

Motions and Amendments

City of Edinburgh Council

10.00 am Thursday, 4th February, 2021

Virtual Meeting - via Microsoft Teams

Motions and Amendments

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Andrew Kerr

Chief Executive

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Amendment by the Coalition

City of Edinburgh Council

4 February 2021

Item 7.1 – Councillors’ Code of Conduct Consultation

Deletes 1.3 and replaces with:

1.3 - Notes that an important element of the Code of Conduct is how it is enforced and that any review of the Code is incomplete unless the processes and effectiveness of the Ethical Standards Commissioner for Scotland and the Standards Commissions in implementing the Code are also reviewed.

1.4 - Notes that the current process can be slow, drawn out and offer little protection for Councillors, and more importantly, Council staff and the public in relation to incidents and serious allegations including but not limited to violence, sexual harassment, and bullying and harassment.

1.5 - Requests that the Council Leader write to the Cabinet Secretary for Communities and Local Government to express the Council’s concern that effective protection does not exist through the current Ethical Standards Commissioner and Standards Commission’s approach and seek a review, explicitly of the effectiveness of its processes and decision making.

1.6 - Agrees the Council’s response to the consultation but adds to the response at questions 1:

“While the review to update the documents is helpful for the reasons above, the omission of a review of the effectiveness of the Ethical Standards Commissioner and Standards Commission itself means there is likely to remain a fundamental lack of confidence by many Councillors, Council staff and the public in issues being addressed swiftly and effectively. Following the conclusion of the review of the Councillors’ Code of Conduct (if not before), there should be a review of the Commission and the activities of the Commissioner to examine the effectiveness of decision making, culture and approach of these institutions. Until this review is

carried out, it is likely any changes to the Code itself will be meaningless in trying to provide effective protection for elected members, and most importantly, Council staff and the public.”

Moved by: Councillor Adam McVey

Seconded by: Councillor Cammy Day

Addendum by the Conservative Group

City of Edinburgh Council

4 February 2021

Item 7.1 – Councillor’s Code of Conduct Consultation

Council agrees to add the following points to the Council’s response to the Consultation on the Councillors Code of Conduct 2020:

Question 2:

1.9 This should include senior and experienced Councillors as persons from whom to seek advice in addition to senior Council employees.

Question 3:

Councillors are elected to their role by the public and serve the public first and foremost. The current proposals over emphasise the Councillor’s duty to the Council rather than to representing their constituents. As drafted, the code assumes the public interest and a Council’s interests are synonymous, but it is often demonstrated that this is not always the case.

The entity of “the Council” is made up of all the Councillors sitting together as a collective body – all decisions carried out by officers of the Council are on the behalf of this body via powers delegated away from it. It is therefore right, proper and necessary that Councillors will have to hold officers to account in public for their actions when these have not met the expectations of the Council or there is malpractice to uncover.

Section 2 gives insufficient weight to Paragraph 1 of Article 10 of the European Convention on Human Rights and could be open to challenge. The issue of free speech is no superficial issue; it is fundamental to a functioning democracy and is necessary to allow for full and open debate, scrutiny and exposure of wrongdoing and a re-drafting of this section is advisable.

In particular, Section 2:1, selflessness (“I have a duty to take decisions solely in terms of the public interest”) conflicts with the paragraphs on duty (I have a duty to act in the interests of the Council as a whole) and leadership (I have a duty to ... to maintain and strengthen the public’s trust and confidence in the integrity of the Council and its Councillors in conducting public business).

A clear exceptional public interest defence should be part of the code.

Question 4:

However, as above, a clear exceptional public interest defence is needed for paragraphs 3.21, 3.22 and 3.23

Moved by: Councillor John McLellan

Seconded by: Councillor Joanna Mowat

Amendment by the Edinburgh Party of Independent Councillors

City of Edinburgh Council

4 February 2021

Item 7.1 – Councillors’ Code of Conduct Consultation

Agrees 1.1 and 1.2.

Agrees 1.3, subject to the following:

Council welcomes the work of officers on this consultation but seeks to strengthen the code by including the following paragraph to the Council response, at question 4 of the consultation - Section 3 General Conduct.

At paragraph 3.2 of the draft Code of Conduct add:

‘I will not engage in any conduct or action that seeks to hinder another Councillor from carrying out their full duties in relation to their role.’

And renumber all consequent paragraphs appropriately.

Moved by Cllr Gavin Barrie

Seconded by Cllr

Addendum by the Coalition

City of Edinburgh Council

4 February 2021

Item 7.3 – Council Diary 2021-22

1.3 Council notes the impact of the pre-election period on the Council's ability to take significant decisions and therefore requests officers explore cancelling executive committees after 17th March 2022 Full Council as well as the Full Council meeting on 28th April 2022- for a final decision on this to be taken by Councillors at the Council Diary report presented to 10th February 2022 Full Council. Further requests that Directors plan accordingly to ensure any essential or strategically important decisions are taken in advance of that period.

Moved by: Councillor Adam McVey
Seconded by: Councillor Cammy Day

Addendum by the Green Group

City of Edinburgh Council

4 February 2021

Item 7.4 – The Designation of New Polling Places as a result of a Statutory Review of Polling Places and Polling Districts

ADD TO RECOMMENDATIONS

While welcoming the reduction in number of schools designated, notes that 25 schools are still assigned as polling places; recognises that, since March 2020, schools have been closed to most pupils for significant periods of time, for public health reasons, and that further closure in May 2021 for election purposes would be very unwelcome; further notes that voting over multiple days for the Scottish Parliament election has not been ruled out; and therefore:

- Mandates continuing efforts to ensure schools are not closed for election purposes for the Scottish election;
- Explicitly commits not to close schools for polling place use should the option of multiple voting days be put in place nationally; and
- In anticipation of a large increase in demand for postal votes to reduce pressure on polling places, welcomes all efforts to encourage voters to register for postal votes in a timely fashion.

Moved by: Councillor Gavin Corbett

Seconded by:

Amendment by the Scottish Liberal Democrat Group

City of Edinburgh Council

4 February 2021

Item 7.4 – The Designation of New Polling Places as a result of a Statutory Review of Polling Places and Polling Districts

At end of 1.1.1, insert;

“but agrees that, as soon as circumstances allow, officers should make arrangements for trialling the use of Cramond Kirk Halls as an alternative to Cramond Primary.”

Moved by Councillor Kevin Lang

Seconded by Councillor Louise Young

Addendum by the Conservative Group

City of Edinburgh Council

4 February 2021

Item 8.1 – By Councillor Kate Campbell – Allocation Policy

Council agrees the motion adding a new point 1, and renumber accordingly:

1. An analysis of the impact on allocation policy of a 16% reduction in the Scottish Government social and affordable housing budget while noting that: The Budget did not provide any detail about affordable housing funding beyond the next financial year, despite pressure from the housing sector for governmental commitment to a new long-term affordable housing programme.
 - This Council is clear on the need for such support in Edinburgh.
 - The government's current five-year £3bn Affordable Housing Supply Programme is set to come to an end in March.

Moved by: Councillor Jim Campbell

Seconded by: Councillor John McLellan

Amendment by the Conservative Group

City of Edinburgh Council

4 February 2021

Item 8.3 – By Councillor Miller – Winter Weather Response

Council agrees point 1.

Deletes points 2 and 3 and replaces with:

- 2) Observes that in order to encourage the uptake of active travel, increased mitigation against winter weather will be requires on our paths and pavements
- 3) On behalf of all Edinburgh residents calls for the forthcoming review of Winter Weather Surface Treatment at the Transport and Environment Committee to:
 - a) Recognise the importance of roads for emergency vehicles, public transport and the movement of goods, but also align this with the position of pedestrians and cyclists in the Urban Transport Hierarchy and their need for paths and pavements to be appropriately prioritised.
 - b) Evaluate how innovation and technology could help to increase coverage and efficiency of all surface treatment, including but not limited to the types of de-icer suitable for pavements and cycle paths, vehicles and equipment
 - c) Ask each Locality to review the need for a network of snow wardens and consider how best to support neighbourhood communication.
 - d) review Grit Bin location and replenishment
- 4) Observes similar motions and questions have previously been brought to Council by Conservative Group members, for example in November 2017, February 2018 and October 2020.

Moved by: Councillor Susan Webber

Seconded by: Councillor Jason Rust

Amendment by the Scottish Liberal Democrat Group

City of Edinburgh Council

4 February 2021

Item 8.3 – By Councillor Miller – Winter Weather Response

- Delete paragraph 2 and insert:

“2. nevertheless recognises the substantial concerns which have been raised with councillors of all parties regarding a) the limited gritting of footways and cycleways and b) the times residents have waited to get local grit bins refilled”.

- Delete the first three lines of paragraph 3 and insert:

“3. notes with concern the reports of slips, falls and injuries which added further pressure onto our NHS at this time of crisis, and that many other residents felt unable to leave their home because of treacherous conditions outside,”

- At end of c) insert:

“including improved online information on the expected timescales for refilling grit bins and more timely updates on when bins have been refilled.”

Moved by Councillor Kevin Lang

Seconded by Councillor Hal Osler

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