracts or</p>	<p>Executive Director, Head of Service or such other officer to whom the relevant Executive Director or Head of Service has appropriately delegated their</p>	Not required

	<p>Seek minimum of 3 quotes using Public Contracts Scotland "Quick Quote" facility <b>or</b></p> <p><b>written/formal quotations</b> – written description of requirements followed by written / electronic submission of quotes</p>	<p>powers to in consultation with Chief Procurement Officer and Head of Legal and Risk as appropriate</p>	
<p><b>£25,000 and above for Consultancy spend***</b></p>	<p>Use existing local, national, Council framework or call- off contracts, or-</p> <p><b>Invitation to tender following public advertisement</b> - Public Contracts Scotland portal and where these are Regulated Procurements comply with the provisions for Regulated procurements required by the Act and the 2016 Regulations</p> <p>or</p> <p>Public Contracts Quick Quote facility up to a value of £50,000.</p>		<p>Approval to award sought from Finance and Resources Committee** or Council</p>
<p><b>£25,000 up to EU Thresholds for services and supplies (excluding health or social care services and consultancy services)</b></p>	<p>Use existing local, national, Council framework or call- off contracts, or-</p> <p><b>Invitation to tender following public advertisement</b> - Public Contracts Scotland portal and where these are Regulated Procurements comply with the provisions for Regulated procurements required by the Act and the 2016 Regulations</p> <p>or</p> <p>Public Contracts Quick Quote facility up to a value of £50,000.</p>	<p>Executive Director or Head of Service (where delegated authority has been given) in consultation with Chief Procurement Officer (and Head of Legal and Risk as appropriate).</p>	<p>Not required</p>

<p><b>£25,000 up to EU Thresholds for works</b></p>	<p>Use existing local, national, Council framework or call-off contracts, or</p> <p>Public Contracts Quick Quote facility up to a value of £2million.</p> <p><b>Invitation to tender following public advertisement -</b> Public Contracts Scotland portal and where these are Regulated Procurements comply with the provisions for Regulated procurements as set out in the Act and the 2016 Regulations</p>	<p>Executive Director or Head of Service (where delegated authority has been given) in consultation with Chief Procurement Officer (and Head of Legal and Risk as appropriate) up to £500,000.</p> <p>Executive Director approval in consultation and Chief Procurement Officer (and Head of Legal and Risk as appropriate), between £500,000 and £2million.</p>	<p>Approval to award sought from Finance and Resources Committee** or Council where value exceeds £2million</p>
<p><b>£25,000 up to EU Threshold for Social and other Specific Services for Health or Social Care Services</b></p>	<p>Use existing local, national, Council framework or call-off contracts or</p> <p>Contracts to be awarded in accordance with the Procurement of Care and Support Services 2016 (Best Practice) and any statutory guidance issued under the Act</p>	<p>Executive Director or Head of Service (where delegated authority has been given) in consultation with Chief Procurement Officer (and Head of Legal and Risk as appropriate) up to EU threshold for Social and other Specific Services for Health or Social Care Services</p>	<p>Not required.</p>
<p><b>Above EU Threshold for services, Social and other Specific Services and supplies</b></p>	<p>Use existing local, national, Council framework or call-off contracts, or</p> <p><b>Invitation to tender following advertisement in OJEU -</b> Public Contracts Scotland portal</p> <p>or</p>	<p>Executive Director approval in consultation with Chief Procurement Officer (and Head of Legal and Risk as appropriate), up to £1million</p>	<p>Approval to award sought from Finance and Resources Committee** or Council where value exceeds £1million</p>

	negotiated procedure without prior publication, competitive procedure with negotiation, competitive dialogue or innovative partnerships where permitted by the 2015 Regulations		
<b>Above EU Threshold for works</b>	Use existing local, national, Council framework or call- off contracts, or  <b>Invitation to tender following advertisement in OJEU -</b> Public Contracts Scotland portal  or  negotiated procedure without prior publication, competitive procedure with negotiation, competitive dialogue or innovative partnerships where permitted by the 2015 Regulations		Approval to award sought from Finance and Resources Committee** or Council
<b>Above EU Threshold for concession contracts</b>	Publication of a Concession Notice in OJEU and compliance with the requirements of the Concession Contracts (Scotland) Regulations 2016	Executive Director approval in consultation with the Chief Procurement Officer (and Head of Legal and Risk) as appropriate) up to £5million	Approval to award sought from Finance and Resources Committee** or Council where the value exceeds £5million

\* the estimated value of the contract is the value of the total consideration (not including VAT) which the Council expects to be payable under or by virtue of the contract. Contracts must not be artificially disaggregated.

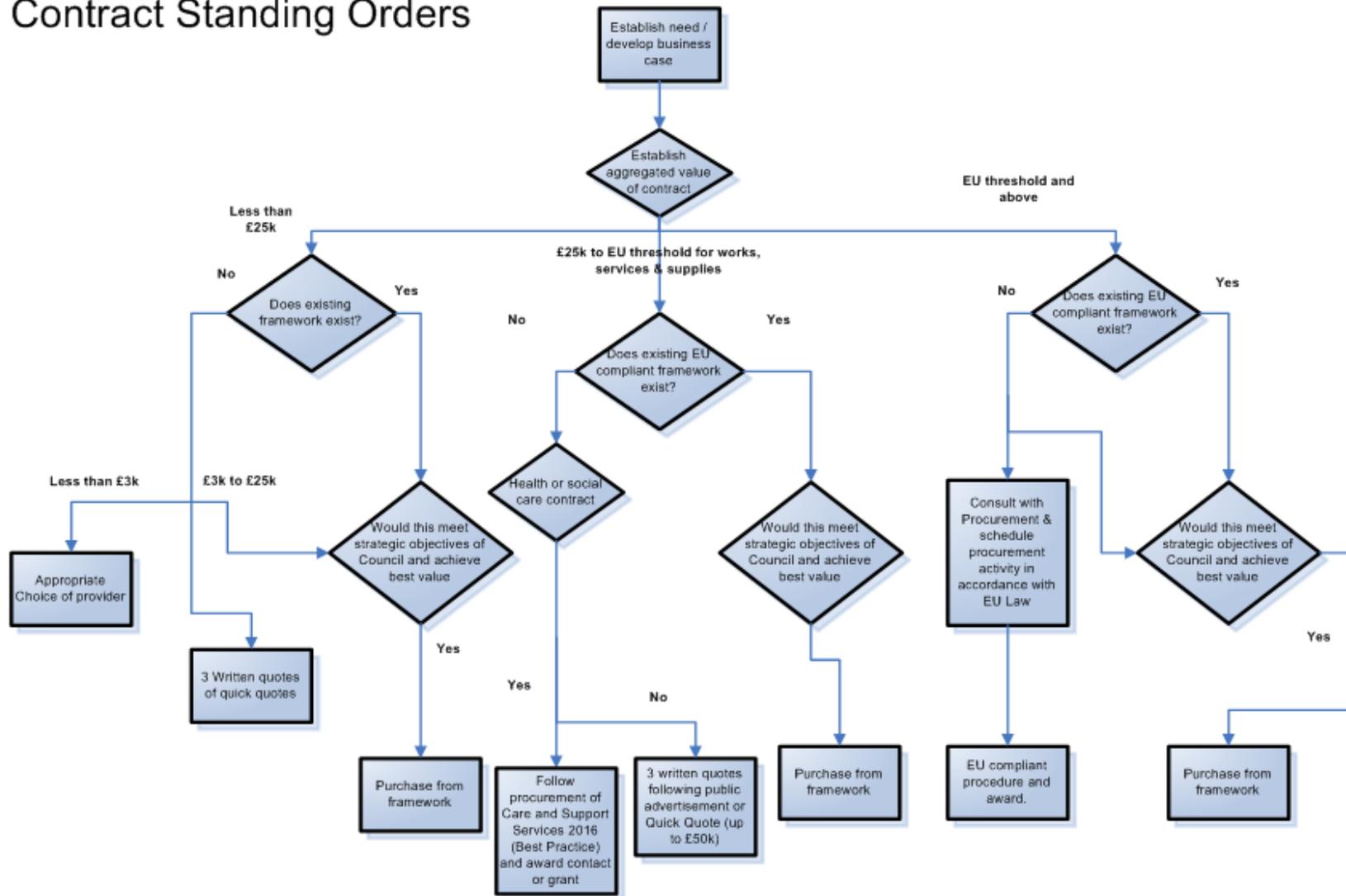
\*\*Pensions contracts may seek the approval of the Pensions Committee.

\*\*\* The provisions of 11.9 Consultants shall apply

## WAIVER APPROVAL PROCEDURE

Total value for duration of Waiver (aggregation rules apply)*	Approval of contractual obligation	Committee Approval
<b>Up to £3,000</b>	Not required	Not required
<b>£3,000 to £50,000 (excluding consultancy spend)</b>	The relevant Executive Director or Head of Service to whom the relevant Executive Director has appropriately delegated their powers to and the Chief Procurement Officer	Not required
<b>£50,000 -£250,000 (£3,000-£25,000 in the case of consultancy spend)</b>	The relevant Executive Director, and the Executive Director of Resources (or the Chief Executive where the relevant Executive Director is the Executive Director of Resources)	Not required
<b>Above £250,000 (above £25,000 in the case of consultancy spend)</b>		Approval to waive sought from Finance and Resources Committee** or Council as the Chief Executive considers appropriate

# Contract Standing Orders



# The City of Edinburgh Council

10.00am, Thursday, 14 December 2017

## Maternity, Paternity and Adoption Leave for Councillors

Item number	8.2
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

---

This report seeks Council approval for Council Officers, supported by Group Leaders, engaging directly with the COSLA to improve the clarity of the guidance in respect of maternity, paternity and adoption leave rights for elected members.

## Maternity, Paternity and Adoption Leave for Councillors

### 1. Recommendations

---

- 1.1 That Council:
- 1.1.1 Instructs the Executive Director of Resources to work with Group Leaders to develop proposals which would put in place appropriate supporting practice and policy guidance in respect of maternity, paternity and adoption leave arrangements for Councillors; and
  - 1.1.2 Instructs the Executive Director of Resources to work with Group Leaders to make representations to COSLA and the Scottish Government to determine the possibility of putting in place proposals developed.

### 2. Background

---

- 2.1 With regard to the Council's Equality and Diversity Policy, the Council values diversity and inclusion and is committed to supporting gender equality within Council functions including in relation to Officer Holders in terms of the Local Government (Scotland) Act 1973.
- 2.2 The Council may wish to consider the possible availability of maternity, paternity and adoption leave arrangements for Councillors and any potential impact of implementation of such arrangements.
- 2.3 On 7 November 2017, Midlothian Council approved a motion committed to fall into line with any steps which COSLA may recommend to introduce maternity, paternity and adoption leave arrangements concerning Councillors.

### 3. Main report

---

#### Gender Equality

- 3.1 The City of Edinburgh Council values diversity and inclusion and is committed to supporting equality of opportunity within Council functions, roles and policies. In future, the Council may wish to consider the possible availability of maternity, paternity and adoption leave for Councillors.

## **Councillor Status**

- 3.2 Councillors are neither employees, nor workers and do not have employment status, rather Councillors are office holders whose duties are defined by the office held and exist independently of the person who fills it.
- 3.3 Section 31A(1) of the Local Government (Scotland) Act 1973 makes it clear that a person who holds any paid office or employment or other place of profit in the gift or disposal of the authority, must resign when they are elected as a Councillor. It is therefore clear that Councillors must act in their capacity as office holders only and it is not the intention of the 1973 Act that they have worker/ employee status.
- 3.4 Implementation of policies of this nature could be seen as the beginning of a change regarding the status of Councillors, away from their current status as 'office holders' and a move towards 'worker/employee status'. Any such change could well have far reaching consequences in relation to the statutory rights available to Councillors [compared to those originally intended as a consequence of the 1973 Act], akin to the rights of workers and employees and it would therefore be appropriate to ensure that such changes are endorsed by the Scottish Government.

## **Governmental Responsibility**

- 3.5 The Fawcett Report, which relates only to England and Wales, calls upon the [UK] Government to introduce a nationwide maternity, paternity, adoption or parental leave policy for Councillors in local government. Similarly, the introduction of any such arrangements may correctly, ultimately, fall within the remit of the Scottish Government [with prior requisite approval from COSLA].

## **4. Measures of success**

---

- 4.1 To support values of diversity and inclusion with a commitment to continue to promote gender equality for all.

## **5. Financial impact**

---

- 5.1 There are no immediate cost implications associated with this report.
- 5.2 Further consideration would require to be given to the financial impact in the event that the Council proceeded to implement maternity, paternity and adoption leave arrangements for Councillors.

## **6. Risk, policy, compliance and governance impact**

---

- 6.1 There is no immediate impact as a result of this report.

- 6.2 A further decision to implement maternity, paternity and adoption leave arrangements would appear to be a move away from the position as originally intended in Section 31(A) of the Local Government (Scotland) 1973 Act, regarding the current status of Councillors as ‘office holders’ rather than as ‘workers/ employees’.
- 6.3 The Council should therefore seek clarification from both the Scottish Government and COSLA.

## **7. Equalities impact**

---

- 7.1 Consideration of maternity and paternity arrangements for Councillors further supports a gender equality workplace.

## **8. Sustainability impact**

---

- 8.1 Not applicable.

## **9. Consultation and engagement**

---

- 9.1 Not applicable.

## **10. Background reading/external references**

---

- 10.1 [Equality and Diversity Policy](#)
- 10.2 “[Does Local Government Work for Women?](#)” – Final Report of the Local Government Commission (9 July 2017).

### **Stephen S. Moir**

Executive Director of Resources

Contact: Katy Miller, Head of Human Resources

E-mail: [Katy.Miller@edinburgh.gov.uk](mailto:Katy.Miller@edinburgh.gov.uk) | Tel: 0131 469 5522

10.00am, Thursday 14 December 2017

## Monitoring Officer Investigation

Item number 8.3

Report number

Executive/routine

Wards

Council Commitments

### Executive summary

---

This report sets out the findings of the Scottish Public Services Ombudsman (“SPSO”) in relation to the Council’s determination of a planning application in relation to an extension to a hotel.

## Monitoring Officer Investigation

### 1. Recommendations

---

- 1.1 To note that the Council's Monitoring Officer is required, under s.5 of the Local Government and Housing Act 1989, to report to Council if he considers that in the course of the discharge of the Council's functions any proposal, decision or omission has resulted in maladministration. In this context, maladministration means unreasonableness in the delivery of Council services or failure to apply the law or rules properly;
- 1.2 To note that a report by the Scottish Public Services Ombudsman (the "SPSO") into the Council's handling of a planning application and related complaints resulted in a finding of maladministration. The Monitoring Officer agrees with this finding; and
- 1.3 To note that the Council has complied with the recommendations of the SPSO's report and has taken required action to prevent recurrence of the issues identified.

### 2. Background

---

- 2.1 On 2 May 2016, a planning application was registered with the Council, reference 16/02223/FUL. The application was submitted by the owners of the Rockville Hotel on Portobello seafront. The applicants sought permission for an extension to be built into their car park for use as a restaurant. On 7 June 2016, a delegated decision to grant planning permission was made.
- 2.2 On 14 August 2016, a resident in the neighbourhood submitted a complaint via a local councillor regarding the processing and approval of the application. The resident complained that the Council's Roads Service had recommended that the application be refused as it did not meet the relevant parking requirements.
- 2.3 The Council's response stated that, due to staffing changes, the required consultation process with the Roads Service had been delayed and had not been completed prior to the decision to approve. The complaint was partially upheld by the Council, but the Council's position was that it was still reasonable to grant the approval in the absence of a completed consultation process, given the time limits which apply to this type of application.
- 2.4 The resident was not satisfied with the outcome and referred the matter to the SPSO.

### 3. Main report

---

- 3.1 The resident submitted two complaints to the SPSO:
- (i) *That the Council unreasonably failed to take account of relevant planning policy before approving the application; and*
  - (ii) *That the Council unreasonably failed to await a roads authority consultation response before approving the application.*
- 3.2 The SPSO commissioned an independent planning adviser to assist it in considering the complaints. Having taken advice from the planning adviser, the SPSO upheld both complaints.
- 3.3 During the period in which the application was dealt with, planning functions were performed in accordance with the Edinburgh City Local Plan 2010 (the “2010 Plan”). 2010 Plan was Policy TRA 4 – Private Car Parking. The Council is required by law to determine planning applications in accordance with the relevant development plan, unless material considerations dictate otherwise. Policy TRA 4 as it applied to the development area recommended one parking space per every ten to twelve square metres of public floor area. Although it was open to the Council to approve a development with fewer parking spaces under Policy TRA 4, the report of handling of the application made no reference to parking. The SPSO held that the Council failed to consider TRA 4 at all when reviewing the application and therefore upheld the first complaint.
- 3.4 The SPSO considered the failings identified in this first complaint to be maladministration on the part of the Council.
- 3.5 The definition of maladministration is wide and can include incorrect action or failure to take action in addition to failure to follow procedure or the law. In this case, the Council failed to follow procedure.
- 3.6 During the Council’s handling of the application, the Roads Service recommended that the application be refused for failing to meet local parking requirements. The SPSO’s adviser concluded that the Council had had adequate time to wait for and consider the response of the Roads Service while keeping within the statutory timescale. The SPSO further concluded that “ongoing disruption to the speed and reliability of the internal consultation service provided to the planning teams by transport officers” was not a factor which supported the Council’s decision to determine the application without the Roads Service’s response. On the contrary,

this should have resulted in more efforts being made to contact the Roads Service. Further, although the Council had advised the resident that attempts had been made to obtain a Roads Service response, this was not evident in the information provided to the SPSO in relation to the complaint.

- 3.7 The SPSO upheld the second complaint, although did not find it to be maladministration.
- 3.8 The SPSO has recommended that all material considerations should be taken into account when determining a planning application and that the correct policies should be identified and referenced in the report of handling.
- 3.9 The SPSO asked the Council to provide evidence that this case has been used for learning. A case study bulletin has been issued to all Planning officers, highlighting the issues in the case and key points for learning and improvement. Evidence of this has been submitted to the SPSO.

#### **4. Measures of success**

---

- 4.1 That Planning officers use the lessons to be learned from this matter to prevent a recurrence.

#### **5. Financial impact**

---

- 5.1 No direct impact.

#### **6. Risk, policy, compliance and governance impact**

---

- 6.1 There is a risk that by not following appropriate policy requirements, the Council is open to unnecessary external scrutiny and potentially legal action.

#### **7. Equalities impact**

---

- 7.1 No direct impact.

#### **8. Sustainability impact**

---

- 8.1 No direct impact.

## 9. Consultation and engagement

---

9.1 None.

## 10. Background reading/external references

---

The decision will be published on the SPSO's website (<https://www.spsso.org.uk/our-findings>) in due course.

## 11. Appendices

---

None.

### **Nick Smith**

Monitoring Officer

Contact: Nick Smith, Monitoring Officer

E-mail: [nick.smith@edinburgh.gov.uk](mailto:nick.smith@edinburgh.gov.uk) | Tel: 0131 529 4377

# The City of Edinburgh Council

10am, Thursday, 14 December 2017

## Standards Commission for Scotland – Decision of Hearing Panel – Lord Provost Councillor Frank Ross

Item number 8.4

Report number

Executive/routine

Wards

Council Commitments

### Executive Summary

---

The Standards Commission for Scotland considered a complaint against Lord Provost Councillor Frank Ross, alleging that he had contravened the Councillors' Code of Conduct, in particular paragraphs 4.2 and 4.20. The finding was that there had been a breach of the Code.

## Standards Commission for Scotland – Decision of Hearing Panel – Lord Provost Councillor Frank Ross

### 1. Recommendations

---

- 1.1 To consider the decision by the Hearing Panel of the Standards Commission for Scotland into a complaint about a member of the Council.

### 2. Background

---

- 2.1 The Standards Commission for Scotland considered a complaint against Lord Provost Councillor Frank Ross, alleging that he had contravened the Councillors' Code of Conduct, in particular paragraphs 4.2 and 4.20.
- 2.2 The Commissioner for Ethical Standards in Public Life in Scotland had investigated the complaint, found that in his opinion the Lord Provost had breached the Code and referred the matter for decision to the Standards Commission.

### 3. Main report

---

- 3.1 A hearing was held on 29 November 2017. The Hearing Panel considered all the evidence and found that Lord Provost Councillor Frank Ross had contravened the Councillors' Code of Conduct. The Hearing Panel decided under Section 19(1)(A) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to censure Lord Provost Councillor Frank Ross.
- 3.2 Section 18 (3) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 requires that the decision of the hearing panel is reported to the Council to consider its content within three months. This consideration can not be delegated to a committee or an officer.

### 4. Measures of success

---

- 4.1 The Council considers the decision of the Standards Commission for Scotland within the statutory timescale.

## 5. Financial impact

---

5.1 There is no financial impact as a result of this report.

## 6. Risk, policy, compliance and governance impact

---

6.1 The Council is required to consider the decision of the Hearing Panel within three months of the decision. It should be noted that as at the date of this report to Council the decision remains within the period for appeal.

## 7. Equalities impact

---

7.1 There are no equalities impact as a result of this report.

## 8. Sustainability impact

---

8.1 There is no sustainability impact as a result of this report.

## 9. Consultation and engagement

---

9.1 Not applicable.

## 10. Background reading/external references

---

10.1 [Councillors' Code of Conduct](#) (Standards Commission for Scotland website)

10.2 [Decision of the Hearing Panel](#) (Standards Commission for Scotland Website)

### **Andrew Kerr**

Chief Executive

Contact: Nick Smith, Monitoring Officer

E-mail: [nick.smith@edinburgh.gov.uk](mailto:nick.smith@edinburgh.gov.uk) | Tel: 0131 529 4377

## 11. Appendices

---

None