

Motions and Amendments

City of Edinburgh Council

10.00 am Thursday, 26th August, 2021

Virtual Meeting - via Microsoft Teams

Motions and Amendments

Contacts

Email: gavin.king@edinburgh.gov.uk

Tel: 0131 529 4239

Andrew Kerr

Chief Executive

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Motion by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 1.1 – Order of Business

Council notes that Item 7.5 has been circulated to members with a related confidential Annex with the intention that it be considered as private business.

Council further notes that part of the Annex is the Court Judgement in the case and Court judgements are published as public documents by the Court Service so there is no reason why this should not be published under the 'A agenda'; Council therefore agrees to do so.

Council also notes that the remainder of the report circulated under a 'B agenda' as private relates to potential legal arguments which the Council did not use in the case. As the case has been lost, the Court has ordered release of the document to the Whistleblower and this has been complied with, there is no further value in this legal argument and no reason why the remainder of the report should not be made public.

Council therefore agrees to publish the remainder of the report on the 'A agenda' and to consider the matter in public.

Moved by: Councillor Iain Whyte

Seconded by: Councillor Jim Campbell

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 6.1 – Elected Member Champion – Older People

Deletes 1.1 and replaces with:

Agrees to appoint Councillor Catherine Fullerton as Older People's Champion.

Moved by: Councillor Catherine Fullerton

Seconded by: Councillor Karen Doran

Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 6.1 – Elected Member Champion – Older People

Replace recommendations with:

To note that a review of the role of elected member champions will be carried out following the local government elections in 2022 and presented to Council with findings and recommendation, and agrees that Council should consider whether to appoint an elected member champion for older people at that time.

Moved by: Councillor Joanna Mowat

Seconded by: Councillor Phil Doggart

Addendum by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 7.1 – Review of Political Management Arrangements

Add

- 1.5 And develop guidance on when hybrid meetings should revert to being remote to ensure consistency in how meetings are held across the Council.

Moved by: Councillor Joanna Mowat

Seconded by: Councillor Susan Webber

Addendum by the Scottish Liberal Democrat Group

City of Edinburgh Council

26 August 2021

Item 7.1 – Review of Political Management Arrangements

To ensure that all political parties are represented in discussions on the return of physical meetings, insert, at recommendation 1.3, “and group leaders” after “Vice-Conveners”.

Moved by Councillor Robert Aldridge

Seconded by Councillor Louise Young

Addendum by the Coalition

City of Edinburgh Council

26 August 2021

Item 7.3 – Consultation Response to Ethical Standards Commissioner – Strategic Plan 2021-24

1.3 Adds to Edinburgh's consultation response:

Notes to date, a perceived failure in the office to effectively and quickly deal with minor complaints and effectively and meaningfully deal with the most serious complaints relating to violence and sexual misconduct have led to a low in confidence in the office and very much hope through reform this can be improved.

While acknowledging the aspiration to improve effectiveness of the office, notes that these are only set out a fairly high level in the proposed plan. Welcomes further engagement with Council, formally through consultation and directly through continuous engagement, to ensure that confidence can be restored in the operations of the office to ensure that the public, Councillors and their families can be effectively protected.

Moved by: Councillor Adam McVey

Seconded by: Councillor Cammy Day

Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 7.5 – Report in Relation to a Legal Case

Delete recommendation 1.1 and replace with:

Council:

1. Notes the content of the Judgement by Sheriff Noble in John Travers v City of Edinburgh Council;
2. Regrets the five year refusal to provide John Travers with a copy of the report which, as the Sheriff has found, the Council agreed to provide (noting that Sheriff Noble found in fact that the contract was established including by the circumstances, and that the ‘balance of probabilities’ test is a legal bar above which proof needs to rise);
3. Notes that there are concerns that the report does not appear to reflect the decisive nature of the conclusions of Sheriff Noble’s Judgement and instructs the Chief Executive to review the following questions and report back to Council as soon as possible, viz.
 - a. Why the ‘redacted’ copy of the PwC Report supplied to John Travers failed to include a large number of paragraphs which contained no identifiable personal data which necessitated redaction from the data protection argument
 - b. Why the unredacted PwC report supplied to John Travers was accompanied with a narrative of how it should be used – which may be a limit on the unrestricted provision instructed by Sheriff Noble
 - c. Why the Financial Impact section of the report states that there are no direct financial impacts **of this report** given that the Council should be informed of potential financial impact given that Sheriff Noble has instructed further hearings to attribute costs.

4. Notes in relation to Data Protection Act, the risk to City of Edinburgh Council was not established and Sheriff Noble noted, “ . . . *the balance in my view falls very firmly in favour of providing the pursuer (John Travers) with a copy of the report.*”
5. Notes that the current situation appears to perpetuate a culture of protecting the rights of employees and former employees even where they are found to be responsible for wrongdoing over the rights of victims and public transparency;
6. Notes that this court case continues a 19 year course of events, and the Council’s ongoing fight to avoid release of the report does nothing to encourage whistleblowers or others seeking action to come forward.
7. Instructs the Chief Executive to engage with Mr Travers with a view to addressing any detriment caused to him and his family not covered by previous settlements and for any detriment since the conclusion of the PwC work in 2016. This should include consideration of making a full and final settlement if appropriate with the proposed settlement being referred to the appropriate committee for decision.

Moved by: Councillor Cameron Rose
Seconded by: Councillor John McLellan

Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 7.8 – Strategic Review of Parking – Results of Phase 2 Consultation and General Update – referral from the Transport and Environment Committee

Council:

Notes the results of the informal consultation for the Phase 2 area as detailed in Appendix 1 to the report by the Executive Director of Place.

Notes that the Council had traditionally only introduced new parking restrictions in areas where there was significant support amongst residents for such restrictions.

Considers that the results of the consultation for phase 2 showed a significant majority of respondents were opposed to these plans and therefore conclude that there was not sufficient public demand for their implementation.

Believes that further consultation and delaying a decision until next year needlessly draws out the process when residents have already made their views clear.

Therefore, agrees not to proceed with the implementation of parking controls in the Phase 2 area.

Asks that officers now progress with the stadium review as a priority in order to address long-standing concerns regarding the significant impact large events have on parking in the vicinity of stadiums.

Moved by: Councillor Graham Hutchison

Seconded by: Councillor Scott Douglas

Amendment by the Green Group

City of Edinburgh Council

26 August 2021

Item 7.8 – Strategic Review of Parking – Results of Phase 2 Consultation and General Update – referral from the Transport and Environment Committee

Amend the decision to approve the adjusted motion by Cllr Macinnes at the Transport and Environment Committee as follows:

Replace points 1-8 of the adjusted motion with the council officer recommendations as per the original report:

- 1) To note the results of the informal consultation for the Phase 2 area as detailed in Appendix 1 to the report by the Executive Director of Place.
- 2) Having considered the consultation results, the policy justification behind the measures proposed by the Strategic Review of Parking, and the potential for parking migration between areas, to approve commencement of the legal process to introduce parking controls into all areas covered by the Phase 2 proposals.
- 3) To note the operational details for the proposed parking controls for the Phase 2 area, as detailed in Appendix 3 to the report.
- 4) To note the recommended changes arising from the consultation process to the proposed designs as detailed in Appendix 1 to the report.
- 5) To note the intention to further defer consideration of the Stadiums Review, as detailed in the report.
- 6) To approve the setting of charges related to permits and pay-and-display as detailed in Appendix 4 to the report.
- 7) To note the details in Appendix 5 to the report which outlined the progress made since the previous report in January 2021.

Retain points 9-10 of the adjusted motion as per the Green addendum to the Transport and Environment Committee:

9) To agree that high quality public engagement during the roll-out of these proposals would be crucial to its success, and therefore call for a comprehensive public engagement programme to be brought forward, in particular focusing on the policy justifications for the extension of the CPZ and the likely knock-on effect of adjacent zones coming into operation.

10) To further agree that the roll-out of the extension of the CPZ could be used as an opportunity to encourage vehicle owners to consider more sustainable transport options, and therefore to agree to investigate the potential to collaborate with public transport operators, the City Car Club and active travel organisations to provide information and incentives to residents to choose more sustainable travel options at the point of CPZ extension.

Moved by: Councillor Claire Miller

Seconded by: Councillor Gavin Corbett

Amendment by the Scottish Liberal Democrat Group

City of Edinburgh Council

26 August 2021

Item 7.8 – Strategic Review of Parking - Results of Phase 2 Consultation and General Update

In original report by the Executive Director of Place:

Delete 1.1.2 and insert:

“1.1.2 respects the clear views expressed during the consultation, regrets that it failed to offer residents the option of more nuanced local solution to parking pressures, and agrees not to proceed with the legal process to introduce parking controls into the areas covered by the phase 2 proposals.”

Delete 1.1.3, 1.1.4 and 1.1.6

Renumber 1.1.5 as 1.1.3

Renumber 1.1.7 as 1.1.4

Moved by Councillor Kevin Lang

Seconded by Councillor Gillian Gloyer

Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 7.9 – Reform of Transport Arm’s Length External Organisations

Council:

Considers that the report is not clear on how the proposed new structure will deliver on the stated principles.

Notes that the rolling of transport ALEOs into Lothian Buses appears to be a backward step and is not consistent with the Council’s recent approach to transport ALEOs.

Therefore, deletes recommendations 1.1.2 and 1.1.3 and replaces with:

Instructs officers to recommence the process of examining Report of Transport Arm’s Length External Organisations with proposals for a more representative working group and terms of reference to be brought to the Transport and Environment Committee in a report in one cycle, and with a clearer and more substantive report with recommendations to be brought to the Transport and Environment Committee in four cycles.

Moved by: Councillor Graham Hutchison

Seconded by: Councillor Iain Whyte

Amendment by the Scottish Liberal Democrat Group

City of Edinburgh Council

26 August 2021

Item 7.9 – Reform of Transport Arms Length

External Organisations

In 1.1.2, after “agree”, insert “not”.

Delete 1.1.3

Moved by Councillor Kevin Lang

Seconded by Councillor Neil Ross

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 8.1 – By Councillor Mowat – Drainage

Deletes:

Therefore, calls for a report in one cycle: A report of engagement with Scottish Water detailing how the following challenges are being addressed:

And replaces with:

Therefore, calls for a report by January to the Transport and Environment Committee, requesting that Scottish Water provide information alongside input and information from Council officers detailing how the following challenges are being addressed.

Moved by: Councillor Lesley Macinnes

Seconded by: Councillor Karen Doran

Addendum by the Green Group

City of Edinburgh Council

26 August 2021

Item 8.2 – By Councillor Osler – Action on Flooding

Add

- Notes the work between the council, Scottish Water and Scottish Canals in Glasgow to develop a “Smart Canal” partnership to tackle surface water distribution and therefore, in the progress report on the Vision for Water Management, seeks an update from officers on the scope for an analogous partnership with reference to the Union Canal.
- Notes that the arrangements for regional strategic drainage partnership need to be matched by improved partnership arrangements at an operational level so that multi-faceted flooding problems at hotspots can be tackled across a range of public bodies as appropriate, and so seeks an update on work to enable that to happen.

Moved by: Councillor Gavin Corbett

Seconded by:

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 8.3 – Creating a Safer First and Last Mile Journey for Women and Girls

Deletes last paragraph and replaces with:

Council welcomes the motion by Councillor Osler and asks that it be included in the remit of Councillor Watt's motion: Women's Safety in Public Places, which was agreed by Council on 29 April 2021. Councillor Watt's motion asked for a report to Policy and Sustainability Committee within two cycles. This amendment would extend that by two cycles to acknowledge the scope of the work that is being undertaken.

Moved by: Councillor Mandy Watt

Seconded by: Councillor Amy McNeese-Mechan

Addendum by the Green Group

City of Edinburgh Council

26 August 2021

Item 8.3 – By Councillor Osler – Creating a Safer First and Last Mile Journey for Women and Girls

Additional point to be included in the motion:

“Notes that violence against women and girls is ultimately caused by perpetrators, and that the responsibility for violence therefore lies with those perpetrators, however recognises that in this context Council can and should take action to make spaces safer whilst working towards an end to violence against women and girls”

Moved by: Councillor Claire Miller

Seconded by: Councillor

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 8.4 – By Councillor Neil Ross – Enterprise Car Club

Deletes point 4 and 5 and replaces with:

4. Notes the contract with Enterprise Car Club is to be extended for a further 12 months and that discussions are exploring how to better facilitate requests for new Car Club locations from customers, residents' and businesses across the city. These discussions include improving visibility and access to forms to request additional local provision and continuing discussions between the Council and Enterprise to effectively facilitate installation of additional local provision. Requests that the improvements agreed in the contract extension are reported to Transport and Environment Committee upon agreement.

Moved by: Councillor Lesley Macinnes

Seconded by: Councillor Karen Doran

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 8.5 – By Councillor Mitchell – Goldenacre Steps

Deletes point 3 and replaces with:

3. Therefore agrees that the Director of Place shall resolve any outstanding issues preventing the effective repair and maintenance of the Goldenacre Steps and any other affected areas and updates the Transport and Environment Committee of this resolution in the business bulletin within one cycle.

Moved by: Councillor Lesley Macinnes

Seconded by: Councillor Karen Doran

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

**Item 8.6 – By Councillor Laidlaw – Platinum Jubilee
Holiday – June 2022**

Deletes paragraph 8 & 9 and replaces with:

Requests a report to Council in one cycle benchmarking through SOLACE against other authorities and making a recommendation on the way forward for the City of Edinburgh Council's hardworking dedicated colleagues.

Moved by: Councillor Adam McVey

Seconded by: Councillor Cammy Day

Addendum by the Coalition

City of Edinburgh Council

26 August 2021

**Item 8.7 – By Councillor Staniforth – Council
Condemns Homophobic Attack**

Add:

Council is proud of LGBT+ community and their positive contribution to society and the economy in Edinburgh and notes the ongoing work with LGBT and other partners to promote LGBT community in our Capital city.

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

Amendment by the Coalition

City of Edinburgh Council

26 August 2021

Item 8.8 – By Councillor Burgess – Fossil Fuel Non-Proliferation Treaty

Delete paragraph 9 and replace with:

Calls for a report in two cycles to Policy and Sustainability Committee setting out the Fossil Fuel Non-Proliferation Treaty and any implications for the City of Edinburgh Council.

Moved by: Councillor Adam McVey

Seconded by: Councillor Cammy Day

Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Item 9.2 – By Councillor Rae – Great British Sewing Bee Winner

Deletes all and replaces with:

Council is delighted to recognise and congratulate Ms Serena Baker, the Glasgow born Edinburgh medical student, currently in her fourth year of study, who took time out from nurturing patients to nurture our hearts and minds by winning The Great British Sewing Bee 2021. Her skill, precision, dexterity and creativity together with her warmth and personality revealed her to be an enormous credit to both cities, and her country, but more importantly, in a time of crisis, to the NHS which we are all incredibly thankful for. With links to both Glasgow and Edinburgh, Serena became the third winner of iconic programmes this year, following Edinburgh student Peter Sawkins' Great British Bake-off win and Glasgow's Laurence Chaney who took the RuPaul's Drag Race UK crown, ensuring a clean sweep for Scotland. Council asks that Serena be officially congratulated by the Lord Provost, and that she and her family be invited to celebrate with us at a suitable event in the future when such events resume.

Moved by: Councillor Susan Webber

Seconded by: Councillor Joanna Mowat

Emergency Motion by the Coalition

City of Edinburgh Council

26 August 2021

Welcoming Afghanistan Refugees

Notes that unfolding events in Afghanistan since the US, UK and other nations' substantive withdrawal have been shocking to witness and that the whole of the UK bears a moral responsibility for dealing with the consequences. Notes efforts of residual personnel still in Kabul to support evacuation of some of those at risk.

Supports the people of Afghanistan in enjoying the liberties previously protected by allied forces and the right to independence of thought, to vote and for women and girls to be educated and play a full part in the work and life of their country- as well as the right to life for at risk groups, such as LGBT Afghans.

Acknowledges that many UK veterans who served in Afghanistan will find the deteriorating security situation extremely difficult and lead them to question the sacrifices they and their colleagues have made and requests the Lord Provost, as Veterans' Champion, continues to engage with local armed forces.

Agrees that as a wealthy city Edinburgh must embrace its responsibility to welcome those fleeing persecution and empower these people to reach their full potential when they arrive. This includes providing good quality immediate temporary accommodation and welcoming Afghan refugees for permanent resettlement in the Capital. Agrees to explore all avenues to secure appropriate accommodation, without putting pressure on existing demand for social homes, such as exploring using short term let properties, to maximise local provision.

Notes ongoing discussions between the Council and the UK Government on arrangements to host a number of Afghan refugees who were locally employed staff as well as ongoing discussions on welcoming further Afghan refugees. Further notes these discussions will include other third/voluntary sector and Trade Unions to support and welcome refugees along with the continuing dialogue with the Scottish Government of levels of support they can also contribute. Agrees this includes full access to local services and should also include access to support

finding employment, without restrictions on ability to work.

Agrees the Council Leader writes to the UK Government to add Edinburgh's voice to calls to increase the number of Afghan refugees, who are not formally locally employed staff, beyond the 20,000 already committed over 5 years.

Notes the funding arrangements for the formally locally employed staff and agrees the Council leader and officers continue dialogue with UK Ministers and officials to ensure support is fully funded by the UK Government and delegates to the Chief Executive, in consultation with the Leader and Deputy Leader, to approve any such other costs arising not covered by UK Government funding, or existing budgets, up to £500,000 from the unallocated general reserve.

Notes current arrangements of UK Government funding for formally employed staff is able to cover private rented property rates and agrees the Council leader and officers communicate directly the need for the same level of support for all refugees being welcomed and resettled in the City.

Notes the very generous offers of direct support from the people of Edinburgh and agrees that Edinburgh should play its part in welcoming of Afghan refugees: both in terms of the need to find immediate temporary accommodation and welcoming Afghan refugees for permanent resettlement in the Capital.

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

Emergency Amendment by the Conservative Group

City of Edinburgh Council

26 August 2021

Emergency Motion by the Coalition – Welcoming Afghanistan Refugees

Deletes All and replaces with:

Council:

Notes that unfolding events in Afghanistan, where the UK still has personnel on the ground in Kabul, have been shocking to witness and recognises the UK Government is assisting to evacuate thousands of Afghans within the constrained time limit set by the US Federal Government, following the US President's decision to withdraw US forces from Afghanistan.

Welcomes the endeavours of a number of countries in the evacuation efforts in addition to the UK and USA including, but not limited to Australia, Canada, the Czech Republic, Denmark, France, Italy, Poland, Switzerland and Turkey and the unprecedented mobilisation of military resources to allow for evacuation and accepts the long-term humanitarian effort required internationally.

Acknowledges that many UK veterans who served in Afghanistan will find the deteriorating security situation extremely difficult and lead them to question the sacrifices they and their colleagues have made and calls on the Veterans' Champion to play a significant role in backing the provision of any support required by them in this regard.

Supports the people of Afghanistan in enjoying the liberties previously protected by allied forces and the right to independence of thought, to vote and for women and girls to be educated and play a full part in the work and life of their country.

Recognises (a) that the UK Government's Afghan Relocations and Assistance Policy (ARAP) commenced in April, as a replacement for previous resettlement arrangements for those who have helped UK forces over the past two decades offering three different routes to the UK; (b) that the UK Government has pledged to house 5,000 Afghan nationals in its first year in addition to those evacuated by 31st August 2021, with a view to resettling 20,000 people in the long-term as part

of a full Afghan citizens' resettlement.

Notes ongoing discussions between the Council and the UK Government on arrangements to host a number of Afghan refugees who were locally employed staff as well as ongoing discussions on welcoming further Afghan refugees. Further notes these discussions will include other third/voluntary sector, businesses and Trade Unions to support and welcome refugees along with the Scottish Government.

Agrees the Council will actively support UK Government initiatives to help Afghan refugees and work with neighbouring authorities and other agencies to provide support in terms of signposting education, health, jobs, welfare and generally help Afghan families and individual refugees fully integrate and thrive as part of the community.

Notes the funding arrangements for the formerly locally employed staff and agrees the Council leader and officers continue dialogue with UK Ministers and officials to ensure support is fully funded by the UK Government and delegates to the Chief Executive, in consultation with the Leader and Deputy Leader, to approve any such other costs arising not covered by UK Government funding, or existing budgets, up to £500,000 from the unallocated general reserve.

Notes current arrangements of UK Government funding for formerly employed staff is able to cover private rented property rates and agrees the Council leader and officers communicate directly the need for the same level of support for all refugees being welcomed and resettled in the City.

Notes the welcome offer by AirBnB to fund and provide 20,000 homes for Afghan refugees world as part of the humanitarian effort and agrees that the Council Leader and Chief Executive should approach AirBnB in the UK to determine whether any of these homes could be provided in Edinburgh.

Notes the very generous offers of direct support from the people of Edinburgh and agrees that Edinburgh should play its part in welcoming of Afghan refugees: both in terms of the need to find immediate temporary accommodation and welcoming Afghan refugees for permanent resettlement in the Capital.

Moved by: Councillor Jason Rust

Seconded by: Councillor Iain Whyte

by virtue of paragraph(s) 9, 12 of Part 1 of Schedule 7A
of the Local Government(Scotland) Act 1973.

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