

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 1 February 2018**

Council Chamber, City Chambers, High Street, Edinburgh

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

### **Contact**

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## **1. Order of business**

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- 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**

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- 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**

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- 3.1 If any

## **4. Minutes**

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- 4.1 The City of Edinburgh Council of 14 December 2017 (circulated) – submitted for approval as a correct record

## **5. Questions**

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- 5.1 By Councillor Lang – Edinburgh Airport – for answer by the Convener of the Planning Committee
- 5.2 By Councillor Lang – Grit Bins – for answer by the Convener of the Transport and Environment Committee
- 5.3 By Councillor Lang – 20mph Traffic Calming – for answer by the Convener of the Transport and Environment Committee
- 5.4 By Councillor Jim Campbell – Building Failures – for answer by the Leader of the Council
- 5.5 By Councillor Jim Campbell – Building Failures – for answer by the Deputy Leader of the Council
- 5.6 By Councillor Jim Campbell – Building Failures – for answer by the Convener of the Education, Children and Families Committee
- 5.7 By Councillor Jim Campbell – Building Failures – for answer by the Convener of the Finance and Resources Committee
- 5.8 By Councillor Mowat – Items that are not Vehicles on the Street – for answer by the Convener of the Transport and Environment Committee
- 5.9 By Councillor Douglas – 20mph Schemes – for answer by the Convener of the Transport and Environment Committee

- 5.10 By Councillor Douglas – Community Parking Zones – Murrayfield Stadium – for answer by the Convener of the Transport and Environment Committee
- 5.11 By Councillor Douglas – Congestion Surveys – Leith Street – for answer by the Convener of the Transport and Environment Committee
- 5.12 By Councillor Laidlaw – Graffiti Vandalism – for answer by the Convener of the Culture and Communities Committee
- 5.13 By Councillor Mitchell – Edinburgh’s Christmas Events – for answer by the Convener of the Culture and Communities Committee
- 5.14 By Councillor Mitchell – Sporting Groups – Meadowbank Stadium – for answer by the Convener of the Culture and Communities Committee
- 5.15 By Councillor Johnston – Consultation Hub – for answer by the Convener of the Finance and Resources Committee
- 5.16 By Councillor Young –Traffic Calming in South Queensferry – for answer by the Convener of the Transport and Environment Committee
- 5.17 By Councillor Young – Traffic Counters – for answer by the Convener of the Transport and Environment Committee
- 5.18 By Councillor Young – Homelessness and Families – for answer by the Convener of the Housing and Economy Committee
- 5.19 By Councillor Hutchison – Local Government Financial Statement – for answer by the Convener of the Finance and Resources Committee
- 5.20 By Councillor Hutchison – Locality Committees – for answer by the Convener of the Culture and Communities Committee
- 5.21 By Councillor McLellan – Craigentiny Primary School – for answer by the Convener of the Education, Children and Families Committee
- 5.22 By Councillor McLellan – Flashing 20mph Warning Signs – for answer by the Convener of the Transport and Environment Committee
- 5.23 By Councillor McLellan – Sports Amenities in North East Edinburgh – for answer by the Convener of the Culture and Communities Committee
- 5.24 By Councillor McLellan – Urban Eden Development – for answer by the Convener of the Transport and Environment Committee
- 5.25 By Councillor McLellan – Wolseley Steps on London Road – for answer by the Convener of the Transport and Environment Committee
- 5.26 By Councillor McLellan – Council Tax Arrears – for answer by the Convener of the Finance and Resources Committee

- 5.27 By Councillor Miller - Short Term Holiday Lets Meetings – for answer by the Convener of the Transport and Environment Committee
- 5.28 By Councillor Mary Campbell – Playground Equipment – for answer by the Convener of the Transport and Environment Committee
- 5.29 By Councillor Staniforth – Music is Audible Working Group – for answer by the Convener of the Planning Committee
- 5.30 By Councillor Gloyer – Communal Glass Recycling Bins – for answer by the Convener of the Transport and Environment Committee
- 5.31 By Councillor Gloyer – Behaviour by Cyclists – for answer by the Leader of the Council
- 5.32 By Councillor Rae – Graffiti/Tagging – for answer by the Convener of the Culture and Communities Committee
- 5.33 By Councillor Booth – Parking Enforcement – for answer by the Convener of the Transport and Environment Committee
- 5.34 By Councillor Burgess – Vehicle Mileage Allowance – for answer by the Convener of the Finance and Resources Committee
- 5.35 By Councillor Burgess - Pool Vehicles – for answer by the Convener of the Finance and Resources Committee
- 5.36 By Councillor Burgess – Council Parking Spaces – for answer by the Convener of the Finance and Resources Committee

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

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- 6.1 Leader's report (circulated)

## **7. Appointments**

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- 7.1 If any

## **8. Reports**

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- 8.1 Scheme of Delegation – Shared Repairs – report by the Chief Executive (circulated)
- 8.2 Rolling Actions Log – report by the Chief Executive (circulated)
- 8.3 Edinburgh St James Growth Accelerator Model (GAM) – Update on Progress and Approval of New Financial Limit - report by the Executive Director of Place (circulated)

- 8.4 City Deal – New Housing Delivery Partnership Implementation – referral from the Housing and Economy Committee (circulated)
- 8.5 Award of Energy Efficient Street Lighting Programme – referral from the Finance and Resources Committee (circulated)
- 8.6 South West Schools Review – Motion by Councillor Webber - referral from the Pentlands Neighbourhood Partnership (circulated)

## 9. Motions

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### 9.1 By the Lord Provost – 603 Squadron

“No 603 Squadron was formed in Edinburgh as an Auxiliary Air Force Squadron in 1925. The Squadron has the unique distinction of being the highest scoring squadron during the Battle of Britain when it destroyed the first enemy aircraft to be shot down over Britain in the Second World War.

This was an outstanding achievement given that the Squadron, which trained at Turnhouse, was comprised of part time Auxiliary pilots recruited from the City and the Lothians. The first spitfire to fly from Turnhouse remains on display today.

The Auxiliary Air Force was given the prefix ‘Royal’ after WW2 to mark its sterling performance during the war. Princess Elizabeth graciously accepted the position of Honorary Air Commodore of 603 Squadron in 1951, a position she retains, as Sovereign, to the present day. This is one of the longest associations that the Sovereign has enjoyed with any military unit in the UK.

The Royal Air Force reaches its centenary as the final commemorations of World War 1 take place in Edinburgh in 2018.

To mark this auspicious occasion, and in recognition of the vital contribution of ‘the few’ who protected Edinburgh and Scotland, the Council would like to honour 603 Squadron by agreeing to award the Freedom of the City.”

### 9.2 By Councillor Mowat – Edinburgh’s Christmas and Hogmanay 2017/18

#### “Council

Notes:

- that Christmas and Hogmanay 2017/18 was the first year of a new contract to provide entertainment and animation to the City Centre;
- that there was a change of location for some of the siting of some of the events;
- that the scale of the event has increased and,

Requests:

- that the review of the contract for Edinburgh’s Christmas and Hogmanay should recognise that the implementation of this contract cuts across many council functions and services and should be considered at the Corporate Policy and Strategy Committee;

further requests:

- that given that this was the first year of operation of a new contract that the review is widened to include set up and take down;
- the impact on local businesses and residents;
- the siting of rides and lighting and whether these were appropriate for their locations given the impact some of these had on protected views such as the siting of the globe of lights and ride on George Street which were highly visible in views from the North of the City;
- that the economic impact of the events are assessed to determine whether the increased footfall resulted in increased spend in businesses located in Edinburgh all year round;
- that there is an assessment of access arrangements to the sites and the city Centre and whether access and ease of getting around the City Centre was improved or diminished;

and that the views of local businesses and residents are sought to ensure that where weaknesses are identified in this year’s events these can be improved for future years.”

### 9.3 By Councillor Doggart – Integration Joint Board

#### **“Council**

1. Welcomes the re-allocation of resources by the Integration Joint Board to address the significant delays in care assessments and patients leaving hospital.
2. Requests the Council Leader to write to the Finance Secretary and the Health Secretary to request additional funding for City of Edinburgh Council to meet its statutory care requirements.”

#### 9.4 By Councillor Cook – Roads Surface Treatment

##### **“Council**

Recognises concerns exist in respect of the use of surface treatment dressing works on a number of carriageways across the city;

Understands that while surface treatment dressing is a widely used preventative treatment which can mitigate need for full resurfacing for up to ten years residents, councillors and parliamentarians have raised concerns over the quality of works, effectiveness and appropriate use of said treatment in various locations.

Instances have been reported of the treatment breaking up in weeks and of contractors failing to ensure that stone chips are properly embedded in the bitumen surface, in addition to contractors resurfacing around parked cars.

Agrees, as part of the next Roads Services Improvement Plan report to Transport and Environment Committee, that a review be undertaken identifying the process required to better ensure the quality of future works.

Further agrees that this review provide residents with clarity around the criteria used to ensure that surface treatment work is used only in appropriate instances and not as a ‘quick fix’ to avoid the costs of full carriageway resurfacing.”

#### 9.5 By Councillor Lang – Short Term Letting

##### **“Council:**

1. recognises the ongoing concerns amongst residents affected by the increase in the short term letting of properties across the City.
2. notes the recent suggestion by AirBnB to introduce a 90 day limit on individual Edinburgh properties being listed on its website but further notes that peak periods around Christmas, Hogmanay and the summer festival season would be excluded from this restriction meaning properties could still be listed for well in excess of 90 days.
3. believes such a restriction on its own would be insufficient to address the issues which have emerged from the substantial increase in short term letting in the City.
4. therefore looks forward to the opportunity to fully consider both the recommendations of the Scottish Expert Panel on the Collaborative Economy and the Scottish Government’s response so a consensus can be developed on how to best address issues around short term property letting.”

## 9.6 By Councillor Lang – Slurry Seal Resurfacing

### “Council

1. notes with concern the significant issues which have arisen over the winter months in relation to the unexpected breakup of roads and footways treated with slurry resurfacing during 2017.
2. recognises the efforts of officials to address these matters through street sweeping and additional treatment, accepts assurances that the cost of such additional work will be borne by the contractor but notes the added inconvenience to residents from the imposition of parking and loading restrictions whilst repair work is undertaken.
3. Seeks an urgent report to the Transport & Environment Committee on (i) the underlying causes of the deterioration in road and footway surfaces so soon after the initial resurfacing, (ii) what steps can be taken to ensure such issues do not arise in the future and (iii) whether the use of slurry seal resurfacing remains an appropriate method for treating roads and footways in the City over the long term given the problems which have arisen.”

## 9.7 By Councillor Cook – Gritting of Roads and Pavements

### “Council

Acknowledges the good work carried out by Council staff in servicing Priority 1 routes during the recent snowy and icy weather, to keep the city moving and minimise accidents and injuries;

However, recognises that a significant number of roads and pavements outwith Priority 1 - across large swathes of Edinburgh - received no gritting treatment and that many suburban grit bins were empty or not refilled in a timely manner, creating hazard for many people such as the elderly, disabled and active travellers.

Calls for a report to the Transport and Environment Committee within three cycles reviewing the continued suitability and responsiveness of the current priority system, including, but not limited to, consideration of how the council can better service suburban and other ‘non priority’ areas; give due consideration to the divergent topography and thermal make-up of the city; make better use of technology like ‘routesmart’ to improve response times; and better advertise, service and encourage safe use of grit bins by local residents in their community.”



## 9.8 By Councillor McLellan – Economy Watch

### **“Council**

Believes regular measurement and publication of key indicators of the city’s economic performance is essential for guiding the council’s economic strategy.

Regrets the discontinuation of the monthly Economy Watch report in February, which was a very useful tool in understanding the city’s performance.

Agrees that a publicly available monthly report should be published within the next two cycles at the latest.

Instructs the Director of Strategy and Insight to submit proposals for its replacement to the next Housing & Economy Committee.”

## **Laurence Rockey**

Head of Strategy and Insight

## **Information about the City of Edinburgh Council meeting**

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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**

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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).

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## The City of Edinburgh Council

Edinburgh, Thursday 14 December 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

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### Decision

To approve the minute of the Council of 23 November 2017 as a correct record.

## 2 Questions

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

## 3 Leader's Report

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

- Scottish Parliament Budget Day
- Education provision – school estate
- Social Bite Sleep out for the homeless
- Festive wishes

The following questions/comments were made:

- |                          |   |
|--------------------------|---|
| Councillor Whyte         | - Festive wishes<br>Scottish Government budget  |
| Councillor Burgess       | - Scottish Government budget – Council delivered local services   |
| Councillor Aldridge      | - Different models of service provision<br>- School buses on non gritted roads - priority                         |
| Councillor Day           | - Festive wishes<br>- Response to weather conditions<br>- Pirniehall Primary School – congratulations in debating |
| Councillor Mary Campbell | - Real Women - Unheard Stories – Shakti Women's Aid Book  |
| Councillor Munro         | - Council Budget – representations to Scottish Government – funding settlement                                    |
| Councillor Kate Campbell | - Welcoming recent positive developments in relation to homelessness  |

- |                       |   |
|-----------------------|---|
| Councillor Cook       | - Small businesses – increase in basic rate of income tax   |
| Councillor Lang       | - Priority Routes for gritting<br>- Janitorial review – outcome of consultations  |
| Councillor Osler      | - Congratulations to four S6 pupils from the Edinburgh Music School for gaining places at the Royal Conservatoire of Scotland   |
| Councillor Laidlaw    | - Festive wishes<br>- Rising cost of taxis – support for taxi trade   |
| Councillor Arthur     | - Provision of services within the City<br>representations to Scottish Government   |
| Councillor Doggart    | - Festive wishes<br>- Four Seasons Care Homes – Financial viability   |
| Councillor Cameron    | - Festive wishes<br>- Issues of deep and ongoing concern to members of the development forum regarding consideration of major developments within the City              |
| Councillor Webber     | - South west area catchment review  |
| Councillor Barrie     | - Grenfell Remembrance Service – 15 year anniversary of Cowgate Fire - thanks to those who will give up time over the festive period to provide emergency service cover |
| Councillor Staniforth | - Information for residents for grit bins and gritting schedules  |
| Councillor Rose       | - Festive wishes<br>- Tax raised and available to be spent  |

#### **4 Appointments to Committees etc**

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The Council had agreed its political management arrangements and made appointments to a range of Committees, Boards, Joint Boards and outside organisations. A number of members had resigned from various Council Committees and outside organisations, and the Council was required to appoint members in their place.

## Decision

- 1) To note the resignation of Councillor Gardiner from the Housing and Economy Committee, and appoint Councillor Gordon in his place.
- 2) To note the resignation of Councillor Ian Campbell from Edinburgh Leisure (and Edinburgh Leisure Two) and appoint Councillor Dixon in his place.
- 3) To note the resignation of Councillor Gardiner from SEStran and appoint Councillor Key in his place.
- 4) To note the resignation of Councillor Ritchie from the Edinburgh World Heritage Trust and appoint Councillor Gardiner in his place.
- 5) To note the resignation of Councillor Wilson from the Royal Scottish National Orchestra and appoint Councillor Cameron in his place.

(References – Act of Council No 3 of 22 June 2017; Acts of Council Nos 8 and 9 of 29 June 2017)

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

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The Council had approved the current Contract Standing Orders (CSOs) and the Guidance on the Appointment of Consultants on 29 October 2012. The outcome of a review that had been carried out of the Council's CSOs which outlined a number of proposed key changes to the Contract Standing Orders and the Guidance on Appointment of Consultants had been presented and approved on 2 June 2016.

Details were provided on the review of the current CSOs, the engagement which had been undertaken and the main changes which were proposed following consultation.

## Decision

- 1) To approve the proposed revisals to the existing Contract Standing Orders (as noted in Table 1 and Appendix 1 to the report by the Executive Director of Resources).
- 2) To note that there would continue to be an annual review of CSOs to ensure that they worked effectively and secured continuous improvement and Best Value.
- 3) To approve the repeal of the Appointment of Consultants as noted in Table 1 "11. Consultants" of the report.

(References – Act of Council No 9 of 25 October 2012; Act of Council No 8 of 5 February 2015; Act of Council No 9 of 2 June 2016; report by the Executive Director of Resources, submitted.)

## **6 Maternity, Paternity and Adoption Leave for Councillors**

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Approval was sought for Council Officers, supported by Group Leaders, to engage directly with COSLA to improve the clarity of the guidance in respect of maternity, paternity and adoption leave rights for elected members.

### **Decision**

- 1) To instruct 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.
- 2) To instruct 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.

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

## **7 Monitoring Officer Investigation**

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Details were provided on 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.

### **Decision**

- 1) To note that the Council's Monitoring Officer was required, under s.5 of the Local Government and Housing Act 1989, to report to Council if he considered that in the course of the discharge of the Council's functions any proposal, decision or omission had resulted in maladministration. In this context, maladministration meant unreasonableness in the delivery of Council services or failure to apply the law or rules properly.
- 2) To note that a report by the Scottish Public Services Ombudsman into the Council's handling of a planning application and related complaints resulted in a finding of maladministration. The Monitoring Officer agreed with this finding.

- 3) To note that the Council had complied with the recommendations of the SPSO's report and had taken required action to prevent recurrence of the issues identified.

(Reference – report by the Monitoring Officer, submitted.)

## **8 Chair**

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The Depute Convener assumed the Chair for the following item of business.

## **9 Standards Commission for Scotland – decision of Hearing Panel – Lord Provost Frank Ross**

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Details were provided on the findings of an investigation carried out by the Standards Commission for Scotland following a complaint against Lord Provost Frank Ross, alleging that he had contravened the Councillors' Code of Conduct, in particular paragraphs 4.2 and 4.20.

### **Decision**

To note that the finding was that there had been a breach of the Code.

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

### **Declaration of Interest**

The Lord Provost declared a non-financial interest as the subject of the report and left the meeting during consideration of the above item.

## **10 Chair**

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The Lord Provost resumed the Chair for the remaining items of business.

## **11 International Day of Persons with Disabilities – Motion by Councillor Graczyk**

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

“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.”

### **Decision**

To approve motion by Councillor Graczyk.

## **12 Scottish Ambulance Service - Motion by the Councillor Hutchison**

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

“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.”

### **Decision**

To approve the motion by Councillor Hutchison.

## **13 Woodlands Special School - Motion by Councillor Webber**

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

“Council

Woodlands Special School has recently achieved the SportsScotland 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 emphasizes 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."

### **Decision**

To approve the motion by Councillor Webber.

## **14 Waste Data Innovation - Motion by Councillor Jim Campbell**

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

"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."

### **Motion**

To approve the motion by Councillor Jim Campbell.

- moved by Councillor Jim Campbell, seconded by Councillor Johnston

### **Amendment**

To refer the motion to the Transport and Environment Committee for consideration.

- moved by Councillor Macinnes, seconded by Councillor Doran

### **Voting**

The voting was as follows:

For the motion	-	24 votes
For the amendment	-	37 votes

(For the motion: Councillors Aldridge, Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Gloyer, Graczyk, Hutchison, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Rose, Ross, Rust, Smith, Webber, Whyte and Young

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

## **Decision**

To approve the amendment by Councillor Macinnes.

## **15 Plastic Free Coastlines - Motion by Councillor Mowat**

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

“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.”

## **Motion**

To approve the motion by Councillor Mowat.

- moved by Councillor Mowat, seconded by Councillor Laidlaw

## **Amendment**

To add to the motion:

Recognises that following a motion, ‘Reducing Plastic Bottle Pollution’ by Councillor Burgess, to the Transport and Environment Committee on 10 August 2017 there is a report due into how the council can minimise use of plastic bottles;

Further recognises that following a motion by Councillor Burgess agreed by full Council on 21 September 2017 there is a report due on introducing public water bottle re-fill points to reduce single-use plastic bottles.

- moved by Councillor Burgess, seconded by Councillor Booth

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

## **Decision**

To approve the following adjusted motion:

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.

Recognises that following a motion, 'Reducing Plastic Bottle Pollution' by Councillor Burgess, to the Transport and Environment Committee on 10 August 2017 there is a report due into how the council can minimise use of plastic bottles.

Further recognises that following a motion by Councillor Burgess agreed by full Council on 21 September 2017 there is a report due on introducing public water bottle re-fill points to reduce single-use plastic bottles.

## **16 National Children's Day UK 2018 and the Year of Young People - Motion by Councillor Day**

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

"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."

## **Motion**

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.

Asks the Executive Director of Communities and Families to provide a briefing paper to members on how the Council can mark these events.

- moved by Councillor Day, seconded by Councillor Dickie

## **Amendment**

To add to the motion:

Notes that on 12 December 2017, the Education, Children and Families Committee agreed to a future report on the potential for a senior school student to take up a place on the Committee, as a way of marking the importance of the Year of Young People 2018;

Notes that a report titled 'Year of Young People 2018: Schools and Lifelong Learning' was presented to the Education, Children and Families Committee on 12th December 2017, which detailed a range of events and activities the department will be doing to mark the Year of Young People, and can be read here [www.edinburgh.gov.uk/meetings/meeting/4293/education\\_children\\_and\\_families\\_committee](http://www.edinburgh.gov.uk/meetings/meeting/4293/education_children_and_families_committee) .

- moved by Councillor Mary Campbell, seconded by Councillor Corbett

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

## **Decision**

To approve the following adjusted motion by Councillor Day:

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.

Asks the Executive Director of Communities and Families to provide a briefing paper to members on how the Council can mark these events.

Notes that on 12 December 2017, the Education, Children and Families Committee agreed to a future report on the potential for a senior school student to take up a place on the Committee, as a way of marking the importance of the Year of Young People 2018;

Notes that a report titled 'Year of Young People 2018: Schools and Lifelong Learning' was presented to the Education, Children and Families Committee on 12th December 2017, which detailed a range of events and activities the department will be doing to mark the Year of Young People, and can be read here [www.edinburgh.gov.uk/meetings/meeting/4293/education\\_children\\_and\\_families\\_committee](http://www.edinburgh.gov.uk/meetings/meeting/4293/education_children_and_families_committee) .

## **17 Short Term Lets - Motion by Councillor Aldridge**

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

“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.”

### **Motion**

To approve the motion by Councillor Aldridge.

- moved by Councillor Aldridge, seconded by Councillor Osler

### **Amendment 1**

Council:

Notes the cross-party concerns regarding the effects of short term lets on our city and population.

Notes that the Senior Officers representing the Council have already submitted evidence to the Scottish Parliament expert panel considering this matter, where evidence was submitted from multiple agencies and interested parties.

Accepts the principle that a short term working group may be necessary but acknowledges that officers currently work with external partners on this subject. Preliminary discussions should take place with the stakeholders outlined in the motion, ahead of consideration by committee, about the key issues to be addressed in the report, and the potential remit and membership of any working group.

To inform members' decision and any next steps, Council instructs officers to prepare a report to be considered by the Corporate Policy and Strategy Committee within one cycle setting out:

1. The impact of the growth of short terms lets on Edinburgh's tourism economy and on the quality of life for Edinburgh residents;
2. What legislative powers the Council currently has to regulate the short term letting element of the private rented housing sector;
3. What steps the short terms letting sector is taking to self regulate;
4. The performance of the Council's Landlord Registration Scheme;
5. The growth in numbers of short term let properties in Edinburgh;
6. Recommendations on how the Council can address the issues arising from the impact of the growth of the short term letting sector on Edinburgh residents quality of life and the Edinburgh economy.

- moved by Councillor Barrie, seconded by Councillor Cameron

## **Amendment 2**

To add to the motion:

Notes there is cross-party support for regulation of short-term lets;

Agrees that the proposed short-term working group should report to the Housing-Economy committee and

That the short-term working group should meet as soon as practical.

- moved by Councillor Rae, seconded by Councillor Burgess

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

## Decision

To approve the following adjusted motion by Councillor Aldridge:

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.

Notes the cross-party concerns regarding the effects of short term lets on our city and population.

Notes that the Senior Officers representing the Council have already submitted evidence to the Scottish Parliament expert panel considering this matter, where evidence was submitted from multiple agencies and interested parties.

Accepts the principle that a short term working group may be necessary but acknowledges that officers currently work with external partners on this subject. Preliminary discussions should take place with the stakeholders outlined in the motion, ahead of consideration by committee, about the key issues to be addressed in the report, and the potential remit and membership of any working group.

To inform members decision and any next steps, Council instructs officers to prepare a report to be considered by the Corporate Policy and Strategy Committee within one cycle setting out:

1. The impact of the growth of short terms lets on Edinburgh's tourism economy and on the quality of life for Edinburgh residents;
2. What legislative powers the Council currently has to regulate the short term letting element of the private rented housing sector;
3. What steps the short terms letting sector is taking to self regulate;
4. The performance of the Council's Landlord Registration Scheme;
5. The growth in numbers of short term let properties in Edinburgh;



6. Recommendations on how the Council can address the issues arising from the impact of the growth of the short term letting sector on Edinburgh residents quality of life and the Edinburgh economy.

Notes there is cross-party support for regulation of short-term lets;

Agrees that the proposed short-term working group should report to the Corporate Policy and Strategy Committee and

That the short-term working group should meet as soon as practical.

## **18 Essential Repairs to Schools - Motion by Councillor Jim Campbell**

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

“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.”

### **Motion**

To approve the motion by Councillor Jim Campbell.

- moved by Councillor Jim Campbell, seconded by Councillor Webber

### **Amendment 1**

Council notes that the outcomes of the conditions surveys will be presented to the Finance and Resources Committee in January 2018 and the report will include capital and revenue investment needs going forward.

- moved by Councillor Rankin, seconded by Councillor Donaldson

## **Amendment 2**

Council notes that an opportunity to discuss the results of the survey of all council buildings has been made available to all political groups within the council; and that a report is scheduled to go to January Finance and Resources Committee to inform the budget process; requests that this report includes overall capital investment needs and ongoing maintenance needs in public buildings, including the school estate; requests that a further report is prepared for Finance and Resources Committee after the budget is set on the practical implications of delivering on capital investment and appropriate maintenance regime.

- moved by Councillor Corbett, seconded by Councillor Mary Campbell

In accordance with Standing Order 20(7), Amendment 2 was accepted as an addendum to Amendment 1.

## **Voting**

The voting was as follows:

For the motion	-	17 votes
For Amendment 1 (as adjusted)	-	43 votes

(For the motion: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Graczyk, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte)

For Amendment 1 (as adjusted): 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, Miller, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Staniforth, Watt, Wilson, Work and Young.)

## **Decision**

To approve Amendment 1 by Councillor Rankin as adjusted, as follows;

Council notes that the outcomes of the conditions surveys will be presented to the Finance and Resources Committee in January 2018 and the report will include capital and revenue investment needs going forward.

Council notes that an opportunity to discuss the results of the survey of all council buildings has been made available to all political groups within the council; and that a report is scheduled to go to January Finance and Resources Committee to inform the budget process; requests that this report includes overall capital investment needs and ongoing maintenance needs in public buildings, including the school

estate; requests that a further report is prepared for Finance and Resources Committee after the budget is set on the practical implications of delivering on capital investment and appropriate maintenance regime.

## **19 Retiring Principal of George Heriot's School - Motion by Councillor Rose**

---

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

“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.”

### **Motion**

To approve the motion by Councillor Rose.

- moved by Councillor Rose, seconded by Councillor Bruce

### **Amendment**

To add to the motion:

Also notes that throughout the city, the council's primary, secondary and special schools are providing a wide-ranging education to an enormous diversity of children and young people, as the core of their day to day work, and congratulates all those headteachers and all their staff teams on doing so.

- moved by Councillor Mary Campbell, seconded by Councillor Corbett

In accordance with Standing Order 20(7), the amendment was adjusted and accepted as an addendum to the motion.

## **Decision**

To approve the following amended motion by Councillor Rose:

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.

Also notes that throughout the city, the city's primary, secondary and special schools are providing a wide-ranging education to an enormous diversity of children and young people, as the core of their day to day work, and congratulates all those headteachers and all their staff teams on doing so.

## **Declaration of Interests**

Councillor Doggart declared a non-financial interest in the above item as the parent of a child at the school.

Councillor Rose declared a non-financial interest in the above item as a member of George Heriot's Trust.

## **20 Data Driven Community Empowerment - Motion by Councillor Doggart**

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

“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 the Corporate Policy and Strategy Committee 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.”

### **Decision**

To approve the motion by Councillor Doggart.

## **21 To Commemorate the Edinburgh Members of the XV International Brigade - Motion by Councillor Mary Campbell**

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

“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 ARHM Cuenca for their work in maintaining the lost graves of men from Edinburgh.
- 2) Council requests that the Lord Provost writes to Maximo Molina and ARHM Cuenca to thank them for their work.”

### **Decision**

To approve the motion by Councillor Mary Campbell.

## Appendix 1

(As referred to in Act of Council No 2 of 14 December 2017)

### 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) There are currently 596 traffic signal installations in the city. 409 have rotating tactile cones for use by partially sighted pedestrians.
- 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) 187 of the 596 traffic signals do not have rotating tactile cones installed for partially sighted pedestrians. However, 98 of these have an audible sounder which “bleeps” when the green man is showing, thus signalling to partially sighted pedestrians when it is safe to cross.
- 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) There are 13 traffic signal installations which are not fitted with pedestrian pushbutton boxes. In all cases, this is because there is no pedestrian requirement as the sites have no footways, thus no through route for pedestrians.

**Supplementary  
Question**

Thank you very much indeed and thank you very much Convener for answering my question. However, I have a slight sort of issue with the answer you have given. I asked about the working cones. For those that are not entirely sure what it is I'm talking about is, underneath pedestrian crossings there's a little hole that a little rotating cone goes in and so for partially sighted individuals, when the green man goes on, because there's no beeping, the rotating cone rotates so that they know when to cross the road. The problem I have is that I appreciate the fact that 596 traffic signals might have been installed with these but actually not all of them are working, quite a few that are missing, a classic example being Craighleith Retail Park area, none of them are working. So I would really appreciate if we could actually sort of identify where the working cones are and where they aren't because this is very very important to individuals to allow them the ability to be able to cross the road without actually needing somebody else to enable them.

**Supplementary  
Answer**

Thank you for your supplementary Councillor Osler. I couldn't agree with you more, I think this kind of technology is of vital importance in terms of providing independence and ability for people to lead their lives in an appropriate way. I will come back to you on an individual basis and if necessary to the Chamber with information about the working cones. If there is a problem, a widespread problem, we'll put in place a programme to make sure that those are fitted correctly, thank you.



**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) a) In the last 12 months, there have been 9 instances where email has been unavailable to half or more of all CEC email account users.
- b) In the last 12 months, there was 963 occasions when individual users reported they could not access email accounts.
- Question** (2) What is the total duration of such periods of mass loss of service as requested in 1a?
- Answer** (2) Total downtime was 23 hours 28 mins, the total uptime was 8736 hours 32 mins, the e-mail service was available 99.7% of the time.
- 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)**
- a) Total number of emails addresses
    - i) Learning and Teaching = 8628 user email accounts;  
ea.edin.sch.uk
    - ii) Corporate = 7576 user email accounts;  
edinburgh.gov.uk
  
  - b) Account not subject to alias
    - i) Learning and Teaching = 8628
    - ii) Corporate = 7576
  
  - c) Suspended Accounts
    - i) Learning and Teaching = 560
    - ii) Corporate = 639

**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**

The Transport and Environment Committee approved an improvement plan for Road Services on [10 August 2017](#). This was developed to address service delivery issues, including poor defect repair decisions. A progress update was considered at Committee on [7 December 2017](#).

Training is underway to ensure that inspectors are categorising repairs correctly and providing information on the nature of each defect in such a way that the team can then prepare adequately for each repair.

The service has sufficient resource to ensure that this approach is successful. It should be noted, however, that the nature of the defect will dictate whether a permanent repair is possible on the first visit.

The service recognises that the outcome in this particular case was not acceptable and are taking action to ensure that this situation will not arise again in the future.

## **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**

The target of £350,000 is an estimate which has still to be validated by the Steering Committee. Also not all of the agreed target will need to be raised in cash terms as offers of support in kind will be offset.

I will be engaging with Edinburgh's business community over the coming months. As part of this, the Chief Executive and I will host two dinners in early January (Wednesday 10, Thursday 11) with leaders from Edinburgh's business community.

The guest list was created with input from Edinburgh Chamber of Commerce. Each event will host around 12 guests.

The cost of these dinners is being met from the Lord Provost's hospitality budget.

### **Supplementary Question**

Thank you Lord Provost, thank you for your answer. I was wondering Lord Provost, in the light of us trying to get this conversation going and involving our business communities in that conversation taking our city forward to 2050, I was wondering Lord Provost, what advice you might give us in this Chamber about how we could conduct that conversation to inspire our business leaders to give us some money to take this conversation out to the public.

**Supplementary  
Answer**

The first meeting of the new Steering Committee was only two days ago and the representatives on that Steering Committee include the Federation of Small Business and indeed the Edinburgh Chamber of Commerce. Once we have the programme fully identified and detailed we're more than happy to share all this information with Councillors so that everybody can help take it forward across the City.

**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) There has been 1 request for planning documentation for visually impaired citizens since January 2017.
- 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) The Council's Interpretation and Translation Service produced the required documents at a costs of £1,024.85 for the transcription of a planning statement and pre-application documentation in respect of a major application.
- 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) Yes, a review will be undertaken and members will be updated when complete.
- Supplementary Question** Thank you Lord Provost. I thank the Convener for his response and congratulate him on his new role. In relation to the answer to Part 3, could the Convener please provide a timeframe for the review which has been undertaken.
- Supplementary Answer** Thank you Councillor Hutchison for your kind words. A timeframe of two cycles would be sufficient I believe.

**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) No formal approach has been made. However in February 2017 representatives of the London Mayor Office and the Chief Executive discussed the Tourism levy in London and Edinburgh.

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

**Answer** (2) See answer to 1 above.

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

**Answer** (3) We are currently working on developing a robust, evidence-based business case for consideration by the Scottish Government. This draws on the existing evidence available in the UK and abroad, including the London Mayor's Office.

The next step will be comprehensive engagement with the full range of stakeholders, including the London Mayor's Office.

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

**Answer** (4) The discussion was informal and no formal record was made or response required.

**Supplementary Question** Thank you Lord Provost and thank you to the Convener for his answer of sorts. I'd like to commend the Convener, first of all there is a commitment in the SNP manifesto to introduce a transient visitor levy and obviously this is the first step in seeing that through. I would ask Lord Provost, if we

can perhaps excuse the Convener so that he can pop down to Holyrood and explain to Derek Mackay, how to keep a manifesto commitment on taxation.

In relation to Part 1 of the answer, which talks about a meeting in February 2017, Councillor McVey is quoted from the Question Time event which was held, as saying Edinburgh was liaising with London on this policy. Now I know from Councillor McVey's helpful lesson on tenses in his answer to Councillor Whyte, that liaising means a process which is ongoing at the moment, however, the answer suggests that there's nothing happening and nothing has happened since February, so if we can clarify that please and then further in the first part of the answer says no approach has been made. Councillor Cammy Day, quoted in the Herald on the 27th November, says we have made a formal application to Sadiq Khan's office to look at any potential for a joint initiative.

Obviously this Budget process today has been conducted under a veil of secrecy and it seems to be continuing. Can you please shed some light for us Convener and explain what is actually happening here.

**Supplementary  
Answer**

Thank you Lord Provost and can I thank Councillor Hutchison for his supplementary. On the broader point of taxation, I think it's pretty clear what the taxation powers of the Scottish Parliament are and there are plenty of areas which we would look to consider the tax situation if we had those broader powers. We don't have a great deal more than income tax and if you look at the drop in the Scottish block grant and indeed that for Whitehall Departments in general, it's not too surprising that the Finance Secretary should be looking at the possibility of raising further income in order to support the public services which so many people in the city value. I think we will see today, because we're doing this almost in real time if you like, because the Finance Secretary is due to release his figures for the Local Government financial settlement at some point today, so we'll see what he's decided, but if there's any truth in what we're hearing from the media then there may be an increase



in income tax for some proportion of the electorate, and that would be as I've said when I presented the Budget to Council in the past that this really will be to do with a necessity rather than choice and if we are to maintain services without making draconian cuts, something of this sort would seem to have a justification, but we'll wait to see what he has to say.

I think it does open up a broader line of criticism of the Government in terms of its austerity approach which is fundamentally not changed since 2010 and the evidence of the failure of that policy I think is all around us. We can see that the UK economy is now growing at a slower rate than any other G7 country, we're growing more slowly than the European Union as a whole, and a great deal of that is to do with a policy which has nothing really to do with actually supporting the economy and everything to do with trying to pull down the deficit in a way which has got less to do with financial probity and much more to do to try to shrink public sector and public services in general on the grounds that this is somehow going to lead to the private sector coming up with a much better economic performance and we've failed to see that for seven years. So I think we see the Finance Secretary in a rather difficult position and I think he's trying to make the best of a difficult position which he's been placed in, as have Whitehall Departments in general been placed in, by this austerity policy which has been going on for far too long.

On the specific point if I may, about the Transient Visitor Levy, I think is quite reasonable for any Administration to have confidential discussions with any other party on trying to put in place the most effective and most well thought out tax in terms of a Transient Visitor Levy or whatever else you want to call it, bed tax and so on.

There will come a point of course when we see where our representations get us to and we hope that we will get the result that we want. It's quite clear that there's a very substantial majority in this Chamber for a Transient Visitor Levy, but I think it's incumbent on us to come up with a

proposal that makes the most sense for this City and enables us to conduct our business and support public services in the best way we can. We can talk about whether or not it's going to be hypothecated to, for example are supporting the cultural offer of the city or whether or not it goes more broadly in supporting infrastructure and as you can understand from what I said that that there's a whole range of possibilities and there's a different amounts of money that could be raised depending on what structure we choose to adopt in bringing forward a Transient Visitor Levy.

So I would encourage everyone in the Chamber to support that move because I think it can only help the finances of the City and help our cultural offering and perhaps support our infrastructure as well.

## 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 Convener 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 Convener inform Council when information on this matter will be reported to Council, either the Council or an Executive Committee?

### Answer

The Council’s response was contained within the [Business Bulletin](#) for the Transport and Environment Committee on 7 December and includes the full response to Scottish Government.

### Supplementary Question

Thank you Lord Provost and I thank the Convener for her response and apologise for overlooking this tucked away in the Business Bulletin. I don't know if the Convener is aware that a search using the Council's IT system on Low Emission Zones does not actually bring this item up. Previously it has been the practice that when there is a motion by a Councillor on a matter, they are consulted or informed when a response is forthcoming and I wonder if the Convener would agree with me that this notification should be extended to items featuring in the Business Bulletins if only to prevent excessive questions at Full Council.

**Supplementary  
Answer**

Thank you for your supplementary Councillor Mowat. I would do anything to prevent unnecessary questions at Full Council although I think so far I've been making a fairly good fist of answering all of them regardless of merit. On this particular one I agree with you. It was unfortunate that it did as you put it slip into the Business Bulletin, but as you can probably gather in terms of this topic it's very much a moving feast on this one, were developing the process, we're looking at it very carefully and we're certainly not wanting to have any precipitate action on it. This is a topic that will be coming back to report through Transport and Environment on a quite regular basis, as we lead towards the establishment of a Low Emission Zone in Edinburgh. It's an initiative that's extremely welcome, certainly on my part, from the Scottish Government to be ploughing this degree of effort into the Four Cities Initiative and it's something which I think will benefit Edinburgh enormously once we've established the parameters and understood the steps needed to create an effective LEZ in Edinburgh. Thank you.

**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**

Between 1 December 2016 and 30 November 2017 the average time for determining a building warrant was 114 working days. This figure includes the time agents were addressing building warrant reports which is on average 38 working days. The building warrant report sets out the matters that need to be addressed by the agent in order for the building warrant to be processed to completion.

**Supplementary Question**

I thank the Convener for his answer and add my congratulations to him for his appointment. Speaking of unnecessary questions, I hope he will share my frustration that despite repeated requests for this information from myself directly to officers, it was not forthcoming which is why I felt I had to table this question to the Convener. Can I ask as a supplementary whether the figure that he's provided as an answer, is this average time generally getting worse is it getting better or is it fairly static, and is there any departmental target and for a turnaround time and how does that target compare to the actual figure?

**Supplementary Answer**

Again I thank the Councillor for his kind introduction words. In terms of the supplementary questions, the figure is fairly static and the additional supplementary in terms of a target, there is no departmental target but we have a clear objective to reduce the time spent on applications. So in order to bring this about there's a dedicated Plan Reporting Team

which has just been put in place for small applications. There's also links with other Local Authorities, shared services and also there's overtime within the Department to move the backlog.

In addition to this we've set up focus groups with customers, these include solo practitioners, small and large architectural practices as well as house builders. The point of these focus groups is to learn from the customers how we can make improvement and sharing with them information and methods which may assist them in making applications more smoothly. So we do take this matter very seriously and we're moving it onwards. I hope that answers his questions.

**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**

In addition to the information provided in October, officers have prepared a list of car parks as designated on the Council's asset register (below).

Our wider estate also includes car parks in housing estates, at Council offices, at schools and at leisure centres. This clearly is not a small piece of work and will take some time to prepare if Councillor Lang feels this would be of use.

STREET NAME	ESTABLISHMENT NAME
BAVELAW ROAD	BAVELAW CAR PARK AND GROUND
BRIDGE STREET	BRIDGE STREET CAR PARK
CASTLE TERRACE	CASTLE TERRACE CAR PARK
CHARTERHALL ROAD	BLACKFORD HILL CAR PARK
COLINTON MAINS GARDENS	CAR PARK
COWAN'S CLOSE	COWAN'S CLOSE CAR PARK
CRAMOND GLEBE ROAD	CRAMOND GLEBE CAR PARK
CURRIEHILL STATION	CURRIEHILL STATION CAR PARK
DALMENY STATION	DALMENY STATION CAR PARK
DEANPARK BRAE	QUARRY HOWE CAR PARK
EASTER DRYLAW DRIVE	GROUND FOR CAR PARKING
EASTFIELD ROAD	INGLISTON PARK & RIDE
EDINBURGH ROAD	HAWES PIER CAR PARK
<b>GLASGOW ROAD</b>	
GULLAN'S CLOSE (264 CANONGATE)	GULLAN'S CLOSE CAR PARK
HARLAW ROAD	HARLAW RESERVOIR CAR PARK
HAWTHORNBANK	GROUND (819 SQ YDS) FOR HOUSING DEVELOPMENT
HIGH STREET	CAR PARK
INDIA PLACE	STOCKBRIDGE HEALTH CENTRE CAR PARK
KIRKGATE	KIRKGATE CAR PARK
<b>LOCHSIDE AVENUE</b>	
LONGSTONE STREET	CAR PARK
MARKET STREET	CAR PARK - MARKET ST SIDINGS SPACE 63
MARKET STREET	MARKET ST SIDINGS CAR PARKING SPACE 64
MARSHALL'S COURT	MARSHALL'S COURT CAR PARK
<b>MORRISON STREET</b>	
MUIRHOUSE AVENUE	CAR PARK
<b>MURRAYBURN DRIVE</b>	
NEWCRAIGHALL ROAD	NEWCRAIGHALL PARK AND RIDE SITE (PART)
NEWCRAIGHALL ROAD	NEWCRAIGHALL PARK & RIDE (OWNED PORTION)
OBSERVATORY ROAD	CAR PARK
<b>OXGANGS BROADWAY</b>	<b>CAR PARK</b>
OXGANGS DRIVE	CAR PARK
OXGANGS GARDENS	OXGANGS GARDENS CAR PARK
OXGANGS GROVE	CAR PARK & AMENITY GROUND
PENTLAND VIEW COURT	PENTLAND VIEW CAR PARK
<b>REGENT ROAD</b>	
RICCARTON MAINS ROAD	HERMISTON PARK & RIDE
ROSE LANE	THE BINKS CAR PARK
RUTLAND COURT LANE (ST CUTHBERT'S LANE)	RUTLAND COURT CAR PARK
SEAPORT STREET	SEAPORT STREET CAR PARK



SIGHTHILL ROAD	CAR PARK - GATE 55
SILVERKNOWES ROAD	SILVERKNOWES ROAD CAR PARK
<b>SOUTH GYLE CRESCENT</b>	
SOUTH GYLE ROAD	SOUTH GYLE STATION CAR PARK
ST LEONARD'S STREET	ST LEONARD'S CAR PARK
STRAITON ROAD	STRAITON PARK & RIDE
SWANSTON ROAD	CAR PARK AND ORNAMENTAL GROUND
TOLBOOTH WYND	CAR PARK AND LANDSCAPING
WHITEHILL STREET	CAR PARK
<b>WEST SHORE ROAD</b>	

**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**

An initial report, providing basic details of the fatal collision that occurred on the morning of 14 May 2017, was received from Police Scotland by e-mail that evening. The Police investigation into the collision has been concluded and a report has been submitted to the Procurator Fiscal's Office, which is currently sub judice.

The Road Safety team undertakes an annual collision investigation into all streets within the City of Edinburgh Council area, using collision details supplied by the Police.

From this analysis, it is possible to determine locations where the collision rate is giving cause for concern and where remedial measures may be required. This location was not identified as a site for concern in the investigation that was undertaken in early 2017.

However, following the fatal collision on 14 May, the location was added to the list of Accident Investigation and Prevention sites for further investigation and the potential implementation of remedial measures.

It is intended to consult with the local community and other stakeholders over possible improvements to the roundabout in spring next year.

**Supplementary  
Question**

I thank the Convener for her answer and I hope that she will understand that there have been concerns about the roundabout for some time and that those concerns were exacerbated by the terribly tragic incident that we had in Davidsons' Mains in May of this year. Can I just ask the Convener, whether a decision has been taken in principle, on whether changes are required at this roundabout or whether that decision has still to be taken. What I'm just trying to understand, as I tried to explain to the Convener before, it's just whether there's going to be a consultation on the detail or has a decision actually been taken as to whether the roundabout may be left as it is.

**Supplementary  
Answer**

Thank you Councillor Lang. I can confirm that no decision has yet been taken on this particular roundabout and whether or not it requires change partly in response to what was clearly a tragic incident. It'll be considered as part of the Council's work on road safety and in conjunction with any accident report which is not yet forthcoming.

**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**

On [30 April 2015](#), City of Edinburgh Council approved prudential borrowing of £2.13 million over 10 years for the replacement of lighting in tenement stairs.

On [21 January 2016](#) Council agreed to retrofit LED lighting in stairs where a Council tenant lived. There were 3,755 stairs identified for installation of LED lighting and the installation programme commenced in 2016. Work on this will be completed by the end of the year.

**Supplementary Question**

Thanks very much. My question was about whether the Council will install efficient LED lighting in tenements stairs to replace less efficient lighting. Colleagues may be aware that the Council's electricity bill for tenement stair lighting is around £1million a year, installing LED lighting would reduce that bill as well as cutting climate changing pollution. I welcome the Convener's answer that approval has been given for a Spend to Save project to do this, although it wasn't clear from the written answer when the replacement on tenement stair lighting will begin. I welcome the progress that's been made on Council house stairs and I wonder if the Convener would be willing to provide an update in the next Business Bulletin for the Transport Environment Committee.

**Supplementary Answer**

Yes I think that's an entirely reasonable request Councillor Burgess, so thank you for that, I will do so. My understanding is that the work is due to be completed by the end of this year, so thank you.

**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) Since 1 May 2017 Edinburgh Road Services has attended 13,201 defects (largely potholes).

11,596 (88%) of these have been filled with hot material. It is not possible to confirm how many of these constituted a permanent repair however changes to the recording system are currently being progressed to enable this information to be available in future.

**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) 1,605 (12%) defects have been repaired using standard cold tar due to their severity and/or the Traffic Management required. All were completed by the night shift crews who only have access to cold tar at present.

A static hotbox (sited at Bankhead Depot) trial is scheduled for the new year which will give the nightshift teams (which predominantly using cold material) access to hot material. If successful this will help reduce the number of potholes filled with cold material and therefore increase the number completed 'right first time'.

**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) There are 1,789 City of Edinburgh Council sheltered homes. 1,369 homes have gas and all of these have either a battery or hardwired carbon monoxide alarm fitted.
- Question** (2) Of these, how many are hard wired and how many battery driven?
- Answer** (2) 1,054 properties have been upgraded with hard wired carbon monoxide detectors, leaving 315 properties with battery driven carbon monoxide alarms. These remaining properties will be converted to hard wired alarms within the next 12 months.
- 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) Testing of carbon monoxide alarms is part of the annual gas check in every Council property. All battery operated alarms have a low battery warning sound and tenants are asked to alert the warden for their property if this begins to sound. If the warden is unable to replace the battery, the Housing Property team will do so.

**Supplementary  
Question**

Thanks very much Lord Provost, and thanks to the Convener for the answer which was relating to carbon monoxide alarms in sheltered housing. What prompted my question was a rather disturbing email that local Councillors in my Ward received a while back, where my constituent said that his mother was staying in sheltered housing locally, that after contacting the Council he was informed that they had received an email saying that they do not have to maintain the carbon monoxide detectors.

I note from the responses that this is not the policy of the Council and I just would ask the Convener if he could ensure that staff are aware that the policy is that the carbon monoxide detectors will be maintained, because these are vulnerable people who may be unable to change batteries themselves if its battery driven.

**Supplementary  
Answer**

Thank you for the supplementary. I'm absolutely clear that they should be maintained. I'll seek officers to clarify that position and I'd like to be copied in, and I'm sure they're watching online today. I'd like to be copied in on any response they give out to the staff who are responsible for this action.

**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**

Council officers have been in discussion with Underbelly on the Hogmanay Ambassador programme as part of the on-going discussions on the programme. The scheme has been 'live' since 19 July 2017 and to date 92 Ambassadors have signed up.

**Supplementary  
Question**

Thank you Lord Provost, I thank the Convener for his answer confirming that Council officers were in discussion with Underbelly on their Hogmanay Ambassador Programme, however, I am sure you would agree that there has been a lot of confusion and some anger over that problem, over that programme. Would he therefore support the idea of a report calling for a best practice on volunteers and volunteering that can be applied to all our future procurement contracts so that when the Council is asked if Council contractors volunteering is ethical, we can say that it is without fear of confusion or doubt.

**Supplementary  
Answer**

Thank you Lord Provost, the answer to that is yes, I'm very happy to support guidelines being brought forward and indeed I know that the Fringe Society are bringing forward their own guidelines and so this will be in parallel with that and of course we are in our preparation stage of the Fair Fringe report which will be brought forward and I am also happy to ensure that guidelines in volunteering are included as part of that.



**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) There have been 9 complaints in total for these three streets over the past 12 months, broken down as:

Castle Street	Riego Street	Grassmarket
20/01/2017	10/11/2017	14/12/2016
	30/11/2017	19/07/2017
		02/11/2017
		07/11/2017
		16/11/2017
		24/11/2017

It is not possible to distinguish whether these complaints relate to pedestrian and non-pedestrian areas.

**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) The table below details the number of visits, vehicles logged and tickets issued at each location over the past 12 months. It is not possible to distinguish whether these visits relate to pedestrian and non-pedestrian areas.

**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)** Streets that are reported as problematic on a regular basis are recorded on our priority street log and our enforcement contractor is required to make additional visits to these locations. The priority street log records the number of visits, vehicles logged and parking tickets issued in each week that the street remains on the log for discussion with the contractor on a weekly basis. All adhoc requests for enforcement are also logged, prioritised and feedback for each request is provided on a weekly basis.

**Question 2 – Number of Visits, Vehicles Logged and Tickets Issued**

	<b>Castle Street</b>	<b>Riego Street</b>	<b>Grassmarket</b>
Dec-16	474 visits	139 visits	317 visits
	83 vehicles logged	0 vehicles logged	202 vehicle logged
	51 PCNs issued	0 PCNs issued	73 PCNs issued
Jan-17	491 visits	141 visits	338 visits
	50 vehicles logged	0 vehicles logged	144 vehicles logged
	25 PCNs issued	0 PCNs issue	66 PCNs issued
Feb-17	449 visits	110 visits	313 visits
	112 vehicles logged	0 vehicles logged	142 vehicle logged
	49 PCNs issued	0 PCNs issue	62 PCNs issued
Mar-17	607 visits	136 visits	315 visits
	126 vehicles logged	1 vehicle logged	175 vehicles logged
	60 PCNs issued	0 PCNs issued	61 PCNs issued
Apr-17	519 visits	167 visits	244 visits
	98 vehicles logged	3 vehicles logged	162 vehicle logged
	41 PCNs issued	0 PCNs issued	74 PCNs issued
May-17	503 visits	122 visits	304 visits
	75 vehicles logged	1 vehicle logged	205 vehicles logged
	34 PCNs issued	1 PCN issued	49 PCNs issued

Jun-17	477 visits	115 visits	275 visits
	76 vehicles logged	2 vehicles logged	215 vehicle logged
	34 PCNs issued	2 PCNs issued	80 PCNs issued
Jul-17	477 visits	122 visits	238 visits
	93 vehicles logged	0 vehicles logged	177 vehicle logged
	40 PCNs issued	0 PCNs issued	77 PCNs issued
Aug-17	468 visits	130 visits	343 visits
	93 vehicles logged	2 vehicle logged	307 vehicles logged
	45 PCNs issued	1 PCN issued	123 PCNs issued
Sep-17	453 visits	136 visits	239 visits
	74 vehicles logged	1 vehicle logged	229 vehicle logged
	34 PCNs issued	0 PCNs issued	86 PCNs issued
Oct-17	469 visits	146 visits	264 visits
	110 vehicles logged	2 vehicle logged	285 vehicles logged
	53 PCNs issued	0 PCNs issued	75 PCNs issued
Nov-17	325 visits	182 visits	250 visits
	12 vehicles logged	3 vehicle logged	150 vehicles logged
	2 PCNs issued	0 PCNs issued	79 PCNs issued

### Supplementary Question

Thank you Lord Provost and thank you to the Convener for her answer to my question. I had been contacted by quite a lot of local residents around areas where there are bollards to protect pedestrianised areas but the bollards, because they are currently broken, are unfortunately not keeping cars out. The data that I have been provided by the Convener with does show that unfortunately even though I asked for and had agreement from parking that they would increase the coverage in those areas, that that didn't actually happen, So I was wondering if I could ask the Convener if she shares my concern that we need to protect these valuable pedestrian zones and my concerns that our residents are losing confidence in the Council's resolve to maintain and protect those zones and therefore would she work with me to ensure that until physical barriers are reinstated, that we

put in place measures to ensure that we can target and ticket repeated offenders.

**Councillor  
Macinnes**

I apologise but I couldn't actually hear that last part of the question, if you wouldn't mind repeating it please.

**Councillor  
Miller**

Of course, it was to ask if you would work with me to ensure that until the physical barriers are reinstated in these areas, that we put in place measures to ensure that we target and ticket the repeat offenders that we know were parking there.

**Supplementary  
Answer**

Thank you very much particularly the repetition, I apologise. Yes, I mean clearly the issue of selfish and illegal parking where it shouldn't take place is an endemic problem across the city and in this particular instance I'd be happy to work with you to try and see what we can do about targeting precisely that behaviour, thank you.

**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**

The table below lists the number of parking enforcement visits, vehicles logged and parking tickets issued on Leith Walk in each of the last 12 months:

Nov-17	318 visits
	396 vehicles logged
	82 PCNs issued
Oct-17	283 visits
	304 vehicles logged
	87 PCNs issued
Sep-17	211 visits
	191 vehicles logged
	53 PCNs issued
Aug-17	234 visits
	181 vehicles logged
	42 PCNs issued
Jul-17	242 visits
	78 vehicles logged
	29 PCNs issued
Jun-17	248 visits
	86 vehicles logged
	27 PCNs issued
May-17	285 visits
	196 vehicles logged
	29 PCNs issued
Apr-17	237 visits
	121 vehicles logged
	33 PCNs issued
Mar-17	312 visits
	152 vehicles logged
	41 PCNs issued
Feb-17	313 visits
	227 vehicles logged
	68 PCNs issued

Jan-17	334 visits
	238 vehicles logged
	58 PCNs issued
Dec-16	338 visits
	327 vehicles logged
	73 PCNs issued

**Supplementary Question**

Thank you Lord Provost, thank you Convener. I also had an answer to my question and I would echo what my colleague just said but I would like to point out that my constituency Leith Walk is suffering from severe abandonment issues, in that in Leith Walk abandonment is what seems to pass for parking.

We have terrible issues with double parking, particularly in relation to the Walk and also there seems to be an issue with cycle paths which have been confused with parking lanes. For christmas we would quite like to see, for our christmas if we could have targeted for repeat offenders too. It would make my constituents very happy.

We are so distressed and confused by this abandonment and double parking that our parking has its own Twitter account and so if we could see some enforcement and increased enforcement, they would appear in our Twitter account as the lesser striped enforcement officers, you can see them there if you go to Leith/Park. So I would really appreciate working with you on that, thank you.

**Supplementary Answer**

Thank you very much Councillor Rae, and you raise a number of very interesting points.

Leith Walk has traditionally had amazing levels of display of precisely what I've just referred to as selfish and illegal parking. We have of course some limitations and how we can deal with that but I have been talking to our parking team about targeted efforts as much as we possibly can. I would say this is something which bothers me across quite a lot of my remit because the actions that were having to take mitigation against whether it's applying additional enforcement in a particular area, whether it's adding to, you

know collections of litter bins etc etc, this is down to individual human behaviour and the Council is mopping that up. If any of the Councillors are hearing from people who are complaining about cycle lanes, about things that they believe intrude on their rights to park or to take any of those other actions, I'd ask them to consider making that point to them, that we want people to behave, we want people to sit within the rules, not because of some kind of draconian Council but because it makes the city work better. It makes Leith Walk work better if people can get up and down whether it's by bike or whether it's on pavements and they're not having to work their way around badly parked cars. So I agree with you about the requirement for targeted efforts and I would be very happy to sit down and talk with you about some further measures.

**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**

17 education buildings were temporarily closed as a precautionary measure as part of the PPP1 crisis. These were Oxfords PS, St Peters PS, Braidburn SS, Firrhill HS, Castleview PS, Royal HS, Pirniehall/St Davids PS, Broomhouse/St Josephs PS, Forth View PS, Craigmoynton PS, Rowanfield SS, Craigour Park PS, Drummond Community HS, Gracemount HS, Craigmount HS.

Duncan Place Resource Centre (inclusive of Leith Primary School Gym and Nursery) was closed permanently in September 2014.

**Supplementary  
Question**

Thank you Lord Provost, I thank the Convener for the answer to a different question and I wonder if I could ask the Convener if he has attended a briefing with officers where it was detailed three instances of school building failures where the reasonably foreseeable worst-case injury may well have been life threatening. That was two instances of Victorian school buildings where the ceiling fell in only days after students had vacated the building and one instance where a rugby ball sized piece of concrete fell from the ceiling and would have hit a girl in a toilet cubicle had it not been stopped by the metalwork of the suspended ceiling. So I would like to know if the Convener has attended that briefing and I would like to know if the Convener can give this Council an assurance that these are the only three instances of potentially serious incidents that have happened in the schools estate since May 2014?



**Supplementary  
Answer**

I have been briefed on all three incidents and all three incidents have been dealt with. The thing that threw me a little bit was the reasonably foreseeable worst-case injury, that phrase is not something that the official views, so there may be some confusion or measure against these three incidents have been reported to me we have dealt with them.

**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 Education, Children and Families Committee?
- Answer**             **(1)** The briefing for ward Councillors was held on 22 November 2017.
- Question**           **(2)** Are similar strategic consultations in plan for other areas of the City?
- Answer**             **(2)** The update report *Schools and Lifelong Learning Estate Strategic Review – Informal Consultation Update* to the Education, Children and Families Committee on 12 December 2017 provides the details of all current or planned informal consultation. The details of the informal consultation in the west and south west of the city are available on the Council’s website and involve several high schools and primary schools. A statutory consultation for a replacement Castlebrae High School is in progress. Informal consultation on the future of GME will be progressed in January 2018.
- 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 Education, Children and Families Committee?

**Answer**

**(3)** The other significant informal consultation proposed relates to the future accommodation requirements for secondary Gaelic Medium Education. A statutory consultation continues involving Castlebrae High School.

(i) The statutory consultation for a replacement Castlebrae High School is in progress. Initial discussions with the schools involved in the GME informal consultation will take place in January 2018.

(ii) The details of the informal consultation are included in the Education, Children and Families Committee report mentioned above and all elected members have been sent a copy of this report and briefing sessions have been offered if required.

**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) The deterioration relates to condition and not suitability. The condition of Currie High School has been reduced to a C (poor) rating from a B (satisfactory) rating. The latest condition report has been made available on the consultation website. If required, meetings with appropriate officers can be arranged to discuss with elected members the details of the current report and comparisons with previous condition reports.

**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) The 60.9% figure in the Transport Vision 2030 document is a baseline figure and the target is to increase that year on year. The assumption is that any additional transport infrastructure which will be required to ensure safe routes to schools and encourage the use of sustainable travel for any new school will be provided as part of any new school project.

The sites shown in the initial proposal that has been circulated as part of the informal consultation are suggestions for where a new high school could be located within the catchment areas shown. Part of the informal consultation process, particularly during the workshop events to be held with every school community, will be to discuss views on the travel to school implications for each site shown including if any new infrastructure requires to be provided. These views will help to shape any final options which are brought forward in a draft statutory consultation paper which would need to be considered and approved by the Education, Children and Families Committee before the statutory consultation could be progressed. Any draft statutory consultation paper prepared would include detailed analysis of the travel to school changes between the current situation and any option included in the paper.

Detailed transport modelling, if required, would be developed during the planning process for the delivery of any new infrastructure which has been approved by the Council as a result of the statutory consultation process.

**Supplementary  
Question**

I thank the Convener for his answer. Thanks Councillor Perry for your opportunity flagged up to meet with the officers and to review the two structural reports and compare them. We would like to note that this question was alluded to; that we have got those reports now but the reason I put the question was that it was quite a long time getting the reports published. Can I also ask the Convener to confirm that I can attend along with an independent expert given I'm not qualified in that, I'm a biochemist. Given any survey instructed to be carried out by a particular party may have a built in bias and the outcome perhaps

geared towards their objective which is why after all in the commercial property world both buyers and vendors have their own surveys carried out.

**Supplementary  
Answer**

This matter was raised at a meeting I had with parents last night about how do we justify or if we get a surveyor's report how do we then make sure it's correct. What I did say to them at the time I'll repeat here, these are two independent consultants that gave that report and I said to them at the time if they were unhappy about it we'd get another independent consultant report. However they did say to me that might provide the same bias because we as a Council pay for it, so if there is any other way that I can reassure you that these structural reports are correct, then please tell me and we're happy to do it.

**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 Council's strategic review launched in 2014, including the score each of these schools received.

**Answer** (1) The Wave 4 [report](#) to Council in August 2015 included the following table of combined condition/suitability scores:

Secondary School	Suitability Rating	Suitability Score	Condition Rating	Condition Score	Combined Score
Trinity	C	54.5%	C	58.0%	56.25%
Liberton	C	51.5%	B	62.0%	56.75%
Balerno	C	59.0%	C	55.0%	57.0%
WHEC	C	50.5%	B	66.0%	58.25%
Leith	B	70.0%	B	67.0%	68.50%
Currie	B	69.5%	B	82.0%	75.75%

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

If so, what are the updated scores?

**Answer** (2) Condition relates to the state of the building (e.g. is it well maintained); Suitability relates to if the building is fit for purpose. Only new condition reports have been completed.

The updated table below uses the updated condition information but the same suitability scores as the table above.

Secondary School	Suitability Rating	Suitability Score	Condition Rating	Condition Score	Combined Score
Trinity	C	54.5	C	52	53.3
Liberton	C	50.5	B	61	55.8
Balerno	C	59.5	B	62	60.8
WHEC	C	49.5	C	56	52.8
Leith	B	70	B	82	76
Currie	B	69.6	C	58	63.8

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

**Answer** (3) The scores are used as one part of the decision making process for which schools are recommended for investment in terms of replacement or major refurbishment should funding become available. They are not used to prioritise ongoing maintenance in existing schools.

Ongoing maintenance is determined by the Asset Condition surveys which commenced in 2015 and comprise a five year rolling programme of condition surveys across the operational estate.

Visual inspections of the building fabric and mechanical and electrical services for each building are undertaken, identifying areas of non-compliance with statutory obligations. Backlog and maintenance requirements are also identified with associated costs allocated within a 5 year period.

The Council currently operates a system whereby each defined element of a building is allocated a condition rating



of A-D. This same rating system is then used to determine the overall condition of the building.

The Council currently select from a number of priority ratings when deciding upon the nature and urgency of the works required. These ratings are generally based on the type of work required and indicative timescales.

- Priority Rating 1 - Must Do (immediate) - To address essential H&S/ comply with law/ avoid service disruption
- Priority Rating 2 - Should Do (within years 1 and 2) - To achieve/ maintain basic standards
- Priority Rating 3 - Would Do (within years 3 to 5) -Desirable works if affordable

The condition and priority information subsequently feeds into an overarching prioritisation matrix that helps to inform strategic asset management decisions.

**Supplementary Question**

Thank you Lord Provost, I thank the Convener for his answer although I suspect the usually very plain speaking Councillor Perry had little to do with what was a fairly flord response, here's his chance. To get the Council select from a number of priority ratings when deciding upon the nature and urgency of the works required. The condition and priority information subsequently feeds into an overarching prioritisation matrix that helps inform strategic asset management decisions. Now I was unclear as to whether or not the tables in that question were the Strategic Asset Management decision matrix or not, so I don't know if the Convener might be able to clarify that, but really it's the numbers I have the supplementary question on.

I thought it was slightly strange that in 2015 Currie Community High School got a condition score of 82 putting it well into Band B, nearly into Band A for condition while at neighbouring Balerno got a shocking 55, a Grade C in fact worse than Trinity Academy. Those figures were updated

for this year, obviously Balerno has had a little bit of remedial work it's now up to 62, middle Grade B, perfectly acceptable. Currie has dropped 24 points so all the way down to a lowly 58. Now it was admitted at Education Committee this week that there needs to be at least £1million spent on immediate remedial works for Currie, so I would ask the Convener if perhaps we should be looking once such remedial works are completed at doing another condition assessment because it may not surprise anyone that the condition review might go up and we might see what we've seen with Balerno so I think maybe a nip and a tuck is all that is required rather than complete demolition, thank you.

**Supplementary  
Answer**

The question is similar to the answer and I knew I wouldn't be able to answer it. What I suggest we do given the two tables, and I actually asked for in terms of Answer 3, the answer I got originally was quite a short answer and I said look that won't do because somebody's going to ask a question, but even if you ask me a question about this I still can't answer it. So I suspect what we should do is, that I'll call a Working Group Briefing for anybody in this Council who won't understand these figures because they are quite detailed and go quite precise and be very difficult for me to stand up here and try and answer that question. So I'll organise a working party or a briefing for all Councillors to understand these figures.

**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) "We will" is a common reference to future events, "We have" would have referred to events already occurred.

However, at a meeting of the Finance and Resources committee on September 5<sup>th</sup> a commitment was given to give all parties briefings on the Council's estate. This took place on November 30<sup>th</sup> 2017 for the Conservative Group. This briefing included information on the relevance of new schools as an important part of dealing with the issues in the Council's wider estate.

The requirements for new high schools across the city have been reported at Education, Children and Families Committee throughout 2017 and the Council will be applying for any future capital funds made available to help fund these new buildings, in line with previously agreed projects such as Queensferry High School.

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

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

**Supplementary Question (1)** Lord Provost, the Council Leader's answer indicates by omission that he has not written to the Scottish Government seeking funds for the Council for schools as was publicised in a press release on the 1 December. This strikes me Lord Provost, being a bit like Councillor Day on Tourist Tax where the press release said one thing and as we've heard this morning the formal response is another.

So given this Lord Provost, and given that today is Budget day, wouldn't it have been better for the Council Leader to contact the Scottish Government in advance of that budget, given they're deciding the settlement today. What discussion has the Council Leader had with Councillor Day on this, who's publicly suggested the Scottish Government should be funding Local Government and Edinburgh to higher level and perhaps most importantly for the public of Edinburgh, will he give an assurance that he will end this approach of delivering fake news via the Council's press machine?

**Supplementary Answer (1)** Thanks very much Lord Provost, I think my answer was actually fairly self-explanatory in terms of the process we're going through with the Scottish Government, but I'll reiterate it just in case Councillor Whyte didn't understand it.

When we put out a press release in terms of the full estate, obviously the element of this which is if you like blind in terms of our approach between buildings as in our facilities management approach, the difference between how we address the full capital requirement and some of the buildings that need replaced, there is a distinction between how buildings are taken forward ie community centres and schools and it's that that's particularly relevant for how we can solve some of these problems with engagement and gaining capital funds from the Scottish Government.

I have written to the Education Secretary asking them for the meeting to make sure that when waves, additional waves, of funding are available he understands Edinburgh's position and Edinburgh's requirements as part of that.

In terms of the wider budget, I'm continuously engaging with the Scottish Government. I've been engaging last week with

Derek MacKay on what's coming later this morning, other meetings, other conversations with other government ministers. Obviously as you would expect, Lord Provost, I'm not going to go into those in any great detail but I have written to the Scottish Government to make sure that when those waves of funding are available that our school estate is in as good a position as possible to receive that funding.

**Supplementary Question (2)** Lord Provost could I ask a supplementary. If the Council Leader has written, as he indicates, can he tell us why he didn't then release that letter given that it's a matter of public interest, or does he expect Councillors to have to ask under freedom of information rules to gain information?

**Supplementary Answer (2)** Thank you very much. Lord Provost, I remember the good old days when a Member would just write and ask for something rather than pretending that they have to submit a freedom of information request. If Councillor Whyte wants that information, I'm more than happy to share the letter.

**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**

The proposals for Currie High are currently subject to consultation. Council officers are clear that, whatever the outcome of the consultation, appropriate sports facilities will still be made available to the Woodlands school community.

**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 Convener 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) 100% of the primary schools are connected to the internet and all have access to the council Wi-Fi. Please note that there is no public internet connectivity switched on at any of these schools.
- Question** (2) Of the total number of secondary schools what percentage have network internet and what percentage have wifi?
- Answer** (2) 100% of the secondary schools are connected to the internet and all have access to the council Wi-Fi. Please note that there is no public internet connectivity switched on at any of these schools.
- 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) The schools' estate has recently gone through a major transformation to replace both Network and Wi-Fi components. Since this transformation there have been 28 reports of Wi-Fi coverage issues, in both primary and secondary schools.
- 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) The following schools have had issues with Wi-Fi since the transformed network was implemented:

Royal High School  
Holyrood RC  
Craigmount High  
Broughton High  
Trinity High  
Drummond Community High School  
Bun-sgoil Taobh na Pàirce  
Corstorphine Primary  
Currie Community High  
Flora Stevenson Primary  
Gilmerton Primary  
Gorgie Mills Special School  
Gracemount Primary  
Kaimes Special School  
Leith Primary  
Liberton Primary  
Longstone Primary  
Sciennes Primary  
St Augustines RC High  
Wester Hailes Education Centre  
Craiglockhart Primary School  
Queensferry Primary  
Colinton Primary  
Trinity Primary

**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) Each of the sites that have coverage issues have a detailed improvement plan. CEC and CGI are working closely with each of those schools directly to improve the overall performance.



**Supplementary  
Question**

Thank you very much Convener for your answer. A couple of points if I may.

One of them is around if you could convey your level of trust in the accuracy of the list that's provided in the report of the scheme. I know of at least one school for example that has a huge problem with their wi-fi provision which has been raised twice with CGI and that's Roseburn Primary, but yet it doesn't appear on the list, so what my first part of my supplementary is, can you commit to getting that list reviewed please to make sure it's comprehensive?

The second part is the around Royal High School which does appear on the list which I know has particularly long term problems which date back to the way in which the infrastructure set up for their wi-fi. Indeed by way of example, they have 200 iPads that are currently sitting in a cupboard unable to be used by the S2 pupils because of the fact that they don't have a reliable wi fi service. So the second part of my supplementary is to ask if we can get please a breakdown of the detail of the action plan mentioned in the answer in which to address both the issues at the Royal High School and indeed at Queensferry Primary which is also in my ward and I'll leave other Councillors to the decide the action they want to take on their own schools, thank you.

**Supplementary  
Answer**

Thank you for your supplementary. This is an interesting answer to your question because if you look at page one you've got Answer 1 – 100% of primary schools are connected to wi fi; Answer 2 – 100% of secondary schools are connected to wi fi. When we turn the page there's a whole list of schools which are having problems with wi fi. What I suggest we do is to get a report to the next Education, Children and Families Committee which goes into all that detail because clearly this is not satisfactory. I know it may be another Committee which are looking at the CGI contract but we and the schools need to find out what's actually happened. I'll call for a report to the next committee to detail all that you were talking about and everybody else's problems they're having.

**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) The cost of the study was £26,619.

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

**Answer** (2)

- The Queensferry Infrastructure Improvement Group (QIIG) was established to consider recommendations from the report and other infrastructure issues in Queensferry.
- Tender interviews have taken place for the £1m investment in road reconstruction works on the High Street and it is expected that consultants will be appointed in January 2018.

**Supplementary Question** Thank you very much..Just flicking between the different bits of information I had. I just wanted to ask the Convener if she can understand the frustrations and to a point, kind of anger, felt in the community that after four years, with four years having passed since the Council invested a fairly substantial amount of money in twenty seven almost twenty seven thousand pounds but the only actual tangible outputs we have are the establishment of a working group and initiating a tender and that secondly other than the High Street project which we're now seeing some progress on, can the Convener say what other recommendations or actions have come from the new infrastructure group that was set up for other parts of Queensferry?

**Supplementary  
Answer**

There was a lot in that question so if you'll excuse me I'll take it bit by bit. Yes I do agree with you, it's been a very long time but I understand that there were strenuous attempts to get the works underway through a scheme framework contract. When the contract was about to be awarded the contractor then had particular issues and that had to stop. So that that led to the tender being advertised on the open market to ensure that best value could be achieved. Hence that explains some of the degree of delay attached to it.

This will sound like I'm not listening this morning, I apologise, not the intention, but could I ask you please to repeat the second part of your question.

**Councillor  
Lang**

Certainly, when we have long supplementaries it's perfectly reasonable.

Other than the High Street project which is now under way as you mention, what other recommendations or actions have come from this new infrastructure group that has been set up for other parts of Queensferry?

**Supplementary  
Answer  
continued**

My understanding is it is recommending improved footpath and pedestrian links from the Loan towards the High Street and that this will be considered as Phase 2 of the town centre improvement plans. I will however come back to you on a more individual basis with more detail out of that report.

**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**

I understand that Councillor Young has now received a response from the North West Locality team on the proposals for a full traffic study and establishment of a working group for this.

Now that the bridge has been open for a short period, it is clear that driver route choice has changed, particularly in Queensferry, and therefore it is proposed to widen the scope of the study to take account of both Kirkliston and Queensferry, as well as the adjacent trunk road.

A plan of the study area is currently being prepared, in advance of an initial meeting with local members and community council representatives to agree outcomes for the study.

Following agreement of the scope and outcomes, a working group will be established, comprising representatives from:

- Ward Councillors
- Community Councillors
- School Parent Councils
- Police Scotland
- Transport Scotland or Amey
- Transport Active Travel and Public Transport reps
- Council Officers

# 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 -  
"I'm a bin – Nobody cares"



Payfair Steps (note also abandoned barriers)



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 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

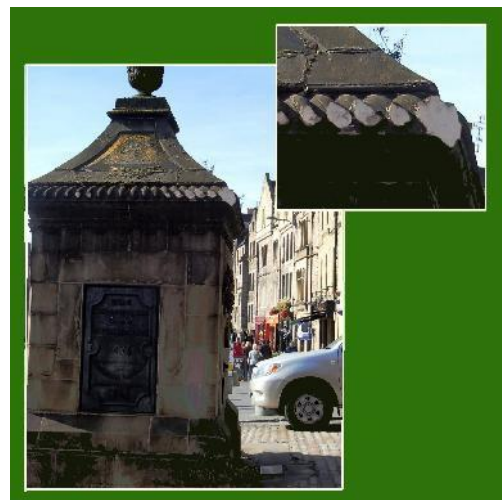
This is the only World Heritage Site in the World that has no restriction on LGV through traffic. The damage to the roads, the kerbs, to the listed buildings and of course to our lungs is totally unacceptable.

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 scum. 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**

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## Item no 5.1

### QUESTION NO 1

**By Councillor Lang for answer by the  
Convener of the Planning Committee  
at a meeting of the Council on 1  
February 2018**

#### **Question**

What statutory powers does the Council have to impose restrictions on the night time flying operations at Edinburgh Airport?

#### **Answer**

## Item no 5.2

### QUESTION NO 2

By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 1 February 2018

**Question** (1) How many new grit bins were requested in  
a) 1-31 December 2017 and  
b) 1-23 January 2018,  
broken down by ward?

**Answer** (1)

**Question** (2) How many new grit bins were installed in  
a) 1-31 December 2017 and  
b) 1-23 January 2018,  
broken down by ward and if she will list the street locations  
of all new grit bins over this period?

**Answer** (2)

**Question** (3) How many spare grit bins were held centrally in each week  
between 1 December 2017 and 23 January 2018?

**Answer** (3)

**Question** (4) What follow up action was taken in response to the question  
asked by Cllr Aldridge at the December 2017 meeting of the  
Council about the prioritisation of school bus routes for road  
gritting?

**Answer** (4)

## **Item no 5.3**

### **QUESTION NO 3**

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 1 February 2018**

#### **Question**

I wrote to the Convener on 1 December with questions relating to the administration's policy on 20mph and traffic calming measures. After receiving no reply or acknowledgement, I sent a follow up email on 17 December. Can she tell me when she expects to respond to the issues raised?

#### **Answer**

## Item no 5.4

### QUESTION NO 4

**By Councillor Jim Campbell for answer by the Leader of the Council at a meeting of the Council on 1 February 2018**

Since May 2014, I understand there have been four instances of building failures in the school estate where the Council would self-fund maintenance. These involved ceilings or other building components falling to the ground, where the reasonably foreseeable worst-case injury could have been life threatening at: Boroughmuir High School, Broughton Primary School, St Catherine's RC Primary School and Tower Bank Primary School.

Can the Leader:

- |                 |            |  |
|-----------------|------------|--|
| <b>Question</b> | <b>(1)</b> | List the dates he first became aware of each failures listed?  |
| <b>Answer</b>   | <b>(1)</b> |  |
| <b>Question</b> | <b>(2)</b> | Provide details of any other similar failures in Council buildings outside the School Estate?  |
| <b>Answer</b>   | <b>(2)</b> |  |
| <b>Question</b> | <b>(3)</b> | Confirm if these failures should have been recorded as near misses?  |
| <b>Answer</b>   | <b>(3)</b> |  |
| <b>Question</b> | <b>(4)</b> | Reassure this Council that the maintenance of all Council buildings is a priority and that good maintenance should remove any risk of injury due to Council Buildings failing? |
| <b>Answer</b>   | <b>(4)</b> |  |

## Item no 5.5

### QUESTION NO 5

**By Councillor Jim Campbell for answer by the Deputy Leader of the Council at a meeting of the Council on 1 February 2018**

Since May 2014, I understand there have been four instances of building failures in the school estate where the Council would self-fund maintenance. These involved ceilings or other building components falling to the ground, where the reasonably foreseeable worst-case injury could have been life threatening at: Boroughmuir High School, Broughton Primary School, St Catherine's RC Primary School and Tower Bank Primary School.

Can the Deputy Leader:

**Question** (1) List the dates he first became aware of each of the failures listed?

**Answer** (1)

**Question** (2) Provide details of any other similar failures he is aware of in the Council estate?

**Answer** (2)

## Item no 5.6

### QUESTION NO 6

**By Councillor Jim Campbell for  
answer by the Convener of the  
Education, Children and Families  
Committee at a meeting of the  
Council on 1 February 2018**

Since May 2014, I understand there have been four instances of building failures in the school estate where the Council would self-fund maintenance. These involved ceilings or other building components falling to the ground, where the reasonably foreseeable worst-case injury could have been life threatening at: Boroughmuir High School, Broughton Primary School, St Catherine's RC Primary School and Tower Bank Primary School.

Can the Convener of Education Children & Families:

- |                 |            |  |
|-----------------|------------|--|
| <b>Question</b> | <b>(1)</b> | Confirm the date of each failures listed above?  |
| <b>Answer</b>   | <b>(1)</b> |  |
| <b>Question</b> | <b>(2)</b> | List the dates on which he first became aware of each failure?   |
| <b>Answer</b>   | <b>(2)</b> |  |
| <b>Question</b> | <b>(3)</b> | Provide details of any other similar failures in the school estate?  |
| <b>Answer</b>   | <b>(3)</b> |  |
| <b>Question</b> | <b>(4)</b> | Detail what he did to deal with the problem?   |
| <b>Answer</b>   | <b>(4)</b> |  |
| <b>Question</b> | <b>(5)</b> | Provide details of where the Council records any near misses where the reasonably foreseeable worst-case injury is life threatening? |
| <b>Answer</b>   | <b>(5)</b> |  |

## Item no 5.7

### QUESTION NO 7

**By Councillor Jim Campbell for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 1 February 2018**

Since May 2014, I understand there have been four instances of building failures in the school estate where the Council would self-fund maintenance. These involved ceilings or other building components falling to the ground, where the reasonably foreseeable worst-case injury could have been life threatening at: Boroughmuir High School, Broughton Primary School, St Catherine's RC Primary School and Tower Bank Primary School.

Can the Convener of the Finance and Resources Committee

- |                 |   |
|-----------------|---|
| <b>Question</b> | <b>(1)</b> List the dates on which he first became aware of each failure?   |
| <b>Answer</b>   | <b>(1)</b>  |
| <b>Question</b> | <b>(2)</b> Confirm that inadequate maintenance of the building estate is the primary cause of each failure?                                     |
| <b>Answer</b>   | <b>(2)</b>  |
| <b>Question</b> | <b>(3)</b> Confirm that Officers had raised the risk of building failures due to inadequate maintenance at the Finance and Resources Committee? |
| <b>Answer</b>   | <b>(3)</b>  |

## Item no 5.8

### QUESTION NO 8

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

**Question** (1) Could the Convener explain why it is possible to leave an unmotorised wheeled item on the street without it being ticketed or removed as it would be if it were in possession of both wheels and engine?

**Answer** (1)

**Question** (2) What would need to be done to make it possible to leave such items on the street so that where they were causing an obstruction or had been abandoned they could be removed?

**Answer** (2)



## **Item no 5.9**

### **QUESTION NO 9**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

#### **Question**

Is the Transport Convener aware of the reports regarding the 20mph scheme that had been introduced in Bath and North East Somerset, where one year on there has been an increase the number of people killed or seriously injured in seven out of the thirteen zones where 20mph was now the standard speed limit?

#### **Answer**

## **Item no 5.10**

### **QUESTION NO 10**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

#### **Question**

Has the introduction of community parking zones around Murrayfield stadium ever been considered on match days where large crowds are expected, and if so, the reasons why no scheme was introduced?

#### **Answer**

## **Item no 5.11**

### **QUESTION NO 11**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

#### **Question**

Have any surveys been carried out to estimate the impact on congestion that the shutting of Leith Street has had, and if so what the results of those surveys were?

#### **Answer**

## Item no 5.12

### QUESTION NO 12

**By Councillor Laidlaw for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 1 February 2018**

To ask what has been done to address the rising issue of graffiti vandalism across the city since the issue was raised at full Council in September and the response remitted to the Culture and Communities Committee.

Specifically:

**Question** (1) Have any officers been specifically tasked with addressing the issue and if so within what department?

**Answer** (1)

**Question** (2) Has the Council been in contact with Police Scotland and offered to share information gathered through its online reporting mechanism?

**Answer** (2)

**Question** (3) What is the Council's current policy on removal of non-offensive graffiti and how is this defined?

**Answer** (3)

## Item no 5.13

### QUESTION NO 13

**By Councillor Mitchell for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 1 February 2018**

**Question**           **(1)** How much was the rate of pay awarded to staff working at Edinburgh's Christmas events this winter?

**Answer**

**Question**           **(2)** Can the Convener confirm the date that the report agreed by this Council on Thursday, 24 August regarding Fair Fringe and Fair Hospitality Charter will be coming to committee?

**Answer**             **(2)**

## Item no 5.14

### QUESTION NO 14

**By Councillor Mitchell for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 1 February 2018**

**Question** Can the Convener explain what involvement has CEC had in assisting sporting groups who previously trained at Meadowbank Stadium in finding new and suitable training facilities since its closure?

**Answer** (1)

**Question** (2) How many Clubs, Sporting Associations and local groups have been affected by the closure of Meadowbank?

**Answer** (2)

**Question** (3) What clubs / sporting organisations have you helped?

**Answer** (3)

**Question** (4) And what alternatives have been provided?

**Answer** (4)

## Item no 5.15

### QUESTION NO 15

**By Councillor Johnston for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 1 February 2018**

#### **Question**

What steps does the Council take to publicise the online Consultation Hub resource?

#### **Answer**

## **Item no 5.16**

**QUESTION NO 16**

**By Councillor Young for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

**Question**

In light of the new housing development in Dalmeny Park, South Queensferry, and the section 75 monies secured from this, what progress is being made to install traffic calming measures on Scotstoun Avenue leading into this development?

**Answer**



## Item no 5.17

### QUESTION NO 17

**By Councillor Young for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

- Question**            (1) Please provide a table showing the following information:
- a) the locations of Council owned and operated automatic traffic counters
  - b) the dates on which they were installed
  - c) whether the counters are currently operational or not

**Answer**            (1)

- Question**            (2) For those which are currently not operational, please provide:
- a) the dates on which they stopped working
  - b) what action is being taken to repair and/or replace them?

**Answer**            (2)

## Item no 5.18

### QUESTION NO 18

**By Councillor Young for answer by the Convener of the Housing and Economy Committee at a meeting of the Council on 1 February 2018**

To ask the Convener of Housing and Economy to provide a table showing the following information for the North West Locality overall, and then broken down by community:

- Question**           **(1)** How many households in each category (singles, couples, families with children under 16, families with no children under 16) are currently in temporary accommodation. Please provide numbers per category/community?
- Answer**             **(1)**
- Question**           **(2)** The average length of time each household category are waiting for a permanent home?
- Answer**             **(2)**
- Question**           **(3)** The longest waiting time currently being experienced by each household category?
- Answer**             **(3)**

## Item no 5.19

### QUESTION NO 19

**By Councillor Hutchison for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 1 February 2018**

Following the announcement that the Scottish Government accidentally increased council budgets by double counting £86 million.

Can the Convener please advise:

- |                 |  |
|-----------------|--|
| <b>Question</b> | <b>(1)</b> The financial implications for the City of Edinburgh Council of this embarrassing miscalculation?   |
| <b>Answer</b>   | <b>(1)</b>   |
| <b>Question</b> | <b>(2)</b> What representations have been made to the Scottish Government's Finance Secretary to mitigate the impact of his error?   |
| <b>Answer</b>   | <b>(2)</b>   |
| <b>Question</b> | <b>(3)</b> What response has been received to the representations detailed above?  |
| <b>Answer</b>   | <b>(3)</b>   |
| <b>Question</b> | <b>(4)</b> Whether he has any confidence that further miscalculation on the part of the Scottish Government will not come to light before the Council's budget for 2018/19 is set? |
| <b>Answer</b>   | <b>(4)</b>   |

## Item no 5.20

### QUESTION NO 20

**By Councillor Hutchison for answer  
by the Convener of the Culture and  
Communities Committee at a  
meeting of the Council on 1 February  
2018**

**Question** (1) While recognising that the localities model is designed to promote local decision making, does the Convener agree that standardised agendas would have been appropriate for the first meeting of the four locality committees?

**Answer** (1)

**Question** (2) Does the Convener agree that the agendas for the first meeting of all four localities should include discussion on the future of Neighbourhood Partnerships or the role of Community Councils in the new localities model?

**Answer** (2)

**Question** (3) Does the Convener agree that the absence of this item from the agenda in any of the localities will continue to undermine the faith of local groups in the localities model and compounds the lack of communication and engagement as the localities model has developed?

**Answer** (3)

## Item no 5.21

**QUESTION NO 21**

**By Councillor McLellan for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 1 February 2018**

**Question**

What progress is being made about the removal of unsightly metal grilles from the windows of Craigentenny Primary School, which has been requested on more than one occasion by the Parent Council?

**Answer**

## Item no 5.22

### QUESTION NO 22

**By Councillor McLellan for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

#### **Question**

To ask the transport and environment convener how much the Council is saving by switching off flashing 20mph warning signs outside schools, and whether she will commit to having them reactivated when requested by the school and/ or its parent council?

#### **Answer**

## Item no 5.23

### QUESTION NO 23

**By Councillor McLellan for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 1 February 2018**

#### **Question**

What provision for sports amenities in North East Edinburgh will be made to replace the loss of pitches at Meadowbank and Westbank Street?

#### **Answer**

## **Item no 5.24**

**QUESTION NO 24**

**By Councillor McLellan for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

**Question**

What measures are being taken to ensure that proper pedestrian access is maintained to and from the Urban Eden development at all times, and how much longer it will take to settle the dispute over ownership of the Crawford Bridge?

**Answer**



## **Item no 5.25**

**QUESTION NO 25**

**By Councillor McLellan for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

**Question**

When the council will take direction to have the relevant work carried out to allow the reopening of the Wolseley Steps on London Road?

**Answer**

## Item no 5.26

**QUESTION NO 26**

**By Councillor McLellan for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 1 February 2018**

**Question**

How many council tax arrears warnings have been issued in error in each of the past five years and the measures taken to reduce the number?

**Answer**

## Item no 5.27

### QUESTION NO 27

**By Councillor Miller for answer by the Conveners of the Planning and Regulatory Committees at a meeting of the Council on 1 February 2018**

**Question** Which industry bodies, groups, companies or organisations in the short stay holiday accommodation industry has the Council met (remotely or in person) during 2017 and 2018?

**Answer**

**Question** (2) On what date did each meeting take place with which organisation and which council departments attended

**Answer** (2)

**Question** (3) What notes and actions have been taken from these meetings and to whom have these been reported?

**Answer** (3)

## Item no 5.28

### QUESTION NO 28

**By Councillor Mary Campbell for  
answer by the Convener of the  
Transport and Environment  
Committee at a meeting of the  
Council on 1 February 2018**

**Question**           **(1)** How many play parks within Edinburgh Council have accessible equipment for children with physical disabilities?

**Answer**           **(1)**

**Question**           **(2)** Does the council have a policy to ensure that the number of accessible pieces of play park equipment will increase in future years and be included in any new play park or upgrade to existing play parks?

**Answer**           **(2)**

## Item no 5.29

**QUESTION NO 29**

**By Councillor Staniforth for answer  
by the Convener of the Planning  
Committee at a meeting of the  
Council on 1 February 2018**

**Question**

What action has the Convener taken to progress the recommendation of the Music is Audible working group and the report prepared by the Music Venues Trust that the council should consider adopting the agent of change principle?

**Answer**

## Item no 5.30

### QUESTION NO 30

By Councillor Gloyer for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018

**Question** (1) How many communal glass recycling bins are emptied to a set schedule?

**Answer** (1)

**Question** (2) How many are emptied only after a member of the public has reported them full?

**Answer** (2)

## Item no 5.31

**QUESTION NO 31**

**By Councillor Gloyer for answer by  
the Leader of the Council at a  
meeting of the Council on 1 February  
2018**

**Question**

Will the Cycling Champion use his influence with Spokes to encourage them to speak out against inconsiderate or illegal behaviour by cyclists?

**Answer**

## Item no 5.32

### QUESTION NO 32

By Councillor Rae for answer by the  
Convener of the Culture and  
Communities Committee at a  
meeting of the Council on 1 February  
2018

**Question** (1) What action has the council taken to deal with the issue of graffiti/tagging which is becoming a blight across the city?

**Answer** (1)

**Question** (2) Are there plans for the Council to maintain a tagging database?

**Answer** (2)

**Question** (3) Are there plans for a multi-agency approach to resolve the problem?

**Answer** (3)



## Item no 5.33

### QUESTION NO 33

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 1 February 2018**

- Question** (1) Will the Convener please identify:
- a) When the council introduced a 'grace period' for parking enforcement whereby a vehicle illegally or inappropriately parked will be observed by a parking attendant for a certain period of time before a penalty charge notice is issued?
  - b) What the reason for this grace period is?
  - c) Whether the grace period varies by vehicle type, and if so what the reason for this variation is?
  - d) When the grace period was last reviewed?
  - e) Whether the grace period varies by location, and if so what this variation is?
- Answer** (1)
- Question** (2) What methods does the council and our parking enforcement contractor use to pass on real-time complaints from members of the public about illegal or inappropriate parking, in order to allow any parking attendants in the vicinity to attend, and when were these methods last reviewed?
- Answer** (2)
- Question** (3) If the Convener will identify which streets within the controlled parking zones and priority parking areas are currently lacking valid signs and/or lines in force to allow enforcement, and in the case of each street, how long the signs and/or lines have been lacking?
- Answer** (3)
- Question** (4) What action is the council currently taking to minimise parking-related fraud?

**Answer** (4)

**Question** (5) When was the price of a penalty charge notice last increased, by how much, and what conversations has the convener had with the Scottish Government about further increases, variable increases, or about devolving power to set the price of a PCN to councils?

**Answer** (5)

## Item no 5.34

### QUESTION NO 34

**By Councillor Burgess for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 1 February 2018**

#### Vehicle Mileage Allowance

**Question** (1) Please provide a breakdown of the total number of miles and total cost of claims for each of the last 5 years?

**Answer** (1)

**Question** (2) What is the procedure for approval of claims for vehicle mileage allowance?

**Answer** (2)

## Item no 5.35

### QUESTION NO 35

**By Councillor Burgess for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 1 February 2018**

**Question** (1) How many pool vehicles of each fuel type (electric, hybrid, petrol, diesel) does the council have?

**Answer** (1)

**Question** (2) What was the total mileage done by pool vehicles for each of the last five years?

**Answer** (2)

## Item no 5.36

### QUESTION NO 36

**By Councillor Burgess for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 1 February 2018**

#### **Question**

How many parking spaces does the council provide in total and at each of its main sites?

#### **Answer**



## ***Work in progress***

Last summer, we published our ['Programme for the Capital'](#), setting out our commitments for the five years to 2022, with a particular focus on delivering improved services for Edinburgh's residents and communities.

I'm pleased with the progress we have made thus far but I want to ensure that we remain a coalition of action and that [our commitments remain relevant to the emerging challenges we face as a city](#).

Having received further details of our funding settlement from the Scottish Government, we are working closely with officers to determine how this affects our budget assumptions for the coming financial year – and, with that, the extent to which we can invest in priority areas, such as Health & Social Care. We will then agree our 2018/19 budget on 22 February. In the meantime, I remain in regular contact with Scottish Ministers to ensure our settlement is as good a deal as it can be for Edinburgh.

Of course, some of these milestones have been in the diary for some time, such as the opening of our new Boroughmuir High School, but I'm confident that this represents an ambitious plan for the first half of 2018.

Where possible, and relevant, we will provide more detail around new initiatives in the coming months and, of course, report back on our progress.

## ***Year of Young People***

We have so much to celebrate about our young people in this fantastic city and so it's fitting that we launched [Edinburgh's involvement in Year of Young People 2018](#) with a special event at the City Chambers last week.

The evening, hosted by my colleague and deputy Education convener, Cllr Alison Dickie, celebrated the achievements of young people in the Capital with over 30 of them receiving their Duke of Edinburgh Silver Awards, accompanied by some very entertaining musical performances by our school pupils. Read more about [Alison's hopes for the year ahead](#) and taking our children more seriously.

I'm delighted also that a looked-after young person is going to be invited to co-chair the Corporate Parenting Group and the Young People in Care Council. It's really important we do what we can to ensure our future generations are able to shape the decisions that affect them.

## ***Taking homelessness to task***

I don't for one minute pretend know how it feels to be homeless but my involvement in last month's [Sleep in the Park](#) gave me a taste of what it is like to sleep out in sub-zero temperatures. And it wasn't at all pleasant. All credit, then, to Social Bite who did a great job raising over £4m to support homeless people all over Scotland. I look forward to working with them on projects they are taking forward in Edinburgh.

Of course, the Council is already carrying out a huge amount of work in this area and our new cross-party homelessness task force met for the first time at the end of last year and made some bold commitments for us to deliver by the summer.

One particular focus will be on ending the use of B&B accommodation for families, young people and care leavers, while trying to reduce use of these properties overall. Increasing the stock of temporary accommodation, as well as continuing the reduction in homelessness presentations and implementing the 'Housing First' approach should all help to achieve this.

## ***Hub of activity***

We're making it easier than ever for the public to access Council services, with the opening of the new and improved Customer Hub at 249 High Street. Earlier this month, I paid a visit to see the refurb, which I'm pleased to say has created a much more user-friendly space, making it simpler for people to come in and make payments and applications.

As well as the introduction of self-serve kiosks, our new automated 'q-matic' reception service means customers can avoid queueing and take a seat while they wait to be seen. The space has undergone an impressive renovation too, with a better layout and redecoration – much of which has made use of existing equipment and furniture – contributing to a relaxed, welcoming atmosphere.

This has been particularly important for the relocation of Registration Services from Lothian Chambers. It's essential that visitors are met with a friendly and sympathetic environment at what can be a difficult, or equally joyous, time while registering a birth, death or marriage. We are now able to offer space for confidential meetings, tailored desk points and new, fresh surroundings for appointments, and I'm delighted to hear that customer feedback has been extremely positive so far.

## ***Water of Leith flood prevention***

Earlier this week, we marked a major milestone with the official completion of phase two of the [Water of Leith Flood Prevention Scheme](#) at Murrayfield. Not only was this ahead of schedule but was also significantly under budget, which is thanks to the hard work and excellent project management of the team involved.

Now, more than 400 homes in the area, which was amongst the worst hit by the severe floods of 2000, will benefit from flood defence walls and embankments along 1.2km of the river at Murrayfield and Roseburn, as well as nearby properties like Murrayfield Stadium and the Ice Rink.

We've worked closely with the community to ensure that those strolling along the banks of the river will gain from the scheme too, with enhancements to the riverside walkway, two new bridges and improvements to Roseburn Park delivered as part of the project.

## ***Picardy Place designs revised***

Plans to revamp one of the key gateways into Edinburgh's World Heritage Site are now a step closer after yesterday's special meeting of the Transport and Environment Committee [approved updated designs for Picardy Place](#).

Around 1,000 public responses helped shape the revised designs, which now include improved public space on the island site, as well as plans to further increase pedestrian space outside St Mary's RC Cathedral and at the foot of Little King Street. Better provision for pedestrians and cyclists also emerged strongly from the feedback submitted during our extended consultation and are now reflected in the new designs.

As a cyclist and frequent bus user myself, I know from first-hand experience how poorly Picardy Place currently functions. The proposed new layout will provide the most effective solution for the needs of all road users and give us flexibility to adapt the design to respond to changing transport needs in future years.

## ***Final phase for 20mph rollout***

After almost 18 months of hard work, I'm delighted we're now on the home straight towards becoming Scotland's first 20mph city, with the [last phase due to go live](#) in South Edinburgh on 5 March.

We began the citywide roll-out back in July 2016 after in-depth public consultation revealed the majority of Edinburgh residents wanted calmer speeds on residential, shopping and city centre streets. This is backed up by a [nationwide survey](#), which found that 65% of Scots support 20mph becoming the default urban speed limit.

Keep an eye out for 20mph signs and lines going down from Greenbank to Fairmilehead, Oxfgangs to Colinton on all but a strategic network of 30mph and 40mph roads over the coming weeks.

## ***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.

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# The City of Edinburgh Council

10am, Thursday, 1 February 2018

## Scheme of Delegation – Shared Repairs

Item number	8.1
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

---

Changes are required to be made to the Scheme of Delegation following a decision of Finance and Resources Committee in September 2017.



## Scheme of Delegation – Shared Repairs

### 1. Recommendations

---

- 1.1 To repeal the existing Scheme of Delegation and approve in its place appendix one, such repeal and approval to take effect from 2 February 2018.
- 1.2 To delegate to the Chief Executive to take such actions and make such minor adjustments to appendix one as may be necessary to implement the decision of the Council in relation to this report and to produce a finalised version of the document.

### 2. Background

---

- 2.1 On 5 September 2017, the Finance and Resources Committee agreed the delegation of powers to the Executive Director of Resources in regard to approving the payment of missing share payments and recovering missing share payments under the Housing Act 2006.

### 3. Main report

---

- 3.1 Section 50G of the Local Government (Scotland) Act 1973 requires the Council to publish a list of those powers it delegates to officers. Any powers that last longer than six months must be added to the Scheme of Delegation. As a result, for the delegation of the powers agreed by the Finance and Resources Committee to continue to apply, the Scheme of Delegation must be amended.
- 3.2 The changes are outlined in the appendix to the report but they concentrate on the shared repair area and delegation to the Executive Director of Resources. The changes include making minor amendments to clarify the section of the relevant legislation that is utilised and the additional powers agreed by Finance and Resources Committee.
- 3.3 The additional powers are outlined in s59 and s60 of the Executive Director of Resources' powers on pages 36-37 of the Scheme. They cover:
  - 3.3.1 make missing share payments into owners' maintenance accounts for sums between £500 and £20,000 under section 50 (3) of the Housing Act 2006.
  - 3.3.2 recover missing share payments from the owner of the house concerned under section 59 of the Housing Scotland Act 2006 and in line with the Council's Corporate Debt Policy.

- 3.4 A section has also been moved from the Executive Director of Place's list to the Executive Director of Resources to reflect the changes in managerial responsibility.
- 3.5 A more detailed review of the Scheme of Delegation will take place in the summer of 2018, when the Council's political management arrangements and corresponding governance documentation is reviewed.

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

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- 4.1 The Council's compliance with Section 50G of the Local Government (Scotland) Act 1973.

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

---

- 5.1 There are no financial implications as a result of this report.

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

---

- 6.1 It is good governance to ensure the Council's key operational governance documents are regularly reviewed and comply with the relevant legislation.

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

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

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

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- 8.1 There is no direct sustainability impact as a result of this report.

#### **9. Consultation and engagement**

---

- 9.1 Consultation took place as part of the original decision by the Finance and Resources Committee.

#### **10. Background reading/external references**

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- 10.1 Finance and Resources Committee 5 September 2017 – [Edinburgh Shared Repairs Service \(ESRS\) – Missing Share](#)

**Andrew Kerr**

Chief Executive

Contact: Gavin King, Corporate Governance Manager

E-mail: [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) | Tel: 0131 529 4239

## 11. Appendices

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Appendix – Scheme of Delegation to Officers

**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO**  
**OFFICERS**

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**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO OFFICERS**

**GENERAL**

- 1.1 This Scheme of Delegation to Officers ("**Scheme**") applies from ~~3 July 2017~~  
February 2018 and sets out the powers delegated by the City of Edinburgh Council ("**Council**") to officers, pursuant to the Local Government (Scotland) Act 1973. The Scheme is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
- 1.2 The powers delegated to officers in terms of this Scheme are subject to change by act of Council in accordance with the Standing Orders of the Council.
- 1.3 The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers, and stating the title of the officer who exercises that power. The lists of powers are set out in this Scheme.
- 1.4 In this Scheme:
- (a) a reference to "**Executive Director**" means any of the Executive Directors of the Council or the Chief Officer - Edinburgh Health and Social Care Partnership (and "**Executive Directors**" shall be interpreted accordingly);
  - (b) a reference to a statute or statutory provision:
    - (i) is a reference to it as amended, extended or re-enacted from time to time; and
    - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
  - (c) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
  - (d) a reference to "**Council Policies**" shall include all and any policies approved by the Council from time to time (and "**Council Policy**" shall be interpreted accordingly);
  - (e) references to paragraphs are to paragraphs of this Scheme; and

- (f) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

### **Principles of delegation**

- 1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:
  - (a) the decision or action must not be a matter ("**Reserved Matter**"):
    - (i) reserved by law to the Council or a Committee or sub-committee of the Council ("**Committee**"); or
    - (ii) that the Council or a Committee has expressly determined should be discharged otherwise than by an officer;
  - (b) the decision or action must not alter or be contrary to law or to policy set by the Council and its Committees;
  - (c) the decision or action must be taken in accordance with the Council's Standing Orders as amended from time to time;
  - (d) the decision or action must be taken in accordance with the Financial Regulations and Corporate Debt Policy as amended from time to time and comply with the financial limits set out in those documents;
  - (e) the financial consequences of the decision or action must be contained within the budget approved by Council for the financial year in question;
  - (f) the decision or action must not give rise to a conflict of interest as set out in the Council's code of conduct for employees; and
  - (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.
- 1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive in consultation with the Leader of the Council (or the deputy Leader if the Leader is absent).
- 1.7 Each Executive Director and Head of Safer and Stronger Communities/CSWO shall have authority to take all decisions or actions necessary to implement a policy approved by or a decision previously taken by



the Council or a Committee or which facilitate or are conducive to the implementation of such a policy or decision.

## 2. **CONSULTATION WITH ELECTED MEMBERS**

### **Politically controversial matters and material decisions**

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or
- (b) a significant impact on service delivery or performance;

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.

### **Local Members**

2.2 Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

### **Responsibility to inform**

2.3 It is the responsibility of the Chief Executive, relevant Executive Director or Head of Safer and Stronger Communities/CSWO to keep the elected members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

### **Reports**

2.4 The Council or any Committee may require the Chief Executive, Executive Directors or Head of Safer and Stronger Communities/CSWO to submit reports on the decisions taken and action authorised by them under delegated authority. The Chief Executive or relevant Executive Director shall submit a report in relation to any Material Decision to Council or the appropriate Committee.

### 3. **DELEGATION**

#### **Delegated authority**

- 3.1 The Council delegates authority for certain powers or functions to the Chief Executive, Executive Directors and heads of service as detailed in this Scheme.
- 3.2 In the event that the Chief Executive, Executive Director or Head of Safer and Stronger Communities/CSWO is unavailable, his/her deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Chief Executive or Executive Director.
- 3.3 The Chief Executive, Executive Directors or Head of Safer and Stronger Communities/CSWO may sub-delegate their delegated powers to their deputy or head(s) of service or such other officer(s) in their service area as they may consider appropriate. Each officer to whom powers are delegated may sub-delegate to such other officers in their service area as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive and Executive Directors will remain accountable for decisions taken by their sub-delegates.
- 3.4 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.5 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.6 Certain functions ("**Statutory Functions**") must, by law, be carried out by certain statutory officers. The Council delegates authority to those statutory officers ("**Statutory Officers**") to carry out the Statutory Functions. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 8.
- 3.7 The authority delegated to the Chief Executive and Executive Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.
- 3.8 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out Council officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service

area to exercise his or her functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in paragraph 5 of Appendix 1, paragraph 21 of Appendix 7 and in Appendix 9.

- 3.9 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

### **Material Decisions**

- 3.10 Notwithstanding the terms of any delegation of authority to Executive Directors or other officers in terms of this Scheme, all Material Decisions shall be taken in consultation with the Corporate Leadership Team (“**CLT**”). It is intended that this will engender greater transparency; foster a collegiate culture of collective decision-making among chief officers; and ensure proper corporate oversight, scrutiny and challenge of Material Decisions.
- 3.11 It is the responsibility of each Executive Director, Head of Safer and Stronger Communities/CSWO or other officer to whom powers are delegated to consider whether a decision or action in relation to a matter delegated to him/her is a Material Decision and in the case of an officer other than an Executive Director, to bring it to the attention of the relevant Executive Director or Head of Safer and Stronger Communities/CSWO. The relevant Executive Director or Head of Safer and Stronger Communities/CSWO will bring any Material Decision to the next available meeting of the CLT.
- 3.12 In the case of any Material Decision that relates to a Statutory Function, the provisions of paragraphs 2.1 and 3.12 of this Scheme shall be without prejudice to the legal duties and responsibilities of the relevant Statutory Officer.
- 3.13 The provisions of paragraph 3.12 of this Scheme shall be without prejudice to the principles of delegation set out in paragraph 1.5 of this Scheme and the requirement to consult with elected members set out in paragraph 2.1 of this Scheme.

## **Major Projects**

- 3.14 The following projects (“**Major Projects**”) shall be dealt with as set out in paragraph 3.15 of this Scheme:
- (a) any project which has an estimated value of £5 million or more; or
  - (b) any other corporate project the Chief Executive shall, in consultation with the CLT and the Convener or vice-Convener of the Finance and Resources Committee, so designate.
- 3.15 In order to ensure effective governance and delivery of Major Projects, the Head of Strategy and Insight will make arrangements to:
- (a) oversee all Major Projects to ensure they are initiated appropriately, and independently assess elements of the Major Projects including:
    - (i) options appraisal;
    - (ii) affordability;
    - (iii) implementation;
    - (iv) resource planning;
    - (v) sustainability;
    - (vi) equalities;
    - (vii) environmental impact; and
    - (viii) stakeholder engagement;
  - (b) provide ongoing support to Major Projects through key stage or gateway reviews, management dashboard reporting, post completion reviews and tracking benefits realisation; and
  - (c) update the CLT and the Finance and Resources Committee on the status and progress of Major Projects.

### **Contracts Standing Orders**

3.16 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders which apply 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 ("**Contract Standing Orders**").

3.17 Any officer to whom relevant authority is delegated shall have regard to:

- (a) the Council's procurement handbook; and
- (b) guidance issued by the Council in relation to the appointment of consultants;

in each case, as amended from time to time.

### **4. DELEGATION TO CHIEF EXECUTIVE**

4.1 As head of paid service the Chief Executive has overall responsibility for the corporate management and operational functions of the Council that are delegated to officers under this Scheme. The Chief Executive is authorised to discharge any function or exercise any power delegated to any officer under this Scheme.

4.2 In addition, the Council authorises the Chief Executive to:

- (a) take action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, business continuity and resilience legislation are discharged;
- (b) take any urgent action necessary in the event of a civil emergency, business continuity or resilience incident;
- (c) act as Returning Officer for local government elections, Westminster elections, Scottish Parliament elections, European elections and Business Improvement District elections under sections 25 and 41 of the Representation of the People Act 1983;
- (d) act as Counting Officer for referendums held in terms of the Political Parties, Elections and Referendums Act 2000;

- (e) perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, including:
  - (i) appointing authorising officers;
  - (ii) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information; and
  - (iii) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults;
- (f) monitor the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;
- (g) monitor the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011;
- (h) approve expenditure on civic hospitality in accordance with Council Policy;
- (i) supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:
  - (i) reports for courts and hearings (excluding children);
  - (ii) probation orders;
  - (iii) community payback orders;
  - (iv) community service;
  - (v) supervised attendance orders;
  - (vi) drug treatment and testing orders;
  - (vii) orders under section 57 of the Criminal Procedure (Scotland) Act 1995;
  - (viii) diversion from prosecutions;
  - (ix) parole, or other supervised conditional release from prison;

(x) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and

(xi) throughcare services for serving and released prisoners;

(j) provide advice, guidance and assistance to a person who is arrested and detained in police custody, or on whom sentence is deferred in terms of section 27ZA of the Social Work (Scotland) Act 1968; and

(k) take steps to ensure the Council complies with its duties to co-operate with the Scottish Minister and community justice authorities when carrying out its functions in accordance with sections 1 and 10 to 12 of the Management of Offenders etc. (Scotland) Act 2005.

## **5. DELEGATION TO THE CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS**

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive, each Executive Director and Head of Safer and Stronger Communities/CSWO shall have delegated authority to manage all human, financial and other resources within his/her service area, including those functions set out in Appendix 1.

## **6. DELEGATION TO EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES**

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Communities and Families, or the Chief Social Work Officer, or the Chief Education Officer where relevant, shall have delegated authority to exercise the schools, early years, children's social work services, childcare, community services, libraries and sport functions including those set out in Appendix 2.

**7. DELEGATION TO EXECUTIVE DIRECTOR OF RESOURCES**

- 7.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Resources shall have delegated authority to carry out all finance, investment and pensions, organisational development, customer, ICT, legal, risk, corporate property, facilities management and shared repairs functions of the Council including those set out in Appendix 3.

**8. DELEGATION TO CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP**

- 8.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Officer - Edinburgh Health and Social Care Partnership, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the social work, social care and social welfare functions of the Council including those set out in Appendix 4, except to the extent that those functions are delegated by Council to the Integration Joint Board.

**9. DELEGATION TO EXECUTIVE DIRECTOR OF PLACE**

- 9.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Place shall have delegated authority to carry out all powers and responsibilities associated with the Council's housing and regeneration, housing support, community safety, environmental health, scientific services, trading standards, licensing, registration, advice services, parks, waste management and disposal, street cleaning, grounds maintenance, economic development, sustainability, public safety, culture, corporate fleet management and maintenance, community transport, building standards, transport planning, roads management and maintenance, flood prevention, reservoir and coastal functions including those set out in Appendix 5.

**10. DELEGATION TO HEAD OF SAFER AND STRONGER COMMUNITIES / CHIEF SOCIAL WORK OFFICER**

- 10.1 Subject to the provisions of paragraph 1 to 3 of this Scheme, the Head of Safer and Stronger Communities / Chief Social Work Officer shall have delegated authority to carry out all the powers and responsibilities associated with the Council's criminal justice social work, homelessness, temporary accommodation, housing support, community safety, advice services and family and household support.



**11. DELEGATION TO CHIEF PLANNING OFFICER**

- 11.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Planning Officer shall have delegated authority to exercise the planning functions set out in Appendix 6.

## **APPENDIX 1**

### **GENERAL DELEGATION TO CHIEF EXECUTIVE, DIRECTORS AND CHIEF SOCIAL WORK OFFICER**

These are the functions referred to in paragraph 5 of the Scheme:

#### **Funds, contracts and property**

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. subject to any policies and/or directions issued by the Executive Director of Resources:
  - (a) transferring funds between headings within their approved revenue budgets;
  - (b) transferring funds between capital projects included in the capital budgets for their service;

provided that (1) the Executive Director of Resources is informed of the transfer and (2) the transfer does not affect revenue or capital budgets for future years;

3. entering into, terminating, varying, suspending or extending contracts subject to compliance with the Council's Contract Standing Orders;
4. declaring property or land surplus to requirements, including one-off blocks of flats and main door properties;

#### **Proper officers**

5. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the Council or are binding on the Council;

#### **Legal**

6. settling legal actions and claims in consultation with the Head of Legal and Risk;

7. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Head of Legal and Risk;

**Staff**

8. appointing employees within agreed staffing levels up to but excluding Heads of Service;
9. appointing an acting head of service from the staff of the Council when a head of service is absent or the post is vacant;
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities;
12. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, provided that such changes comply with guidelines issued by the Executive Director of Resources;
13. remedying inconsistencies in pay or conditions of service in conjunction with the Executive Director of Resources;
14. deciding the following personnel matters in accordance with approved schemes and/or guidance issued by the Executive Director of Resources (or, in the case of teaching staff, by the Executive Director of Communities and Families):
  - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
  - (b) entering into compromise or settlement agreements with staff in relation to their employment with the Council in consultation with the Head of Legal and Risk, and subject also to consultation with the appropriate convener;
  - (c) save in the case of an Executive Director, where the decision shall be reserved to the Finance and Resources Committee, making decisions in relation to the Local Government Pension Scheme membership (including, for example, early

payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);

- (d) extension of sickness allowance;
- (e) recovery of maternity pay;
- (f) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (g) approval of application for car loans in consultation with the Executive Director of Resources;
- (h) approval of transfer of annual leave;
- (i) approval of overtime;
- (j) approval of applications for secondary employment;
- (k) authorisation of payments for lectures, speeches etc. to external organisations;
- (l) determination of claims of up to £250 for damage to or loss of the personal property of employees in consultation with the Executive Director of Resources;
- (m) payment of removal expenses and allowances;
- (n) payment of car users' allowances;
- (o) authorisation of telephone allowances;
- (p) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (q) establishment and filling of fixed term posts in accordance with the relevant Council Policy; and
- (r) appointment of apprentices on completion of indentures;

### **Health and Safety**

15. implementing the Council's Health and Safety Policy and arrangements;

### **Health and Wellbeing**

16. implementing the Council's Health and Wellbeing Policy and arrangements;

### **Use of land and buildings**

17. approving, subject to compliance with any approved scheme of charges, the use by appropriate organisations, bodies or persons of land and premises owned, occupied or managed by the Council (including land managed on behalf of the Common Good);

18. regulating access to, and conduct of persons on property owned, occupied or managed by the Council, including (1) eviction, ejection and expulsion from property and (2) the application and enforcement of management rules under sections 112 and 116 of the Civic Government (Scotland) Act 1982 as approved by the Council from time to time;

19. approving the temporary closure of property owned, occupied or managed by the Council to:

- (a) ensure the safety of Council staff or members of the public;
- or

- (b) undertake essential planned maintenance,

subject to consultation with the appropriate convener or vice-convener and local elected members and insertion of a public notice in the press informing the public of the closure when relevant;

### **Regulation of investigatory powers**

20. performing the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, with the exception in the case of the Executive Directors of the following functions which are reserved to the Chief Executive:

- a) appointing authorising officers;
- b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining 'confidential' information; and
- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

### **Renewal of grants to voluntary organisations**

21. approving applications for the renewal of grants up to £25,000, from properly constituted voluntary organisations which meet the Council's eligibility criteria, provided that:

- (a) any increase in the amount of the grant renewal payment from the previous year does not exceed the lesser of (a) 30% of the payment from the previous year or (b) £5,000;
- (b) the decisions taken under this paragraph are reported by the relevant officer every year to the appropriate Committee;
- (c) the grant renewal will not be used wholly or mainly to pay for permanent staff (unless the grant renewal is a payment to playgroups or a service purchasing arrangement under the National Health Service and Community Care Act 1990);
- (d) any relevant local members are informed and consulted where it appears that an application for grant renewal directly affects their ward's interests; and
- (e) a relevant local member has not applied to the relevant officer, within 14 days of being advised of the proposed grant renewal, requesting that the decision is referred to the appropriate Committee;

### **Hospitality**

- 22. approving expenditure on hospitality in accordance with Council Policy;
- 23. approving expenditure on overseas visits by officers in accordance with Council Policy;

### **Write off**

24. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:

(a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and

(b) the decision is made in consultation with the Executive Director of Resources;

### **Access to information**

25. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

### **Consultations**

26. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

### **Grant offers**

27. applying for grant funding on behalf of the Council;

28. accepting offers of grant funding on behalf of the Council; and

### **Council Companies**

29. monitoring the performance of each Council company delivering services in his or her service area, including the attendance of a nominated Council observer at all company Board meetings and, where practicable, the relevant Audit Committee.

## **APPENDIX 2**

### **DELEGATION TO THE EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES**

*(or, where applicable, the Chief Social Work Officer  
or Chief Education Officer)*

These are the powers referred to in paragraph 6 of the Scheme:

#### **Education**

1. taking steps to discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education) and further education in accordance with section 1 of the Education (Scotland) Act 1980, and in doing so (1) having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standard in Scotland's Schools etc. Act 2000) and (2) endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of the Standard in Scotland's Schools etc. Act 2000);
2. maintaining and equipping schools and other buildings (section 17 of the Education (Scotland) Act 1980);
3. improving the access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980);
4. operating arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980);
5. setting school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980);
6. managing placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any placing appeal committee in accordance with section 28F, both of the Education (Scotland) Act 1980;



7. enforcing attendance at school, including bringing proceedings against parents in respect of children's non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980);
8. allowing pupils to miss school (section 34 of the Education (Scotland) Act 1980);
9. excluding pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975);
10. promoting the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006);
11. awarding bursaries (section 49 of the Education (Scotland) Act 1980);
12. providing transport for pupils and students (section 51 of the Education (Scotland) Act 1980);
13. ensuring copies of education records are available including the ability to set charges (section 4 of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002);
14. awarding Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980);
15. providing school meals (section 53 of the Education (Scotland) Act 1980);
16. providing clothing (section 54 of the Education (Scotland) Act 1980);
17. discharging the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937);
18. licensing stage or theatrical performances by children (Children and Young Persons Act 1963);
19. providing child guidance services (section 4 of the Education (Scotland) Act 1980);
20. referring young people in medically unsuitable employment to the Employment Medical Advisory Service of the Department of Employment;

21. making grants to organisations involved with education;
22. managing or instructing the Executive Director of Resources to lease out Council community centres, working with locally elected Management Committees;
23. application of national circulars regarding service conditions of teaching staff. Where there is a choice of action, the circular will be sent to Committee;
24. providing programmes of adult education;
25. providing or arranging in-service training for staff;
26. providing the education authority's representatives on the recruitment panels for all Head Teachers,
27. providing work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980);
28. operating health and safety checks on work-experience placements;
29. dealing with the use of educational premises for licensed functions;
30. managing the Education Arts Development Programme;
31. specifying the level of service and other relevant details for getting tenders for the School and Welfare Catering Services;
32. negotiating variation orders for changes in the level of School and Welfare Catering services with the approved contractor within the contract price approved by the Council;
33. making awards of up to £5,000 for distribution of Childcare Partnership funds;
34. approving joint working arrangements with other bodies;
35. liaising with the Scottish Government Education & Training Department;
36. carrying out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010;

37. in consultation with the Chief Executive and with the Head of Legal and Risk, receiving notice of, representing the Council and responding to referrals by the Children’s Reporter to the Scottish Ministers under the Children’s Hearings (Scotland) Act 2011;
38. implementing the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004;

### **Social Work**

39. taking necessary steps to discharge the Council’s duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014;
40. arranging for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948;
41. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
42. where the carer of a person over 18 years of age is a child under 18 years of age, assisting Health and Social Care staff to assess the carer’s needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
43. making direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under the Social Care (Self-directed Support) (Scotland) Act 2013;
44. making direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013;
45. burying or cremating any person who was in the care of, or receiving help from, the Council, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
46. deciding whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or

maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;

47. providing and maintaining whatever residential and other establishments are needed for the Council's functions under Part II of the Children (Scotland) Act 1995;
48. recovering from other local authorities any costs for services provided to people ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
49. authorising the following finance related issues in accordance with the Corporate Debt Policy and wider Council Policies:
  - (a) writing off debts on social grounds or in exceptional circumstances;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500, subject to appropriate consultation with the convener or vice-convener;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (*ex gratia*), where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the convener or vice-convener;
50. providing reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995;
51. assessing and recovering contributions for "maintainable" children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968;

52. where there is an assessed need, paying allowances to people who have children and young people residing with them as in section 50 of the Children Act 1975;
53. providing an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007;
54. supervising and providing reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007;
55. taking necessary or facilitative steps to implement arrangements for the adoption of children;
56. providing adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007;
57. approving and paying adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007;
58. securing the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984);
59. preparing and publishing a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;
60. preparing and publishing a three year plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995;
61. publishing information about services for children in need as in section 20 of the Children (Scotland) Act 1995;
62. safeguarding and promoting the welfare of children looked after by the Council and giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995;
63. safeguarding and promoting the welfare of children in need giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995;

64. minimising the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013;
65. providing accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995;
66. providing accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
67. providing accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995;
68. providing day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995;
69. providing after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995;
70. providing financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995;
71. reviewing cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995;
72. removing children from residential establishments as in section 32 of the Children (Scotland) Act 1995;
73. accepting responsibility for orders made in respect of children in other parts of the UK where the child is now ordinarily resident in Edinburgh as in section 33 of the Children (Scotland) Act 1995;
74. providing short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995;

75. making enquiries and providing information to the Principal Reporter to the Children's Panel where children may need compulsory measures of care as in section 60 of the Children's Hearings (Scotland) Act 2011;
76. where a child may be at risk of significant harm, investigating the matter and if need be applying for the following orders:
  - (a) Child Assessment Order (under section 35 of Children's Hearings (Scotland) Act 2011);
  - (b) Child Protection Order ( under sections 37 to 39 of Children's Hearings (Scotland) Act 2011);
  - (c) Emergency Child Protection Order (under section 55 of Children's Hearings (Scotland) Act 2011); and
  - (d) Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995);
77. providing reports on children and their social background for a Children's Hearing as in section 66 of the Children's Hearings (Scotland) Act 2011;
78. implementing supervision requirements made by a Children's Hearing under the Children's Hearings (Scotland) Act 2011;
79. in consultation with Chief Executive and with the Head of Legal and Risk, receiving, responding to and representing the Council in respect of all referrals by the Children's Reporter to the Sheriff Principal under the Children's Hearings (Scotland) Act 2011;
80. arranging the emergency move of a child subject to a supervision requirement with condition of residence under the Children's Hearings (Scotland) Act 2011;
81. recommending that a supervision requirement is reviewed by a Children's Hearing under the Children's Hearings (Scotland) Act 2011;
82. where assessed as necessary, applying to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007;

83. applying for variation or revocation of permanence order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007;
84. providing information to the Courts and arranging accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995;
85. making purchases, outside the central purchasing arrangements, for necessary food, clothing and other essential items for children in care of the Council and living within the Council's residential establishments for young people;
86. discharging the Council's duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations 2013;
87. undertaking all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
  - (a) applying for the making of an order or review of an order;
  - (b) supervising parents who are subject to an order and reporting breaches to the relevant court; and
  - (c) providing services and programmes of work or training for parents and generally giving effect to parenting orders.

## **Sport**

88. devising and implementing events and sports programmes;
89. allocating space within sports facilities to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
90. awarding grants from the physical activity and sport grant budgets subject to:
  - (a) a maximum grant on any one project of £5,000 to be reported to the appropriate Committee annually; and



(b) consultation with the appropriate convener and vice-convener;

91. monitoring arms' length organisations which operate Sport facilities or services, or both, on the Council's behalf, including Edinburgh Leisure;

### **Libraries**

92. providing and managing the Council's library services;
93. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
94. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
95. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991); and
96. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967).

### **APPENDIX 3**

#### **DELEGATION TO THE EXECUTIVE DIRECTOR OF RESOURCES**

These are the powers referred to in paragraph 7 of the Scheme:

##### **Legal**

1. signing court documents;
2. signing missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders;
3. engaging private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate;

##### **HR & Organisational Development**

4. approving applications for early retiral/voluntary severance payments (including teaching staff) subject to an annual report being submitted to Council;
5. issuing certificates as required for employees to apply to the adjudicator for exemption from political restriction;
6. approving all new career development/salary progression schemes and changes to existing schemes;

##### **Finance**

7. determining all accounting and financial records and procedures of the Council. Where such procedures and records are maintained in a service area other than that of the Executive Director of Resources, the Executive Director shall, before making any determination, consult with the Executive Director of the service area concerned;
8. performing any function on behalf of the Common Good Fund, charitable endowments and any other Council funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice where necessary and reports any actions to Committee;
9. opening, closing and operating bank accounts on behalf of the Council;

10. approving and making payments due to Her Majesty's Revenue and Customs, and Revenue Scotland;
11. reviewing and amending as appropriate the financial limits given in the Financial Regulations, Finance Rules and supporting policies every year, in line with the relevant inflation indexes;
12. the pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance;
13. all borrowing and lending in accordance with the Treasury Management Policy Statement;
14. providing cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts;
15. assessing business cases for the taking out of new leases to ensure they are consistent with the securing of best value;
16. effecting insurance cover and negotiating with the Council's insurers for all claims in consultation with other officers where necessary;
17. reviewing annually all insurances in consultation with the other chief officers as appropriate and reporting annually to the convener or vice-convener;
18. approving the rate of interest the Council is required to charge to borrowers with variable interest rate loans;
19. being responsible for all purchasing arrangements as detailed in the Contract Standing Orders;
20. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with Council Policies;

**Customer**

21. collecting (and where necessary recovering) council tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the

Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992;

22. issuing demand notices for the collection of rates payable to the Council under section 237 of the Local Government (Scotland) Act 1947;
23. recovering rates under section 247(5) of the Local Government (Scotland) Act 1947, where necessary in consultation with the convener or vice-convener;
24. administering benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
25. administering council tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012;
26. paying all sums to all creditors subject to the certification and authorisation of the appropriate chief officers;
27. signing the certificates and petitions that the Sheriff Court requires for Summary Warrant applications to collect arrears of Community Charge Non-Domestic Rates, Council Tax and other income;
28. deciding to call-up loans where borrowers have fallen into arrears with their house purchase loans;
29. establishing procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such applications;
30. implementing nationally agreed pay awards;
31. approving and making payment of:
  - (a) all salaries, wages, compensations and other emoluments to all employees;
  - (b) pension entitlements to former employees; and

- (c) tax, national insurance and apprenticeship levy contributions to Her Majesty's Revenue and Customs;

### **Investment and Pensions**

- 32. implementing strategies and policies agreed by the Pensions Committee including the investment strategy of the pensions funds and performing any function on behalf of the pensions funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice;
- 33. implementing pension regulations including the application of discretions as required in accordance with policies approved by the Pensions Committee from time to time;
- 34. appointing, monitoring and reviewing such specialist managers and advisers as are necessary to make sure that the pensions funds' assets are managed effectively;
- 35. determining all accounting, records and financial procedures of the pension funds;
- 36. writing off pension overpayments of up to £3,000 subject to compliance with the appropriate Council Policies;

### **Corporate Property**

- 37. concluding leases, missives of let, licence agreements or extensions of leases and licence agreements or similar on behalf of the Council where:
  - (a) the length of the lease/missive/agreement is no more than five years and the rent (exclusive of VAT) is no more than £50,000 a year; or
  - (b) the length of the lease/agreement is no more than one month;

save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;

38. negotiating, processing and instructing the Head of Legal and Risk to conclude all rent reviews;
39. taking any action to ensure all terms of a lease or licence agreement are enforced, including terminating any lease or agreement and taking whatever action is necessary to effect an eviction where the tenant or licensee has failed to comply with the terms and conditions of the lease or agreement;
40. granting on behalf of the Council 'wayleave' agreements, and concluding missives and leases for sites for sub-stations, gas governors and similar installations for any period whatsoever, with the exception of:
  - (a) wayleaves for gas mains of a diameter greater than 225 mm;
  - (b) grids, oil or chemical pipelines; and
  - (c) overhead transmission lines with a capacity greater than 33,000 volts  
which would only be granted with the Council's consent;
41. granting and obtaining a Minute of Waiver for no more than £50,000;
42. buying and selling property or property rights up to £50,000 when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the acquisition/disposal;
43. permitting a tenant to assign their lease/agreement subject to the Council being in no worse a financial position;
44. buying land or property provided that it has been specifically budgeted for;
45. marketing surplus property for sale or lease and accepting the highest offer subject to being satisfied that this represents market value (if it is proposed that any offer other than the highest received be accepted, or when any offer includes an element of community benefit as set out

in Council Policy then the matter must be considered and approved by the Finance and Resources Committee);

46. agreeing terms for the sale of small plots of land (including land held on the Housing Revenue Account) and instructing the Head of Legal and Risk to conclude the sale, subject to being satisfied that this represents market value, and where:

- (a) the land is existing open space, for example amenity land, landscaping or verges adjoining roads and footpaths;
- (b) the land does not exceed 150 metres<sup>2</sup>; and
- (c) the use of the land would be for garden ground or for any other ancillary residential use;

47. negotiating and instructing the Head of Legal and Risk to conclude the sale of residential properties under "Right to Buy" legislation;

48. where property is held for commercial or economic development purposes doing the following :

- (a) negotiating to dispose of land or property at values up to £250,000;
- (b) negotiating the grant of "minutes of waiver";
- (c) signing all offers on behalf of the Council to let or take on lease properties where:
  - (i) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
  - (ii) the length of the lease is no more than one month;save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
- (d) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties;
- (e) agreeing to proposed transfers of leases where the Council is landlord, and instructing the Head of Legal and Risk to conclude these;

49. where property is held on behalf of the Common Good, doing the following:

- (a) negotiating the grant of "minutes of waiver" or wayleaves;

- (b) signing on behalf of the Council, as manager, to let properties
  - (c) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise these properties;
50. publishing notices of a proposed appropriation or disposal of land in accordance with sections 24(2A) and 27(2A) of the Town and Country (Scotland) Act 1959;
51. negotiating and settling all claims for compensation where property has been purchased by the Council under a compulsory purchase order or requires to be purchased for a scheme or project included within the Council's Capital Investment Programme or where there has been a loss in value of property relating to works carried out by the Council;

### **Shared Repairs**

53. serving notices for repairs, enforcement, carrying out and recovery of costs and expenses in terms of Part 8 of the Civic Government (Scotland) Act 1982 and Part 4 of the Building (Scotland) Act 2003;
54. withdrawing, waiving and relaxing notices issued under Part 4 of the Building (Scotland) Act 2003;
55. recovering reasonable costs incurred in respect of surveys under-taken under section ~~20-22~~ of the Local Government in Scotland Act 2003
55. responding in emergency situations and carrying out repairs immediately where damage to property or health or safety matters are issues and recovering the costs and expenses of doing so;
56. inspecting properties, serving (as proper officer) and enforcing notices and recovering costs under section 24 of the Edinburgh District Council Order Confirmation Act 1991; and
57. executing any works necessary for securing, restoring or repairing privately owned properties, and recovery from the owners of the relevant properties of any expenses reasonably incurred by the Council in doing so, all in accordance with section 26 and 57 of the Edinburgh District Council Order Confirmation Act 1991.
58. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
59. make missing share payments into owners' maintenance accounts for sums between £500 and £20,000 under section 50 (3) of the Housing Act 2006.
60. recover missing share payments from the owner of the house concerned under section 59 of the Housing Scotland Act 2006 and in





**APPENDIX 4**  
**DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL**  
**CARE PARTNERSHIP**

*(or, where applicable, the Chief Social Work Officer)*

These are the powers referred to in paragraph 8 of the Scheme:

**All service users**

1. Taking any necessary action on behalf of the Council to ensure that it discharges its duties under the National Assistance Acts, the Disabled Persons (Employment) Act 1958, the Social Work (Scotland) Act 1968, the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Criminal Procedure (Scotland) Act 1995, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Public Services Reform (Scotland) Act 2010, the Social Care (Self-directed Support) (Scotland) Act 2013 or generally any legislation concerning the Council's functions relating to the provision of social care and support services;
2. arranging for the protection of property of people who have gone into hospital or care as in section 48 of the National Assistance Act 1948;
3. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
4. making direct payments to individuals to help them purchase community care services as in sections 12B and 12C of the Social Work (Scotland) Act 1968;
5. providing home help and laundry facilities as in section 14 of the Social Work (Scotland) Act 1968;

6. burying or cremating any person who was in the care of, or receiving help from, the Council and so on, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
7. deciding whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
8. providing and maintaining whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of section 59 of the Social Work (Scotland) Act 1968;
9. recovering from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
10. recovering charges for services provided under the Social Work (Scotland) Act 1968 as in section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under sections 1 to 6 of Community Care and Health (Scotland) Act 2002;
11. providing welfare services for people (including, for example, assistance in arranging the carrying out of any works of adaptation in homes);
12. providing information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
13. making arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958;
14. co-ordinating and overseeing applications for the registration of all services provided by the Council and all related matters as in sections 59, 62 to 75 and 83 to 89 of the Public Services Reform (Scotland) Act 2010;

15. administering the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels;
16. authorising the following finance related issues in accordance with the Financial Regulations and Council Policies:
  - (a) authorise the write-off of debts or charges in the following circumstances:
    - i. incorrect assessment brought to light at later date;
    - ii. where the service user has died and there is no money in the estate;
    - iii. where the service user cannot be traced;
    - iv. in the case of a service dispute where a complaint has been upheld; and
    - v. for social reasons;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and relatives of departmental carers for loss or damage caused by service users (*ex gratia*) of up to £500, where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the relevant convener or vice-convener;

### **Community Care**

17. taking any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:
  - (a) making inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is

an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (section 4);

(b) applying to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (sections 7 and 11);

(c) if recommended by the relevant medical officer, applying for an order to remove to suitable premises a person in need of care and attention (sections 14 to 18); and

(d) applying for a banning order (sections 19 to 34);

18. preparing and publishing a plan for providing community care services in Edinburgh as in section 5A of the Social Work (Scotland) Act 1968;

19. promoting social welfare including giving help "in kind or in cash" where the terms of section 12 of the Social Work (Scotland) Act 1968 are met;

20. safeguarding and promoting the welfare of children in need and giving help "in kind or in cash" as in section 22 of the Children (Scotland) Act 1995;

21. collaborating with individuals and carers to assess their needs and providing information in accordance with sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;

22. making arrangements with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in section 13A of the Social Work (Scotland) Act 1968;

23. approving rates for and contracts for delivery of residential and other services in circumstances where the politically approved pricing policy does not apply;

24. assessing needs of disabled or chronically sick people as in section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;

25. assisting persons in need in disposal of produce of their work as in section 13 of the Social Work (Scotland) Act 1968;
26. approving waivers or disregards in respect of determining a client's liability for contribution to social care and housing support services provided;
27. approving waivers and disregards in respect of determining a client's liability for contribution to care home (residential/nursing) costs;
28. approving the variation, suspension or termination of contracts with providers in line with the Council's Quality Assurance arrangements for health and social care services;
29. providing or securing the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
30. providing after-care services for people who are/have been, suffering from mental disorder as in section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
31. appointing Mental Health officers as in section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervising the discharge of their statutory responsibilities; and
32. discharging the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
  - (a) the following duties within section 10:
    - i. supervising guardians;
    - ii. consulting the Public Guardian and Mental Welfare Commission on matters of common interests;
    - iii. receiving and investigating complaints about welfare attorneys and matters of common interests;

- iv. receiving and investigating complaints about welfare attorneys and guardians; and
- v. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and

(b) the following duties within section 57:

- i. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard; and
- ii. providing court reports of private applications to be a guardian.

## **APPENDIX 5**

### **DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE**

These are the functions referred to in paragraph 9 of the Scheme:

#### **Notices and Orders**

1. signing notices and orders about road traffic matters;

#### **Roads**

2. overseeing the general management and maintenance of roads (section 1(1) of Roads (Scotland) Act 1984);
3. adding roads to or taking them off the roads authority's list of public roads (section 1(4) of the Roads (Scotland) Act 1984);
4. advising frontagers of the Council's intention to add to or delete from the list of public roads (section 1(5) of the Roads (Scotland) Act 1984);
5. altering or improving existing or proposed roads that cross public roads (section 12 of the Roads (Scotland) Act 1984);
6. serving notice on frontagers of a private road to make up and maintain that road (section 13(1) of the Roads (Scotland) Act 1984);
7. contributing to, or carrying out work on private roads (section 14(1) of the Roads (Scotland) Act 1984);
8. carrying out emergency work on private roads (section 15 of the Roads (Scotland) Act 1984);
9. determining applications for private roads to become public roads when Road Construction Consents are sought (section 16 of the Roads (Scotland) Act 1984);
10. entering into agreements to take over footpaths in accordance with section 18 of the Roads (Scotland) Act 1984;
11. constructing new roads other than special roads which are considered requisite (section 20(1) of the Roads (Scotland) Act 1984);
12. entering new roads constructed by the local roads authority into the list of public roads (section 20(2) of the Roads (Scotland) Act 1984);
13. granting all road construction applications (section 21 of the Roads (Scotland) Act 1984) except:
  - (a) where there are unresolved objections;
  - (b) when the application is recommended for refusal;and



- (c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended;
- 14. serving notices to conform to conditions imposed in a Road Construction Consent (section 21(5) of the Roads (Scotland) Act 1984);
- 15. stopping up or temporarily closing a new road where there is no construction consent or it is not conformed with (section 23 of the Roads (Scotland) Act 1984);
- 16. raising, lowering or altering the level of a public road (section 24 of the Roads (Scotland) Act 1984);
- 17. providing footways for the safety or convenience of pedestrians (section 25 of the Roads (Scotland) Act 1984);
- 18. constructing, lighting and maintaining pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26 of the Roads (Scotland) Act 1984);
- 19. constructing and maintaining works in the carriageway of a public road (section 27 of the Roads (Scotland) Act 1984);
- 20. providing and maintaining raised paving, pillars, walls, rails, fences or barriers at certain places (section 28 of the Roads (Scotland) Act 1984);
- 21. putting up and maintaining fences or posts to prevent access or to set the boundary for a road or proposed road (section 29 of the Roads (Scotland) Act 1984);
- 22. carrying out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30 of the Roads (Scotland) Act 1984);
- 23. using the road authority's powers for draining roads (section 31 of the Roads (Scotland) Act 1984);
- 24. contributing to the costs of drainage work (e.g. for flood prevention) (section 32 of the Roads (Scotland) Act 1984);
- 25. providing and maintaining snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33 of the Roads (Scotland) Act 1984;
- 26. taking reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34 of the Roads (Scotland) Act 1984);

27. providing and maintaining lighting on roads or proposed roads (section 35 of the Roads (Scotland) Act 1984);
28. constructing road humps (section 36 of the Roads (Scotland) Act 1984);
29. consulting on providing road humps (section 37 of the Roads (Scotland) Act 1984);
30. constructing traffic calming works (section 39A of the Roads (Scotland) Act 1984);
31. providing, maintaining and removing cattle-grids (sections 41, 42 and 43 of the Roads (Scotland) Act 1984);
32. entering into agreements with other neighbouring authorities in respect of cattle grids (section 44 of the Roads (Scotland) Act 1984);
33. providing cattle grids to supersede gates (section 45 of the Roads (Scotland) Act 1984);
34. making agreements for cattle grids with landowners (section 46 of the Roads (Scotland) Act 1984);
35. contributing towards the cost of cattle grids (section 47 of the Roads (Scotland) Act 1984);
36. entering into agreements with any persons willing to contribute to the construction or improvement of a road (section 48 of the Roads (Scotland) Act 1984);
37. maintaining structures and equipment for the detection of traffic offences (section 49A of the Roads (Scotland) Act 1984);
38. planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50 of the Roads (Scotland) Act 1984);
39. allowing trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51 of the Roads (Scotland) Act 1984);
40. carrying out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52 of the Roads (Scotland) Act 1984);
41. making agreements to use land for landscaping to mitigate the effects of road construction (section 53 of the Roads (Scotland) Act 1984);
42. providing and maintaining rubbish bins or storage bins on roads (section 54 of the Roads (Scotland) Act 1984);
43. authorising in writing work in or excavation under a public road (section 56 of the Roads (Scotland) Act 1984);

44. taking action to eliminate danger caused by works in or under a road (section 57 of the Roads (Scotland) Act 1984);
45. granting permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58 of the Roads (Scotland) Act 1984);
46. giving written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59 of the Roads (Scotland) Act 1984);
47. enforcing rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise protect a building in accordance with section 60 of the Roads (Scotland) Act 1984;
48. allowing equipment to be placed under a road (section 61 of the Roads (Scotland) Act 1984);
49. temporarily prohibiting or restricting the use of roads which are dangerous (section 62 of the Roads (Scotland) Act 1984);
50. serving notice that a satisfactory vehicle crossing must be made (section 63 of the Roads (Scotland) Act 1984);
51. giving statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2) of the Roads (Scotland) Act 1984);
52. serving notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66 of the Roads (Scotland) Act 1984);
53. issuing notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67 of the Roads (Scotland) Act 1984);
54. starting the consultation process to stop up public and private access to land (sections 70 and 72 of the Roads (Scotland) Act 1984);
55. stopping up public and private access to land where no objections have been received following notice to the public (sections 70 and 72 of the Roads (Scotland) Act 1984);
56. making land temporarily available for alternative routes during road improvement works (section 74 of the Roads (Scotland) Act 1984);
57. diverting waters (to construct, improve, protect roads) (section 78 of the Roads (Scotland) Act 1984);
58. entering into agreements to maintain or contribute to the cost of

- maintaining bridges (section 79 of the Roads (Scotland) Act 1984);
- 59. serving notices relating to the obstruction of views at corners, bends and junctions (section 83 of the Roads (Scotland) Act 1984);
- 60. giving written permission for skips to be left on a road (section 85 of the Roads (Scotland) Act 1984);
- 61. removing skips which are causing danger or obstruction (section 86 of the Roads (Scotland) Act 1984);
- 62. requiring persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87 of the Roads (Scotland) Act 1984;
- 63. removing or altering projections of any buildings that interfere with safe or convenient passage along a road (section 88 of the Roads (Scotland) Act 1984);
- 64. intimating to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89 of the Roads (Scotland) Act 1984);
- 65. taking all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
- 66. recovering from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
- 67. agreeing to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90 of the Roads (Scotland) Act 1984);
- 68. serving notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91 of the Roads (Scotland) Act 1984;
- 69. giving consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92 of the Roads (Scotland) Act 1984);
- 70. taking steps to protect road users from dangerous things on land beside or near a road (section 93 of the Roads (Scotland) Act 1984);
- 71. serving notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93 of the Roads (Scotland) Act 1984);
- 72. filling in a pipe or ditch next to or near a public road which is a danger

- to road users (section 94 of the Roads (Scotland) Act 1984);
73. recovering the cost of clearing mud, clay and so on, on a road (section 95 of the Roads (Scotland) Act 1984);
  74. recovering extraordinary costs for maintaining a road that has excessively heavy traffic (section 96 of the Roads (Scotland) Act 1984);
  75. giving consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97 of the Roads (Scotland) Act 1984);
  76. taking action related to stray and other animals on roads (section 98 of the Roads (Scotland) Act 1984);
  77. serving notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99 of the Roads (Scotland) Act 1984;
  78. acquiring land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107 of the Roads (Scotland) Act 1984);
  79. acquiring land to improve amenity of new or improved road for schemes approved by the Council (section 105 of the Roads (Scotland) Act 1984);
  80. obtaining materials for road repairs (section 121 of the Roads (Scotland) Act 1984);
  81. giving people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984);
  82. recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);
  83. carrying out work that someone has failed to do (section 141 of the Roads (Scotland) Act 1984);
  84. carrying out the roads authority's enforcement functions under the Roads (Scotland) Act 1984;

## **Traffic**

85. commencing and completing the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and doing all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:
  - (a) sections 1, 2, and 4 (road traffic orders);

- (b) section 9 (experimental traffic orders);
  - (c) section 19 (regulation of highways by public service vehicles);
  - (d) sections 32, 35, 45, 46 and 49 (parking places);
  - (e) section 37 (extension of powers for purposes of general scheme traffic control);
  - (f) section 53 (designation orders);
  - (g) sections 82 and 83 (restricted roads); and
  - (h) section 84 (speed limit orders);
86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no objections received by the public;
87. in relation to orders made under paragraph 85 of the Scheme, making decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect;
88. commencing and completing the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:
- (a) making orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and
  - (b) making orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984;
89. making orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984);
90. making orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984);
91. recovering the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984);
92. recovering the costs of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984);
93. recovering the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984;

94. remitting proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;
95. modifying in order to make less onerous (where the modification will remove an objection), or suspending, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984);
96. temporarily restricting or banning the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984);
97. putting up, maintaining and altering pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984);
98. making arrangements for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984);
99. managing off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984);
100. providing access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984);
101. acquiring land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984);
102. buying or hiring parking meters (section 49 of the Road Traffic Regulation Act 1984);
103. providing stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984);
104. causing or allowing traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984);
105. consulting on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984);
106. serving notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984);
107. entering any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984);
108. putting up and maintaining signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984);

109. placing bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984);
110. placing bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984);
111. taking action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984);
112. carrying out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988);
113. consulting about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998);
114. effecting duties as to the general procedure to be followed before a temporary order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 );
115. effecting duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008);
116. effecting duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming)(Scotland) Regulations 1994);
117. effecting duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming)(Scotland) Regulations 1994 as amended);
118. carrying out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
119. carrying out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991;
120. commenting as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008);
121. agreeing to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982);
122. advising other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984);
123. providing and maintaining lighting on roads that are not maintained by



the Council;

124. making arrangements for tenders and contracts for supported bus services under the Transport Act 1985;
125. arranging for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985;
126. erecting, moving and removing bus stops, shelters and information panels provided that no objections are made following notice to the public;
127. installing, moving and removing bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002;
128. carrying out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011;
129. assessing whether people are eligible for forms of concessionary travel;
130. issuing and refusing to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
131. asking the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985);
132. dealing with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985);
133. dealing with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985);
134. securing public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision;
135. approving or refusing applications for school crossing patrols in accordance with the Council Policies;

### **Housing and Regeneration**

136. approving offers and authorising payments of grants to Registered Social Landlords;
137. authorising and carrying out repairs and maintenance to homes owned by the Council for the purposes of affordable rent ("Council

Homes”) in accordance with the Council’s repairs policy;

137. operating the “Right to Repair” scheme for tenants of Council Homes;
139. consenting to repairs and improvements of Council Homes;
140. determining whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent;
141. maintaining a common housing register and allocating Council Homes in accordance with the Council’s lettings policy;
142. collecting rent, service charges and court costs where applicable from current and former tenants of Council Homes;
143. writing off the arrears balances of former tenants of Council Homes in accordance with Council Policies;
144. consulting with tenants of Council Homes on increases to rent and service charges;
145. carrying out regular maintenance of land held on the Housing Revenue Account;
146. instructing repairs to common areas in accordance with the Tenements (Scotland) Act 2004;
147. preparing and implementing a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001 and awarding grants up to the sum of £5,000;
148. undertaking housing offender management (sex and serious violent offenders);
149. registering the Council as a property factor with the Scottish Government and taking steps to comply with the code of conduct’s standards of practice, in accordance with the Property Factors (Scotland) Act 2011;
150. preparing and maintaining a register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004;
151. carrying out functions under Part 9 of the Antisocial Behaviour etc. (Scotland) Act 2004;
152. entering relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person

- has made a valid houses of multiple occupancy application;
- 153. approving the entitlement to the relevant discounts of the fee to be entered on the register of private landlords;
- 154. carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988;
- 155. issuing, serving, suspending and revoking work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006;
- 156. carrying out work where the owner of a house fails to comply with a work notice or a demolition notice under section 35 of the Housing (Scotland) Act 2006;
- 157. carrying out work after notification by a private rented housing committee under section 36 of the Housing (Scotland) Act 2006;
- 158. carrying out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006;
- 159. carrying out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006;
- 160. carrying out the Council's functions in relation to rights of entry under Part 9 of the Housing (Scotland) Act 2006;
- 161. exercising the Council's powers under Part 10 of the Housing (Scotland) Act 2006;
- 162. granting, varying, refusing, extending and revoking temporary exemption orders in terms of section 142 and 143 of the Housing (Scotland) Act 2006;
- 163. issuing rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004;
- 164. where appropriate, refunding fees that have been paid by applicants to be placed on the register of landlords;
- 165. processing applications for improvement grants and domestic sound-proofing grants including authority to make payments;
- 166. seeking the Scottish Minister's approval to raise the level of grant given to an owner-occupier for reasons of hardship;
- 167. carrying out assessments to determine homelessness or the threat of homelessness, and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness;
- 168. carrying out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation;

169. entering into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation;
170. carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies;
171. kennelling pets for households staying in homeless, temporary or emergency accommodation;
172. determining who receives housing support in line with Council Policies;
173. implementing and enforcing the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action;
174. determining eligibility of applicants and administering the sale of Council Homes under "Right to Buy" legislation;
175. purchasing and selling property on the Housing Revenue Account up to a value of £250,000, provided that such purchases are reported annually to the appropriate committee;

## **Licensing**

176. granting or refusing permits for public charitable collections in accordance with criteria approved by the Regulatory Committee;
177. granting, attaching conditions to, refusing and issuing applications for licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 (including taxi and private hire car licence applications where an adverse medical report has been received) subject to:
  - (i) there being no objection or unresolved representation from a member of the public or the Chief Constable to the application;
178. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, granting, attaching conditions to, refusing and issuing applications for any temporary licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part of A of Appendix 10 where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Licensing Sub-Committee prior to the date the licence, if granted, is due to commence;
179. granting, renewing, varying and issuing any licence where Police

Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that he/she agrees to the conditions;

180. renewing and issuing licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 if satisfied (after considering reports by appropriate officials) as to their non-contentious nature;
181. keeping a public register of applications, permissions and licences;
182. granting and issuing late hours catering licence renewals with hours in excess of zoning policy, where those hours had been enjoyed in the preceding year without complaint;
183. determining an application for an exemption from the requirement to have a late hours catering licence in respect of any particular occasion or during a specified period not exceeding two months in any period of 12 months, and, where appropriate, to attach to such exemption any of the standing conditions applying to late hours catering licences;
184. refunding the appropriate application fee (or part of the fee) for applications which have been withdrawn or refused and licences which have been granted, in accordance with Council Policy;
185. advertising any proposed taxi stance appointment, variation or revocation and:
  - (a) determining the proposal where no public objections or representations are received; and
  - (b) determining the starting date of any change;
186. determining whether good cause has been shown to deem an application for renewal of a licence made up to 28 days after the expiry of the existing licence is to be treated as if the licence had been made prior to its expiry;
187. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10, and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences etc. for a period of not more than 6 weeks or until the suspension is considered by the Licensing Sub-Committee, whichever is sooner;
188. suspending taxi and private hire driver licences on a temporary basis on medical grounds during the currency of a licence where the licence holder is in agreement;

189. exempting new taxi driver licence applicants from elements of the compulsory training course if they have alternative equivalent qualifications;
190. accepting new applications to drive taxis or private hire cars from previously licensed drivers up to six months after the expiry of their licence at the appropriate renewal fee;
191. exercising the Council's overriding discretion in respect of section 187(a)(i) of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers 2006) to consider any negative factor such as:
  - (a) whether the width deviated from the manufacturer's specification for standard vehicles of that type;
  - (b) whether factory options such as wide wheels and tyres had been added; and
  - (c) whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified;
192. approving the installation of WiFi, CCTV or other camera equipment in any relevant licensed vehicle;
193. determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal (including licences for houses in multiple occupation);
194. accepting a re-application for a civic licence within 12 months of a refusal under existing delegated powers due to an error of material fact and transferring the original fee to the re-application (including licences for houses in multiple occupation);
195. issuing letters of confirmation in respect of notification of public processions received with the exception of any notification attracting representations that cannot be resolved through negotiation;
196. determining requests for variation of fees for Houses in Multiple Occupation licences;
197. appointing members to vacancies arising in the membership of the Council's Licensing Forum;
198. appointing Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005;
199. determining and issuing wheelchair exemptions on a temporary basis in respect of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers;
200. determining whether to hold a hearing to consider the suspension of a licence in terms of the Civic Government (Scotland) Act 1982;

**Community safety, environmental, consumer protection and registration etc.**

201. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10;
202. when appointed by the Scottish Ministers, acting on any Emergency Order made under Part I of the Food and Environment Protection Act 1985;
203. carrying out reviews of air quality in accordance with section 82 of the Environment Act 1995;
204. carrying out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995;
205. complying with any regulations made under section 87 of the Environment Act 1995;
206. enforcing pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995;
207. issuing suspension notices under section 14 of the Consumer Protection Act 1987 for goods which are suspected to be unsafe;
208. granting licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936;
209. making registrations under the Health and Safety and Work etc. Act 1974 and The Poisons Act 1972;
210. appointing and exercising the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974;
211. serving improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974;
212. dealing with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974;
213. providing information upon request under section 27 of the Health and Safety at Work etc. Act 1974;
214. issuing credentials to enforcement staff so that they can deal with enforcing and licensing as provided by the relevant legislation and European directives;
215. providing mobile toilet units, waste containers and assistance in kind to community organisations and charities for special events for which budget provision has been made, and charging for provisions of these services where appropriate;

216. performing the Council's public health duties under sections 11 to 21 of the Edinburgh District Council Order Confirmation Act 1991, including registering premises for acupuncturists, ear piercers and electrolysisists;
217. enforcing the removal or discontinuation of advertisements under section 186 of the Town and Country Planning (Scotland) Act 1997;
218. removing or obliterating placards or posters in accordance with section 187 of the Town and Country Planning (Scotland) Act 1997;
219. appointing officer to carry out the functions of the Public Analyst and Food Examiner (Food Safety Act 1990) and Agricultural Analyst/Depute Agricultural Analyst (Agriculture Act 1970);
221. exercising the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling;
222. burying or cremating the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recovering from the estate of the deceased person the expenses incurred in doing so (section 50 of the National Assistance Act 1948);
223. burying or cremating the body of any deceased person who immediately before his death was in the care of, receiving assistance from, or was a child being looked after by the Council, and recovering the expenses of doing so from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred (section 28 of the Social Work (Scotland) Act 1968);
224. maintaining cemeteries in accordance with section 10 of the Edinburgh District Council Order Confirmation Act 1991;
225. awarding community grants from dedicated budgets;
226. providing and managing the Council's library services;
227. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
228. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
229. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);



230. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967);
231. exercising the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office;
232. appointing an officer to carry out the function of dealing with stray dogs, and dealing with dogs under sections 149, 150 and 151 of the Environmental Protection Act 1990;
233. exercising the Council's functions under the Public Health etc. (Scotland) Act 2008, including serving notices on owners or occupiers of infected premises, inspecting premises and recovering expenses, and providing mortuaries;
234. carrying out periodical inspections and exercising the Council's inspections functions under sections 9A to 12 of the Zoo Licensing Act 1981;
235. considering and making arrangements for the welfare of animals following the closure of a zoo under sections 16E and 16G of the Zoo Licensing Act 1981;
236. controlling noise from construction sites by investigating, and serving and publishing notices in accordance with section 60 of the Control of Pollution Act 1974;
237. considering applications for consents for works in accordance with section 61 of the Control of Pollution Act 1974;
238. investigating noise nuisance, serving warning notices and fixed penalty notices, and seizing and removing equipment in accordance with sections 41 to 54 of the Antisocial Behaviour etc (Scotland) Act 2004;
239. inspecting and investigating statutory nuisances in accordance with section 79 of the Environmental Protection Act 1990;
240. serving abatement notices and fixed penalty notices and initiating proceedings in relation to statutory nuisances in accordance with sections 80, 80ZA and 80A of the Environmental Protection Act 1990;
241. abating nuisances and recovering costs in relation to statutory nuisances in accordance with sections 81, 81A and 81B of the Environmental Protection Act 1990;
242. issuing fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990;

243. complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990;
244. issuing notices and requiring the removal of waste unlawfully deposited in accordance with section 59 of the Environmental Protection Act 1990;
245. promoting the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990;
246. issuing fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990;
247. designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990;
248. serving litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990;
249. issuing street litter control notices in accordance with section 93 of the Environmental Protection Act 1990;
250. complying with regulations made by Scottish Ministers in relation to the display of advertisements in accordance with section 182 of the Town and Country Planning (Scotland) Act 1997;
251. removing abandoned vehicles in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978;
252. disposing of removed vehicles in accordance with section 4 of the Refuse Disposal (Amenity) Act 1978;
253. recovering expenses in connection with removed vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978;
254. dealing with graffiti in accordance with sections 58 to 65 of the Antisocial Behaviour (Scotland) Act 2004, including serving graffiti removal notices;
255. exercising the Council's functions and powers in relation to drains in accordance with sections 29 to 34 of the Edinburgh District Council Order Confirmation Act 1991, including removing obstructions and serving notices;
256. serving notices in relation to environmental matters in accordance with section 160 of the Environmental Protection Act 1990;
257. discharging the Council's functions in relation to genetically modified organisms, including entering and inspecting premises, in accordance with sections 114 to 117 of the Environmental Protection Act 1990;
258. entering into agreements with Scottish Ministers to exercise the

enforcement functions of the Scottish Ministers in relation to genetically modified organisms, in accordance with section 125 of the Environmental Protection Act 1990;

259. inspecting land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990;
260. serving notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990;
261. determining appropriate people to bear responsibility for remediation in accordance with section 78F of the Environmental Protection Act 1990;
262. consulting in relation to remediation notices in accordance with sections 78G and 78H of the Environmental Protection Act 1990;
263. serving remediation notices in relation to the pollution of controlled waters in accordance with section 78J of the Environmental Protection Act 1990;
264. serving remediation notices in relation to contaminating substances which escape to other land in accordance with section 78K of the Environmental Protection Act 1990;
265. carrying out remediation to the relevant land or water environment in accordance with section 78N of the Environmental Protection Act 1990;
266. recovering costs incurred in relation to remediation in accordance with section 78P of the Environmental Protection Act 1990;
267. exercising the Council's functions where remediation notices have been served and the land becomes special land, in accordance with section 78Q of the Environmental Protection Act 1990;
268. maintaining a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990;
269. providing SEPA with information when requested in accordance with section 78U of the Environmental Protection Act 1990;
270. having regard to guidance issued by SEPA in accordance with section 78V of the Environmental Protection Act 1990;
271. exercising the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990;
272. carrying out the Council's enforcement functions under sections 68, 71, 74 and 78 of the Antisocial Behaviour etc. (Scotland) Act 2004

273. carrying out the Council's enforcement functions in relation to fireworks in accordance with sections 2, 3 and 12 of the Fireworks Act 2003;
274. entering and inspecting premises, issuing fixed penalties and commencing legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005;
275. enforcing the safety provisions of the Motor Cycle Noise Act 1987;
276. enforcing the provisions of the Tobacco Advertising and Promotion Act 2002 in accordance with sections 13 and 14 of that act;
277. enforcing the duty to provide information on sale of houses, in accordance with sections 109 to 112 of the Housing (Scotland) Act 2006;
278. exercising the Council's enforcement functions in accordance with sections 25 and 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
279. applying for tobacco retailing banning orders and ancillary orders in accordance with sections 15 to 19 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
280. issuing fixed penalty notices in accordance with section 27 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
281. exercising the Council's powers of entry in accordance with sections 28 to 31 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
282. exercising the Council's enforcement powers in relation to copyright infringement in accordance with sections 107A and 198A of the Copyright, Designs and Patents Act 1988;
283. exercising the Council's enforcement functions and powers under the Enterprise Act 2002;
284. dealing with the clean up of spills in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;
285. requiring the owner of a public building to execute works necessary to minimise the risk to the public in the event of danger in accordance with section 23 of the City of Edinburgh District Council Order Confirmation Act 1991;
286. requiring owners to carry out, or carrying out works to secure, restore or repair structures, fixtures, walls or fences that has become insecure, worn out, damaged or in need of repair, and recovering the costs of doing so, all in accordance with section 24 of the Edinburgh District Council Order Confirmation Act 1991;

287. giving notice to person requiring them to take steps to reduce the emission of dust in accordance with section 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
288. serving notices in accordance with section 26 and in relation to sections 23 to 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
289. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
290. entering premises to perform the Council's functions under the City of Edinburgh District Council Order Confirmation Act 1991 in accordance with section 53 of that act;
291. executing works and recovering the costs of doing so where an owner or occupier fails to do so after being served notice to do so in accordance with section 57 of the City of Edinburgh District Council Order Confirmation Act 1991;

### **Parks and Greenspace**

292. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:
  - (a) the Convener or vice-Convener of the Transport and Environment Committee;
  - (b) the Festival and Events Champion;
  - (c) local ward Councillors;
  - (d) as appropriate, other Council service areas; and/or
  - (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;
293. issuing felling orders for trees affected by Dutch Elm Disease (sections 3(1) (2) and (4) and 5(1) of the Plant Health Act 1967 and section 20 of the Agricultural (Miscellaneous Provisions) Act 1972 (B) and Dutch Elm Disease (Amendment) (Local Authorities) Order 1975);
294. creating, maintaining, enhancing and removing physical and natural assets within the Council's parks and greenspaces;
295. creating, maintaining, enhancing and removing trees and other landscape features managed by the Council;
296. implementing the provisions of the Council's Park Management Rules;

297. implementing the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations;
298. implementing the provisions of wildlife, nature, access and parks legislation, including:
  - (h) Countryside (Scotland) Act 1967;
  - (i) Wildlife and Countryside (Scotland) Act 1981;
  - (j) National Parks and Access to the Countryside Act 1949;
  - (k) Nature Conservation (Scotland) Act 2004;
  - (l) Wildlife and Natural Environment (Scotland) Act 2011; and
  - (m) Land Reform (Scotland) Act 2003;
299. drafting, managing and implementing Council approved policy and strategy that relates to parks and greenspace responsibilities;
300. managing the Council's Green Flag Award and other quality management programmes;
301. managing events and activities taking place within parks and greenspaces;

### **Waste Services**

302. preparing specifications and award contracts for repairing and maintaining the Council's vehicles and plant fleet, and for buying replacements, all in accordance with the Contracts Standing Orders as amended from time to time;
303. discharging duties relating to the conduct of the Council's significant trading operations in accordance with section 10 of the Local Government in Scotland Act 2003;
304. specifying the level of services and other relevant details for providing waste management, street cleansing and refuse collection services;
305. negotiating variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council;
306. setting the prices of trade waste services provided by the Council;
307. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management;
308. carrying out the Council's waste management functions in accordance with its approved integrated waste management plan,

and providing the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990);

309. collecting household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990;
310. arranging for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990;
311. serving notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990;
312. supplying receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990;
313. arranging for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990;
314. ensuring that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990;
315. enabling waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using, selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990;
316. carrying out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990;
317. consenting to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990;
318. carrying out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990;
319. minimising the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990;

320. exercising the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990;
321. participating in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990;
322. carrying out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990;
323. participating in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990;
324. giving notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act;
325. approving applications for waste action grants where the grant does not exceed £2,500;



## **Building Standards**

326. submitting comments on relaxation applications determined by the Scottish Ministers;
327. signing certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003;
328. undertaking building standards assessments under section 6 of the Building (Scotland) Act 2003;
329. deciding on completion certificate submissions under section 18 of the Building (Scotland) Act 2003;
330. deciding on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted;
331. deciding on the imposition of a continuing requirement in terms of section 22 of the Building (Scotland) Act 2003;
332. deciding on the discharge or variation of a continuing requirement in terms of section 23 of the Building (Scotland) Act 2003;
333. maintaining and administering a building standards register in terms of section 24 of the Building (Scotland) Act 2003;
334. serving enforcement notices in terms of sections 25, 26, 27, 28, 29, 30 and 42 of the Building (Scotland) Act 2003 and carrying out all consequential enforcement procedures;
335. signing certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003;
336. processing section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005;
337. granting or refusing applications for building warrants, amendments to warrants and extensions to the periods of validity of building warrants;

## **Floods, Reservoirs and Coasts**

338. preparing, reviewing, updating and making available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009);
339. assessing relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk

Management (Scotland) Act 2009);

340. preparing maps and responding to the Scottish Environmental Protection Agency ("SEPA") in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009;
341. responding to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009;
342. responding to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009;
343. preparing local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009;
344. publishing a "draft supplementary part" of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council or Committee;
345. responding to consultation by a lead local authority on the "draft supplementary part" of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009;
346. publishing the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management (Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee;
347. responding to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009;
348. reviewing the local flood risk management plan and, subject to Council or Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009;
349. publishing final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval;
350. taking steps to co-operate with other local authorities where a local plan district covers more than one local authority's area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009;

351. taking steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009;
352. providing SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009;
353. taking steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009;
354. sitting on the flood risk advisory group (section 49) and sub-district flood risk advisory group (section 50) on behalf of the Council in accordance with the Flood Risk Management (Scotland) Act 2009;
355. taking steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009;
356. carrying out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009;
357. responding to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management (Scotland) Act 2009);
358. giving notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009;
359. confirming or rejecting proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009;
360. keeping registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009;
361. recovering expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009;

362. responding to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009;
363. entering into land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009;
364. serving notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009;
365. paying compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009;
366. assisting SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009;
367. reporting incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009;
368. discharging the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
369. offering relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
370. requesting the Scottish Ministers to direct planning permission for any development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
371. serving notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009;
372. in relation to the Braid Burn flood prevention scheme and the Water of Leith prevention scheme (which were confirmed under the Flood Prevention (Scotland) Act 1961) carrying out the powers and duties of the Council, including paying compensation under section 11 of the Flood Prevention (Scotland) Act 1961;
373. exercising the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975;

- 374. exercising the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011; and
- 375. carrying out the duties and powers of the coast protection authority in accordance with the Coast Protection Act 1949.

### **City Strategy and Economy**

- 376. developing and advising on policies, strategies, programmes and projects for approval by Council or Committee in relation to economic development, external relations and inward investment, including working in partnership with external organisations (both public and private) that deliver economic development activities (including making financial contributions to these activities where appropriate by way of a loan or grant in accordance with criteria approved by Committee);
- 377. performing the Council's functions in respect of the East of Scotland Investment Fund, including authorising loans subject to annual reporting to the Economy Committee;
- 378. awarding grants of up to £15,000 subject to annual reporting to the Economy Committee;
- 379. allocating space within property managed by Economic Development to relevant partners and agreeing the terms of such arrangements;
- 380. making changes to the opening hours of buildings managed by Economic Development as required for operational or budgetary reasons;
- 381. altering or waiving (in whole or in part) charges of hire of property managed by Economic Development where there are sound financial, operational or other justifiable reasons for doing so, subject to annual reporting to the Economy Committee;

### **Culture**

- 382. devising and implementing cultural, heritage and events programmes;
- 383. organising museum and gallery exhibitions;
- 384. altering or waiving (in whole or in part) charges for hire of properties managed by the Director of Culture where there are sound financial, operational or other justifiable reasons for doing so;

385. agreeing in principle and instructing the Executive Director of Resources to conclude temporary leases of property managed by the Director of Culture;
386. allocating space within property managed by the Director of Culture to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
387. making such changes to the opening hours of buildings operated by the Director of Culture as are required for operational and budgetary reasons;
388. awarding grants from the Director of Culture grant budgets subject to:
  - (a) a maximum grant on any one project of £5,000 to be reported to the appropriate Committee annually; and
  - (b) consultation with the appropriate convener and vice-convener;
389. monitoring arms' length organisations which operate Culture facilities or services, or both, on the Council's behalf, including the Festival City Theatres Trust;
390. accepting and rejecting gifts or bequests to the Council's museums and galleries;
391. lending any object in the Council's museum and gallery collections to any gallery, museum or exhibition in accordance with section 7 of the Edinburgh District Council Order Confirmation Act 1991;
392. making recommendations and taking action on the purchase of museum and gallery objects in accordance with Council Policy;
393. commenting on the impact of planning applications on Edinburgh's archaeology and historic environment in accordance with the Scottish Planning Policy (SPP) and accompanying Planning Advice Note (PAN 2/2011), and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008;
394. establishing Friends and other groups to support the work of the service area;

395. contributing up to £10,000 from the Jean F Watson Bequest trust funds to secure the purchase of any single work of art in accordance with the purposes of the trust, in consultation with the Convener of the Committee on the Jean F Watson Bequest;

396. buying individual items valued up to £1,000 for the Museum of Childhood collection using the Catherine E Cowper Trust's funds;

**Public Safety**

397. administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988; and

398. administering and issuing permits, and carrying out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.

**APPENDIX 6**  
**DELEGATION TO THE HEAD OF SAFER AND STRONGER**  
**COMMUNITIES/CHIEF SOCIAL WORK OFFICER**

1. Carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988.
2. Carrying out assessment to determine homelessness or the threat of homelessness and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness.
3. Carrying out spot purchases of accommodation, including bed and breakfast for homeless temporary accommodation or emergency accommodation.
4. Entering into leasing agreements with registered social landlords for homeless, temporary or emergency accommodation.
5. Carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies.
6. Kennelling pets for households staying in homeless, temporary or emergency accommodation.
7. Determine who receives housing support in line with Council policies.
8. Provide advice, guidance and assistance on debt, welfare rights and income maximisation.



## **APPENDIX 7**

### **CHIEF PLANNING OFFICER**

These are the functions referred to in paragraph 10 of the Scheme:

#### **Planning policy**

1. responding directly to consultations on development plans, planning applications, environmental assessments and planning guidance from neighbouring authorities at any stage in the process unless the Chief Planning Officer considers that:
  - (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be drawn to the attention of the consulting authority;
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
  - (c) the Council should formally object to a proposed development plan;
2. responding directly to planning related consultations from the Scottish Government and Government Agencies unless the Chief Planning Officer considers that:
  - (a) the consultation raises a significant planning issue for the Council Which should be drawn to the attention of the Scottish Government/Government Agency; or
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;
3. determining whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;

#### **Local Development Plan Preparation**

1. considering the Local Development Plan Report of Examination, save where:
  - (a) grounds set out in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 are engaged. (TBC)
2. Publishing the Local Development Plan

## **Planning applications etc.**

4. determining applications (including retrospective applications) for planning permission, listed building consent, conservation area consent, non-material variations and consent to display an advertisement, provided that:
  - (a) the decision is in accordance with the statutory development plan (Strategic Development Plan and Local Development Plan);
  - (b) the decision is in accordance with non-statutory Council adopted policy, or infringements of policy are so minor that refusal or amendment would be unjustified;
  - (c) conditions added by the Development Management Sub-Committee are not removed or amended;
  - (d) where approval is recommended, not more than six material objections have been received from third parties;
  - (e) where refusal is recommended, not more than six material representations in support of the proposals have been received from third parties;
  - (f) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
  - (g) where the application falls within the definition of local development as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 but is not subject to the terms of the Council's statutory scheme of delegation for local developments;
  - (h) there is no legal agreement required in connection with the application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000, or where by virtue of any policy or non-statutory guidance on developer contributions there is a requirement to be met and, for whatever reason, that requirement is not being fully met;
  - (i) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
  - (j) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
  - (k) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close

friend or relative;

- (l) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative;
- (m) the application is not for Hazardous Substance Consent;
- (n) the Chief Planning Officer does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and
- (o) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;

5. determining applications for certificates of lawful use or lawful development under sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997 and applications for certificates of appropriate alternative development, provided that:

- (a) the applications does not raise a significant planning matter, leading to advice to refuse or to object;
- (b) the Chief Planning Officer does not consider the application to be potentially controversial, or likely to be of significant public interest, or as having a significant impact on the environment;
- (c) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- (d) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
- (e) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
- (f) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;
- (g) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative; and
- (h) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development

#### Management Sub-Committee;

6. determining whether or not an application for planning permission will need to be accompanied by an Environmental Statement;
7. issuing an opinion in respect of a Pre-Application Screening request;
8. deciding whether the method of consultation is acceptable or more is needed in respect of a Proposal of Application Notice;
9. deciding whether or not to decline to determine a repeat application for planning permission in any of the circumstances set out in Section 39 of the Town and Country Planning (Scotland) Act 1997;
10. signing a processing agreement in respect of a major application as defined in the hierarchy of development;
11. promoting a direction altering the duration of a planning consent;
12. deciding whether or not full details of a proposed agricultural building require to be submitted;
13. deciding whether or not full details of a proposed forestry building require to be submitted;
14. deciding whether or not full details of proposed buildings by gas and electricity undertakings, solely for the protection of plant and machinery, are required;
15. deciding whether or not, in the case of proposed demolition of residential property, to require a formal submission;
16. deciding whether or not, in the case of proposed toll facilities on toll roads, to require a detailed submission;
17. determining painting and sundry minor works requiring permission by reason of an Article 4 Direction;
18. determining that alterations to a listed building do not require Listed Building Consent
19. determining whether works or a change of use constitute permitted development;
20. determining the display of advertisements;

#### **Enforcement action**

21. acting as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate officers to prepare, sign and serve such notices on his behalf;
22. initiating, progressing and concluding enforcement action, interdict

action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:

- (a) Planning Contravention Notices;
- (b) Enforcement Notices, including those relating to listed building and advertisements;
- (c) advertisement discontinuation procedures;
- (d) reporting to the procurator fiscal;
- (e) Breach of Condition Notices;
- (f) Amenity Notices;
- (g) Stop Notices;
- (h) Temporary Stop Notices;
- (i) Fixed Penalty Notices;
- (j) Hazardous Substances Contravention Notices;
- (k) Tree Replacement Notices;
- (l) prosecution in respect of the above as necessary and the giving of evidence in court; and
- (m) powers of entry;

23. carrying out the following functions provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration:

- (a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);
- (b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);
- (c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);
- (d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);
- (e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning

(Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);

- (f) serving section 270 Notices and Planning Contravention Notices;
- (g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- (h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission;

## **Landscape**

- 24. making provisional Tree Preservation Orders (with the Planning Committee approving the final order taking into account objections or representations received);
- 25. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees protected by Tree Preservation Orders (including the imposition of replanting conditions as appropriate);
- 26. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees in conservation areas;
- 27. serving, progressing, and concluding actions in respect of tree replacement notices, including any necessary follow up direct action;
- 28. investigating unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate;
- 29. considering and determining all applications in respect of high hedge notices, taking any subsequent enforcement or other action and

exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration;

### **Appeals**

30. determining what response should be made to the Directorate of Planning and Environmental Appeals in the case of appeals submitted in respect of the non-determination of an application and where the application could otherwise have been dealt with under delegated powers;

### **Legal Agreements**

31. entering into a legal agreement with a developer, provided that:

- (a) the agreement complies with the terms of government guidance, relevant development plan policies and supplementary guidance on developer contributions; and
- (b) does not involve a financial sum or other contributions of a value exceeding £250,000;

32. entering into a discharge of a legal agreement granting partial or full discharge of the relevant party's obligations on the due performance by that party of such obligations;

33. modifying a legal agreement with the relevant party provided that:

- (a) the terms of the modifications comply with the terms of government guidance, relevant development plan policies and supplemental guidance on developer contributions; and
- (b) it does not involve reducing the financial sum or other contributions in the legal agreement;

### **Miscellaneous**

34. authorising Powers of Entry to land for any purpose (especially surveying) relating to the preparation of a development plan and general planning controls (sections 269 & 270 of the Town and Country Planning (Scotland) Act 1997);

35. allocating new street numbers and, in consultation with the appropriate local ward councillors, changing street numbers and naming new streets;

36. requiring proper maintenance of land affecting listed buildings or conservation areas and to undertake necessary work and recover costs

in cases of non-compliance (sections 135 and 179 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997); and

**Flooding**

37. requesting advice from SEPA as to flood risk under section 72 of the Flood Risk Management (Scotland) Act 2009.



**APPENDIX 7****STATUTORY FUNCTIONS AND STATUTORY OFFICERS**

<u>Statutory Function</u>	<u>Legislation</u>	<u>Officer</u>
Agricultural Analyst/Depute Agricultural Analyst	section 67(3) of the Agriculture Act 1970	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst
Assessor	section 27 of the Local Government etc. (Scotland) Act 1994	Assessor of the Lothian Valuation Joint Board
Chief Inspector of Weights and Measures	section 72 of the Weights and Measures Act 1985	Licensing and Trading Standards Service Manager
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures from time to time.
Chief Social Work Officer	Social Work (Scotland) Act 1968	Chief Social Work Officer
Chief Education Officer	Education (Scotland) Act 2016	Chief Education Officer
Counting Officer	Parties, Elections and Referendums Act 2000	Chief Executive
Dog Catcher	section 149 of the Environmental Protection Act 1990	Dog Warden
Food Examiner	Section 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst

Head of Paid Service	section 4(1) of the Local Government and Housing Act 1989	Chief Executive
Mental Health Officers	section 32 of the Mental Health (Care and Treatment)(Scotland) act 2003	Certain social workers as appointed by the Chief Social Work Officer from time to time.
Monitoring Officer	section 5(1) of the Local Government and Housing Act 1989	Head of Legal and Risk
Public Analyst	sections 27 and 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst
Registrar of Births, Deaths and Marriages	section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	Chief Registrar/ Registration Services Manager
Returning Officer	Sections 25 and 41 of the Representation of the People Act 1983	Chief Executive

**APPENDIX 8**  
**PROPER OFFICER FUNCTIONS**

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Declaration of acceptance of office	section 33A of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Resignation of office by a member	section 34 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	All Executive Directors, Chief Executive and Head of Safer and Stronger Communities/ CSWO
Members' rights of access to documents which enclose "exempt information"	section 50F(2) of the Local Government (Scotland) Act 1973	Chief Executive
Transfer of securities on alteration of area etc.	section 92 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Financial Administration	section 95 of the Local Government (Scotland) Act 1973	Head of Finance
Education endowments	section 128 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Ordnance Survey	section 145 of the Local Government (Scotland) Act 1973	Executive Director of Resources

Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 2005	Executive Director of Resources and Head of Legal and Risk
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Procedure for byelaws	sections 202 and 204 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Roll of honorary freemen	section 206 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Executive Director of Resources
Maintaining the register of members' interests	Regulation 6 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Head of Strategy and Insight

**APPENDIX 9**  
**LIST OF LEGISLATION**

**Part A**

1. Animal Boarding Establishments Act 1963;
2. Animal Health and Welfare (Scotland) Act 2006;
3. Breeding of Dogs Act 1973;
4. Cinemas Act 1985;
5. City of Edinburgh District Council Order Confirmation Act 1991;
6. Civic Government (Scotland) Act 1982;
7. Dangerous Wild Animals Act 1976;
8. Deer (Scotland) Act 1996;
9. Housing (Scotland) Act 2006;
10. Hypnotism Act 1952;
11. Performing Animals (Regulation) Act 1925;
12. Pet Animals Act 1951;
13. Petroleum (Transfer of Licences) Act 1936;
14. Riding Establishments Acts 1964 and 1970;
15. Theatres Act 1968; and
16. Zoo Licensing Act 1981.

**Part B**

1. Accommodation Agencies Act 1953;
2. Agriculture Produce (Grading and Marking) Acts 1928 and 1931;
3. Agriculture Act 1970;
4. Agriculture (Miscellaneous Provisions) Act 1968;

5. Animal Boarding Establishments Act 1963;
6. Animal Health Act 1981;
7. Animal Health and Welfare (Scotland) Act 2006;
8. Breeding and Sale of Dogs (Welfare) Act 1999;
9. Breeding of Dogs Act 1973 and 1991;
10. Burial Grounds (Scotland) Act 1855;
11. Children and Young Persons (Protection from Tobacco) Act 1991;
12. Church of Scotland (Property and Endowment) Act 1925;
13. Cinemas Act 1985;
14. Civic Government (Scotland) Act 1982;
15. Civil Partnership Act 2004;
16. Clean Air Act 1993;
17. Control of Dogs (Scotland) Act 2010;
18. Consumer Credit Act 1974;
19. Consumer Protection Act 1987;
20. Cremation Acts 1902 and 1952;
21. Cremation (Scotland) Amendment Regulations 2003;
22. Dangerous Wild Animals Act 1976;
23. Development of Tourism Act 1969 (sections 17 and 18);
24. Dog Fouling (Scotland) Act 2003;
25. Education Reform Act 1988 (section 215);
26. Energy Conservation Act 1981 (section 20);
27. Environment and Safety Information Act 1988;
28. Estate Agents Act 1979;

29. European Communities Act 1972 (section 2(2));
30. Explosives Act 1875 (sections 74 and 78);
31. Fair Trading Act 1973;
32. Food and Environment Protection Act 1985 (sections 19(1B) and (1C));
33. Hallmarking Act 1973;
34. Housing (Scotland) Act 1987, Parts IV, V, VII and VIII
35. International Health Regulations 2005;
36. Marriage (Approval of Places) (Scotland) Regulations 2002;
37. Marriage (Scotland) Act 1977;
38. Medicines Act 1968;
39. Performing Animals (Regulation) Act 1925;
40. Pet Animals Act 1951;
41. Petroleum (Consolidation) Act 1928 (section 17);
42. Poisons Act 1972;
43. Prevention of Damage by Pests Act 1949;
44. Prices Act 1974 and 1975;
45. Private Rented Housing (Scotland) Act 2011;
46. Property Misdemeanors Act 1991;
47. Public Health (Aircraft) (Scotland) Regulations 1971;
48. Public Health (Ships) (Scotland) Regulations 1971;
49. Rent (Scotland) Act 1984;
50. Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003);
51. Sewerage (Scotland) Act 1968;

52. Single Use Carrier Bags Charge (Scotland) Regulations 2014;
53. Telecommunications Act 1984 (section 30);
54. Theatres Act 1968;
55. Timeshare Act 1992;
56. Trade Descriptions Act 1968;
57. Trade Marks Act 1994;
58. Video Recordings Acts 1984 and 1993;
59. Water (Scotland) Act 1980;
60. Water Services etc. (Scotland) Act 2005;
61. Weights and Measures Act 1985





# Rolling Actions Log

## Item No 8.2

### The City of Edinburgh Council

May 2015 to January 2018

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	19.12.15	<a href="#">Edinburgh Tram Extension - Next Steps</a>	To note that a report would be brought back to Council in Spring/Summer 2017 recommending a way forward.	Executive Director of Place	June 2017	21 September 2017	<b>Recommended for Closure</b>  Report to Council on 21 September 2017
2	19-11-15	<a href="#">St James Quarter - Update on Progress</a>	To delegate authority to the Chief Executive to take forward the potential development site at Picardy Place to the open market, to engage marketing agents to provide a full marketing campaign and to seek tenders in order to secure best value for the site's	Executive Director of Place		1 February 2018	<b>Recommended for Closure</b>  A follow-up report on this is on the agenda for today's meeting.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>disposal. A report on the offers received would be brought back to Council for a decision on disposal and would also consider:-</p> <ul style="list-style-type: none"> <li>i) is this Common Good land;</li> <li>ii) the traffic implications of developing this site on wider traffic movements across the east of the City at this key traffic node; and</li> <li>iii) what the impact on active travel and place making would be if the site were released for development.</li> </ul>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	28-04-16	<a href="#">Appointments to Outside Organisations</a>	<p>1) To agree, in principle, to the appointment of Councillor Cardownie as a Trustee of the Ken Buchanan MBE Foundation on an interim basis subject to a further report being submitted to a future meeting of the Council once the Foundation had been formally constituted as an organisation.</p> <p>2) That the further report requested include information on whether it was appropriate for the Council to appoint members:</p>	Chief Executive		May 2017	<p><b>Recommended for Closure</b></p> <p>No appointment made in May 2017, as this is an unincorporated organisation.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>i) to unincorporated organisations or organisations in an advisory capacity only; and</p> <p>ii) to the Ken Buchanan MBE Foundation once it was formally constituted.</p>				
4	30-06-16	EU Referendum – Emergency Motion by Councillor Corbett	To call for a report to go to the Corporate, Policy and Strategy Committee – in two cycles – outlining the potential implications for the Council, of the UK leaving the European Union			4 October 2016	<p><b>Recommended for Closure</b></p> <p>Corporate Policy and Strategy Committee on 4 October 2016 established a Member/Officer Working Group to co-ordinate</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							Council and Partner Responses.
5	26-01-17	<a href="#">Designation of Chief Education Officer</a>	To note that amendments to the Scheme of Delegation to Officers to reflect the changes to statutory regulations within the Education (Scotland) Act 2016 would be required and would be submitted to the Council in due course.	Chief Executive		29 June 2017	<b>Recommended for closure</b>  Report to Council on 29 June 2017
6	18-05-17	<a href="#">Appointment of Members to Committees, Boards and Joint Boards</a>	Council requests that the Chief Executive consults with all the party groupings and brings forward proposals for reform for consideration at the June Council meeting. The Chief Executive is asked to explore with the Lord Provost the possibility of convening the June	Chief Executive	June 2017	22 June 2017	<b>Recommended for closure</b>  Report to Council on 22 June 2017

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>Council meeting earlier in the month.</p> <p>The redesign should be based on a streamlined Executive Committee model. The Executive Committees should be based on the political balance of the Council. The political management arrangements should also be accompanied by all the necessary governance documentation.</p> <p>The same report should also address the Council's commitment to working in localities by the creation of four Locality Committees. Consultation on the draft Locality Committee proposals should take place over the summer</p>		September 2017		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			months, with the outcome reported to the Council meeting in September.				
7	18-05-17	<a href="#">Council Diary 2016-17 and 2017 - 18</a>	To note that a full 2017/18 meetings diary would be submitted as soon as practicable after any new political management arrangements were agreed.	Chief Executive	29 June 2017	29 June 2017	<b>Recommended for Closure</b>  Report to Council on 29 June 2017
8	22-06-17	<a href="#">Political Management Arrangements 2017</a>	To agree that the Chief Executive carries out a review of the political management arrangements in 12 months.	Chief Executive	June 2018		
9	22-06-17	<a href="#">Appointments to Neighbourhood Partnerships and Locality Committee Senior Councillor Allowances</a>	The role of the senior councillor for each locality will be to chair the Locality Working Group for each area, oversee the formation and implementation of the new locality committees and	Chief Executive	Early 2018		The first meetings of the Locality Committees are due to be held in February 2018.



No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>each locality plan in line with the Working Group's decisions.</p> <p>These roles would be reviewed and a report brought back to Council in early 2018.</p>				
10	29-06-17	<a href="#">Appointments to Outside Organisations 2017-22</a>	To agree to a report being submitted within one cycle to highlight the benefits of previous champion positions and explore the scope for expanding the number of roles to cover defined groups and subject matters. This report would outline the remit of all proposed champion positions	Chief Executive	August 2017	24 August 2017	<p><b>Recommended for Closure</b></p> <p>Report to Council 24 August 2017</p>
11	29-06-17	<a href="#">Grenfell Tower - Council Response to Fire Safety and Contingency</a>	To provide councillors with information about the construction and refurbishment of multi storey blocks in Edinburgh	Executive Director of Place		7 September 2017	<p><b>Recommended for Closure</b></p> <p>Report to Housing and Economy</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
		<a href="#">Planning</a> and motion by Councillor Mowat	<p>and fire safety, and calls for this initial response to be followed up by:</p> <p>A report detailing:</p> <ol style="list-style-type: none"> <li>1) The construction method of each block, any subsequent refurbishment with date and details of materials used;</li> <li>2) Fire inspection schedules detailing when each block was last inspected, the type and extent of this inspection;</li> <li>3) Future fire inspection schedules to include: <ol style="list-style-type: none"> <li>(a) whole block</li> </ol> </li> </ol>				Committee on 7 September 2017.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>assessments;</p> <p>(b) quarterly reports of the number of flats given individual fire inspections and advice by fire officers;</p> <p>4) Communication plans with tenants and residents associations to ensure that their concerns can be addressed both in the short and long term and that this is clearly understood;</p> <p>5) What process would need to be undertaken to consider the retro fitting of sprinkler</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>systems in blocks constructed prior to 2005;</p> <p>6) How any recommendations coming forward from any investigations into the Grenfell Tower fire will be reported to Committee, communicated to residents and given due consideration as to whether to implement any such recommendations.</p>				
12	29-06-17	Attracting and Retaining Carers - Motion by Councillor Miller	Agrees to call for a report into the improvements including pay and conditions that could attract and retain care workers, in comparison to other employment options,	Interim Chief Officer, Edinburgh Health and Social Care Partnership			A range of activity is underway, from the development of the workforce plan to consideration of what to do with

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			and meet the shortfall in care provision, taking into account the results of the research.				the care at home contract, and initiatives for 'bigger' recruitment exercises.
13	29-06-17	Rent Pressure Zone - Motion by Councillor Rae	To call for a report on the steps that need to be taken to implement a city-wide Rent Pressure Zone to limit increases in high rents in the private rented sector in the City	Executive Director of Resources		18 January 2018	<b>Recommended for Closure</b>  Report to the Housing and Economy Committee on 18 January 2018.
14	24-08-17	<a href="#">Appointment of Elected Member Champions</a>	To agree to review these appointments in 12 months' time	Chief Executive	August 2018		
15	24-08-17	<a href="#">Programme for the Capital - The City of Edinburgh Council Business Plan 2017-22</a>	To note that a further report describing in detail how progress would be measured would be presented in the autumn	Chief Executive		23 November 2017	<b>Recommended for Closure</b>  Report to Council on 23 November 2017

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
16	24-08-17	<a href="#">Edinburgh Festivals 70 Anniversary Legacy</a>	<p>1) To note that any Council contribution to this programme would be subject to the full budget process and full details of the PLaCE proposal coming back to full Council in September 2017.</p> <p>2) To call for a further report on the detail of these funding proposals to include how the impact on other council activities could be mitigated given the Council's existing funding for festivals and also how inclusive opportunities, including</p>	Chief Executive		21 September 2017	<p><b>Recommended for Closure</b></p> <p>Report to Council on 21 September 2017.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			community-based arts and skills development, could be realised.				
17	24-08-17	Fair Fringe and Fair Hospitality Charter - motion by Councillor Cameron	<p>To calls for a report ahead of plans for next year's summer Festivals and Fringe on how the 10 aims of the Fair Hospitality Charter can best be promoted and adhered to by employers hiring Council owned Festival and Fringe venues for the purposes for running Fringe events and hosting food and beverage venues. The report should examine which conditions could be attached to Council grant funding to further these aims.</p> <p>Pay workers the real living wage;</p>	Executive Director of Resources		18 January 2018	<p><b>Recommended for Closure</b></p> <p>Report to Housing and Economy Committee on 18 January 2018</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>Give workers rest breaks;</p> <p>Equal pay for young workers;</p> <p>Minimum hour contracts for workers;</p> <p>Adopt clear policies which prevent sexual harassment;</p> <p>Paid transport after 12am;</p> <p>Consult workers on rota changes;</p> <p>Ensure 100% of tips are paid to workers;</p> <p>Allow Trade Union access to represent and organise staff;</p> <p>No unpaid trial shifts.</p>				



No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			To agree that the report consider the impact of these enhanced conditions on the economic viability of the Fringe and the impact of venue rental and ticket prices.				
18	21-09-17	Public Water Bottle Refill - motion by Councillor Burgess	To agree to investigate a pilot scheme to provide public water bottle refill facilities in a number of high footfall locations in the city, taking account of experience elsewhere in the UK and other countries; and submitting a report within 3 cycles.	Executive Director of Place	March 2018		An update will be presented to Transport and Environment Committee on 1 March 2018
19	27-10-17	<a href="#">Locality Committees 2017</a>	To agree Locality Committees should be established based on the principles in paragraph 3.4 of the report as amended and detailed proposals should be set out in a	Chief Executive	November 2017	23 November 2017	<b>Recommended for Closure</b>  Report to Council on 23 November 2017

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			report to Council in November 2017 for final approval				
20	26-10-17	Statues - motion by Councillor Mowat	<p>To call for a Members' Briefing, which was publicly available, detailing:</p> <ol style="list-style-type: none"> <li>1. Whether the rubbing and exposure of the bronze does damage the statue and what is the nature of this damage and whether it affects the structure of the statue or is cosmetic.</li> <li>2. Recognising that it is very difficult to change human nature and prevent people from interacting with</li> </ol>	Executive Director of Place			The service is currently working on this and it will be circulated shortly.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>these statues what measures are available to protect these statues and the costs of these if indeed it is deemed necessary to take such measures; and</p> <p>3. If evidence concludes that the discolouration is damaging in a material way to the statues what factors should be taken into consideration when commissioning or advising on new statues to prevent this happening to any such new commissions.</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
21	23-11-17	Prison Community Integration Working Group - motion by Councillor Graczyk	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		March 2018		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>organisations.</p> <p>2. Requests that said report includes, but is not limited to:</p> <p>(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;</p> <p>(b) themes of co-production and early prevention to address the root causes of reoffending and homelessness;</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>(c) investigating the creation of an appropriate mechanism or body to assist any improvements in the effective implementation of service;</p> <p>(d) improving or implementing a City-wide information sharing network for advice and knowledge so all relevant stakeholders can be more informed;</p> <p>(e) investigating how housing and other relevant advice could be best delivered to all relevant stakeholders</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>and prisoners to ensure the best support is provided for prisoners and their families;</p> <p>(f) considering best practice as operated by other local Councils and other external bodies representative of prison specialist agencies and relevant stakeholders;</p> <p>(g) the level of civic and budgetary support required by the Council;</p> <p>(h) contributing to the development of a common understanding on the implementation of framework and</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			guidelines for all relevant stakeholders.				
22	14-12-17	National Children's Day UK 2018 and the Year of Young People - motion by Councillor Day	Asks the Executive Director of Communities and Families to provide a briefing paper to members on how the Council can mark these events.	Executive Director for Communities and Families	5 February 2018		



# The City of Edinburgh Council

10.00am, Thursday, 1 February 2018

## Edinburgh St James Growth Accelerator Model (GAM) – Update on Progress and Approval of New Financial Limit

Item number	8.3
Report number	
Executive/routine	
Wards	City Centre
Council Commitments	<a href="#">19, 22, 27</a>

### Executive Summary

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This report provides an update on the working arrangements between the City of Edinburgh Council (the Council), the Scottish Government and St James Edinburgh (the Developer) in the delivery of the St James Quarter Edinburgh (the Development). In particular, information is provided on:

- the Growth Accelerator Model (“GAM”) Agreement and progress on the delivery of the public realm and other improvements set out in the GAM agreement;
- the Council project monitoring and Member oversight arrangements established for the current delivery phase of the project; and
- the requirement for additional expenditure in order to deliver an enhanced public realm package alongside the junction improvements at Picardy Place.

## Edinburgh St James Growth Accelerator Model (GAM) – Update on Progress and Approval of New Financial Limit

### 1. Recommendations

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- 1.1 Council is asked to:
- 1.1.1 Note that Council has entered into the Growth Accelerator Model Agreement (“GAM”) with St James Edinburgh Limited, Certza Trustees 3 Limited and Certza Trustees 4 Limited (the Developer) under the delegated authority to the Chief Executive, which was approved by Council on [19 November 2015](#) and [10 March 2016](#) and signed on 21 June 2016;
  - 1.1.2 Note that the Council has entered into the funding agreement with the Scottish Government as part of the Scottish Government annual contributions to the GAM, as approved by Council on [1 May 2014](#) and [19 November 2015](#). This funding agreement relates to works to be carried out by the Developer as prescribed in the GAM: the CEC Growth Assets;
  - 1.1.3 Note that the funding cap (City of Edinburgh Council GAM Funding Gap) of new potential borrowing for the Works which would be maintained and repaid over a period of up to 25 years through a combination of public and private sector investment, all as approved by Council on [1 May 2014](#) is £61,400,000;
  - 1.1.4 Note that all necessary property interests have now been acquired either through voluntary agreement or through the Compulsory Purchase Order process (CPO). The CPO is now complete;
  - 1.1.5 Note the revised governance of the GAM and the cross-party Members oversight of the project as detailed in this update report; and
  - 1.1.6 Approves funding the projected £1.5m cost through realignment of the existing Carriageway and Footways block capital budget in 2020/21.

### 2. Background

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- 2.1 On 4 June 2009, the Council approved planning permission in principle (08/03361/OUT) for the redevelopment, refurbishment and demolition works to provide a major mixed use scheme on the site of the existing St James Centre.

- 2.2 In accordance with the recommendations of the St James Quarter Compulsory Purchase Order report to Council dated [29 May 2014](#), a Compulsory Purchase Order has been made and implemented for the St James Quarter redevelopment area, for the purpose of acquiring the land and property interests shown in the CPO Plans and Schedule of Interests previously presented to Council.
- 2.3 A Minute of Agreement (Agency Agreement) between St James Edinburgh Limited and the City of Edinburgh Council was completed on 4 September 2014 in terms which were considered acceptable by the Chief Executive, in consultation with the then Council Leader and Depute Leader, to suitably protect the interests of the Council and secure reimbursement of all costs, fees, expenses and compensation claims which might be incurred by the Council arising from the CPO and the subsequent transfer to St James Edinburgh Limited of the property interests acquired, and such other terms as the Chief Executive considered necessary or desirable.
- 2.4 The Council Minute of Agreement (Agency Agreement) with the Developer provides and delivers that in executing the CPO and supporting the project, all costs to the Council are being fully reimbursed and there is no cost to the public purse. This process is now largely complete and sufficient funds are held in escrow to settle the remaining acquisitions.
- 2.5 On the [19 November 2015](#) and [10 March 2016](#), in reports to Council, the Chief Executive was authorised to enter into the GAM Agreement. On 14 June 2016, the GAM was signed on behalf of the Council and on 21 June 2016, the GAM was signed on behalf of the Developer.
- 2.6 In October 2016 and prior to commencing construction works, the Developer secured a development partner in APG. The Dutch pension asset management agreed to take a 75% stake in the Development with TH Real Estate holding the remaining 25%, on behalf of its Henderson UK Shopping Centre Fund.
- 2.7 On 16 October 2016, construction work on the new centre commenced.
- 2.8 The necessary pre-conditions of the GAM agreement were satisfied on the 14 October 2016. As of this date it became a live contract and work is under way to deliver the provisions of this agreement.

### **3. Main report**

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#### **Progress on Edinburgh St James Centre Development**

##### *The Development Scheme*

- 3.1 The development is one of the largest currently underway in the UK at the current time. It includes 850,000 sqft of retail space which is anticipated will raise Edinburgh's retail ranking from 13th to 8th in the UK (CACI rankings). It also includes a hotel (W Hotels) of 214 rooms with 2,450 sqft of event space, an apart-

hotel of 73 rooms (Roomzzz), 150 residential units and a five screen cinema (Everyman Cinema).

#### *Economic Impact*

- 3.2 A Council-commissioned economic impact assessment published in 2013 found that the redeveloped St James Quarter was projected to support a net increase in employment in Scotland of approximately 1,000 full-time equivalent jobs and a net increase in the gross value added of Scotland of approximately £45 million per annum. This remains an accurate assessment although it does assume development of the Picardy central island site.

#### *Programme for Delivery of Edinburgh St James Centre*

- 3.3 The Developer's contractor commenced demolition works onsite on 20 October 2016 and this element of the programme is now largely complete. Construction of the centre's sub-structure is now underway and is well advanced.
- 3.4 The Developer's master programme shows completion for the retail area in late 2020 and late 2021 for the remaining leisure and residential elements all in line with original target completion dates.

#### **Compulsory Purchase Order Update**

- 3.5 The Council at its meeting on [29 May 2014](#) delegated authority to the Chief Executive, in consultation with the Council Leader and Depute Leader, to make a CPO in respect of the property interests required for the St James Quarter redevelopment by the Developer. The report also noted that various areas of Council owned land, which are required for the development, would be subject to a separate sale agreement, and the sale terms reported back to Committee for approval in due course. On [15 January 2015](#) the Finance and Resources Committee approved a delegation to the Director of Services for Communities and the Head of Legal, Risk and Compliance to agree terms and conditions for the sale and purchase of various pieces of land around the St James Centre to the Developer and also to grant a long lease of an area of ground to the Developer.
- 3.6 A public inquiry for the CPO was held over a series of dates in late 2015 and the decision was issued on the 22 February 2016 confirming the CPO made by the Council.

#### *Acquisitions and Negotiations with Landowners*

- 3.7 The Developer's approach to negotiations with landowners was conducted in accordance with the best practice guidance set out in paragraphs 7 and 8 of the Scottish Government Planning Circular 6/2011 - Compulsory Purchase Orders, where the scheme is large and complex with multiple interests to secure.
- 3.8 The Developer established a specialist land assembly team made up of Culverwell Property Consultants, Carter Jonas LLP and CBRE which has been and continues to progress negotiations with the remaining parties. These negotiations are monitored by Council officers.

- 3.9 At the time of writing, nearly all of the compensation packages have been agreed and the majority are settled.

*City of Edinburgh Council Owned Land*

- 3.10 The Council land parcels have been independently valued and these values have been agreed with the Developer and the land transaction has completed. The Council has a net gain of land in the area of 1,186sqm and there has been a net transfer value of £683,000 in the Council's favour.
- 3.11 The small parts of road or footpath and a portion of St James Place considered common good, were presented to the Court of Session and consent to dispose of these has been confirmed.

**The Growth Accelerator Model (GAM)**

- 3.12 In order to support the delivery of the development and ensure that the best possible outcome for the city in economic and environmental terms is achieved, a collaboration with the Scottish Government, Scottish Futures Trust, the Developer and the Council has been put in place. This arrangement is captured through two agreements: the Scottish Government Grant Offer (SGGO) and the Growth Accelerator Model Agreement (GAM Agreement) although it is collectively referred to as the GAM.
- 3.13 This innovative new model is primarily a funding mechanism that allows borrowing costs to be offset by new income streams subject to performance targets being achieved. However, the communication and traffic management protocols are also embedded in the GAM Agreement along with governance arrangements.
- 3.14 The GAM agreements are now both 'live' and the Council has contractual responsibilities to both the Developer and the Scottish Government. These are set out below.

*The Scottish Government Grant Offer (SGGO)*

- 3.15 The SGGO is an offer of grant funding from the Scottish Government to the Council. The grant will be payable upon successful delivery of the 'Project Outcomes'. The Project Outcomes are secured through the delivery of the 'CEC Growth Assets' (set out in paragraph 3.16) resulting in wider investment (both public and private) in Edinburgh city centre. This is measured by three 'GAM Targets' (set out in paragraph 3.17) which need to be met in order for the grant to be payable.
- 3.16 The CEC Growth Assets are:
- 3.16.1 Public realm and infrastructure improvements at James Craig Walk;
  - 3.16.2 Accessibility and permeability improvements around the New St James Centre;
  - 3.16.3 Public realm and tram proofing works at Picardy Place;

- 3.16.4 A multi-modal transport interchange at the junction of Leith Walk, Leith Street and York Place; and
- 3.16.5 The Energy Centre (to be constructed in the New St James Centre for the purposes of providing electricity to the grid and hot water and chilled water to the New St James Centre and also to allow for external connections).
- 3.17 The GAM Targets are:
- 3.17.1 GAM Target 1 – Economic growth from the Retail and Leisure element, measured by growth in the rateable value of the New St James Centre when compared to the previous rateable value of the St James Centre. This target relates to 55% of the annual grant;
- 3.17.2 GAM Target 2 – Economic growth in the surrounding area, defined as growth in Edinburgh postcodes EH1, EH2, EH7 and EH8 (excluding the centre), measured by growth in the non-domestic property tax base. This target relates to 25% of the annual grant; and
- 3.17.3 GAM Target 3 - Employment and training targets to support the long term unemployed and the harder to reach groups and areas. This target relates to 20% of the annual grant.
- 3.18 The Scottish Government maximum contribution based on achieving all three GAM Targets is £4.27 million per annum. This grant, along with contributions from the developer, will allow for a maximum capital cost of £61.4 million (and borrowing costs) to be met by the Council.
- 3.19 The GAM Targets will be measured over three years initially from 2020 and this will be extended by a further three years if the targets are not fully met. The Government's contribution is also linked to a proportional percentage performance against targets. So, for instance, if 80% of the respective targets are achieved, the Scottish Government will only provide for 80% of its contribution.
- 3.20 The risk of not meeting the above targets sits with the Council. However, should the Council be unable to achieve these targets because of unprecedented market changes, the SGGO provides for a renegotiation of the agreed dates. This gives the Council every opportunity to realise full funding costs over the life of the project.
- 3.21 The provisions of the SGGO are fully compatible with the funding agreement between the Council and the Developer (the GAM).
- Growth Accelerator Model Agreement (GAM)*
- 3.22 The GAM Agreement requires the Developer to deliver the CEC Growth Assets (as described in the SGGO (3.16). Upon delivery, and subject to the Council being satisfied on compliance by the Developer with its obligations, the Council shall pay to the Developer the CEC GAM Funding which is capped at £61.4 million for the CEC Growth Assets.
- 3.23 There are three possible repayment scenarios based on the actual cost of the CEC Growth Assets. These are as follows:

- 3.23.1 If the cost of the CEC Growth Assets is £56.9 million or less the Developer will provide an annual contribution of £150,000 in respect of the Energy Centre over the 25 year borrowing repayment period.
- 3.23.2 If the total cost of the CEC Growth Assets is between £56.9 million and £61.4 million the Developer will provide annual contributions of £150,000 in respect of the Energy Centre and a pro rata amount up to £350,000 linked to the actual cost of the CEC Growth Assets over the 25 year borrowing repayment period.
- 3.23.3 If the total cost is in excess of the £61.4 million cap, then the scenario set out above (3.23.2) will apply with the Developer meeting the additional costs over and above the cap.

### **GAM Growth Assets Delivery Programme**

- 3.24 The programme for delivery of the Growth Assets is as follows:
- 3.24.1 Public realm at James Craig Walk - Completion – July 2019;
- 3.24.2 Public realm and tram proofing works at Picardy Place – Completion – November 2019;
- 3.24.3 Junction improvements at Leith Walk, Leith Street and York Place Completion – April 2020; and
- 3.24.4 The Energy Centre – Completion – April 2020.

### **Stakeholder Engagement**

- 3.25 The developer has committed to a process of engagement with stakeholders in relation to the development of the centre and the enabling works that are currently underway on Leith Street. Engagement has commenced and will be carried forward by the Developer in relation to the delivery of the GAM Assets throughout the development project. The developer is approaching this through a three tier approach:
- 3.25.1 Tier 1 - Immediate Neighbours, Residents and Businesses, Occupiers within the Site (Multrees Walk/John Lewis), Traffic Management Review Panel (TMRP) and Community Councils.
- 3.25.2 Tier 2 -Transport Groups and Local Media.
- 3.25.3 Tier 3 - Edinburgh Public Groups, General Public, Wider Edinburgh City.
- 3.26 This has included, and will continue to include, engagement on the finalised permanent designs in the run up to the statutory approval processes and engagement on the temporary arrangements to be put in place during construction. Council officers have attended and will continue to attend these events in order to support this process.

### **Picardy Place Detailed Design Changes**

- 3.27 In response to a motion agreed by the Transport and Environment Committee in August last year and as a result of initial feedback from engagement events

organised by the Developer in September a series of additional public engagement activities were undertaken by Council officers in relation to the design of the Picardy Place junction through November and December 2017.

- 3.28 Taking account of the feedback received an improved design for Picardy Place has been prepared by the Developer's design team. The design improves the layout for pedestrians, cyclists and public transport by increasing footway widths, improving linkages with existing and proposed cycle routes, reducing the size of the central island site and improving the public realm provision (outside St Mary's Catholic Cathedral and on the island site). This revised design was endorsed by the Council's Transport and Environment Committee on [25 January 2018](#).
- 3.29 The central island site was originally earmarked for a hotel development required to relocate an operator within the St James Centre. However, during the CPO process that operator ultimately sought a compensation package rather than a relocation. On [19 November 2015](#) Council agreed to delegate authority to the Chief Executive to market the site. This process has not yet commenced as it was considered appropriate to wait until the Picardy Place design was finalised. As noted above, changes to the design of Picardy Place now mean that the site is unlikely to be suitable for significant development.
- 3.30 At the time of writing the design variation process is being progressed with the Developer by Council Officers. This process will be concluded upon approval additional costs incurred as set out later in this report.

### **Additional Information**

#### *Recruitment and Skills Academy*

- 3.31 The GAM Agreement also contains a requirement to provide a recruitment and skills academy within the St James Centre. Council officers are involved in the design of the academy from both a physical and operational perspective

#### *Paolozzi Sculptures*

- 3.32 To facilitate the construction of the multi-modal transport interchange at the junction of Leith Walk, Leith Street and York Place, the Paolozzi Sculptures have been moved from their location adjacent to St Mary's Catholic Cathedral to a temporary site at Hillside Crescent Gardens and this was taken forward in discussion with ward councillors, local residents, the Cathedral and Sir Tom Farmer.
- 3.33 The permanent location for the sculptures has not yet been identified but will be considered as part of the development of the public realm strategy for Picardy Place and will be undertaken in consultation Sir Tom Farmer.

#### *Sherlock Holmes Statue*

- 3.34 The Sherlock Holmes statue has been removed from Picardy Place and is currently being stored until it can be returned to the site.

#### *Police Box*



- 3.35 The former Police Box coffee kiosk situated near to the entrance to John Lewis at the foot of Leith Street will also need to be removed during the construction period. The owner of the kiosk is aware of this and officers are working with him to find a suitable new location for the kiosk.

#### *Leith Street Bridge*

- 3.36 The footbridge previously in place between the former St James Centre and the Greenside car park is not needed for the new centre and has now been removed. There was a desire to see the bridge reused elsewhere in Edinburgh and officers worked to find such an opportunity, however, key finding of a feasibility study into the potential use of the bridge was that it could not be reused as a result of the engineering and subsequent warranty issues which would arise when the bridge was moved. As a result it has been taken down and the metal recycled.

#### *Lasting Memorial to Nelson Mandela*

- 3.37 On [4 November 2014](#), the Council's Corporate Policy and Strategy Committee agreed that a lasting memorial to Nelson Mandela, the former president of South Africa, should be sited within the St James development. On [24 March 2015](#), the Corporate Policy and Strategy Committee agreed to delegate authority to the Director of Economic Development to determine what form the lasting memorial should take and to negotiate and enter into a formal agreement with the developer on the location for the proposed lasting memorial. Initial discussions have since been held with the developer with a view to identifying a suitable location.
- 3.38 An assessment has been undertaken of whether a new street could be named after Nelson Mandela but it is unlikely that there will be any changes to street addresses or any new streets created through these development proposals. This option has now been discounted and other options for a lasting memorial will continue to be explored.

## **4. Measures of success**

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### **Redevelopment of Edinburgh St James Centre**

- 4.1 Success will be measured by the quality and sustainability of the new retail led mixed use development, job creation and the regeneration of the wider City Centre.
- 4.2 The improved performance of Edinburgh as a retail destination reinforcing its role as the regional centre for SE Scotland will be a key measure of success.

### **Delivery of the CEC Growth Assets**

- 4.3 In addition to the above, success will be measured in terms of the provision of high quality public realm improvements to the Picardy Place area ensuring optimum connectivity from this site into the redeveloped St James Centre and beyond to St Andrew Square, Princes Street and Leith Walk in the east.

## **Redesign of Picardy Place**

- 4.4 The principle measure of success will be delivery of a revised junction layout at Picardy Place incorporating:
- 4.4.1 significantly improved conditions for walking and cycling in comparison to the existing configuration;
  - 4.4.2 maintain efficient operation of the public transport network and protect the needs of passengers;
  - 4.4.3 keep the city moving and protect vital services;
  - 4.4.4 flexible design which can be adapted in the future to respond to future changes within the city including Central Edinburgh Transformation;
  - 4.4.5 re-siting of the Paolozzi sculptures and Sherlock Holmes statue;
  - 4.4.6 an alignment for a tram stop and to accommodate the proposed tram line to Leith and Newhaven;
  - 4.4.7 bus stops serving the Development and enabling interchange with the future tram stop; and
  - 4.4.8 a Council owned site in the centre of Picardy Place for enhanced public realm.

## **5. Financial impact**

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### **Compulsory Purchase Order**

- 5.1 As was reported in the [May 2014](#) Report, the making of the CPO in respect of the St James Quarter incurred costs to the Council. However, under the signed Minute of Agreement, SJEL fully indemnifies the Council for all costs and compensation claims in respect of the CPO and any subsequent transfer of those property interests to the Developer, and is considered to suitably protect the Council, as well as ensuring no cost to the Council.

### **GAM Funding – CEC Growth Assets**

- 5.2 Subject to the Council being satisfied on compliance by the Developer with its obligations, the Council shall pay to the Developer the CEC GAM Funding which is capped at £61.4 million for the CEC Growth Assets. This will be funded by prudential borrowing and the associated loan charges will be funded through the income streams set out within paragraphs 3.12 to 3.23 above.
- 5.3 If the acquisition of CEC Growth Assets were to be funded fully by borrowing, the overall loan charges associated with this expenditure over a 25 year period would be a principal amount of £61.4m and interest of £57.850m, resulting in a total cost of 119.250m based on a loans fund interest rate of 5.2%. This annual loan charge will be funded through a split of £4.27m to be received from the Scottish

Government (based on achieving the three prescribed GAM targets) and a £0.5m contribution from the developer.

- 5.4 It should be noted that the Council's Capital Investment Programme is funded through a combination of General Capital Grant from the Scottish Government, developers and third party contributions, capital receipts and borrowing. The borrowing required is carried out in line with the Council's approved Treasury Management Strategy and is provided for on an overall programme basis rather than for individual capital projects. Following instruction from Members, notional loan charge estimates have been provided above, which it should be noted are based on the assumption of borrowing in full for this capital project.
- 5.5 Through the monitoring phase of the project, to CEC Growth Assets completion, the Council requires the services of a project manager, quantity surveyor, clerk of works and legal representative on an ad hoc / part time basis. Procuring these services will ensure that the Council can be satisfied that both it and the Developer are complying with the obligations set out within the GAM agreements, that the cost of CEC Growth Assets represent value for money to the public purse and that the quality of the completed assets is of a high standard and acceptable for the Council to acquire. The projected cost of procuring these services for the duration of the project is approximately £0.5m and these costs will be contained within existing resources in the Place Economic Development revenue budget.

#### **Picardy Place Detailed Design Changes**

- 5.6 From the £61.4m total set out above, approximately £14m is allocated for the delivery of 'public realm' at Picardy Place' and a 'multi-modal transport interchange at the junction of Leith Walk, Leith Street and York Place' as per the design included within the GAM.
- 5.7 Any fundamental review of the current design would put at risk these agreements, the delivery programme, and the Scottish Government funding, with resulting further risk to the delivery of any revised layout and to extension of the tram. In addition, any amendments to the design would represent a variation to the GAM which is likely to have implications on cost and programme to the Council and the Developer.
- 5.8 Following the constructive stakeholder activities both in September and November, the design has been amended to reflect the feedback received. There is an increase in costs associated with the amended design.
- 5.9 The increased cost to deliver the enhanced design for Picardy Place, including public realm upon the central island site is estimated to be up to £1.5m. This is an increase over and above the funding cap, and as this is as a result of variation to the original design, the GAM contract arrangements stipulate this is the responsibility of the Council to fund.
- 5.10 Council officers are currently undertaking a review of the projected rateable value that may be generated within the surrounding area to the Development, post completion. If this assessment suggests that economic growth as measured by

growth in the rateable value could be higher than the current target within the GAM grant offer, a suitable business case will be developed for submission to the Scottish Government. The aim will be to seek approval from the Scottish Government and the Developer for the element of the GAM funding cap supported by the Scottish Government to be increased to a level that covers some, or all, of the increased cost attributable to the revised Picardy Place design. It should be noted that there is no provision in the GAM agreement that requires the Scottish Government to consider this and they have indicated that any potential review of the GAM funding cap would only occur when the Growth Assets are complete and an assessment carried out on the rateable values at that time.

- 5.11 It is suggested that in the first instance, the projected £1.5m cost uplift relating to revised Picardy Place design be funded through realignment of the existing Carriageway and Footways block capital budget in 2020/21. Should the outcome of any business case submission to Scottish Government be successful at a point after this, the requirement to fund this cost increase from Council resources may be reduced or removed.
- 5.12 If the additional cost in delivering the revised Picardy Place design were to be funded fully by borrowing, the overall loan charges associated with this expenditure over a 20 year period would be a principal amount of £1.5m and interest of £0.98m, resulting in a total cost of £2.48m based on a loans fund interest rate of 5.1%. The annual loan charge would be £0.124m and be funded from the Council's revenue loan charges budget earmarked to meet overall capital investment programme borrowing costs.
- 5.13 The revised Picardy Place design reduces the size of the central island site and delivers public realm space upon it. There is currently a projected capital receipt value assumed for the Central Island site which is earmarked as funding towards the Council's Capital Investment Programme. The revised design reduces the capital receipt value to nil.

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

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### **Risk**

- 6.1 The project is of a high financial value and is multi-faceted. As such, there are a number of processes that need to be managed. There a number of risks and high level risks include:
- 6.1.1 A risk exists that the Council may acquire assets that are of sub-optimal quality and which are not completed to the specification determined and agreed by the Council. The appointment of an independent clerk of works role will help mitigate this risk and ensure the Council is complying with one of the recommendations made by the Cole Report of the Independent Inquiry into the Construction of Edinburgh Schools.

- 6.1.2 The risk that CEC Growth Assets cost more than originally estimated. From a Council perspective, this risk is mitigated by the GAM funding cap being set at £61.4m ensuring that all costs over and above this are met by the developer although, as set out above, this does not apply to the costs incurred as a result of variations.
- 6.1.3 In addition to the financial impact of amending the design, a permitted variation on the contract may be required. Further negotiations will take place with the Developer to effect the revised design.

### **Policy**

- 6.2 The delivery of a redeveloped Edinburgh St James Centre has been a long standing objective of the Council and is captured in both Strategic and Local Development Plans. The continued support for this project is in line with Council policy objectives.
- 6.3 The revised designs for Picardy Place have been prepared in the light of the Council's emerging Street Design Guidance, its Local Transport Strategy, the Picardy Place Design principles (approved 2009) and the Council's Active Travel Action Plan.
- 6.4 The proposed designs support the Council's Commitments to 'keep the city moving by reducing congestion'; delivering the tram extension to Newhaven by 2022; and to reduce street clutter to improve accessibility.

### **Governance and Compliance**

- 6.5 The delivery and funding of the project is a collaboration with the Scottish Government, Scottish Futures Trust, the Developer and the Council. This arrangement is captured through two agreements: the SGGO and the GAM although the agreements are collectively referred to as the GAM.
- 6.6 The GAM Executive Group has oversight for the purposes of governing the overall delivery of the GAM project and compliance with the contract and grant funding terms. The GAM Executive includes representatives from the Scottish Government, the Scottish Futures Trust and the Council is represented by the Executive Director of Place and the Head of Finance. The Developer is also invited to attend as an Observer.
- 6.7 An All Party Oversight Group (ESJ APOG) was previously in place as part of the project governance arrangements. This allowed for members to be briefed by officers on all aspects of the project: the progress with the CPO and the development of the GAM. It was decided on 10 May 2016 by the members of the ESJ APOG that, as the CPO process was largely complete and the GAM agreement was live, the member officer engagement would be most successfully served by the Transport Projects Working Group given that the remaining key decisions to be taken would be in relation to roads consents. This subsequently became the main forum for member/officer engagement as part of the overall governance arrangements. It remained in place until the last government elections

in May 2017. The Central Edinburgh Working Group will take over this role. In any case, in the intervening period, a number of meetings and briefings for members have taken place.

- 6.8 The normal approval processes for statutory consents remain in place and no alternative arrangements have been made for this project.
- 6.9 The project management and governance in place to deliver the project along with audit, review and statutory approval processes, is considered to be appropriate to the scale and complexity of the project and will ensure compliance.
- 6.10 An internal audit of the project has recently been undertaken in line with Council processes for major projects. At the time of writing the findings and recommendations report is being prepared.

## **7. Equalities impact**

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### **Edinburgh St James Redevelopment**

- 7.1 The redevelopment of the centre should have a positive impact on the Council's equality duties through improved accessibility and design, the provision of a training academy to help those furthest from the job market into work and extensive public consultation.
- 7.2 An independent economic impact assessment of the Edinburgh St James development prepared by SQW in 2013 found that, over the 26 year period 2015 to 2040, the development as proposed was expected to result in a net (i.e. the overall increase once any losses are taken into consideration) additional 27,048 person years of employment across Edinburgh – equivalent to approximately 2,700 permanent new jobs. The Council's Employability and Skills team will work to ensure jobseekers in Edinburgh – in particular those facing barriers to employment – are well-placed to capitalise on these opportunities.
- 7.3 A dedicated training academy will be created in the new complex within the management suite. The academy will provide an attractive and welcoming destination where people seeking employment and training opportunities can be inducted and given basic training. Indicative designs for the academy have been prepared on the basis of information provided by the Council's Employability and Skills team. The academy will include a reception area, meeting room, flexible training suite and computer suite.

### **GAM – CEC Growth Assets**

- 7.4 There are likely to be negative impacts throughout the construction stage on the accessibility of the area which can be addressed through the Planning, Building Control and Road Construction processes. To that end, the developer has and is committed within the GAM Agreement to participate in the traffic management protocol and to oversee contract traffic management works in conjunction with the

Council's Roads department, public utility companies, emergency services, the St James contractor and other city centre projects.

- 7.5 Impacts on equalities and rights have been considered through Equalities and Rights Impact Assessment (ERIA). This process is ongoing throughout the implementation process to ensure that there are no infringement of rights and impacts on duties under the Act. No negative impacts are anticipated and it is expected that the scheme should improve conditions for vulnerable road users.

#### **Picardy Place Detailed Design Changes**

- 7.6 Impacts on equalities and rights have been considered through Equalities and Rights Impact Assessment (ERIA). This process is ongoing throughout the implementation process to ensure that there are no infringement of rights and impacts on duties under the Act. No negative impacts are anticipated and it is expected that the scheme should improve conditions for vulnerable road users.

## **8. Sustainability impact**

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- 8.1 The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.

#### **Edinburgh St James Redevelopment**

- 8.2 The sustainability impacts of the redevelopment of the St James Centre have been assessed in the determination of the application for planning permission in principle. The proposals are considered to have no significant environmental impacts and comply with the requirements of the Planning Service.
- 8.3 The proposed redevelopment of the St James Centre has been assessed against the most relevant, up to date sustainability indicators available, as the design of the scheme has progressed. As a result, the principles of sustainability have been incorporated within the design, wherever feasible, in order to ensure that the proposals are as sustainable as possible.

#### **GAM – CEC Growth Assets**

- 8.4 The delivery of the CEC Growth Assets will reduce carbon emissions because the design promotes the use of public transport and active travel.
- 8.5 The delivery of the CEC Growth Assets will increase the city's resilience to climate change impacts by promoting the sustainable forms of transport and drainage design.
- 8.6 The delivery of the CEC Growth Assets will help achieve a sustainable Edinburgh because the design will reuse existing materials where appropriate, promotes public transport, and promotes active travel through segregated cycleways and walking through wider footways and improved accessibility.

## **Picardy Place Detailed Design Changes**

- 8.7 The design changes proposed at Picardy Place have been endorsed by the Transport and Environment meeting and are considered to be an improvement on the previous design with regard to pedestrians, cyclists and public transport users.
- 8.8 This is considered to be a further improvement to the project in terms of sustainability impact.

## **9. Consultation and engagement**

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- 9.1 The City of Edinburgh Council is working closely with the developer and its agencies to deliver a comprehensive consultation and engagement strategy, designed to ensure key audiences are kept informed of the projects progress. This process is already underway and more detail is provided earlier in this report.
- 9.2 A Communications Protocol has also been agreed and is appended to the GAM agreement. This requires all partners to work together in an open, transparent and collaborative manner to deliver an effective communications programme.
- 9.3 Stakeholder engagement activities took place in September and through November and December 2017 to obtain feedback on the detailed designs for Picardy Place. The proposed design was endorsed by Transport and Environment Committee on 25 January 2018.

## **10. Background reading/external references**

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- 10.1 Planning Application 08/03361/OUT - Report to Development Management Sub Committee of [25 February 2009](#).
- 10.2 Report to Planning Committee [6 August 2009](#) and [5 December 2013](#) – Compulsory Purchase Order St James.
- 10.3 [Picardy Place Development Principles 2009](#).
- 10.4 Report to Full Council by Director of Economic Development on [1 May 2014](#).
- 10.5 Report to Full Council by Acting Director of Services for Communities on [29 May 2014](#).
- 10.6 Report to Full Council by Acting Director of Services for Communities on [25 September 2014](#).
- 10.7 Report to Full Council by Deputy Chief Executive on [19 November 2015](#).
- 10.8 Report to Full Council by Executive Director of Place on [10 March 2016](#).
- 10.9 Report to Transport and Environment Committee on [5 October 2017](#).
- 10.10 Report to Transport and Environment Committee on [25 January 2018](#)



**Paul Lawrence**

Executive Director of Place

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**11. Appendices**

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None.

10.00am, Thursday 1 February 2018

## City Deal – New Housing Delivery Partnership Implementation - referral from the Housing and Economy Committee

Item number 8.4

Report number

Executive/routine

Wards

Council Commitments

### Executive Summary

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On 18 January 2018 the Housing and Economy Committee considered a report by the Executive Director of Place on proposals to enter into agreements with the Scottish Futures Trust (SFT) to establish two Limited Liability Partnerships (LLPs) to own and manage housing for market and mid market rent and to agree, in principle, to transfer homes developed for market rent and mid market rent into the LLPs. The report sought committee approval to establish the LLPS and the proposed governance arrangements and to refer the report to Council for confirmation of appointment of members to the LLP Corporate Body.

# Terms of Referral

## City Deal – New Housing Delivery Partnership Implementation - referral from the Housing and Economy Committee

### 1. Terms of Referral

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- 1.1 On 17 September 2015, the City of Edinburgh Council agreed to enter into a partnership with SFT to accelerate housebuilding through acquisition of homes for market rent and mid market rent.
- 1.2 This proposal formed part of the housing programme in the Edinburgh and South East City Deal in 2017. This included specific Scottish Government consent to lend £248 million and grant £16.1 million to two LLPs, one for market rent and one for mid market rent to deliver a minimum of 1,500 homes for market and mid market rent. The City Deal agreement stipulates that the company should be able to operate on a regional basis.
- 1.3 The Housing and Economy Committee was requested to agree to take the next steps in establishing two LLPs to acquire and manage affordable and low-cost homes in the city.
- 1.4 Homes built for the LLPs will provide an option for people on low to middle incomes who are not a priority for social housing but for whom homeownership or private rent is neither a practical or affordable option.
- 1.5 These LLPs will enable the Council to bring forward and accelerate mixed tenure development on brownfield sites. By building rented market homes quickly, the LLPs will enable land, designated for affordable housing through the Council's planning policy, to be brought forward at a faster pace.
- 1.6 Homes built for these LLPs are not a substitute for social rented housing. However, they will make a significant contribution to the prevention of homelessness by offering people on low to middle incomes, affordable, good quality, well managed homes with a high degree of security of tenure. Currently those households only options are insecure forms of housing, often combined with high rents in the private sector.
- 1.7 LLPs are governed by the Limited Liability Partnerships Act 2000. The Act lays down a minimum legal framework for LLPs. An LLP has to establish a "Corporate Body" representing the interests of the partners. In this case one of the Corporate Members will be a Director of SFT.
- 1.8 It is proposed that the Council representatives of the LLP Corporate Body would be the Convenor and Vice Convenor of Housing and Economy, the Convenor of

Finance and Resources, another elected member, not from the administration political groups and an Executive Director of the Council.

- 1.9 The LLPs will be supported on a day to day basis by Council and SFT officers. Senior managers from both organisations will form an integrated management team to deal with the day to day operational matters of the LLPs.
- 1.10 The Housing and Economy Committee agreed:
- 1.10.1 That the Council enters into agreements with SFT to establish LLPS to support the delivery of homes for market rent and mid market rent;
- 1.10.2 To accept an offer of grant of £16.1m from Scottish Government for the delivery of mid market rent homes;
- 1.10.3 In principle, that homes developed by the Council within mixed tenure developments for market rent and mid market rent are transferred to LLPs on vacant possession subject to agreement by Finance and Resources Committee;
- 1.10.4 That the Council's interest in the company will be represented by the following:
- the Convenor and Vice Convenor of Housing and Economy;
  - the Convenor of Finance and Resources;
  - another Councillor, not from the administration political groups; and
  - an Executive Director of the Council.
- 1.10.5 To note the Council's governance of the LLPs, to include approvals at Council and Committee level, as appropriate, and scrutiny provided by the Governance, Risk and Best Value Committee; and
- 1.10.6 To refer the report to Council for approval to establish the LLPs and appoint five representatives of the Council to serve on the LLP Corporate body.

## 2. For Decision/Action

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- 2.1 The Council is asked to appoint five representatives of the Council to serve on the LLP Corporate body.

### Background reading/external references

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Housing and Economy Committee, 18 January 2018

#### **Laurence Rockey**

Head of Strategy and Insight

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### 3. Appendices

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Appendix 1 – Report by the Executive Director of Place

# Housing and Economy Committee

10.00am, Thursday, 18 January 2018

## City Deal - New Housing Delivery Partnership Implementation

Item number	█
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	<a href="#">1</a> , <a href="#">6</a> , <a href="#">10</a>

### Executive Summary

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In 2015 the Council agreed to establish, with Scottish Futures Trust (SFT), a city wide Limited Liability Partnership (LLP) to acquire and manage housing for market rent. Scottish Government approval to establish the partnership and provide around £250 million of loans and grants to acquire homes for market rent and mid market rent was secured in 2017 as part of the City Deal programme.

The new partnership will complement existing Council approaches to delivering affordable and low-cost housing by making homes available to people who are not a priority for social housing but who cannot afford to rent or buy in the private market; accelerating the delivery of housing of all tenures on brownfield sites and enabling the development affordable housing land made available through the Council's Affordable Housing Planning Policy.

This report seeks approval to enter into agreements with SFT to establish two Limited Liability Partnerships (LLPs) to own and manage housing for market and mid market rent and to agree, in principle, to transfer homes developed for market rent and mid market rent into the LLPs. The report seeks committee approval to establish the LLPS and the proposed governance arrangements and refer this report to full Council for confirmation of appointment of members to the LLP Corporate Body.

## City Deal – New Housing Delivery Partnership Implementation

### 1. Recommendations

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- 1.1 It is recommended that the Housing and Economy Committee:
- 1.1.1 Agrees that the Council enters into agreements with SFT to establish LLPS to support the delivery of homes for market rent and mid market rent;
  - 1.1.2 Agrees to accept an offer of grant of £16.1m from Scottish Government for the delivery of mid market rent homes;
  - 1.1.3 Agrees, in principle, that homes developed by the Council within mixed tenure developments for market rent and mid market rent are transferred to LLPs on vacant possession subject to agreement by Finance and Resources Committee;
  - 1.1.4 Agrees the Council's interest in the company will be represented by the following:
    - the Convenor and Vice Convenor of Housing and Economy;
    - the Convenor of Finance and Resources;
    - another Councillor, not from the administration political groups; and
    - an Executive Director of the Council.
  - 1.1.5 Notes the Council's governance of the LLPs, to include approvals at Council and Committee level, as appropriate, and scrutiny provided by the Governance, Risk and Best Value Committee; and
  - 1.1.6 Refers this report to Council for approval to establish the LLPs and appoint five representatives of the Council to serve on the LLP Corporate body.

### 2. Background

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- 2.1 On [17 September 2015](#), the City of Edinburgh Council agreed to enter into a partnership with SFT to accelerate housebuilding through acquisition of homes for market rent and mid market rent.
- 2.2 This proposal formed part of the housing programme in the Edinburgh and South East City Deal in 2017. This included specific Scottish Government consent to lend £248 million and grant £16.1 million to two LLPs, one for market rent and one for

mid market rent to deliver a minimum of 1,500 homes for market and mid market rent. The City Deal agreement stipulates that the company should be able to operate on a regional basis.

- 2.3 On [2 November 2017](#), committee was presented with an update on the progress of establishing the new partnerships. The report further advised that a report to Committee in January 2018 would set out the detail of the pipeline programme and arrangements for day to day management of the homes, with approval sought for the governance arrangements of the LLPs, including appropriate political oversight.
- 2.4 These proposals build on the success of the Council and SFT's involvement in the National Housing Trust (NHT) which has led to 900 homes being built on eight sites across the city.

### 3. Main report

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#### **Business Strategy**

- 3.1 The purpose of this report is to seek Committee agreement to take the next steps in establishing two LLPs to acquire and manage affordable and low-cost homes in the city. One LLP would provide market rent and the other LLP would provide mid market rent.
- 3.2 The cost of renting or buying a home in Edinburgh is prohibitive and has a significant impact on the cost of living for households on low to middle incomes. The shortage of genuinely affordable homes, both in the private housing market and those owned and managed by the Council and housing associations, is a significant contributor to the increasing cost of housing in the city.
- 3.3 Homes built for the LLPs will provide an option for people on low to middle incomes who are not a priority for social housing but for whom homeownership or private rent is neither a practical or affordable option.
- 3.4 These LLPs will enable the Council to bring forward and accelerate mixed tenure development on brownfield sites. By building rented market homes quickly, the LLPs will enable land, designated for affordable housing through the Council's planning policy, to be brought forward at a faster pace.
- 3.5 Homes built for these LLPs are not a substitute for social rented housing. However, they will make a significant contribution to the prevention of homelessness by offering people on low to middle incomes, affordable, good quality, well managed homes with a high degree of security of tenure. Currently those households only options are insecure forms of housing, often combined with high rents in the private sector.
- 3.6 It is recommended that Committee seeks Council approval to enter into agreements to establish with SFT and LLPs to own and manage housing for market rent and mid market rent.



## **LLPs Roles and Responsibilities**

- 3.7 The Council will identify homes and approve on-lending to LLPs to purchase these homes. The Council will be responsible for providing services to the LLPs including appointing an operator/manager to let and manage market rent and mid market rent homes on behalf of the LLPs. The LLPs will not directly employ their own staff. Council and SFT officers will provide support for the LLPs in the form of day to day operational support and management.
- 3.8 SFT's role within the LLPs will be to provide commercial and market advice. SFT has already assisted in the development of the LLPs. The Council will have a 99.999% share of the mid market rent LLP and a 99% share of the market rent LLP.
- 3.9 The LLPs will not acquire sites, develop new homes or directly employ staff. The LLPs will acquire completed homes only.

## **Delivery Pipeline**

- 3.10 There are currently around 3,800 homes in the Council's housebuilding pipeline programme on 23 sites. Appendix 1 sets out the phases and the projected delivery of homes by tenure in the pipeline programme.
- 3.11 Most of these developments are mixed tenure to ensure that there is a mix of household incomes and circumstances in each area of new housing developed by the Council.
- 3.12 Homes built for market and mid market rent will be acquired by the LLPs. The LLPs will let and manage the market and mid market rent homes. The LLPs will acquire these homes and provide the Council's Housing and Revenue Account with capital receipts for further investment in the acquisition of brownfield sites and for the development of more social rented homes.
- 3.13 The Council has a small stock of mid market rent homes that are currently held on the HRA. In order to consolidate ownership and provide consistency of service to mid market rent tenants, these homes will transfer to the LLP as and when they become vacant.
- 3.14 There are also likely to be opportunities to acquire homes directly from market developers. It is envisaged that these homes would be purchased primarily for the market rent LLP, although there may be situations where mid market rent homes are feasible.
- 3.15 Acquisition of any homes by the LLPs would be subject to the approval of Finance and Resources Committee. Finance and Resources Committee would also be required to approve on lending to the LLPs to acquire those homes.

## **Governance**

- 3.16 The proposed governance structure of the LLPs was set out in the report to Council in 2015. This report emphasised that key decisions would be embedded in the Council's governance structure particularly full Council, Housing and Finance committees. It is also envisaged that the Council's Governance, Risk and Best Value (GRBV) Committee will play a key role in scrutinising the operation of the LLPs.
- 3.17 An outline of the governance of the LLPs within the Council Structure is included at Appendix 2. Appendix 2 sets out the roles and responsibilities of the Council's Committees, the LLP Corporate Body and the LLP Management Team.
- 3.18 Key decisions are embedded in the Council's existing governance framework within Finance and Resources, Housing and Economy and full Council.
- 3.19 LLPs are governed by the Limited Liability Partnerships Act 2000. The Act lays down a minimum legal framework for LLPs. An LLP has to establish a "Corporate Body" representing the interests of the partners. In this case one of the Corporate Members will be a Director of SFT.
- 3.20 It is proposed that the Council representatives of the LLP Corporate Body will be the Convenor and Vice Convenor of Housing and Economy, the Convenor of Finance and Resources, another elected member, not from the administration political groups and an Executive Director of the Council.
- 3.21 The LLPs will be supported on a day to day basis by Council and SFT officers. Senior managers from both organisations will form an integrated management team to deal with the day to day operational matters of the LLPs.

## **Day to Day Management**

- 3.22 A procurement exercise has been initiated to select an organisation with suitable experience to manage and maintain the homes on behalf of the LLPs. The operational model is based on the successful approach in use under NHT.
- 3.23 The procurement process will have a strong emphasis on customer service and financial and operational performance. The procurement process is expected to complete by summer 2018.

## **4. Measures of success**

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- 4.1 The LLPs have a key role to play in delivering the Council's housing strategy and the coalition commitment to deliver 20,000 homes over ten years. The development of the LLPs will also have a positive impact on the local economy, through creating opportunities for local businesses as well as jobs in construction.
- 4.2 The establishment of two LLPs to deliver 1,500 homes for households on low to moderate incomes.
- 4.3 Support the delivery of more social rented homes by operating at scale.

- 4.4 Support the delivery of mixed tenure housing led regeneration of brownfield sites.
- 4.5 High quality, well managed homes and outstanding customer service for tenants.
- 4.6 Positive impact on the local economy through creation of jobs and regeneration opportunities.

## 5. Financial impact

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- 5.1 The initial pipeline of homes for the LLPs will come from the Council's housebuilding programme. The LLPs will purchase the homes from the HRA for a Capital Receipt. The HRA will fund the construction of housing and then transfer homes to the LLPs on a turn-key basis at cost plus short-term funding costs. The financial impact of this mechanism on the HRA will be cost neutral and the capital expenditure associated with funding the construction forms part of the approved [Housing Revenue Account Budget Strategy for 2017/18 to 2021/22](#).
- 5.2 Approval will be sought from City of Edinburgh Council to on-lend funds to the LLPs in annual tranches. The LLPs will purchase homes using these funds. The costs associated with on-lending will be recharged to the LLPs, who will meet these costs from net rental income generated from letting the properties.
- 5.3 The on-lending to LLPs in order to acquire 728 homes for mid-market rent will be to a maximum of £110m supplemented with a further £16.1m of grant funding from the Scottish Government. If the maximum £110m of on-lending is provided, the overall indicative loan charges associated with this facility over a 40 year period would be a principal amount of £110m and interest of £102.8m, resulting in a total cost to the LLP of £212.8m based on an average facility interest rate of 3.6%. The annual loan charges would be £5.320m.
- 5.4 The on-lending to LLPs in order to acquire 772 homes for market rent will be to a maximum of £138m. If the maximum £138m of on-lending is provided, the overall indicative loan charges associated with this facility over a 40 year period would be a principal amount of £138m and interest of £167.120m, resulting in a total cost to the LLP of £305.120m based on an average facility interest rate of 4.5%. The annual loan charges would be £7.628m.
- 5.5 A viability test has been developed in order to ensure that any homes purchased by the LLPs are capable of generating a sustainable income stream that can cover running costs and repayment of principal and interest on the on-lending provided by the Council's General Fund. A suitable surplus will be earmarked to cover future life-cycle maintenance. Running a viability test for every acquisition will ensure that the overall financial health of the LLPs is maintained. Finance and Resources Committee will be asked to approve transfer of homes to the LLPs.

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

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- 6.1 The LLP is made up of two partners, the City of Edinburgh Council and SFT. The proposal set out in paragraphs 3.15 – 3.21 seeks approval to nominate four elected members and an Executive Director of the Council to represent the Council's interest in the partnership.
- 6.2 Representatives will have a fiduciary duty to the LLP, meaning that the member should act in the best interests of the LLP. However, representatives must also be guided by their respective governing bodies. Therefore, in the case of City of Edinburgh Council this will include the Council and relevant Committees. In the case of SFT, this guidance will come from SFT's Board.
- 6.3 In addition to the approvals necessary from the Housing and Economy Committee, Finance and Resources Committee and the City of Edinburgh Council, an annual report will be delivered to both the Housing and Economy Committee and the GRBV Committee providing an update on the operations of the LLPs.
- 6.4 The governance of the LLPs is set out within a Members' Agreement. This will be signed by a Proper Officer on behalf of the Council and contains the operational basis of the LLPs.
- 6.5 The decisions of the Members will bind the LLPs. In any meeting of the corporate Members of the LLPs, the Council will have five votes and SFT will have one. The Members will be required to appoint a Senior Management Team (SMT).
- 6.6 Having responsibilities to both the Council and the LLP has the potential to create conflict of interest. For example, the duty to act in the best interests of the LLP and to keep confidential the LLPs commercial information may lead to a conflict between their fiduciary duties to the LLP and their legal and political duties as Councillors.
- 6.7 The Councillors' Code of Conduct prohibits Elected Members from engaging in the operational management of Council services. Therefore if Councillors were appointed to the LLP boards, they must be careful not to direct the operations of Council staff relating to the LLPs management activities.
- 6.8 The Code stipulates that it is Councillors responsibility to take advice in relation to conflicts of interest arising between their role on Council companies and their role as Elected Members. Councillors will therefore have to be alive to the possibility of conflicts of interest and ensure they seek appropriate and timely advice in order to manage these and avoid potential consequences (e.g. Standards Commission sanctions or personal legal liability).
- 6.9 When Councillors act as LLP Board members, their fiduciary duties to the LLP Board should take precedence in the event of a conflict of interest with their duties as Councillors under the Code.
- 6.10 However, these risks are mitigated to some extent by the requirement that all key financial decisions are subject to approval by the Council's Finance and Resources Committee. The LLPs will be subject to political oversight by the Housing and

Economy Committee, the Finance and Resources Committee, full Council and as required, the GRBV Committee.

- 6.11 A SMT is required to manage the day-to-day operation of the LLPs. As per the arrangements for NHT, the SMT will be made up of Council officers and SFT staff. The Members' Agreement sets out that five representatives are required from the Council and one from SFT to make up the SMT.
- 6.12 The SMT is appointed by, and is answerable to, the Members and the Members set the parameters under which the SMT can operate. The SMT will be responsible for the delivery of 1,500 homes and the effective management and maintenance of the homes.
- 6.13 Financial risk to the Council in the event of LLP default is mitigated by the Council having first ranking security on the homes after repayment of Scottish Government Grant provided for the mid-market rent LLP. For example if demand for rented homes was to diminish in the future and demand for homes for ownership increased, the Council could sell those homes.

## **7. Equalities impact**

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- 7.1 An equalities impact assessment has been carried out for this project. A range of positive impacts have been identified against the areas of rights and protected characteristics. These include:
  - 7.1.1 More accessible homes that are suitable for people who have mobility difficulties;
  - 7.1.2 More affordable homes to enable people to have a good standard of living;
  - 7.1.3 More people able to access housing which enhances rights in relation to privacy and family life; and
  - 7.1.4 Community benefits secured through housing contracts can enhance rights to education and learning through development of links with schools.

## **8. Sustainability impact**

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- 8.1 The partnership will support the delivery of new homes on brownfield sites, reducing pressure on Edinburgh's green belt.
- 8.2 New build homes are built to high standards in terms of energy efficiency and sustainability. There will be a strong emphasis on providing homes that are cheap to heat and affordable to manage for tenants.
- 8.3 Community benefits secured through housing contracts can enhance the local environment.

## 9. Consultation and engagement

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- 9.1 Consultation has taken place on accelerating house building and establishing housing LLPs with a range of partners including; RSLs, housing developers, land agents, institutional investors, Scottish Government and the SFT.
- 9.2 Rettie carried out market research for the Council in April 2017 indicating interest from private sector developers in developing homes for purchase by the LLPs.
- 9.3 There is strong support from Council tenants for delivery of more affordable homes.

## 10. Background reading/external references

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- 10.1 [Accelerating House Building – referral from the Health, Social Care and Housing Committee, City of Edinburgh Council, Thursday 17 September 2015](#)
- 10.2 [21<sup>st</sup> Century Homes – Housing Development at Fountainbridge and Meadowbank, Health Social Care and Housing Committee, Tuesday 19 April 2016](#)
- 10.3 [City Housing Strategy Update, Health, Social Care and Housing Committee, Tuesday 13 September 2016](#)
- 10.4 [City Deal – Proposal for New Housing Partnership with Scottish Futures Trust, Housing and Economy Committee, Thursday 02 November 2017](#)

### **Paul Lawrence**

Executive Director of Place

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## 11. Appendices

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Appendix 1 – Indicative Housing Development Pipeline

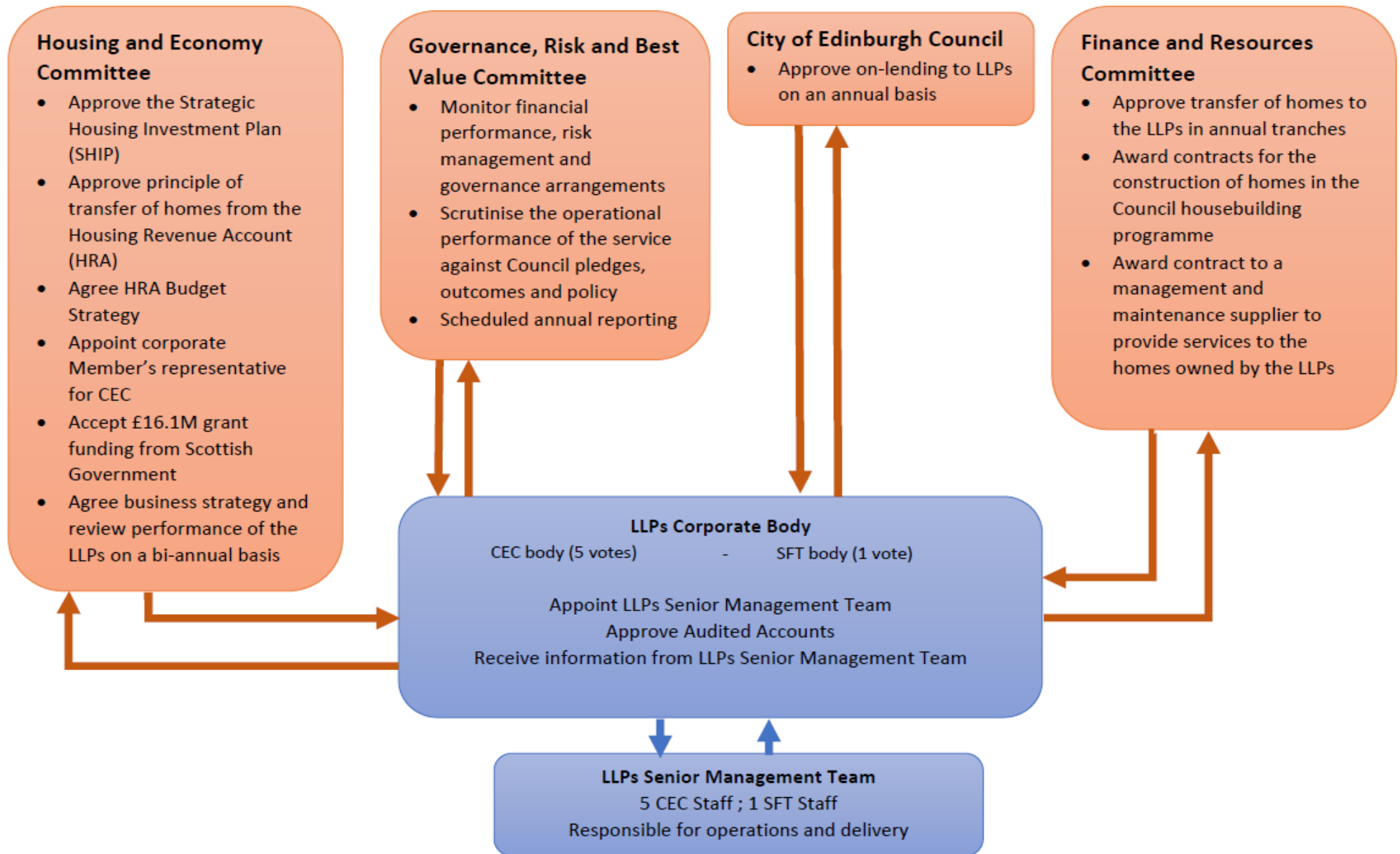
Appendix 2 - Roles and responsibilities and governance arrangements

Appendix 1 – Indicative Housing Development Pipeline

**CURRENT HOUSING DEVELOPMENT PIPELINE 2018 - 2024**

<b>Housing Developments</b>	<b>Social Rent</b>	<b>Mid Market Rent</b>	<b>Market rent tenures</b>
2018/2020 (7 sites)	415	278	0
2020/2022 (12 sites)	640	473	429
2022/2024 (6 sites)	624	648	333
	1,679	1,399	762
		<b>TOTAL ALL</b>	<b>3,840</b>

## Housing Delivery Partnerships – Roles and Responsibilities





# The City of Edinburgh Council

10.00am, Thursday 1 February 2018

## Award of Energy Efficient Street Lighting Programme - referral from the Finance and Resources Committee

Item number	8.5
Report number	
Wards	All
Council Commitments	

### Executive summary

On 23 January 2018 the Finance and Resources Committee considered a report to award a contract for the Street Lighting Energy Efficient Street Lighting Programme from the 6 February 2018 to 31 December 2020. The report has been referred to the City of Edinburgh Council for approval of spend to save funding of £768,470.

# Terms of Referral

## Award of Energy Efficient Street Lighting Programme - referral from the Finance and Resources Committee

### Terms of referral

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- 1.1 To allow the Council full autonomous control of Edinburgh's street lights, a separate contract had been procured for the provision of a Central Management System (CMS). The CMS covers the installation of nodes on each of the new 54,000 lanterns and the retro-fitting on approximately 9,000 existing energy efficient street lights within the city. These would allow lighting levels in streets to be remotely monitored and adjusted in response to changing demands in service, and changing dynamics of traffic flow and street usage.
- 1.2 While the project would generate significant financial and environmental benefits over the long-term, there were deficits in the first three years as capital investment was required in advance of savings being achieved. In November 2015, Council was advised that these deficits could be contained with Place revenue budgets. However, due to budget pressures reported elsewhere, spend to save funding of £768,470 was now required. The funding would be repaid over a five year period from expected savings in energy and maintenance.
- 1.3 The Finance and Resources Committee agreed:
  - 1.3.1 To approve the award of a contract for the Energy Efficient Street Lighting Programme to Amey Highways, for a value of £15.219m, from 6 February 2018 to 31 December 2020.
  - 1.3.2 To refer the report to the City of Edinburgh Council for approval of spend to save funding of £768,470.

### For Decision/Action

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- 2.1 The City of Edinburgh Council is asked to approve spend to save funding of £768,470.

### Background reading / external references

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Finance and Resources Committee 23 January 2018.

## **Laurence Rockey**

Head of Strategy and Insight

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### **Links**

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#### **Appendices**

Appendix 1 - report by the Executive Director of Place

## Appendix 1

# Finance and Resources Committee

10.00am, Tuesday, 23 January 2018

## Award of Energy Efficient Street Lighting Programme

Item number	
Report number	
Executive/routine	
Wards	All
Council Commitments	<a href="#">16, 18, 25</a>

### Executive Summary

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On [19 November 2015](#), the City of Edinburgh Council approved the business case and prudential borrowing required for the roll out of Light Emitting Diode (LED) Lanterns across the city.

This report seeks Committee approval to award a contract for the Energy Efficient Street Lighting Programme from 6 February 2018 to 31 December 2020.

## Award of Energy Efficient Street Lighting Programme

### 1. Recommendations

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- 1.1 It is recommended that the Finance and Resources Committee:
  - 1.1.1 approves the award of the contract for the Energy Efficient Street Lighting Programme to Amey Highways, for a value of £15.219m, from 6 February 2018 to 31 December 2020; and
  - 1.1.2 refers this report to Council on 1 February 2018 for approval of spend to save funding of £768,470.

### 2. Background

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- 2.1 The Energy Efficient Street Lighting Programme covers the replacement of approximately 54,000 street lights with energy efficient lanterns, to deliver an ongoing reduction in street light energy consumption and maintenance costs.
- 2.2 These street lights are supported by a mix of concrete, steel and aluminium lighting columns and, at some locations, the project will involve the removal of concrete column brackets and the fitting of galvanised steel sleeves to accommodate the new lanterns.
- 2.3 To allow the Council full autonomous control of Edinburgh's street lights, a separate contract has been procured for the provision of a Central Management System (CMS). The CMS covers the installation of nodes on each of the new 54,000 lanterns and the retro-fitting on approximately 9,000 existing energy efficient street lights within the city. These will allow lighting levels in streets to be remotely monitored and adjusted in response to changing demands in service, and changing dynamics of traffic flows and street usage.
- 2.4 At the Transport and Environment Committee meeting on [27 October 2015](#), members approved the business case in principle for the roll-out of energy efficient street lighting across the city and the business case and prudential borrowing was approved on 19 November 2015.

### 3. Main report

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- 3.1 To determine the optimum route to market, a full options appraisal was undertaken by Council Officers. This involved consultation with other local authorities across the UK, as well as engaging leading market suppliers.
- 3.2 The outcome of the options appraisal was to procure the project as a Prime Contract under an Open Procedure, owing to the size and competitiveness of market. This ensured that the Council was fully compliant with Official Journal of the European Union (OJEU) procurement thresholds, whilst stimulating competitiveness within the market to obtain best value for money.
- 3.3 Under the guidance of legal, the New Engineering Contract (NEC3) Option C was selected. This provides a Target Price, which is a guaranteed maximum price. Only items agreed by a Compensation Event can amend the Target Price, with the Council paying actual cost plus a pre-agreed percentage for management, overheads, and profit. Thus, this encourages a partnering ethos, with collaboration between parties and the Contractor providing full transparency in an open-book approach to provide better auditability.
- 3.4 To allow project certainty, the Council has put in place a contractual mechanism whereby the Contractor is liable for all costs exceeding the Target Price (also known as pain share). However, to incentivise the Contractor to deliver the project below the Target Price, the Council has also put in place a mechanism whereby any costs under the Target Price are shared equally with the Contractor (also known as gain share).
- 3.5 To ensure that the fundamental principles of procurement, transparency, equal treatment/non-discrimination, proportionality, and mutual recognition were adhered to the tender evaluation was undertaken on the most economically advantageous tender, this included emphasis on quality as well as price and submissions. To enable the Council to balance its requirement to deliver an ongoing reduction in street light energy consumption and maintenance costs, with the delivery of a high-quality service, the cost/quality ratio was set at 40/60.
- 3.6 The tender opportunity was advertised on Public Contracts Scotland and uploaded the web portal "In-Tend" on 19 September 2017.
- 3.7 Interested parties were invited to a Bidder's Day, which was held in the City Chambers on 26 September 2017.
- 3.8 The tender return date was 8 November 2017 and four responses were received.
- 3.9 Tenders were evaluated for cost and quality by separate panels from the Project Team and a summary of the Tendering and Tender Evaluation Processes is included in Appendix 1.
- 3.10 As part of the quality evaluation process, bidders were required to make presentations to the quality panel to demonstrate how they will meet the requirements of the project. These presentations took place on 27 and 28 November 2017.

- 3.11 Following completion of the quality analysis, tenders which passed the quality thresholds, were subject to cost analysis.
- 3.12 Combining the price and quality scores resulted in Amey Highways emerging as successful.

Supplier	Price	Quality	Combined
Amey Highways	37.87%	57.25%	95.12%
Supplier A	38.76%	54.50%	93.26%
Supplier B	37.85%	47.63%	85.48%
Supplier C	29.99%	23.81%	53.80%

- 3.13 The detailed results of the evaluation of Amey Highways' Tender are contained in Appendix 2.

#### 4. Measures of success

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- 4.1 Success will be measured by:
- 4.1.1 A sustained reduction in electricity consumption, energy costs and carbon use;
  - 4.1.2 A reduction in lantern maintenance, replacement and waste disposal costs;
  - 4.1.3 A reduction in light pollution;
  - 4.1.4 Enhanced community safety, through improved clarity of CCTV images and the ability to vary light levels;
  - 4.1.5 Improved responsiveness to lantern failures; and
  - 4.1.6 The introduction of a dynamic street lighting monitoring and control system (CMS), that will enable:
    - real-time inventory management;
    - the control and monitoring of street lighting to be managed centrally, including control of warranty;
    - an easy mechanism to remotely adjust lighting levels in response to changing demands on the service and changing dynamics of traffic flows and street usage in future years; and
    - provision of real-time monitoring and reporting, which can be used to identify and track faults proactively thus reducing residents' complaints. This will result in the Street Lighting Team no longer needing to undertake night scouting to identify street lights that are faulty. The system will also track actual energy consumption, and will be submitted to the Meter Administrator to increase accuracy of energy billing.

## **5. Financial impact**

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- 5.1 The costs associated with this component of the project (at £15.219m) will be contained within the £24.518m of prudential borrowing, approved by members at the Full Council meeting on 19 November 2015.
- 5.2 The financial model has been refreshed, updating the previous capital expenditure estimates with tender prices and revised project management costs. In addition, future projected energy costs have been updated with current inflation assumptions. The output from this refresh of the model indicates that the project remains affordable under the same parameters as approved by Council in November 2015. The project is anticipated to deliver revenue savings of £3.6m and avoid costs associated with increasing energy prices of over £54m. The refreshed output is summarised in Appendices 3 and 4.
- 5.3 While this project generates significant financial and environmental benefits over the long-term, there are deficits in the first three years as capital investment is required in advance of savings being achieved. In November 2015, Council was advised that these deficits could be contained within Place revenue budgets. However, due to budget pressures reported elsewhere on this agenda, spend to save funding of £768,470 is now required. This funding can be repaid over a five year period from expected savings in energy and maintenance.
- 5.4 The costs associated with procuring this contract are estimated at £35,000.

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

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- 6.1 There are no significant compliance, governance or regulatory implications expected as a result of approving the recommendations in this report.

## **7. Equalities impact**

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- 7.1 Improving the street lighting assets will positively contribute to the delivery of the Equality Act 2010 for all of the protected characteristics and will improve the lives and safety of all residents and visitors to the city.
- 7.2 Converting to new energy efficient lanterns has been proven to enhance community safety through the use of more reliable equipment with a longer lifespan.
- 7.3 The project will continue to be managed to meet the recommendations of the Equalities and Rights Impact Assessment (ERIA). These recommendations were:
  - 7.3.1 To continue to use white light technology in all future street lighting installations;
  - 7.3.2 Set up a specific project team to ensure the appropriate level of resource is identified to deliver future projects;



- 7.3.3 Develop a Communication Plan, following consultation with Elected Members and Localities based Roads Teams;
- 7.3.4 Carry out ongoing updates of the ERIA, taking into account commissioning of street lighting designers, feedback from interested groups and from complaints and observations received from key protected characteristics (older people and people with disabilities); and
- 7.3.5 Review of the Street Lighting Design Guidance for use on all future projects which involve Street Lighting.

## **8. Sustainability impact**

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- 8.1 To contribute to the Sustainable Edinburgh 2020, the energy efficient lanterns last for over 20 years compared with the existing lamp's current life span of two to four years. These lanterns use less energy and therefore will generate savings in the Council's street lighting energy bill and future carbon tax.
- 8.2 The new lanterns are manufactured in accordance with the Waste Electrical and Electronic Equipment (WEEE) Regulations, taking account of all required environmental regulations and can be recycled at the end of their life, helping the Council meet its carbon footprint and environmental targets.
- 8.3 The lanterns, which are replaced under this project, will be recycled in accordance with the WEEE Regulations.
- 8.4 The development of the project-specific community benefits strategy allowed bidders to select a range of benefits on offer to the Council. These were based around a minimum points system, relative to the project value, Amey will provide this contract with 720 community benefit points, offering a range of benefits across:
  - Improving Education;
  - Improving Employability;
  - Supply Chain; and
  - Community.
- 8.5 Some of the benefits on offer are:
  - Apprenticeships;
  - Donation of tools and materials to local Schools;
  - Supported training for people with disabilities;
  - Volunteering at food banks; and
  - Providing those in fuel poverty with low-cost energy efficient light bulb.

- 8.6 In addition, the new innovative Key Performance Indicator process introduced into this contract ties contractor performance directly with the new Community Benefits system, whereby any failures in performance will generate additional community benefit points which the Council can spend as it sees fit.
- 8.7 The Council's Project Manager will be responsible for tracking and ensuring all benefits are realised during the life of the contract.

## 9. Consultation and engagement

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- 9.1 Consultation and engagement was undertaken with other local authorities across the UK, as well as engaging leading market suppliers.
- 9.2 If the recommendations of this report are approved, the Communication Plan will be implemented to inform Elected Members and residents affected by this project.

## 10. Background reading/external references

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- 10.1 [Report to the Transport and Environment Committee on 14 January 2014, Street Lighting – Result of White Light Pilot Project](#) (Item 7.10).
- 10.2 [Report to the Finance and Resources Committee on 16 January 2014, Street Lighting – Salix Funding](#) (Item 7.20).
- 10.3 [Report to the Transport and Environment Committee on 27 October 2015, Roll-out of Light Emitting Diode \(LED\) Lanterns across the City](#) (Item 7.5).
- 10.4 [Report to the City of Edinburgh Council on 19 November 2015](#) (item 8.7).

### Paul Lawrence

Executive Director of Place

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## 11. Appendices

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1. Appendix 1 Summary of Tendering and Tender Evaluation Processes.
2. Appendix 2 Results from Evaluation of Amey Highways' Tender.
3. Appendix 3 Budget Variance
4. Appendix 4 Total Cost Avoidance

## Appendix 1 - Summary of Tendering and Tender Evaluation Processes

<b>Contract</b>	Award of Energy Efficient Street Lighting Programme (Ref: CT2254)	
Contract Period	This Contract will have a start date of 6th February 2018 and an overall completion date of 31st December 2020 and with separate completion dates applying to sections of the works.	
Estimated Contract Value (including extensions)	£ 15,219,449	
Procurement Route Chosen	Open Procedure	
Tenders Returned	4	
Name of Recommended Supplier(s)	Amey Highways	
Price / Quality Split	<b>Quality 60</b>	<b>Price 40</b>
Price / Quality Split Breakdown	Price (40%)	Total Project Cost (23%) Total Rate Cost (2%) Total Energy Cost (15%)
	Quality (60%) Tender Submission (55%)	Installation Programme (20%) Lighting Design (15%) Luminaire Selection (15%) Delivery Team (20%) Contract and Performance Management (5%) Innovation & Continuous Improvement (5%) Health, Safety & Welfare (5%) Business Continuity (5%) Community Benefits (5%) Risk Register (5%)
	Presentations (5%)	
Evaluation Team	Experienced officers from Place & Resources Directorate as well as Technical advisers from Currie and Brown.	

## Appendix 2 – Results from Evaluation of Amey Highways' Tender

### Price:

<b>Tender Evaluation</b>	<b>Max (%)</b>	<b>Amey Highways</b>
Total Price – Lighting Installation		£14,191,089.45
Tender Score	23%	21.24%
Total Price – Schedule of Rates		£1,028,359.22
Tender Score	2%	1.63%
Energy Consumption		£7,558,933.50
Tender Score	15%	15%
<b>Total Price Score</b>		<b>37.87%</b>

### Quality:

<b>Tender Submission Activity</b>	<b>Max Score</b>	<b>Amey Highways</b>
Installation Programme	20	20
Lighting Design	15	15
Luminaire Selection	15	15
Delivery Team	20	20
Contract & Performance Management	5	5
Innovation & Continuous Improvement	5	3.75
Health, Safety & Welfare	5	3.75
Business Continuity	5	3.75
Community Benefits	5	5
Risk Register	5	3.75
<b>Total</b>	<b>100</b>	<b>95</b>

Score of 95/100 gives a Quality Score for Tender Submission = 52.25%

<b>Presentation</b>	<b>Max Score</b>	<b>Amey Highways</b>
Presentation	4	4

Score of 4/4 gives a Quality Score for Presentation = 5%

Therefore, Total Quality Score for Amey Highways = 52.25 + 5 = 57.25%

### Appendix 3 – Budget Variance

Year	Total Revenue spend Energy, Financing & CMS charges	Energy uplift	Expected Opening Energy budget	Maintenance savings	Salix budget returned	Expected Energy budget	Budget Variance (Surplus)/ Deficit
2017-2018	3,161,295	150,000	3,220,746	0	0	3,220,746	-59,451
2018-2019	3,517,382	100,000	3,320,746	0	0	3,320,746	196,636
2019-2020	3,664,679	50,000	3,370,746	74,844	0	3,445,590	219,089
2020-2021	3,901,845	25,000	3,395,746	78,511	0	3,549,101	352,744
2021-2022	3,509,172	25,000	3,420,746	73,613	39,479	3,687,193	-178,021
2022-2023	3,604,229	25,000	3,445,746	0	39,478	3,751,671	-147,442
2023-2024	3,680,199	25,000	3,470,746	0	90,145	3,866,816	-186,617
2024-2025	3,792,387	25,000	3,495,746	0	134,105	4,025,921	-233,534
2025-2026	3,822,598	25,000	3,520,746	0	0	4,050,921	-228,323
2026-2027	3,894,811	25,000	3,545,746	0	0	4,075,921	-181,110
2027-2028	3,998,357	25,000	3,570,746	0	0	4,100,921	-102,564
2028-2029	4,000,084	25,000	3,595,746	0	0	4,125,921	-125,837
2029-2030	4,063,251	25,000	3,620,746	0	0	4,150,921	-87,670
2030-2031	3,967,927	25,000	3,645,746	0	0	4,175,921	-207,994
2031-2032	3,986,166	25,000	3,670,746	0	0	4,200,921	-214,755
2032-2033	4,062,156	25,000	3,695,746	0	0	4,225,921	-163,765
2033-2034	4,084,175	25,000	3,720,746	0	0	4,250,921	-166,746
2034-2035	4,015,314	25,000	3,745,746	0	0	4,275,921	-260,607
2035-2036	4,066,006	25,000	3,770,746	0	0	4,300,921	-234,915
2036-2037	4,117,966	25,000	3,795,746	0	0	4,325,921	-207,955
2037-2038	4,171,226	25,000	3,820,746	0	0	4,350,921	-179,695
2038-2039	4,059,194	25,000	3,845,746	0	0	4,375,921	-316,727
2039-2040	3,544,785	25,000	3,870,746	0	0	4,400,921	-856,136
<b>Total</b>	<b>88,685,204</b>					<b>92,256,599</b>	<b>-3,571,394</b>

#### Key Assumptions

Please note that the revised energy costs reflect the total estate of 64,000 lanterns, however the Business Case is to invest in 54,000.

The other 10,000 units have been upgraded to LED in previous years.

## Appendix 4 – Total Cost Avoidance

Year	Do nothing option Energy costs	Change to LED Energy costs	Total Cost Avoidance
2017-2018	£3,071,862	£3,071,862	£0
2018-2019	£3,071,862	£3,071,862	£0
2019-2020	£3,265,935	£2,642,165	£623,770
2020-2021	£3,543,899	£2,273,464	£1,270,435
2021-2022	£3,523,766	£1,412,595	£2,111,171
2022-2023	£3,754,091	£1,504,927	£2,249,164
2023-2024	£3,936,634	£1,578,104	£2,358,530
2024-2025	£4,209,352	£1,687,430	£2,521,922
2025-2026	£4,277,396	£1,714,707	£2,562,689
2026-2027	£4,450,030	£1,783,912	£2,666,118
2027-2028	£4,700,641	£1,884,376	£2,816,265
2028-2029	£4,697,068	£1,882,943	£2,814,125
2029-2030	£4,846,563	£1,942,872	£2,903,691
2030-2031	£4,600,493	£1,844,229	£2,756,264
2031-2032	£4,637,502	£1,859,065	£2,778,437
2032-2033	£4,818,363	£1,931,568	£2,886,795
2033-2034	£4,864,369	£1,950,011	£2,914,358
2034-2035	£4,683,453	£1,877,486	£2,805,967
2035-2036	£4,800,539	£1,924,422	£2,876,117
2036-2037	£4,920,553	£1,972,533	£2,948,020
2037-2038	£5,043,567	£2,021,847	£3,021,720
2038-2039	£5,169,656	£2,072,393	£3,097,263
2039-2040	£5,298,897	£2,124,202	£3,174,695
Total	£100,186,491	£46,028,975	£54,157,516

10.00am, Thursday 1 February 2018

## South West Schools Review – Motion by Councillor Webber - referral from Pentlands Neighbourhood Partnership

Item number	8.6
Report number	
Wards	All

### Executive summary

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At its meeting on 23 January 2018, Pentlands Neighbourhood Partnership considered a motion submitted by Councillor Webber in terms of Standing Order 16.1 on proposals for the Edinburgh South West Schools Review.

The motion (as adjusted) has been referred to the Council for information.



# Terms of Referral

## South West Schools Review – Motion by Councillor Webber

### Terms of referral

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- 1.1 The following motion by Councillor Webber was submitted, in terms of Standing Order 16, to the meeting of the Pentlands Neighbourhood Partnership held on 23 January 2018:

“To recognise the significant public reaction in opposition to the Edinburgh South West Schools Review and agree that the proposals demonstrate:

- a lack of understanding of the extraordinary characteristics of this area compared to other parts of the city
- no thought or consideration to the significant importance that the High Schools have within their respective communities (Balerno, Currie and Wester Hailes/Sighthill) and fails to recognise the mutually beneficial link that CCHS has with Woodlands School
- a lack of awareness that all 3 options presented to the communities face significant issues in terms of the impact on the transport and environmental issues that are already stretched beyond capacity

Agrees to refer this motion to the next full meeting of City of Edinburgh Council for information as to the local community’s concerns.”

- 1.2 The following amendment was submitted by Councillor Arthur:

“Pentlands Neighbourhood Partnership:

Acknowledges the valuable place Balerno High, Currie Community High School and WHEC hold within the local community and the value of the education they provide.

Recognises the significant public reaction in opposition to the Edinburgh South West Schools Review proposals and note that an informal consultation process is currently underway.

Acknowledges that significant concerns have been raised by local residents, the most prominent of which include –

- the impact on community facilities which are currently well used across Balerno High, Currie Community High School and WHEC
- the potential impact on Woodlands High School which has a close and positive working relationship with Currie Community High School
- the need to undertake a full educational impact assessment of the proposals
- the need to work with the wider community not just those with children at the schools
- that all 3 options presented as potential sites for a new school face significant issues in terms of the impact on transport and greenspace.

Agrees that all issues raised throughout the consultation will need to be adequately addressed if any proposals are to be developed further.

Agrees to refer this motion to the next full meeting of the City of Edinburgh Council for information as to the local community's concerns."

1.3 In accordance with Standing Order 20(7), the amendment was adjusted and accepted as an addendum to the motion.

1.4 The Pentlands Neighbourhood Partnership agreed the following adjusted motion:

"To recognise the significant public reaction in opposition to the Edinburgh South West Schools Review and agree that the proposals demonstrate:

- a lack of understanding of the extraordinary characteristics of this area compared to other parts of the city
- no thought or consideration to the significant importance that the High Schools have within their respective communities (Balerno, Currie and Wester Hailes/Sighthill) and fails to recognise the mutually beneficial link that CCHS has with Woodlands School
- a lack of awareness that all 3 options presented to the communities face significant issues in terms of the impact on the transport and environmental issues that are already stretched beyond capacity

To acknowledge the valuable place Balerno High, Currie Community High School and WHEC hold within the local community and the value of the education they provide.

To note there have been serious shortcomings and concerns with the process of the informal consultation currently underway.

To acknowledge that significant concerns have been raised by local residents, the most prominent of which include:

- The need to undertake a full educational impact assessment of the proposals.
- The need to work with the wider community not just those with children at the schools.

Agrees to refer this motion to the next full meeting of City of Edinburgh Council for information as to the local community's concerns."

## For Decision/Action

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2.1 The Council is asked to consider the terms of the adjusted motion.

## Background reading / external references

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### Pentlands Neighbourhood Partnership 23 January 2018

## Laurence Rockey

Head of Strategy and Insight

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## Links

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<b>Appendices</b>	None
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