

Notice of meeting and agenda

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

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

Contact

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1. Order of business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Minute of the Corporate Policy and Strategy Committee of 4 October 2016 (circulated) – submitted for approval as a correct record.

5. Forward planning

- 5.1 Corporate Policy and Strategy Committee Key Decisions Forward Plan December 2016 to February 2017 (circulated)
- 5.2 Corporate Policy and Strategy Committee Rolling Actions Log (circulated)

6. Business Bulletin

- 6.1 None.

7. Executive decisions

- 7.1 Place Directorate – Proposed Changes to Chief Officer Structure – report by the Executive Director of Place (circulated)
- 7.2 Visit by the Lord Provost to the United Arab Emirates – report by the Executive Director of Place (circulated)
- 7.3 Council Resilience – Annual Report (1 October 2015 to 30 September 2016) – report by the Chief Executive (circulated)
- 7.4 Sustainable Edinburgh 2020 Annual Report 2015-16 – report by the Chief Executive (circulated)
- 7.5 Public Bodies Climate Change Duties Report 2015-16 – report by the Chief Executive (circulated)

- 7.6 Community Empowerment (Scotland) Act 2015 – Update on Participation Requests and Asset Transfer Requests – report by the Chief Executive (circulated)
- 7.7 Committee Decisions – July 2015-June 2016 - report by the Chief Executive (circulated)
- 7.8 Welfare Reform – Update - report by the Acting Executive Director of Resources (circulated)
- 7.9 General Switchboard and Website Enquiries - report by the Acting Executive Director of Resources (circulated)

8. Routine decisions

- 8.1 Locality Improvement Plans 2017-2022 – referral from the City of Edinburgh Council (circulated)

Note: This report was continued from the meeting of the Corporate Policy and Strategy Committee meeting on 4 October 2016.

- 8.2 Fiduciary Duty – referral from the Pensions Committee (circulated)

9. Motions

If any

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

Committee Members

Councillors Burns (Convener), Ross (Vice-Convener), Aldridge, Barrie, Burgess, Child, Day, Ricky Henderson, Hinds, Lewis, Main, Mowat, Rankin, Rose and Rust.

Information about the Corporate Policy and Strategy Committee

The Corporate Policy and Strategy consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Corporate Policy and Strategy Committee usually meets every four weeks.

The Corporate Policy and Strategy Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Louise Williamson, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, e-mail louise.p.williamson@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.

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Corporate Policy and Strategy Committee

10.00 am, Tuesday, 4 October 2016

Present

Councillors Burns (Convener), Ross (Vice-Convener), Burgess, Child, Fullerton (substituting for Councillor Barrie), Godzik, Ricky Henderson, Hinds, Lewis, Main, Mowat, Rankin, Rose and Rust.

1. Business Case for the Management Transfer of Secondary School Sport Facilities to Edinburgh Leisure – Progress Report

a) Swimeasy Ltd and Aquafit Ltd – Deputation

The deputation expressed their appreciation for the positive engagement they had had with Edinburgh Leisure. They did however raise concerns with regard to the ongoing negotiations between the Edinburgh Leisure Board and the Council regarding the Memorandum of Understanding (MOU) and the lack of detail in respect of the VAT implications and potential cost for the private sector providers, as a result of Edinburgh Leisure operating facilities on behalf of the Council.

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

An update was provided on the progress of the business case which had been developed by Edinburgh Leisure (EL) in consultation with Council officers for the management transfer of secondary school sports facilities to EL.

Decision

- 1) To note the progress made in the transfer of management arrangements of the sports facilities in James Gillespie's High School to Edinburgh Leisure which went live on 26 September 2016.
- 2) To note that Council priorities continued to be included as part of the conditions of transfer including:
 - i) Flexibility within the revised arrangements where school requirements for the use of these facilities were prioritised and continued to be met, up to and in some instances, beyond 6pm from Monday to Friday and at weekends.
 - ii) Maintaining and supporting the development of a range of Active Schools programmes and activities.
 - iii) The development of a new school based Community Sports hub in James Gillespie's High School and delivery of the Council's

commitment to maintaining a mixed economy of sporting provision, including swimming lessons.

- 3) To note the development of a Memorandum of Understanding (MoU) that detailed all operational and financial requirements that enabled Edinburgh Leisure to operate sports facilities in James Gillespie's High School. The MoU would also inform future developments across the full secondary school estate and inform the final agreement that pertained to this project. Key elements contained within the MoU included:
 - i) Edinburgh Leisure meeting all requirements to operate Council facilities including holding required levels of public liability insurance as informed by Council insurers.
 - ii) Duration of the arrangement would be for six years with a six month termination clause available to either side.
 - iii) Any surplus income after operating costs for Edinburgh Leisure, any additional costs to the Council, core Council income budgets, and approved savings had been met would be reinvested in school sports facilities.
 - iv) The Council would support the arrangements through the continued provision of janitorial and cleaning cover in James Gillespie's High School until the organisational review of Corporate Facilities Management was completed.
- 4) In addition to the above, to note that the management companies who operated the PPP schools had given an 'in principle' agreement for Edinburgh Leisure to operate within these schools.
- 5) To agree that an update report be submitted to Committee in 6 months.

(References – Corporate Policy and Strategy Committee 14 June 2016 (item 1); report by the Acting Executive Director of Communities and Families, submitted.)

Declaration of Interests

Councillor Lewis declared a non-financial interest in the above item as a member of Edinburgh Leisure.

Councillor Main declared a non-financial interest in the above item as the parent of a child at James Gillespie's High School.

2. Minute

Decision

To approve the minute of the Corporate Policy and Strategy Committee of 6 September 2016 as a correct record.

3. Corporate Policy and Strategy Committee Key Decisions Forward Plan November 2016 to January 2017

The Corporate Policy and Strategy Committee Key Decisions Forward Plan for November 2016 to January 2017 was presented.

Decision

To note the Key Decisions Forward Plan for November 2016 to January 2017.

(Reference – Key Decisions Forward Plan November 2016 to January 2017, submitted.)

4. Corporate Policy and Strategy Committee Rolling Actions Log

Details were provided of the outstanding actions arising from decisions taken by the Committee.

Decision

1) To agree to close the following action:

Action 7 - Business Case for the Management Transfer of Secondary School Sports Facilities to Edinburgh Leisure

2) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

5. Information Governance Policies

Kevin Wilbraham, Records and Information compliance Manager, gave an update on the new and revised governance policies and the context of the policies as they related to the Council.

Details were provided on the Council's Information Governance Policy suite which had been added to and revised to help ensure compliance with legislative, regulatory and best practice standards, and to promote a culture of openness and transparency.

Decision

To approve the Information Governance policies set out in Appendices 2 to 9 of the report by the Chief Executive.

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

6. EU Referendum Result – Managing Impacts in Edinburgh

Details were provided on an initial high level assessment of areas of impact and implications for the Council and the city arising from the result of the EU referendum.

Approval was sought to establish a Member Officer Working Group to consider and co-ordinate Council and partner responses to the risks, uncertainties and impacts of the result on Edinburgh residents.

Motion

- 1) To agree to the establishment of a Member Officer Working Group to guide and inform Council and partner responses to impacts arising from the EU referendum.
- 2) To agree the proposed political composition and remit of the Working Group as set out in paragraphs 3.2 to 3.7 of the report by the Chief Executive.

- moved by Councillor Burns, seconded by Councillor Ross

Amendment

- 1) To agree to the establishment of a Member Officer Working Group to guide and inform Council and partner responses to opportunities and impacts arising from the EU referendum.
- 2) To agree the proposed political composition and remit as amended of the Working Group as set out in paragraphs 3.2 to 3.7 of the report by the Chief Executive.
- 3) To insert as a first bullet point in paragraph 3.7 (proposed remit)
 - To consider how to take best advantage of the opportunities presented by Brexit

- moved by Councillor Rose, seconded by Councillor Rust

Voting

The voting was as follows:

For the motion	-	11 votes
For the amendment	-	3 votes

Decision

To approve the motion by Councillor Burns.

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

7. Unity in Diversity Summit

Details were provided on an invitation from the Mayor of Florence for the Lord Provost to visit Florence in November 2016 to attend the second edition of the “Unity in Diversity” summit of Mayors from around the world.

Decision

- 1) To approve acceptance of the invitation extended to the Lord Provost from the Mayor of Florence to visit Florence in November 2016 to attend the second edition of the “Unity in Diversity” summit of Mayors from around the world.
- 2) To note that a post-visit report would be provided after the event.

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

8. Internal Audit Quarterly Update Report – referral from the Governance, Risk and Best Value Committee

The Governance, Risk and Best Value Committee had referred a report which detailed the Internal Audit progress for the period 1 January 2016 to 31 March 2016 to the Corporate Policy and Strategy Committee for information.

Decision

To note internal audit report and in particular the high risk findings concerning the Retention of Corporate Knowledge.

(References – Governance, Risk and Best Value Committee of 23 June 2016 (item 7); report by the Governance, Risk and Best Value Committee submitted.)

9. Locality Improvement Plans 2017-2022 – referral from the City of Edinburgh Council

The City of Edinburgh Council had referred a report on new the development of Locality Improvement Plans (2017-22) to the Corporate Policy and Strategy Committee for information.

The Locality Improvement Plans would build on previous work undertaken to develop Neighbourhood Partnership Local Community Plans.

Decision

To continue consideration of the report to the next meeting of the Committee on 8 November 2016.

(References – Act of Council No 5 of 22 September 2016; report by the City of Edinburgh Council, submitted)

Corporate Policy and Strategy Committee – 8 November 2016

December 2016 to February 2017

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
1.	Smoke Free Policy - Update on Health Considerations	6 December 2016		Acting Executive Director of Resources Lead officer: Susan Tannahill, Council Health and Safety Manager susan.tannahill@edinburgh.gov.uk	CO24-26
2.	Procurement Strategy 2017-2020	6 December 2016		Acting Executive Director of Resources Lead officer: Tammy Gillies, Delivery and Pipeline Manager tammy.gillies@edinburgh.gov.uk	CO24-26
3.	High Performance Working: New Performance Framework	6 December 2016		Acting Executive Director of Resources Lead Officer: Stewart Cassie, Employee Relations Officer stewart.cassie@edinburgh.gov.uk Jo Guz, Senior OD Leader	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
				jo.guz@edinburgh.gov.uk	
4.	Discretionary Housing Payment Policy	6 December 2016		Acting Executive Director of Resources Lead officer: Neil Jamieson, Depute Head of Customer Services neil.jamieson@edinburgh.gov.uk	CO24-26
5.	Community Empowerment Act – Update on Guidelines	6 December 2016		Chief Executive Lead Officer: Kirsty-Louise Campbell, Interim Head of Strategy and Insight kirstylouise.campbell@edinburgh.gov.uk	CO24-26
6.	ICT Acceptable Use Policy	6 December 2016		Acting Executive Director of Resources Lead Officer: Katy Miller katy.miller@edinburgh.gov.uk	CO24-26
7.	2015 Edinburgh People’s Survey – Headline Results	6 December 2016		Chief Executive Lead Officer: Kirsty-Louise Campbell, Interim Head of Strategy and Insight kirstylouise.campbell@edinburgh.gov.uk	CO24-26
8.	Physical Activity for Health Pledge	6 December 2016		Chief Officer, Edinburgh Health and Social Care Partnership Lead Officer: Rob McCulloch-Graham	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
				rob.mcculloch-graham@edinburgh.gov.uk Acting Executive Director of Communities and Families Lead Officer: Mel Coutts mel.coutts@edinburgh.gov.uk	
9.	Schools Report (outcome of John Cole inquiry)	6 December 2016		Acting Executive Director of Communities and Families Lead officer: Andy Gray, Head of Schools and Lifelong Learning andy.gray@edinburgh.gov.uk	CO24-26
10.	Festival and Events Core Programme 2017	24 January 2017		Executive Director of Place Lead officer: Lindsay Robertson, Service Manager, Cultural Strategy (Arts, Events & Festivals) lindsay.robertson@edinburgh.gov.uk	CO24-26
11.	People Strategy	24 January 2017		Chief Executive Lead officer: Kirsty-Louise Campbell, Interim Head of Strategy and Insight kirstylouise.campbell@edinburgh.gov.uk	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
12.	Customer Strategy	24 January 2017		Chief Executive Lead officer: Kirsty-Louise Campbell, Interim Head of Strategy and Insight kirstylouise.campbell@edinburgh.gov.uk	CO24-26

Corporate Policy and Strategy Committee

8 November 2016

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	06.11.12	The Future Management and Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) – motion by Councillor Burns (Agenda for 6 November 2012)	To provide information on the possibility of community ownership and management of the woodland and open space in the area in the longer term and how this might be achieved, with ownership transferring to the Council as an interim measure, with a view to the eventual transfer of ownership and management, to a community organisation.	Executive Director of Place	Spring 2017		Discussions are continuing with the developer and these must be concluded before any engagement on the management and ownership of the land can progress

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
2	12.05.15	Physical Activity for Health Pledge	To note that an update on progress will be presented to this Committee in May 2016.	Chief Officer, Edinburgh Health and Social Care Partnership	6 December 2016		
3	09.06.15 Minute of 9 June 2015 (items 6 and 16) 01.09.15	Safecall CEC 114 - Update Report on Management Action B Report	1) To note the report by the Chief Executive and to accept all the recommendations in Appendix 2 and that progress on their implementation be reported to the Education, Children and Families Committee. 2) To recognise that no further disciplinary action would be instigated in relation to these matters until all relevant information was available.	Chief Executive Chief Executive	 Ongoing	1 March 2016 (Education, Children and Families Committee)	The Education, Children and Families Committee on 1 March 2016 agreed to close Action (1), having considered this Education Complaints Improvement Update report.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			3) To agree that a further report would thereafter be considered by Committee advising of any further management action.	Chief Executive	Ongoing		A report will be brought back to Committee once the ongoing due legal process is concluded.
4	09.06.15	Sustainable Edinburgh 2020 Annual Report 2014-15	To acknowledge the work programme for SE2020 for the coming year 2015/16, and add a request to the Edinburgh Sustainable Development Partnership that a clear Action Plan setting out aims, objectives, targets, timescales and responsibilities from the present to 2020 be developed and presented as soon as possible.	Chief Executive	8 November 2016	8 November 2016	Recommended for closure. Report on the agenda for this meeting (item 7.4).

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
5	04.08.15	Policies - Assurance Statement	To note that a further report on wider Council policies would be submitted to Committee in due course.	Acting Executive Director of Resources	Ongoing		Policies are reviewed on an ongoing basis. Policies Assurance Statements are produced when there are little or no changes proposed to a policy.
6	04.08.15	Common Good Assets Register	<p>1) To note that further reports would be brought to Committee:</p> <p>a) once Scottish Ministers' guidance about common good registers had been issued; and</p> <p>b) to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.</p>	Acting Executive Director of Resources	6 December 2016		Work is ongoing on the Common Good register and it is anticipated that an update report will be presented to the Committee in December 2016. Scottish Ministers guidance is not expected until summer 2016. Reports to Committee will not be able to be submitted until Q3

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			2) To note that the common good definition in Section 3 of the report by the Acting Director of Services for Communities was not intended to be exclusive and that there would be clarification of the definition with the next report to Committee.				2016 earliest. Consequently, completion of the register itself will not take place until sometime 2017.
7	29.09.15	Managing Customer Contact in a Fair and Positive Way - Annual Review	To agree to receive an annual update.	Chief Executive	Ongoing		
8	29.09.15	Public Bodies Climate Change Duties Report 2014-15	To note the omission from the Council's Climate Change Duties Report of any carbon reduction projects and therefore request an update report on these projects once they were devised.	Chief Executive	Ongoing	8 November 2016	Recommended for closure. Report on the agenda for this meeting (item 7.5).

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
9	03.11.15	Carbon, Climate & Sustainability Policies - Assurance Statement	To agree to update the Fair Trade and Resource Use Policy for Committee consideration within 12 months	Chief Executive	November 2016		
10	03.11.15	ICT Acceptable Use Policy - Annual Review	To note that the next review should be undertaken with a view to reporting to Committee in November 2016.	Chief Executive	6 December 2016		
11	01.12.15	E-cigarettes (Vapourisers) - Update on Health Considerations	1) To note that any material changes which developed, such as Scottish or UK Government advice or significant public health research findings, would be reported to Committee, together with any implications for the Smoke Free Policy.	Acting Executive Director of Resources	6 December 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			2) To note that an annual report on the policy would be provided by the end of 2016 which should explicitly highlight any developments on e-cigarettes with regard to additional evidence on health issues.	Acting Executive Director of Resources	6 December 2016		
12	23.02.16	Avoidance of Bullying and Harassment at Work Policy - Review	To note that the next review should be undertaken with a view to reporting to Committee in February 2017.	Acting Executive Director of Resources	February 2017		
13	12.04.16	2015 Edinburgh People Survey Headline Results	To note that an update would be provided in 6 months as part of the Council's Business plan.	Chief Executive	6 December 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
14	17.05.16	Welfare Reform - Update	To request that the findings and recommendations of the review into welfare advice services be reported to this Committee.	Acting Executive Director of Resources	Ongoing		
15	14.06.16	Locality Working - Progress Report	To call for a report back to the Corporate Policy and Strategy Committee at the appropriate time in consultation with Councillor Main and other elected members on the locality working governance issues raised	Executive Director of Place	Ongoing		
16	09.08.16	Eurocities AGM and Conference	To note that further information on the benefits of attendance and the decision regarding the 2018 bid would be provided following the event.	Executive Director of Place	Ongoing		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
17	06.09.16	Emergency Motion by Councillor Mowat – General Switchboard and Website Enquiries	<p>To instruct a report to Committee in two-cycles with the following information:</p> <ol style="list-style-type: none"> 1. What should people contacting the Council by a) telephone and b) online through the Report It channel experience i.e. what is the design of the user experience and how long should this take in the case of telephone contact and for b) what happens to the online reports and how are these distributed and monitored and resolved; 2. What performance reporting is produced; 3. Who receives the performance reporting; 	Acting Executive Director of Resources	November 2016	8 November 2016	<p>Recommended for closure.</p> <p>Report on the agenda for this meeting (Item 7.9).</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>4. How many abandoned calls have been recorded;</p> <p>5. How many calls have been received; detailed by week and how long have these calls taken (presentation in a table showing <5mins, <10 mins, <15 mins in increments of 5 minutes to over an hour will be acceptable).”</p>				
18	04.10.16	Business Case for the Management Transfer of Secondary School Sports Facilities to Edinburgh Leisure – Progress Report	That an update report be submitted to Committee in 6 months.	Acting Executive Director of Communities and Families	March 2017		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
19	04.10.16	Unity in Diversity Summit	<p>1) To approve acceptance of the invitation extended to the Lord Provost from the Mayor of Florence to visit Florence in November 2016 to attend the second edition of the Unity in Diversity summit of Mayors from around the world.</p> <p>2) To note that a post-visit report would be provided after the event.</p>	Executive Director of Place	6 December 2016		

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Place Directorate – Proposed Changes to Chief Officer Structure

Item number	7.1
Report number	
Executive/routine	
Wards	All

Executive Summary

The current Place Directorate structure was largely inherited from the previous Services for Communities.

The Executive Director currently also has management responsibility for the City Strategy and Economy Directorate, which includes the Culture service.

A new structure is required to deliver improved service delivery, better value and a more integrated approach, including across all development functions.

In recognition of and in response to internal and external drivers and challenges, a revised Senior Management Team structure has been developed for approval.

Links

[Coalition Pledges](#)

[Council Priorities](#)

[Single Outcome Agreement](#)

Place Directorate – Proposed Changes to Chief Officer Structure

1. Recommendations

- 1.1 To approve the proposed changes to the Chief Officer structure in the Place Directorate.

2. Background

- 2.1 The Council approved the new Executive Structure for the Council at its meeting on 25 June 2015.
- 2.2 The current Place Directorate structure was largely inherited from the previous Services for Communities Directorate.

3. Main report

- 3.1 The current Chief Officer structure is set out in Appendix 1. It shows the two positions of Executive Director of Place and Executive Director of City Strategy and Economy.
- 3.2 The Executive Director of City Strategy and Economy position has been vacant since late 2015 and the Executive Director of Place has managed these areas since that date.
- 3.3 The integration of these functions has worked well and the services have benefitted from the many synergies between them. Many staff and stakeholders have also commented positively on this more integrated approach.
- 3.4 With the departure of three Heads of Service in Place Directorate, the opportunity exists to create a new, permanent, integrated structure for a single Directorate. A new structure needs to be driven by the twin drivers of:
 - Efficiency – ensuring any structure costs no more than current arrangements; and
 - Effectiveness – delivering service improvement through clear, integrated and accountable leadership.

- 3.5 The current structure is not designed to deliver this new, integrated approach and therefore, a new senior management structure is proposed, with the following new posts to be established:
- Head of Place Development; and
 - Head of Place Management.
- 3.6 The Director of Culture position will be unaffected by these proposals.
- 3.7 Specifically, this new structure will:
- Bring all aspects of city-wide development together into one team, with aligned strategic focus, delivering strong leadership, greater efficiencies and effectiveness thereby enabling a single point of contact for external stakeholders and customers;
 - Bring together management of city-wide transactional and operational services under one Head of Service, enabling greater focus on delivering high volume services for all of our citizens and customers; and
 - Allow for further consideration and better alignment between city wide and locality delivered services.
- 3.8 Once the new appointments have been made, there will be a requirement for some further consideration of functions and structures, particularly relating to the division of responsibilities between the Council and some of our ALEOs and partners. These will be reported to Members in early 2017.
- 3.9 In addition, the designation of Chief Planning Officer will be created to ensure independent officer leadership of the Planning function. The recruitment to this role will be from existing senior planning post holders. This post will report directly to the Executive Director as and when required.
- 3.10 Three current roles in the Place Senior Management Team will be deleted – Head of Environment, Head of Housing and Regulatory Services and Head of Planning and Transport. If approved, the exit date for the three employees impacted would be 31 January 2017. The post of Executive Director of City Strategy and Economy is currently vacant and would be deleted. A new Chief Officer structure is attached in Appendix 2.
- 3.11 After tendering the Council recently appointed a supplier to support Chief Officer recruitment, and it is anticipated that the recruitment for these new posts would form part of the recruitment activity, with all roles being advertised both internally and externally.
- 3.12 There will be minimal disruption to the wider teams within the Place and City Strategy and Economy Directorates, as the intention is to ‘lift and move’ teams under the appropriate newly created Head of Service roles in their current formations. There are some exceptions, and in these cases appropriate staff consultation will be undertaken as required. The provisional functional responsibilities for each Head of Service are contained in Appendix 3.

4. Measures of success

- 4.1 Improved customer and citizen satisfaction.
- 4.2 Strong appointments to the newly created roles.

5. Financial impact

- 5.1 The financial aspects of this proposal will be detailed in a separate report to Finance and Resources Committee. The proposals will be delivered within existing budgets.

6. Risk, policy, compliance and governance impact

- 6.1 There are no risk, policy, compliance or governance impacts arising from this report.
- 6.2 Once approved, the Executive Director of Place will ensure all risk, policy compliance and governance activities for the service areas are revised accordingly.

7. Equalities impact

- 7.1 There are no equalities impacts arising from this report.
- 7.2 All recruitment will be undertaken in accordance with the Council's Recruitment and Selection Procedure.

8. Sustainability impact

- 8.1 There are no sustainability impacts arising from this report.
- 8.2 The new structure will include the sustainability activities currently located within the Place Directorate.

9. Consultation and engagement

- 9.1 If approved, we will seek trade union agreement on the proposal. A full communication plan will be developed ensuring all stakeholders, including colleagues, are fully involved at the appropriate time.

10. Background reading/external references

- 10.1 [Council Transformation Programme – Status Report. 25 June 2015](#)

Paul Lawrence

Executive Director of Place

Contact: Paul Lawrence, Executive Director of Place

E-mail: paul.lawrence@edinburgh.gov.uk | Tel: 0131 529 7325

11. Links

Coalition Pledges

Council Priorities

**Single Outcome
Agreement**

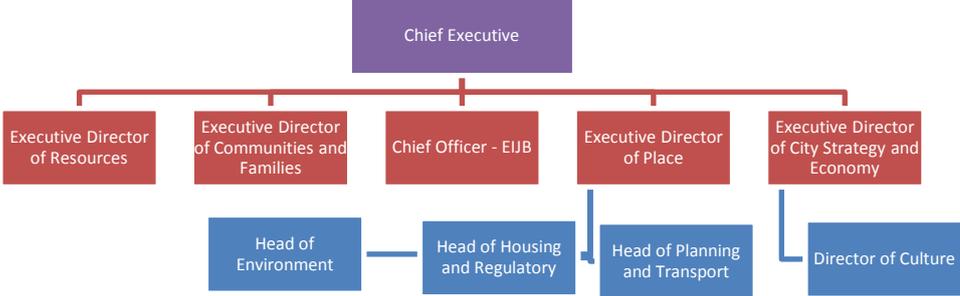
Appendices

Appendix 1- Current Directorate Structure

Appendix 2 – Proposed Directorate Structure

Appendix 3 – Place Directorate Proposed Functional
Responsibilities

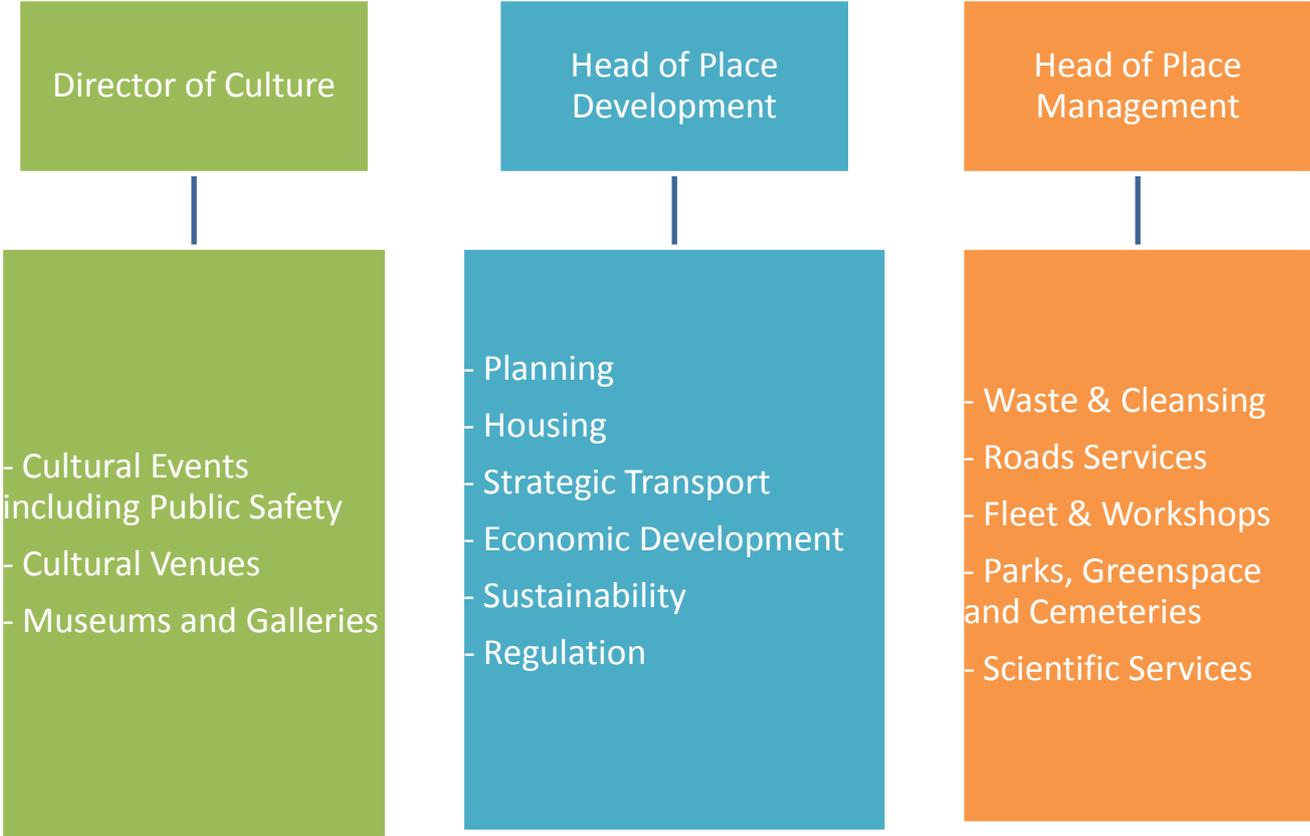
Appendix 1 – Current Chief Officer Structure



Appendix 2 – Proposed Chief Officer Structure



Appendix 3 – Place Directorate Proposed Functional Responsibilities



Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Visit by the Lord Provost to the United Arab Emirates

Item number	7.2
Report number	
Executive/routine	
Wards	City wide

Executive summary

The Lord Provost has been invited to travel to the United Arab Emirates (UAE) to attend the opening ceremony of the Abu Dhabi Science Festival, an event which has been co-delivered by the Edinburgh International Science Festival since 2011.

Edinburgh's connections with the Gulf States have grown since the Lord Provost first visited the UAE in 2012 and this report proposes that this is continued by a visit to further promote Edinburgh as a world leader in culture, education and festivals and as a destination for study for international students.

It is proposed that this visit takes place around 16 - 20 November 2016 and the Lord Provost is accompanied by a City Officer and an officer from the Economy service.

Links

Coalition pledges	P15
Council Priorities	CP5, CP6
Single Outcome Agreement	SO1

Visit by the Lord Provost to the United Arab Emirates

Recommendations

- 1.1 To note the acceptance of the invitation extended to the Lord Provost from the Edinburgh International Science Festival to attend the sixth edition of the Abu Dhabi Science Festival.
- 1.2 To note that a post-visit report will be provided after the event.

Background

- 2.1 The UAE is the UK's largest trading partner in the Middle East. There are already several connections between Edinburgh and the UAE. In September 2011 the Edinburgh International Science Festival was awarded the contract to assist the Abu Dhabi Technology Development Committee deliver the first Abu Dhabi Science Festival. The Edinburgh International Science Festival continues to be the Major Programming Partner of the annual Abu Dhabi Science Festival and they are currently helping to curate, produce and deliver the 2016 event.
- 2.2 The Lord Provost visited Abu Dhabi in 2012 and in 2015 as a guest of the Edinburgh International Science Festival to show Edinburgh's support. During those visits the Lord Provost met with several senior figures within the UAE Government and education system.
- 2.3 In addition to the Science Festival connection, the Edinburgh International Festival (EIF) signed a Memorandum of Understanding with the Abu Dhabi Music and Arts Foundation (ADMAF) in August 2012. The Lord Provost presided over the MOU which was signed by the Director of the EIF and the Founder of ADMAF.
- 2.4 Since June 2015 the UAE's airline, Etihad, has flown directly from Edinburgh. The Lord Provost and the Investment and International Relations team have supported this new flight connection.

Main report

- 3.1 The visit to the UAE by the Lord Provost provides an opportunity to bring together several strands of activity to enhance Edinburgh's profile. Whilst the final programme is to be agreed, it is proposed that it will involve several of the activities below.

- 3.2 **Abu Dhabi Science Festival** – The Lord Provost ‘s presence in the UAE, and meetings with the organisers of the Abu Dhabi Science Festival has lent considerable support for the connections with the Edinburgh International Science Festival team, with co-delivery commencing in 2011 and recent renewal as Major Programming Partner. The Lord Provost will attend the Opening Ceremony and hold meetings with the relevant government ministers and organising committee.
- 3.3 **Edinburgh Universities “Study Edinburgh” event** – The Gulf is an important source of potential students for Edinburgh’s universities. The Investment and International Relations team has previously supported representation by Edinburgh’s universities at recruitment events in Abu Dhabi. Discussions are underway regarding a joint university event to promote Edinburgh as a place to study. It is also proposed that this event is held in partnership with Etihad Airways to highlight the direct flight route.
- 3.4 **The Royal Edinburgh Military Tattoo Messaging** – The Royal Edinburgh Military Tattoo (REMT) plans to tour to the Middle East in 2018. In consultation with the REMT, the Lord Provost will act in his capacity as Chair of the Board of Directors of the REMT in supporting the key messaging of the organisation’s future activity in the UAE.
- 3.5 **The British Council UAE 2017 season** - The Lord Provost would use the visit to secure Edinburgh’s profile within the work being done by the British Council’s focus on UAE education and cultural programme in 2017.
- 3.6 Overall this visit has the potential to significantly boost Edinburgh’s profile in the UAE, raise further awareness of the direct air link and the opportunities for cultural, economic and academic connections. It is important that previous connections are built upon and refreshed to strengthen and develop mutually beneficial opportunities.
- 3.7 Due to the limited availability of seats on the day of departure, with no other direct flight options available that would allow the Lord Provost to be there for the opening events, the Council Leader and Executive Director of Place approved the acceptance of this invitation and the subsequent flight booking utilising the provisions of the Council’s Scheme of Delegation.

Measures of success

- 4.1 As there are no specific Capital Coalition Pledges and Council Outcomes for Investment and International Relations, the team monitors its contribution to a wide range of related pledges and outcomes:
- a. Raise Edinburgh’s profile in the UAE.
 - b. Promote Edinburgh as an investment location and an international Festival city.

- c. Increase the number of students from the UAE studying in Edinburgh.
- 4.2 Further information on the visit will be provided after the event.

Financial impact

- 5.1 The cost of travel and accommodation for the Lord Provost will be met by the Edinburgh International Science Festival with any additional costs met by partners and/or the Economy Service from the existing 2016/2017 budget.

Risk, policy, compliance and governance impact

- 6.1 The actions and outputs described in this report adhere to the risk compliance policy and governance arrangements.

Equalities impact

- 7.1 There are no equalities impacts arising from the programme proposed in this report. The Council's European and International Strategy supports the Council's commitment to equal opportunities.

Sustainability impact

- 8.1 Travel arrangements have been made in accordance with the Council's Sustainable Travel Plan. Travel options have been considered and the recommendation is a direct return flight from Edinburgh to Abu Dhabi using the Etihad airline to support the above-mentioned economic links.
- 8.2 While there are adverse impacts in terms of carbon emissions, air quality and noise associated with air travel, overland travel is not considered practical given the distance and the impact of overland travel on the Lord Provost's diary around this time.
- 8.3 The carbon emissions are 705.0 Kg for return flights per person, as calculated by the International Civil Aviation Organization.

Consultation and engagement

- 9.1 The Investment and International relations team will consult with partners including the University of Edinburgh, Heriot Watt University, Edinburgh Napier University, Queen Margaret University, Festivals Edinburgh, the British Council, and the Royal Edinburgh Military Tattoo regarding the programme and arrangements.

- 9.1 Attendance by the Lord Provost at this event provides the Council with a channel for engaging and consulting on Edinburgh’s activities regarding culture, festivals, and education.

Background reading/external references

<http://www.sciencefestival.co.uk/projects>

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Links

Coalition pledges	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors.
Council Priorities	CP5 – Business growth and investment CP6 – A creative, cultural capital
Single Outcome Agreement	SO1 - Edinburgh's economy delivers increased investment, jobs and opportunities for all
Appendices	

Corporate Policy and Strategy Committee

10am, Tuesday, 8 November 2016

Council Resilience: Annual Report (1 October 2015 to 30 September 2016)

Item number	7.3
Report number	
Executive/routine	
Wards	All

Executive summary

This report provides information on Council resilience activities and initiatives undertaken during the period 1 October 2015 to 30 September 2016.

Council Resilience: Annual Report (1 October 2015 to 30 September 2016)

Recommendations

- 1.1 To note the resilience activities undertaken during the period of this report;
- 1.2 To note the resilience model and reporting structure outlined at Appendix 5; and
- 1.3 To approve the proposed Resilience service forward work plan for 2016/17 set out at Appendix 6.

Background

- 2.1 This report provides a summary of resilience activities across the City of Edinburgh Council, in liaison with partner and stakeholder organizations, in the period from 1 October 2015 to 30 September 2016.

Main report

- 3.1 In the United Kingdom, there is a statutory duty on Category 1 Responders to carry out contingency planning as specified in the Civil Contingencies Act 2004. In Scotland, the term Category 1 Responders includes Local Authorities, the Emergency and Health Services and the Scottish Environment Protection Agency (SEPA). The Act, together with the supporting regulations and guidance, sets out the roles and responsibilities of those involved in emergency preparedness and response at the local level.
- 3.2 The Emergency and Health Services together with Local Authorities and SEPA are at the core of the response to most incidents. They are subject to the full range of civil preparedness activities including:
 - assessing the risk of incidents occurring and using these assessments to inform contingency planning;
 - putting in place emergency response plans;
 - putting in place business continuity management arrangements;
 - putting in place advance arrangements to make information available to the public about emergencies and maintaining arrangements to warn, inform and advise the public in the event of an incident;

- providing advice and assistance to businesses and voluntary organizations in relation to business continuity management (this duty applies to Local Authorities only);
- sharing information with other local responders to enhance coordination; and
- cooperating with other local responders to enhance coordination and efficiency.

Organizations designated as Category 2 Responders have a duty to cooperate and share information with Category 1 Responders. These organizations include the Utilities (gas, water, electricity and telecommunications) and Transport authorities (including Edinburgh Airport Ltd, Network Rail and Forth Ports Ltd).

3.3 On behalf of the Chief Executive, the Council’s Resilience service, within Strategy and Insight (Governance and Democratic Services function), provides the lead role for the Council’s Business Continuity, Emergency Planning, Community Resilience and appropriate Counter Terrorism activities and includes the role of Lead Resilience Advisor.

Resilience Planning - National Input

3.4 The following table details the Council’s resilience input into national and associated planning. Training and exercising initiatives associated with these activities are included at Appendix 4.

Lead Organisation/Group	Activity	City of Edinburgh Council Lead
UK Government: National Emergency Plan for Fuel	Contributing to UK and Scottish Government planning arrangements for incidents involving disruption to fuel supplies	Resilience service
UK Government: Maritime and Coastguard Agency (MCA) National Contingency Plan	Contributing to MCA planning arrangements for major maritime incidents involving oil and chemical pollution	Resilience service
Scottish Government: Animal and Plant Health Agency	Contributing to Scottish Government and wide-area contingency arrangements for animal disease outbreaks	Resilience service and Trading Standards

Lead Organisation/Group	Activity	City of Edinburgh Council Lead
Scottish Government: Mass Fatalities Working Group	Contributing to the development of arrangements for managing incidents involving large numbers of fatalities	Resilience service and Environmental Health and Scientific Services
British Standards Institute: Organizational Resilience Committee	Development of International Standard for organizational resilience	Resilience Manager
British Standards Institute: CAR/001 Continuity and Resilience Committee	Development of BSI Standards and guidance for business continuity, including ISO 22301	Resilience Manager
Scottish Government Resilience Advisory Board Critical Infrastructure Group	Improve the protection and resilience of assets and systems critical to Scotland	Resilience Manager
CONTEST: Scottish Counter Terrorism Prepare Sub Group	Mitigate the impact of a terrorist incident in Scotland where it cannot be stopped and promote recovery from its aftermath	Resilience Manager
CONTEST: Scottish Counter Terrorism Protect Sub Group	Strengthen Scotland's protection against terrorist attacks in the UK or against interests overseas and reduce vulnerability	Resilience Manager
UK Business Continuity Group (business continuity group for eight largest cities in UK outside London)	Sharing and promoting best practice in Business Continuity Management	Resilience service

Resilience Planning – Scottish, Regional and Local Resilience Partnerships

3.5 In June 2016, the Deputy First Minister approved the establishment of a Scottish Resilience Partnership (SRP) to replace the former Regional Advisory Board for Scotland (RABS). The SRP is intended to provide a national partnership for resilience. The Deputy First Minister will attend the SRP which oversees the national resilience process and provides resilience assurance to Ministers. Standing membership of the SRP includes Scottish Government Departments, the Chief Constable, Chief Fire Officer, Chief Ambulance Officer

and the Society of Local Authority Chief Executives (Scotland). A diagram showing the Scottish Resilience coordinating structure is at Appendix 1.

- 3.6 The creation of the SRP follows on from the formation of three Regional Resilience Partnerships (RRPs) (established in November 2013) covering the East, West and North of Scotland. The City of Edinburgh Council is a partner organization in the East of Scotland RRP. The East of Scotland RRP is chaired by the Assistant Chief Constable (East), Police Scotland, and is expected to meet three times a year or more often if required. A list of the East RRP membership is at Appendix 2.
- 3.7 Each of the three RRPs (East, West and North) bring together senior representatives from the emergency and health services, Scottish Government, local authorities, SEPA and organizations such as the utilities and transport sectors. Representatives from the voluntary, commercial and other agencies are invited to attend as required. The role of the RRP is to provide a wide area, strategic forum for the coordination of emergency preparedness, training and exercising activities.
- 3.8 Beneath the structure of the East of Scotland RRP, sit three Local Resilience Partnerships (LRPs) for the Lothian and Borders, Fife and Forth Valley areas. The City of Edinburgh Council is a member of the Lothian and Borders LRP
- 3.9 The LRPs meet on a regular basis to provide a coordinating role for emergency preparedness activities within their respective boundaries, with representation from many of the same organizations as the RRPs but with a more localised focus and remit.
- 3.10 The agenda for the East of Scotland RRP is coordinated by a Business Coordinating Group. The Business Coordinating Group includes the Chairs of the three LRPs (Lothian and Borders, Fife and Forth Valley) plus the chairs of each of the themed Capability Groups (see Appendix 3). The Business Coordinating Group is chaired by the East of Scotland Senior Resilience Coordinator (appointed by Scottish Government).
- 3.11 A diagram showing the Regional and Local Resilience Partnership coordinating structure is shown at Appendix 3.

Resilience Planning - The City of Edinburgh Council

- 3.12 Following re-structuring, completed in June 2016, as part of the Council Transformation programme, the Resilience service establishment consists of a Resilience Manager, two Senior Resilience Specialists and three Resilience Specialists. Twenty percent of the time of a member of staff in the Public Safety function is allotted to provide technical and specialist communications support.

3.13 The Resilience Manager reports to the Governance and Democratic Services Senior Manager within the Strategy and Insight Division.

3.14 Resilience planning in the City of Edinburgh Council is managed through three main Groups, each of which addresses a key resilience issue, integrating emergency planning, business continuity and counter-terrorism. The three Groups are the:

- Council Resilience Group;
- Council Counter-Terrorism Group; and
- Edinburgh Community Resilience Group.

Each Group is chaired by the Resilience Manager. A diagram showing the Council's resilience groups and governance is provided at Appendix 5.

3.15 The Council's Resilience Business Partnering Model has been developed by the Resilience Manager and agreed with key internal stakeholders to support Service Areas and the Localities model. The Model is provided at Appendix 6. Designated Business Partners from the Resilience service are supporting the wider Council resilience team which includes Resilience Coordinators, Resilience Specialists and also Resilience Deputies in each business critical area, all of whom receive specialised training to enable effective resilience planning and response.

3.16 The Council Resilience Group monitors the Council's Resilience Management Programme. The Group is the focus for the Council's resilience activities, including planning, incident debriefs, training and exercise initiatives and facilitates the sharing of information across the Council on business continuity, emergency planning and contingency preparations for major events. The Group includes representatives from all Council Services and key cross-council specialist functions. Designated representatives are responsible for the co-ordination of resilience activities within their respective areas of responsibility.

3.17 The Council Counter-Terrorism Group includes representatives from Police Scotland and key Council Service areas. The remit of the Group is to identify, develop, coordinate and monitor the Council's activities in order to comply with counter-terrorism legislation and guidance, including CONTEST, through an agreed annual work plan to address relevant priorities. Working with Police Scotland, the Council seeks to raise awareness of the terrorist threat, enhance resilience and the Council's ability to respond to a terrorist threat or incident, develop activities, regularly update the Edinburgh CONTEST group, through the Chair, and contribute to the development of its programme.

- 3.18 The Edinburgh Community Resilience Group consists of two main strands: the Edinburgh Community Resilience Project aims to improve the preparedness of Edinburgh's communities to withstand serious disruptions (currently in pilot phase); the Edinburgh Resilience Forum exists to help fulfil the Council's legislative duty to provide business continuity management advice and assistance to the City's public, voluntary, commercial and business sectors.
- 3.19 To support the Resilience Management Programme, the following key outputs have been delivered:
- Corporate registration to ISO22301 status (the International Standard for business continuity) maintained.
 - Emergency communications requirements assessed, procured and implemented for Council Resilience Group members and other key colleagues.
 - Resilience Training Needs Analysis for those with a resilience responsibility completed.
 - 'In Case of Emergency' ("ICE" Briefing Packs) and weekly briefings provided for all Chief Officers on Call.
 - The Resilience Management System has been reviewed.
 - 2016/17 Resilience Exercise Programme agreed.
 - 2016/17 Resilience Training Programme agreed.
 - Review, validation and sign off as appropriate Resilience plans and procedures completed.
 - Resilience Competencies Framework reviewed.
 - Corporate Resilience Risk Register reviewed quarterly.
 - Council CONTEST (Counter-Terrorism) Group objectives and priorities agreed.
 - Annual Edinburgh Community Resilience Week delivered.
- 3.20 The Council has a primary Incident Co-ordination Centre (CICC); a backup contingency arrangement is also in place to augment the space available to assist with the co-ordination of a prolonged or serious incident, should the need arise.
- 3.21 In addition to its primary role as the Council's dedicated Incident Co-ordination Centre, the CICC is used to facilitate resilience training events and exercises on a regular basis. The facilities are also available to the Council's Public Safety function to assist in the planning, co-ordination and monitoring of major public events in the City. Exceptionally, the CICC has also been made available to other Council services to facilitate the coordination of significant projects or planned major operations in the City.

- 3.22 The Council's responsibility for the safe delivery of significant, planned events in the City is coordinated by the Council's Public Safety function through a series of Events Planning and Operations Groups (EPOGs) with representatives from key internal and external stakeholders. Where it is decided that specific contingency arrangements are required for a particular event, the Resilience function, in liaison with all relevant organizations, is responsible for preparing a multi-agency Contingency Plan to augment existing arrangements for dealing with the occurrence of serious incidents during a public event.
- 3.23 During the period considered by this report, event Contingency Plans were completed by the Resilience service for Edinburgh's Hogmanay Street Party (31 December 2015 to 1 January 2016) and the Edinburgh Festival Fireworks (29 August 2016).
- 3.24 The British Standards Institute (BSI), in conjunction with the Resilience service, held its 3rd International Organization for Standardizations Security and Resilience (ISO/TC 292) Conference from 5-9 September 2016. This global event, which the Council hosted at the City Chambers, was attended by over 125 delegates from approximately 40 countries. The welcome address was provided by the Head of Strategy (Interim). Positive media coverage was received, including recognition that it was the first time the event had been held in the UK.
- 3.25 A list of key events, training initiatives, exercises and incidents undertaken during the period is at Appendix 4.
- 3.26 The Resilience service prepares an annual forward work plan each year in liaison with the Council Resilience Group. A copy for 2016 to 2017 is attached at Appendix 7.

Measures of success

- 4.1 The City of Edinburgh Council continues to be viewed as a progressive Authority in the development of the Scottish and UK resilience agenda.

Financial impact

- 5.1 There are no significant, new financial implications arising from this report.

Risk, policy, compliance and governance impact

- 6.1 The actions and outputs described in this report adhere to the risk compliance policy and governance arrangements. In addition the recommendations in the report do not impact on any existing policies of the Council.

Equalities impact

- 7.1 The development of resilience initiatives contributes to the delivery of the Equality Act 2010 public sector duties, in advancing equality of opportunity and fostering good community relations. In addition, resilience activities contribute towards the preservation of life, a key human rights article.

Sustainability impact

- 8.1 The report describes the multi-agency and internal planning, training and exercise work undertaken across the Council, in liaison with stakeholder organisations, to make Edinburgh more resilient to the effects of serious incidents and major disruptions which impact on social cohesion and community wellbeing.
- 8.2 The activities set out in this report contribute to the city's resilience to climate change by promoting greater awareness and preparedness of impacts caused by severe weather and other adverse incidents and putting in place plans and procedures to reduce or ameliorate the effects. As a member of the Edinburgh Adapts Steering Group, the Resilience service contributed to the Edinburgh Adapts Climate Change Adaptation Action Plan 2016-2020 (approved by Transport and Environment Committee, 30 August 2016). The Resilience service provided input to the engagement exercise that resulted in the citywide action plan that includes the following actions:
- A commitment, as part of the risk assessment process, to incorporate current and emerging climate change related risks and impacts into resilience planning, including severe weather planning and associated other relevant contingency planning.
 - Edinburgh Community Resilience Project (Pilot) - helping neighbourhood areas enhance their capacity to respond to and recover from resilience incidents.
- 8.3 The initiatives described in this report contribute to making Edinburgh more sustainable by promoting inter-agency working with partner organisations to minimise or mitigate the effects of serious emergencies on the environment.

Consultation and engagement

- 9.1 Resilience is a statutory, cross-Council activity involving internal and external consultation and engagement with a range of partner organizations and stakeholder interests. There is an emergency preparedness structure in place across the UK. Within Scotland, three strategic, multi-agency Regional Resilience Partnerships (North, West and East) coordinate resilience planning, training and exercise initiatives.

Each of the three Regional Resilience Partnerships (RRPs) is chaired by an Assistant Chief Constable, Police Scotland. The City of Edinburgh Council is a partner organization in the East of Scotland RRP.

Background reading / external references

- The Civil Contingencies Act 2004;
- The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (as amended 2013); and
- Preparing Scotland: Scottish Guidance on Preparing for Emergencies.

Andrew Kerr

Chief Executive

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Links

Coalition pledges

Council outcomes

CO15 – The public is protected

CO21 - Safe – Residents, visitors and businesses feel that Edinburgh is a safe city.

Single Outcome Agreement

SO4 – Edinburgh’s communities are safer and have improved physical and social fabric

Appendices

Appendix 1 - Scottish Resilience Coordinating Structure

Appendix 2 - East of Scotland Regional Resilience Partnership Member Organizations

Appendix 3 – East of Scotland Regional Resilience Partnership Structure

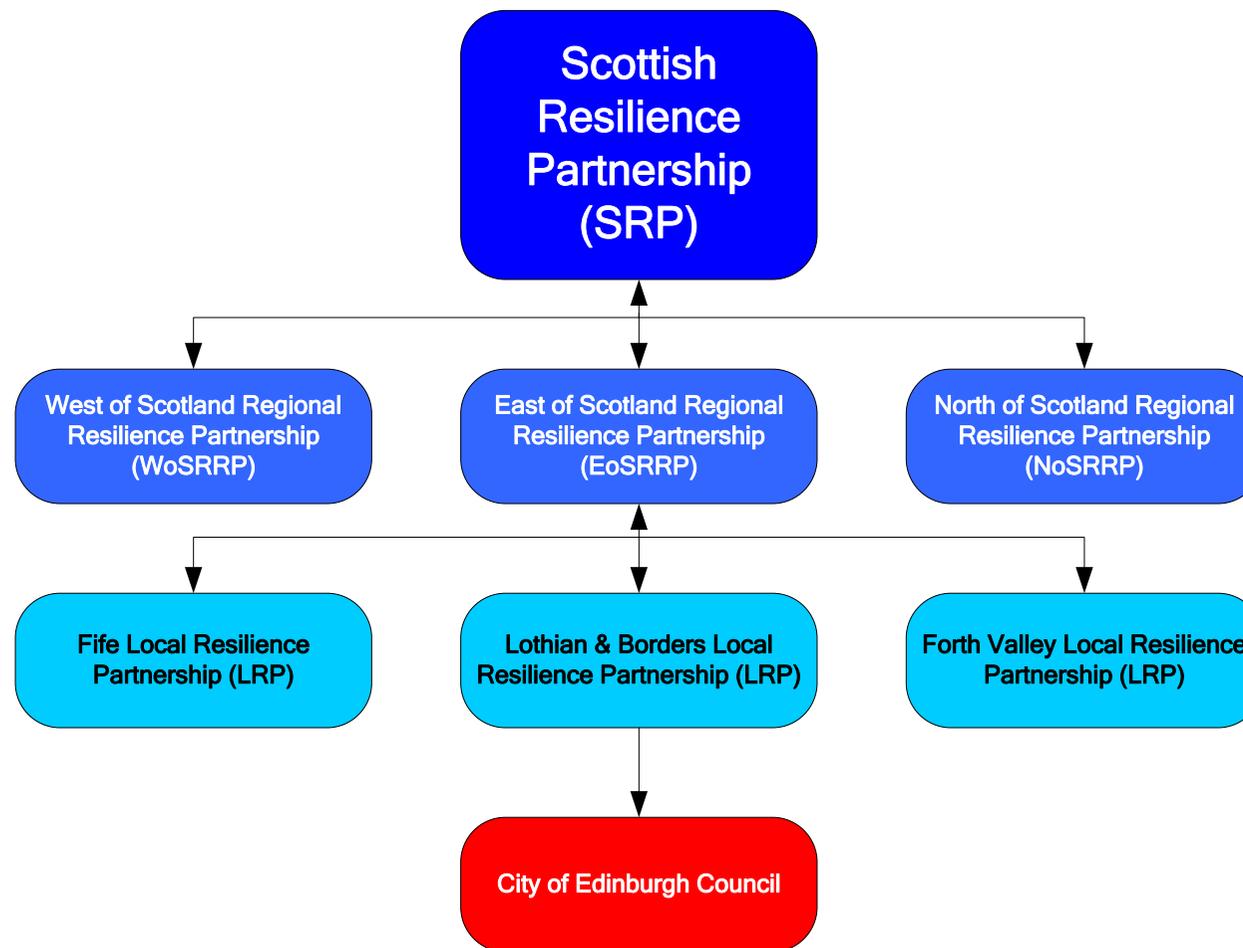
Appendix 4 – Events, Training, Exercises and Incidents from 1 October 2015 to 30 September 2016

Appendix 5 – Council Resilience Groups

Appendix 6 – Council Resilience Business Partnering Model

Appendix 7 – Resilience Service Forward Work Plan 2016 - 2017

Scottish Resilience Co-ordinating Structure



East of Scotland Regional Resilience Partnership
Member Organizations

Police Scotland (*Chair*)

Senior Resilience Coordinator, Scottish Government Resilience (*Secretariat*)

The City of Edinburgh Council

Clackmannanshire Council

East Lothian Council

Falkirk Council

Fife Council

Midlothian Council

Scottish Borders Council

Stirling Council

West Lothian Council

NHS Borders

NHS Fife

NHS Forth Valley

NHS Lothian

Scottish Fire and Rescue Service

Scottish Ambulance Service

HM Coastguard

Scottish Environment Protection Agency

Scottish Water (representing all the Utilities)

Military Liaison

British Transport Police

Civil Nuclear Constabulary

Health and Safety Executive

Animal and Plant Health Agency

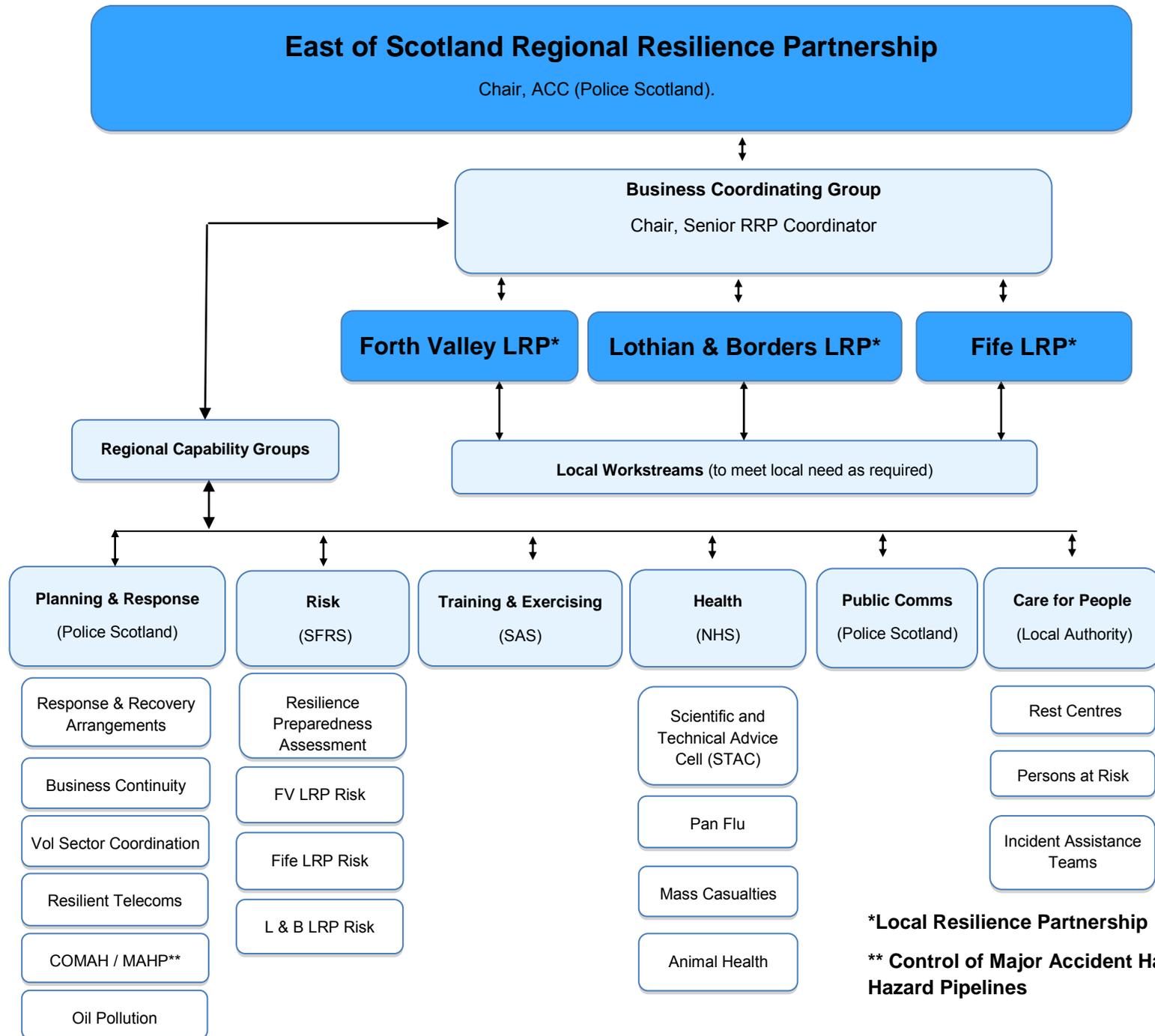
Crown Office Procurator Fiscal Service

Edinburgh Airport Ltd

Forth Ports Ltd

Network Rail

NOTE: Other agencies may be co-opted as necessary.



**Key Resilience Events, Training, Exercises and Incidents –
1 October 2015 to 30 September 2016**

Date	Event	Location	Lead	Remarks
1 October 2015	Council Chief Officer On Call Rota Training	Council Incident Coordination Centre (CICC), City Chambers, Edinburgh	Council Resilience service	Ongoing provision of initial and periodic refresher training in resilience issues for Chief Officers that participate in the Incident On Call Rota.
7 October 2015	Edinburgh Major Incident Evacuation Plan Exercise	European Room, City Chambers, Edinburgh	Council Resilience service	Major, strategic level, multi agency, table top exercise to validate procedures in the revised Edinburgh Major Incident Evacuation Plan.
13 October 2015	Police Scotland Disaster Victim Identification Seminar	Police Scotland, Training College, Tulliallan	Police Scotland (Disaster Victim Identification)	
22 October 2015	Emergency Rest Centre Exercise	Bonnington Resource Centre, Bonnington Road, Edinburgh	Council Health and Social Care/Council Resilience service	
6 November 2015	Marauding Terrorist Firearms Attack (MTFA) Exercise	Faith Mission Centre, 548 Gilmerton Road, Edinburgh	NHS Lothian/Police Scotland	

Date	Event	Location	Lead	Remarks
10 October 2015	Workshop to Raise Awareness of Prevent, Train the Trainer Sessions	NHS Training Centre, Crewe Toll, Edinburgh	Scottish Government	Part of UK Government Counter Terrorist Strategy (CONTEST) Programme
12 November 2015	Silver Swan Pandemic Influenza Strategic Coordination Exercise	McDiarmid Park Stadium, Perth	Scottish Government	
17 November 2015	Insider Threat Exercise	Chief Executive's Boardroom, Waverley Court, Edinburgh	Police Scotland (Counter Terrorism Security Adviser)/Council Resilience service	Event for Council Leadership Team
19 November 2015	Community Resilience Engagement Event	City Chambers, Edinburgh	Council Resilience service	Information and awareness session for members of the public interested in making their own communities more resilient
24 November 2015	Edinburgh's Hogmanay Street Party Exercise	Easter Road Stadium, Edinburgh	Council Public Safety service/Unique Events (Event Organizer)	
30 November 2015	Severe Weather Exercise	Business Centre, City Chambers, Edinburgh	Council Resilience service	
1 December 2015	Cyber Attack Security Incident	East of Scotland area	Police Scotland	

Date	Event	Location	Lead	Remarks
4 – 23 December 2015	Forth Road Bridge Closure	Mainly impacting East of Scotland area	Scottish Government/Transport Scotland	Council Incident Management established by Chief Executive. East of Scotland Regional Resilience Partnership (RRP) convened virtually
31 December 2015 - 1 January 2016	Edinburgh's Hogmanay Street Party	City Centre Arena, Edinburgh	Council Public Safety service/Police Scotland/Unique Events	Chief Executive on duty as Council Gold
29 January 2016	Storm Gertrude: High Winds caused damage to property and forestry, blocked roads and pavements	City Wide	Police Scotland/ Communities and Families/ Place	Outer cladding on Oxfangs Primary School blown down and school closed. Other schools reported damage e.g. windows blown in and roofing materials blown off
1 February 2016	Storm Henry: Severe Weather	City Wide	Police Scotland/Communities and Families/Place	Forth Road Bridge closed to all traffic from late afternoon/early evening
1 February 2016	Telephone Bomb Threat	Boroughmuir, Tynecastle and Royal High Schools	Police Scotland/Communities and Families/Council Resilience service	Similar Bomb Threats made to a number of schools in Glasgow
2 - 4 February 2016	ICT Outage	Council Wide	Police Scotland/ Council ICT Services/Council Resilience service	Other Public Service Organizations in Local Area also affected
3 February 2016	Suspicious Package Incident	Bruntsfield Primary School, Edinburgh	Police Scotland/Communities and Families/Council	

Date	Event	Location	Lead	Remarks
			Resilience service	
10 March 2016	Maritime Security Seminar (Scotland)	Police Scotland Training College, Tulliallan	Police Scotland/UK Department of Transport: Maritime and Coastguard Agency	
14 - 15 March 2016	Exercise Golden Garland	Police Scotland Training College, Tulliallan	Scottish Multi Agency Resilience Training & Exercising Unit (SMARTEU)	2 Day event centred on learning the multi agency contingency planning lessons from the Commonwealth Games 2014
16 March 2016	Care for People Seminar	Callendar House, Falkirk	East of Scotland Regional Resilience Partnership, Care for People Capability Group	
17 March 2016	Following school building surveys, defects detected and a number of schools closures initiated	Braidburn Special School, Firrhill High and St Peter's RC Primary Schools closed	Chief Executive/Communities and Families/Place/Resources	School surveys initiated following Storm Gertrude damage to Oxbgangs Primary School and its consequent closure from 29 January 2016
18-19 March 2016	Fire at Clermiston Primary School	Park Grove Place, Edinburgh	Communities and Families	Nursery Pupils relocated to Fox Covert Nursery
8 April 2016	Further announcement of schools closures following surveys, and detection of	City wide	Chief Executive/Communities and Families/Place/Resources	In total: 10 Primaries, 5 High Schools and 2 Special Schools closed

Date	Event	Location	Lead	Remarks
	possible defects			
12 - 14 April 2016	Community Resilience Event	Council premises - various	Council Resilience service	Various elements including a conference, a roundtable, networking session and CT awareness training by Police Scotland. All events were free of charge to attend and through sponsorship delivered at no cost to the Council. 155 delegates from 72 organizations attended.
14 - 15 April 2016	BSI Continuous Assessment Audit	Council premises – various	Council Resilience service	Successful audit completed with no non-conformities identified
4 May 2016	Exercise Cerberus Rabies Exercise	Police Scotland Training College, Tulliallan	Scottish Government Animal and Plant Health Agency	Scottish national, multi agency, table top exercise
11 May 2016	Airport Health Emergency	Edinburgh Airport	NHS Lothian/Environmental Health and Scientific Services	Suspect Notifiable Disease Case onboard Inbound Flight
24 May 2016	European Union Referendum Tabletop Exercise	Lothian Chambers, Edinburgh	Council Public Safety service	
24 May 2016	Telephone Bomb Threat	Trinity Primary School	Police Scotland/Communities and Families/Council Resilience service	
27 May 2016	Telephone Bomb Threat	Tower Bank Primary School	Police Scotland/Communities and Families/Council	

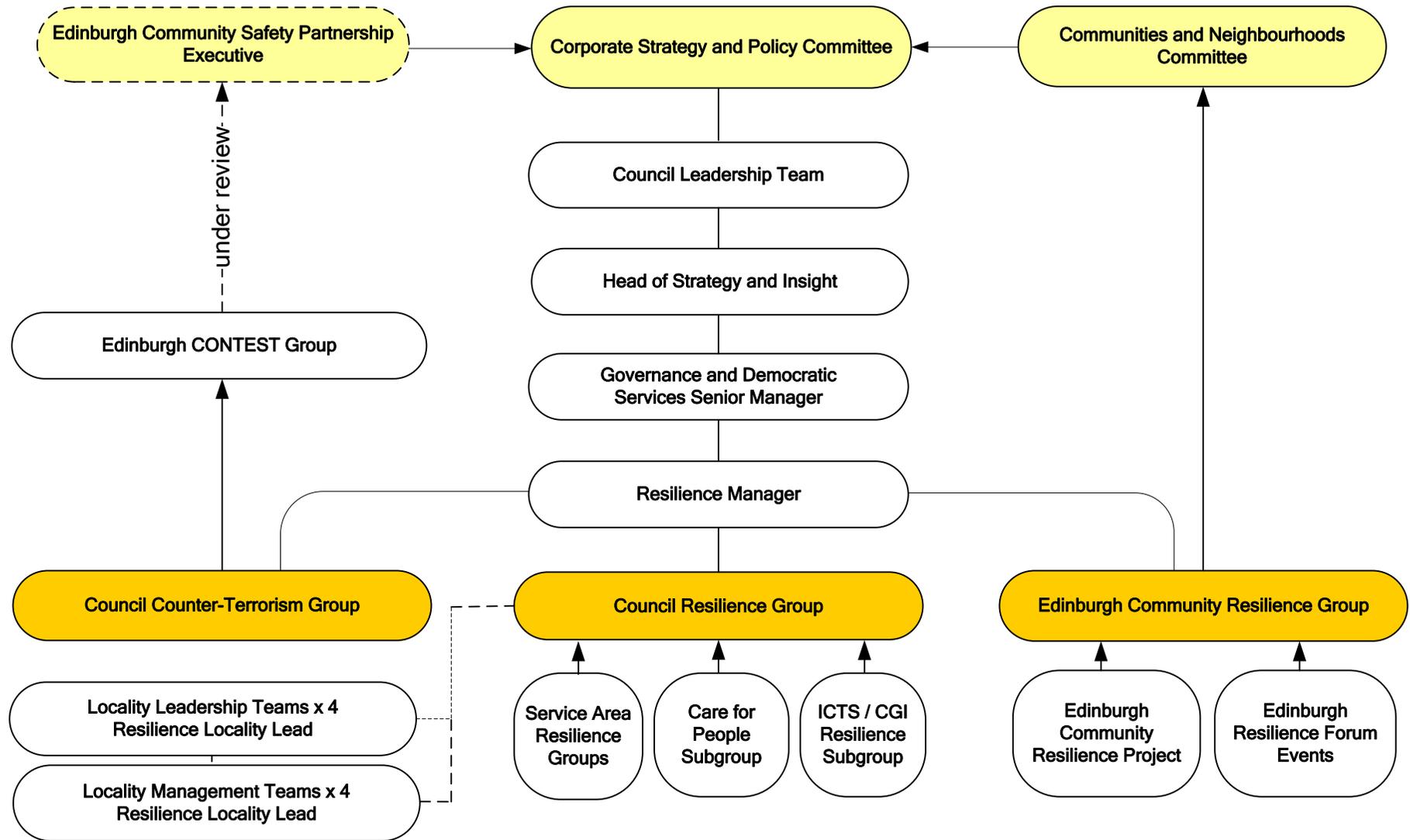
Date	Event	Location	Lead	Remarks
			Resilience service	
2 June 2016	Telephone Bomb Threat	Bruntsfield Primary School	Police Scotland/Communities and Families/Council Resilience service	
9 June 2016	Exercise Fortitude: Torness Strategic Coordination Centre (TSCC) Proving Exercise	East Lothian Council Offices, Penston House, Macmerry Industrial Estate	East Lothian Council/EDF Energy	Multi agency exercise to satisfy Office of the Nuclear Regulator that facilities at Penston House provided a suitable replacement for the former TSCC at Cockenzie Power Station
13 June 2016	Council Chief Officer On Call Rota Training	Council Headquarters, Waverley Court	Council Resilience Service	Ongoing provision of initial and periodic refresher training in resilience issues for Chief Officers that participate in the Incident On Call Rota.
16 June 2016	Exercise Dark Star: BP Dalmeny Installation External Emergency Plan Exercise	Council Incident Coordination Centre, City Chambers; Multi Agency Coordination Centre (MACC) Police Scotland, Fettes Avenue; Kirkliston and Drumbrae Leisure Centres	Council Resilience service/Police Scotland/BP UK Ltd	Live, multi agency exercise to test the off site arrangements for an incident at BP Dalmeny Installation. (Statutory requirement)
24-26 June 2016	ICT Migration Weekend	Council Wide	Transfer of IT servers and networks from BT to CGI data	

Date	Event	Location	Lead	Remarks
			centres	
25/26 June 2016	Flooding Incident	Peffer Place Depot	Place/Council Resilience service	
2 July 2016	Opening of Scottish Parliament	Canongate, Edinburgh	Scottish Parliament/Police Scotland/Council Public Safety service	
25 August 2016	Fire in 4 storey tenement building	Lady Lawson Street, Edinburgh	Scottish Fire and Rescue Service/Police Scotland/Scottish Ambulance Service	Fire began in basement of shop area and resulted in evacuation of a number of premises upstairs.
29 August 2016	Edinburgh Festival Virgin Money Fireworks	Edinburgh Castle and Princes Street Gardens	Police Scotland/Council Public Safety service/Scottish Chamber Orchestra/Pyrovision	

Date	Event	Location	Lead	Remarks
23 September 2016	Water Supply Disruption due to Damaged Water Main	Orchardhead Loan, Liberton	Scottish Water/Scottish Fire and Rescue Service/Council Road Services	<p>Damaged water main resulted in flooding of six residential properties, damage to parked cars, road and pavements. Water supply disrupted to EH1, EH3, EH8, EH9, EH16, EH17, EH21 areas, including</p> <ul style="list-style-type: none"> • Sciennes Primary • Preston Street Primary • St Leonard's nursery • Hope Cottage nursery

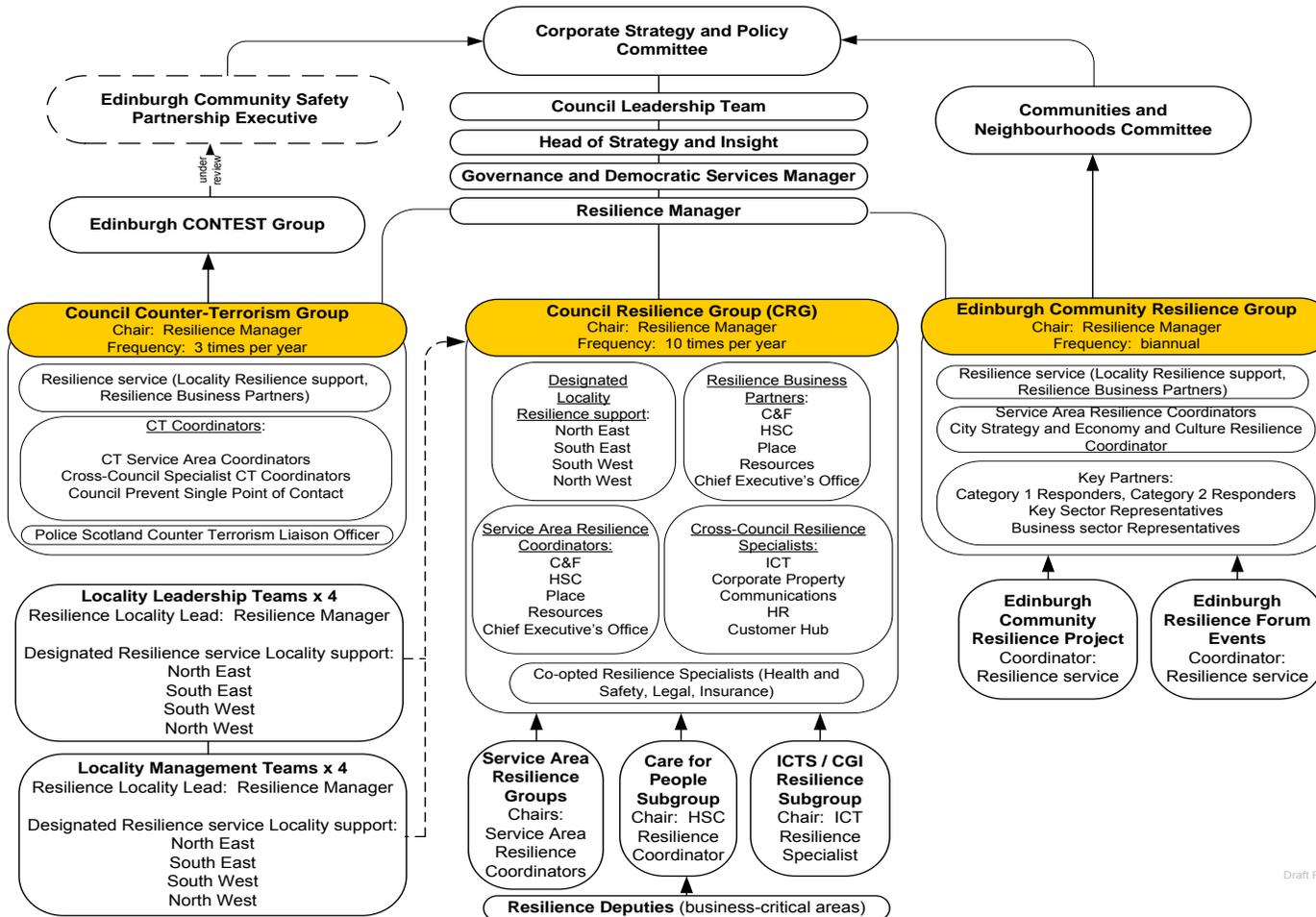
Council Resilience Groups

Appendix 5



Council Resilience Business Partnering Model

Appendix 6



Draft Resilience BP Model v1.5
Last updated: 27/09/16
Page 1 of 1

Resilience Service Forward Work Plan 2016 to 2017

Item	Description	Task
1	Management Information System	Procure/Implement/Train
2	Unit Business Continuity Arrangements	Develop/Input on MIS
3	Corporate Pandemic Influenza Plan	Review/Validate/Exercise
4	Rest Centre Plan	Develop/ Sign Off
5	Council Severe Weather Plan	Annual Review/Validate/Exercise
6	Community Resilience Project Pilot	Develop/Complete Pilot
7	Training Needs Analysis	Annual Analysis
8	Virtual Council Incident Coordination Centre	Develop/Validate Operations Guide
9	ISO22301 Audits	Biannual Continuing Assessment Audits
10	CT Corporate / Interagency Arrangements	Develop/Validate/Exercise
11	Resilience e-learning Module	Develop/Launch
12	Building Incident Manager Training	Develop/Launch/Implement
13	Develop and maintain an appropriate resilience framework and	Develop/Launch/Implement

Item	Description	Task
	infrastructure, including business partnering for Service Areas and Localities	
14	Edinburgh's Hogmanay 2016/17 Resilience Arrangements	Review/Validate/Exercise
15	BIAs for Essential Activities	Review/Complete
16	Key Suppliers Business Continuity Protocol Training	Complete
17	Edinburgh Community Resilience Week 2017	Annual
18	Training Programme	Annual
19	Exercise Programme	Annual
20	Resilience Incident Notification and Escalation Framework	Review/Validate/
21	Edinburgh Festival Fireworks Contingency Arrangements 2017	Annual Review/Validate/Exercise
22	Resilience Reserves Staffing Project	Develop/Launch

Corporate Policy and Strategy Committee

10am, Tuesday 8 November 2016

Sustainable Edinburgh 2020 Annual Report 2015/16

Item number	7.4
Report number	
Executive/routine	
Wards	All

Executive summary

Committee is asked to approve this report, which sets out a position statement on Sustainable Edinburgh 2020 (SE2020), notes challenges and opportunities and recommends next steps.

Considerable progress has been made in embedding sustainability throughout the city through the work of the Edinburgh Sustainable Development Partnership and the setting up of a citywide sustainability website called [Sustainable Edinburgh](#).

Links

Coalition pledges	P8, P11, P15, P17, P19, P23, P24, P25, P28, P32, P33, P40, P43, P45, P46, P47, P48, P49, P50, P51, P52, P53
Council outcomes	All
Single Outcome Agreement	

Sustainable Edinburgh 2020 Annual Report 2015/16

Recommendations

- 1.1 To note the position statement in Appendix 1 and key actions for 2016/17.
- 1.2 To note the significant progress made by the Edinburgh Sustainable Development Partnership (ESDP) in promoting a partnership approach to achieving the aims of a Sustainable Edinburgh 2020.
- 1.3 To note the establishment of a stand-alone Sustainable Edinburgh website to promote and capture the sustainability work that is being carried out across the city.
- 1.4 To note progress made moving towards integrating Sustainable Edinburgh 2020 into the new Local Outcome Improvement Plan which will be based on the three pillars of sustainability: economy, society and environment.

Background

Sustainable Edinburgh 2020

- 2.1 In 2011 the Council approved 'Sustainable Edinburgh 2020' (SE2020), a strategic framework setting out the aims, objectives and targets for the sustainable development of the Council and the city up to 2020. The first annual report on implementing SE2020 was approved by Committee in April 2013 and focused on Council activities only. In 2013 the Edinburgh Sustainable Development Partnership (ESDP) adopted SE2020 as its strategic sustainable development framework. The second and third annual reports, approved by Committee, reported on Council activity and citywide projects led by the ESDP partners.
- 2.2 Over the past year, the ESDP has been working towards embedding sustainability throughout the city through the establishment of the Sustainable Edinburgh website. In March 2016, the ESDP agreed that the SE2020 Annual report become a 'living report' going forward. The Sustainable Edinburgh website provides the opportunity to showcase best practice through the uploading of public sector, higher and further education sector, business, community and third sector case studies and provides a more holistic approach to representing a whole city approach to sustainability.

Main report

- 3.1 This year marks a transition in reporting on progress towards achieving a Sustainable Edinburgh 2020. The establishment of a dedicated Sustainable Edinburgh website means that through the uploading of case studies and sustainability events, progress can be on a continuous basis. This also provides a more holistic approach by highlighting the wide range of sustainability activities and best practice that is happening in the city.
- 3.2 Each case study lists the pillars of sustainability that the project encompasses, that is, economy, environment and/or society, what Aalborg Commitments the project achieves and what locality the project is based in.
- 3.3 The position statement (Appendix 1) sets out where the Council currently is with respect to sustainability. The last six months have seen major change across the organisation with fundamental review of services and new management structures. As result the collation of information for the Council's contribution to the city's SE2020 report has been limited.
- 3.4 However key work areas have continued and despite all the change that has taken place there have been significant achievements.

Key city-level sustainable development achievements 2015/16

- 3.5 These high level achievements over the past year reflect the trend towards addressing complex citywide issues collaboratively, without diminishing the efforts individual organisations across the city are making to improve their own performance. Highlights include:
 - Progress in implementing the [Sustainable Energy Action Plan](#);
 - A successful citywide engagement exercise to develop an adaptation action plan through the [Edinburgh Adapts](#) project which was approved at Transport and Environment Committee (August 2016);
 - Continuing progress in achieving a sustainable food city through the [Edible Edinburgh](#) partnership initiative; and
 - The approval of a new [Edinburgh Biodiversity Action Plan 2016-18](#) for the city.

Key Council sustainable development achievements 2015/16

- 3.6 Highlights include:
 - the Corporate Sustainability Group ("CSG"), has been restructured and is now chaired by the Director of Place,
 - discussions are taking place to merge the SAM (Sustainability, Adaptation, Mitigation) e-tool (to evidence compliance with the Climate Change (Scotland) Act 2009 with an equalities assessment tool;

- SE2020 indicators have been aligned with the Community Plan Performance Framework to increase efficiency by reducing duplication of effort;
- Progress has been made on developing a new [Open Space Strategy 2021](#)

Challenges for 2016/17

3.7 Key challenges for the Council as an organisation are set out below.

- Leadership and buy-in from Corporate Leadership Team (CLT) and senior managers on the culture change necessary to embed sustainable development in standard business practice to increase efficiency and effectiveness of Council operations.
- Consideration of the Climate Change Public Bodies Duties from the outset and at all subsequent stages of major initiatives including the transformation programme, infrastructure and planning projects (e.g. mainstreaming the use of SAM);
- Establishing a process to collate annual data on energy consumption, carbon emissions and relevant current and future project activity for the Scottish Government of mandatory reporting on the Public Bodies Duties.

Opportunities for 2016/17

3.8 At a time of transition in the organisation opportunities present that will help the Council work on its sustainable development challenges:

- Sustainability is included as a key programme in the Transformation Team's work plan going forward

Priorities for 2016/17

3.9 Six actions to progress the city's sustainable development over the coming year are proposed in the SE2020 Annual Report, with an outline Work Programme listing key tasks for ESDP partners. The implications for the City of Edinburgh Council as a partner are as follows.

SE2020 Action	Role of the City of Edinburgh Council
ESDP Work Programme	<ul style="list-style-type: none"> • Support the ESDP providing the Secretariat function;
Carbon Metrics	<ul style="list-style-type: none"> • Participate in sub-group to deliver this action • Ensure alignment with the SEAP, the Council's CMP and the Council's mandatory report on its compliance with the Climate Change Act
Adaptation Action Plan	<ul style="list-style-type: none"> • Participate in sub-group to deliver this action • Ensure alignment with the Council's adaptation actions,

	including the Asset Management Strategy and Asset Transfer Policy
Internal Engagement on Sustainability	<ul style="list-style-type: none"> Align Council's Business Plan with the Sustainable Development Goals; The establish of the Strategy And Insight function will ensure a robust approach to sustainability in all Council activities and specifically this will be led by the Transformation and Business Change team.
City-wide Engagement on Sustainability	<ul style="list-style-type: none"> Share good practice examples with and learn from partner organisations Support engagement activity on the development of a new City Vision that has sustainability at its core
Community Plan 2018/21 Development	<ul style="list-style-type: none"> Collaborate with the CP Secretariat and EP Board to embed the principles of sustainable development into the early stages of development of the next CP

Measures of success

- 4.1 Council's delivery against the Capital Coalition pledge commitments and SE2020 objectives, specifically to reduce citywide carbon emissions by 42% by the end of 2019/20.
- 4.2 Council's ability to meet national mandatory Public Bodies Duties reporting requirements annually.
- 4.3 City's reputation as a thriving, successful and sustainable capital city.

Financial impact

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

Risk, policy, compliance and governance impact

- 6.1 By implementing the recommendations in this report the Council is mitigating the risks associated with non-compliance with statutory requirements, specifically the Climate Change (Scotland) Act 2009.
- 6.2 In addition, the Council is ensuring that it is taking appropriate action to deliver adopted strategies and policies.

Equalities impact

- 7.1 Equality and rights are a key component of the SE2020 Strategy and the recommendations proposed in this report will improve the Council's ability to deliver the public sector equality duty.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. In summary, the proposals in this report will help achieve a sustainable Edinburgh because they improve governance of Council action to reduce carbon emissions, increase the city's resilience to climate change impacts and improve social justice, economic wellbeing and environmental good stewardship.

Consultation and engagement

- 9.1 Due to resource and time constraints extensive engagement and consultation across the organisation has not taken place to collate Council projects delivering sustainability outcomes.

Background reading/external references

[Sustainable Edinburgh](#)

[Sustainable Edinburgh 2020](#)

[Sustainable Edinburgh 2020 Annual Report 2012-13](#)

[Sustainable Edinburgh 2020 Annual Report 2013-14](#)

[Resilient Edinburgh](#)

[Sustainable Energy Action Plan](#)

[Edinburgh Sustainable Development Partnership](#)

[Edible Edinburgh: A Sustainable Food City Action – Progress Report](#)

[Sustainable Edinburgh 2020: Action Plan, Policy and Strategy Committee, 27 March 2012](#)

Andrew Kerr

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Coalition pledges

- P8 - Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brown-field sites.
- P11 - Encourage the development of co-operative housing arrangements.
- P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors.
- P17 - Continue efforts to develop the city's gap sites and encourage regeneration.
- P19 - Keep Lothian Buses in public hands and encourage the improvement of routes and times
- P23 - Identify unused Council premises to offer on short low-cost lets to small businesses, community groups and other interested parties.
- P24 - Maintain and embrace support for our world-famous festivals and events.
- P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.
- P32 - Develop and strengthen local community links with the police.
- P33 - Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used
- P40 - Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage.
- P43 - Invest in healthy living and fitness advice for those most in need.
- P45 - Spend 5% of the transport budget on provision for cyclists.
- P46 - Consult with a view to extending the current 20mph traffic zones
- P47 - Set up a city-wide Transport Forum of experts and citizens to consider our modern transport needs.
- P48 - Use Green Flag and other strategies to preserve our green spaces.
- P49 - Continue to increase recycling levels across the city and reducing the proportion of waste going to landfill.
- P50 - Meet greenhouse gas targets, including the national target of 42% by 2020.
- P51 - Investigate the possible introduction of low emission zones.
- P52 - Oppose industrial biomass incineration in Edinburgh.
- P53 - Encourage the development of Community Energy Cooperatives.

Council outcomes

All

Single Outcome Agreement

Appendices

Appendix 1 – Sustainable Edinburgh 2020 – Position Statement

SUSTAINABLE EDINBURGH 2020 - Position Statement

Background

In 2011, the Council approved “Sustainable Edinburgh 2020” (SE2020), a strategic framework setting out the aims, objectives and targets for the sustainable development of the Council and the city to 2020.

The Vision for Sustainable Edinburgh 2020 is that:

"Edinburgh in 2020 will be a low carbon, resource efficient city, delivering a resilient local economy and vibrant flourishing communities in a rich natural setting."

An initial two year action plan was approved in by Council Committee in March 2012. It identified priority Council programmes to implement the Framework. A first annual report on progress was approved by Committee in April 2013, and focused on Council activities only. The Edinburgh Sustainable Development Partnership (ESDP) was formed in December 2013 and adopted SE2020 as its strategic sustainable development framework. Subsequent reports reflected this change by reporting on both Council and citywide activity and projects.

Current position

SE2020 is based on the ten Aalborg Commitments, which set out ten key areas for action on sustainable development. In July 2015, the First Minister announced that the Scottish Government would adopt the UN's new [Sustainable Development Goals](#) (SDG), which came into force on 1 January 2016. The SDGs are an inter-governmentally agreed set of global high level targets (17) that aim to tackle key systematic barriers to sustainable development. They cover social, economic and environmental aspects of sustainability.

A new reporting duty was introduced from 2016 onwards under the Climate Change (Scotland) Act 2009. The City of Edinburgh Council is a ‘Major Player’ under the terms of the Act and as such, has a statutory duty to report annually on progress towards meeting its Climate Change duties under the Public Bodies Duties section of the Act. Many members of the ESDP are also Major Players and will similarly be required to report their progress.

Over the past year, the ESDP has been working towards embedding sustainability throughout the city through the establishment of the Sustainable Edinburgh website. In March 2016, the ESDP agreed that the SE2020 Annual Report become a ‘living report’ going forward. The Sustainable Edinburgh website provides the opportunity to showcase best practice through the uploading of public sector, higher and further education sector, business, community and third sector case studies and reports. This provides a more holistic approach to representing a whole city approach to sustainability.

The launch of the ‘2050 Edinburgh City Vision’ aims to encompass the diverse needs of the city, ensuring it continues to thrive as a great place to live, work and visit. The

citywide engagement exercise will run until December. This provides an ideal opportunity to ensure the future direction of the city chimes with Sustainable Edinburgh 2020's vision of "a low carbon, resource efficient city, delivering a resilient local economy and vibrant flourishing communities in a rich natural setting."

Next Steps

The Edinburgh Sustainable Development Partnership has gained momentum over the last 12 months with an increased number of organisations attending meetings and participating in the partnership. The Edinburgh Partnership's new Community Plan 2018-2021 (Locality Outcome Improvement Plan) is to be structured around the three pillars of sustainability (economic, society and environment).

Initiatives such as Edinburgh Adapts, a sub group of the ESDP, which took a partnership and extensive engagement approach to developing a climate change adaptation action plan for the city, shows that joint working is the way forward to achieving the sustainable development of the city.

The reorganisation of the Council provides the ideal opportunity to embed sustainability into community planning and localities working, the Council's governance structures and business plan to ensure that all Council functions are based on the three pillars of sustainability. It is the intention to align the Council's Business Plan with the Sustainable Development Goals. To ensure that this work is corporately taken forward sustainability will be a key programme in the Transformation Team's work programme going forward.

Corporate Policy and Strategy Committee

10am, Tuesday, 8 November 2016

Public Bodies Climate Change Duties Report 2015/16

Item number	7.5
Report number	
Executive/routine	
Wards	All

Executive summary

This report seeks Committee's approval for submission to the Scottish Government of the Council's first required annual report on compliance with the Climate Change (Scotland) Act 2009 Public Bodies Climate Change Duties.

Report

Public Bodies Climate Change Duties Report 2015/16

Recommendations

- 1.1 To approve submission to the Scottish Government of the Public Bodies Climate Change Duties Report 2015/16, outlined in appendix one to this report; and
- 1.2 To agree new arrangements are embedded as outlined in paragraph 3.5 to ensure more robust, regular monitoring of the Council's carbon footprint.

Background

- 2.1 The City of Edinburgh Council is a 'Major Player' under the terms of the Climate Change (Scotland) Act 2009 and has a statutory duty to submit an annual report on what it is doing to meet the statutory Public Bodies Climate Change Duties. This report, which replaces the annual Scottish Climate Change Declaration report, must be submitted to Scottish Government by 30 November each year and will cover the most recently completed financial year.
- 2.2 On 29 September 2015 this Committee approved the Council's initial, voluntary response to the Scottish Government's new reporting requirement.

Main report

- 3.1 The Public Bodies Climate Change Duties Report has seven sections.
 - Part 1: Organisational Profile
 - Part 2: Governance, Management and Strategy in relation to climate change
 - Part 3: Corporate Emissions, Targets and Projects
 - Part 4: Adaptation to the impacts of climate change
 - Part 5: Procurement actions and achievements regarding climate change
 - Part 6: Data Validation and sign-off Declaration by a senior person responsible for climate change
 - Part 7: Reporting on Wider Influence
- 3.2 The first six parts of the report apply to the Council's own carbon emissions reduction, climate change adaptation and sustainable procurement activities. Part seven, which public bodies are recommended but not required to complete, offers the opportunity to describe our city-wide activities relating to emissions, adaptation, climate change partnership working, capacity building, sustainable food, biodiversity and resource use.
- 3.3 Since the submission of the voluntary report in 2015, the Council has undergone a major review process. This has involved the restructuring of teams/divisions

and new line management responsibilities. The newly formed Strategy and Insight Division brings together the following teams: Strategy and Business Planning, Data Services, Performance and Analytics and Engagement and Insight. This presents the opportunity to:

- corporately collate all council data relating to carbon (i.e. kWh consumed, kilometres travelled; litres of fuel consumed and tonnes of waste recycled or land filled) via the Data Warehouse; and
- include reporting on Council performance with respect to carbon as part of the Council's performance reporting framework;

3.4 Due to the scale of the changes that have taken place across the Council it has not been possible to allocate the same amount of staff time and resource to the preparation of the PBCCD report this year. As a result the Scottish Government's Climate Change Assessment Tool (C-CAT) (which assists the public sector to move beyond basic sustainability, climate change and carbon reduction performance and towards a more sophisticated and integrated approach to these issues) has not been utilised by Council managers and officers to date and the optional part seven of the public bodies duties report has not been completed on this occasion.

3.5 However, at a time of major change in the organisation opportunities to embed improved management of the council's carbon footprint have been identified. This would help address compliance with the PBCCD reporting process and would assist embedding carbon management into the culture of the organisation. The following ways to achieve this are proposed:

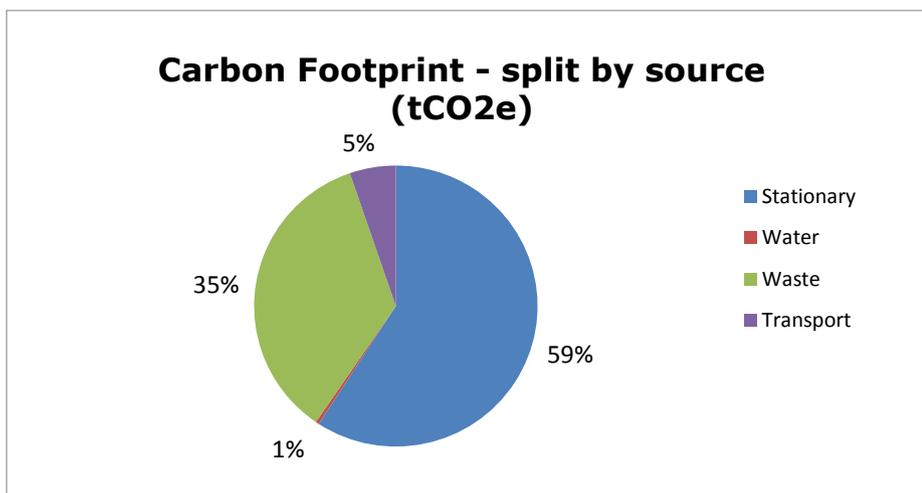
- The ownership of the Council's Carbon Management Plan (CMP) will be within the Corporate Property Division (Energy Management Unit) who is responsible for the measurement and monitoring of energy data for Council buildings, the management of energy projects and collation of data for the Council's annual CRC report. This plan will provide the future data and the project information required for the PBCCD report (Section three). The Carbon Foot Printing and Project Register (CFPR) tool developed by Resource Efficient Scotland (RES) was designed to assist local authorities with their CMP and with section three of the PBCCD reporting form. This tool is being adopted by all services across the Council who undertake Council projects. In future, a well managed CMP will assist the Council with its contribution to the city's Sustainable Energy Action Plan (SEAP).
- With the creation of a corporate Performance and Analytics team alongside a Data Services team within Strategy and Insight Division, there is the opportunity to hold data relating to carbon Council-wide. Expertise across these teams can address data quality and data gaps, cleanse data and ensure that all relevant data streams are captured (e.g. increasing input from renewable technologies).
- Currently there is no regular reporting on carbon related data within the organisation apart from this new annual requirement to comply with the

Climate Change (Scotland) Act 2009. It is suggested that such data is collated and reported on as part of the council's performance framework.

- 3.6 The Council's SAM (Sustainability, Adaptation, Mitigation) e-tool, developed as one of the actions under Sustainable Edinburgh 2020 is designed to help officers consider the impacts of their policy and/or delivery activity in the light of the Public Bodies Duties. The outcome is required to be noted in the Sustainability Impacts section of every Committee Report. The use of SAM is written into standard business processes such as management of major projects, corporate procurement and the annual budget process. Discussions have started to explore the opportunity to integrate SAM with an equality assessment tool. The use of SAM by officers to date has been patchy. It is important that going forward the uptake of SAM by officers increases. Responsibility for enforcing this lies with elected members and officers who have responsibility for signing off reports.
- 3.7 The new required PBCCD report incorporates the expectation that year-on-year improvements by public bodies will be evidenced. By implementing the highlighted actions above, the quality of the council's data collection, data analysis and project information should be greatly enhanced with mechanisms in place to ensure continuous improvement.

PBCCD report content highlights

- 3.8 Part three of the report covers the Council's own carbon emissions. In summary, overall emissions appear to have increased in 2015/16 by 4%.
- 3.9 The chart below shows the split of carbon emissions by source type for 2015/16 (stationary refers to gas and electricity consumption).



- 3.10 Key points relating to the footprint include:
- The involvement of a senior business analyst from the Performance and Analytics team has meant that further cleansing of the data from Service Areas has occurred for 2015/16. Gas oil figures are included for the first

time in the 2015/16 footprint which increases the footprint by 1342 tonnes CO₂e (i.e. 0.9% of the total footprint). Data quality checks have been carried out but there is still room for improvement.

- The volume of waste sent to landfill has reduced by 10% between 2014/15 and 2015/16. However the emission factor used for Waste: 'Refuse Municipal to Landfill' has increased significantly between 2014/15 reporting and 2015/16 reporting year (290 kg CO₂e/tonne up to 459 kg CO₂e/tonne). This is due to a change in methodology used to generate the emission factor. This translates to a 42% increase in carbon emissions from landfill waste even though the amount of waste sent to landfill has reduced by 10%.
 - The consumption of electricity and gas has decreased by 8% and 5% respectively compared to that of 2014/15. Key variables, such as operational hours, occupation levels, the number and floor area of buildings and the severity of the weather all have an impact on the amount of energy consumed in any given year. Any significant changes to the property estate such as changes through school rolls, refurbishment or the remodelling of the property estate (building closures/new buildings) also impact on consumption. The decrease in consumption between 2014/15 and 2015/16 can largely be attributed to remodelling of the property estate, property refurbishment and increased efficiency of plant and equipment. The severity of the weather will not have been a contributory factor as, across the year, 2015/16 was colder than 2014/15. In addition, please note that the carbon emission factor used for electricity has reduced (0.5004 kg CO₂e/kWh in 2015/16 compared to 0.5375 kg CO₂e/kWh for 2014/15). This is due to the fact that electricity generation is becoming cleaner in terms of carbon emissions produced.
 - Water (supply and treatment) consumption has decreased by 11%. However this is a small percentage of the Council's overall carbon footprint (1%). A regular meter reading programme for water meters as part of the current water contract is currently being addressed.
 - Renewables make up a small percentage of Council energy generation. Considerable project work has been done this year on the installation of solar panels on Council buildings as part of the Edinburgh Community Solar Co-operative initiative therefore there will be more to report in relation to this for the 2016/17 reporting year.
- 3.11 The Council has set an overall carbon reduction target of 42% by 2020 based on a 2005/06 baseline. Reduction to date is 22% but it is worth noting that emission factors are not necessarily comparable. In order to achieve the target reduction over the next five years there needs to be a concerted effort to capture the carbon savings from implemented projects and ensure data robustness.
- 3.12 Questions 3e to 3j relate to carbon reduction projects. This is a less developed element of the report as there is no robust process in place to capture

information relating to the carbon impact of project activity across the Council. This could be addressed if the Carbon Foot Printing and Project Register tool being used to support the CMP was being utilised and managed as discussed in paragraph 3.5 of this report. The projects that populate this section have been provided by Corporate Property.

- 3.13 Part 4 of the PBCCD Report covers the Council's climate change adaptation activity. The return shows that climate change adaptation is embedded in a range of Council operations and services, and wider work is progressing well, with the approval of the Edinburgh Adapts Climate Change Action Plan (2016 – 2020) in August 2016. However this will be included in the 2016/17 PBCCD Report submission.
- 3.14 Part 5 of the PBCCD Report covers the Council's sustainable procurement activity. The Council's Commercial and Procurement Services Division continues to evidence that sustainability is firmly embedded in procurement policies and contract activity. Current specification work indicates that sustainability activity within this Service continues to strengthen.

Measures of success

- 4.1 The City of Edinburgh Council submits a Public Bodies Climate Change Duties Report on the financial year 2015/16 to the Scottish Government by 30 November 2016.
- 4.2 The City of Edinburgh Council improves its capacity to evidence year-on-year improvements in successive Public Bodies Climate Change Duties Reports.

Financial impact

- 5.1 There has been no financial impact from the preparation of this year's report. There has been an impact on staff time.

Risk, policy, compliance and governance impact

- 6.1 Submission of the required annual report will assist in supporting the Council's Energy Policy, Carbon Management Plan, Sustainable Energy Action Plan, Resilient Edinburgh Adaptation Framework and Sustainable Procurement Policy.
- 6.2 Submission of the required annual report will be evidence of compliance with the Climate Change (Scotland) Act 2009.
- 6.3 Governance in relation to the management of carbon across the organisation's activities will be consolidated. Regular performance reporting will be improved.

Equalities impact

7.1 There are no equalities impacts associated with the content of this report.

Sustainability impact

8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. In summary, the proposals in this report will help achieve a sustainable Edinburgh because they improve governance of Council action to reduce carbon emissions, to increase the city's resilience to climate change impacts and to improve social justice, economic wellbeing and environmental good stewardship.

Consultation and engagement

9.1 Consultation has taken place with Commercial and Procurement Services, Planning, Flood Prevention, Corporate Property, Environment, Resilience Unit and Edinburgh Leisure.

Background reading/external references

[Public Bodies Climate Change Report 2014/15](#)

Andrew Kerr

Chief Executive

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Links

Coalition pledges	P50 - Meet greenhouse gas targets, including the national target of 42% by 2020
Council priorities	CP11 – An accessible connected city CP12 – A built environment to match our ambition CP13 – Transformation, Workforce, Citizen and Partnership Engagement, Budget
Single Outcome Agreement	SO4 – Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Public Bodies Duties Climate Change Report 2015/16

TABLE OF CONTENTS

Required

1 Profile of Reporting Body

2 Governance, Management and Strategy

3 Emissions, Targets and Projects

4 Adaptation

5 Procurement

6 Validation and Declaration

Recommended Reporting: Reporting on Wider Influence

Wider Impact and Influence on GHG Emissions

Other Notable Reportable Activity

1 Profile of Reporting Body

	1b	1c
Body Name	Body Type	FTE
City of Edinburgh Council	Local Government	15513.54

		1d			
Body Name	Body Type	Metric	Unit	Value	Comments
City of Edinburgh Council	Local Government	Population size served	population	498800	Slide 5, Edinburgh by Numbers http://www.edinburgh.gov.uk/downloads/file/7975/edinburgh_by_numbers_2016

		1e		1f		1g
Body Name	Body Type	Budget	Budget Comments	Report Year	Report Year Comments	Context
City of Edinburgh Council	Local Government	949000000		Financial (April to March)		N/A

2 Governance, Management and Strategy

		2a How is climate change governed in the body?	2b How is climate change action managed and embedded by the body?
Body Name	Body Type	Governed	Managed
City of Edinburgh Council	Local Government	<p>Member Officer Working Group on Carbon, Climate and Sustainable Development, chaired by political Sustainability Champion, meets quarterly, drives action to deliver targets, meet best practice, monitor and report on actions and outcomes.</p> <p>Corporate Sustainability Group, chaired by officer Sustainability Champion: meets 6-weekly; coordinates activity; assures momentum; engages with staff to promote policies, plans and their implementation.</p> <p>Strategy and Insight, Chief Executive's division: leads on the corporate response to Government on carbon, climate change (adaptation) and sustainability initiatives, including development of strategies and action plans; collaborates with professional colleagues across the organisation (E.g Energy & Water Management, Waste Services, Procurement, Asset Management, Transport, ICT, Planning, Parks, Internal Audit) to embed, monitor and report on best practice.</p>	<p>The City of Edinburgh Council has developed a bespoke online tool - "SAM" (Sustainability, Adaptation, Mitigation) - to help officers consider the impacts of their Corporate, Policy and/or Delivery activity in the light of the PBCCD. The outcomes of this consideration are expected to be noted in the Sustainability impacts section of every Committee Report.</p> <p>Use of SAM is embedded in standard business processes such as management of major projects, corporate procurement and the annual budget process. An action agreed by the corporate management team is that all employees should be encouraged to complete the internal e-learning module on Sustainable Development, which covers the PBCCD. The PBCCD are included in the induction training programme for all managers. Climate change aspects of specific issues (e.g. Air Quality, Built and Natural Heritage, Energy and Water Management, Open and Green Spaces, Planning, Procurement, Transport, Waste Services) at everyday service level is the responsibility of professional officers involved in service delivery, with over-arching and cross-cutting aspects brought to governance groups noted in Question 2a above.</p> <p>The organisation is currently going through a major organisational restructure. This transformation process means there is huge opportunity for the City of Edinburgh Council to embed all elements of sustainability relating to the Climate Change (Scotland) Act 2009 into its new ways of working e.g. in Locality Improvement Plans (x 4) and the implementation of locality working as well as forging a shared stronger partnership approach to a sustainable capital city. Over the next 12 months there is a need to re-align key strategic approaches to climate change such as the Carbon Management Plan and Edinburgh Adapts with the Council's Business Plan, the city's Sustainable Energy Action Plan (SEAP), projects on the ground, and vice versa.</p>

		2c Does the body have specific climate change mitigation and adaptation objectives in its corporate plan or similar document?		
Body Name	Body Type	Objective	Doc Name	Doc Link
City of Edinburgh Council	Local Government	<p>Pledge 45: spend 5% of the transport budget on provision for cyclists</p> <p>Pledge 46: consult with a view to extending the current 20mph traffic zones</p> <p>Pledge 47: set up a city-wide transport forum of experts and citizens to consider our modern transport needs</p> <p>Pledge 48: use Green Flag and other strategies to preserve our green spaces</p> <p>Pledge 49: continue to increase recycling levels across the city and reduce the proportion of waste going to landfill</p> <p>Pledge 50: meet greenhouse gas targets, including the national target of 42% by 2020</p> <p>Pledge 51: investigate the possible introduction of low emission zones</p> <p>Pledge 52: encourage the development of community energy cooperatives</p>	Capital Coalition Agreement "Contract with the Capital", page 8	http://www.edinburgh.gov.uk/info/20031/councillors_and_committees/862/council_vision_for_edinburgh
		<p>Vision: Edinburgh is a thriving, sustainable capital city in which all forms of deprivation and inequality are reduced</p> <p>Strategic themes: Improve quality of life; Ensure economic vitality; Build excellent places</p> <p>Strategic commitment: Deliver lean and agile Council services</p> <p>Service principles include "A sustainable capital city"</p>	Business Plan 2016-20	http://www.edinburgh.gov.uk/info/20204/council_planning_framework/1255/strategic_plan
		<p>Vision: Edinburgh in 2020 will be a low carbon, resource efficient city, delivering a resilient local economy and vibrant flourishing communities in a rich natural setting</p> <p>Objectives for 2020:</p> <ul style="list-style-type: none"> • Edinburgh will maintain a good quality of life for all its citizens while consuming minimum resources • Edinburgh will be a leading knowledge, demonstration and development centre for sustainable development • Edinburgh will have a new trademark – the "Sustainable City" – attracting visitors, industry and investors • Edinburgh will have created significant new employment opportunities in low carbon and green technologies • Edinburgh will have preserved and enhanced its biodiversity, landscape and coastal environments 	Sustainable Edinburgh 2020 strategic framework	http://www.edinburgh.gov.uk/info/20206/sustainable_development_and_fairtrade/841/sustainable_edinburgh_2020
		Strategic Priority: reducing greenhouse gas emissions by 42% by 2020	Edinburgh Partnership Community Plan 2015-18	http://www.edinburgh.gov.uk/downloads/download/424/the_edinburgh_partnership_community_plan

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2d Does the body have a climate change plan or strategy?		
Body Name	Body Type	Strategy Doc
City of Edinburgh Council	Local Government	Resilient Edinburgh Climate Change Adaptation Framework 2015-2020; adopted October 2014; http://www.edinburgh.gov.uk/downloads/download/1256/resilient_edinburgh Sustainable Edinburgh Action Plan (SEAP); adopted February 2015; http://www.edinburgh.gov.uk/info/20220/economic_development/544/sustainable_economy/2 [Second] Carbon Management Plan 2015/16-2020/21; adopted September 2015; http://www.edinburgh.gov.uk/directory_record/683821/carbon_management_plan_20152016_-_20202021

2e Does the body have any plans or strategies covering the following areas that include climate change?						
Body Name	Body Type	Topic area	Name of document	Link	Time period covered	Comments
City of Edinburgh Council	Local Government	Adaptation	Resilient Edinburgh - Climate Change Adaptation Framework	http://www.edinburgh.gov.uk/downloads/download/1256/resilient_edinburgh	2014-20	
		Business travel	Sustainable Travel Plan		2009-12	
		Staff Travel	Sustainable Travel Plan		2009-12	
		Energy efficiency	Energy Policy	http://www.edinburgh.gov.uk/downloads/download/555/energy_policy_and_procedures	2013-20	
		Fleet transport	Green Fleet Policy		adopted 2003	
		Information and communication technology	ICT and Digital Strategy	http://ictanddigitalstrategy.org.uk/	2013-16	
		Renewable energy				
		Sustainable/renewable heat	Sustainable Energy Action Plan	http://www.edinburgh.gov.uk/info/20220/economic_development/544/sustainable_economy/2	2015-20	
		Waste management	Waste and Recycling Strategy	http://www.edinburgh.gov.uk/info/20245/services_for_communities/413/waste_strategies	2010-25	
			Waste Prevention Strategy	http://www.edinburgh.gov.uk/info/20245/services_for_communities/413/waste_strategies	adopted 2005	
			Resource Use Policy	http://www.edinburgh.gov.uk/directory_record/683921/resource_use_policy	adopted 2000	
		Water and sewerage	Water Management Policy	http://www.edinburgh.gov.uk/directory_record/683942/water_management_project_progress_report_and_revised_policy	adopted 2006	adopted 2006
		Land Use	Asset Management Strategy	http://www.edinburgh.gov.uk/download/meetings/id/50182/item_71b_transformation_programme_ams_update		
Corporate Asset Strategy	http://www.edinburgh.gov.uk/download/meetings/id/46966/item_710_-_corporate_asset_strategy_2015-19		2015-19	to be reviewed in November 2016		
Interim Community Asset Transfer Policy	http://www.edinburgh.gov.uk/directory_record/683945/interim_community_asset_transfer_policy					
Other (state topic area covered in comments)						

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		2f What are the body's top 5 priorities for climate change governance, management and strategy for the year ahead?	2g Has the body used the Climate Change Assessment Tool (a) or equivalent tool to self-assess its capability / performance?
Body Name	Body Type	Top 5 Priorities	Climate Change Assessment Tool
City of Edinburgh Council	Local Government	<p>Establish new ways of working regarding collation of robust carbon data for the organisation as a whole, ensuring that all emission sources are included</p> <p>Profile climate change governance, management and strategy functions through the Transformation programme, following root-and-branch reorganisation of the entire local authority workforce, entailing significant reductions in the workforce complement;</p> <p>Ensure a structured process is in place to capture the carbon impact of project activity carried out by Service Areas and that these are recorded and monitored as part of the Carbon Management Plan.</p> <p>Establish carbon metrics, developed in collaboration with Edinburgh Sustainable Development Partnership partner organisations, to support the monitoring of the Sustainable Energy Action Plan and the Carbon Management Plan;</p> <p>Implement the citywide climate change adaptation action plan, co-produced to implement the Resilient Edinburgh framework</p>	No

		2h Supporting information and best practice. Provide any other relevant supporting information and any examples of best practice by the body in relation to governance, management and strategy.
Body Name	Body Type	Further Information
City of Edinburgh Council		

3 Emissions, Targets and Projects

3a Emissions from start of the year which the body uses as a baseline (for its carbon footprint) to the end of the report year.									
Body Name	Body Type	Reference Year	Year	Scope1	Scope2	Scope3	Total	Units	Comments
City of Edinburgh Council	Local Government	Baseline carbon footprint	2013/14				132730	tCO2e	First year of using RES Carbon Foot Printing Tool and Project Tool
		Year 1 carbon footprint	2014/15				144064	tCO2e	Second year of using RES Carbon Foot Printing tool
		Year 2 carbon footprint	2015/16				149869	tCO2e	Used Carbon Foot Print and Project Register (CFPR) Tool

3b Breakdown of emission sources											
Body Name	Body Type	Total	Emission factor comments	Emission source	Scope	Consumption data	Units	Emission factor	Units	Emissions (tCO2e)	Comments
City of Edinburgh Council	Local Government	149869.4		Natural Gas	Scope 1	171067828	kWh	0.18445	kg CO2e/kWh	31553.5	
				Gas Oil	Scope 1	4952541	kWh	0.27101	kg CO2e/kWh	1342.2	
				LPG	Scope 1	1471573	kWh	0.21468	kg CO2e/kWh	315.9	
				Renewable Heat Purchase Direct Supply	Scope 1	60537	kWh		kg CO2e/kWh	0.0	
				Renewable Elec Purchase Direct Supply	Scope 1	52239	kWh		kg CO2e/kWh	0.0	
				Grid Electricity (generation)	Scope 2	110284663	kWh	0.46219	kg CO2e/kWh	50972.5	
				Grid Electricity (transmission & amp; distribution losses)	Scope 3	110284663	kWh	0.03816	kg CO2e/kWh	4208.5	
				Diesel (average biofuel blend)	Scope 1	2690334	litres	2.58390	kg CO2e/litre	6951.6	
				Van - Class II (1.305 to 1.74 tonnes) Diesel	Scope 1	213256	km	0.228331149	kg CO2e/km	48.7	
				Petrol (average biofuel blend)	Scope 1	33564	litres	2.19440	kg CO2e/litre	73.7	
				Average Car - Unknown Fuel	Scope 3	4235851	km	0.18635	kg CO2e/km	789.4	
				Refuse Municipal to Landfill	Scope 3	114543	tonnes	459.00000	kg CO2e/tonne	52575.2	
				Water - Supply	Scope 3	595068	m3	0.34400	kg CO2e/m3	204.7	
				Water - Treatment	Scope 3	513487	m3	0.70800	kg CO2e/m3	363.5	
Taxi (black cab)	Scope 3	1049202	passenger km	0.21872	kg CO2e/passenger km	229.5					
Taxi (regular)	Scope 3	1375603	passenger km	0.174807	kg CO2e/passenger km	240.5					

3c Generation, consumption and export of renewable energy							
Body Name	Body Type	Technology	Renewable Electricity		Renewable Heat		Comments
			Total consumed by the organisation (kWh)	Total exported (kWh)	Total consumed by the organisation (kWh)	Total exported (kWh)	
City of Edinburgh Council	Local Government	Solar PV	52239	0	0	0	
		Solar thermal	60537	0	0	0	

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3g Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the report year

Body Name	Body Type	Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
City of Edinburgh Council	Local Government	0	Estate changes			
			Service provision			
			Staff numbers			
			Other (specify in comments)			

3h Anticipated annual carbon savings from all projects implemented by the body in the year ahead

Body Name	Body Type	Total	Source	Saving	Comments
City of Edinburgh Council	Local Government	1696	Electricity		
			Natural gas		
			Other heating fuels		
			Waste		
			Water and sewerage		
			Business Travel		
			Fleet transport		
			Other (specify in comments)		

3i Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the year ahead

Body Name	Body Type	Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
City of Edinburgh Council	Local Government	0	Estate changes			The Council's Transformation Programme is a whole-organisation initiative to scope, plan and implement major change in the way the Council houses and delivers its services. This programme commenced in 2016/17 Estate. Optimisation is an element of this programme.
			Service provision			New ways of service provision are part of the Transformation programme.
			Staff numbers			As a result of the Transformation Programme there will be a reduction in staff numbers.
			Other (specify in comments)			

3j Total carbon reduction project savings since the start of the year which the body uses as a baseline for its carbon footprint

Body Name	Body Type	Total	Comments
City of Edinburgh Council	Local Government		This has not been quantified.

3k Supporting information and best practice

Body Name	Body Type	Further Information
City of Edinburgh Council	Local Government	As part of the organisation's recent restructuring the Strategy and Insight Division is now home to Data Services, Performance and Analytics, and Strategy and Business Planning teams. This offers the opportunity to centrally hold all the data relating to the organisation's footprint, to ensure that the data is robust and for it to be analysed and reported to senior management regularly.

4 Adaptation

		4a	4b
Body Name	Body Type	Has the body assessed current and future climate-related risks?	What arrangements does the body have in place to manage climate-related risks?
City of Edinburgh Council	Local Government	<p>An initial risk assessment was done through completion of a Local Climate Impact Profile followed by verification through Council Committee reporting and meetings with Council departments and affected services.</p> <p>Web link: http://www.adaptationscotland.org.uk/11/96/0/Local-Climate-Impacts-Profile-project-findings.aspx</p> <p>Resilient Edinburgh Climate Change Adaptation Framework 2014-2020 was approved by the Council in October and endorsed by the Edinburgh Sustainable Development Partnership in November 2014. The Framework takes a risk-based approach to assessing Edinburgh's vulnerability to weather-related risks and predicted climate change impacts; identifies city services and sectors that may be affected, and presents high level actions to address the most significant risks identified. A separate document contains the evidence base on which the Framework is built.</p> <p>The Edinburgh Adapts Action Plan 2016-2020 will collate and implement high level actions to address the risks identified.</p>	<p>Following approval of the Resilient Edinburgh Climate Change Adaptation Framework 2014-2020 in 2014, a citywide adaptation action plan is being developed in partnership with the Edinburgh Sustainable Development Partnership, Adaptation Scotland and key stakeholders under the Edinburgh Adapts Project. A number of stakeholder workshops and engagement activities have been held to collate actions and develop the Action Plan and a Vision for a Climate-Ready Edinburgh.</p> <p>The Council's Resilience service drives and manages the Council's Resilience Management Programme and is the focus for the Council's resilience activities. The Council's Resilience service is responsible for ensuring the Council complies with its statutory emergency planning and business continuity obligations, which is carried out in conjunction with designated Resilience coordinators from each Council service area and key function together with stakeholders and partner organisations.</p> <p>Edinburgh's City Local Plan and Rural West Edinburgh Local Plan contain measures to ensure climate change adaptation and flood prevention is incorporated into planning policy. The Council's Second Proposed Local Development Plan, which is due to be formally adopted later in 2016, has specific measures dealing with climate change adaptation. It aims to promote development in sustainable locations and enhance the city's green network by encouraging land management practices which capture, store and retain carbon, and prevent and manage flood risk. This includes managing surface water drainage, treatment and flood risk through sustainable urban drainage, providing amenity and biodiversity benefits.</p> <p>Edinburgh's has two Flood Prevention Schemes in place on the Braid Burn and Water of Leith. Both of these schemes are designed for a 1 in 200 year event and include an allowance for climate change. Undeveloped areas of land fulfil an important flood function and should be allowed to flood in order to protect built-up areas from floodwater. These are shown on the Edinburgh Local Development Plan Proposals Map as areas of importance for flood management. There are also robust inspection regimes in place for watercourses, coastal defences and reservoirs. These inspections help inform and prioritise planned maintenance work.</p> <p>In the event of flooding the Council provides an emergency response and there are always two members of staff on standby to co-ordinate activities. Action Packs have been prepared which detail where temporary defences should be deployed. Sandbags and pallet barriers are stored and are to be utilised in the event of flooding. A limited number of sandbags are stored at a number of fire stations and these are available to the public.</p> <p>The Council is a signatory to the Central Scotland Green Network and is working in partnership with neighbouring authorities and other stakeholders to support a range of projects. Edinburgh's Local Biodiversity Action Plan 2010-15 includes a section and various actions on climate change mitigation and adaptation. The Council is in the process of developing a new Biodiversity Action Plan for 2016-18 which will include a number of climate related risks and actions.</p> <p>The Council's Parks and Greenspace Strategy aims to conserve natural habitats and wildlife.</p> <p>Climate change adaptation considerations are embedded into strategies for green and blue networks as well as into wider land use planning decisions through forest and woodland strategies.</p>

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		4c
Body Name	Body Type	What action has the body taken to adapt to climate change?
City of Edinburgh Council	Local Government	<p>Resilient Edinburgh Climate Change Adaptation Framework 2014-2020 sets out the city's strategic approach to increasing resilience to the impacts of climate change. Adaptation Scotland is working with the Council and the Edinburgh Sustainable Development Partnership to develop a climate change adaptation action plan for the city through the Edinburgh Adapts project. The Action Plan will be published in August 2016. The Council is also a member of the EU Mayors Adapt initiative.</p> <p>Externally, the Resilience service represents the Council on the Multi Agency Risk Group established by the Lothian and Borders Local Resilience Partnership, which feeds into the risk assessment processes of the East of Scotland Regional Resilience Partnership. The range of risks addressed by these partnerships includes extreme weather related emergencies. Internally, the Resilience service chairs the Council Resilience Group that oversees the Council's Resilience Management Programme, which includes identifying and addressing risks through preparing and maintaining contingency measures to mitigate their effects. High-level risks are escalated within the Council, where appropriate.</p> <p>Edinburgh's City Local Plan and Rural West Edinburgh Local Plan contain measures to ensure climate change adaptation and flood prevention is incorporated into planning policy. The Council's Second Proposed Local Development Plan, which is due to be formally adopted later in 2016, aims to promote development in sustainable locations and enhance the city's green network by encouraging land management practices which capture, store and retain carbon, and prevent and manage flood risk. This includes managing surface water drainage, treatment and flood risk through sustainable urban drainage, providing amenity and biodiversity benefits.</p> <p>The Council works in partnership with neighbouring local authorities, SEPA and Scottish Water and has prepared a Local Flood Risk Management Plan (LFRMP) for the Forth Estuary Catchment which will outline strategies and identify areas vulnerable to flooding from all sources and potential mitigation measures and actions. This plan was published in June 2016 and can be found at http://www.edinburgh.gov.uk/info/20045/flooding.</p> <p>Edinburgh Living Landscapes launched in November 2014. The initiative is led by the Council's Parks and Greenspace service in partnership with the Scottish Wildlife Trust, Royal Botanic Garden Edinburgh, Edinburgh and Lothian Greenspace Trust and Green Surge. It advocates the development of an ecosystem approach to the management of the Council's open space estate in order to realise the benefits to both biodiversity and public amenity. It aims to create resilient green networks to deliver a healthy, accessible and attractive environment.</p> <p>As part of the EBAP 2016-2018, partners have been asked to include actions to adapt to climate change within site management plans, conservation plans and species action plans as appropriate. This not only raised awareness but also involved risk assessment, adaptation measures and any carbon capture.</p>

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4d Where applicable, what progress has the body made in delivering the policies and proposals referenced N1, N2, N3, B1, B2, B3, S1, S2 and S3 in the Scottish Climate Change Adaptation Programme(a) ("the Programme")?							
Body Name	Body Type	Objective	Objective reference	Theme	Policy / Proposal reference	Delivery progress made	Comments
City of Edinburgh Council	Local Government	Understand the effects of climate change and their impacts on the natural environment.	N1	Natural Environment	N1-8	Potentially Vulnerable Areas have been highlighted and the risk assessed in relation to Flood Risk which will be reported in the Local Flood Risk Management Plan (LFRMP).	
					N1-10	Scottish Government commissioned the Scottish Flood Defence and Asset Database. SEPA published flood maps to help understand areas potentially affected by flooding. The Council maintains GIS records of existing assets in relation to culverted watercourses.	
		Support a healthy and diverse natural environment with capacity to adapt.	N2	Natural Environment	N2-2	The Local Development Plan (LDP) aims to enhance the city's green network by encouraging land management practices which capture, store and retain carbon and prevents and manages flood risk. Furthermore, through various policies, the LDP aims to protect, promote and enhance the wildlife, recreational landscape and access value of the green network. 58 floral meadows have been identified across the city and were sown by mid June, including nine meadows that are a legacy of the urban pollinator research project with the University of Edinburgh. A total of 89 hectares of greenspace will incorporate Living Landscape features in 2016 (the Council manages 858 hectares of Standard Amenity Grass (SAG)) which equates to 10.4% of our amenity grasslands.	As well as improving the visual and biodiversity amenity of these sites, these changes, specifically the less frequently cut relaxed grass areas will slow rainwater run-off and help lock-up carbon in soils, reducing CO2 release. It will also mean a reduction in operational fuel consumption and associated pollutants.
					N2-7	The Council has continued to manage INNS where they occur on their land The EBAP 2016-2018 will incorporate a new section on invasive species. This will address habitat and genetic resilience as well as being 'Plant Smart' in terms of biosecurity and plant choice and source.	The Biodiversity Partnership will continue to work with partners such as the Water of Leith Conservation Trust to manage INNS along the Water of Leith and seek to work at a catchment scale level through the RBMP area partnerships. The Natural Heritage Service continues to work with volunteers and Friends groups to carry out practical work on eradication of INNS.
					N2-11	The Local Development Plan identifies Local Nature Reserves and Local Nature Conservation Sites to protect biodiversity at the local level. The plan includes policies relating to a range of biodiversity designations. LDP and Council guidance also recognise the value and potential of biodiversity outwith designated areas and set out key principles for enhancing habitat and ecosystems. The possibility of woodland creation in upper river basin catchments has been investigated through Environmental Co-operation Action Fund monies. This has the potential to address multi issues such as climate change adaptation, pollution and flood risk mitigation and habitat creation. The potential implementation of this initiative will be pursued over the coming year.	
N2-20	The Flood Risk Management Strategy and Plan for the Forth Estuary have now been published which aid in understanding the risks associated with coastal flooding. City of Edinburgh Council officers continue to have input into the Forth Estuary Forum where such issues are discussed and action plans developed. The EBAP 2016-2018 will ensure that appropriate emphasis is placed on the Firth of Forth Special Protection Area when dealing with conservation projects. The EBAP also incorporates the action to identify opportunities to ensure that biodiversity data is collected in advance of regional marine planning.						

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Sustain and enhance the benefits, goods and services that the natural environment provides.	N3	Natural Environment			
Understand the effects of climate change and their impacts on buildings and infrastructure networks.	B1	Buildings and infrastructure networks	B1-13	The Forth Estuary Flood Risk Management and the Forth Estuary Local Flood Risk Management Plan was published in June 2016. The Council has published an "Assessment, inspection, clearance and repairs schedule" which can be found at http://www.edinburgh.gov.uk/info/20045/flooding	The Assessment, inspection, clearance and repairs schedule will be revised annually (April)
			B1-19	The Council is working in partnership with Scottish Water, East and Midlothian Councils to evaluate flood risk and consultants have been commissioned to undertake an integrated catchment study. It is anticipated that the initial results will be available in autumn 2016 and the next phase to refine the findings and explore potential solutions will follow The Council has published an "Assessment, inspection, clearance and repairs schedule" which can be found at http://www.edinburgh.gov.uk/info/20045/flooding	Guidance states: An integrated approach to the drainage of surface water arising from impermeable surfaces such as roofs and roads that takes account of all aspects of the drainage systems and produces long-term and sustainable actions that will ensure they are resilient to the changing climate. The Assessment, inspection, clearance and repairs schedule will be revised annually (April)
Provide the knowledge, skills and tools to manage climate change impacts on buildings and infrastructure.	B2	Buildings and infrastructure networks			
Increase the resilience of buildings and infrastructure networks to sustain and enhance the benefits and services provided.	B3	Buildings and infrastructure networks	B3-2	A flood map published by the Scottish Environment Protection Agency shows some areas on Edinburgh's waterfront potentially at medium to high risk of coastal flooding, taking into account climate change. The LDP does not prevent development in such locations but will require all proposals to consider and address any potential risk of flooding through flood risk assessments and surface water management plans. The LDP also states that flood risk from water flowing over land during heavy rainfall should be avoided by the use of SUDs.	
			B3-3	The Council published its first Open Space Strategy in 2010, informed by an Open Space Audit (2009) and accompanied by 12 Neighbourhood Open Space Action Plans. Following a stakeholder workshop and review of changes in access to quality green space between 2010-15, the Council has prepared 'Open Space 2021', Edinburgh's draft Open Space Strategy for consultation. Subject to the outcome of the consultation, a finalised Strategy will be prepared for late 2016/early 2017.	
			B3-6	The Council spent £2.2m in HEEPS:ABS funding which delivered insulation to homes across the city. The 2015/16 programme consists of areas with high levels of fuel poverty, containing suitable homes for solid wall insulation, and in areas in the bottom 25% of the Scottish Indices of Multiple Deprivation (SIMD). The programme includes projects at Moredun, West Mains, South Queensferry and hard to treat cavity wall insulation across the city. It also includes a Manor Estates Housing Association project at Niddrie Mill and continued Council led refurbishment at Dumbiedykes. 122 Council homes received insulation in 2015/16. Over 700 private homes received external wall insulation through the HEEPS:ABS programme	
			B3-7	The Council has commissioned Changeworks to develop a detailed works programme and costings to ensure homes meet and exceed the Scottish Governments' Energy Efficiency Standard for Social Housing (EESH) by 2020. The first phase of the work, which focused on multi storey blocks has now been completed. Around 90% of homes in multi storeys meet EESH standards, a plan is under development to bring the remaining 10% up to standard by 2020. This is estimated to cost around £11 million in heating and insulation upgrades over the next four years. An assessment of the compliance of the remaining stock will be completed in winter of 2016.	

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				B3-8	The Council and other RSLs in the city now comply with the Scottish Housing Quality Standard (SHQS). The Council invested around £40 million in improving the energy efficiency of Council homes in the last five years.	
	Understand the effects of climate change and their impacts on people, homes and communities.	S1	Society			
	Increase the awareness of the impacts of climate change to enable people to adapt to future extreme weather events.	S2	Society	S2-5	Information and advice provided to help create more resilient communities as part of the Edinburgh Community Resilience project, currently in pilot phase. Information and advice regarding flooding, severe weather and business continuity is published on the Council web site. The Council participates in the preparation and monitoring of a Community Risk Register for the Lothian and Borders area.	
	Support our health services and emergency responders to enable them to respond effectively to the increased pressures associated with a changing climate.	S3	Society			

		4e	4f
Body Name	Body Type	What arrangements does the body have in place to review current and future climate risks?	What arrangements does the body have in place to monitor and evaluate the impact of the adaptation actions?
City of Edinburgh Council	Local Government	<p>Current and future climate risks will be assessed through the Edinburgh Adapts climate change adaptation action plan for the city, which is in development.</p> <p>In terms of the Council's internal resilience arrangements, risk assessments are monitored and reviewed on a quarterly basis through the Council Resilience Group. In terms of the Council's contribution to the Lothian and Borders Local Resilience Partnership, risk assessment is a continual process. Current assessments will be reviewed on an annual basis, as new information emerges or following any significant incident or exercise.</p> <p>The Proposed Strategic Development Plan (SDP 2) is expected to replace the current Strategic Development Plan in 2018, five years after the first adopted SDP. A review of current and future climate risks will be addressed in future LDP policies which will be written in the context of SDP 2. It is expected that an updated LDP will also be on a five year cycle.</p> <p>A study is to be undertaken to ascertain the impact of siltation on the Water of Leith Basin. A study is to be undertaken on the Niddrie Burn to ascertain the effects of potential flooding. Building on previous flood risk studies, the Flood Prevention Team will complete a Surface Water Management Plan in due course to assess current and future flooding risks for the city.</p> <p>The Edinburgh Biodiversity Action Plan for 2016-18 incorporates climate change actions and will review current and future risks to biodiversity and greenspace. Engagement with key stakeholders and focus groups has been ongoing to develop the plan.</p>	<p>Monitoring and evaluation of the impacts of adaptation actions will be assessed through the Edinburgh Adapts Climate Change Adaptation Action Plan 2016-2020.</p> <p>The Council will monitor the impact of the Local Development Plan policies on the physical and environmental characteristics of the area, including those related to climate change. This will be reported in a statutory Monitoring Statement which will inform the next Local Development Plan.</p> <p>Biodiversity actions will be monitored through the new Edinburgh Biodiversity Action Plan for 2016-2018.</p>

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		4g
Body Name	Body Type	What are the body's top 5 priorities for the year ahead in relation to climate change adaptation?
City of Edinburgh Council	Local Government	<p>Work in partnership through the Edinburgh Adapts project to develop a Climate Change Adaptation Action Plan and a Vision for a Climate Ready Edinburgh.</p> <p>Finalise the Action Plan and Vision and have them approved by Council Committee by August 2016. Following Council Committee approval, have the Action Plan and Vision endorsed by the Edinburgh Sustainable Development Partnership by September 2016.</p> <p>Establish a Steering Group to oversee the development and implementation of the Edinburgh Adapts Action Plan and encourage and facilitate partnership working to ensure Edinburgh continues to be a climate-resilient city.</p> <p>Work with the Edinburgh Biodiversity Partnership to deliver the climate change adaptation actions in both the Edinburgh Biodiversity Action Plan 2016-18 and the Edinburgh Adapts Action Plan.</p> <p>Complete the Edinburgh Community Resilience Project pilot.</p>

		4h
Body Name	Body Type	Supporting information and best practice
City of Edinburgh Council	Local Government	<p>The Council is working with pilot areas within the city as part of the Edinburgh Community Resilience Project, which seeks to enhance communities' abilities to respond to and recover from resilience incidents.</p> <p>The Council is working with SEPA, other local authorities in the Forth Estuary and Scottish Water to develop a Local Flood Risk Management Plan. The Plan will identify flooding from rivers, coast and overland flow to prioritise work at the national level.</p> <p>The Council is working with Scottish Water to scrutinise the sewer network and how it interacts with flooding from other sources. The Niddrie Burn River Restoration Project included construction of building platforms so future proofing development against flooding in the area.</p>

5 Procurement

		5a	5b
Body Name	Body Type	How have procurement policies contributed to compliance with climate change duties?	How has procurement activity contributed to compliance with climate change duties?
City of Edinburgh Council	Local Government	<p>The Council has had a comprehensive Sustainable Procurement Policy in place since 2012. The sustainable procurement policy and objectives are addressed within every procurement plan, which is at the start of each procurement process. Thus, the policies build awareness and are discussed with stakeholders. There is also a mandatory sustainability risk assessment of procurement projects as part of the individual procurement plan. This is a practical tool to ensure compliance with climate change duties.</p> <p>The Sustainable Procurement Policy also informs the Council's terms and conditions of contract. For example in schedule 8 section 1.1g a duty is placed on service providers to assist the Council on climate change (See Appendix 1 attached).</p> <p>The Commercial and Procurement team also use sustainability as selection and award criteria and seek to constantly evaluate processes that minimise the impact of the procurement for example in construction off-site fabrication, use of electric vehicles and use of local suppliers to reduce transport emissions are encouraged and scored accordingly.</p> <p>The Policy has 4 main Outcomes Outcome 1: the social and economic benefits from our procurement are maximised Outcome 2: the environmental impacts are minimised and the environmental benefits maximised from our procurement Outcome 3: Edinburgh has a more sustainable supply chain Outcome 4: sustainable procurement is embedded within the Council</p> <p>1 The following are some of the specific examples that sit under these outputs:- (please note this is just a selection):</p> <ul style="list-style-type: none"> • Minimise carbon based energy use • minimise waste and consumption • specify goods and materials made with a high content of recycled material and/or goods • achieve a minimum sustainability performance of BREEAM 'Very Good' rating, and aspire to BREEAM 'Excellent' rating, when procuring new buildings and refurbishing old buildings. [BRE Environmental Assessment Methodology] • specify the most energy efficient goods, services and works • ensure that vehicles we purchase, lease or hire have low emissions of greenhouse gases and air pollutants. • provision of a carbon reduction of 30%; • procure timber and timber-based goods from verifiable sustainable sources that evidence clear chains of custody in line with the Council's Purchasing Policy for Sustainable Timber and Timber Products • The use of Government Buying Standards • The use of Community Benefits – this is reinforced on the requirement in Contract Standing Orders to consider the inclusion of community benefits in all procurements over £50,000. <p>To give an example as to how these translate into procurement actions the Construction team operate WRAP targets for all Construction works. The targets and objectives set out in our contract identify:</p> <ul style="list-style-type: none"> - A minimum of 10% use of recycled materials - Implementation of Site Waste Management Plans that not only meet any minimum regulatory requirements, but exceed these requirements by setting project-specific targets for waste reduction and recovery and measuring performance - measurement and reporting progress against the corporate KPIs for waste and waste to landfill; report performance for construction, demolition and excavation waste streams separately (using the WRAP W2L Reporting Portal1) and guidance recover a minimum of 70% of construction materials, and aim to exceed 80%. The Contractor must report on a monthly basis the current position relating to all WRAP initiatives. - Requirement to only purchase FSC approved timber and complete and return the Timber Monitoring Sheet on a monthly basis. 	<p>A number of contracts have been put in place whose sole objective is to comply with climate change:</p> <p>REPAIR AND MAINTENANCE: The cosmetic repair and maintenance contract aims to reduce the volume of waste which the Council send to landfill. By undertaking an 'engineered' repair on hard surfaces, the Council is not required to replace these items. The specialist technique repairs items like wooden doors when they are damaged.</p> <p>CORING CONTRACT: This contract allows the Council to check the quality of reinstatements after roadworks by utility companies for material specification and depth. Defective reinstatements must be repaired and this will impact on the environment with more roadwork's being carried out and more materials used. Testing the reinstatements encourages the Public Utilities to carry out their works to specification. At present, Edinburgh has a 20% failure rate and this would increase if no monitoring works were carried out. It is the responsibility of the Utilities companies to ensure the works are carried out to specification and standards required. It is the Councils responsibility to ensure compliance.</p> <p>LEARNING AND CARE: Edinburgh Alcohol and Drugs community-based adult treatment services (service delivery by Locality Area) reduces distances travelled by service providers.</p> <p>LED & Steel Sleeve Project for Council Lamp posts – buying 54,000 LEDs will save on Carbon Tax as well as energy consumption savings. LEDs are also more sustainable as they require very little or no maintenance over their projected 20 year lifespan. Steel sleeves in lieu of new concrete lampposts will also re-life these structures by 15 years, saves money and the 'pollutant' of the concrete manufacturing process or the concrete itself.</p> <p>INDIRECT Food Contracts - While all of the sustainability elements are determined by Scotland Excel and the Council ensures that the supplier follows what they agreed to in the tender with regard to deliveries etc. The choices are also exercised based upon the Council's Edible Edinburgh Strategy and in particular consideration given to the following:-</p> <ul style="list-style-type: none"> o Red Tractor meat o FSC accredited fish o Brakes supply Frozen and Groceries in multi-temp vans thereby reducing deliveries <p>All schools have achieved bronze level accreditation for use of organic produce and some schools have following pilots achieved silver status. The procurement team are working with those responsible for catering to determine whether all schools can work towards silver accreditation.</p>

		5c.
Body Name	Body Type	Supporting information and best practice
City of Edinburgh Council	Local Government	City of Edinburgh Council took a decision to pay all Council employees the Living Wage and has further committed to encouraging its adoption by Council subsidiaries and contractors and its wider development

6 Validation and Declaration

		6a	6b	6c	6d	6e - Declaration
Body Name	Body Type	Internal validation process	Peer validation process	External validation process	No Validation Process	Name
City of Edinburgh Council	Local Government	Internal audit review of CRC procedures; annual sign off of CRC annual report prior to submission to the Environment Agency	Senior Business Analyst review of data. Report as a whole considered by Corporate Policy and Strategy Committee.	Validation of energy consumption data through CRC reporting		

APPENDIX 1 - City of Edinburgh Council Public Sector Climate Change Duties - Summary Report 2015/16

Table 2a Targets Please detail your wider influence targets										
Body Name	Body Type	RPP Sector	Action Type	Description	Type of Target (units)	Baseline value	Start year	Target saving	Target / End Year	Saving in latest year measured
City of Edinburgh Council	Local Government									

2b		
Body Name	Body Type	Does the organisation have an overall mission statement, strategies, plans or policies outlining ambition to influence emissions beyond your corporate boundaries? If so, please detail this in the box below.
City of Edinburgh Council	Local Government	

3		
Body Name	Body Type	Please provide any detail on data sources or limitations relating to the information provided in Table 3
City of Edinburgh Council	Local Government	

Other Notable Reportable Activity

5 Please detail key actions relating to Food and Drink, Biodiversity, Water, Procurement and Resource Use in the table below						
Body Name	Body Type	Key Action Title	Key Action Description	Organisation's Project Role	Impacts	Comments
City of Edinburgh Council	Local Government					

6 Please use the text box below to detail further climate change related activity that is not noted elsewhere within this reporting template		
Body Name	Body Type	
City of Edinburgh Council	Local Government	

Corporate Policy and Strategy Committee

10am, Tuesday, 8 November 2016

Community Empowerment (Scotland) Act 2015: Update on Participation Requests and Asset Transfer Requests

Item number	7.6
Report number	
Executive/routine	
Wards	All

Executive Summary

This report provides an update on provisions contained within the Community Empowerment (Scotland) Act 2015 with specific reference to Parts 3 and 5 covering participation requests and asset transfer requests. It outlines the indicative timescale for the provisions coming into force, together with proposals for the Council's approach in preparing for these new duties.

Links

Coalition Pledges	P23 , P33
Council Priorities	CP4 , CP13
Single Outcome Agreement	SO4

Community Empowerment (Scotland) Act 2015: Update on Participation Requests and Asset Transfer Requests

1. Recommendations

It is recommended that the Corporate Policy and Strategy Committee:

- 1.1 note the indicative timescale for the duties under the Community Empowerment (Scotland) Act 2015 coming into force;
- 1.2 agree the proposed approach to addressing the duties in relation to participation requests and asset transfer requests; and
- 1.3 agree to refer the report to Communities and Neighbourhoods Committee on 29 November 2016.

2. Background

- 2.1 The Community Empowerment (Scotland) Act 2015 passed into law on 24 July 2015. The Act covers eleven topics, each of which come into force at different times subject to the passing of secondary legislation and the development of guidance.
- 2.2 The Act aims to “empower community bodies through the ownership of land and buildings and by strengthening their voices in decisions about public services”.
- 2.3 The provisions within the Act will provide further impetus to the already established practice in the City of involving citizens in improving outcomes and influencing decision making processes, and contribute to the delivery of the Council’s Business Plan.

3. Main report

- 3.1 The Act places a new duty on public bodies in respect of participation requests which provide community bodies with a mechanism to put forward their ideas for how services might be changed to improve outcomes. They are designed to encourage dialogue between public bodies and the community and to foster the collaborative approach which is core to public sector reform. Participation requests are not intended to replace but to strengthen and build on existing channels of participation. Public bodies are required to agree to a request unless there are reasonable grounds for refusal. A community group to request to improve a service does not need to be constituted but must be community led, with most members

drawn from the community, with an open membership and work for the benefit of the community. Community councils are included.

- 3.2 Part 5 of the Act sets out the duty in respect of asset transfer requests and covers land and buildings owned by public bodies with community bodies being able to apply to buy, lease, manage or use these assets. As with participation requests, requests must be granted unless there are reasonable grounds not to. As part of the duty, the Council will be required to publish and maintain a list of assets it owns or leases as these can be subject to a transfer request. Under the duty, the definition of a community body differs depending on the nature of the transfer request. Where it relates to ownership the body must be a company limited by guarantee, or similarly constituted body. Unlike with participation requests, the legislation for asset transfer requests includes the right of appeal to Scottish Ministers.
- 3.3 An [Interim Community Asset Transfer Policy](#) was agreed by Communities and Neighbourhoods Committee on 24 November 2015 in advance of the release of the ministerial guidance and consultation on the duties. The interim policy was co-produced with third sector and community planning partners and covers the requirements for initial and full submissions from community bodies, ten key principles for transfer and the use of leases. Approaches have been received from community bodies noting interest in 12 Council owned properties to date and three of these have progressed to Stage 1 submissions as detailed in the interim policy. A register of notes of interest is being maintained by Estates Services, and work on preferred methods and options for producing and publishing a register of Council properties is being progressed in line with the new legislative requirements. As the interim policy was approved ahead of the legislation coming into force, it was recognised that further work would be required to incorporate new requirements and to make any necessary practice changes following an evaluation of the operation of the interim policy.
- 3.4 The [Council response to the Scottish Government consultation](#) on the draft regulations (between March and June 2016), and agreed by Corporate Policy and Strategy on 14 June 2016, supported the aims of the Act whilst identifying a number of areas where further detail and potential revision would be welcomed. The findings from this consultation are currently being used by the Scottish Government to inform the production of the final regulations, due to be set before Parliament in early November 2016, and preparation of the statutory guidance, with the new duties proposed to come into force in early January 2017.
- 3.5 Whilst the final regulations and statutory guidance are not available, work can still be progressed in preparation of the duties coming into force. On this basis, it is proposed to establish an Officer Working Group to develop and implement a programme of work, which in addition to the areas identified above in relation to asset transfers, will comprise a number of elements including:
- (i) Governance framework for participation requests including consideration of whether any changes are required to the Committee Terms of Reference and

Delegated Functions, and the Scheme of Delegation to Officers in determining whether to accept or refuse requests.

- (ii) Policy for managing participation requests which is transparent, consistent and accessible. This includes working with partners to ensure relevant processes are in place for dealing with requests where the outcome relates to more than one public body.
 - (iii) Design of a programme of promotion and support tailored to reflect a range of stakeholders, including staff, communities and elected members. The need to provide communities with information and support is identified within the legislation, with public bodies in relation to participation requests required to report on how it has done this annually. In developing the programme particular regard needs to be given to establishing approaches to ensure marginalised groups and those least likely to participate are reached.
 - (iv) Performance framework arrangements recognising the specific requirement in relation to participation requests to record and report on progress and to publish an annual report.
- 3.6 Progress on the delivery of the programme of work will be the subject of future reports to Committee.

4. Measures of success

- 4.1 Specific measures of success are yet to be identified but might include (i) the number of assets transferred to the community on a sustainable basis; (ii) the number of participation requests dealt with that lead to improved services and citizen satisfaction; or (iii) publication of land and assets register.

5. Financial impact

- 5.1 Specific financial and resource impacts remain to be quantified as this depends on the extent to which communities use the powers available to them under the legislation.
- 5.2 Resources for the operation of the Interim Community Asset Transfer Policy are contained within existing service area budgets however it should be noted that the staffing resources required to progress a community asset transfer significantly exceed the staffing resources required to progress disposal of an asset on the open market. There are also resource implications arising from aborted requests.

6. Risk, policy, compliance and governance impact

- 6.1 Requests will be monitored for adherence to timescale, refusals, withdrawals and outcomes. There are potential local and national reputational risks by failing to meet timescales and by refusing a high proportion of requests.

7. Equalities impact

- 7.1 The Interim Community Asset Transfer Policy assists the Council to deliver key equality and rights outcomes, and to meet the Equality Act 2010 public sector duties to eliminate unlawful discrimination, harassment and victimisation and advance equality of opportunity and foster good relations. An Equalities and Rights Impact Assessment was undertaken in regard to the establishment of the interim policy and no specific concerns were highlighted as a result.

8. Sustainability impact

- 8.1 It is hoped that through local democratic arrangements and the transfer of under-used assets to community ownership that the overall sustainability of services and assets in the city can be improved whilst still achieving a capital receipt on the disposal of surplus assets.

9. Consultation and engagement

- 9.1 The Interim Community Asset Transfer Policy was co-produced with third sector and community planning partners, and included the establishment of an Asset Transfer Policy Co-Production Steering Group.
- 9.2 Engagement with stakeholders will form a key element of the forward work programme.

10. Background reading/external references

Andrew Kerr

Chief Executive

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11. Links

Coalition Pledges	P23 – Identify unused Council premises to offer on short low-cost lets to small businesses, community groups and other interested parties P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used
Council Priorities	CP4 – Improve quality of life – Safe and empowered communities CP13 – Transformation, workforce, citizen and partner engagement, budget
Single Outcome Agreement Appendices	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Committee Decisions – July 2015 to June 2016

Item number	7.7
Report number	
Executive/routine	
Wards	All

Executive summary

Following the decision of the Governance Risk and Best Value Committee on 19 June 2014, to strengthen existing arrangements and provide greater assurance with regard to the dissemination of committee decisions, a quarterly review of actions has been undertaken by directorates to ensure that all decisions taken by the Corporate Policy and Strategy Committee, the executive committees and the Governance Risk and Best Value Committee are progressing as expected and to highlight any exceptions.

This report outlines the assurance work undertaken and details the implementation of Corporate Policy and Strategy Committee decisions covering the period July 2015 to June 2016.

Links

Coalition pledges	
Council outcomes	CO25
Single Outcome Agreement	

Committee Decisions – July 2015 to June 2016

Recommendations

- 1.1 To note the position on the implementation of Corporate Policy and Strategy Committee decisions as detailed appendix 1 of this report.
- 1.2 To note that the next summary report would be presented to Committee in March 2017.

Background

- 2.1 The Governance, Risk and Best Value Committee on 19 June 2014 agreed increased monitoring for the dissemination and implementation of committee decisions by directorates.
- 2.2 It was agreed that an annual report detailing all decisions taken in the previous year and an update on the implementation of decisions and recommendations to discharge actions be presented to the Corporate Policy and Strategy Committee, executive committees and the Governance, Risk and Best Value Committee.
- 2.3 A report to this effect was submitted to the Corporate Policy and Strategy Committee on 3 November 2015 outlining the status of actions for the initial November 2014 to June 2015 period. There were no concerns reported to Committee and all recorded actions have since been completed.

Main report

- 3.1 When a decision is taken at Committee that requires further action this is tracked and monitored by various methods.
- 3.2 Since November 2012 for the Governance, Risk and Best Value Committee and April 2014 for other Committees, if a decision requires a further report to Committee, it is added to the forward plan, the report schedule and the Rolling Actions Log is updated. The Rolling Actions Log is then considered by Committee each cycle ensuring that there is clear oversight of the implementation of decisions by the Committee. It is also published with the Committee papers resulting in the monitoring being carried out in a transparent manner. This ensures that there are clear linkages between the decisions taken at Committee and the planning of new business.
- 3.3 However, a gap existed for committee decisions that did not request a further report to Committee. The implementation of these decisions was left with individual service areas and any monitoring was not publicly available.

- 3.4 The approach agreed by the Governance, Risk and Best Value Committee on 19 June 2014 aimed to address this gap. Following the meeting a committee decisions spreadsheet was introduced to track decisions that did not require further reporting and thus would not be covered by the Rolling Actions Log. This new process aimed to ensure that the implementation of relevant actions would be recorded effectively, monitored and considered annually at each committee.
- 3.5 This spreadsheet is completed by Committee Services and directorate staff who are responsible for updating the status of actions attributed to each service area.
- 3.6 A similar report on all decisions taken in the previous year and an update on the implementation of decisions and recommendations to discharge actions will be presented to this Committee and to each executive committee annually.
- 3.7 The consideration of these reports will augment committee oversight of the implementation of decisions, resulting in an increase in accountable and transparent decision making.

Corporate Policy and Strategy Committee Decisions

- 3.8 A review of actions has been undertaken by directorates to ensure that all decisions not required to be reported back to committee are progressing as expected and to highlight any exceptions. A summary of decisions for the period July 2015 to June 2016, including status, is detailed in appendix 1 of this report.
- 3.9 At the Corporate Policy and Strategy Committee there have been 41 decisions made which were recorded through the committee decisions spreadsheet.
- 3.10 All 6 actions that remain open are being progressed or are in an update report scheduled in the near future.

Measures of success

- 4.1 Annual reporting ensures the effective implementation and monitoring of committee decisions.

Financial impact

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

Risk, policy, compliance and governance impact

- 6.1 The improvements in business processes help ensure increased transparency and assurance across the Council's decision making processes.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

9.1 The spreadsheet described is completed throughout all service areas across the Council.

Background reading/external references

[Minute of the Governance, Risk and Best Value Committee – 19 June 2014](#)

[Report to the Governance, Risk and Best Value Committee - Committee Decisions – Dissemination and Implementation and Update to member/officer Protocol – Report by Director of Corporate Governance](#)

Andrew Kerr

Chief Executive

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Links

Coalition pledges

Council outcomes CO25 - The Council has efficient and effective services that deliver on objectives.

Single Outcome Agreement

Appendices Appendix 1: Corporate Policy and Strategy Committee Committee Decisions July 2015-June 2016

Appendix 1

Corporate Policy and Strategy Committee Decisions Overview			
Date	Number of Decisions	Open	Closed
04/08/15	7	-	7
01/09/15	2	1	1
29/09/15	5	2	3
03/11/15	4	2	2
01/12/15	2	-	2
19/01/16	2	-	2
23/02/16	6	2	4
12/04/16	5	-	5
17/05/16	4	1	3
14/06/16	4	-	4
Total	41	8	33

Breakdown of tasks by directorate			
Directorate	Number of Decisions	Open	Closed
Chief Executive	13	4	9
Chief Social Work Officer	3	-	3
City Strategy and Economy	1	-	1
Communities and Families	5	1	4
Health and Social Care	2	1	1
Resources	10	1	9
Place	7	1	6

N.B: - Tasks can belong to more than one directorate, leading to slight disparity in figures.

Outstanding Tasks

1	04/08/2015	Resources	Personnel Appeals Committee Procedure	To approve the revised Personnel Appeals Committee Procedure.	Closed	This procedure has been implemented.
2	04/08/2015	Resources	Bullying and Harassment at Work Policy	<ol style="list-style-type: none"> 1) To approve the new Bullying and Harassment at Work Policy (which would replace the Fair Treatment at Work Policy). 2) To amend the policy title to "The Avoidance of Bullying and Harassment at Work Policy" 	Closed	Both these recommendations have been implemented.
3	04/08/2015	Chief Executive	Nuclear Free Local Authorities - Membership	To agree to the Council renewing its membership of Nuclear Free Local Authorities (NFLA) for 2015/16.	Closed	The purchase order was raised and receipted in August 2015 to allow payment to be made.
4	04/08/2015	Resources	Common Good Assets Register	To write to Scottish Ministers on the timescale for the publication of guidance.	Closed	See decision 21 below for further detailed information.
5	04/08/2015	Chief Executive and Chief Social Work Officer	Public Protection in Edinburgh - Annual Reports 2014-2015	To approve the revised Risk Assessment Policy as detailed in Appendix 7 to the joint report by the Chief Executive and the Chief Social Work Officer.	Closed	
6	04/08/2015	Chief Executive	Eurocities AGM and Conference	To approve the attendance of Councillor Ross and one officer at the Eurocities AGM and Conference in Copenhagen and Malmo in November 2015.	Closed	

7	04/08/2015	Chief Executive	Welfare Reform Update	To agree that the Welfare Reform Working Group be requested to consider ways of gathering better information on the level and type of welfare needs to guide preventative and mitigating action.	Closed	
8	01/09/2015	Resources	Smoke Free Policy	To approve the draft Smoke Free Policy	Closed	
9	01/09/2015	Chief Executive	Safecall CEC 114 - Update Report on Management Action	To note the report by the Chief Executive and to accept the recommendations in Appendix 2 and that progress on their implementation be reported to the Education, Children and Families Committee	Ongoing	A report will be brought back to Committee once the ongoing due legal process is concluded.
10	29/09/2015	Communities and Families	Citywide Review of Council-owned Sports Facilities and Services – Key Findings and Recommendations	To instruct Council officers to work with Edinburgh Leisure to create a detailed specification and business case for this.	Closed	Business Case approved at Corporate Policy and Strategy Committee on 4 October 2016.
11	29/09/2015	Communities and Families	Update on Proposal for a New Meadowbank: Improved Funding Package	1) To agree to refer the disposal of surplus land held on the Culture and Sport account at Westbank Street, Portobello to the Economy Committee and the subsequent ringfencing of the receipt from this disposal to the Finance and Resources Committee for the Meadowbank project.	Ongoing	Update report to Council due December 2016.

				<p>2) To note that a report would be presented to the Finance and Resources Committee as soon as possible, providing an update on the disposal process of the surplus land, detailing the outcome of ongoing discussions with potential partners and recommending how to address any remaining funding gap.</p> <p>3) To agree to begin procurement now of the full Project Team for the new Meadowbank, noting that this process and appointment could be stopped without financial loss if the project did not proceed.</p>		<p>Update report to Council due December 2016</p> <p>Update report to Council due December 2016</p>
12	29/09/2015	Chief Executive	Public Bodies Climate Change Duties Report 2014/15	To approve the submission to the Scottish Government of the Public Bodies Climate Change Duties Report 2014/15 as appended to the report by the Deputy Chief Executive.	Closed	
13	29/09/2015	City Strategy & Economy	Energy for Edinburgh	To note that the business plan required additional work, including rigorous testing of the financial plans before being considered at Committee.	Closed	The Directors of Energy for Edinburgh have now been appointed and the company is now being incorporated. .

				To note the potential for district heating schemes to be developed through energy services companies and therefore calls for early exploration by 'Energy for Edinburgh' of this potential including in existing Council housing schemes.	Ongoing	An initial meeting with Directors has been held where there was an acknowledgement of the need to review and update the Business Plan before submitting back to the Council for approval. This exercise will also include the development of clear financial plans for the company. It is hoped to complete this exercise within the next few months
14	29/09/2015	Place	Lord Provost Visit to the United Arab Emirates	To approve the visit to the United Arab Emirates by the Lord Provost, a City Officer and an officer from Economic Development.	Closed	Visit completed.
15	03/11/2015	Chief Executive	Corporate Resilience: Annual Report (1 October 2014 to 30 September 2015)	To approve the proposed forward Corporate Resilience Workplan as set out in Appendix 5 of the report.	Closed	The workplan has been completed as far as practicable and as resources have allowed.

16	03/11/2015	Chief Executive	Carbon, Climate and Sustainability Process - Assurance Statement	To agree to update the Fair Trade Policy and Resource Use Policy for Committee consideration within 12 months.	Ongoing	<p>The Fair Trade Policy requires to be updated in light of the Procurement Reform (Scotland) Act 2014.</p> <p>Re-drafting of the Resource Use Policy is currently being addressed by the Corporate Sustainability Group and management.</p>
17	03/11/2015	Place	Festival and Events Core Programme 2016 and Some Events in 2017 and 2018	<p>1) To provide strategic oversight of the proposal to make a sum of £200,000 available to the Festivals over the period 2015/16 to 2017/18 to enable forward planning and commissioning for the 70th anniversary year of Edinburgh's Festivals in 2017.</p> <p>2) To provide strategic oversight of the following planned events and the proposed funding contributions towards them:</p>	Ongoing	This information will be included in the Festival and Events Core Programme report scheduled to be submitted to Culture and Sport Committee in December 2016.

				<p>a) a third public art light installation in St Andrew Square Garden in spring 2016 – note that to enable timely procurement of a suitable partner, a contribution of £42,000 was approved under delegated authority by the Deputy Chief Executive in consultation with the Festivals and Events Champion and Convener of Culture and Sport</p> <p>b) Euro 7 Nations Junior Diving Championships in the RCP in March 2016 – proposed funding contribution of £15,000</p> <p>c) British Diving Championship in the RCP in June 2016 – proposed funding contribution still to be confirmed at the time of writing</p> <p>d) Sport Relief Mile in Princes Street Gardens in March 2016 – proposed funding contribution of £15,000</p> <p>e) Guinness Pro 12 Rugby Final in May 2016 at BT Murrayfield – funding contribution still to be negotiated</p>		
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				<p>f) European Professional Club Rugby (EPCR) Finals in May 2017 at BT Murrayfield – funding contribution still to be negotiated</p> <p>g) European Climbing Championships in the Edinburgh International Climbing Arena in September 2017 – proposed funding contribution of £50,000</p> <p>h) Climbing World Cup in the Edinburgh International Climbing Arena (EICA) in September 2016 – proposed funding contribution of £50,000</p> <p>i) Challenge Edinburgh Triathlon in the city and East Lothian, in July 2017 – proposed funding contribution of £62,500; and Corporate Policy and Strategy Committee – 3 November 2015 Page 3</p> <p>j) European Sports Championships in August 2018 – funding contribution still to be negotiated.</p>		
18	03/11/2015	Place	Response to Scottish Government Consultation on the Circular Economy	1 To approve the response to the Scottish Government’s consultation on the circular economy.	Closed	Approved and submitted to the Scottish Government incorporating the concerns raised in decision 2.

				2. That the Council's concerns regarding VAT being added to the cost of repairs to properties be incorporated into the Council's response.		
19	01/12/2015	Place	Filming in Edinburgh	<p>1. To approve in principle the introduction of a "notice of no objection" scheme wherein filmmakers would be able to apply for a non-contractual notice stating that the Council had no objection to them filming on the street provided the Code of Practice for filming in Edinburgh was adhered to. Authority to endorse the notices would be delegated to the Director of City Strategy and Economy.</p> <p>2. To note that appropriate adjustments would be made during the current review of the Scheme of Delegation to Officers</p>	Closed	Approved with no objections
					Closed	Adjustments made under the review
20	01/12/2015	Resources	Common Good Asset Register - referral from the Governance, Risk and Best Value Committee	1. To instruct officers to update the Common Good Asset Register. A strand of this work was to explore innovative ways of involving higher education establishments, historical societies and other community groups.	Closed	In accordance with Corporate Policy and Strategy Committee instructions in December 2015, officers will also explore innovative ways of involving higher education establishments, historical societies and other community groups in completing the task.

				<p>2. To agree that the Leader of the Council write to COSLA suggesting that Common Good be put on the agenda for a future meeting, in order that local authorities could establish a uniform position on Common Good.</p>	<p>Closed</p>	<p>An organisation or group's involvement in the exercise will only be considered where appropriate, depending upon legal complexities and sensitivities and will be considered on a property by property basis as the project progresses</p> <p>Scottish Government has indicated that they will not be clarifying the definition of Common Good under current legislation. They have also indicated that the requirement of the Community Empowerment Act is to hold a list only and that this list does not reflect the legal status of the assets nor confirm their status as Common Good.</p>
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						However, the list requires to be published prior to being finalised in a register and representations can be made by community councils and other community bodies.
21	19/01/2016	Chief Social Work Officer	Domestic Abuse Service Re-design: Developing a Coordinated Community Response	<ol style="list-style-type: none"> 1) To approve the establishment of a project Board to govern the redesign of domestic abuse services for women and children in edinburgh. 2) To approve the proposals within the Project Implementation Document. 	Closed	
22	19/01/2016	Chief Executive	The Royal Edinburgh Military Tattoo - Australia and New Zealand Tour	<ol style="list-style-type: none"> 1) To approve the Lord Provost's participation in the overseas visit programme in February 2016 as part of the REMT tour to Australia and New Zealand. To note that the tour included performances and events in Melbourne and Wellington in the Lord Provost's role as Lord Lieutenant and Chair of the Board of Directors of the REMT and a visit to Edinburgh's twin city Dunedin in his role as Edinburgh's civic leader. 	Closed	

				2) To ask that in future, advance notice of proposed foreign and long haul trips by elected members be reported earlier to Committee.		
23	23/02/2016	Resources	Corporate Debt Policy - Annual Report	<p>1) To approve the use of the standard sundry debt recovery principles for the new Edinburgh Shared Repairs Service.</p> <p>2) To approve the extension of delegated write off powers for sundry debt cases relating to liquidation/sequestrations, where the debtor could not be traced or where the debtor was deceased and there were no funds in the estate.</p> <p>3) To note that further updates relevant to the Corporate Debt Policy would be incorporated in various Transformation and performance reports throughout 2016.</p>	Closed	All points actioned and the Corporate Debt Policy updated.
24	23/02/16	Resources	Avoidance of Bullying and Harassment at Work Policy - Review	<p>1) To approve the revised Policy.</p> <p>2) To note that the Policy would be reviewed annually unless otherwise requested.</p>	Closed	Updated Policy is on the Orb.
25	23/02/16	Chief Executive	Edible Edinburgh - A Sustainable Food City - Progress Report	1) To continue to support the Edible Edinburgh initiative in driving the Plan.	Closed	

				<p>2) To continue to work with Edible Edinburgh to implement the Plan and to progress actions which require direct Council involvement.</p> <p>3) To approve attendance at the Sustainable Food Cities Network annual conference in Liverpool on 21-22 March 2016 by the Convener of Transport and Environment and Chair of the Edible Edinburgh Partnership, Councillor Lesley Hinds.</p>	<p>Closed</p> <p>Closed</p>	
26	23/02/16	Chief Executive	Future Cities and Open Data Strategy	<p>1) To approve identification and delivery of a further 100 new data sets at level three of the agreed Open Data format hierarchy³ by September 2016 with timescales for each Directorate to deliver and publish a minimum of 20 data sets.</p> <p>2) To endorse the identification of open data champions from within the Council to progress data recommendations and publishing, and develop an open data publication plan to align with Scottish Government recommendations.</p>	<p>Closed</p> <p>Ongoing</p>	<p>103 3 star data sets have been delivered.</p> <p>The Information Council is being refreshed and will meet before the end of the year. Responsibility for members to act as open data champions in the Council will be included in the refresh.</p>

				<p>3) To endorse the development of an API4 and integration with the Council's open data portal for Council online services where practical, to allow the flow of real-time data.</p> <p>4) To approve the Council entering into an Edinburgh Living Lab Framework agreement with the University of Edinburgh, enabling partnership working and providing more opportunities for joint funding bids and projects.</p> <p>5) To endorse the development of other Living Lab Framework agreements with Edinburgh's other Universities, enabling partnership working and providing more opportunities for joint funding bids and projects</p>	<p>Ongoing</p> <p>Closed</p> <p>Ongoing</p>	<p>An early draft of the Open Data Publication Plan will be considered then.</p> <p>Potential projects within the existing delivery programme are currently being investigated to enable delivery of real-time data.</p> <p>This has been agreed and signed off.</p> <p>A Memorandum of Understanding with the Council has been signed with Napier University School of Computing. Initial discussions have taken place with Heriot Watt University School of Geo-Sciences.</p>
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				6) To note the expectation that 260 data sets would be available by September 2016.	Closed	Work is continuing to identify partnerships for the Living Lab. 374 data sets were delivered for September 2016 comprising 270 1 star data sets and 104 3 star data sets.
27	23/02/16	Place	External Funding Initiative and Smart City Priorities	To note that the ICT Solutions and External Funding teams were working together to agree priority areas for 'smart cities' bid work and to actively pursue funding opportunities.	Closed	
28	23/02/16	Edinburgh Health and Social Care Partnership	Edinburgh Health and Social care Partnership - Strategic Plan	<p>1) To agree that the proposed response to the invitation from the Edinburgh Integration Joint Board to comment on the second draft of the strategic plan, attached as Appendix A to the report by the Chief Officer, Health and Social Care Partnership, be submitted on behalf of the Council.</p> <p>2) To note that an Internal Audit report on the Council's planned resourcing of the Integration Joint Board would be submitted to Finance and Resources Committee for consideration.</p>	<p>Closed</p> <p>Ongoing</p>	

29	12/04/16	Communities and Families	Playing Out - Motion by Councillor Burgess	<p>1) To note that any subsequent road closure applications, including any associated charges, would be considered in due course by the Transport Committee.</p> <p>2) To agree that a process for handling applications by residents for Playing Out events be established within the Council and guidance for residents organising such events be published before the summer recess; such guidance include information on possible funding sources for Playing Out events.</p>	Closed	Report to Transport & Environment Committee 7 June 2016
30	12/04/16	Chief Executive	McCrae's Battalion Trust - Commemorative Service at Contalmaison Cairn - 1 July 2016	To approve the attendance of Baillie Norman Work at the Commemorative service at Contalmaison on 1 July 2016.	Closed	
31	12/04/16	Place	Edinburgh Biodiversity Action Plan Phase 4 - 2016-2018	To approve the Edinburgh Biodiversity Action Plan Phase 4 - 2016-2018.	Closed	
32	12/04/16	Edinburgh Health and Social Care Partnership	Health and Social Care Integration Partnership Tripartite Agreement and Interface Group	1) To agree that the Chief Executive sign on behalf of the Council.	Closed	

				2) To agree the purpose, remit and membership of the Interface Group and note that it would be reviewed after one year.		
33	12/04/16	Chief Social Work Officer	Consultation on the Creation of a Criminal Offence of Domestic Abuse	To approve the draft consultation response as submitted	Closed	
34	17/05/16	Resources	Museum of Fire, 76-78 Lauriston Place - Motion by Councillor Day	<p>1) Whilst noting and welcoming the Scottish Fire & Rescue Service's commitment to relocate the museum within the city boundary, this Committee, on behalf of City of Edinburgh Council, urges the Scottish Fire and Rescue Service to negotiate any terms of sale of the building at Lauriston Place that would allow this unique piece of social history to remain in its current home.</p> <p>2) To note that the Council remained committed to securing the Fire Museum as an asset for the Capital City; and thus instruct the Council Leader to meet with the Chair of the Scottish Fire and Rescue Service to offer Council expertise to explore commercial or other solutions to protect the museum at Lauriston, or confirm an alternative suitable venue prior to selling off this asset.</p>	Closed	The relevant meeting has taken place and Council assistance has been offered.

35	17/05/16	Communities and Families	Citywide Review of Council-owned Sports Facilities and Services: Management Transfer of School Sport Facilities to Edinburgh Leisure	To instruct Council officers to continue to work with Edinburgh Leisure to ensure that due diligence was exercised over the business plan and financial implications for the Council.	Closed	Update report 14 June 2016.
36	17/05/16	Resources	Welfare Reform - Update	To therefore agree that there should be no pre-determined cut to welfare advice services but that the review of services should take place in the absence of such a target.	Ongoing	
37	17/05/16	Chief Executive	Nuclear Free Local Authorities - Membership	To agree to the Council renewing its membership of Nuclear Free Local Authorities (NFLA) for 2016/17.	Closed	
38	14/06/16	Communities and Families	Business Case for the Management Transfer of Secondary School Sport Facilities to Edinburgh Leisure	To agree that the transfer of the management of school sports facilities to Edinburgh Leisure, outwith core school hours, would commence from August 2016 with the transfer of school sports facilities in three new Council high schools: James Gillespie's High School, Portobello High School, and Boroughmuir High School from when each was open.	Closed	Report to Corporate Policy & Strategy Committee 4 October 2016.

39	14/06/16	Place	Locality Working - Progress Report	To agree to further engagement events on locality working with elected members, partner agencies, and community and third sector groups to discuss the development of Locality Improvement Plans.	Closed	Report to September Committee – Locality Improvement Plans.
40	14/06/16	Chief Executive	Gaelic Language Plan 2012-17 - Statutory Monitoring Report	To approve the Monitoring Report as set out in Appendix 1 of the report by the Chief Executive for submission to Bòrd Na Gàidhlig (the Bòrd) for their comment and approval.	Closed	
41	14/06/16	Resources	Workplace Policy on Alcohol, Drug and Substance Misuse	To approve the new guidance for managers.	Closed	Updated Policy to be placed on the Orb

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Welfare Reform - Update

Item number 7.8
Report number
Executive/routine
Wards

Executive Summary

The Department for Work and Pensions (DWP) implemented Universal Credit (UC) for new single claimants in Edinburgh on 9 March 2015. The Council is involved in a new Delivery Partnership Agreement (DPA) to support citizens through the transition into Universal Credit for 2016/17.

The benefit cap is a limit on the total amount of income from certain benefits a household can receive. From autumn 2016, as part of a Central Government national initiative, this will be reduced to £335 for a couple or single person with children and £258 for a single person. In conjunction with the DWP, Council services are now working with this group to provide support as they transition through the change.

Scottish Government has launched a consultation on Social Security in Scotland, looking at how devolved benefits from Central Government could be delivered. The Council has input into a joint COSLA response, and has also produced a specific Edinburgh response.

Links

Coalition Pledges

Council Priorities

Single Outcome Agreement [SO2](#)

Welfare Reform - Update

1. Recommendations

- 1.1 It is recommended that the Corporate Policy and Strategy Committee note:
- 1.1.1 the ongoing work to support citizens transition into UC and through other Welfare Reforms in Edinburgh;
 - 1.1.2 the current spend projections for Discretionary Housing Payments, Council Tax Reduction Scheme; and the Scottish Welfare Fund;
 - 1.1.3 the work being undertaken collaboratively with DWP to support those impacted by the new benefit cap; and
 - 1.1.4 agree the Council's response to Scottish Government's consultation on Social Security in Scotland.

2. Background

- 2.1 The Welfare Reform update is reported to the Corporate Policy and Strategy Committee on a quarterly basis, to align with the Working Group meeting cycle. The last report was considered by Committee on 9 August 2016.

3. Main report

Universal Credit (UC)

- 3.1 UC in Edinburgh is available to new single claimants who would previously have been eligible for Job Seekers Allowance. As part of the ongoing rollout programme the DWP's digital service was extended to Musselburgh Job Centre on 23 March 2016. This extended UC from single claimants to all working age categories seeking work in East Lothian. As a result those Edinburgh claimants, resident in the east of the city, and who use Musselburgh Job Centre, are now included in this pilot. Both Penicuik and Dalkeith Job Centres will see an extension of UC from single claimants to all working age categories seeking work in Midlothian in March 2017. Work is being undertaken to identify any Edinburgh claimants using these job centres who could potentially be affected.

- 3.2 The corporate cross council operational team continues to work with DWP and Job Centre Plus (JCP) staff to support citizens transition to the new UC system and have agreed a further Delivery Partnership Agreement with the DWP for 2016/17.
- 3.3 The recent Central Government announcement of a slowdown of the UC digital service rollout means Housing Benefit will continue to be administered by local authorities into the next decade. This decision will be factored in to future Council workforce and service delivery plans. At 11 August 2016, the DWP reported there were 2665 UC claimants in Edinburgh with 43% of these claimants in employment.

SWF and UC Claims

- 3.4 In order to assess the impact of UC, information is collated on claimants citing UC as a reason for applying for a Crisis Grant from the Scottish Welfare Fund. Since the introduction of UC, there have been 64 UC related applications for Crisis Grants, representing significantly less than 1% of all UC claims. As at 22 September 2016, the value of these awards is £7230.
- 3.5 The process of referring citizens in the first instance to DWP for a short term benefit advance continues.

Personal Budgeting Support Referrals and UC

- 3.6 The existing Delivery Partnership Agreement between DWP and the Council requires the delivery of a personal budgeting support referral service. This service includes the co-location of the Council's Personal Budgeting Support officer with the DWP. The numbers taking up the service continue to be very low, 91 appointments over the last 12 months. The Council and the DWP are continuing to work together to increase take-up, to ensure citizens are supported throughout the UC process.

Council Housing Services and UC

- 3.7 The number of tenants moving onto UC continues to be lower than expected from initial profiling estimates. At the end of July 2016, there were 431 council tenants known to be receiving UC. Of this group, around 36% are also affected by the under-occupation regulations when determining their eligibility to the housing element of UC. In these cases, a Discretionary Housing Payment (DHP) would normally be awarded to mitigate this reduction.
- 3.8 Tenants moving onto UC are doing so as new claimants and it is therefore expected that there would be a higher rate of arrears in this group as they are claiming UC due to a change of circumstances. For UC claimants around 90% (388 tenants) had some level of legacy arrears at the start of their UC claim and a

direct payment of housing costs to the Council has been requested in 65% of cases due to the level of pre-existing arrears.

- 3.9 The total value of rent to be collected per month for tenants on UC, based on the rent charge for a two bedroom flat, is approximately £177,000 per month (£2.12m per annum). It is complex to determine the level of arrears directly attributable to UC as there are a range of individual factors that affect individuals' benefit entitlement and reasons for non-payment. It is estimated that the cash value of arrears for claimants on UC has increased by an average of just over £270 per tenant since March 2015.
- 3.10 The management of UC cases in arrears is in accordance with the standard arrears process but specific advice and information is provided to help tenants understand their rent payment obligations and to manage a monthly household budget.

Temporary and Supported Accommodations

- 3.11 Households in temporary accommodation affected by the benefit cap and/or under occupation, continue to be provided with advice and assistance in applying for Discretionary Housing Payments. Households are placed in temporary accommodation that reduces the likelihood of under occupancy, however on occasion they may be placed in a larger property to meet their emergency housing need. There are currently 34 out of 420 households who are under occupying in temporary accommodation.
- 3.12 It is anticipated that new DWP capping levels will be applied later this financial year. Currently there are 50 households occupying temporary accommodation that are subject to benefit capping. In May 2016, DWP carried out an exercise to determine additional citizens who could be impacted by benefit cap. A total of 434 households living in temporary accommodation were identified as potentially being subject to benefit capping if the new rates are introduced in January 2017. A full update on benefit cap is detailed in section 3.18.

Advice Shop

- 3.13 The Advice Services Review is ongoing and future service delivery models are currently being considered by the Corporate Leadership Team. Updates on this review will be provided to the Health, Social Care and Housing Committee.
- 3.14 Welfare Rights appeals have reduced in the last six months according to data from the three major funded advice providers, with the average monthly figure dropping from 65 to around 30. The Advice Shop continues to represent around 30 appeals per month. This is a reversal of the trend in 2015/16 which saw an increase in this type of advocacy and representation. Her Majesty's Court and Tribunal Service is also engaging with advice providers to look at how appeals can be dealt with in the most effective manner.

3.15 Advice Services have seen a reduction in successful requests for Mandatory Reconsiderations (MRs) against decisions to withdraw/withhold/reduce benefits. This means more benefit claim disputes are potentially being taken to a formal appeal process, introducing a delay in resolution and increased anxiety for some claimants. Further details can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/530202/esa-wca-mr-summary-june-2016-version2.pdf

3.16 The three major advice providers funded by the Council – CHAI, CAE and GIC – reported the following service demand:

	Jan – June 16	Jan – June 15	Jan – June 14	Jan – June 13
Welfare Rights	7885	7098	6871	6981
Debt	3558	3491	3326	2413

3.17 The Advice Shop has assisted approximately 3000 people since April 2016 securing £1m per month in income for citizens. Each month, assistance is provided and there are approximately 300 new benefit claims, while customers are presenting with an average of £12,000 debt per person.

Extension of benefit cap

3.18 The benefit cap is a limit on the total amount of income from certain benefits a household can receive. If citizens receive more than the benefit cap allows then their Housing Benefit will be reduced in line with the cap. For a couple or single person with children the benefit cap is currently £500 per week. The limit for single people with no children is £350 per week. From autumn 2016, this will be reduced to £335 for a couple or single person with children and £258 for a single person.

3.19 The Council received information from DWP in April and August 2016 which allows affected citizens to be identified. The DWP Scan in August 2016 identified 894 tenants living in Edinburgh who will be affected once the extended benefit cap is rolled out in Edinburgh in January 2017. Existing benefit cap claimants will see the lower cap applied from November 2016, and these citizens are included in the total number identified by DWP.

3.20 A breakdown of affected citizen by housing tenure is as follows:

Tenure	No of households affected	% of all benefit cap cases
Temporary Accommodation	394	44
Mainstream Council Tenancies	154	17.2
Private Rented Sector	277	31
Housing Association	66	7.4
Private Boarder	3	0.3

3.21 DWP and the City of Edinburgh have established a joint working partnership to support Edinburgh citizens through the transition. The remit of the group is to look for innovative and positive solutions and outcomes for those affected by the changes, driven by partnership working and support. Employability events are also being organised in local communities to support some of the groups affected.

3.22 The Council has received additional funding from the UK government to support those affected by the benefit cap, however, this will not fully mitigate the pressure and there is a need to look at different ways of providing support to citizens. The loss of benefit to this group is estimated to be in the region of £3.7m per annum, whilst the additional central government contribution to the DHP fund to reflect the additional welfare reforms in 2016/17, most significantly the benefit cap, was £123k.

3.23 As part of this work the Assessment and Finance team will contact all affected citizens. This is in addition to direct contact by DWP and social sector landlords who have received information of benefit claimants for whom they receive payments directly.

Council Tax Reduction Scheme (CTRS)

3.24 The DWP has confirmed that it will continue with the CTRS funding arrangement for 2016/17. This reflects the evolving nature of CTRS and the staged implementation and migration of Housing Benefit to UC. The national Settlement and Distribution Group continue to consider the distribution of CTRS funding and will advise local authorities accordingly, as and when there are any significant changes.

3.25 CTRS is not part of the UC package of benefits, with the fund being independently administered by each local authority. Every effort is being made to raise awareness of CTRS and to ensure customers make the separate CTRS claim at the point of any UC claim. Local arrangements with Job Centres across the city are in place to support this.

- 3.26 The 2016/17 CTRS spend continues to be monitored on a monthly basis. Whilst CTRS uptake continues to fall, Council Tax collection continues to improve compared with the same period last year, indicating a reduced need for assistance of this nature. Appendix 1 outlines the Council's CTRS spend profile at August 2016.
- 3.27 Consideration is being given to promote CTRS to improve benefit uptake amongst groups where there is a perceived entitlement but low take-up. This is a project being undertaken by advice services.

Scottish Welfare Fund (SWF) – Crisis Grants and Community Care Grants

- 3.28 Both Crisis Grants and Community Care Grant applications continue to be considered for medium and high priority cases. Appendix 2 outlines the Council's SWF spend profile at August 2016.

Grant	Budget £	Carry Over to 2016/17	Total Budget Available £	2016/17 Spend as of August 2016
Crisis Grants	660,000	0.00	660,000	£273,403
Community Care Grants	1,424,325	330,000	1,754,325	£715,821
Total	2,084,325	330,000	2,414,325	£988,225

- 3.29 The SWF 2nd Tier Reviews are heard by the Scottish Public Services Ombudsman and there have been five appeals to date, with four upheld.

Discretionary Housing Payments (DHP)

- 3.30 The DWP's 2016/17 allocation for Edinburgh is £1.45m. This includes £863,701 to alleviate hardship on **non** Under Occupancy and £587,168 towards mitigating hardship in relation to Under Occupancy.
- 3.31 The Scottish Government's initial allocation for Edinburgh to mitigate Under Occupancy in 2016/17 is £2.56m. The remaining £9m of Scottish Government funding to fully mitigate Under Occupancy will be distributed to councils following the publication of the 2016/17 DHP statistics in May 2017. Edinburgh's anticipated additional allocation brings the estimated total DHP fund to £4.7m for 2016/17. The Council will continue to monitor DHP spend on a monthly basis and an appropriate claim will be made to the Scottish Government at year end.

3.32 As of 31 August 2016, the Council's DHP financial position was:

- £4,016,372 total fund*
- £1,977,203 spend
- £2,226,699 committed to spend

*exclusive of additional 20% to be allocated in 2017.

3.33 There have been 5214 DHP applications for 2016/17 considered up to 31 August 2016 of which 310 were refused. The overall refusal rate is 5.9%, the most common reasons for refusal is where a customer's income exceeds their expenditure.

3.34 At 31 August 2016 the number of days to process a request for a DHP was five days.

3.35 Appendix 3 outlines the Council's DHP spend profile at August 2016. The additional Scottish Government funding is expected to fully mitigate under occupancy in 2016/17.

3.36 In recognition of additional welfare reforms, a redrafted DHP policy will be presented for Committee approval in November and will be designed to ensure the most vulnerable citizens are financially protected.

Foodbanks

3.37 The Council continues to work with foodbanks to address citizens in need. The working party set up to look at foodbank provision across the city continues to meet, with a view to better supporting those providers who provide holistic services along with emergency food aid. This group is chaired by Councillor Lewis Ritchie, Deputy Convener of Communities and Neighbourhoods, and its membership includes cross council services, foodbanks and representatives from DWP.

3.38 The Foodbank Working Group last met on Wednesday, 10 August 2016. The discussion focused on how the Council can continue to work with Foodbanks across Edinburgh to provide support to citizens and reduce repeat visits, through crisis intervention, appropriate advice, support and signposting.

The Welfare Reform Working Group

3.39 The Welfare Reform Working Group met in August 2016. Items discussed were:

- Edinburgh Benefit Cap Partnership;
- Social Security Consultation;
- Benefit Uptake Campaign;

- Financial Inclusion;
- Universal Credit Update; and
- Welfare Reform Impacts on Temporary Accommodation.

The Welfare Reform Core Group

3.40 The Welfare Reform Core Group continues to meet quarterly to agree the delivery of the key actions to achieve outcomes in terms of:

- Prevention of hardship and worsening inequality;
- Effective response to crisis needs for housing heat and food;
- Effective support for vulnerable individuals and families; and
- Partnership action to sustain Edinburgh's social security.

The Welfare Reform Partners' Forum

3.41 The Welfare Reform Partners' forum met on 13 April 2016, with EVOC acting as the first rolling host in an attempt to create greater awareness and ownership of this important issue. The next meeting will take place in November 2016.

Scottish Government Consultation on Social Security in Scotland

3.42 The Scottish Government has launched a consultation of Social Security in Scotland, focussing on how devolved benefits from Central Government will be delivered. The Council input into a joint COSLA document as part of the joint practitioner officer group. The closing date for the consultation is 28 October 2016, however, Edinburgh has been granted an extension for its own submission to ensure members have the opportunity to review and provide comments. The consultation is attached as Appendix 4 and has been developed by service experts across the Council.

3.43 Edinburgh's response provides commentary on all aspects of the new benefit considerations, and focuses on the need for joint working, reduced duplication by local delivery and joined up practices, simple and concise process design and dignity and respect within the scheme. Analysis of the consultation responses will be collated and published early in 2017. The Scottish Government intends to bring forward a Social Security Bill before the end of this parliamentary year.

3.44 Members are asked to approve the consultation document for submission to the Scottish Government.

4. Measures of success

4.1 The success of the programme will continue to be measured through:

- reductions in forecast loss of income; and
- customer satisfaction with advice and advocacy services relating to benefit changes, including increased benefit take up and minimises losses by ensuring people get their full entitlement under the new arrangements.

5. Financial impact

5.1 The increase in numbers of people experiencing hardship has led to increased demand for services across the Council and also partner advice agencies. There is a risk to Council income, particularly in relation to rent arrears, changes to subsidy levels for temporary accommodation and service charges. Known risks include:

- loss of rental income to the Housing Revenue Account (HRA) arising from Housing Benefit under Occupation reforms and Direct Payment under UC;
- Scottish Welfare Fund and Discretionary Housing Payment budget will be insufficient to meet demand longer term;
- the spend on Council Tax Reduction Scheme exceeds the available funding;
- reduced DWP Administration Subsidy due to the abolition of Council Tax Benefit, the phasing out of Housing Benefit and Central Government budget savings;
- increased demand on advice and advocacy both for the Council and Third Sector advice agencies;
- increase in homeless population where delays in payment of rent due to assessment periods for UC in the private sector; and
- Increase in homeless population where Housing Benefit is restricted as a result of the benefit cap and current rent becomes unaffordable for citizen's impacted by the cap.

6. Measures of success

6.1 The success of the programme will continue to be measured through:

- reductions in forecast loss of income; and
- customer satisfaction with advice and advocacy services relating to benefit changes, including increased benefit take up and minimises losses by ensuring people get their full entitlement under the new arrangements.

7. Risk, policy, compliance and governance impact

7.1 The financial risk to the Council as well as the risk to the Council's reputation is being monitored regularly. Actions taken to assess and mitigate these risks and ensure effective governance include:

- updates are provided to Corporate Policy and Strategy on a quarterly basis;
- annual update to the Governance, Risk and Best Value Committee;
- dedicated teams introduced to provide support and assistance; and
- quarterly meetings with Elected Members, Council Officers and External Partners.

8. Equalities impact

8.1 The UK Government has prepared Equalities and Human Rights assessments for the welfare reform proposals. The Council will undertake an EHRIA when necessary for any of its proposals.

9. Sustainability impact

9.1 Welfare Reform is expected to have general implications for environmental and sustainability outcomes, for example in relation to fuel poverty and financial exclusion.

10. Consultation and engagement

10.1 Council officials continue to engage with the UK and Scottish Governments, directly and through COSLA, with the DWP, the Third Sector, the NHS and other partners. The Council is also engaging with citizens, both in and out of work, who rely on benefit income and tax credits.

10.2 The Council continues to participate in groups looking at the impacts of Welfare Reform, namely COSLA's Welfare Reform Local Authority Representative Group.

10.3 Recent community engagement has resulted in plans for joint working initiatives to provide Food Bank Plus models which will address immediate crisis as well as preventative action to reduce use of such services in the future.

11. Background reading/external references

[Welfare Reform – Update: report to Corporate, Policy and Strategy Committee, 9 August 2016](#)

[Welfare Reform – Update: report to Corporate, Policy and Strategy Committee, 17 May 2016](#)

[Welfare Reform – Update report to Corporate Policy and Strategy Committee 20 January 2016](#)

Welfare Reform - Update: report to Corporate Policy and Strategy Committee 3 November 2015

Welfare Reform – update – Finance and Resources Committee, 28 August 2014

Discretionary Housing Payment Policy – Corporate Policy and Strategy Committee, 5 August 2014 Smith Commission

Hugh Dunn

Acting Executive Director of Resources

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12. Links

Coalition Pledges

Council Priorities

Single Outcome Agreement

SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health

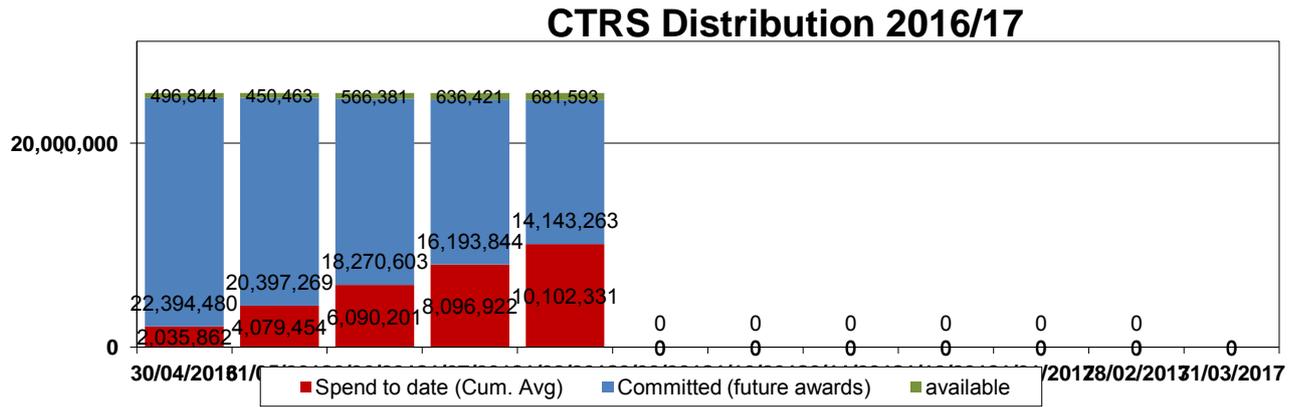
Appendices

Appendix 1 – Council Tax Reduction Scheme Spend

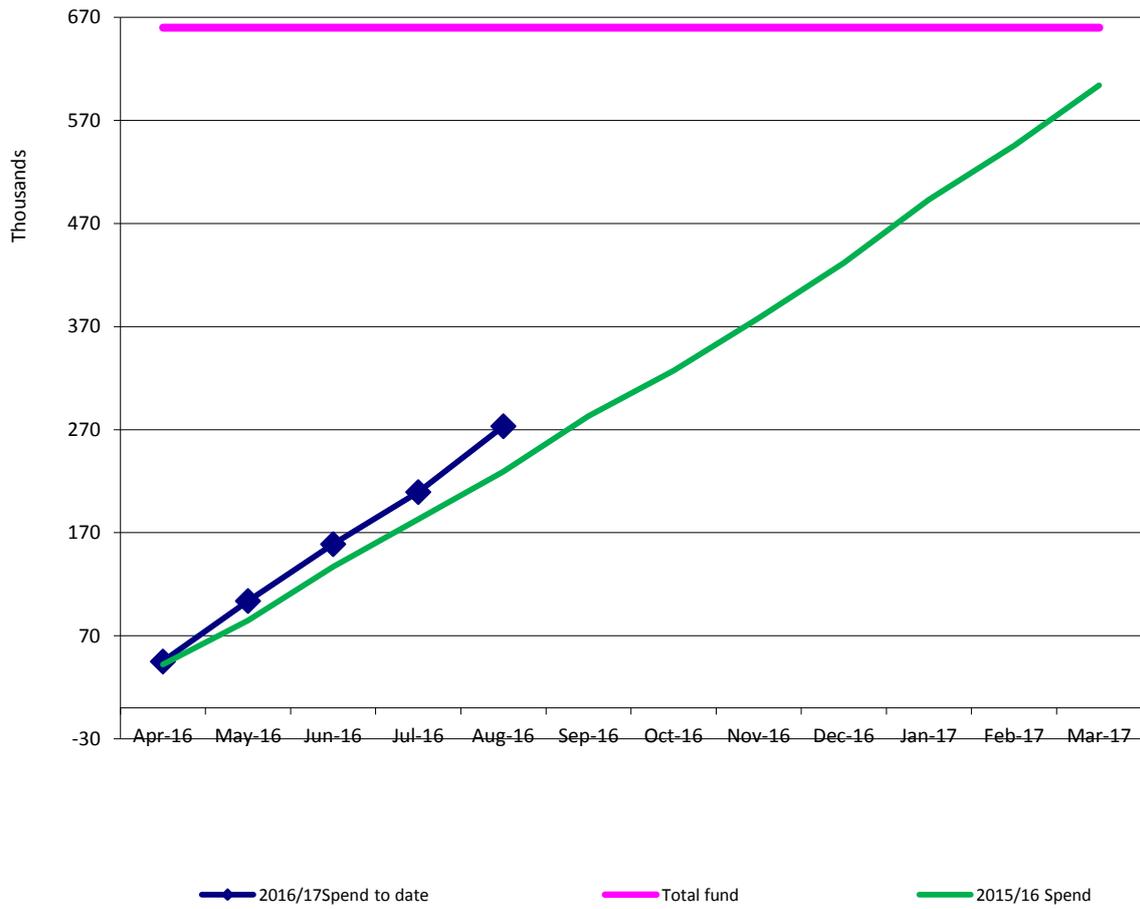
Appendix 2 – Scottish Welfare Fund Spend

Appendix 3 – Discretionary Housing Payment Spend

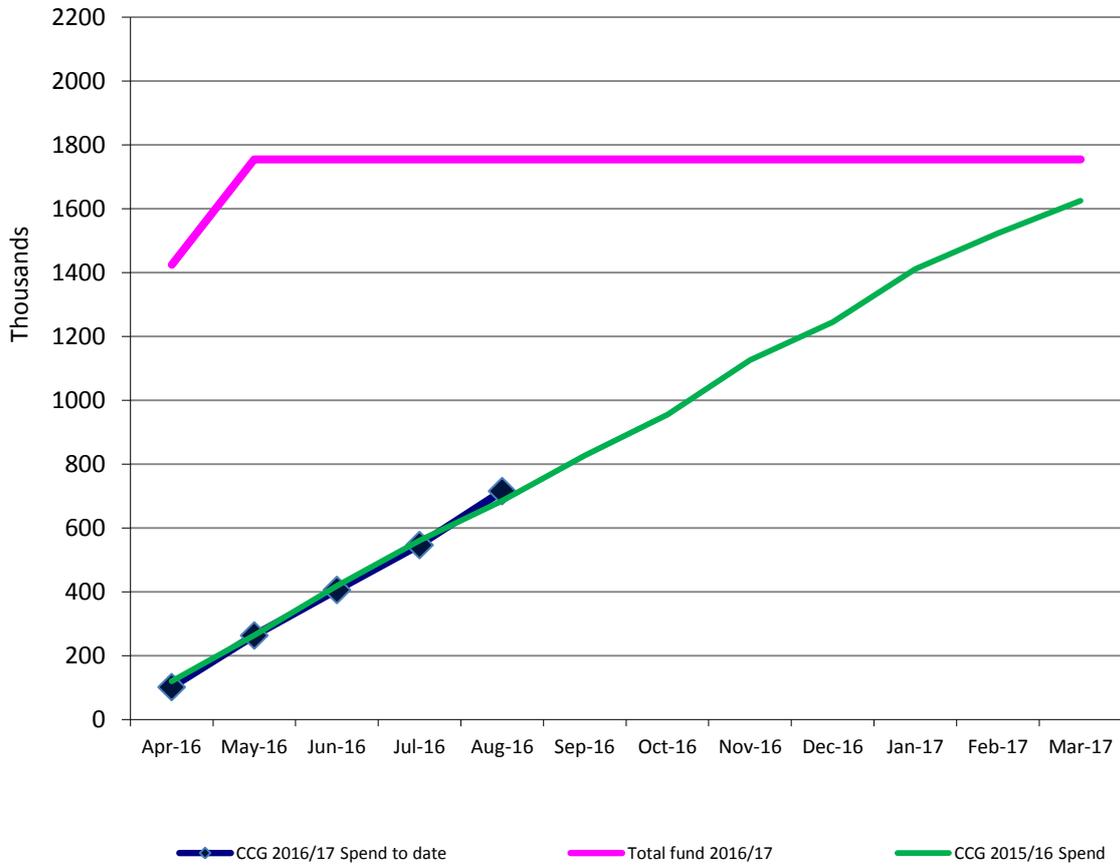
Appendix 4 – Scottish Government Consultation on Social Security in Scotland



Scottish Welfare Fund Spend
Crisis Grant Allocation 2016/17

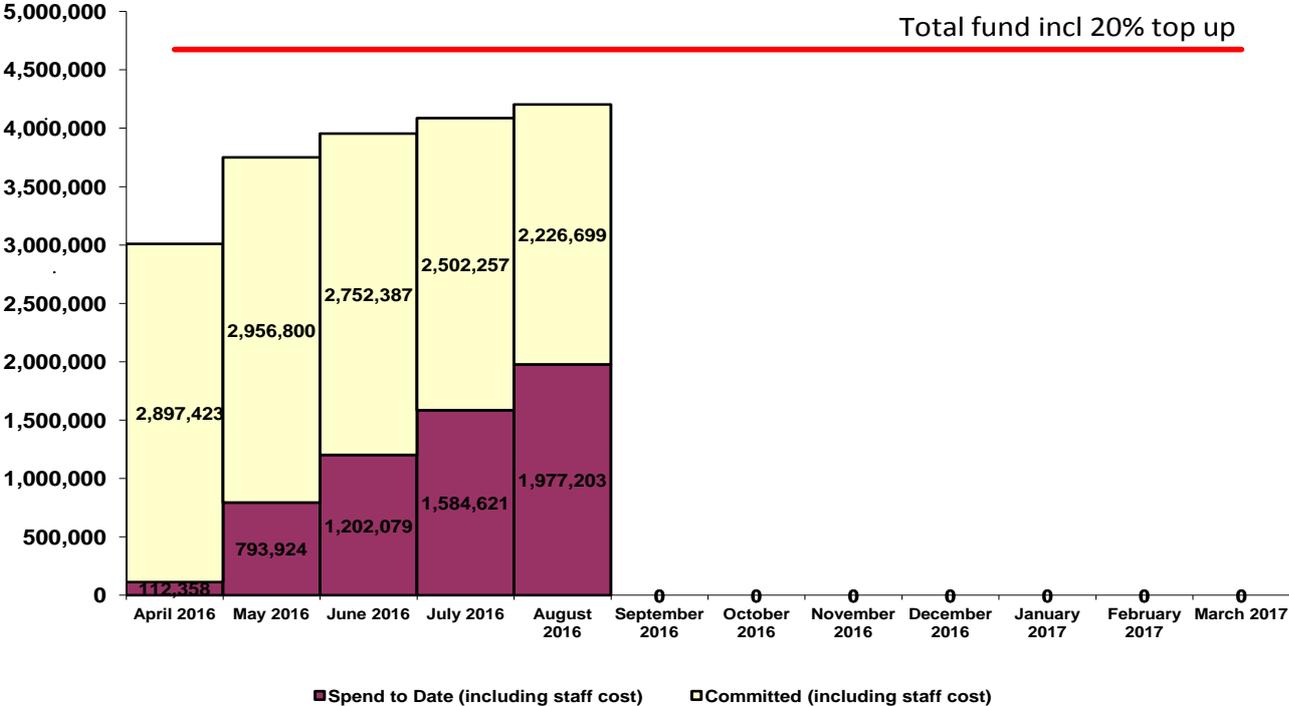


Scottish Welfare Fund Spend Community Care Grant Allocation 2016/17



Appendix 3

DHP Fund Allocation 2016/17



Scottish Government have launched a consultation of Social Security in Scotland surrounding proposals as to how devolved benefits **from** Central Government will be delivered.

Key Elements of the Consultation

Part 1: A principled approach – The principles of Social Security in Scotland

Part 2: The Devolved Benefits – questions on each element being devolved

Part 3: Operational Policy – Governance and Delivery

Developing a Local Government Response

Edinburgh's response has particular emphasis on public sector reform and synergies with existing Local Government services with a push on integration at a local level.

The themes listed below are provided in the response

- Principles & legislation (Claimant Charter) –importance of the culture within the agency
- User experience & outcomes – Inclusion of scheme users and deliverers of similar services in DWP/LAs in design process
- Communication & technology – Need to adopt existing technology and ensure accessible multi media communication
- Local Government role in delivery – The need for integration, partnership working and reduction in complexities
- Benefits, support & flexibility (Goods/Cash) – Whether the new scheme should provide cash/goods and the potential conflict with dignity principles of scheme.
- Assessment, appeals & advice – How this should operate in the new scheme.

Next steps and outputs

Analysis of the consultation responses will be collated and published early in 2017. Engagement with the Scottish Government prior to this has been sought and agreed in principle. Scottish Government intend to bring forward a Social Security Bill before the end of this parliamentary year.

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

General Switchboard and Website Enquiries

Item number 7.9
Report number
Executive/routine
Wards

Executive Summary

On 6 September 2016, the Corporate Policy and Strategy Committee passed a motion raising questions about performance information and service design for the Council's online and telephone channels. This report addresses these queries and provides information on ongoing improvement activities for both services.

Links

Coalition Pledges [P30](#)
Council Priorities [CP11](#), [CP13](#)
Single Outcome Agreement

General Switchboard & Website Enquiries

1. Recommendations

- 1.1 The Corporate Policy and Strategy Committee is asked to:
 - 1.1.1 note current performance reporting for Customer Contact;
 - 1.1.2 note future improvements to customer experience and performance reporting;
 - 1.1.3 agree to discharge the motion by Councillor Mowat;
 - 1.1.4 agree that a progress report will be provided back to Committee in quarter one of 2017; and
 - 1.1.5 refer the report to the Transport and Environment Committee for information.

2. Background

- 2.1 At its meeting on 6 September 2016 the Corporate Policy and Strategy Committee requested further information on a range of customer contact issues.
- 2.2 This report provides detailed answers to the questions raised in the motion:
 - What is the design of the user experience for telephone and online channels?
 - What performance reporting is produced?
 - Who receives performance information?
 - How many abandoned calls have been recorded?
 - How many calls have been received, broken down by length?

3. Main Report

Overview & Customer Experience: Telephones

- 3.1 The Council is committed to providing excellent service to all constituents, supported by simple and easy to access contact channels. As part of the Council's ongoing transformation programme a new structure has been introduced in the Customer Contact Centre, supported by a refocused performance framework.
- 3.2 The new structure has been designed to focus on first touch resolution, supported by closer working relationships between customer contact and service delivery.

These ongoing activities will ultimately deliver a flexible, cross skilled staff group that can effectively address telephone and electronic/social media contact at the initial point of contact.

- 3.3 A recent performance review has resulted in some staff turnover. This activity will benefit the service in the longer term. In the short term staff are being reallocated to tackle specific contact pressures and an internal recruitment exercise is ongoing, to ensure the service operates at the agreed post transformation staffing levels.
- 3.4 The Customer Contact Centre deals with a wide range of service calls. A 7 month snapshot of calls answered by the Contact Centre is detailed in Appendix 1.
- 3.5 When customers phone the Contact Centre, they will generally be presented with an automated menu system (IVR). These provide some self-service information, e.g. Council Tax banding information. Where appropriate, they also provide text messages with links to online forms. At present this is limited to Council Tax and Benefits, but the Council is working to extend this text message approach to more service areas.
- 3.6 The IVR systems will put the customer through to an agent, where appropriate. The IVR system ensures we direct the customer's call to an agent who has the correct skill set to deal with the call.
- 3.7 When a customer is put through to an agent, the agent will attempt to resolve the customer's enquiry in full at the point of contact, e.g. telling the customer when they will receive their next benefit payment. In some cases this will require a referral to another team, e.g. for a bin to be collected or a benefit claim to be processed.
- 3.8 Finally, the agent informs the customer what will happen next e.g. you will receive an updated Council Tax demand bill within the agreed service level.
- 3.9 The handling time for a phone call, i.e. how long the customer is speaking to the agent, varies based on the nature of the call. Appendix 2 shows average call times, broken down by service area. Performance is reviewed regularly by Team Leaders to ensure that calls are handled in the most efficient manner. It is, however, important that requests are resolved as far as possible and this balance is continually under review to ensure effective first touch resolution and call efficiency. The long term effect of this efficiency management approach will reduce call volumes as failure demand is driven from the system.
- 3.10 Work is being undertaken to profile service demand and allocate resources. This is an area under constant review to ensure that resources are best allocated to meet essential service demand. As call volumes reduce our capacity will come more in line with demand.
- 3.11 Appendix 3 details average waiting times and improvement groups have been put in place to address specific challenges such as Repairs, Waste, Council Tax and Benefits. Key actions include better contact/service coordination through co-location, cross skilled teams, improved systems and resource reallocation to meet demand. As part of this activity the service is progressing a dedicated workforce

management tool that will improve demand forecasting and scheduling and more effectively manage telephony and back office volumes.

- 3.12 The current target for call abandonment is less than 10% and recent performance is detailed in Appendix 4. The abandoned calls indicator is calculated using the number of customer calls terminated before it was answered. The majority of services are within the agreed target, however the abandoned call rate is significantly higher for Repairs Direct and this has been prioritised in the above work analysis and a specific improvement group has been put in place. The recent organisational review has also seen resource levels increased in key areas (including Repairs Direct) and once staff are fully trained it is anticipated that performance targets will be achieved.
- 3.13 At peak times, such as following annual Council Tax billing, this target is under significant pressure. To address this on an ongoing basis, closer co-ordination and cross skilling with appropriate transactional teams (processing) is being introduced. This will create a larger pool to tackle short term demand spikes.
- 3.14 The historical service level target for the Contact Centre has focused on calls answered within 30 seconds. The current target for this PI is 55% as detailed in Appendix 5. In many areas this is being met and as detailed above work is ongoing to improve areas where this is below target. However, the current PI suite does not reflect current industry best practice. Consequently, changes will be implemented and the 4 key PIs going forward will become – First Touch Resolution, Staff Satisfaction, Customer Satisfaction & Complaint statistics.
- 3.15 As part of the service's wider improvement activities a detailed analysis of call data is being undertaken to better establish the types of call received e.g. service failure, service request and simple requests for information. This data is essential in informing the end to end service delivery and also assisting the Council to develop and promote other channels such as self-service forms and improved online service information. Other improvements include the use of call backs, messages which give customers greater information about their status in the queue and text links. These activities will assist the Council to better manage call volume types.
- 3.16 A number of services that have recently transferred into the Customer Contact Centre have no call routing technology e.g. FM services. These services are currently being assessed and appropriate IVR systems are being adopted to effectively direct the customer to the correct channel to deal with their inquiry. These developments are being delivered in conjunction with the planned CGI upgrade of the telephony system, which will provide improved management information and is planned for the first quarter of 2017. In addition, work is being scheduled to add the Council's switchboard to the solidus system. This will deliver improved call management.
- 3.17 A pilot is also being progressed that will enhance our post call satisfaction measures with the introduction of a fully automated system of post call satisfaction

surveys. This will assist the Council to further develop its customer contact strategy.

Customer Experience – Online Report It

- 3.18 The Council's website was redesigned in 2014 to streamline the user experience and ensure it worked on mobile devices such as phones and tablets. The website has a maximum 4 star rating in Socitm's annual survey of local government websites. Once on the website, customers can use the search box, the subject based menus, or the "pay it", "report it" or "request it" links to access our online transactions.
- 3.19 Depending on the transaction, the customer may be asked to sign in. This is based on how much information we need about the customer to effectively complete the transaction. Sign on is provided via the Scottish Government's MyGovScot MyAccount service and once registered this enables a proportion of the form to be pre-populated to improve the online experience. The online forms are designed to be user friendly and have help text or guidance where appropriate.
- 3.20 For those forms that require sign on, or for which the customer has opted to sign on, the customer sees a history of their transactions in their online account. We are working to improve this facility further so there is more detailed information on the progress of the customer's enquiry.
- 3.21 The Council's forms are subject to varying degrees of automation. For example, some income and benefits forms are loaded directly into our business database systems, e.g. the direct debit payment form. Others are partially automated, then referred to an officer to finalise the assessment, e.g. the housing benefit form. Some are not automated at all and are referred to an officer for assessment, e.g. student discount form. The customer will receive confirmation, usually system generated, once the transaction has been finalised.
- 3.22 Processing times vary depending on the transaction. For example, 90% of Direct Debit forms are significantly automated and are processed within 1 working day, with the customer receiving a revised bill via second class post.
- 3.23 Some of these transactions, e.g. Income and Benefits, are administered entirely within Customer. Others, such as missed bins or dog fouling, are referred to the relevant service area to resolve. Where possible, the request is raised directly in the service area's system.
- 3.24 The Council is working with CGI and Agilisys to improve our online transactions as part of the channel shift programme and a wide range of services will be launched in the remainder of 2016/17.

Performance Information

- 3.25 The Council is committed to delivering excellent customer service, via a range of channels, including online, telephony, and face-to-face. A comprehensive suite of performance information is regularly updated, broken down by service area, e.g. Waste, Repairs Direct, and Council Tax and performance metrics include:
- Calls volumes (Appendix 1)
 - Average handling time (time spent with the agent) (Appendix 2)
 - Waiting time (Appendix 3)
 - Calls abandoned (Appendix 4)
 - Service level (percentage of calls answered within 30 seconds – Appendix 5)
- 3.26 These reports are received by team leaders, contact centre management, and Resources senior managers as part of normal operational management. In addition key statistics are included in Directorate and Council dashboards. Targets are based on the current resource profile and benchmarked against similar organisations
- 3.27 Reports are produced with different frequency. Team leaders monitor live performance information within the Contact Centre and use this to respond dynamically to demand. Daily, weekly and monthly reports are also produced.
- 3.28 The service is currently reviewing its management information reports. The objective is to simplify what is reported to give an accurate picture of the service whilst also driving the right performance and putting the customer first. Building on existing measures this will focus on:
- Contact successfully resolved at the point of first contact (online/calls)
 - Staff satisfaction
 - Customer satisfaction
 - Complaints volumes & themes
- 3.29 Traditional measures, such as average handling time, will continue to be monitored. These, however, could be impacted as a result of a greater focus on first touch resolution. This performance change will be managed, however, best practice suggests that prioritising contact resolution yields a better overall service and fewer calls as we focus on more value related interactions and drive out failure demand. In time this will allow the service to function fully with current headcount levels.

4. Financial impact

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

5. Risk, policy, compliance and governance impact

- 5.1 The delivery of high performing customer services, via both the online and telephone channel, is a key target for Customer. Performance against target is regularly reviewed by senior managers to ensure issues are addressed and a service level improvement is achieved.

6. Equalities impact

- 6.1 There are no direct equalities implications arising from this report. The Council remains committed to a digital by desire approach and maintaining customer choice in terms of channel access.

7. Sustainability impact

- 7.1 There is no direct relevance of the report's contents to impacts on carbon, adaptation to climate change, and sustainable development.

8. Consultation and engagement

- 8.1 None.

9. Background reading/external references

- 9.1 Minute of Corporate, Policy and Strategy Committee, [6 September 2016](#)

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10. Links

Coalition Pledges	P30 – Continue to maintain a sound financial position including long term financial planning
Council Priorities	CP13 – Deliver lean and agile council services
Single Outcome	
Appendices	Appendix 1 – Calls Received Appendix 2 – Average Handling Time Appendix 3 – Average Waiting Time Appendix 4 – Calls Abandoned

Call Volumes Overview

Overall volumes of calls received monitored through regular performance information reports. This is broken down by service area.

Call Volumes (Offered)	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16
Anti Social Behaviour	45	66	61	62	69	55	33
Central Emergency Service	3540	2763	2892	2737	2653	2192	2839
Children & Families Prof Child	717	806	845	585	781	865	518
Children & Families Public Child	447	556	535	501	501	623	491
Emergency Child	75	90	82	81	121	88	9
Clarence	2740	2864	2000	1762	1577	1606	1522
Council Tax	7008	6343	8111	9276	7993	7428	6784
Benefits	5230	6367	6727	6115	5881	5860	5043
Non Domestic Rates	688	784	1017	1111	1149	1369	1711
Customer Care	757	964	792	690	740	742	648
Emergency Home Care Worker	3151	2649	3205	2957	3222	2621	3032
Emergency Home Care	516	454	485	528	533	410	554
Emergency Social Work Service	2257	1885	2175	1894	1847	1684	1857
1Edinburgh	1416	1403	1446	1338	1386	1560	1159
Repairs Direct	9864	11881	10622	12260	10383	8972	9324
Planners	4078	4713	3929	3888	4080	4007	3299
Social Care Direct Prof Adult	131	147	129	134	156	168	108
Social Care Direct Public Adult	4044	4183	3871	4012	4033	4212	3746
Tradesman	2422	2579	2439	2609	2530	2454	2466
Quality Control; Officers	672	614	629	589	605	606	364
Uplifts	1411	1660	1680	1579	1685	1656	1985
Waste	10796	8689	6887	6282	6357	6893	6055
Environment	6942	6018	5506	5181	5597	5794	5928
Missed Collections	7759	5659	4299	4011	4198	4655	3976
TOTAL	76706	74137	70364	70182	68077	66520	63451

Average Handling Times

Average call handling times are monitored through regular performance information reports. This is broken down by service area. Average handling time is the average time an agent spends with the customer to deal with the query. As noted in the main report we are currently reviewing our performance to prioritise first touch resolution over handling time.

Average Handling Time (Seconds)	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16
Anti Social Behaviour	412	376	339	295	359	307	321
Central Emergency Service	318	320	331	325	308	328	325
Children & Families Prof Child	571	608	619	586	631	589	548
Children & Families Public Child	509	494	526	508	537	523	464
Emergency Child	417	409	396	403	428	419	403
Clarence	244	246	208	194	184	175	186
Council Tax	427	435	425	438	451	450	448
Benefits	388	372	382	405	450	398	415
Non Domestic Rates	430	380	409	413	348	334	339
Customer Care	332	348	301	257	300	289	335
Emergency Home Care Worker	280	287	291	291	286	312	302
Emergency Home Care	339	318	327	334	318	336	302
Emergency Social Work Service	334	338	354	368	377	370	409
1Edinburgh	151	158	152	156	114	165	148
Repairs Direct	328	323	340	327	312	324	395
Planners	187	188	194	188	187	187	191
Social Care Direct Prof Adult	568	573	582	623	537	513	526
Social Care Direct Public Adult	664	669	663	658	642	627	593
Tradesman	302	309	314	324	332	350	360
Quality Control; Officers	448	429	472	458	453	478	515
Uplifts	326	319	297	287	273	267	268
Waste	328	234	242	246	235	234	242
Environment	246	249	253	257	242	247	249
Missed Collections	251	264	262	251	249	237	249
Average Handling Times (All services)	333	337	346	349	343	343	355

Average Wait Times

Average Queue Time (Min:secs)	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16
Anti Social Behaviour	00:11	00:23	00:23	00:20	00:48	00:44	00:53	00:37
Central Emergency Service	00:48	00:46	00:49	00:52	00:33	00:26	00:41	00:35
Children & Families Prof Child	00:21	00:23	00:29	00:23	00:17	00:29	00:13	00:16
Children & Families Public Child	00:20	00:21	00:27	00:21	00:24	00:33	00:16	00:15
Emergency Child	00:19	00:17	00:07	00:11	00:16	00:12	00:14	00:08
Clarence	00:31	00:32	00:33	00:27	00:32	00:32	00:33	00:33
Council Tax	01:26	02:27	03:18	05:15	03:45	04:34	05:11	04:53
Benefits	01:12	02:00	03:09	03:58	03:32	03:21	03:37	04:49
Non Domestic Rates	01:33	01:41	01:49	03:37	02:59	03:08	04:22	05:33
Customer Care	00:23	00:35	00:31	00:19	00:37	00:56	00:47	00:33
Emergency Home Care Worker	00:18	00:15	00:20	00:20	00:19	00:15	00:15	00:14
Emergency Home Care	00:20	00:20	00:20	00:19	00:24	00:14	00:15	00:11
Emergency Social Work Service	00:16	00:09	00:18	00:17	00:18	00:14	00:13	00:12
1Edinburgh	00:31	00:32	00:33	00:35	00:31	00:33	00:32	00:35
Repairs Direct	02:13	05:45	07:08	15:49	11:00	03:55	09:26	04:36
Planners	00:22	00:34	00:32	00:32	00:29	00:26	00:20	00:37
Social Care Direct Prof Adult	00:26	00:12	00:22	00:28	00:19	00:30	00:20	00:11
Social Care Direct Public Adult	00:21	00:19	00:19	00:25	00:16	00:31	00:21	00:21
Tradesman	00:40	01:02	00:54	01:01	00:39	00:42	01:11	01:20
Quality Control; Officers	00:42	01:13	01:06	01:16	00:43	00:50	01:34	01:44
Uplifts	01:33	01:07	02:17	00:51	00:45	01:20	01:48	01:07
Waste	03:04	02:12	02:40	02:13	02:29	03:51	04:13	06:26
Environment	03:09	02:14	02:33	03:07	02:17	03:32	03:57	05:48
Missed Collections	03:07	02:11	02:37	02:12	02:33	03:47	04:16	06:16

Abandoned Calls

Level of call abandonment monitored through regular performance reports. Agreed target, based on resource profile, is that the abandonment rate does not exceed 10%. This is generally being achieved for all services with the exception of Repairs Direct. As noted in the main report additional resource has been recruited in this area, with the recent downward trend, impacted by summer leave.

Calls Abandoned	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16
Anti Social Behaviour	0.06%	0.03%	0.05%	0.02%	0.10%	0.08%	0.01%
Central Emergency Service	5.18%	2.92%	2.75%	2.52%	2.75%	2.03%	3.08%
Children & Families Prof Child	0.18%	0.25%	0.26%	0.17%	0.30%	0.68%	0.03%
Children & Families Public Child	0.23%	0.12%	0.19%	0.19%	0.20%	0.42%	0.16%
Emergency Child	0.01%	0.03%	0.03%	0.01%	0.06%	0.09%	0.00%
Clarence	1.57%	1.33%	0.96%	0.79%	1.28%	1.67%	1.26%
Council Tax	3.47%	4.65%	10.53%	14.79%	11.20%	11.25%	9.47%
Benefits	2.65%	4.40%	7.89%	5.62%	7.79%	6.60%	4.89%
Non Domestic Rates	0.42%	0.72%	0.83%	1.18%	1.53%	1.62%	2.46%
Customer Care	0.34%	0.71%	0.45%	0.35%	0.48%	0.71%	0.36%
Emergency Home Care Worker	2.18%	1.30%	1.58%	1.47%	2.71%	1.70%	1.76%
Emergency Home Care	1.24%	0.95%	0.77%	0.71%	1.31%	0.95%	0.81%
Emergency Social Work Service	3.47%	1.45%	1.69%	0.96%	1.29%	1.27%	1.59%
1Edinburgh	0.75%	0.63%	0.77%	0.40%	0.91%	1.15%	0.64%
Repairs Direct	23.20%	49.44%	39.54%	46.37%	31.41%	22.09%	32.58%
Planners	3.02%	3.85%	2.50%	2.28%	3.82%	3.66%	2.51%
Social Care Direct Prof Adult	0.10%	0.02%	0.04%	0.09%	0.06%	0.12%	0.02%
Social Care Direct Public Adult	1.74%	1.04%	1.11%	1.05%	1.23%	3.17%	1.49%
Tradesman	2.37%	2.71%	2.16%	1.77%	2.17%	2.98%	3.69%
Quality Control; Officers	0.00%	0.00%	0.34%	0.38%	0.62%	0.60%	0.63%
Uplifts	1.11%	0.88%	1.49%	0.55%	0.74%	1.33%	4.32%
Waste	4.83%	2.77%	2.95%	1.91%	3.64%	3.72%	2.89%
Environment	15.57%	7.33%	7.42%	5.23%	9.16%	11.89%	9.88%
Missed Collections	16.70%	5.88%	5.80%	3.42%	6.70%	7.59%	5.70%

Service levels

Service level: % of calls answered within 30 seconds which is monitored through regular performance information reports. Current target is 55% based on resource profile and recent bench-making activity with similar organisations.

Average Queue Time	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16
Anti Social Behaviour	88.10%	83.33%	80.33%	90.00%	74.63%	70.91%	84.38%	79.31%
Central Emergency Service	68.30%	68.88%	69.07%	69.12%	73.39%	75.70%	68.30%	71.65%
Children & Families Prof Child	82.24%	79.40%	80.19%	82.74%	86.17%	76.36%	88.16%	83.06%
Children & Families Public Child	80.04%	80.32%	80.41%	82.16%	81.64%	72.96%	87.45%	82.99%
Emergency Child	86.67%	80.00%	77.78%	86.42%	92.56%	84.71%	100.00%	100.00%
Clarence	72.80%	71.25%	72.10%	70.91%	72.45%	69.77%	70.18%	66.26%
Council Tax	59.21%	56.28%	33.25%	25.34%	35.07%	31.19%	32.54%	31.35%
Benefits	67.13%	55.19%	35.83%	35.32%	38.48%	41.22%	37.29%	32.88%
Non Domestic Rates	64.18%	66.58%	51.53%	37.67%	42.72%	39.28%	33.45%	26.87%
Customer Care	86.32%	81.32%	80.28%	84.64%	82.22%	74.93%	80.28%	82.38%
Emergency Home Care Worker	82.55%	84.27%	81.46%	81.81%	80.06%	83.09%	82.41%	84.65%
Emergency Home Care	83.60%	80.15%	83.58%	83.88%	78.57%	83.88%	83.26%	86.94%
Emergency Social Work Service	80.27%	86.78%	81.08%	83.74%	82.78%	83.86%	81.43%	84.96%
1Edinburgh	71.71%	70.14%	71.14%	69.36%	72.27%	68.94%	71.91%	64.79%
Repairs Direct	40.02%	17.46%	16.55%	9.58%	34.84%	32.27%	14.72%	17.73%
Planners	78.77%	71.50%	74.22%	73.72%	74.38%	74.25%	76.90%	67.44%
Social Care Direct Prof Adult	73.28%	87.25%	79.07%	75.37%	83.33%	74.70%	81.48%	86.67%
Social Care Direct Public Adult	80.31%	82.23%	81.99%	80.46%	85.42%	75.40%	80.43%	81.08%
Tradesman	58.56%	44.69%	50.19%	43.04%	58.88%	54.15%	38.95%	37.39%
Quality Control; Officers	53.95%	38.85%	39.43%	31.63%	52.89%	50.33%	27.47%	31.91%
Uplifts	58.87%	63.55%	52.83%	69.65%	74.75%	61.45%	53.54%	61.90%
Waste	28.22%	38.35%	38.60%	39.92%	39.95%	31.08%	26.43%	14.40%
Environment	24.91%	35.80%	35.92%	40.36%	40.99%	32.29%	26.86%	16.26%
Missed Collections	26.90%	39.43%	39.47%	40.70%	39.95%	32.05%	26.65%	17.45%

Improvement projects for key areas ongoing – Waste/Environment, Repairs and Council Tax/NDR/Benefits.

Corporate Policy and Strategy Committee

10.00am, Tuesday 4 October 2016

Locality Improvement Plans 2017-2022 - referral from the City of Edinburgh Council

Item number	8.1
Report number	
Wards	All

Executive summary

The City of Edinburgh Council on 22 September 2016 considered a report on the development of Locality Improvement Plans (2017 to 2022), which would build upon previous work undertaken to develop Neighbourhood Partnership Local Community Plans.

The report was referred to the Corporate Policy and Strategy Committee for information.

Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendices	See attached report

Terms of Referral

Locality Improvement Plans 2017-2022

Terms of referral

- 1.1 On 22 September 2016 the City of Edinburgh Council considered a report on the development of Locality Improvement Plans (2017 to 2022), which would build upon previous work undertaken to develop Neighbourhood Partnership Local Community Plans.
- 1.2 The City of Edinburgh Council agreed:
- 1) To agree to arrangements for the development of Locality Improvement Plans, as identified at Appendix 1 of the report by the Executive Director of Place, and that this report be referred to all 12 Neighbourhood Partnerships, Communities and Neighbourhoods Committee and Corporate Policy and Strategy Committee for their information.
 - 2) To note that following the Local Government Elections, Members would wish to consider whether new governance arrangements are required to ensure input of local members.

For Decision/Action

The City of Edinburgh Council has referred the attached report to the Corporate Policy and Strategy Committee for information.

Background reading / external references

Minute of the City of Edinburgh Council of 22 September 2016

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

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Links

Coalition pledges See attached report

Council outcomes See attached report

Single Outcome Agreement See attached report

Appendices See attached report

City of Edinburgh Council

Thursday 22 September 2016; 1000 hrs

Locality Improvement Plans 2017-22

Item number	8.1
Report number	Executive
Executive/routine	
Wards	All

Executive summary

This report seeks approval for an approach to develop Locality Improvement Plans (2017 to 2022), which will build upon previous work undertaken to develop Neighbourhood Partnership Local Community Plans.

Links

Coalition pledges	All
Council outcomes	All
Single Outcome Agreement	All

Locality Improvement Plan 2017-2022

Recommendations

- 1.1 It is recommended that the Council agree to arrangements for the development of Locality Improvement Plans, as identified at Appendix 1, and that this report is referred to all 12 Neighbourhood Partnerships, Communities and Neighbourhoods Committee and Corporate Policy and Strategy Committee for their information.
- 1.2 Following the Local Government Elections, Members would wish to consider whether new governance arrangements are required to ensure input of local members.

Background

- 2.1 A key component of effective locality working is locality improvement planning. Currently the City has 12 local community plans, aligned to the 12 Neighbourhood Partnerships. However, many community planning partners, and some council services, deploy different locality improvement planning approaches.
- 2.2 A new Council Corporate and Local Strategic Planning framework was developed in 2015 with the launch of the Council Business Plan. At the same time, strategy and planning teams from across the Council were brought together under the new Strategy division. This has enabled a much more joined up and holistic approach to strategy and planning across the Council, and with all community planning partners. Consequently, one approach to locality improvement planning is now being proposed across the City, involving all Council services and all community planning partners.
- 2.3 The proposed approach is described in detail at Appendix 1 and will:
 - simplify and strengthen existing locality improvement planning arrangements;
 - improve public service integration;
 - place communities at the heart of locality improvement planning; and
 - enable all community planning partners to meet legal duties as a result of the Community Empowerment (Scotland) Act 2014.

Main report

- 3.1 An update report on locality working was recently discussed and approved by the Corporate Policy and Strategy Committee on Tuesday 14 June 2016.
- 3.2 The report identified that locality working has many different inter connected elements, including a focus on:

- Outcomes, values and leadership;
 - Prevention and tackling inequality;
 - Service integration (incl. assets & co-location), innovation and technology;
 - Locality governance and partnerships;
 - community involvement; and
 - Locality insight, planning and performance management.
- 3.3 As a result of the Community Empowerment (Scotland) Act 2014, locality planning is now a legal duty placed on the Edinburgh Partnership Board, and all community planning partners. As the new framework evolves the council will consider wider governance arrangements for decisions at local level.
- 3.4 All Council services and partner agencies (Police Scotland, Fire and Rescue Service Scotland, NHS Lothian, Edinburgh Health and Social Care Partnership, Edinburgh College, and the Third Sector) have agreed to develop a single integrated approach to locality planning, through the co-production of four Locality Improvement Plans, aligned to each of the four localities.
- 3.5 Appendix 1 identifies the following elements of the proposed approach to the development of Locality Improvement Plans:
- 1 Introduction
 - 2 Project Governance, Management and Resourcing arrangements
 - 3 Project Plan
 - 4 Citizen and Community Engagement/involvement
 - 5 Key Stakeholders
 - 6 Locality Improvement Plan Structure
 - 7 Delivery and Review
- 3.6 Engagement with, and the involvement of, elected members and a wide variety of stakeholders, with a specific focus on citizens and community groups, will be a critical element of the approach to develop Locality Improvement Plans. It is proposed that there will be two phases of engagement, both of which will also inform the development of the City Vision, the Council Business Plan and the Community Plan.

Phase 1 – October 2016 to December 2016

- This phase will focus on locality wide issues, outcomes, indicators and actions and link to the Council's budget and transformation engagement process and City Vision engagement activities.

Phase 2 – February 2017 to early April 2017

- This phase will focus on smaller areas that have poorer social, economic and environmental outcomes.
- 3.7 The final drafting process, and sense checking with key stakeholders, will take place from May to June 2017. It is proposed that final approval of each Locality Improvement Plan will take place during July 2017 to October 2017. The plans

will be signed off by the council and the Edinburgh Partnership board. The CP+S will be regularly updated on LIPs and scrutinise final draft visions.

Measures of success

- 4.1 Each Locality Improvement Plan will have an outcome based performance framework. Public performance reporting will take place annually, and will be led by Locality Leadership Teams.

Financial impact

- 5.1 In the resources section of each Locality Improvement Plan, there will be details of joint resourcing initiatives and other financial matters related to the delivery of priority outcomes and actions.
- 5.2 Council and community planning partner agency budget processes will need to take account of the LIP performance. Specifically, failure to deliver LIP priority outcomes and actions may require budget allocation changes. The need to shift financial resources towards preventative work will be critical over the lifespan of each LIP.

Risk, policy, compliance and governance impact

- 6.1 All risk, policy, compliance and governance impacts will be identified and managed by Locality Leadership Teams and the Locality Management Board.
- 6.2 Key risks will feature as part of the Council's corporate risk register, and the Edinburgh Partnership Board's risk register.
- 6.3 Final approval for each LIP will be sought from the Council and the Edinburgh Partnership Board. Responsibility for developing, delivering and reviewing LIPs will sit with Locality Leadership Teams.

Equalities impact

- 7.1 Locality working and locality improvement planning will enable the Council to better meet its public sector equality duty under the Equality Act 2010, by commitments to engage and empower communities of interest and place, and placing a focus on tackling poverty and inequality.
- 7.2 An equality and rights impacts assessment process has been established, and ERIA reports will be published at various points during the development of each LIP.

Sustainability impact

- 8.1 If approved, proposals will contribute to the delivery of Sustainable Edinburgh 2020 social and economic objectives, and support the Council and every community planning partner to meet its legal duties under the Climate Change (Scotland) Act 2011.
- 8.2 LIPs may include more outcomes and actions relating to environmental sustainability work (e.g. reducing GHG emissions, improving place making,

promoting use of sustainable food, implementing local climate change adaptation projects, delivering community and renewable energy projects, and promoting active travel, plus other actions defined by citizens and communities).

Consultation and engagement

9.1 Consultation and engagement activity has already taken place with each Locality Leadership Team on many of the elements described at Appendix 1. Further extensive engagement is planned to develop each LIP, as identified at paragraphs 3.5 and 3.6 above. In addition to engagement with Community Councils, Tenants and Residents Groups, Pupil and Parent Councils, Youth Forums and commissioning networks, new and innovative engagement methodologies with stakeholders will be deployed (e.g. use of open data, open space events, hacking events and youth social media engagement).

Background reading / external references

None.

Paul Lawrence

Executive Director of Place

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Links

Coalition pledges	All
Council outcomes	All
Community Plan	All
Appendices	Appendix 1 – A Proposed Approach to the Development, Approval, Delivery and Review of Locality Improvement Plans (2017- 2022)

Introduction

This paper sets out a proposed approach for the development of the Locality Improvement Plans (LIPs) 2017 to 2022. In line with legal duties described in the Community Empowerment (Scotland) Act 2015, these plans will deliver citizen and community 'priorities and aspirations'.

Locality Improvement Plans will form part of the Council's and the Edinburgh Partnership's Strategic Planning Framework. They will also enable the delivery of better social, economic and environmental outcomes, improve community engagement and co-production, and promote deeper public service integration.

The LIPs will enable elements of locality working to improve across the City, examples include:

- local partnership activity;
- local economic growth;
- prevention work;
- tackling poverty and inequality;
- co-location;
- environmental sustainability;
- service innovation and integration;
- channel shift; and
- other public service reform objectives.

The Council and its partners agreed to develop four LIPs aligned to the locality boundaries. This approach will improve locality planning through partnership working and result in a reduction of the volume of local plans. This shared outcome approach will improve service transformation for resourcing, prevention and engagement.

LIP development is dependent on the commencement of the LIP approval process from June 2017 to October 2017. This process will enable scrutiny and approval by the Council and partners members. This timescale will also meet Scottish Government requirements and allows sufficient time for high quality community research and partner engagement.

Project Governance, Management and Resourcing arrangements

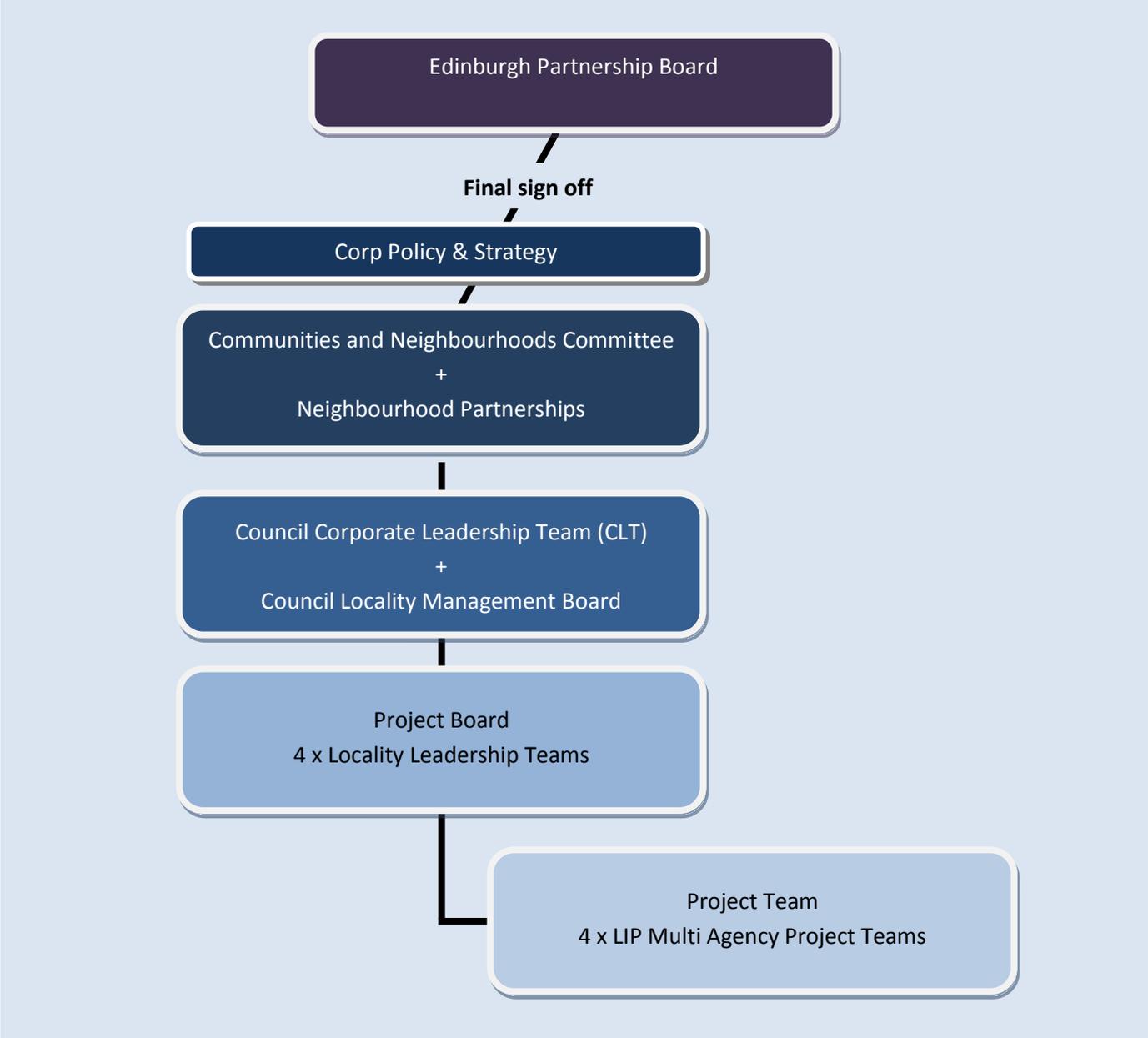
The development of LIPs will take around 12 months to complete. Four LIP Multi Agency Project Teams will be established to lead on LIP development. Each team will have dedicated staffing and financial resources and will report to the Locality Leadership Team. Teams will consist of staff from the Council and each of our partners, whilst additional support will be provided by the Council's Strategy and Insight division. There will be a combination of seconded and lead officer staff from each organisation. To deliver effective citizen and community engagement, staffing resource will be available from the Communities and Lifelong Learning Service, following the completion of their organisation review in early 2017. During engagement, particular focus will be given to areas with poor social, economic or environmental outcomes.

Locality Leadership Teams will act as the Project Board in each area. Development of the LIPs will also be closely monitored by CP+S during the transition from 12 Local Community Plans to four LIPs.

Final approval for each LIP will be by the CP+S then EPB, as the legal duty is placed on the Board as the recognised accountable body for community planning in the City.

Throughout the engagement and development process there will also be opportunity for partners to make grant or budget contributions to cover non staffing costs of project teams.

Below is a summary diagram of project resource and governance arrangements:



* Following the local Council elections in May 2017, Governance arrangements for the development and sign off of Locality Improvement Plans may change. Action will be taken to mitigate any impact of this.

Project plan

2016 2017
 June July Aug Sept Oct Nov Dec | Jan Feb Mar April May June July Aug Sept Oct

Council insight and research

- Develop locality profiles (v1)
- Best practice and legal duty research findings
- Impact assessment
- Development and delivery of engagement and communications plan

Phase 1 Engagement – Locality Wide outcomes and actions

- Engagement area wide
- Analysis of engagement findings
- Confirm area wide outcomes, indicators and actions
- Report back on final findings

Phase 2 engagement – small area engagement – outcomes and actions

- Agree small areas
- Engage with small areas to define outcomes, indicators and actions
- Analysis of engagement findings
- Confirm small area outcomes, indicators and actions
- Report back to stakeholders

Design and final drafting

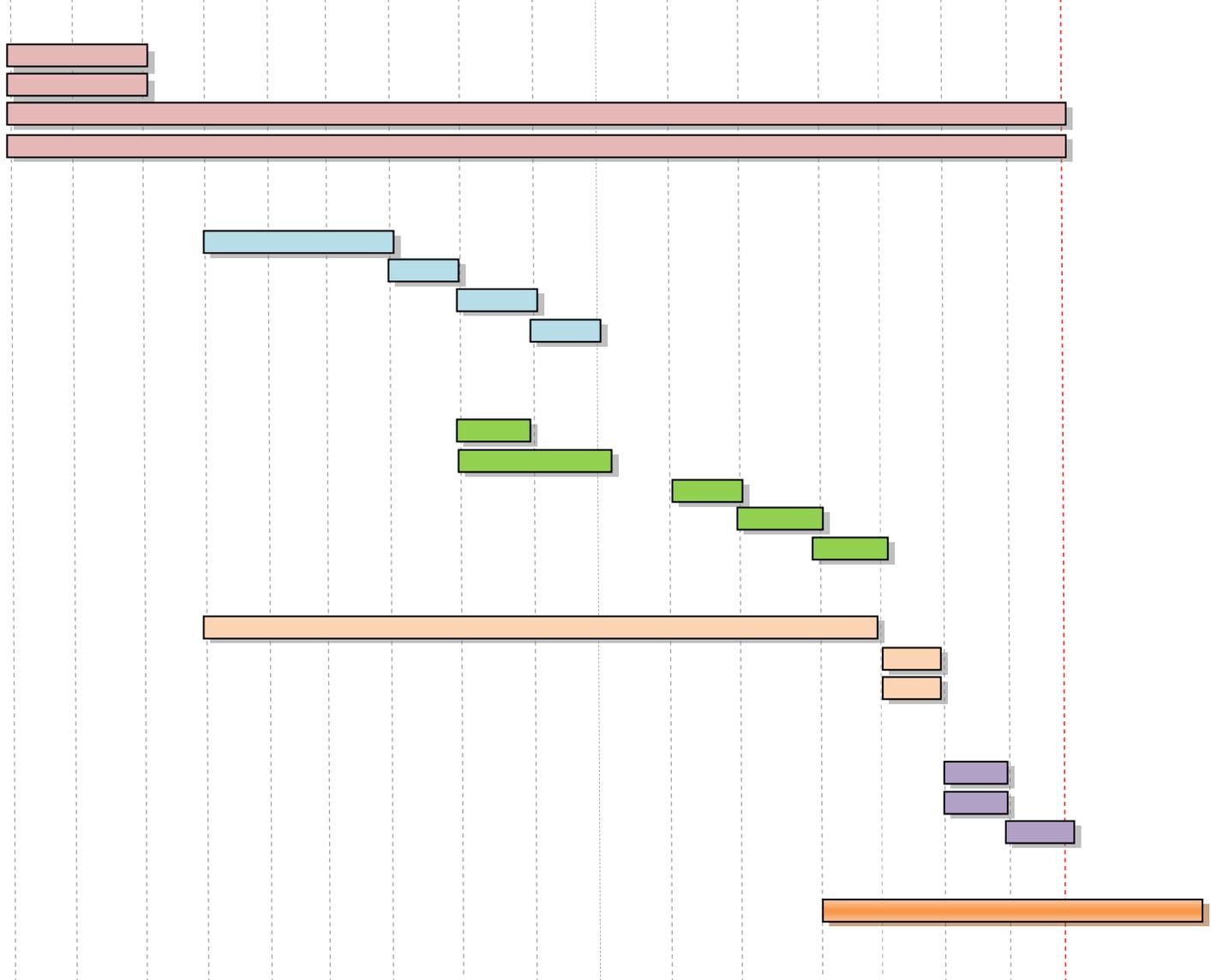
- Develop and agree design formats
- Develop final drafts
- Crystal Mark review

Approval Process

- CLT and partner agency officer approval
- CP&S and Partner Board / Exec approval
- EP Board approval

Delivery and review

- Annual review of LIPs and performance to commence each June



Locality Improvement Plan Structure

The table below indicates the proposed LIP structure, building on the work of Local Community Plans, and following feedback from each Locality Leadership Team and the Management Board. The plan details will be informed by engagement activities with the stakeholders identified previously.

This structure will enable other elements of locality working to improve across the City, eg:

- prevention work;
- leadership and values;
- tackling poverty and inequality;
- co-location;
- environmental sustainability;
- service innovation & integration;
- channel shift;
- joint resourcing; and
- other public service reforms objectives.

This structure will enable the council community planning partners to meet the statutory duty of ensuring citizen and community aspirations are at the heart of locality planning under the Community Empowerment (Scotland) Act 2015.

Section 1	•City vision and Community Plan outcomes and introduction to locality working
Section 2	•Action for citizen and community involvement
Section 3	•Locality insight - from research, performance analysis, locality dashboards and engagement)
Section 4	•Locality wide outcomes and actions - economic / social / environmental
Section 5	•Local outcomes and actions with focus on poorer social, economic and environmental areas.
Section 6	•Resources - shared budgets, integrated teams, assets and co-location and community assets
Section 7	•Partnership and Governance - locality leadership teams, committees, boards, Edinburgh Partnership board
Section 8	•Reporting performance and reviewing outcomes and actions
Section 9	•Values, leadership, culture and learning

Delivery and Review

The Chairs of the Locality Leadership Teams are currently responsible for the delivery of draft Locality Improvement Plans and will be supported by their members. The council may consider governance arrangements around decision making a local level.

Implementation of the LIPs will be reviewed at every meeting of the Locality Leadership Team, following this:

- A performance report on each LIP will be published each October; and
- A final evaluation and review of each LIP will take place in early 2022, with a report going to each LLT by March 2022.

- New LIPs will then be commissioned and completed by October 2022.

Citizen and Community Engagement

Two specific phases of engagement are proposed:

Phase 1 - October 2016 to December 2016

- This phase will focus on locality wide issues, outcomes, indicators and actions and link to the Council's budget and transformation engagement process and City Vision engagement activities.

Phase 2 - February 2017 to early April 2017

- This phase will focus on smaller areas identified to have poorer social, economic and environmental outcomes

A variety of approaches will be used to gather information from stakeholders during the development of each LIP. These will adhere with national Community Engagement Standards and industry good practice. Methods and projects include:

- Council committee Consideration
- City Vision Engagement programme
- Council Budget and Transformation engagement programme 2016
- Open data events – utilising locality profiles
- Hacking events
- Children and young person's engagement
- Edinburgh People Survey 2016
- Employee Engagement
- Place Making Standard tool
- Desk based research including - Edinburgh HSC Strategic Plan engagement; Benchmarking activities; Analysis of locality planning legal duties; Analysis if locality operational performance; and Data Warehouse insight.
- Locality Leadership Team meetings, Community and third sector events, Neighbourhood Partnership Board and Sub Groups meetings

Key Stakeholders

The list below indicates the range of stakeholders, that engagement will take place with, to inform the development of each LIP:

- Elected Members and Council Committees
- Local voluntary sector forums and third party funded providers
- Community Councils
- Community food and energy initiatives
- Neighbourhood Partnership Boards
- Police Operational Management Teams
- Fire and Rescue Management Teams
- Children's services management groups
- Tenants/residents associations and RSLs
- Pupil and parent councils
- Community Improvement Partnerships
- Service Users and Customers
- Communities with poor socio / economic / environmental outcomes
- Communities of Interest
- Partner agency staff
- Elected Members and Committees
- Edinburgh HSC Hubs and Clusters
- Edinburgh Partnership Board
- Major Developers and spatial planners
- Chamber of Commerce local members
- Edinburgh College and University

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 November 2016

Fiduciary Duty – referral from the Pensions Committee

Item number	8.2
Report number	
Wards	All

Executive summary

The Scheme Advisory Board (SAB) of the Scottish Local Government Pension Scheme had sought a legal report and opinion regarding Pension Committees in Scotland exercising their fiduciary duty (the Opinion). The Opinion reaffirms the position taken by Senior Counsel in England & Wales and confirms that the advice is also applicable in Scotland. This in turn reinforces the approach taken by the pension funds to date.

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendix	Fiduciary Duty – report by the Acting Executive Director of Resources

Terms of Referral

Fiduciary Duty

Terms of referral

- 1.1 On 28 September 2016, the Pensions Committee considered a report that outlined legal opinion regarding the Pension Committees in Scotland exercising their fiduciary duty (the Opinion).
- 1.2 The Opinion reaffirms the position taken by Senior Counsel in England & Wales and confirms that the advice is also applicable in Scotland. This in turn reinforces the approach taken by the pension funds to date.
- 1.3 The Pensions Committee agreed:
 - 1.3.1 To note the Legal Opinion and Report on Fiduciary Duty (Opinion) and the guidance from the Scheme Advisory Board (SAB) and its importance in investing pension fund monies.
 - 1.3.2 To note that the Opinion and guidance from the SAB reaffirm the present approach taken by the Committee to exercising its fiduciary duty generally and as regards its investment strategy;
 - 1.3.3 To refer the report by the Acting Executive Director of Resources to the Corporate Policy and Strategy Committee of the City of Edinburgh Council for noting.

For Decision/Action

- 2.1 The Corporate Policy and Strategy Committee is asked to note the attached report.

Background reading / external references

Pensions Committee 28 September 2016.

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

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Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendix	Fiduciary Duty – report by the Acting Executive Director of Resources

Pensions Committee

2.00 p.m., Wednesday, 28 September 2016

Fiduciary Duty

Item number	5.6
Report number	
Executive/routine	
Wards	All

Executive summary

The Scheme Advisory Board (**SAB**) of the Scottish Local Government Pension Scheme has sought a legal report and opinion on Pension Committees in Scotland exercising their fiduciary duty (**the Opinion**). The opinion has now been shared with the eleven Scottish administering authorities, together with guidance from the SAB, and sent to the Scottish Ministers for information.

The Opinion essentially reaffirms the position taken by Senior Counsel in England & Wales and essentially confirms that the advice is also applicable in Scotland. This in turn reinforces the approach taken by the pension funds to date.

Links

Coalition pledges

Council outcomes [CO26](#)

Single Outcome Agreement

Fiduciary Duty & Update on Governance

Recommendations

That Committee:

- 1.1 invites the Pension Board to raise any relevant matters or concerns which the Committee should consider;
- 1.2 notes the Legal Opinion and Report on Fiduciary Duty (**Opinion**) and the guidance from the Scheme Advisory Board (**SAB**) and its importance in investing pension fund monies;
- 1.3 notes that the Opinion and guidance from the SAB reaffirm the present approach taken by the Committee to exercising its fiduciary duty generally and as regards its investment strategy;
- 1.4 refers this report to the Corporate Policy and Strategy Committee of the City of Edinburgh Council.

Background

- 2.1 Councils, as administering authorities for the Local Government Pension Scheme and as public bodies, face significant scrutiny and lobbying on certain types of investments of the pension funds. The shares of tobacco and arms-producing companies are commonly cited as securities in which the pension funds should not invest for ethical reasons. In June 2015, on the instruction of the City of Edinburgh Council, the Pensions Committee considered the potential impact to the Funds of divesting the shares of fossil fuel companies at a meeting where Friends of the Earth Scotland lobbied for disinvestment.
- 2.2 In April 2014, the Local Government Association on behalf of the Local Government Pension Scheme (**LGPS**) Shadow Scheme Advisory Board in England and Wales obtained legal opinion on fiduciary duty.
- 2.3 The Law Commission (England & Wales) also produced a report on “Fiduciary Duties of Investment Intermediaries” in 2014.
- 2.4 The Committee are aware that, because these developments did not specifically take into account Scots law, the Scheme Advisory Board for the Scottish LGPS (**SAB**) has sought a legal opinion on the matter.

- 3.1 The Scheme Advisory Board (**SAB**) has issued the legal opinion on fiduciary duty, together with its own guidance, to the administering authorities of the LGPS in Scotland and to the Scottish Ministers for information.
- 3.2 A copy of the Opinion and guidance from the SAB has already been circulated to the members of the Committee and Pension Board, but is also attached as Appendix 1 to this report for completeness and ease of reference.
- 3.3 The Opinion reaffirms the position taken by Senior Counsel in England & Wales, Nigel Giffin and others, so that the position in Scotland is effectively aligned. The Opinion also provides helpful clarification on a number of other important matters, including:
 - a. **Non-financial factors:** that non-financial factors may be taken into consideration as part of any investment decision making process, provided that:-
 - (i) there is no policy in place limiting the scope of potential investments purely on the grounds of non-financial considerations. A decision regarding any particular investment should not be made where the diversification of potential investments has been compromised; and
 - (ii) the proposed investment is expected to generate financial returns similar to those expected from other investment opportunities available in the market at that time offering similar risk and return characteristics.
 - b. **Environmental, Social and Governance (in assessing risk and return):** that, more specifically, when considering investments, Pensions Committees may look at environmental, social and governance (**ESG**) issues where the financial performance of that investment may be adversely impacted as a result of any particular ESG factor (e.g. as part of its risk and return assessment/diligence). The investment returns may, therefore, be restricted on the grounds of ESG factors where the investment returns to the fund may be negatively impacted by such factors.
 - c. **Beneficiaries:** that the fiduciary duty is owed by Pensions Committees to the employers and members in the relevant pension fund and that there is not a sufficiently direct link to the taxpayer (specifically for the purposes of this legal duty) to extend that duty directly to the taxpayers themselves.
 - d. **Canvassing beneficiaries' views:** that Pensions Committees should exercise their fiduciary duty having, where appropriate, taken professional advice and that (in the view of Scottish Counsel) it would not be appropriate to canvas the views of the beneficiaries (e.g. members and employers) before such decisions are taken.
 - e. **Public law:** that while a Council's duty under public law could potentially overlap with its fiduciary duty in acting in its separate capacity as

administering authority of a pension fund, as such statutory obligations (such as in the Climate Change or Equalities legislation) are usually couched in “non-obligatory” terms, this is not likely to be an issue in practice. This is further underlined both by Scottish and English Counsel who emphasise that such non-obligatory public law statutory duties (e.g. to achieve something in the most “sustainable” manner) should only be brought into consideration where the decision or choice of investments was neutral from an investment perspective. Otherwise, they should not have a bearing on a Pension Committee exercising its separate legal duty to the beneficiaries of the pension fund(s) it administers. The Opinion does qualify this by making it clear that where there was an express statutory direction on a matter placing a legal obligation on Pension Committees, they would of course need to have regard to that. However, there would be clear legal and other conflicts, among other issues, with such prescriptive legislation appearing in non-pension specific statutes and so this is perhaps an unlikely scenario.

Measures of success

4.1 Pension funds are invested in accordance with the law.

Financial impact

5.1 There is no direct financial impact as a result of this report. However the investment of the pension funds has a significant impact on the financial position of the pension fund and the participating employers.

Risk, policy, compliance and governance impact

6.1 The Opinion and guidance on fiduciary duty are important governance considerations for the administration of the pension funds. Non-compliance could leave the Council and pension funds open to challenge or otherwise have an adverse impact on the Council, the pension funds and their stakeholders.

Equalities impact

7.1 There is no equalities impact as a result of this report.

Sustainability impact

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

Consultation and engagement

9.1 The Pension Board, comprising employer and member representatives, is integral to the governance of the Funds.

Background reading/external references

Local Government Association on behalf of the Local Government Pension Scheme (LGPS) Shadow Scheme Advisory Board in England and Wales obtained legal opinion on fiduciary duty

<http://www.lgpsboard.org/images/PDF/Publications/QCOpinionApril2014.pdf>

Hugh Dunn

Acting Executive Director of Resources

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Links

Coalition pledges

Council outcomes CO26 - The Council engages with stakeholders and works in partnerships to improve services and deliver agreed objectives

Single Outcome Agreement

Appendices Appendix 1 – Legal Report and Opinion on Fiduciary Duty and Guidance from Scheme Advisory Board



The Scottish Local Government Pension Scheme
 c/o the Head of Service,
 Convener of the Pensions Committee and Chair of the Pension Board of the respective Scottish LGPS
 Fund

24 June 2016

Fiduciary Duty

The Scheme Advisory Board (**SAB**) has been considering the application of the legal principles of Fiduciary Duty by the Pensions Committees of the Local Government Pension Scheme (**LGPS**) in Scotland. In doing so it has, following a tender exercise, appointed specialist legal advisors in this sector to produce a legal report and opinion (**Opinion**) which builds on the extensive advice from industry experts already obtained in this area but also provides clarity of the position under Scottish law.

We therefore attach the Opinion to assist your Pensions Committee and Pension Board in applying this fundamental principle in practice. We believe the Opinion is helpful in that it reaffirms the substantial majority of advice already obtained on this matter, and its consistent application in Scotland, but also provides further clarification on a number of important matters.

The SAB is acutely aware of the need for the Scottish LGPS to have the flexibility to apply these principles to specific circumstances and the latitude that this will necessarily require. With that in mind, the SAB would request that Pensions Committees and Pensions Boards have regard to the following when exercising their fiduciary duties in relation to their investment programmes and, more generally, in ensuring best practice stewardship of their assets:

1. *The Opinion of 11 February 2016 enclosed with this letter.*
2. *The expectation that Funds within the Scottish LGPS will:*
 - a. *have long-term investment horizons which are appropriately aligned to their member and employer stakeholders and investment strategies that (when taken as a whole) reflect this;*
 - b. *dedicate sufficient time and resource, taking advice from suitably expert and reputable advisors where appropriate, to properly inform their asset allocation, investment and manager selection decisions;*
 - c. *exercise sufficient levels of attention, care and diligence, taking advice from suitably expert and reputable advisors where appropriate, in appraising particular investment opportunities. It is recognised that due to the large amount of potential investment opportunities available, Funds will necessarily require to manage their*

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resource to focus on those opportunities that are best aligned to their asset allocation and investment strategy;

- d. have due regard to any conflicts of interest when appraising particular investment opportunities and/or manager mandates;*
- e. have appropriate governance arrangements in place to effectively implement and review their investment strategies; and*
- f. incorporate Environmental, Social and Corporate Governance (ESG) factors as an active and embedded principle of risk and return assessment in managing and determining its investment portfolio and ensuring that any managers appointed by the Funds are doing likewise. Dedicating sufficient time and resource to monitoring the proper application of ESG factors in the manner set out above.*

These guidelines are deliberately broad to ensure that they do not conflict with the legal principles or analysis and take into account the fact that this is a complex area where the detail will necessarily be required to be considered on a case by case basis by Pensions Committees and Pension Boards. Nevertheless, they are also viewed as being sufficiently detailed to ensure that Funds will be required to take a responsible approach, grounded in industry best practice, to administering their investment programmes and in exercising their fiduciary duty. Importantly, the SAB is keen to guard against extremes or selective interpretation of the legal principles by Pension Committees and Pension Boards, for instance which might unduly restrict the consideration of ESG and other wider factors which the Opinion makes clear may influence the choice of investments so long as that does not risk material financial detriment to the Fund (with some more detailed advice and parameters included to assist Funds in assessing this).

Yours sincerely

Jonathan Sharma

Hayley Wotherspoon

Dave Watson

The Joint Secretaries of the Scottish Scheme Advisory Board

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Report for National Scheme Advisory Board



Report on legal duties of LGPS Pensions Committees in relation to the investment of LGPS Funds

1. Introduction

This Report has been prepared for the benefit of the National Scheme Advisory Board (“**SAB**”) for the Scottish Local Government Pension Scheme (the “**LGPSS**”) and considers the application of fiduciary and other duties owed by Pensions Committees in relation to investment of LGPSS pension funds.

This Report refers to and summarises various pieces of legal advice which have been obtained for the benefit of LGPS funds in England and Wales and its Scheme Advisory Board. The Report then highlights where the two jurisdictions are aligned and where there are differences between the two jurisdictions.

The references marked throughout the Report can be found in section 7.

Finally, the Report sets out the views of our own QC, Craig Connal QC, (“**Scottish Counsel**”) where we felt it would be of benefit to instruct a Scottish counsel to advise on these issues.

2. Background

The LGPSS consists of various pension funds administered by local authorities which provide pension schemes for local government and other eligible workers in Scotland. The LGPSS is established and governed by statute, and is similar in terms of legal structure to the English Local Government Pension Scheme (the “**LGPSE**”).

The LGPSS and the LGPSE are not established as trust funds, and those who administer them are not trustees. It is therefore not immediately clear whether the duties of trustees in relation to investment apply also to the investment committees of the LGPSE and the LGPSS. In addition, the Pensions Committees of the LGPSE and the LGPSS (each multi-employer occupational pension funds) arguably owe a fiduciary duty to (i) the pension scheme members (beneficiaries); and (ii) the admitted employer bodies (which have financial exposure through their obligation to pay contributions and meet any liabilities) within the respective funds. The Pensions Committees may also be subject to certain public law duties in this regard. Advice has been received by the Local Government Association on these points from Nigel Giffen QC^[1] in relation to the LGPSE, and in this Report we consider the extent to which that advice is applicable in Scotland to the LGPSS.

Directive 2003/41/EC^[2] (the “**IORP Directive**”) imposes obligations on EU Member States in relation to the activities and supervision of institutions for retirement provision. Among other things the Directive sets out in Article 18 the general requirement that Member States should require retirement institutions to invest in accordance with the “prudent person” rule, and more specific requirements concerning suitability of investments. Advice has been received by the Local Government Association on this point from Michael Furness QC^[3] in relation to the LGPSE, and in this Report we consider whether that advice is equally applicable to the LGPSS.

3. Executive Summary

- Although the LGPSS is not itself a trust, the duties of the Pensions Committee in Scotland are of a fiduciary nature. Accordingly, any decision (investment or otherwise) made by a Pensions Committee which may affect a party to whom the fiduciary duty is owed, should be made having regard to the best interests of that party.
 - Administering authorities owe fiduciary duties to scheme employers and scheme members both generally and specifically in relation to investment matters.
 - Article 18(1) of the IORP Directive^[4], including the requirement to invest in accordance with the "prudent person" rule in the best interest of members and beneficiaries, does apply to the LGPSS and the Investment Regulations (defined herein) should be construed to include the relevant principles.
 - Non-financial factors (including social, environmental or ethical considerations) may be taken into consideration as part of any investment decision making process, provided that:-
 - (i) there is no policy in place limiting the scope of potential investments purely on the grounds of Non-Financial Considerations (as defined in Section 5 herein). A decision regarding any particular investment should not be made where the diversification of potential investments has been compromised; and
 - (ii) the proposed investment is expected to generate financial returns similar to those expected from other investment opportunities available in the market at that time offering similar risk and return characteristics.
 - When considering investments, Pensions Committees may look at environmental, social and governance (ESG) issues where the financial performance of that investment may be adversely impacted as a result of any particular environmental, social or governance factor. The investment options may be restricted where the investment returns to the fund may be negatively impacted by such environmental, social or governance factors.
 - Given the uncertainties in relation to the LGPSE, we sought confirmation and clarification from Scottish Counsel on:-
 - (i) whether he agrees with our analysis that the IORP Directive applies directly to the LGPSS;
 - (ii) how Article 18 in particular interacts with the Investment Regulations and whether the Regulations must be considered as subject to and overridden by Article 18; and
 - (iii) how the relevant case law is likely to be interpreted by a Scottish court in relation to the LGPSS.
- His advice is highlighted throughout this Report and reinforces the above conclusions, making no notable distinctions between the treatment of the LGPSE (under the laws of England and Wales) and the LGPSS (under Scots law).
- Neither we nor Scottish Counsel have identified any material points which, in our view, would require further analysis by counsel.

4. Duties of Pensions Committee Members

In this section we consider the legal obligations on Pensions Committee members in relation to the investment of LGPSS assets.

In particular we consider obligations under:-

- common law;
- public law;
- the Local Government (Management and Investment of Funds) (Scotland) Regulations 2010 (the "**Investment Regulations**")^[5]; and
- the IORP Directive.

We also seek to clarify to whom Pensions Committee members owe a fiduciary duty.

4.1 Duty of care at common law

The 1999 Joint Report of the Law Commission and the Scottish Law Commission (Law Com Report No 260, Scot Law Com Report No 172)^[6] stated that:-

- trustees are under a duty to invest trust funds in their hands, subject to their overriding obligation to administer the trust in accordance with its terms.
- in performing their duty to invest trust funds, trustees must exercise proper care. The standard is that of the ordinary prudent man of business acting in the management of his own affairs.
- prudence requires more than mere honesty, good faith and sincerity. A level of proficiency and competence is expected of a trustee. However, quite what that level is will vary from case to case.

The Scottish case of *Martin v City of Edinburgh Council*^[7] in 1987 is, in our view, the best authority available for the proposition that administering authorities owe a fiduciary duty to the beneficiaries of the LGPSS. Although on its facts the case concerned certain public and charitable funds held by the council in trust, Scottish Counsel considers that the analysis in that case is equally applicable to other situations where persons, such as local authorities have responsibility for investing funds for the benefit and/or the interests of third parties. In his opinion, referred to in Section 5, Nigel Giffin QC took a similar view.

In the *Martin* case Lord Murray stated that:-

- there was a legal duty on trustees to apply their minds to the best interests of the beneficiaries;
- there was an obligation to take appropriate professional advice in relation to a proposed investment decision; and
- failure to comply with these duties resulted in a breach of trust.

He stated:-

"...I conclude that the pursuer has proved a breach of trust by the council in pursuing a policy of disinvesting in South Africa without considering expressly whether it was in the best interests of the beneficiaries and without obtaining professional advice on this matter. That is sufficient for the decision of this case and it turns entirely on the general principles of law applicable to trusts in Scotland. In short the trustees acting on behalf of the council misdirected themselves in failing to comply with a prime duty of trustees, namely, to consider and seek advice as to the best interests of the beneficiaries, and so they are in breach of trust."

This case sets out the core obligations which apply to fiduciaries in relation to the investment of trust funds. In Scottish Counsel's view the case also supports the proposition that those obligations apply equally to those entrusted with investing LGPSS assets, even though the LGPSS is not itself a trust. Scottish Counsel considers that the investment duty of the Pensions Committee, and of those administering the funds, is a fiduciary one.

4.2 Public law duties

What is set out above considers (in inevitably simplified form) the general obligations incumbent under common law on public authorities. Different considerations arise (or may arise) in the event of obligations being imposed on decision-makers through the form of statutory public duties (outwith the specific pensions arena). In his opinion, Mr Giffin QC considers that point using as examples duties under The National Health Service Act 2006 (applicable in England and Wales) and The Equality Act 2010 (applicable throughout the UK). He points out that the duties in these statutes (and others are likely to be in similar terms) are couched in non-obligatory language. In the former what is "considered appropriate" for improving health and in the latter to have "due regard" to equalities considerations. In essence he then concludes that, at most, this might require a consideration to be brought into the equation when an investment or similar decision was being made and where the choice was neutral

from an investment perspective. In other words, if the investment considerations pointed only in one direction, an obligation to "have regard" to other considerations would not require a different decision. Mr Giffin concludes that such situations are expected to be rare. We agree.

Accordingly, we conclude that in most circumstances the issue will not arise and where it does only where a decision on investment is otherwise neutral from an investment perspective. To take a Scottish example, the Climate Change (Scotland) Act 2009 imposes duties to exercise functions in a way "best calculated" to contribute to delivery of climate change targets and in a manner considered "most sustainable". We see no reason why such generalised duties would not be treated in a similar way to the approach suggested by Mr Giffin. In the event of a decision neutral from an investment perspective which is viewed as significantly more sustainable, the sustainability obligation might come into play. What if the statute was more direct and less of an exhortation? If a circumstance arose where the investment body was satisfied that it fell within the ambit (usually a definition of public bodies) of the particular statutory obligation and that statutory obligation was worded in such a way as to direct action in one way only, then in our view the investment decision would require to be made in accordance with that direct statutory requirement. The law would require to be obeyed and it could not then be said that the investment decision taken in obedience to that law was in breach of a fiduciary or other general duty.

In our view, however, such circumstances are unlikely to arise, given the existence of special statutory and regulatory regimes directed at the proper functioning of pension arrangement.

Our overall conclusion is accordingly that public law duties are in practice unlikely to add much to the considerations which would arise in any event under the ambit of fiduciary duties and that statutory intervention is unlikely in practice (outwith the specialist pension field) to impact significantly on these decisions.

4.3 The Investment Regulations

The Investment Regulations set out the statutory obligations on the LGPSS in relation to investment. They are similar in terms to the current English equivalent^[8] although we note that the concept of the "prudent man" will be legislated for explicitly in England & Wales as part of the proposed 2016 changes to the LGPSE investment regulations (see below).

Regulation 11^[9] sets out the core obligations, which are (in summary):-

- to formulate a policy for the investment of fund money, with a view-

(a) to the advisability of investing fund money in a wide variety of investments; and

(b) to the suitability of particular investments and types of investments.

- to invest, in accordance with its investment policy, any fund money that is not needed immediately to make payments from the fund.

- to obtain proper advice at reasonable intervals about its investments.

- to consider such advice in taking any steps in relation to its investments.

These obligations do not contain any specific reference to a "prudent man" test, which is one of the common law duties of trustees in relation to investment, and is a key provision in IORP and, we anticipate, will underpin guidance behind the new investment regime for the LGPSE (which may be adopted in Scotland in due course depending on the attitude of Scottish Ministers following advice from the SAB).

The Department for Communities and Local Government (the "DCLG") is currently consulting^[10] on the possible revocation and replacement of the English equivalent of the Investment Regulations. It notes (at paragraphs 2.12 to 2.22):-

- the suggestion that Article 18(1) of IORP (see below) should be transposed into the LGPSE investment regulations

- that the investment regulations applicable to private sector pension schemes did transpose Article 18(1)
- that the LGPS is not subject to trust law, but that those administering it are in a similar position to trustees
- those in local government responsible for making investment decisions must also act in accordance with ordinary public law principles, in particular, the ordinary public law principles of reasonableness. They risk challenge if a decision they make is so unreasonable that no reasonable person acting reasonably could have made it. (This analysis is consistent with the comments in paragraph 8 of opinion of Nigel Giffen QC).

The consultation on this point concludes by saying that:-

"Ministers are satisfied that the Scheme is consistent with the national legislative framework governing the duties placed on those responsible for making investment decisions. The position at common law is also indistinguishable from that produced by the 2005 Regulations applicable in respect of trust-based schemes."

In the absence of any clear reference in either the Investment Regulations or their English equivalent to the "prudent man" principle it is difficult to see how Ministers can be quite so confident about that conclusion, particularly when the private sector legislation has specifically transposed the requirements of Article 18(1) of IORP.

The consultation comments are nevertheless of interest since they seem to be in contrast to the views expressed by Michael Furness QC in relation to IORP (referred to in the next section). We would therefore draw your attention to the comments of Scottish Counsel below.

4.4 Article 18(1) of the IORP Directive

The IORP Directive applies to "institutions for occupational retirement provision". The full text of Article 18(1) is set out in section 7.

The key provisions for present purposes in relation to investment are that:-

- Member States must require institutions located in their territories to invest in accordance with the "prudent person" rule
- the assets must be invested in the best interests of members and beneficiaries
- in the case of a potential conflict of interest, the investment must be made in the sole interest of members and beneficiaries.
- assets shall be invested in such a manner as to ensure the security, quality, liquidity and profitability of the portfolio as a whole.

If these provisions apply to the LGPSS then they impose an additional set of requirements which the LGPSS pension funds and those administering them require to observe. It should be noted though that the DCLG in its consultation document appears to be of the view that the LGPSE is already consistent with the requirements of the private sector investment regulations which transpose Article 18(1).

The question of whether the IORP Directive applies to the LGPSE was the subject of an opinion by Michael Furness QC in 2007. He concluded that:-

- the entire Directive applies to the LGPSE;
- Article 18 specifically applies to the LGPSE in any event; and

- the LGPSE is not compliant with Articles 8^[11] and 18 of the Directive.

We do not consider that the position of the Investment Regulations in Scotland is materially different from that of the English Regulations considered by Mr Furness in his opinion. The reasoning in his opinion seems to us to apply to the position in Scotland as it applies in England.

It seems that what Mr Furness is saying is that the IORP Directive does apply to the LGPSE, that it therefore ought to be operating in accordance with it, but that the national legislation which applies to it is inconsistent with the IORP Directive. (See in particular paragraphs 20 to 23 of his opinion.)

On the other hand, DCLG seems to take the view that the obligations under the IORP Directive already apply to the LGPSE, and that no specific legislative changes are needed for the LGPSE to be compliant with the IORP Directive. This is one area of uncertainty where in our view, it was helpful to obtain further advice from our own Scottish Counsel.

4.5 To whom do Pensions Committee members owe a fiduciary duty?

Nigel Giffin QC was of the view that administering authorities owed a fiduciary duty to both scheme employers and scheme members on the basis, in summary, that if the fund performs poorly it could result in:

- the requirement for higher employer contributions; and
- the potential loss of discretionary powers being exercised in favour of the member and/or legislative changes requiring higher member contributions.

In the English case of *Charles Terence Estates Ltd v Cornwall Council*^[12], the court confirmed, having regard to previous cases^[13], that the council had fiduciary duties to council tax payers, although that case related to lease arrangements rather than pension arrangements.

Whilst councils may have a fiduciary duty to tax payers where a decision by them has a direct impact on tax payers, as was the case in *Charles Terence Estates Ltd* and the cases to which it referred, in our view, the position can be distinguished from the duties on Pensions Committees in relation to their pension arrangements. There is not, in our view, a sufficiently direct relationship between the LGPSS and tax payers which would result in Pension Committees having a fiduciary duty to tax payers, or to take actions which are in the best interests of those tax payers.

Accordingly, on the basis that a poor investment decision may result directly in adverse consequences for (i) scheme employers; and (ii) scheme members, it is our view, which is shared by Scottish Counsel, that Pensions Committee members of the LGPSS owe a fiduciary duty to both of those entities both in general and in the context of investment decisions. Such duty is not, however, owed to the tax payer.

In certain circumstances, it may be difficult to balance these duties as there may be competing interests. In such circumstances, the Pensions Committee should consider both parties' interests and treat each of them fairly and equitably, but not necessarily equally where favouring one party over another can be justified. Further legal advice may be required in cases of uncertainty.

Scottish Counsel's opinion

Counsel's view is that the Scottish courts are likely to agree with opinions regarding fiduciary duties that have been received in relation to the LGPSE – i.e. that fiduciary duties do apply to those who hold funds in a fiduciary capacity, such as the LGPSS.

He is also of the view that as a point of principle, Scottish courts will not take a different approach to the application of the IORP Directive – i.e. that whilst the IORP Directive has not been explicitly transposed into the Investment Regulations, the Directive should be treated as being directly applicable to the LGPSS and the Investment Regulations should be read as subject to the principles set out on the IORP Directive and Article 18 in particular.

Given that the prudent man principle is well enshrined in Scots law, the reference to "prudent person" in the IORP Directive is less significant.

5. Scope for consideration of non-financial factors

Regulation 12(2)(f) of the Investment Regulations requires administering authorities to maintain a statement of investment principles which sets out, among other things, "the extent to which social, environmental or ethical considerations are taken into account in the selection, retention and realisation of investments".

In isolation, this provision could be construed as entitling investment decisions to be made purely with regard to non-financial matters and so we sought the opinion of Scottish Counsel on this matter to establish the extent to which non-financial matters can of themselves influence investment decisions other than as a factor of assessing their impact on investment risk and return in the usual way.

An investment policy, such as an ethical investment policy, is one which is not guided solely by financial criteria, but takes into account non-financial considerations independent from the investment risk and return analysis ("**Non-Financial Considerations**").

On the basis that Article 18(1) of the IORP Directive applies to the LGPSS (or in any event that the prudent man principle applies under Scots law) and therefore that investment and other decisions must be exercised by the LGPSS in a 'fiduciary' capacity, we now consider the extent to which the LGPSS is entitled to consider Non-Financial Considerations when reaching decisions regarding investment and otherwise.

One of the leading cases on investment duties is the English case of *Cowan v Scargill*^[14] in 1984. The general principles set out by Megarry V-C in this case in relation to investment decisions are that:

- the starting point is to exercise powers in the best financial interests of the beneficiaries;
- when considering what investments to make, the fiduciary's personal interests and views should be put aside;
- the ordinary prudent man test applies in making investment decisions;
- where the fiduciary is opposed to an investment for non-financial reasons, the fiduciary should not refrain from making the investment by reason of those views;
- Megarry V-C could see no reason to hold that different principles apply to pension fund trusts as apply to other trusts; and
- Trustees must do the best they can for the benefit of their beneficiaries, and not merely avoid harming them.

The conclusion is that in deciding how to invest pension scheme assets, moral and ethical principles should be put aside.

Nicholls V-C in another English decision *Harries v Church Commissioners*^[15] in 1992 stated in summary that 'trustees must act prudently' and:

- investment decisions may be made on moral grounds, so long as that course of action "would not involve a risk of significant financial detriment"
- otherwise, investment decisions should not be made on non-financial grounds

Nigel Giffin QC summarised these cases and reached the view that the LGPSE can:

- have regard to non-financial considerations where that does not run the risk of material financial detriment to the fund; and
- the LGPSE should not place its own wider interest (whether its own or those of the areas inhabitants) above those of the scheme employer (i.e. the LGPSE must be "blind to its own interests").

The decision in the Scottish case of *Martin v City of Edinburgh* in 1987 (referred to in section 4.1 of this Report) is also relevant to these considerations.

In relation to taking non-financial matters into account, Lord Murray states (in summary):

- the position in Scotland is that trustees must act prudently and in the best interest of the beneficiaries;
- the fiduciary must recognise that he has his own preferences and principles but that he should "nonetheless do his best to exercise fair and impartial judgment on the merits of the issue before him"; and
- trustees must not simply adhere to a policy where that policy restricts the choice of investment.

In relation to the procedure to make investment decisions, the Law Commission has stated that in relation to trust arrangements "...the trustees may consider the views of their beneficiaries when making investment decisions, but there is no need for them to do so. Trustees must make the ultimate decisions."

In our view, the fiduciary duties on Pensions Committees both in relation to investment matters and more generally should be exercised by the Pensions Committees on whom the duties are bestowed, having taken professional advice (such as investment advice) where appropriate. It would not be appropriate, in our view, to canvas the views of the beneficiaries before such decisions are taken.

Scottish Counsel's opinion

Having considered the relevant cases outlined above and the opinions of Nigel Giffin QC and Michael Furness QC, Scottish Counsel's view is that the LGPSS should exercise its investment duties in a fiduciary capacity.

Counsel was also of the view that the decision in *Harries* should be limited to its own specific facts and that trustees (and by extension Pensions Committees) are required to do more than simply ensure that the investment "would not involve a risk of significant financial detriment".

In summary, Scottish Counsel's view on the application of Non-Financial Considerations to the LGPSS is that:-

- there should be no policy in place that would restrict the choice of investments available to the LGPSS, including those based purely on the grounds of Non-Financial Considerations, other than restrictions under the Investment Regulations and by law. However, when making an investment decision, Pensions Committees may take environmental, social and governance (ESG) considerations into account in relation to that investment if the financial performance of that investment may be impacted as a result of any particular environmental, social or governance factor;
- any policy which specifically excludes the choice of investment purely based on Non-Financial Considerations will be contrary to the Pensions Committees' fiduciary duties and should be set aside before any investment decision is made; and
- Pensions Committees should seek to obtain the best returns for the fund while acting prudently. Investments should be made with the intention of achieving the best financial position for the fund whilst balancing risk and return considerations. Provided there is compliance with the above, social, environment and/or ethical considerations may be taken into account.

6. Implications for SAB and Pensions Committees

Pension Boards were established under the Public Service Pensions Act 2013^[16] and the Local Government Pension Scheme (Governance) (Scotland) Regulations 2014. Pension Boards are responsible for assisting the administering authorities in relation to ensuring compliance with legislative and other requirements relating to the governance and administration of the LGPSS.

The Scheme Advisory Board (SAB) was also established under the Public Service Pensions Act 2013^[17] and the Local Government Pension Scheme (Governance) (Scotland) Regulations 2014. The purpose of the SAB is to provide advice to the Scottish Ministers and to the Pension Boards and managers of the LGPSS in relation to the effective and efficient administration and management of the LGPSS.

In summary, it is our view that Pensions Committees in Scotland owe a fiduciary duty to the scheme employers and the scheme members in general and specifically in relation to investment matters. Those duties should be exercised in the best interests of the beneficiaries and in relation to investment decisions, should aim to achieve the best financial position for the fund, balancing risk and return in the usual way.

The Pensions Committees should seek appropriate professional advice before exercising their investment powers. In relation to investment decisions, they should not have a policy in place which would limit their investment options and all decisions should be made on a "prudent man basis. However, Pensions Committees may take environmental, social and governance (ESG) factors into consideration in relation to any investment decision, if the financial performance of that investment may be impacted by one or more of those factors.

SAB should have procedures in place to monitor the Pensions Committees to ensure the effective and efficient administration and management of the LGPSS in accordance with legislative requirements and the recommendations in this report and to advise the Pensions Committees where these have not been met.

7. References

References are in the order they appear in this Report.

[¹] Opinion by Nigel Giffin QC dated 25 March 2014



QCOpinionApril2014.pdf

[²] IORP Directive
[Directive 2003/41/EC](#)

[³] Opinion by Michael Furness QC dated 24 May 2007



QCMF.pdf

[⁴] Article 18(1) of IORP Directive

Investment rules

1 Member States shall require institutions located in their territories to invest in accordance with the "prudent person" rule and in particular in accordance with the following rules:

(a) the assets shall be invested in the best interests of members and beneficiaries. In the case of a potential conflict of interest, the institution, or the entity which manages its portfolio, shall ensure that the investment is made in the sole interest of members and beneficiaries;

(b) the assets shall be invested in such a manner as to ensure the security, quality, liquidity and profitability of the portfolio as a whole.

Assets held to cover the technical provisions shall also be invested in a manner appropriate to the nature and duration of the expected future retirement benefits;

(c) the assets shall be predominantly invested on regulated markets. Investment in assets which are not admitted to trading on a regulated financial market must in any event be kept to prudent levels;

(d) investment in derivative instruments shall be possible insofar as they contribute to a reduction of investment risks or facilitate efficient portfolio management. They must be valued on a prudent basis, taking into account the underlying asset, and included in the valuation of the institution's assets. The institution shall also avoid excessive risk exposure to a single counterparty and to other derivative operations;

(e) the assets shall be properly diversified in such a way as to avoid excessive reliance on any particular asset, issuer or group of undertakings and accumulations of risk in the portfolio as a whole. Investments in assets issued by the same issuer or by issuers belonging to the same group shall not expose the institution to excessive risk concentration;

(f) investment in the sponsoring undertaking shall be no more than 5% of the portfolio as a whole and, when the sponsoring undertaking belongs to a group, investment in the undertakings belonging to the same group as the sponsoring undertaking shall not be more than 10% of the portfolio.

When the institution is sponsored by a number of undertakings, investment in these sponsoring undertakings shall be made prudently, taking into account the need for proper diversification.

Member States may decide not to apply the requirements referred to in points (e) and (f) to investment in government bonds.

[⁵] The Local Government (Management and Investment of Funds)(Scotland)Regulations 2010
<http://www.legislation.gov.uk/ssi/2010/233/body/made>

[⁶] Scottish Law Commission: Report on Trust Law 2014 (No 239)
http://www.scotlawcom.gov.uk/files/4014/0904/0426/Report_on_Trust_Law_SLC_239.pdf

^[7] *Martin v City of Edinburgh Council* [1989]PLR, [1988] SLT 329

^[8] the Law Commission report (No 350) on the Fiduciary Duties of Investment Intermediaries;
http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc350_fiduciary_duties.pdf

^[9] Regulation 11 of the Investment Regulations

11 Investment policy and investment of pension fund money

(1) An administering authority must formulate a policy for the investment of its fund money.

(2) The authority's investment policy must be formulated with a view -

(a) to the advisability of investing fund money in a wide variety of investments; and

(b) to the suitability of particular investments and types of investments.

(3) The authority must invest, in accordance with its investment policy, any fund money that is not needed immediately to make payments from the fund.

(4) The authority may vary its investments.

(5) The authority must obtain proper advice at reasonable intervals about its investments.

(6) The authority must consider such advice in taking any steps in relation to its investments.

^[10] the Department for Communities and Local Government Consultation on the Local Government Pension Scheme: Revoking and replacing the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009

[Revoking and replacing the Local Government Pension Scheme \(Management and Investment of Funds\) Regulations 2009: consultation](#)

^[11] Article 8 of the IORP Directive

Legal separation between sponsoring undertakings and institutions for occupational retirement provision

Each Member State shall ensure that there is a legal separation between a sponsoring undertaking and an institution for occupational retirement provision in order that the assets of the institution are safeguarded in the interests of members and beneficiaries in the event of bankruptcy of the sponsoring undertaking.

^[12] *Charles Terence Estates Limited v Cornwall Council* [2012] EWCA Civ 1439

^[13] *Hazell v Hammersmith LBC* [1992] 2 AC 1;
Bromley LBC v Greater London Council [1983] 1 AC 768

^[14] *Cowan v Scargill* [1985] Ch 270

^[15] *Harries v Church Commissioners for England* WLR 1241

^[16] Section 5 of the Public Service Pensions Act 2013

^[17] Section 7 of the Public Service Pensions Act 2013

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9. Disclosure

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Pinsent Masons LLP
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