

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 4 February 2016

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
Jeremy R Balfour
Gavin Barrie
Angela Blacklock
Chas Booth
Mike Bridgman
Steve Burgess
Andrew Burns
Steve Cardownie
Maureen M Child
Bill Cook
Nick Cook
Gavin Corbett
Cammy Day
Denis C Dixon
Marion Donaldson
Karen Doran
Paul G Edie
Catherine Fullerton
Nick Gardner
Paul Godzik
Joan Griffiths
Bill Henderson
Ricky Henderson
Dominic R C Heslop

Lesley Hinds
Sandy Howat
Allan G Jackson
Karen Keil
David Key
Richard Lewis
Alex Lunn
Melanie Main
Mark McInnes
Adam McVey
Eric Milligan
Joanna Mowat
Gordon J Munro
Jim Orr
Lindsay Paterson
Ian Perry
Alasdair Rankin
Vicki Redpath
Lewis Ritchie
Keith Robson
Cameron Rose
Jason G Rust
Alastair Shields
Stefan Tymkewycz
David Walker
Iain Whyte
Norman Work

1. Outcome of the Statutory Consultation Process on Options to Address Primary School Capacity and Accommodation Pressures in South Edinburgh

a) Deputations

1) South Morningside Primary School Parent Council

The deputation fully supported a permanent solution to address the accommodation issues in primary schools in the south of Edinburgh. They expressed their appreciation from the Assets and Planning team in bringing the new school proposals and indicated that they supported Option 1(c) in the report by the Acting Executive Director of Communities and Families.

The deputation urged the Council to work with the schools involved to reduce areas of concern which included transport and access, team teaching, the size of the site and playground and funding.

The deputation asked the Council to form a single Working Group involving parents from all schools involved.

2) James Gillespie's Primary School Parent Council

The deputation indicated that they were delighted with Option 1(c) in the report by the Acting Executive Director of Communities and Families and asked that the Council make a financial commitment to the project.

They were concerned however that the the site of the former Astley Ainsley hospital was to be developed for residential use, which would add pressure on the school.

The deputation asked the Council to consider guaranteed sibling places, ensure that the new building was fit for purpose and that satisfactory short term solutions be put in place.

3) Bruntsfield Primary School Parent Council

The deputation were supportive of the efforts of the Council to address the pressures of rising rolls across the south Edinburgh area and were supportive of Option 1(c) in the report by the Acting Executive Director of Communities and Families. They urged the Council to prioritise the project for funding as soon as possible.

b) Report by the Acting Executive Director of Communities and Families

Details were provided on the outcome of the consultation on options to address primary school capacity and accommodation pressures in south Edinburgh, this being defined as the area encompassing the three primary school catchments covered by Bruntsfield, James Gillespie's and South Morningside Primary Schools.

Decision

- 1) To agree that Option 1(c) be progressed, requiring the establishment of a new double stream primary school including nursery classes on the combined site of the existing South Morningside Primary School, Deanbank temporary annexe and the Oaklands Care Home and necessitating closure of the existing nursery classes of South Morningside Primary School based at Fairmilehead Church Hall.
- 2) To agree that the catchment boundaries of South Morningside Primary School, Bruntsfield Primary School, James Gillespie's Primary School and Tollcross Primary School be amended in accordance with Option 1(c) as set out in the statutory consultation paper *Options to Address Primary School Capacity and Accommodation Pressures in South Edinburgh*.
- 3) To agree that the date from when the catchment changes and the closure of the existing nursery classes of South Morningside Primary School would be effective was the school year at the start of which the new primary school could be completed and opened and that the new primary school would become the non-denominational catchment school for all P1 pupils living in the new school's catchment area at the time of P1 registrations in the preceding November.
- 4) To note the statutory requirement to refer the Council's decision to Scottish Ministers.
- 5) To note the intention to complete the transfer of ownership of the combined Deanbank and Oaklands site from Health and Social Care to Communities and Families.
- 6) To note that the new school was currently estimated to be required by August 2019 which would require the project to be initiated by summer 2016 to allow that delivery timescale to be met and therefore instructs the Acting Executive Director of Resources, Acting Executive Director of Communities and Families and Chief Officer, Edinburgh Health and Social Care Partnership to regularly review any changes to the current approved Capital Investment Programme which might allow

consideration to be given by Council to identifying the capital (and, in turn, revenue) funding required to deliver this project and the interdependent project to build a care home at Dumbryden. An update on these discussions would be highlighted in the “Capital Monitoring 2015/16 – Outturn and Receipts” report which would be presented to the Finance & Resources Committee in August 2016.

- 7) To note that if it was not possible to identify the required capital (and, in turn, revenue) funding to allow the respective school and care home projects to be initiated by summer 2016 the delivery date for the new school was likely to be delayed beyond August 2019 which might require temporary mitigation measures to be put into place (most likely to be at James Gillespie’s Primary School) pending the opening of the new school.
- 8) To note that the position would be considered on an annual basis by the Education, Children and Families Committee as part of the overall Rising Rolls update process, allowing the latest data regarding future roll projections and housing development in the area to be taken into consideration to assess what temporary mitigation measures might be required pending the delivery of the new school.
- 9) To note that, in view of the potential for temporary mitigation measures to be put in place in the future, a feasibility study would be undertaken at James Gillespie’s Primary School to identify means of temporarily extending the existing school to allow up to a full three stream intake of 21 classes should that ever be required.

(References – Education, Children and Families Committee 19 May 2015 (item 13); report by the Acting Executive Director of Communities and Families, submitted)

Declaration of Interests

Councillor Balfour declared a non-financial interest in the above item as the parent of children attending South Morningside Nursery School.

2. Minutes

Decision

To approve the minutes of the Council of 10 December 2015 and 21 January 2016 as correct records.

3. Questions

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

4 Leader's Report

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

- Debate on Local Government Funding
- Staff appreciation for dealing with storms across the City
- Carol Campbell - appreciation

The following questions/comments were made:

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| Councillor Howat | - Council budget - concerns |
| Councillor Rose | - Carol Campbell - appreciation
- Name checking
- High wage – low welfare economy - Edinburgh Guarantee Programme |
| Councillor Burgess | - Carol Campbell - appreciation
- Scottish Government Planning Report – overruling of Council decisions |
| Councillor Edie | - Carol Campbell - appreciation
- Councillor McInnes – CBE - congratulations
- Scottish Government Planning Report – overruling of Council decisions
- Signing of Labour leader's statement
- Coalition timeframe |
| Councillor Donaldson | - Leith Walk Improvement Programme |
| Councillor Cardownie | - Carol Campbell - appreciation
- Civic Reception for Ken Buchanan |
| Councillor Work | - Queensferry High School
- Loony Dook – celebration of 30 years |
| Councillor Lewis | - Renovation of Writers Museum and Museum of Childhood
- Chinese New Year Celebrations – 8 February 2016 |

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|----------------------|---|
| Councillor Day | - One City Trust – Commendation of work
- Police Scotland – Review of SLA |
| Councillor Tymkewycz | - Council budget – Council tax freeze – income tax increase |
| Councillor Lunn | - Portobello High School – name of new park |
| Councillor Ritchie | - Areas of deprivation |
| Councillor Booth | - Leith decides |
| Councillor Dixon | - Civic reception – Ken Buchanan
- Heritage lottery funding - Saughton Park improvements – congratulations to bid team |
| Councillor Robson | - Coding at Schools – adding to the Curriculum |
| Councillor Barrie | - Welcome the cancellation of the planned Roosh V events in Glasgow and Edinburgh |
| Lord Provost | - Carol Campbell - appreciation |

5. Appointments to Committees

The Council had made appointments to Committees, Boards and Joint Boards for 2015/16. Following the resignation of Councillor Shields from the Scottish Liberal Democrat group, the overall political balance of the Council had altered and in accordance with the Committee Terms of Reference and Delegated Powers, vacancies on three Committees fell to be made the Conservative and Liberal Democrat Groups unless expressly agreed otherwise by the Council.

Decision

To agree to Councillor Shields continuing as a member of the Governance, Risk and Best Value, Culture and Sport and Health, Social Care and Housing Committees.

(References – Act of Council No 5 of 17 September 2015; report by the Chief Executive, submitted)

6 Appointments to Outside Bodies

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Council to give early consideration to this matter.

The Council had made appointments to outside bodies for 2012-2017.

Councillors Fullerton and Lewis had now resigned from the Centre for Moving Image and the Edinburgh Jazz and Blues Festival, respectively and the Council was invited to appoint members in their place.

Decision

- 1) To appoint the Councillor Lewis to the Centre for Moving Image.
- 2) To appoint Councillor Fullerton to the Edinburgh Jazz and Blues Festival.

(References - Act of Council No 2 of 24 May 2012, Act of Council No 9 of 25 June 2015; report by the Chief Executive (circulated))

7. Council Diary 2016-17

The draft Council diary for 2016-2017 was presented.

Decision

- 1) To approve the Council diary for August 2016 to August 2017 as set out in Appendix 1 to the report by the Chief Executive.
- 2) To authorise the Chief Executive to make minor changes to the Council diary as required.

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

8. Executive Management Structure – Scheme of Delegation to Officers

The Council had approved a revised Scheme of Delegation to Officers which had continued to be reviewed regularly to ensure that it remained fit for purpose.

Following a number of changes to the Council's executive management structure, details were provided on updates which were required to reflect the realignment of responsibilities.

Decision

- 1) To repeal the existing Scheme of Delegation to Officers and approve in its place the draft Scheme set out in the appendix to the report by the Chief Executive, such repeal and approval to take effect from this meeting.
- 2) To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the draft Scheme set out in the appendix to the

report as might be necessary in order to implement the decision of Council in relation to the report.

(References – Act of Council No 5 of 13 December 2012; report by the Chief Executive, submitted.)

9 Appointment of Monitoring Officer and Clerk to the Licensing Board

Details were provided on the appointment of the Council's Monitoring Officer and Clerk to the Licensing Board.

Decision

To approve the appointment of Nick Smith, Interim Head of Legal and Risk, as Monitoring Officer and Clerk to the Licensing Board with effect from 6 February 2016.

(Reference – report by the Chief Executive, submitted)

10 Review of Council Depots Estate – Investment Strategy – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on the rationalisation of the depot estate, thereby releasing approximately £30 million of investment into the retained estate. The operational and property savings that would be applied to offset the cost of the investment were also identified. Approval was sought for the prudential borrowing of £20.85 million.

Decision

To approve of the prudential borrowing of £20.85 million as outlined in the report by the Acting Executive Director of Resources.

(References – Finance and Resources Committee 2 February 2016 (item 7); referral report by the Finance and Resources Committee, submitted.)

11 Edinburgh Social Enterprise Network – Motion by Councillor Corbett

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

“Council notes and welcomes the huge rise in turnover in the Edinburgh social enterprise sector, from £44 million to £120 million in just two years; congratulates

both the individual enterprises and the Edinburgh Social Enterprise Network for that growth; and looks forward to sustained growth in the sector in the years ahead.”

Decision

To approve the motion by Councillor Corbett.

12 UNICEF Blog – Motion by Councillor Jackson

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

“Council is pleased to note that 14 year old Jack Liddall who is a pupil at Trinity Academy has been selected out of 3000 worldwide applicants for a “blogging internship” with UNICEF which was set up to safeguard the rights of children and young people worldwide. One of its initiatives is the “Voices of Youth” project where young people (aged 14 to 25) across the world are invited to apply for the internship which aims to encourage international discussion amongst youth participants.

He is the only young person to be selected from the UK and youngest of the 20 bloggers selected worldwide.

Here are the links to his blogs

<http://www.voicesofyouth.org/en/posts/this-is-my-world>

<http://www.voicesofyouth.org/en/posts/the-voice-of-the-voiceless>

<http://www.voicesofyouth.org/en/posts/a-listening-ear>

<http://www.voicesofyouth.org/en/post/auld-lang-syne>

Council congratulates Jack and agrees to recognise his achievement in an appropriate manner.”

Decision

To approve the motion by Councillor Jackson.

13 Management of Public Space - Grassmarket – Motion by Councillor Mowat

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

“Council is concerned that the management of the public space in the Grassmarket is insufficient and the lack of management is leading to a reduced quality of life for the residents and does not support the businesses in the area.

Calls for work to begin immediately on the public space manifesto for the Grassmarket, to include agreement around amplified noise and management of busking, to specify that the infrastructure invested in for events is always used rather than generators so that a manifesto can be in place for the Summer Festivals 2016.”

Decision

- 1) To recognise the concerns from local residents in the Grassmarket on issues relating to the use of public space which they believed were leading to a reduced quality of life for residents and do not support the businesses in the area.
- 2) To note that it had been agreed to produce a Public Space Manifesto and this was currently in preparation.
- 3) To agree that, in relation to the Grassmarket, the Manifesto should attempt to include management of amplified noise, busking and the use of the infrastructure invested in for events rather than generators.
- 4) In the meantime, to ask officers to put in place arrangements in the Grassmarket, taking account of the above issues, for the Summer Festivals 2016.

14 Festival Events – Motion by Councillor Mowat

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

“Council notes that during 2015 there were a number of incidences where last minute announcements were made to facilitate Festival Events which caused concern amongst local residents, businesses and the general public, for example;

- the late notification of road closure of George Street between Castle Street and Frederick Street (later amended unsatisfactorily for all parties),

- the introduction of ticketing the High Street for the Street of Light via a large temporary gate for the Winter Festival and the sudden closure of Calton Hill for the viewing of Hogmanay

Calls for a quick review within one cycle with a further report detailing the circumstances surrounding these events and the decision making processes surrounding them and how the processes can be improved to be more accountable and taken with sufficient time to allow proper discussion to be undertaken before making such decisions,”

Decision

- 1) To note that a review of events governance by the Corporate Programme Office was reported to the Corporate Policy & Strategy Committee on 25th February 2014. The review set out principles, mechanisms and processes for the management of events in Edinburgh.
- 2) To note that the Events Management Group had strategic responsibility for hundreds of events that took place in the city each year, the majority of which passed with no incidents.
- 3) To note the pending Public Spaces Manifesto which would provide further clarification on the events planning process for city centre spaces.
- 4) To accept that no process was perfect and lessons could always be learned and request an update report to Corporate Policy & Strategy Committee in April 2016 on the red flag mechanism, in light of the issues flagged in Councillor Mowat’s motion, covering the two years since its implementation.

15 Museum of Fire – Motion by Councillor Day

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Council to give early consideration to this matter.

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

“The Museum of Fire, honouring Edinburgh’s role as home of the first municipal fire brigade in Europe, faces an uncertain future and Council notes with grave concern that this asset to the city may be under threat of closure by the Scottish Fire and Rescue Service.

The Museum of Fire displays a unique collection of vintage fire engines and fire-fighting equipment from 1426 to the present day and charts the history of the Edinburgh brigade founded by pioneer James Braidwood in 1824.

Council also notes the fantastic learning experience the museum provides not only to the citizens of Edinburgh but visitors from around the world and how this matches with the Scottish Fire and Rescue Service's Strategic Plan to be a modern and outward-looking service that will play a leading role in ensuring community safety.

Council calls for a report to the Corporate Policy and Strategy Committee in two cycles outlining the current status of the building and options for its future."

Decision

To approve the motion by Councillor Day.

Appendix 1

(As referred to in Act of Council No 3 of 4 February 2016)

QUESTION NO 1

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 February 2016

Question

What progress has been made in considering the introduction of low emission zones as a means of improving air quality in the city to within statutory limits?

Answer

On 4th November 2015 at Scottish Transport Emissions Partnership (STEP) Annual Conference in Edinburgh, Scottish Government launched its national strategy "*Cleaner Air for Scotland – The Road to a Healthier Future*" ('CAFS' - formerly known as Low Emission Strategy).

This strategy includes developing a National Low Emission Framework (NLEF) to guide the type of measures introduced by local authorities, across Scotland, needed to improve air quality. Clean Air Zones / Low Emissions Zones are measures to be considered and it is a key objective of the framework to ensure that consistent and robust assessment processes are available to Councils.

It is clear that if we decide to promote Low Emission Zones in Edinburgh that this will require close partnership working with the Scottish Government. This will also include a requirement for appropriate funding to be made available and I have already fed this message quite clearly to Scottish Government Senior Civil Servants.

On 11th December 2015 in Edinburgh, the Scottish Government hosted the third of three elected member stakeholder events to update Councillors and seek their guidance and input on the best way forward to implement

the strategy, which I attended along with Councillor Rose. The other two events were held in Dundee and Glasgow.

It is anticipated that the NLEF will be finalised by April 2016 and a report will be sent to the Transport and Environment Committee, in summer 2016.

**Supplementary
Question**

I thank the Convener for her response. For the benefit of those watching on the webcam, I asked about the progress in taking forward low emission zones and the response can best be summarised as “we’re in discussions with the Scottish Government on this issue” and while I absolutely accept that primary responsibility for taking forward low emission zones does indeed lie with the Scottish Government, is it not right that the City of Edinburgh Council, with allegedly the worst polluted street in Scotland, takes a more pro-active role in pressing the Scottish Government on this issue.

**Supplementary
Answer**

No I don’t agree with his issue regarding being more robust and I suppose a more proactive – I don’t think this Council and this City can be more proactive than it has been in terms of looking at the air quality in our city and looking at low emission zones. Obviously low emission zones is one part of all of the action that we’re trying to take as a Council in partnership with many organisations, whether that be with Lothian Buses, in terms of low emission buses, looking at electric buses, looking at the HGVs of all the companies, so that we work in partnership to try to bring down and make sure all of our streets within our city have got good air quality. It is interesting Lord Provost that the low emission zones can only be in my view implemented if we have extra resources from the Scottish Government and I think Councillor Rose will back me up since there was only myself and Councillor Rose who went to the workshop, which all 58 Councillors including the Greens were invited to, to put forward their views regarding the low emissions strategy that the Scottish Government is putting together in partnership with Local Government and there was a number, Dundee, Edinburgh and Glasgow – and the Edinburgh event as I say there was myself and Councillor Rose there and I think you, be quite clear Councillor, I was very much strident about the money that we need to have in

order to bring in low emission zones and I think that's quite important – we don't have the resources in this Council to bring in low emission zones and it needs to be done in partnership with the Scottish Government. So I can assure you that I attended, that I've been interviewed by the Scottish Government who put together this strategy, I have been, and Councillor Rose attended that in order to see that we as a Council are doing everything proactively to ensure not just one street or two streets but every single street in this city can actually have good air quality and that's what we will do – action not just words and coming with questions to this Council.

QUESTION NO 2

**By Councillor Nick Cook for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 4 February 2016**

Question

To ask the Convener of Transport and Environment for a progress update on securing a public bike hire scheme for Edinburgh?

Answer

The Transport and Environment Committee has approved further work to undertake market engagement with potential operators and to issue a tender for a public bike hire scheme. Since then potential procurement options have been identified and the Council is now initiating work on the market engagement exercise. It is expected that the procurement exercise will be completed by late autumn 2016.

Taking into account the Council's current financial circumstances, any such scheme will clearly require to be self financing.

**Comment by
Councillor Nick
Cook**

No supplementary as such Lord Provost but I thank the Convener for the progress update on delivering a public bike hire scheme. I look forward to an update in the autumn and also welcome the suggestion by the Leader of the Council that such a scheme would be called Cook's Cycles.

QUESTION NO 3

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 February 2016

Question

How many a) fines for engine idling; and b) reports to the procurator fiscal for engine idling have been issued/made by the council in each of the last five years.

Answer

- a) There have been no Fixed Penalty Notices issued for engine idling over the last five years.

The experience of our authorised officers in Edinburgh is that when a driver is approached and the offence explained, in every instance the driver has either complied by switching off the engine or had a valid reason covered by the exemptions and considerations below.

In Edinburgh our approach uses a combination of educational and preventative signage in hotspot areas, as well as patrols and direct engagement by our Environmental Wardens. These methods are used both in response to specific complaints or enquiries, as well as proactively around specific events such as the Edinburgh Tattoo which can attract large numbers of visiting buses.

There is no statutory minimum time the engine must be idling, however, authorised officers are required to follow Scottish Government guidance when enforcing this offence. This requires that in any instance the authorised officer first approaches the driver of the vehicle they believe may be committing an engine idling offence, explain to the driver that engine idling can constitute an offence and request that the driver switches off the engine. The actual offence only occurs if the driver continues to allow the engine to idle without good cause for a period of time. The guidance and legislation lays out specific exceptions to the offence, as well

as other factors to be considered before deeming that an offence has occurred. Examples of these exemptions and considerations include:

- queuing at traffic lights,
- where an engine is being run so that a defect can be traced and rectified,
- where machinery on a vehicle requires the engine to be running,
- on a cold day at a taxi rank,
- if the driver is elderly to keep warm;
- if the vehicle is a recovery vehicle carrying out a recovery, and
- to help defrost a windscreen in very cold weather.

b) There have been no Procurator Fiscal reports made by the council for engine idling over the last five years.

Supplementary Question (1) I thank the Convener for her response. For the benefit of those watching on the webcam, I asked about whether the Council is using its statutory powers over emissions idling to tackle idling of vehicles, and the response came back that in the five years that we've held these powers, we have issued no fixed penalty notices whatsoever. I merely note that despite air pollution in the city failing statutory limits that this is yet another power that the Council is not using to tackle air pollution. When will the Council take action to ensure that our air pollution is within statutory limits?

Supplementary Answer (1) Thank you Councillor Booth for that question. I will also repeat what is in the answer which obviously Councillor Booth has not given to the people out there who may well be watching this. There is no statutory minimum time the engine must be idling, however, authorised officers are required to follow Scottish Government guidance when enforcing this offence. This requires in any instance the authorised officer first must approach the driver of the vehicle they believe may be committing an engine idling

offence, explain to the driver that engine idling can be constituted as an offence and request that the driver switches off the engine.

The actual offence only occurs if the driver continues to allow the engine to idle without good cause for a period of time. The guidance and the legislation lays out specific exceptions to the offence as well as other factors to be considered before deeming that the offence has occurred – so Councillor Booth, it's very clear in the legislation and that we've been proactive in this Council to put up notices, to get our officers out there and actually make sure that drivers are complying in switching off the engine. If an officer approached someone who is in that position and they switch off their engine, then there is nothing else that as an authority we can do. So what we are being is proactive as a Council in terms of notices, in terms of officers going out there and I really wish that Councillor Booth would tell the whole story rather than just part of it.

Supplementary Question (2) If I could come back with a supplementary on that. The whole story Lord Provost is surely that we are still in this city failing statutory air pollution limits, we have the street that has allegedly the most polluted street in the whole of Scotland, we are not using powers on roadside emissions testing, apparently are not using powers on engine idling and yet we are still in breach of statutory limits. When are we going to take serious action to ensure that we tackle the problem of air pollution in the city.

Supplementary Answer (2) Thank you – I'll follow up again – action. As you will know Councillor Booth, I sent round a briefing note which explained exactly what we were doing with a long list of action that this Council is taking, and for Councillor Booth to continue to talk about individual streets which I have got a concern about and I'm sure the Councillors and the residents of those area have concerns. We have 97% of our streets meeting the statutory guidelines, I'd like them to get better, but 97% of the streets in this city meet the statutory guidelines. Please stop worrying people and actually start to take action and perhaps if you'd turned up to the workshops, you actually tried to do something, we actually might get something in this city of a consensus of a

way forward, but I can assure you that this Council along in partnership with a lot of other organisations are making sure we get the best air quality we can in this city and we take action yet again to repeat take action not words and questions to this Council.