

## Committee Minutes

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### Executive of the Council

Edinburgh, 4 November 2003

**Present:-** Councillors Anderson (Leader), Perry (Deputy Leader), Rev Ewan Aitken, Burns, Cairns, Child, Fallon, Gilmore, Henderson, Russell, Kingsley Thomas and Wilson.

**Present for Education Items Only (Items 2-9):-** Councillors Longstaff, Lowrie, Kate MacKenzie and Meek; Cathy Clark, A Craig Duncan and George Rubiensi.

#### 1 Minute (Agenda item number 3)

##### Decision

To approve the minute of the meeting of the Executive of 7 October 2003 as a correct record.

#### 2 Draft Guidelines on the Photographing and Videoing (Including Digital Photography) of Children and Young People in Educational Establishments (Agenda item number 6)

Draft revised Guidelines had been prepared on the Photographing and Videoing (including digital photography) of Children and Young People in Educational Establishments.

It was proposed to consult all Heads of educational establishments and parents on the content of the draft Guidelines. Comments would require to be submitted to the Education Department by 31 January 2004.

##### Decision

- 1) To note that the existing guidelines would continue in operation until the end of the consultation.
- 2) To agree that these guidelines were the best way of providing advice for both educational establishments and parents and that they form the basis of the consultation strategy.

- 3) To agree the consultation strategy detailed in the report by the Director of Education.
- 4) To note that the Director of Education would review and amend the content of the note on the Parental Consent Form.
- 5) To refer the Guidelines to the Children and Young People Scrutiny Panel as part of the consultation.
- 6) To receive a report on the outcome of the consultation

(References – Executive of 17 December 2002 (item 1); report no. E/263/03-04/ED by the Director of Education, submitted)

### **3 Schools Fund** (Agenda item number 7)

Details were provided of the financial and other implications relating to the main Capital Investment Programme and the Schools Fund.

Approval was sought for the proposed spending programme linked to the Schools Fund for the period 2003-2004 to 2005-2006.

#### **Decision**

- 1) To note the report.
- 2) To approve the flexible use of the School Fund to reinstate previous schools efficiency savings and deliver urgent elements of the repairs programme.
- 3) To approve the proposed programme of works to be delivered by deploying the Schools Fund for the three-year period 2003/04 to 2005/06.
- 4) To note the requirement to review and amend the proposed allocation of the Schools Fund programme, in the event of unforeseen circumstances arising.
- 5) To note that future Schools Fund allocations beyond 2005/06 would be considered with reference to the Capital Investment Programme 2004/05 to 2006/07 and the business case currently being produced for PPP2.

(References – Act of Council No. 2 of 13 February 2003; report no. E/266/03-04/ED by the Director of Education, submitted)

#### **4 Smart Schools Initiative: Edinburgh Schools Catchment Review** (Agenda item number 8)

It was proposed to review secondary school catchment areas across the City. Edinburgh's secondary schools were facing severe pressure on their accommodation with nearly 40% above 100% occupancy, and four fifths of the secondary estate being above the Audit Commission's recommended 80% occupancy level. The existing catchment areas were put in place in the 1970's.

Details were submitted of the proposed arrangements for implementing the consultation process and the consultation timetable.

##### **Decision**

- 1) To approve the principle of implementing a secondary school catchment review for the City of Edinburgh.
- 2) To undertake the catchment review on the basis of the timetable set out in the report by the Director of Education.
- 3) To note that the detail of the proposals for each cluster would be brought before the Executive for approval of the principle to consult, and thereafter for approval of the final proposals, in line with the timescale set out in the report.
- 4) To take cognisance of the catchment review when determining investment decisions taken under the Smart Schools Initiative.

(Reference – report no. E/264/03-04/ED by the Director of Education, submitted)

##### **Declaration of Interest**

George Rubiensi declared a non-financial interest in the above item as he was Acting Head Teacher at Craigroyston Community High School.

#### **5 New Flexible Working Policies** (Agenda item number 9)

It was proposed to introduce supplementary arrangements for schemes of flexible working hours covering Local Government employees only and flexible work options for all employees including teaching staff. The proposals arose from legislative change and increasing expectations from employees for a better work-life balance.

The Trades Unions representing both Local Government employees and Teaching Staff had indicated general support for the schemes.

## Decision

- 1) To approve the Supplementary Arrangements for Schemes of Flexible Working Hours covering all "Red Book" employees.
- 2) To approve the Flexible Work Options Policy Framework for all employees including Teaching Staff and to note that some of the new working arrangements would be operated, initially, on a trial basis.
- 3) To note the implementation action outlined in paragraphs 2.5 and 2.14 of the Director's report.

(Reference – report no. E/265/03-04/CS by the Director of Corporate Services, submitted)

## 6 Revenue and Capital Monitoring 2003-2004 – Half Year Position (Agenda item number 10)

Details were provided on the half year revenue and capital monitoring positions for the financial year 2003-2004.

The half year position indicated a projected deficit of £0.953m. Details of the adverse and favourable positions for a number of service areas were given and movement from the three-month position was shown. The capital investment programme showed a projected overspend of £9.731m on a projected out-turn of £84.470m.

In Environmental and Consumer Services, expenditure pressures arising from the closure of Powderhall transfer station were projected to result in additional costs of £0.854m in 2003/04. Other expenditure pressures totalling £0.050m had been identified. The Director of Environmental and Consumer Services had reviewed departmental expenditure and had identified additional contributions of £0.343m from the three trading operations, assuming no detrimental weather or industrial relations problems. Taken together these factors accounted for a net overspend of £0.561m.

The Director of Environmental and Consumer Services had indicated that this overspend could only be contained by terminating the contracts of all temporary staff and all permanent staff with less than one year's service thus avoiding redundancy payments. The total staffing reduction required was an estimated 50 APT&C staff and 70 manual workers and would result in service implications across the department including other cleaning, containerisation, public conveniences, environmental wardens, telephone enquiry section and environmental health.

The Council meeting of 21 August 2003 had recommended that there be no carry forward of the balance of the variance arising in 2002/03, subject to a review at the six-month stage in light of the overall position.

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Following that review it was evident that the department would not be able to contain the carry forward overspend from 2002/03 within available resources.

The Director of Finance had made a number of recommendations, including that the Executive should determine if the savings proposal brought forward by the Director of Environmental and Consumer Services was to be accepted in the current year. If it was not accepted, members would have to note the probability of an overspend in 2003/04 to be met through budget flexibility arrangements.

The Executive Member for Sustainability and Finance indicated that she was not prepared to accept the advice of the Director of Environmental and Consumer Services regarding the containment of the overspend by means of job losses.

**Decision**

- 1) To note the projected deficit on the General Fund of £0.953m.
- 2) In respect of the proposals for dealing with the overspend in Environmental and Consumer Services, to approve the proposals by the Executive Member of Sustainability and Finance:
  - i) That the Director of Environmental and Consumer Services be instructed to ensure that front line services are maintained but to seek efficiencies where possible to minimise the overspend in the current financial year.
  - ii) That any overspend in the Department of Environmental and Consumer Services not contained within available resources in the current financial year be included in the department's year-end carry forward under budget flexibility rules.
- 3) To refer the report to Council for approval of the balance of the Environmental and Consumer Services overspend of £0.280m, carried forward from 2002/03 under the budget flexibility scheme be met from reserves.
- 4) To instruct all Service Directors to continue to exercise control over expenditure and bring expenditure into line with budget.
- 5) To instruct Service Directors to identify appropriate reductions in their fleet requirements or to agree a virement to Corporate Services, as detailed in paragraph 3.7 of the report by the Director of Finance.
- 6) To note the progress on service developments.
- 7) To note the progress on projects funded through spend to save.
- 8) To note the balanced position on the HRA revenue budget.

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- 9) To note the projected shortfall of £9.731m in capital resources and that options for meeting the projected shortfall were being explored.
- 10) To instruct Directors to ensure that any slippage identified was maintained until the end of the financial year.
- 11) To note that the virement for projects deferred until 2004/05 had been processed in October.
- 12) To discharge the outstanding motion calling for a report on the deferment of key capital receipts.
- 13) To note the projected position on the HRA capital budget.
- 14) To refer the report to the Resource Management and Audit Scrutiny Panel.

(References – Acts of Council No. 2 of 13 February 2003 and 10 and 11 of 21 August 2003; report no. E/267/03-04/F by the Director of Finance, submitted)

## **7 Aalborg Youth Games** (Agenda item number 11)

Seventy eight pupils and eleven staff had represented Edinburgh schools in the International Youth Games in Aalborg, Denmark from 30 July to 5 August 2003.

To mark the success of the athletes, it was proposed to hold a reception in the City Chambers at a cost of £1200 to be split equally between the Education and Culture and Leisure Departments and Edinburgh Leisure.

### **Decision**

- 1) To note the report.
- 2) To hold a reception for Aalborg athletes and leaders in the City Chambers.

(References – Executive 17 June 2003 (item 13); report no. E/268/03-04/ED by the Director of Education, submitted)

## **8 Childcare Strategy: Distribution of Funds 2003-2004** (Agenda item number 12)

Funding of £1,324,630 had been budgeted by the Education Department in 2003-2004 to progress the Childcare Strategy to improve the quality, availability, accessibility and affordability of childcare provision.

Details were provided of proposed financial awards for 2003-2004.

**Decision**

- 1) To note the distribution of funds for 2002-2003 and endorse expenditure for 2003-2004.
- 2) To support the increased emphasis on partnership working at both the planning and service delivery stages in respect of all elements of the funding process and in line with the outcomes of the Joint Early Years Review and the intention of the Community Planning Pilot.

(Reference – report no. E/270/03-04/ED by the Director of Education, submitted)

**9 Motion by Councillor Meek - Nursery Nurses Dispute** (Agenda item number 5)

The Leader ruled that this item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be dealt with timeously.

The following motion by Councillor Meek was submitted:

"This Executive condemns the action of UNISON in refusing to provide exemptions for special schools during the Nursery Nurses strike."

The Executive also considered a letter from Councillor Russell, Executive Member for Human and Corporate Resources to the Scottish Secretary, UNISON Scotland expressing extreme concern in respect of the stance adopted by UNISON over exemptions for special schools.

Councillor Russell reiterated his commitment, given at the Executive meeting on 7 October 2003, in continuing to press UNISON to accept the exemptions asked for.

**Motion**

This Executive condemns the action of UNISON in refusing to provide exemptions for special schools during the Nursery Nurses strike.

- moved by Councillor Meek, seconded by Councillor Kate MacKenzie

**Amendment**

To take no action on the motion.

- moved by Councillor Lowrie, seconded by Councillor Longstaff

### **Voting**

For the motion - 16 votes  
For the amendment - 3 votes

### **Decision**

To approve the motion.

(References- Executive 7 October 2003 (items 2, 3 and 4); letter from Councillor Russell to UNISON Scotland 28 October 2003, submitted)

## **10 Telecommunication Mast Sites** (Agenda item number 15)

Details were given of proposed operating principles for processing applications for telecommunication masts on Council property.

All new applications for telecommunication masts on Council property, whether for base stations, greenfield masts or infill microcell sites on public streets, would be directed through the Corporate Property and Emergency Planning Division in City Development.

The Council Executive would determine all applications for the installation of such equipment on Council property and any renewal of lease.

### **Decision**

To adopt the policy and procedures as detailed in the report by the Director of City Development.

(Reference – report no. E/271/03-04/CD by the Director of City Development, submitted)

**Note: The above item was called in to the Environmental Quality Scrutiny Panel of 26 November 2003.**

## **11 Establishment of Cramond Community Council** (Agenda item number 16)

In terms of the Scheme for Community Councils, the required twenty signatures had been received from residents on the Electoral Roll in the Cramond area requesting the establishment of a community council.

A proposed timetable for the election of the community council based on a start date of 5 January 2004 and an election date of 12 February 2004 was submitted.



**Decision**

- 1) To approve the timetable for the election for the Cramond Community Council.
- 2) To appoint Councillor Kate MacKenzie as Returning Officer.
- 3) To approve the fees for election staff.
- 4) To note the need to adjust the level of grant payable to Community Councils in order to reflect the available budget.
- 5) To ask the Director of Corporate Services to provide further information on the current funding position for Community Councils.
- 6) That consideration be given to conducting the Cramond Community Council election by postal ballot.

(Reference – report no. E/272/03-04/CS by the Director of Corporate Services, submitted)

**12 Transport Improvements Associated with Planning Applications on Edinburgh and Leith Waterfront** (Agenda item number 17)

Details were given of the transport improvements and contributions being secured through the planning process associated with the redevelopment of Edinburgh and Leith's waterfront.

**Decision**

To note the contributions to transport enhancements secured by legal agreement with developers in the Granton and Leith waterfront areas.

(References – Executive 14 January 2003 (item 37); report no. E/273/03-04/CD by the Director of City Development, submitted)

**Note: The above item was called in to the Environmental Quality Scrutiny Panel of 26 November 2003.**

**13 Proposals for 20mph Zones Around Schools for Financial Year 2003-2004** (Agenda item number 18)

The Scottish Executive had made available additional funding of £2.15 million to the Council for financial years 2003-2004 (£399,000), 2004-2005 (£875,000) and 2005-2006 (£876,000) for spending on 20 mph speed limits around schools and home zone projects.

Councillor Longstaff, as local Ward member for two schools affected by the proposals, advised the Executive that he welcomed the fact that Dalmeny and Kirkliston Primary Schools would benefit from the 20 mph zones in the current financial year. He also felt that Hillwood Primary School should be included in the programme due to large numbers of heavy goods vehicles using the road outside the school to avoid the main trunk road.

**Decision**

- 1) To agree the expenditure of the additional funding for 2003-2004 as detailed in Table 1 in the report by the Director of City Development.
- 2) To note that further reports would be submitted by the Director of City Development:
  - a) setting out proposals for spending allocations for 2004/6 on full and part time 20mph zones around primary and secondary schools; and
  - b) updating the Executive on the consultation and proposals for the Caledonian home zone.
- 3) To agree, in terms of Standing Order 58(7), that decision 1) above be implemented ahead of any consideration by a Scrutiny Panel on grounds of urgency.

(References – Executive 27 March 2001 (item 37); report no. E/274/03-04/CD by the Director of City Development, submitted)

**Note: The above item was called in to the Environmental Quality Scrutiny Panel of 26 November 2003.**

**14 Significant Trading Operations – Performance Monitoring - April to August 2003 (Month 5)** (Agenda item number 19)

A consolidated summary of financial and performance monitoring information for the Council's Significant Trading Operation (formerly DSO/DLOs) was submitted.

**Decision**

- 1) To note the report.
- 2) To refer the report to the Resource Management and Audit Scrutiny Panel as part of their remit to review service performance.

(Reference – report no. E/275/03-04/CS by the Director of Corporate Services, submitted)

**15 Scottish Executive Consultation “Putting Our Communities First”** (Agenda item number 20)

The Executive had approved a response to the Scottish Executive consultation on "Putting Our Communities First. Further powers had been sought to improve environmental maintenance in private and mixed tenure communities, together with a review of legislation regarding the removal of vehicles.

The decision had been called in to the Community Services Scrutiny Panel "to scrutinise the addendum to the comments submitted to the Scottish Executive."

The Scrutiny Panel had decided: -

- i) Whilst recognising the value of the additional measures proposed, to stress the importance of adequate funding for early intervention with young people, and for the Children's Hearing System, within the context of the Council's wider Anti-Social Behaviour strategies.
- ii) To express frustration about the effectiveness and speed of existing legal processes in addressing Anti-Social Behaviour.
- iii) To highlight the concerns of some Panel Members and witnesses about the potential conflict of interest where Community Wardens were expected to act as professional witnesses.
- iv) To note the Police view that there were sufficient legislative powers to enable them to disperse groups of youths, where necessary.

Councillor Gilmore, Executive Member for Community Safety and Housing stated that she had attended the meeting of the Scrutiny Panel and noted that decision (iii) seemed to have been singled out for special mention. She could see no reason why it had been highlighted under the decision over others raised in the same discussion. In addition, there was no clear recommendation for the Executive's consideration.

### **Decision**

To refer the matter back to the Scrutiny Panel and request that it clarify what action it wished the Executive to take.

(References – Executive 23 September 2003 (item 3); report no. E/276/03-04/CSSP by the Community Services Scrutiny Panel, submitted)

## **20 Modernising Housing Services** (Agenda item number 21)

The Executive supported the aims of the Modernising Housing Services Strategy.

The Executive's decision had been called in to the Community Services Scrutiny Panel for more detailed consideration of the reorganisation of housing management and further information about "Just Rewards" for staff. The Scrutiny Panel had made further recommendations.

### **Decision**

- 1) To note that the Scrutiny Panel had let the Executive's decision be implemented.
- 2) To approve the further recommendations by the Scrutiny Panel:
  - i) To note the intention to monitor the effectiveness of the move to five area teams and to provide more detailed information on how services for homeless people would be delivered locally.
  - ii) To request a progress report on the effectiveness of the Choice-Based Letting Scheme at the nine month stage.
  - iii) To note the intention to submit an evaluation report on the housing management consultants to the Executive, following consultation with UNISON.
  - iv) To note that a report on the design and principles of applying the "Just Rewards" to staff would be submitted to the Executive and this Panel in the next few months.

(References – Executive 23 September 2003 (item 11); report no. E/277/03-04/CSSF by the Community Services Scrutiny Panel, submitted)

**21 324/326 Lawnmarket, Edinburgh** (Agenda item number 22)

**Decision**

To approve the lease of the premises at 324/326 Lawnmarket to Mr B Landa on the main terms and conditions outlined in the report and on other terms and conditions to be agreed by the Director of City Development and Council Solicitor.

(Reference – report no. E/278/03-04/CD by the Director of City Development, submitted)

**22 Civic Hospitality** (Agenda item number 23)

**Decision**

To approve Christmas fare for 200 guests for the Christmas Decorations Lighting Up Ceremony to be held in the City Chambers on Thursday 27 November 2003 at a total cost of £1,400.

(Reference - report no. E/279/03-04/CS by the Director of Corporate Services, submitted)

**23 Strategic Programme Social Inclusion Partnership – SIP Grant Awards** (Agenda item number 24)

Details were provided of recent Strategic Programme Social Inclusion Partnership funding recommendations including further allocations from SIP core revenue budget for 2003/2004 and the Empowering Communities budget.

**Decision**

- 1) To approve the allocation of SIP revenue funds of £5,471 to the Broomhouse Empowering Communities Project.
- 2) To approve the allocation of £875 to the Braidwood Centre under the Empowering Communities Programme.
- 3) To agree the proposed transitional arrangements for the Strategic Programme, subject to receipt of the formal approval from Communities Scotland.

(Reference – report no. E/280/03-04/CS by the Director of Corporate Services, submitted)

**24 Heim Und Handwerk Trade Fair, Munich – 50<sup>th</sup> Anniversary of Twinning Celebrations** (Agenda item number 25)

The Lord Provost had received an invitation to attend the opening of the Heim und Handwerk Trade Fair in Munich and to attend further meetings to progress arrangements for celebrating the 50<sup>th</sup> anniversary twinning celebrations in 2004.

**Decision**

- 1) To agree that Councillor Henderson, as Executive Member for Sport, Culture and Leisure, lead a delegation to Munich to attend the Heim und Handwerk Trade Fair and to attend meetings to take forward the proposals outlined in the report.
- 2) In view of the timescales involved, to agree, in terms of Standing Order 58(7) that the decision be implemented ahead of any consideration by a Scrutiny Panel on grounds of urgency.

(Reference – report no. E/281/03-04/CS by the Director of Corporate Services, submitted)

**25 Social Work Complaints Review Committee – 23 October 2003**  
(Agenda item number 26)

The Social Work Complaints Review Committee had made recommendations on a complaint against the Social Work Department concerning a Social Enquiry report produced for Edinburgh Sheriff Court.

**Decision**

- 1) To accept that inaccuracies in the Social Enquiry Report, as acknowledged by the Social Work Department, might have influenced the Sheriff's judgement.
- 2) To ask that the Social Work Department ensure that the principles within the existing National Standards are applied to interviewing victims, and that appropriate guidelines are issued to staff as soon as possible.
- 3) To recommend that the Social Work Department raise with the Sheriff Principal the issue of timescales for the production of Social Enquiry Reports for the Edinburgh Court (if appropriate with reference to this complaint).

(Reference – report no. E/282/03-04/CRC by the Complaints Review Committee, submitted)

## **26 City Car Club (Agenda Item 27)**

Since October 2001, the City Car Club had succeeded in recruiting and retaining over 200 members. The Car Club was expected to reach a break-even point by the end of 2005 and there was a need for continued support for it to reach that target.

Details were provided of a new agreement for the continued operation of the City Car Club.

### **Decision**

- 1) To instruct the Director of City Development to complete a three-year agreement with Smart Moves Ltd for the continued operation of the Car Club and to grant the sum of £45,000, spread over the period of the agreement, to support the development of the scheme.
- 2) To continue to support the promotion of the Car Club and the development of on-street infrastructure.
- 3) To note that City Development continued to use Car Club cars for staff to supplement its car pool and that this was to be expanded to nine cars in 2004.
- 4) In order that negotiations with Smart Moves Ltd be not impeded, to agree, in terms of Standing Order 58(7), that the decision 1) above be implemented ahead of any consideration by a Scrutiny Panel on grounds of urgency.

(Reference - report no. E/264/03-04/CD by the Director of City Development, submitted)

### **Declaration of Interest**

Councillor Child declared a non-financial interest in the above item as she was a member of the City Car Club.

**Note: The above item was called in to the Environmental Quality Scrutiny Panel of 26 November 2003.**