

Notice of meeting and agenda

City of Edinburgh Council

10.00 am Thursday, 23rd September, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the live webcast on the Council's website.

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

Email: gavin.king@edinburgh.gov.uk

Tel: 0131 529 4239

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 The City of Edinburgh Council of 26 August 2021 – submitted for approval as a correct record 17 - 104

5. Leader's Report

- 5.1 Leader's Report 105 - 106

6. Appointments

- 6.1 Appointments to Outside Organisations – Report by the Executive Director of Corporate Services 107 - 110

7. Reports

- 7.1 Chief Officer Appointments – Report by the Chief Executive 111 - 114

7.2	Queen's Platinum Jubilee 2022 - Additional Leave – Report by the Executive Director of Corporate Services	115 - 118
7.3	St James Quarter GAM: Interim Payment – Report by the Executive Director of Place	119 - 132
7.4	Report in Relation to a Legal Case	133 - 142
	(a) Report by the Monitoring Officer	
	(b) Supplementary Confidential Report by the Monitoring Officer	

8. Motions

8.1 By Councillor McVey – Council Owned Care Homes – EIJB

1. “Council acknowledges the EIJB board has asked for additional information and will undertake a consultation of the future of Care Homes in Edinburgh.
2. Council requests the consultation should be as comprehensive as possible and include the Trade Unions as well as care home residents, their families and/or their support workers or carers, current care home staff and the wider public.
3. Agrees the Council will maintain the present number of care homes until the consultation outline in Para 1 is completed and as a partner is committed through the implementation of the Feeley review, as outlined by the Scottish Government, to look to expand publicly owned and operated residential care provision.
4. The Council calls on the EIJB to develop a comprehensive care plan, which include future residential care that is based on the ongoing and future needs of the elderly population in Edinburgh and put the delivery of high-quality

care at the very top of all considerations.

5. The Council calls for the Chief Officer of EIJB and Health and Social Care Partnership and Council Officers to discuss and report findings of the Care Inspectorate in order to establish what actions need to occur to fully meet the findings and recommendations.
6. Requests an update report from the Chief Officer of the EIJB within two cycles to the Policy and Sustainability Committee updating Council on these plans.”

8.2 By Councillor Macinnes – Health and Inequalities in relation to Active Travel Provision in Edinburgh

“Council:

Welcomes the recent open letter to councillors from a group of 140 health professionals from a wide variety of disciplines including, but not limited to, children’s health, emergency medicine, orthopaedics, those working in health academia, oncologists and cardiac specialists, as well as those in the front line of general practice: [active-travel-letter-060921-3.pdf \(wordpress.com\)](https://www.wordpress.com/active-travel-letter-060921-3.pdf)

Further welcomes their call to retain and extend as much of the recent improvements to active travel infrastructure as possible.

Recognises the succinct description in the letter of why active travel and actions to combat air pollution are so important and the health inequalities and outcomes they can help to address and to meet climate obligations.

Notes that this well-researched and evidenced call reflects the Council’s approach towards increased active travel options within and supports the Council’s ongoing work with the Scottish Government to make the Traffic Regulation Order process more efficient as well as wider efforts to help deliver high-quality active travel infrastructure as quickly as possible.

Requests that officers bring forward a report to the Transport and Environment Committee by March 2022 which examines the issues raised in this letter, describes the likely effect of not making significant progress towards improved sustainable transport (ie public transport and active travel) within Edinburgh and its connections with neighbouring authorities) and outlines the transport-related actions the Council is taking towards achieving a more equitable, healthier future for all those living, working and visiting Edinburgh.”

8.3 By Councillor Macinnes – Climate Charter

“Notes the ongoing work of Scotland’s Climate Assembly, bringing a representative group of people from across Scotland to propose ideas and solutions to tackle climate change, Convened by Ruth Harvey and Josh Littlejohn.

Notes that many organisations, including Living Streets Scotland, Changeworks and the Edinburgh Climate Change Institute have signed up to the Civic Charter to support Scotland’s Climate Assembly and the recommendations for action.

Agrees that Edinburgh Council sign the [Civic Charter | Climate Assembly](#) and express our support for Scotland’s Climate Assembly and the recommendations for action it has submitted to the Scottish Government and Scottish Parliament as relevant to Edinburgh’s delivery of net-zero by 2030.

Notes actions and obligations on Council’s to meet the recommendations require additional resource as they are adopted by the Scottish Government and endorses the Council Leader in raising this at COSLA and directly with Scottish Ministers.”

8.4 By Councillor Miller – Edinburgh Doctors for Active Travel

“This Council;

1. Welcomes the open letter to the Council signed by over 140 Edinburgh doctors, surgeons, professors of medicine and other medical professionals in support of measures to support active travel in Edinburgh;
2. Notes that the letter sets out evidence with references and the following key points;

- ‘As health professionals, we have a responsibility to protect and promote the health of the population. We have a responsibility to address inequalities and to advocate for the needs of the most deprived and disadvantaged members of the population we serve
- ‘We are concerned about the impact of the climate crisis on health, globally and locally
- ‘We are concerned about harms to health caused by air pollution in Edinburgh
- ‘Regular physical activity is associated with improved health outcomes at all ages
- ‘We support the retention, and further development and integration of infrastructures designed to support active travel and clean air for the whole population of Edinburgh, to mitigate inequalities in health, local mobility, and air quality
- ‘This includes quiet routes in the vicinity of schools to allow safe active travel for families, an integrated network of segregated safe paths for cycling, city-wide subsidised cycle hire programmes, and low-emission zones
- ‘We are concerned that suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh’

3. Requests that the Council Leader and the Transport

Convenor responds to the letter on behalf of the Council and

4. Welcomes the considered professional opinion of the signatories and requests that council officers and Transport and Environment Committee takes account of these opinions when making any future relevant decisions about active travel measures.”

8.5 By Councillor Burgess - Better School Milk

“This Council;

1. Notes the recent introduction of organic school milk along with a reduction in single-use plastic containers in East Ayrshire schools;
2. Recognises that organic milk can be healthier for children and that reducing single-use plastic and packaging can create less waste and is better for the environment;
3. Notes that pupils from Edinburgh schools, including James Gillespie’s Primary School, have requested organic milk and reduced plastic packaging as long ago as 2019;
4. Therefore requests a report into the introduction of organic school milk with reduced use of single-use plastic in Edinburgh Council-run schools to the Policy & Sustainability committee within two cycles;
5. Further notes that the Council’s Single-Use Plastic Working Group has not met recently and requests that the group convenor schedules a meeting at the earliest opportunity in order to recommence this work.”

8.6 By Councillor Miller – Equal Pavements Pledge

“This Council;

1. Welcomes the ‘Equal Pavements Pledge’ aimed at improving the accessibility of footways by Transport for All the disability group focusing on transport;

2. Notes that the seven-point pledge is to;

1. Listen, and act:

Engage with and listen to the perspectives of disabled people, across the impairment groups, who have been significantly erased from the conversation. By doing this, we can move forward with accessible, inclusive, pan-impairment solutions which benefit everyone, and the environment.

2. Keep it clear:

Maintain a minimum of 1.5m clearance on all pavements, by enforcing the terms of your licenses with businesses. Issue written warnings and follow up with on-site visits to premises to enforce the terms. Use roaming 'inspectors' to ensure pavements aren't blocked.

3. Cut the clutter:

Operate a zero-tolerance approach to street clutter. Issue warnings to businesses that obstruct pavements with A-boards, and follow up with fines. Consider temporarily removing permanent fixtures, for example bollards and lamp posts, while outdoor furniture is on pavements to maintain a clear path. Electric Vehicle charging points should only be situated on a pavement as a last resort if there are no other options, and must be placed in a way that will not cause obstruction or trip hazard from trailing cables.

4. Mind the trash:

Schedule waste removal at times that will be the least disruptive, reducing the issue of bags of rubbish being left on

pavements during periods of high footfall.

5. Drop the kerbs:

Undertake a professional accessibility audit of your streetspace and install immediate short-term measures (e.g: asphalt ramps) at problem areas to ensure step-free access. This is a short term and immediate solution while more long-term solutions, including proper dropped kerbs and correct tactile paving where appropriate, are devised and installed.

6. Protect Blue Badge Bays

Do not remove parking spaces for Blue Badge holders except where supported by robust data and in consultation with disabled residents. In rare occasions where this is unavoidable, the bays must be relocated close to the original location and any plans should be consulted on with disabled residents to avoid impeding access.

7. Work with disabled experts

We want to see local authorities and transport providers commit to a co-production model built on the views and expertise of a wide range of disabled voices. Work with representatives from a pan-impairment organisation who can train your team and work with you to embed the Social Model of Disability to ensure all future streetspace schemes are delivered with accessibility at their core.

3. Notes that the pledge is supported by RNIB, Living Streets and Sustrans and has already been taken by the London Assembly and the City of Westminster;
4. Recognises that as lockdown restrictions gradually begin to lift there is an opportunity to improve accessibility for disabled people;

Therefore agrees that City of Edinburgh council takes this pledge and that the Transport Convenor writes to Transport for All to convey support for the pledge.”

8.7 By Councillor Doggart - Edinburgh Integration Joint Board Bed Based Review

“Council:

1. Notes the Edinburgh Integration Joint Board (EIJB) has still not received a clear and detailed proposal regarding the potential closure of City of Edinburgh Council care homes;
2. Regrets the uncertainty caused by this delay to residents, their families and to council employees in the three months since the proposal was first put to the EIJB;
3. Regrets public statements by councillors setting out their conclusions without fully understanding what will be contained in the final Bed Based Review;
4. Instructs the Chief Officer to report to the Policy and Sustainability Committee within one cycle explaining the current situation and including an explanation for any departure from existing Council policies in relation to consultation with employees, residents’ families and the wider population of the city.”

9. Congratulatory Motions

9.1 By Councillor Corbett – Hearts Fan Ownership

“Council

Congratulates the Foundation of Hearts on becoming the majority shareholder of Heart of Midlothian PLC as of 30 August 2021, making Hearts the largest fan-owned club in the UK; recognises that Edinburgh’s major football clubs enjoy a vigorous rivalry but have a common interest in maintaining a long and proud history at the centre of the communities in which they were first formed; notes the previous “Fans First” campaign by Lothian MSP Alison Johnstone to provide football fans with greater say in the running and ownership of their clubs; and welcomes the Foundation of

Hearts' success as an important step in giving supporters that primary voice.”

10. Questions

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| 10.1 | By Councillor Neil Ross – EV Charging Points – for answer by the Convener of the Transport and Environment Committee | 143 - 144 |
| 10.2 | By Councillor Neil Ross – Communal Bins and Fly Tipping – for answer by the Convener of the Transport and Environment Committee | 145 - 146 |
| 10.3 | By Councillor Neil Ross – Group Support Staff – for answer by the Convener of the Finance and Resources Committee | 147 - 148 |
| 10.4 | By Councillor Lang – Park and Ride Expansion – for answer by the Convener of the Transport and Environment Committee | 149 - 150 |
| 10.5 | By Councillor Lang – Speed Limit Reductions on 40mph Roads – for answer by the Convener of the Transport and Environment Committee | 151 - 152 |
| 10.6 | By Councillor Lang – Rural Roads Speed Limits – for answer by the Convener of the Transport and Environment Committee | 153 - 154 |
| 10.7 | By Councillor Lang – Pedestrian Crossings – for answer by the Convener of the Transport and Environment Committee | 155 - 156 |
| 10.8 | By Councillor Osler – Loudspeakers and Street Musicians – for | 157 - 158 |

answer by the Convener of the Regulatory Committee

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| 10.9 | By Councillor Osler – Extension of Temporary Toilet Facilities – for answer by the Convener of the Transport and Environment Committee | 159 - 160 |
| 10.10 | By Councillor Rust – Spaces for People Market Research – for answer by the Convener of the Transport and Environment Committee | 161 - 162 |
| 10.11 | By Councillor Mowat – High School - Spaces for Pupils – for answer by the Convener of the Education, Children and Families Committee | 163 - 164 |
| 10.12 | By Councillor Douglas – Queen's Drive Closure Times – for answer by the Convener of the Transport and Environment Committee | 165 - 166 |
| 10.13 | By Councillor Webber – On-Street Residential Chargepoint Scheme – for answer by the Convener of the Transport and Environment Committee | 167 - 168 |
| 10.14 | By Councillor Johnston – SFP Removal Budget Follow Up and ETROS - Future proof for any change in Administration – for answer by the Convener of the Transport and Environment Committee | 169 - 170 |
| 10.15 | By Councillor Johnston – Lanark Road Survey - Spaces for People – for answer by the Convener of the Transport and Environment Committee | 171 - 172 |

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| 10.16 | By Councillor Webber – SfP/Travelling Safely - Personal Injury and Accident Claims – for answer by the Convener of the Transport and Environment Committee | 173 - 174 |
| 10.17 | By Councillor Doggart – Potential Closure of City of Edinburgh Care Homes as Proposed by EIJB – for answer by the Convener of the Finance and Resources Committee | 175 - 176 |
| 10.18 | By Councillor Whyte – Tram Project - Leith Walk – for answer by the Convener of the Transport and Environment Committee | 177 - 178 |

Nick Smith

Service Director, Legal and Assurance

Information about the City of Edinburgh Council

The City of Edinburgh Council consists of 63 Councillors and is elected under proportional representation. The City of Edinburgh Council usually meets once a month and the Lord Provost is the Convener when it meets.

This meeting of the City of Edinburgh Council is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Gavin King, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4239, email gavin.king@edinburgh.gov.uk.

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Minutes

The City of Edinburgh Council

Edinburgh, Thursday 26 August 2021

Present:-

LORD PROVOST

The Right Honourable Frank Ross

COUNCILLORS

Robert C Aldridge
Scott Arthur
Gavin Barrie
Eleanor Bird
Chas Booth
Claire Bridgman
Mark A Brown
Graeme Bruce
Steve Burgess
Lezley Marion Cameron
Jim Campbell
Kate Campbell
Mary Campbell
Maureen M Child
Nick Cook
Gavin Corbett
Cammy Day
Alison Dickie
Denis C Dixon
Phil Duggart
Karen Doran
Scott Douglas
Catherine Fullerton
Neil Gardiner
Gillian Gloyer
George Gordon
Ashley Graczyk
Joan Griffiths
Ricky Henderson
Graham J Hutchison

Andrew Johnston
David Key
Callum Laidlaw
Kevin Lang
Lesley Macinnes
John McLellan
Amy McNeese-Mechan
Adam McVey
Claire Miller
Max Mitchell
Joanna Mowat
Rob Munn
Gordon J Munro
Hal Osler
Ian Perry
Susan Rae
Alasdair Rankin
Lewis Ritchie
Cameron Rose
Neil Ross
Jason Rust
Stephanie Smith
Alex Staniforth
Mandy Watt
Susan Webber
Iain Whyte
Donald Wilson
Norman J Work
Ethan Young
Louise Young

1 Motion by Councillor Osler – Action on Flooding

a) Deputation – Easter Drylaw Drive Residents Group

A written deputation was presented on behalf of Easter Drylaw Residents Group.

The deputation was concerned at the damage the flooding had brought to their properties inside and out which had a major impact on their lives and mental well being. They indicated that in regard to flash flooding it seemed that climate change was also an issue.

The deputation noted that major works had commenced within the Craigleith area due to residents being subjected to similar problems and asked if provision could be made within the Council budget to help in their area which was of a smaller scale than Craigleith.

b) Deputation – EH4 Residents Association

The deputation expressed concern at the summers storms which caused sewage surcharges into their properties and with the high water pressure during those times the water was unable to go back down the drainage pipes. They stressed that water was being forced through manholes in the street and into into internal sinks.

The deputation felt powerless to stop the water from infiltrating their properties and urged the Council to work with Scottish Water to find a solution to the problem which could include soak away tanks.

c) Deputation – Owners and Residents of Queens Court, Blackhall

The deputation indicated that Queens Court had been the subject of immense flooding in recent years following exceptionally heavy rain and thunder showers in the area. These occurrences had happened in recent times in June 2019, August 2020 and more recently in July 2021. On each of these recent occasions the drainage system flowing under the development grounds had been under immense pressure of water, resulting in the drains situated within the development having their lids blown off with the overflow of water and sewerage saturating the grounds and entering the apartments situated on the lower (garden) level and communal areas (ie Residents Lounge and Guest Suite) also sited on that level. The level of resulting contamination from these floods had been significant and caused potential extreme health hazards, requiring action by Scottish Water to decontaminate the grounds on several occasions.

The deputation felt that the Council needed to take full responsibility to ensure that measures were put in place urgently to improve the drainage system flowing through the grounds of Queen's Court to prevent further flooding in the area, and to endorse Councillor Osler's motion regarding action on flooding.

d) Deputation – Eildon Street Residents Association

A written deputation was presented on behalf of Eildon Street Residents Association.

The deputation indicated that they had recently suffered several basement property flooding incidents which had caused severe emotional and financial harm to an increasing number of residents. They felt that in view of the likelihood of more flooding incidents in years to come, the support and involvement of the Council in finding a solution to this traumatic situation would be welcomed.

e) Deputation – Craigleith Flooding

The deputation indicated that in August 2020 three homes had been very badly flooded with water coming in through doors and walls at the front and backs of the houses and in through airbricks and up through the floors. There had been dirty water sitting above skirting board height across the whole ground floor of each of the houses.

The deputation stressed that the impact that this event has had on all three households involved was hard to set out and that the initial shock of seeing the water in their homes, being powerless to do anything to stop or alleviate the damage and not knowing what the ultimate consequences would be, had been distressing.

The deputation felt that their situation justified public investment and assistance.

f) Deputation – Craigleith/Blackhall Community Council

The deputation indicated that the significant amount of rain falling in a short period which had occurred annually over the last 3 years - 2019, 2020, 2021 had led to major disruption, roads impassible for a period, debris left on the road and pavements. For some unfortunate residents their properties were affected. Queensferry Road/Hillhouse Road flooded wall to wall during the recent floods in July 2021 and some residents had been affected by not only rainfall, but also foul sewage mixed with the floodwater

The deputation felt that the Council needed to be more pro-active giving greater priority to maintaining existing infrastructure such as gully drains,

roads and pavements and that it was unrealistic to expect residents to report all blocked gully drains.

They urged the Council to identify problem areas where early action to upgrade the drainage system was required to accommodate increased rainfall and that a more pro-active approach was essential, equal to the priority being given to other Council policies.

g) Deputation – Residents of Egypt Mews

The deputation expressed concern at the number of flooding incidents they had suffered over the last 30 years and particularly on 11/12 August 2020 when floodwater entered homes, caused a car to be written off, and seriously damaged driveways.

The deputation strongly supported the motion asking for adequate funding to support the transition from risk assessment to implementation of risk management for Edinburgh.

The deputation was particularly concerned at the ability of the capacity of existing drainage infrastructure to cope with any additional water load resulting from future developments on the Astley Ainslie Hospital site. While this was a very local issue, they believed similar concerns would apply to other areas in Edinburgh vulnerable to flooding.

h) Deputation – Polwarth Local Residents

A written deputation was presented on behalf of Polwarth Local Residents.

The deputation indicated that there had been repeated flooding to properties in Polwarth Grove for the last 12 years, however, on 11 August 2020 they had suffered the worst flooding so far. Seven properties in Polwarth Grove had been impacted with thousands of pounds of damage to buildings and gardens. Luckily no one was killed or injured.

The deputation indicated that the flooding re-occurred in early July 2021 and felt that the disaster and damage to their houses could have been avoided if the council had properly addressed their repeated requests over recent years to address the underlying problem of insufficient and non-working drains to manage surface water.

The deputation asked the Council for a co-ordinated city-wide approach by the Council, Scottish Water and SEPA via the Edinburgh and Lothians Strategic Drainage Partnership to implement the objectives of the Water Management plan.

i) Deputation – Greenhill Place Residents

The deputation indicated that following the flooding in August, Scottish Water had carried out a survey in their area but the residents were still unaware of the details of the outcome. Nothing had been heard from the City of Edinburgh Council addressing the problem of flooding which they felt had been exacerbated by the gross failure of the Council for a considerable period of time to clear the roadway and gutters of leaves, mud and debris.

The deputation urged the Council to allocate the necessary funds to ensure necessary improvements were made for protection against flooding and there was an appropriate maintenance schedule in place to ensure gutters and drains were kept clear. They asked the Council to liaise with Scottish Water on steps to be taken concerning the sewers to avoid a repeat of flooding which was becoming more frequent.

j) Motion by Councillor Osler

The following motion by Councillor Osler was submitted in terms of Standing Order 17:

“Council notes:

- 1) Notes the torrential rainfall witnessed in July 2021 which resulted in serious localised flooding including areas of Blackhall, Comely Bank, Craigleith, Drylaw, Inverleith, Stockbridge and Warriston.
- 2) Thanks the efforts of Council officers, the emergency services and local residents who worked to support local communities which were affected.
- 3) Notes the Vision for Water Management as approved Transport and Environment Committee in November 2020 which recognised how occurrences of extreme rainfall events will rise as a result of climate change, and that a progress report on the Vision is due later this year.
- 4) Notes the collaborative work with Scottish Water and SEPA to address the complex interaction between surface and wastewater and to develop surface water management plans which identify the most critical areas in this city for flooding.
- 5) Remains concerned that continued pressure on local government funding will mean the Council is unable to make the critical improvements which will be necessary to protect communities from future flooding.

- 6) Therefore agrees that the Convener of the Transport and Environment Committee writes to both Cabinet Secretary for Finance and Economy and the Minister for Net Zero, Energy and Transport in order to seek sufficient increased funding to enable the necessary improvements to be made.”

Motion

To approve the motion by Councillor Osler.

- moved by Councillor Osler, seconded by Councillor Lang

Amendment

To add to the motion by Councillor Osler:

- 1) 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.
- 2) 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 Corbett, seconded by Councillor Miller

In accordance with Standing Order 21(12), the amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Osler:

- 1) To note the torrential rainfall witnessed in July 2021 which resulted in serious localised flooding including areas of Blackhall, Comely Bank, Craigleith, Drylaw, Inverleith, Stockbridge and Warriston.
- 2) To thank the efforts of Council officers, the emergency services and local residents who worked to support local communities which were affected.
- 3) To note the Vision for Water Management as approved Transport and Environment Committee in November 2020 which recognised how

occurrences of extreme rainfall events would rise as a result of climate change, and that a progress report on the Vision was due later this year.

- 4) To note the collaborative work with Scottish Water and SEPA to address the complex interaction between surface and wastewater and to develop surface water management plans which identify the most critical areas in this city for flooding.
- 5) To remain concerned that continued pressure on local government funding would mean the Council was unable to make the critical improvements which would be necessary to protect communities from future flooding.
- 6) To therefore agree that the Convener of the Transport and Environment Committee writes to both Cabinet Secretary for Finance and Economy and the Minister for Net Zero, Energy and Transport in order to seek sufficient increased funding to enable the necessary improvements to be made.
- 7) To note 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, seek an update from officers on the scope for an analogous partnership with reference to the Union Canal.
- 8) To note that the arrangements for regional strategic drainage partnership needed to be matched by improved partnership arrangements at an operational level so that multi-faceted flooding problems at hotspots could be tackled across a range of public bodies as appropriate, and so seek an update on work to enable that to happen.

Declaration of Interests

Councillor Corbett declared a non-financial interest in the above item as the Council's Canal Champion.

3 Minutes

Decision

To approve the minute of the Council of 24 June 2021 as a correct record.

4 Leader's Report

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

- Updated Covid status – increase in numbers
- Situation in Afghanistan – accommodation for refugees

The following questions/comments were made:

- | | | |
|-------------------------|----|--|
| Councillor Whyte | - | 2022 Controlled parking zones in the City – Consultation outcomes |
| Councillor Miller | -- | Afghanistan refugees – Funding resources for 3 rd sector organisations |
| Councillor Aldridge | - | Afghanistan refugees |
| | -- | Joseph Rowntree report – UK Government cut of Universal Credit |
| Councillor Day | - | Edinburgh welcoming refugees |
| | - | Senior Officer Appointments and appointment of Sharon Graham as Unite leader |
| Councillor Bird | - | 76 expressions of interest for young people to stand in the election for the Scottish Youth Parliament |
| Councillor Webber | - | Wester Hailes Regeneration – pilot programme costs |
| Councillor Burgess | - | Rrecent report on Climate Change – Council led approach |
| Councillor Louise Young | - | Flooding - communications |
| Councillor Cameron | - | Dame Elizabeth Violet Blackadder - condolences |
| Councillor Gordon | - | Climate declaration before COP |
| Councillor Laidlaw | - | Re-branded Spaces for People programme – creation of driveways |
| Councillor Barrie | - | Afghanistan refugees |
| | - | Affordable housing within the city |
| Councillor Booth | - | Short term lets/holiday lets – planning policy on loss of housing |

- Councillor Bruce - School closures – home schooling P1 – P3 – what additional support will be provided to enable pupils to catch up
- Councillor Fullerton - Government decision to cut Universal Credit uplift
- Councillor Munro - UK Government funding for refugees
- Scottish Government funding

5 Elected Member Champion – Older People

The Council had appointed elected member champions for a number of roles but currently there was no champion for older people. The Council had been approached by the national charity Age Scotland and the Scottish Older People’s Assembly (SOPA) to establish an Older People’s Champion.

Motion

- a) To appoint Councillor Fullerton as Older People’s Champion.
- b) To note a review of the role of elected member champions would be carried out with findings and recommendations presented to Council, following the local government elections in 2022.

- moved by Councillor McNeese-Mechan, seconded by Councillor Doran

Amendment

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

- moved by Councillor Mowat, seconded by Councillor Doggart

Voting

The voting was as follows:

- For the motion - 42 votes
- For the amendment - 17 votes

(For the motion: The Lord Provost, Councillors Aldridge, Arthur, Barrie, Bird, Booth, Bridgman, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gloyer, Gordon, Graczyk, Griffiths,

Henderson, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Staniforth, Watt, Wilson, Work, Ethan Young and Louise Young.

For the amendment: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

Decision

To approve the motion by Councillor Fullerton.

(References – Act of Council No 8 of 29 June 2017; report by the Executive Director of Corporate Service, submitted.)

Declaration of Interests

Councillor Corbett declared a non-financial interest in the above item as the Council's Canal Champion

6 Review of Political Management Arrangements

In response to the Covid-19 emergency; specifically, to establish quick and agile decision making, manage the pressure on staff, and prioritise frontline services; interim political management arrangements had been implemented. Arrangements had been reviewed at regular and appropriate points during this period.

Details were provided on proposed meeting arrangements to carry out Council and Committee business going forward.

Motion

- 1) To note that physical meetings of executive committees would re-commence with the Policy and Sustainability Committee on 5 October 2021.
- 2) To agree that meetings of the City of Edinburgh Council would continue to be virtual until the Council removed the physical distancing requirement in its buildings.
- 3) To delegate authority to the Chief Executive, in consultation with relevant Conveners and Vice-Conveners, to agree an appropriate time to reinstate physical Other Committees and Sub-Committees (as set out in the Committee Terms of Reference and Delegated Functions) including quasi-judicial meetings, following the successful implementation of physical executive committees.

- 4) To delegate authority to the Proper Officer, in consultation with the relevant Convener, to determine whether a hybrid meeting should revert to being remote only in situations where the numbers of members attending virtually meant that it was impractical to run and support the meeting effectively.

- moved by Councillor McVey, seconded by Councillor Day

Amendment 1

- 1) To note that physical meetings of executive committees would re-commence with the Policy and Sustainability Committee on 5 October 2021.
- 2) To agree that meetings of the City of Edinburgh Council would continue to be virtual until the Council removed the physical distancing requirement in its buildings.
- 3) To delegate authority to the Chief Executive, in consultation with relevant Conveners and Vice-Conveners, to agree an appropriate time to reinstate physical Other Committees and Sub-Committees (as set out in the Committee Terms of Reference and Delegated Functions) including quasi-judicial meetings, following the successful implementation of physical executive committees.
- 4) To delegate authority to the Proper Officer, in consultation with the relevant Convener, to determine whether a hybrid meeting should revert to being remote only in situations where the numbers of members attending virtually meant that it was impractical to run and support the meeting effectively.
- 5) To develop guidance on when hybrid meetings should revert to being remote to ensure consistency in how meetings were held across the Council.

- moved by Councillor Mowat, seconded by Councillor Webber

Amendment 2

To ensure that all political parties were represented in discussions on the return of physical meetings, to insert, at paragraph 3 of the motion by Councillor McVey;

“and Group leaders” after “Vice-Conveners”.

In accordance with Standing Order 21(12), Amendments 1 and 2 were accepted as addendums to the motion

Decision

To approve the following adjusted motion by Councillor McVey:

- 1) To note that physical meetings of executive committees would re-commence with the Policy and Sustainability Committee on 5 October 2021.
- 2) To agree that meetings of the City of Edinburgh Council would continue to be virtual until the Council removed the physical distancing requirement in its buildings.
- 3) To delegate authority to the Chief Executive, in consultation with relevant Conveners, Vice-Conveners and Group Leaders, to agree an appropriate time to reinstate physical Other Committees and Sub-Committees (as set out in the Committee Terms of Reference and Delegated Functions) including quasi-judicial meetings, following the successful implementation of physical executive committees.
- 4) To delegate authority to the Proper Officer, in consultation with the relevant Convener, to determine whether a hybrid meeting should revert to being remote only in situations where the numbers of members attending virtually meant that it was impractical to run and support the meeting effectively.
- 5) To develop guidance on when hybrid meetings should revert to being remote to ensure consistency in how meetings were held across the Council.

(Reference – report by the Executive Director of Corporate Services, submitted.)

7 The Scheme of Delegation

Details were provided on proposed amendments to the Scheme of Delegation to Officers in relation to the delegated powers to proper officers

Decision

- 1) To repeal the Scheme of Delegation to Officers and approve in its place Appendix one to the report by the Executive Director of Corporate Services, such repeal and approval to take place from 27 August 2021.
- 2) To designate the proper officer functions noted in paragraph 4.3 of the report currently appointed to the Chief Executive to the Service Director, Legal and Assurance from 27 August 2021.

(Reference - report by the Executive Director of Corporate Service, submitted.)

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

Details were provided on the Council's proposed draft response to the Ethical Standards Commissioner's consultation on the Strategic Plan 2021-24.

Decision

- 1) To note an extension period had been agreed with the Acting Ethical Standards Commissioner to allow consideration of the consultation at Council.
- 2) To agree the proposed Council response to the consultation at Appendix 1 to the report by the Executive Director of Corporate Services.
- 3) To add to Edinburgh's consultation response:
 - a) To note 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.
 - b) 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.

(Reference: report by the Executive Director of Corporate Services, submitted.)

9 Rolling Actions Log

Details were provided on the outstanding actions arising from decisions taken by the Council from May 2015 to June 2021.

Decision

- 1) To agree to close the following Actions:
 - Action 3** - Climate Change Impact and Management - Motion by Councillor Macinnes
 - Action 4** - 1140 Hours Provision of Early Learning and Childcare – Motion by Councillor Laidlaw

Action 5 - Community Councils - Motion by Councillor Rae

Action 7 - Year of Childhood – Motion by Councillor Dickie

Action 8 - CEC Legal Challenge – Motion by Councillor Rose

2) To otherwise note the Rolling Actions Log.

(Reference – Rolling Actions Log, submitted)

10 Report in Relation to a Legal Case

Order of Business - Resolution to consider in private

The following motion by Councillor Whyte was submitted in terms of Standing Order 17:

“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 Whyte, seconded by Councillor Jim Campbell

Decision

To continue consideration of the matter to the next meeting of the Council for further clarification on the private elements of the report at b) on the agenda.

(References – Act of Council No 14 of 24 June 2021: reports (2) by the Service Director: Legal and Assurance and Council Monitoring Officer, submitted.)

11 Treasury Management - Annual Report 2020/21 – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on Treasury Management activity in 2020/21 to the City of Edinburgh Council for approval.

Decision

To approve the Annual Report on Treasury Management for 2020/21.

(References - Finance and Resources Committee of 12 August 2021 (item 11); referral from the Finance and Resources Committee, submitted.)

12 Revenue Monitoring 2020/21 – Outturn Report – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report on Revenue Monitoring 2020/21 – outturn report to the City of Edinburgh Council for approval of a contribution of up to £21,660 to support the Edinburgh Boundaries Extension and Tramways Act 1920 Centennial commemorations.

Decision

To approve of a contribution of up to £21,660 to support the Edinburgh Boundaries Extension and Tramways Act 1920 Centennial commemorations:

(References – Finance and Resources Committee of 12 August 2021 (item 7); referral from the Finance and Resources Committee, submitted.)

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

The Transport and Environment Committee had referred a report on the Strategic Review of Parking – Results of Phase 2 Consultation and General Update to the Council for consideration

Motion

- 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) To note that the report formed the second part of a city-wide strategic review of parking being conducted in 4 different stages and previously approved in 2018.

- 3) To note the degree of consultation and engagement which had taken place and the consultation results for the Phase 2 schemes.
- 4) To request officers undertake further engagement with resident's groups and other local stakeholders, such as community Councils, on the final designs for Phase 2.
- 5) To request an additional report in Autumn 2022 at the latest (including feedback on the implementation on phase 1) to allow Committee to review the designs for the TRO process for Phase 2 schemes following the engagement set out in 4) above and prior to a traffic order being issued. These designs should be consistent with the implementation of the pavement parking ban.
- 6) To note the intention to further defer consideration of the Stadiums Review, as detailed in the report.
- 7) To approve the setting of charges related to permits and pay-and-display as detailed in Appendix 4 of the report.
- 8) To note the details in Appendix 5 to the report, which outlined the progress made since the previous report in January 2021.
- 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 Macinnes, seconded by Councillor Doran

Amendment 1

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

- 3) Consider 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.
- 4) To believe that further consultation and delaying a decision until next year needlessly drew out the process when residents had already made their views clear.
- 5) To therefore, agree not to proceed with the implementation of parking controls in the Phase 2 area.
- 6) To ask that officers now progress with the stadium review as a priority in order to address long-standing concerns regarding the significant impact large events had on parking in the vicinity of stadiums.

- moved by Councillor Hutchison, seconded by Councillor Douglas

Amendment 2

- 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;
- 8) 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.

- 9) 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 Miller, seconded by Councillor Corbett

Amendment 3

- 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) To respect the clear views expressed during the consultation, regret that it failed to offer residents the option of more nuanced local solution to parking pressures, and agree not to proceed with the legal process to introduce parking controls into the areas covered by the phase 2 proposals.
- 3) To note the intention to further defer consideration of the Stadiums Review, as detailed in the report.
- 4) To note the details in appendix 5 to the report, which outlined the progress made since the previous report in January 2021.

- moved by Councillor Lang, seconded by Councillor Gloyer

Voting

First Vote

The voting was as follows:

For the Motion	-	27 votes
For Amendment 1	-	17 votes
For Amendment 2	-	8 votes
For Amendment 3	-	8 votes

(For the Motion: Lord Provost, Councillors Arthur, Bird, Cameron, Kate Campbell, Child, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Griffiths, Henderson, Key, Macinnes, McNeese-Mechan, McVey, Munn, Munro, Perry, Rankin, Watt, Wilson, Work and Ethan Young.

For Amendment 1: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.

For Amendment 2: Councillors Booth, Burgess, Mary Campbell, Corbett, Graczyk, Miller, Rae and Staniforth.

For Amendment 3: Councillors Aldridge, Barrie, Bridgman, Gloyer, Lang, Osler, Neil Ross and Louise Young.)

There being no overall majority, and having 3 votes for Amendment 2 and 3 votes for Amendment 3, the Lord Provost gave his casting vote for Amendment 2, therefore Amendment 3 fell and a second vote was taken between the Motion and Amendments 1 and 2.

Second Vote

The voting was as follows:

For the Motion	-	27 votes
For Amendment 1	-	25 votes
For Amendment 2	-	8 votes

(For the Motion: Lord Provost, Councillors Arthur, Bird, Cameron, Kate Campbell, Child, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Griffiths, Henderson, Key, Macinnes, McNeese-Mechan, McVey, Munn, Munro, Perry, Rankin, Watt, Wilson, Work and Ethan Young

For Amendment 1: Councillors Aldridge, Barrie, Bridgman, Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Gloyer, Hutchison, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Rose, Neil Ross, Rust, Smith, Webber, Whyte and Louise Young.

For Amendment 2: Councillors Booth, Burgess, Mary Campbell, Corbett, Graczyk, Miller, Rae and Staniforth.)

There being no overall majority, Amendment 2 fell and a third vote was taken between the Motion and Amendment 1.

Third Vote

The voting was as follows:

For the Motion	-	35 votes
For Amendment 1	-	25 votes

(For the Motion: Lord Provost, Councillors Arthur, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Graczyk, Griffiths, Henderson, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Perry, Rae, Rankin, Staniforth, Watt, Wilson, Work and Ethan Young.)

For Amendment 1: Councillors Aldridge, Barrie, Bridgman, Brown, Bruce, Jim Campbell, Cook, Daggart, Douglas, Gloyer, Hutchison, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Rose, Neil Ross, Rust, Smith, Webber, Whyte and Louise Young.)

Decision

To approve the motion by Councillor Macinnes.

(References - Transport and Environment of 19 August 2021; referral from the Transport and Environment Committee, submitted.)

Declaration of Interests

Councillors Bird, Gardiner, Gordon, McNeese-Mechan, McVey, Mowat, Munn and Whyte declared a non-financial interest in the above item as residents of one of the areas affected by the proposed changes.

14 Reform of Transport Arm's Length External Organisations— referral from the Transport and Environment Committee

The Transport and Environment Committee had referred a report on the reform of Transport Arm's Length External Organisations to the City of Edinburgh Council for consideration.

Motion

- 1) To note the considerations of the short life working group, including the options for reform.
- 2) To agree to progress with the reforms to the Transport Arm's Length External Organisation (ALEO) structure, as set out in paragraphs 4.20 – 4.25 of the report by the Executive Director of Place.
- 3) To request updates as implementation moved forward.

- moved by Councillor Macinnes, seconded by Councillor Doran

Amendment 1

- 1) To consider that the report was not clear on how the proposed new structure would deliver on the stated principles.
- 2) To note that the rolling of transport ALEOs into Lothian Buses appeared to be a backward step and was not consistent with the Council's recent approach to transport ALEOs.
- 3) To note the considerations of the short life working group, including the options for reform.
- 4) To therefore instruct 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 Whyte, seconded by Councillor Mowat

Amendment 2

- 1) To note the considerations of the short life working group, including the options for reform.
- 2) To agree not to progress with the reforms to the Transport Arm's Length External Organisation (ALEO) structure, as set out in paragraphs 4.20 – 4.25 of the report by the Executive Director of Place.;

- moved by Councillor Lang, seconded by Councillor Neil Ross

Voting

The voting was as follows:

For the Motion	-	36 votes
For Amendment 1	-	17 votes
For Amendment 2	-	6 votes

(For the Motion: Lord Provost, Councillors Arthur, Barrie, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Graczyk, Griffiths, Henderson, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Perry, Rae, Rankin, Staniforth, Watt, Wilson, Work and Ethan Young.

For Amendment 1: Councillors Brown, Bruce, Jim Campbell, Cook, Daggart, Douglas, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.

For Amendment 2: Councillors Aldridge, Gloyer, Lang, Osler, Neil Ross and Louise Young.)

Decision

To approve the motion by Councillor Macinnes.

(References: Transport and Environment of 19 August 2021; referral from the Transport and Environment Committee, submitted.)

Declaration of Interests

Councillor Bridgman declared a non-financial interest in the above item as the wife of a bus driver and took no part in consideration of this item.

Councillors Doran, Laidlaw and Miller declared a non-financial interest in the above item as members of Transport for Edinburgh.

Councillor Macinnes declared a non-financial interest in the above item as Chair of Transport for Edinburgh.

15 Drainage – Motion by Councillor Mowat

The following motion by Councillor Mowat was submitted in terms of Standing Order 17:

“Council:

Council notes that motions from Councillors in August 2020 and August 2013 have asked officers to engage with Scottish Water and then report back as to how flooding in the event of heavy rainfall can be mitigated. Is concerned that after flooding in similar areas of the city which have, in some cases, affected the same homes and businesses.

Further notes that a ‘Vision for Water Management’ was reported to the Transport and Environment Committee in November 2020. While accepting this is a useful vision statement, considers that Council needs to be better informed of the issues around flooding events in Edinburgh to enable Members to respond to the concerns of residents and businesses, and better represent those interests in Council decision making and with other organisations.

Therefore, calls for in 1 cycle:

A report of engagement activity with Scottish Water detailing how the following challenges are being addressed:

Separation of foul water from wastewater:

The survey of the drainage/sewerage system to ascertain where there are blockages, slow draining gullies and to detail what works needs to be done to reduce slow running drains and blocked gullies which lead to localised flooding during spells of heavy rain as agreed in the motion of 2013.

Capacity issues with both the sewerage and drainage system and how this is being addressed.

Road surface design appropriate for intense rainfall events, including camber angles and gully placement and the intelligent use of adjacent surfaces to attenuate flooding and mitigate the risk to property.”

Motion

To approve the motion by Councillor Mowat.

- moved by Councillor Mowat, seconded by Councillor Webber

Amendment

To delete:

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

And replace 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 Macinnes, seconded by Councillor Doran

In accordance with Standing Order 21(12), the amendment was accepted as an amendment to the motion.

Decision

To approve the following adjusted motion by Councillor Mowat:

- 1) To note that motions from Councillors in August 2020 and August 2013 had asked officers to engage with Scottish Water and then report back as to how flooding in the event of heavy rainfall could be mitigated. Was concerned that after flooding in similar areas of the city which had, in some cases, affected the same homes and businesses.
- 2) To further note that a 'Vision for Water Management' was reported to the Transport and Environment Committee in November 2020. While accepting this was a useful vision statement, consider that Council needed to be better informed of the issues around flooding events in Edinburgh to enable Members to respond to the concerns of residents and businesses, and better represent those interests in Council decision making and with other organisations.
- 3) To therefore, call 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:

Separation of foul water from wastewater:

The survey of the drainage/sewerage system to ascertain where there were blockages, slow draining gullies and to detail what works needed to be done to reduce slow running drains and blocked gullies which lead to localised flooding during spells of heavy rain as agreed in the motion of 2013.

Capacity issues with both the sewerage and drainage system and how this was being addressed.

Road surface design appropriate for intense rainfall events, including camber angles and gully placement and the intelligent use of adjacent surfaces to attenuate flooding and mitigate the risk to property.

16 Creating a Safer First and Last Mile Journey for Women and Girls – Motion by Councillor Osler

The following motion by Councillor Osler was submitted in terms of Standing Order 17:

“Council:

- acknowledges the importance of ensuring women and girls can travel safely in Edinburgh including through our open spaces,
- recognises ‘Safe Cities and Safe Public Spaces’ is one of the core partnership initiatives in action used by UN Women (of the United Nations) to achieve its 2018 – 2021 strategic plan objective of more cities and other settings having safe and empowering public spaces for women and girls,
- notes Atkins’ ‘Get Home Safe’ which calls on transport planners and urban designers to take action to create safer first and last mile journeys for women, and recommends: improving visibility through low to the ground planting and vegetation and removal of walls and barriers; active building frontages to provide ‘eyes on the street’; and providing emergency contact and digital wayfinding apps, and
- calls for a report to be submitted to Transport and Environment Committee within two cycles on the benefits of adopting such recommendations and on how safety for women should be improved, notably in our parks and open spaces.”

Motion

To approve the motion by Councillor Osler.

- moved by Councillor Osler, seconded by Councillor Gloyer

Amendment 1

To delete the last paragraph of Councillor Osler’s motion and replace 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 Watt, seconded by Councillor McNeese-Mechan

Amendment 2

To add to the end of the motion by Councillor Osler:

“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 Miller, seconded by Councillor Rae

In accordance with Standing Order 22(12), Amendments 1 and 2 were accepted as amendments to the motion.

Decision

To approve the following adjusted motion by Councillor Osler:

- 1) To acknowledge the importance of ensuring women and girls can travel safely in Edinburgh including through our open spaces.
- 2) To recognise ‘Safe Cities and Safe Public Spaces’ was one of the core partnership initiatives in action used by UN Women (of the United Nations) to achieve its 2018 – 2021 strategic plan objective of more cities and other settings having safe and empowering public spaces for women and girls.
- 3) To note Atkins’ ‘Get Home Safe’ which called on transport planners and urban designers to take action to create safer first and last mile journeys for women, and recommended: improving visibility through low to the ground planting and vegetation and removal of walls and barriers; active building frontages to provide ‘eyes on the street’; and providing emergency contact and digital wayfinding apps.
- 4) To welcome the motion by Councillor Osler and ask 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.
- 5) To note that violence against women and girls was ultimately caused by perpetrators, and that the responsibility for violence therefore lay with those perpetrators, however to recognise that in this context Council could and should take action to make spaces safer whilst working towards an end to violence against women and girls..

17 Enterprise Car Club - Motion by Councillor Neil Ross

The following motion by Councillor Neil Ross was submitted in terms of Standing Order 17:

“Council:

- 1) Notes the recognition within the City Mobility Plan on the importance of the city car club scheme towards meeting the Council’s transport goals, and the commitment within the plan to strengthen partnerships with car sharing partners.
- 2) Agrees that the car club scheme has an important role in addressing congestion and on-street parking capacity by encouraging shared car usage and a reduction in private car ownership.
- 3) Notes that while the Council’s website hosts a map of car club locations and a link to the Enterprise Car Club website, it does not provide a clear process for people to suggest or request new car club locations.
- 4) Agrees that officers should follow the example of the Cyclehoop scheme, where residents are able to suggest new locations, and create a system to allow residents to suggest new sites for car club spaces.
- 5) Requests that such a system be put in place and reported to the Transport and Environment Committee within two cycles.”

Motion

To approve the motion by Councillor Neil Ross.

- moved by Councillor Neil Ross seconded by Councillor Osler

Amendment

To delete points 4 and 5 of the motion by Councillor Neil Ross and replace with:

- 4) To note the contract with Enterprise Car Club was to be extended for a further 12 months and that discussions were exploring how to better facilitate requests for new Car Club locations from customers, residents’ and businesses across the city. These discussions included 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. To request that the improvements agreed in the contract extension be reported to the Transport and Environment Committee upon agreement.

- moved by Councillor Macinnes, seconded by Councillor Doran

In accordance with Standing Order 22(12), the motion was adjusted and the amendment adjusted and accepted as an amendment to the motion.

Decision

To approve the following adjusted motion by Councillor Neil Ross:

- 1) To note the recognition within the City Mobility Plan on the importance of the city car club scheme towards meeting the Council's transport goals, and the commitment within the plan to strengthen partnerships with car sharing partners.
- 2) To agree that the car club scheme had an important role in addressing congestion and on-street parking capacity by encouraging shared car usage and a reduction in private car ownership.
- 3) To note that while the Council's website hosted a map of car club locations and a link to the Enterprise Car Club website, it did not provide a clear process for people to suggest or request new car club locations.
- 4) To agree that officers should follow the example of the Cyclehoop scheme, where residents were able to suggest new locations, and create a system to allow residents to suggest new sites for car club spaces.
- 5) To note the contract with Enterprise Car Club was to be extended for a further 12 months and that discussions were exploring how to better facilitate requests for new Car Club locations from customers, residents' and businesses across the city. These discussions included 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. To request that the improvements agreed in the contract extension be reported to the Transport and Environment Committee upon agreement.

Declaration of Interests

Councillor Aldridge declared a non-financial interest in the above item as a member of the Enterprise Car Club.

18 Goldenacre Steps - Motion by Councillor Mitchell

The following motion by Councillor Mitchell was submitted in terms of Standing Order 17:

“Council:

- 1) Notes that the Goldenacre Steps form part of the adopted network under ‘City Development’.
- 2) Acknowledges that the ‘City Development’ account is now obsolete, requires to be updated and officially transferred to an existing department and team.
- 3) Therefore agrees that the Executive Director of Place shall prepare a report for the next meeting of the Transport and Environment Committee which will include:
 - a) A list of the existing adopted network remaining under ‘City Development’.
 - b) A transfer of the remaining ‘City Development’ network to appropriate department teams.
 - c) Any referrals of the report to appropriate committees.”

Motion

To approve the motion by Councillor Mitchell.

- moved by Councillor Mitchell, seconded by Councillor Jim Campbell

Amendment

To delete point 3 of the motion by Councillor Mitchell and replace 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 Macinnes, seconded by Councillor Doran

In accordance with Standing Order 22(12), the amendment was accepted as an amendment to the motion.

Decision

To approve the following adjusted motion by Councillor Mitchell:

- 1) To note that the Goldenacre Steps formed part of the adopted network under 'City Development'.
- 2) To acknowledge that the 'City Development' account was now obsolete, required to be updated and officially transferred to an existing department and team.
- 3) To therefore agree that the Director of Place should resolve any outstanding issues preventing the effective repair and maintenance of the Goldenacre Steps and any other affected areas and update the Transport and Environment Committee of this resolution in the business bulletin within one cycle.

17 Platinum Jubilee Holiday – June 2022 - Motion by Councillor Laidlaw

The following motion by Councillor Laidlaw was submitted in terms of Standing Order 17:

“Council:

- 1) Notes that to celebrate HM The Queen’s Platinum Jubilee the UK government has announced a special four-day bank holiday weekend to include Thursday 2nd June and Friday 3rd June 2022.
- 2) Recognises the momentous occasion of Her Majesty celebrating 70 years of serving her country and Commonwealth and that this will be the first time any British monarch has celebrated a platinum jubilee.
- 3) Notes the four days will include special celebrations and festivities including public and community events.
- 4) Recognises that Edinburgh, as Scotland’s capital and the site of Her Majesty’s official residence in Scotland, will play a key part in these celebrations.
- 5) Notes that currently City of Edinburgh Council offices and libraries are scheduled to be open on existing May public holidays in 2022.
- 6) Notes City of Edinburgh schools are scheduled to be closed on Victoria Day on Monday 23 May 2022.

- 7) Acknowledges that additional public holidays are a fitting reward for the hard-work our employees have undertaken during the pandemic.
- 8) Approves a one-off closure of Council offices and libraries 2 nd and 3rd June 2022 and a two-day holiday for all Council staff; taken in lieu for those who provide essential services over the jubilee holiday weekend.
- 9) Approves closure of schools on 2nd and 3rd June to allow pupils to join their parents in enjoying the celebrations, in lieu of the Victoria Day holiday.”

Motion

To approve the motion by Councillor Laidlaw.

- moved by Councillor Laidlaw seconded by Councillor Rust

Amendment

To delete paragraphs 8 and 9 of the motion by Councillor Laidlaw and replace with:

- 8) 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 McVey, seconded by Councillor Day

In accordance with Standing Order 22(12), the amendment was accepted as an amendment to the motion.

Decision

To approve the following adjusted motion by Councillor Laidlaw:

- 1) To note that to celebrate HM The Queen’s Platinum Jubilee the UK government had announced a special four-day bank holiday weekend to include Thursday 2nd June and Friday 3rd June 2022.
- 2) To recognise the momentous occasion of Her Majesty celebrating 70 years of serving her country and Commonwealth and that this would be the first time any British monarch had celebrated a platinum jubilee.
- 3) To note the four days would include special celebrations and festivities including public and community events.
- 4) To recognise that Edinburgh, as Scotland’s capital and the site of Her Majesty’s official residence in Scotland, would play a key part in these celebrations.

- 5) To note that currently City of Edinburgh Council offices and libraries were scheduled to be open on existing May public holidays in 2022.
- 6) To note City of Edinburgh schools were scheduled to be closed on Victoria Day on Monday 23 May 2022.
- 7) To acknowledge that additional public holidays were a fitting reward for the hard-work our employees have undertaken during the pandemic.
- 8) To request 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.

18 Council Condemns Homophobic Attack - Motion by Councillor Staniforth

The following motion by Councillor Staniforth was submitted in terms of Standing Order 17:

- "1) Council condemns the homophobic attack that occurred on Leith Street on the evening of Friday 27th July.
- 2) Council reaffirms that Edinburgh Council will work to ensure that Edinburgh is an inclusive city in which all people feel safe regardless of their sexuality, gender identity, race or any other protected characteristic.
- 3) Council affirms that as the city opens up and comes out of Covid regulations everyone has a right to enjoy those freedoms without fear of harassment or assault."

Motion

To approve the motion by Councillor Staniforth

- moved by Councillor Staniforth, seconded by Councillor Rae

Amendment

To add to the motion by Councillor Staniforth:

- 4) 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.

In accordance with Standing Order 21(12), the amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Staniforth:

- 1) To condemn the homophobic attack that occurred on Leith Street on the evening of Friday 27th July.
- 2) To reaffirm that Edinburgh Council would work to ensure that Edinburgh was an inclusive city in which all people felt safe regardless of their sexuality, gender identity, race or any other protected characteristic.
- 3) To affirm that as the city opened up and came out of Covid regulations everyone had a right to enjoy those freedoms without fear of harassment or assault.
- 4) Council was proud of LGBT+ community and their positive contribution to society and the economy in Edinburgh and to note the ongoing work with LGBT and other partners to promote LGBT community in our Capital city.

19 Fossil Fuel Non Proliferation Treaty - Motion by Councillor Burgess

The following motion by Councillor Burgess was submitted in terms of Standing Order 17:

“This Council;

- 1) Notes that the recent report from the United Nations Intergovernmental Panel on Climate Change (IPCC), has been described as ‘a code red for humanity’ by the Secretary General of the United Nations;
- 2) Notes the latest IPCC report reaffirms the vital need for rapid and significant reduction of climate-changing pollution;
- 3) Notes that the UN Paris Climate Agreement is largely silent with respect to the supply and production of fossil fuels - coal, oil and gas – the largest source of climatechanging pollution;
- 4) Notes that global governments and the fossil fuel industry are currently planning to produce an estimated 120% more emissions by 2030 than what is needed to limit warming to 1.5°C and avert catastrophic climate disruption, and that this risks undermining global efforts to reduce climatechanging pollution;

- 5) Notes that the economic opportunities presented by a clean energy transition far outweigh the opportunities presented by an economy supported by expanding fossil fuel use and extraction;
- 6) Believes that Scotland should be committed, as part of our Climate Emergency response, to a just energy transition and to ambitious investments in green infrastructure and industries that will create jobs and rapidly decarbonize our economy;
- 7) Recognises the global initiative underway calling for a ‘Fossil Fuel Non-Proliferation Treaty’ aimed at ending new fossil fuel exploration and expansion, phasing out existing production in line with the global commitment to limit warming to 1.5°C, and accelerating equitable transition plans;
- 8) Notes that other leading cities including Barcelona, Toronto, Los Angeles and Sydney have endorsed the call for a Fossil Fuel Non-Proliferation Treaty;
- 9) Therefore endorses the call for a Fossil Fuel NonProliferation Treaty and urges the Scottish Government to support this initiative.”

Motion

To approve the motion by Councillor Burgess.

- moved by Coucillor Burgess, seconded by Councillor Miller

Amendment 1

To delete paragraph 9 of the motion by Councillor Burgess and replace with:

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

- moved by Councillor McVey, seconded by Councillor Day

Amendment 2

To take no action on the motion by Councillor Burgess.

- moved by Councillor McLellan, seconded by Councillor Rose

In accordance with Standing Order 21(12), the amendment was accepted as an amendment to the motion.

Voting

The voting was as follows:

For the motion (as adjusted) - 41 votes
For Amendment 2 - 17 votes

(For the Motion (as adjusted): Lord Provost, Councillors Aldridge, Arthur, Barrie, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gloyer, Gordon, Graczyk, Griffiths, Henderson, Key, Lang, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Osler, Perry, Rae, Neil Ross, Staniforth, Watt, Wilson, Work, Ethan Young and Louise Young.

For Amendment 2: Councillors Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Hutchison, Johnston, Laidlaw, McLellan, Mitchell, Mowat, Rose, Rust, Smith, Webber and Whyte.)

Decision

To approve the following adjusted motion by Councillor Burgess:

- 1) To note that the recent report from the United Nations Intergovernmental Panel on Climate Change (IPCC), had been described as ‘a code red for humanity’ by the Secretary General of the United Nations.
- 2) To note the latest IPCC report reaffirmed the vital need for rapid and significant reduction of climate-changing pollution.
- 3) To note that the UN Paris Climate Agreement was largely silent with respect to the supply and production of fossil fuels - coal, oil and gas – the largest source of climatechanging pollution.
- 4) To note that global governments and the fossil fuel industry were currently planning to produce an estimated 120% more emissions by 2030 than what was needed to limit warming to 1.5°C and avert catastrophic climate disruption, and that this risked undermining global efforts to reduce climatechanging pollution.
- 5) To note that the economic opportunities presented by a clean energy transition far outweighed the opportunities presented by an economy supported by expanding fossil fuel use and extraction.
- 6) To believe that Scotland should be committed, as part of our Climate Emergency response, to a just energy transition and to ambitious investments in green infrastructure and industries that would create jobs and rapidly decarbonize the economy.
- 7) To recognise the global initiative underway calling for a ‘Fossil Fuel Non-Proliferation Treaty’ aimed at ending new fossil fuel exploration and

expansion, phasing out existing production in line with the global commitment to limit warming to 1.5°C, and accelerating equitable transition plans.

- 8) To note that other leading cities including Barcelona, Toronto, Los Angeles and Sydney had endorsed the call for a Fossil Fuel Non-Proliferation Treaty.
- 9) To call for a report in two cycles to the Policy and Sustainability Committee setting out the Fossil Fuel Non-Proliferation for the City of Edinburgh Council.

20 Welcoming Afghanistan Refugees - Motion by Councillor McVey

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

The following motion by Councillor McVey was submitted in terms of Standing Order 17, and verbally altered in terms of Standing Order 22.5:

“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 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 formerly locally employed staff, beyond the 20,000 already committed over 5 years.

Notes the funding arrangements for the formerly locally employed staff and agrees the Council leader and officers continue dialogue with UK Minsters 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 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.”

Motion

To approve the motion by Councillor McVey.

- moved by Councillor McVey, seconded by Councillor Day

Decision

To approve the motion by Councillor McVey.

21 The Edinburgh Festival Voluntary Guides Association 75th Anniversary - Motion by Councillor McNeese-Mechan

The following motion by Councillor McNeese-Mechan was submitted in terms of Standing Order 17:

“Council notes:

The roots of the Edinburgh Festival Voluntary Guides Association go back to 1947. That was when Sir John Falconer, the Lord Provost of Edinburgh and the driving force behind the first Edinburgh Festival, appealed for local people to volunteer to run walking tours of the Royal Mile for the many visitors that were expected to attend the Festival. Twelve volunteers stepped forward. The tours, which were advertised in the Festival's official Souvenir Programme, attracted large numbers of visitors and received favourable mentions in the press.

Further volunteers were recruited for the 1948 Festival, at which point the group was officially constituted as the Edinburgh Festival Voluntary Guides Association, with John Bowman, a former City Water Engineer, serving as its first president. In 1998, in order to increase their public profile, they became officially part of the Edinburgh Festival Fringe rather than the International Festival. They have been running tours as part of the International Festival and the Festival Fringe ever since.

Since 2003, the Association has been entirely self-supporting. They receive no public funding of any kind but are, instead, financed by donations and by the charges they make for custom tours outside the Festival season.

In 2013, they were obliged to move their base out of Cannonball House - after 67 years. Thanks to the support of the City of Edinburgh Council, they now use the City Chambers as their meeting point.

In 2019, the Association became part of the Edinburgh's Open Streets project, in which most of the Royal Mile and other streets in the Old Town are closed to traffic – and therefore open to visitors on foot - on one Sunday afternoon each month. These afternoons have provided them with an excellent opportunity to run their tours in a traffic-free environment.

In acknowledging the positive work of the Edinburgh Festival Voluntary Guides Association, Council requests that the Lord Provost, who is the patron of the Association, marks their 75th Anniversary in an appropriate way.”

- moved by the Lord Provost, seconded by Councillor Griffiths

Decision

To approve the motion by Councillor McNeese-Mechan.

22 Great British Sewing Bee Winner – Motion by Councillor Rae

The following motion by Councillor Rae was submitted in terms of Standing Order 17, and verbally altered in terms of Standing Order 22.5:

“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 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.”

Motion

To approve the motion by Councillor Rae.

- moved by the Lord Provost, seconded by Councillor Griffiths

Decision

To approve the motion by Councillor Rae.

23 Questions

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

Appendix 1

(As referred to in Act of Council No 23 of 26 August 2021)

QUESTION NO 1

By Councillor Munro for answer by the Chair of the Edinburgh Integration Joint Board at a meeting of the Council on 26 August 2021

Question (1) When will the EHSCP provide fully costed plans that detail how the care services proposed to replace the loss of residential beds in Edinburgh are workable and affordable?

Answer (1) The business case that we provide to the EIJB sets this out in the financial and workforce planning elements. The financial model includes an allowance for reinvestment in community services and enhancement of current staffing models in our remaining care homes. If the proposals are approved, they will be implemented in a phased approach with set evaluation points to ensure there are no unintended consequences. The bed based care project is one project in a wide scale Transformation programme that aims to revolutionise the way health and social care is provided in Edinburgh in a system wide approach. A number of different projects are underway, contributing to a system wide redesign that will enable the EIJB to shift the balance of care from acute settings into the community, increase community capacity and support people to remain at home.

Question (2) Will these plans include local provision within a city wide context?

Answer (2) Yes, as detailed above there are a number of change projects underway that will, where possible, deliver health and social care services in, or as close to people's homes as possible. The proposals presented to the EIJB will increase intermediate care capacity with facilities located in the north and south of the city. Ultimately it will reduce our HBCCC capacity to be delivered in one facility in the north of the city and will reduce the number of care home beds across the city but, our managed care homes will be in both the north and south of the city. Through delivery of more community based services people will only need to access bed based services when there is no alternative.

Question (3) Will these alternate services replicate the 24 hour care currently provided by staff within Council Care Home provision and can we expect to see an increase in the use of external providers?

Answer (3) The plan sets out that the Bed Based Review is to ensure a modernisation of care provision and that we have the right kind of bed based services. Currently there are too many residential beds and not enough facilities in which to deliver more intensive support and nursing care. In terms of an increase in external care home provision, the balance of this won't change.

As before, there are a range of change activities underway that will increase community capacity, enabling us to deliver health and social care as close to people's homes as possible. Through our modernisation and system wide redesign of services we can provide care, support and choice to our citizens in the most appropriate environment to meet their needs and improve their outcomes.

QUESTION NO 2

**By Councillor Munro for answer by
the Chair of the Edinburgh
Integration Joint Board at a meeting
of the Council on 26 August 2021**

Question

Before any closures or changeovers are implemented will there be a meaningful public consultation, with comments invited from all interested parties, but particularly from residents and their families and those others that are impacted?

Answer

In the progress report submitted for the August EIJB meeting, details on the public consultation process have been provided. Consultation activity will be focussed on the wider bed based strategy and a new model of care to meet the needs of the city's residents. We are currently seeking advice on how to approach the public consultation, once received we will progress as advised.

QUESTION NO 3

**By Councillor Munro for answer by
the Chair of the Edinburgh
Integration Joint Board at a meeting
of the Council on 26 August 2021**

- Question** **(1)** As it was known as far back as 2009 that Clovenstone, Ferrylee, Ford's Road and Jewel House had been deemed not fit for purpose by the Care Inspectorate why was the £15m set aside for the building of a 60 bed care home cut from the budget in February 2021?
- Answer** **(1)** The four older care homes mentioned above are approaching their life expectancy, do not conform to design standards advised by the Care Inspectorate and are not deemed suitable to provide the kind of care required to meet future demand. Capital investment was allocated to the construction of a new facility. However, due to the current fiscal position this amount was reduced by the Council to £2m.
- Question** **(2)** The deletion of the replacement £15m for a 60 bed care home from the Capital budget strategy refers to a requirement to develop a business case "to identify a partially self-funding model to deliver this new facility, requiring a balance of £2 million". Where is this proposal, is it still to be actioned and can detail be provided?
- Answer** **(2)** The EIJB's Chief Officer and management team are working closely with officers from the Council and NHS Lothian in respect of future capital requirements.

QUESTION NO 4

**By Councillor Munro for answer by
the Chair of the Edinburgh
Integration Joint Board at a meeting
of the Council on 26 August 2021**

Question (1) Can improvements be carried out in the Care Homes which would satisfy the report recommendations to make them fit for purpose?

Answer (1) No, from the property assessment completed in 2019 and from previous assessments it was determined that it would not be value for money to refurbish, alter or extend these older properties to meet current minimum standards.

Question (2) What is the cost or estimated cost involved?

Answer (2) Further to the answer provided above, the property assessment suggested it would be even more costly to meet the City of Edinburgh Council's own design and quality criteria and therefore would not be viable.

QUESTION NO 5

**By Councillor Munro for answer by
the Chair of the Edinburgh
Integration Joint Board at a meeting
of the Council on 26 August 2021**

Question (1) If City of Edinburgh Council intend on closing 4 care homes, where is the sense in handing over a fully functioning 60 bed residential care home for a different use by another organisation when demand for placements says otherwise?

Answer (1) The IJB is commissioning care differently and the focus of the Bed Based Review is having the right sort of care and support in the right place to meet the needs of citizens' and improve outcomes. We have too many residential care home beds, the current demand indicates that those who need care home placements have greater needs than we can provide in residential accommodation. We do not have enough intermediate care capacity and we also need to reduce and consolidate the number of HBCCC beds we have across the city. The Bed Based strategy sets out why the IJB is proposing the use of Drumbrae in this way and also why we are strengthening the model of care and support we are commissioning in the remaining care homes. The purpose of Integration is that the resources delegated to the IJB are utilised in an integrated way and it's important that the plans are seen, not as being NHS or Council but as the right integrated approach to meet the population's needs.

Question (2) When City of Edinburgh Council has paid the NHS £16 million for the purchase of Liberton Hospital, why is there no similar financial recompense from the NHS to the Council for the proposed handover over of Drumbrae?

Answer (2) See Answer 1.

Question (3) If money has changed hands, why is not being used for the build of a replacement care home?

Answer (3) Not for the IJB to answer, this question would have to be directed to NHS Lothian.

- Question** **(4)** When did referrals to Drumbrae halt and where, when and who took this decision taken?
- Answer** **(4)** From December 2019, Drumbrae Care Home has been subject to an Improvement notice from the Care Inspectorate which halted all admissions until progress was made to meet the improvements. This initially ran to February 2020 and then was extended until July 2020. The large scale investigation process continued throughout 2020 to ensure improvements were maintained. Also, due to the pandemic situation, care homes were closed to admissions if there were any positive cases. Throughout 2020/21, the Bed Based Review was ongoing and we deemed it morally unacceptable to admit into the care homes where the future of the home is under discussion.

QUESTION NO 6

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Question (1) What is the current status of the review of the city’s bus network, as set out on page 26 of the approved City Mobility Plan?

Answer (1) The review of the city’s bus network is currently at a very early stage and will need to take account of some key priorities including understanding the scale of patronage recovery following the COVID-19 pandemic; the introduction of the Bus Partnership Fund; and planned growth across the city region. This is also a key priority of the proposals for transport arms length organisation reform.

Question (2) What is the timetable for the completion of the review and subsequent report to committee?

Answer (2) There is no fixed timetable for completion of the review and reporting to Committee. This is because it is currently uncertain, particularly because it is not possible to predict how long it will be before the scale of patronage recovery following the COVID-19 pandemic is known.

Question (3) What opportunities exist for bus users, community councils and other stakeholders to contribute to the review?

Answer (3) Stakeholder engagement will be a key part of the review and, once an engagement plan has been developed, this will be shared with stakeholders.

Supplementary Question In her answer to question 1, the Convener stated the review was “at a very early stage”. Can the convener clarify if any work has yet been undertaken and, if so, what?

**Supplementary
Answer**

The commitment to review the city's bus network is embedded in all of the public transport team's work activities.

Current activities include engagement with a variety of stakeholders on the Bus Partnership Fund and Edinburgh City Centre Transformation workstreams, where methodology of determining road use and space hierarchies are being developed.

As part of this, officers have been studying other cities and lessons are being learned from Amsterdam's Plusnet and Ghent's Circulation Plan. Officers have also met with counterparts from Dublin who are working on their BusConnects network review.

QUESTION NO 7

**By Councillor Lang for answer by the
Convener of the Culture and
Communities Committee at a
meeting of the Council on 26 August
2021**

Question (1) How much Scottish Government funding does he expect the Council will receive as a result of the SNP's manifesto pledge to spend £60 million to refurbish all play parks?

Answer (1) City of Edinburgh Council will receive an initial allocation of £414,000 in 2021/22 (of £5m which is being released by Scottish Government in the current financial year). The funding profile for future years has not yet been confirmed.

Question (2) Will this share of funding cover all the anticipated costs of refurbishing play parks maintained by the Council?

Answer (2) The Scottish Government funding so far allocated for play parks will not be sufficient to refurbish all of the Council's play parks. However, the funding will be aligned to the Council's Parks infrastructure investment programme, alongside any thirdparty funding secured, to implement improvements in the Council's play parks in 2021/22.

Question (3) When does he expect to receive the first allocation of funding from the Scottish Government?

Answer (3) It is expected that the initial funding allocated will be received in September 2021.

Question (4) How will the first allocation of funding be prioritised?

Answer (4) As set out above, the funding will be aligned with the priorities set out in the Parks infrastructure investment programme which was presented to Culture and Communities Committee in [June 2021](#).

QUESTION NO 8

By Councillor Osler for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Question (1) How many road gullies are on the “sensitive” list?

Answer (1) 1,402

Question (2) Where are they (broken down by ward)?

Answer (2) Please find below a table summarising the number of sensitive gullies, broken down by ward.

Ward	Number
1	95
2	49
3	12
4	19
5	86
6	95
7	40
8	128
9	86
10	193
11	65
12	81
13	19
14	65
15	133
16	86
17	150
	1,402

Question (3) What criteria are applied to meet sensitive status?

- Answer** (3) Sensitive gullies have been selected using historic information and, in general, are based on: areas of known flooding history; generally affect property; are generally at lower lying (double gully) areas; and/or are possibly prone to excessive silting where routine cleansing will help to alleviate flooding or the frequency of it. The decision to add sensitive gullies will be taken following investigation into the surrounding factors by the gully team, often in consultation with the flood prevention team and, on occasion, Scottish Water.
- Question** (4) What resourcing and prioritisation is applied to gullies on the sensitive list compared to other gullies not on the list?
- Answer** (4) Sensitive gullies are cleansed twice a year ahead of historic bad weather windows and leaf fall seasons (June/July and November).
- Question** (5) Is the sensitive list the highest priority list?
- Answer** (5) In terms of routine maintenance, there are only two levels of priority: standard and sensitive, sensitive is the highest priority.
- Question** (6) - if not - What is?
- Answer** (6) N/A
- Question** (7) Please can the questions 1,2,3,4, be applied to 6 if applicable
- Answer** (7) N/A

QUESTION NO 9

By Councillor Osler for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Question

What instruction is given to waste operatives when returning empty householder bins so that the bins do not obstruct the pavement?

Answer

A toolbox talk and presentation film are used in training waste operatives on how they should return bins after emptying them. The talk and film were developed in conjunction with the Royal National Institute of the Blind and Guide Dogs Scotland.

When returning bins, operatives are encouraged to consider other pavement users, especially more vulnerable pedestrians, and to place the bins back properly at the collection points ensuring there is a clear pathway and that they are not blocking access. They are also instructed to report any presentation point issues to their Driver Crew Leader or Supervisor.

QUESTION NO 10

**By Councillor Johnston for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 26 August 2021**

‘The 2021-31 Sustainable Capital Budget Strategy – Outturn 2021/21 and Revised Budget 2011/22 report, which was presented to the Finance and Resources Committee on 12th of August, states that as regards Trams to Newhaven there has been out-turn slippage of £6.577m. This slippage is partially attributed to ‘utilities diversions being more onerous than forecasted’.

Question

Can the Convener advise

- Which utility diversions are proving more onerous than forecasted?
- What problems have been encountered?
- Whether she remains confident that the Trams to Newhaven project will complete, on budget, by May 2023?

Answer

The report to Finance and Resources committee reported a £6.577m underspend in year 2020/21 for the Trams to Newhaven project. This was the result of programme slippage, partially as a result of utility diversions taking longer than programmed. The most significant additional work was required to the following utilities:

- Diversion of a gas main at Jane Street, which had been diverted by the previous tram project but, when uncovered, was found to be insufficiently deep and therefore further work was required; and
- Discovery of a Victorian sewer at Constitution Street, which required a complete replacement.

From the previous tram construction project, a key lesson learned was the risk of utilities taking longer than programmed and that the potential for associated cost increases. Therefore, a significant risk allowance has been made in the current Trams to Newhaven project to ensure

that any additional costs from utilities can be accommodated within the project budget. In addition, the construction strategy, which utilises large worksites so that work can continue in different locations while difficult utility diversions are completed, has proved effective in these instances.

The project remains within budget and is working towards 'Open for Revenue' service in Spring 2023.

**Supplementary
Question**

Can you please clarify what “working towards ‘Open for Revenue’ service in Spring 2023” means? Does this mean the Tram Extension will be fully operational, the project concluded on time and on budget by Spring 2023?

**Supplementary
Answer**

It is currently anticipated that the line to Newhaven will be complete and open for operation by Spring 2023. As with any project, there are pressures on programme which have to be mitigated, along with opportunities which can mean that work completes more quickly than anticipated. This means that the exact date of opening will become clearer as the project progresses. The project is currently forecast to be delivered within budget.

QUESTION NO 11

By Councillor Whyte for answer by the Convener of the Culture and Communities Committee at a meeting of the Council on 26 August 2021

The Council's Management Rules for Public Parks and Greenspace state, amongst other things, the following:

"BBQs, Fire and Camping The following acts are prohibited:

6.1 Lighting barbecues outwith designated barbecue sites, where these are provided, or in areas or in a manner likely to burn or scorch the ground or cause danger or nuisance to other Park users or neighbouring residents.

6.2 Failing to remove litter associated with BBQs and picnics"

Despite this, a number of parks have recently been provided with barbecue disposal bins.

Can the Convener answer the following:

- Question** (1) How much did these bins cost and from which budget were they provided?
- Answer** (1) Barbecue disposal bins have been purchased following the complete 'burn out' of a number of litter bin housing units where barbecues had been disposed of unsafely. In total, 30 bins have been purchased at a cost of £8,640. This cost has been met from the Waste and Cleansing budget.
- Question** (2) Using the example of Leith Links what locations within the park exist where it is permitted to light a barbecue whilst remaining compliant with Rule 6.1?
- Answer** (2) There are no dedicated barbecue locations at Leith Links. In total, there are 25 barbecue slabs on the Meadows and Bruntsfield Links and five slabs in Roseburn Park. The slab in Roseburn Park was funded by the Friends of Roseburn Park.
- Question** (3) How is it envisaged that Rule 6.1 is enforced and how many times has this been undertaken in 2020 and 2021 by Council staff?

Answer

- (3)** Park Rangers monitor, provide advice, and enforce as appropriate in line with the relevant sections of the Civic Government (Scotland) Act 1982. Park Rangers do not log each interaction so although incidents have been managed over the last couple of years, officers do not hold a record of these interactions.

QUESTION NO 12

**By Councillor Rust for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 26 August 2021**

- Question** (1) What sum has been received from UK Treasury in furlough payments in financial years 2020-21 and 2021 to date?
- Answer** (1) £0.986m relating to the financial year 2020-21 and £0.238m relating to 2021-22 for period to June 21. Sums stated relate to Council employees with separate claims being made through the Council's ALEOs.
- Question** (2) How many employees remain furloughed, both flexibly and in full?
- Answer** (2) 31 employees are currently furloughed, comprising 11 employees who are fully furloughed and 20 employees who are flexibly furloughed. The use of furlough has reduced significantly during August to facilitate the resumption of Cultural Services and residential services at the Lagganlia Outdoor Centre. Further significant reductions are anticipated in early September as staff prepare for the resumption of services at the Benmore Outdoor Centre on 1 October.

QUESTION NO 13

**By Councillor Rust for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 26 August 2021**

Question

Where there are proposals for interventions in relation to pedestrians (such as the subsequently refused pedestrian crossing on Lanark Road) data is gathered. In relation to the installation, adjustment and retention of cycle lanes what data gathering on cycling is planned and please can you provide details of

- (a) location and
- (b) dates of this data gathering and
- (c) which organisation(s) is/are undertaking this?

Answer

The report to the Council in June 2021 on the potential retention of Spaces for People measures indicated that the monitoring of measures will be reported to Transport and Environment Committee prior to the implementation of the associated Experimental Traffic Regulation Orders (ETROs).

**Supplementary
Question**

I fear my question has not been answered. I asked what is planned, not about what is to be reported? Please can I have an answer to the question.

**Supplementary
Answer**

Before implementation of the original scheme, the following monitoring was commissioned by Sustrans and carried out during October 2020 by Streetwise and TSP Data:

- Volume of vehicle and cycle traffic across five working days at two locations on Lanark Road (adjacent to Redhall Bank Road, and adjacent to Hailes Gardens) and one location on Longstone Road (adjacent to Longstone Avenue); and
- Speed of vehicle traffic at the same locations.

Following the decision of Council in June 2021, monitoring was commissioned by the Council and carried out by Tracsis during Summer 2021 including:

In July 2021 (within School Holiday period):

- Volume of vehicle and cycle traffic monitoring was undertaken across five working days at two locations on Lanark Road (adjacent to Redhall Bank Road, and adjacent to Hailes Gardens) and one location on Longstone Road (adjacent to Longstone Avenue);
- Speed of vehicle and cycle traffic was monitored across the same period at the same locations; and
- A survey of parking occupancy was undertaken on full length of Lanark Road (from Inglis Green Road junction to Gillespie Road junction), along the full length of Inglis Green Road and on Longstone Road (from Lanark Road Junction to Murrayburn Road junction) on one full working day (05:00 – 20:00) during July 2021.

Monitoring was also carried out in August (outwith School Holiday period) on the volume of vehicle and cycle traffic across five working days at two locations on Lanark Road (adjacent to Redhall Bank Road, and adjacent to Hailes Gardens) and one location on Longstone Road (adjacent to Longstone Avenue).

No further monitoring is planned at this point.

QUESTION NO 14

**By Councillor Rust for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 26 August 2021**

Question (1) Can the Convener please arrange for this table from November 2020 to be updated, including any new schemes since then, showing the breakdown of Spaces for People expenditure (incurred and scheduled), broken down by project.

Answer (1) The table below is currently being updated and will be shared with Councillors as soon as possible.

Question (2) Now all the Spaces for People schemes have been completed, please also add the estimate for removing each of the schemes and carrying out any extra road repairs for any damage caused by burning the road surface and attaching bollards etc.

Answer (2) A breakdown of the cost for removing each scheme has not been prepared. However, a budget of £450,000 has been set aside for the removal of measures, if required.

Question (3) Please confirm that funding is still ringfenced and available for this as required.

Answer (3) As stated in the answer to Question 2, a budget has been set aside for the removal of measures.

Supplementary Question Does the failure to provide a complete answer for Full Council demonstrate the audit report findings of an over reliance on key officers?

Supplementary Answer Officers have confirmed that the delay in providing this updated table has been due to officer annual leave and that a cost reconciliation is currently underway on the individual schemes and the updated table will be provided when this reconciliation is complete.

Scheme	Status On / Off	Cost Projection	Maintenance Projection	Actual Cost to Date	Status
South Bridge	Awaiting decision	£117,683.55	£12,033.17	£1,369.75	Underway
Waverley Bridge	On	£13,305.46	£371.80	£7,585.46	Underway
Forest Road	On	£52,695.78	£3,839.33	£33,863.78	Underway
George IV Bridge	On	£138,179.63	£5,687.06	£118,389.63	Installed
The Mound	On	£148,331.72	£2,669.17	£148,088.37	Installed
Princes Street East End	On	£100,375.96	£2,469.90	£95,282.23	Underway
Victoria Street	On	£18,501.01	£371.80	£16,781.01	Installed
Cockburn Street	On	£13,638.45	£371.80	£12,716.00	Installed
Chamber St / George IV	On	£136,000.00	£5,032.00	£1,493.45	Underway
Non-allocated Expenditure	On	£6,729.45	£0.00	£6,402.17	
City Centre Phase 1		£745,441.01	£32,846.03	£441,971.85	
Queensferry High St	On	£30,000.00	£1,024.55	£0.00	
Great Junction St	On	£14,957.64	£307.51	£2,840.50	Underway
Stockbridge	On	£48,494.40	£3,784.70	£3,126.50	Underway
Portobello High Street	On	£30,132.72	£1,965.44	£2,598.50	Underway
Newington	Off	£0.00	£0.00	£0.00	
Gorgie / Dalry Road	On	£43,812.35	£3,433.65	£42,721.29	Installed
Corstorphine	On	£43,060.40	£2,953.17	£3,243.50	Underway
Bruntsfield	On	£31,983.48	£2,389.81	£29,998.69	Installed
Tolcross	On	£31,761.69	£1,652.80	£29,898.08	Installed
Morningside	On	£63,081.17	£4,229.95	£56,188.81	Installed
Haymarket Terrace	Off	£0.00	£0.00	£0.00	
Easter Road	Off	£0.00	£0.00	£0.00	
Shopping Streets		£337,283.85	£21,741.58	£170,615.87	
Telford Road	Off	£0.00	£0.00	£0.00	
Carrington Road	On	£0.00	£0.00	£0.00	
Fountainbridge Dundee	On	£61,858.64	£4,980.14	£0.00	
Ferry Road	On	£106,284.88	£8,168.73	£100,146.32	Installed
Melville Drive	Off	£0.00	£0.00	£0.00	
Teviot Pl / Potterrow	On	£6,952.32	£257.24	£0.00	
Buccleuch St / Causewayside	On	£46,185.52	£3,537.28	£37,378.44	Underway
Crewe Toll Roundabout	On	£28,995.00	£1,880.20	£0.00	
Meadowplace Road	Off	£0.00	£0.00	£0.00	
Duddingston Road	On	£48,320.48	£3,805.36	£0.00	
Wester Hailes Road	Off	£0.00	£0.00	£0.00	
Craigmillar Park / Liberton	On	£110,058.80	£7,851.87	£0.00	
Gilmerton Road	On	£42,695.68	£3,717.04	£0.00	
Crewe Road South	On	£88,222.63	£5,116.01	£85,216.63	Installed
Old Dalkeith Road	On	£78,008.98	£3,056.52	£75,002.98	Installed

Scheme	Status On / Off	Cost Projection	Maintenance Projection	Actual Cost to Date	Status
Comiston Road	On	£139,839.05	£10,466.80	£113,207.61	Underway
Ingils Green Road	Off	£0.00	£0.00	£0.00	
Pennywell Road	On	£119,757.32	£8,785.73	£111,788.32	Installed
Mayfield Road	On	£29,715.11	£2,380.00	£0.00	
QC - Meadows / Greenbank	On	£43,680.00	£2,751.46	£0.00	
Queensferry Road 1a	Awaiting decision	£75,261.00	£4,965.51	£0.00	
A1 Corridor	Awaiting decision	£93,692.00	£6,662.40	£0.00	
Slateford Road (A70), Lanark Rd, Longstone Rd & Murrayburn Rd	On	£252,774.00	£19,092.74	£0.00	
Orchard Brae	On	£13,330.00	£851.91	£0.00	
Non-allocated Expenditure	On	£5,992.61	£0.00	£0.00	
Phase 1b Bus Lanes	Off	£0.00	£0.00	£0.00	
West Coates	Off	£0.00	£0.00	£0.00	
Arterial Routes		£1,391,624.02	£98,326.94	£522,740.30	
East Craigs	Awaiting decision	£55,598.00	£4,878.09	£0.00	
Drum Brae North	On	£36,419.00	£2,896.50	£0.00	
Leith Connections	On	£42,880.00	£4,087.20	£0.00	
Non-allocated Expenditure	On	£2,536.00	£0.00	£0.00	
Low Traffic Neighbourhoods		£137,433.00	£11,861.79	£0.00	
Braid Road	On	£2,000.00	£0.00	£0.00	
Links Garden	On	£2,000.00	£0.00	£0.00	
Cammo Walk	On	£1,700.00	£0.00	£1,700.00	Installed
Warriston Road	On	£2,000.00	£0.00	£0.00	
Stanley Street/Hope Street	On	£2,000.00	£0.00	£0.00	
Braidburn Terrace	On	£2,000.00	£0.00	£0.00	
Silverknowes Road (South)	On	£33,318.00	£2,464.65	£0.00	
Silverknowes Road (North)	On	£27,900.00	£2,306.09	£0.00	
Granton Sq / Gypsy Brae	On	£77,463.92	£5,981.42	£0.00	
Braid Hills Drive	Off	£0.00	£0.00	£0.00	
Seafield Street	On	£2,174.00	£78.10	£1,467.00	Installed
Kings Place	On	£17,177.00	£929.50	£877.00	Underway
Arboretum Place	On	£12,431.46	£729.55	£1,766.10	Underway
Maybury Rd Temp.	On	£55,883.63	£1,950.00	£22,975.84	Underway

Scheme	Status On / Off	Cost Projection	Maintenance Projection	Actual Cost to Date	Status
Crossing					
Spaces for Exercise		£238,048.01	£14,439.31	£28,785.94	
Broughton Street	Awaiting decision	£49,428.24	£4,939.08	£0.00	
Broughton St Roundabout	Awaiting decision	£50,624.20	£3,817.03	£0.00	
Restalrig Rd South - Opt. 2	On	£6,920.00	£416.20	£0.00	
West End of Princes Street	On	£3,763.00	£316.92	£0.00	
Musselburgh to Portobello Opt. 1 Edinburgh section	On	£55,399.20	£5,601.98	£0.00	
Duddingston Road West	Off	£0.00	£0.00	£0.00	
Fillyside Road - Crossing	On	£30,000.00	£1,950.00	£0.00	
Fillyside Road	On	£4,584.36	£411.93	£0.00	
Glenlockhart Drive	On	£2,798.00	£103.53	£0.00	
Starbank Road	On	£12,608.40	£1,128.81	£0.00	
Commonplace Interventions		£216,125.40	£18,685.48	£0.00	
Schools		£150,000.00		£20,625.49	
Sub-total			£3,413,856.42	£1,184,739.45	
Consultancy Support			£300,000.00	£118,478.78	
Internal Management Costs			£750,000.00	£504,759.07	
Segregation units for maintenance and schemes to be developed			£171,292.00	£0.00	
Monitoring & Evaluation			£175,000.00	£86,410.00	
Removal Allowance			£450,000.00	£0.00	
Street Cleaning Over Winter Period 20/21/22			£50,000.00	£0.00	
Removal of Street Clutter			£50,000.00	£0.00	
Uncertainty - installation, maintenance, removal			£196,005.10	£0.00	
TOTAL PROJECTION			£5,556,153.52	£1,894,387.30	

QUESTION NO 15**By Councillor Jim Campbell for
answer by the Lord Provost at a
meeting of the Council on 26 August
2021**

Standing Order 22.3 required motions and amendments to be provided to the clerk no later than 2pm on the working day before Council. In the case of June Council, motions and amendments were not published so that Members and the public could view them until after 7pm at night.

- Question** (1) Could the Lord Provost provide an explanation for this protracted delay?
- Answer** (1) 35 motions and amendments were submitted for June Council, which is much more than usual, all of which needed to be checked for competency. 27 were received the day before Council with over half after 12 noon. Following the competency check, a number required to be amended involving engagement with the relevant elected members and group business managers. Further reformatting, adding to templates and the creation of PDF files, both individually and collectively, as well as sorting the bookmarks etc. was required. That is clearly a time-consuming process and the Committee Services staff managed this as quickly as possible, whilst working remotely.
- Question** (2) Would the Lord Provost remind Council that Standing Orders applies to all Members?
- Answer** (2) Standing Orders apply to all Elected Members.
- Question** (3) Would it be in order for the Clerk to set out a timetable for the publishing of Motions and Amendments, and routinely include an explanation of any deviation from such a timetable?
- Answer** (3) Motions and Amendments are published as soon as each has been deemed competent and administrative tasks are complete. Therefore, the additional workload this question proposes being placed upon the Clerk and Committee Services is not supported.

QUESTION NO 16

**By Councillor Jim Campbell for
answer by the Convener of the
Transport and Environment
Committee at a meeting of the
Council on 26 August 2021**

The Convener will be aware of recent localised flooding events in Edinburgh.

Question (1) Between 1 July and 17 August, how many requests have been made to clear individual gullies on the roads of Edinburgh?

Answer (1) There have been 2,597 requested received to clear individual gullies.

Question (2) What was the average time between the request being made, and the first physical attendance to the gully?

Answer (2) This information is not recorded. However, the average time from Enquiry Opened to Enquiry Closed for completed enquiries was 8.05 days in the time period 1 July to 17 August.

Question (3) How many reports resulted in attendance to a gully that was not blocked or partially blocked?

Answer (3) This information is not recorded.

QUESTION NO 17

By Councillor McLellan for answer by the Leader of the Council at a meeting of the Council on 26 August 2021

June Council's expression of unanimous dismay at the slur against Lothian Buses by SNP MSP James Dornan

Question (1) Can the leader copy the text of what he wrote to SNP MSP James Dornan following the instructions of June Council, agreed under item 8.10 (with addendum) by way of answer to this question?

Answer (1) James Dornan MSP

30th June 2021

Dear James,

I note you recently passed on an apology to Edinburgh's Transport Convenor after contacting you following the comments made in relation to action Lothian Buses took following serious violent behaviour against their employees.

These comments were also raised at our Council meeting on June 24th.

A motion was passed expressing dismay at the comments and having engaged with our bus company since, I feel a direct and public apology to the company is still merited to draw a line under this issue. I very much hope you can echo the sincere apology you issued to the Transport Convenor to the Chair of Lothian Buses.

Question (2) Can the leader copy any and all responses received as a result of him writing as instructed?

Answer

(2) On 15 Jun 2021, at 16:01, Dornan J (James), MSP
<James.Dornan.msp@parliament.scot> wrote:

Dear Mr McFarlane, I've acknowledged my comments were poorly made and that there was no intention by Lothian Buses to target Irish or Catholics, I never considered there was. Of course I regret the misunderstanding, of my own making admittedly, but the point I was intending to make, and did in other parts of my speech was the lack of attention to a significant cultural day for Irish, which would not have been the case for other culturally significant days. This is in no way only the case at Lothian Buses but throughout Scottish business as a whole.

James Dornan MSP

Sent from my iPhone

QUESTION NO 18

By Councillor Brown for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Many vulnerable / elderly residents across the city either have no on-line access, do not feel comfortable making card payments over the phone or sadly have no relatives or neighbours who can assist with doing so.

- Question** (1) I understand a Working Group was set up to look the removal of cash and other options for residents for the future. What are the findings of this working group?
- Answer** (1) The assessment completed by officers considered all Council services for payment options and the frequency with which payments needed to be made. This assessment reaffirmed the need for a range of payment options to support individual circumstances. These options vary depending on the nature and scale of the service and currently can include online payment, direct debit, standing order, BACs, automated payment lines, payment via a Contact agent or cash payments for Council Tax/Housing. In addition, when the current Council Resilience Centres revert to locality office service provision, individuals will be assisted by Council staff to make card payments via the Council's easy to use self-help machines.
- Question** (2) As the Council no longer accept cash payments in our Local Offices, where can residents make cash payments if they don't have online access?
- Answer** (2) There is currently no cash payment option for the service. The Garden Waste service has been an online or phone registration service since February 2020. This has proved successful with over 90% signing and paying online, with the remainder registered over the phone. This phone registration process is supported by a dedicated contact team who can support people through the registration and payment process. Further payment options will continue to be explored by the service.

QUESTION NO 19

By Councillor Mitchell for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Question

Please could the convener confirm the number of injuries recorded by members of staff in each Ward, where applicable, over the course of the last five years whilst emptying:

- a) Grey bins
- b) Green bins
- c) Brown bins
- d) Blue boxes
- e) Red boxes
- f) Food caddies
- g) Gull proof sacks

Answer

The SHE portal is the Council's incidents/accidents reporting system and the categories used are from the Health and Safety Executive's grouping for incident causations (e.g. manual handling, slips trips and falls etc). Therefore, as the information requested is not recorded, it is not possible to provide the breakdown requested. However, the table below provides a summary of the number of incidents recorded on the SHE portal relating to doorstep collection of recycling (including gull proof sacks).

Year	Incidents from GP sacks /Doorstep collection of recycling
2016	2
2017	7
2018	4
2019	3
2020	2

QUESTION NO 20

By Councillor Webber for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

- Question** (1) Who created the brand name "Spaces for People"
- Answer** (1) In response to the outbreak of COVID-19, the Scottish Government announced funding to enable physical distancing and to improve conditions for walking, cycling and wheeling in April 2020. This funding was titled 'Spaces for People'.
- Question** (2) Who designed the adverts for the retaining Spaces for People consultation (used on lampposts and digital formats) for Council to approve and implement?
- Answer** (2) These were designed internally within the Council.
- Question** (3) Why is the programme, largely consisting of the same schemes, being rebranded as "Travelling Safely"?
- Answer** (3) As set out in Question 1, the Spaces for People initiative was specifically to enable physical distancing and to improve conditions for walking, cycling and wheeling in response to COVID-19. These measures were introduced using Temporary Traffic Regulation Orders (TTRO).
- In June 2021, the Council agreed to introduce Experimental Traffic Regulation Orders (ETRO) in some areas where measures which are currently in place under TTRO have the potential support the Council's objectives in the longer term.
- This is a new approach rather than a rebranding of the programme.
- Question** (4) When there have been so many accidents relating to existing Spaces for People schemes, with a number of personal injury claims, could the Council be accused of misrepresentation by rebranding the programme "Travelling Safely"?

- Answer** (4) The schemes which have been approved to progress to ETRO and those which are currently being reviewed are all designed to improve connectivity and to link into other schemes, therefore the new programme has been titled Travelling Safely.
- Question** (5) Why is the programme not more clearly being branded in relation to the main aim of supporting the Net Zero target?
- Answer** (5) The aim of supporting the Net Zero target was set out clearly in the consultation and in the reports to Transport and Environment Committee and the Council, alongside the other strategic priorities which the new programme will support moving forward.
- Question** (6) Please can you provide evidence of the exact dangers and number of incidents in the last 5 years in Edinburgh that the "Travelling Safely" programme is aiming to address broken down by each road user group?
- Answer** (6) The Travelling Safely programme is aiming to provide safer, more desirable routes around the city as an alternative to using motorised vehicles. The programme is designed to encourage cycling and walking around the city for people who do not feel safe with the current infrastructure or who do not have access to a motorised vehicle.
- Question** (7) Please can you provide the target of reduced accidents by category of road user group, that the "Travelling Safely" programme is aiming to address, in what timescale, and how that will be measured
- Answer** (7) The priority of the Council is to make travelling around the city as safe as possible, with the ultimate aim of there being no accidents on the city's roads. The Travelling Safely programme does not have specific targets attributed to it.
- Supplementary Question** In answer to questions (3) it is stated this a new approach. Why therefore, for clarity are we not starting again from scratch?

**Supplementary
Answer**

As discussed at Council in June and set out in answer (3) above, there are some measures which are currently in place under Spaces for People which have the potential to support the Council's objectives in the long term. The approach to this new programme was set out in a report to Transport and Environment Committee on [19 August 2021](#).

QUESTION NO 21

By Councillor Webber for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 26 August 2021

Question

As the cost of providing the service has increased by 40% to £35, can the Convener please pinpoint and specify what is driving such a significant increase?

Answer

The Council introduced a charge for the garden waste collection service to assist in recovering some of the costs associated with this non-statutory service.

Scottish Councils are limited by regulation to only recover costs related to collection, but not disposal. The increase from £25 to £35 enables the service to fully cover the current garden waste collection costs and takes into account overhead costs (e.g. fuel, labour, transportation) which have increased since the charge was first introduced and allows for investment to improve the registration process for customers.

Supplementary Question

I requested to “pinpoint and specify” yet I have been given general high level statement. I have submitted a reasonable request.. As local Cllrs we are all accountable for this and therefore can you please provide a detailed breakdown of the relative costs?

Supplementary Answer

The business case for the introduction of the charge in 2018 was based on a mix of known costs and predicted costs based on assumptions such as sign up levels, subscription management costs and system costs.

The table below outlines the forecasted (or actual for 2019/20) cost of the service, projected income and anticipated revenue budget allocation required between the original business case to introduce the charge in 2018, 2019/20 collection year (used in the cost recovery business case as the last full collection year before the proposal was

developed); and the cost recovery and increased mid-year window business case:

	Cost of Service	Income	Budget Requirement
Business case assumptions when charges were introduced	£1.8m	£1.5m	£0.256m
Actual 2019/20	£2.5m	£1.9m	£0.634m
Updated business case for 2021/22	£2.6m	£2.3 - 2.5m	£0.088m - £0.341m

It is important to note that the service can only recover costs related to the garden waste collection service and cannot generate a surplus.

The £35 charge has been calculated on this basis, with the forecast income based on both projected high and low levels of resident sign up.

The increase in service collection costs from the original business case, and therefore increase required to the charge, has been caused by factors such as:

- The cost of vehicles – the number of vehicles required increased following the move from 5-day double shifts to 4-day collections (a cost increase of £0.215m);
- The cost of frontline staffing – additional crew members were required and pay awards, pay steps and the pay changes from the move to 4-day week have led to an increase in the cost of frontline staffing (a cost increase of £0.294m);
- The cost of systems and administration – the original business case does not breakdown these costs in the same way as the cost recovery calculations so a direct comparison is not possible, however additional resources have been added to the subscription team and funding identified for the system developments to

improve the process and increase the period when sign up can be processed (a cost increase of £0.207m);

- Communications – the ongoing need for a communication and marketing budget (including permit and mailing costs) has led to an annual budget being created for communications (the annual budget has increased by £0.065m);
- Provision of bins – particularly for customers signing up at new developments or at addresses that have not been receiving the service (the cost of this has increased by £0.064m);
- Bank charges – charges for transaction processing were not accounted for in the original business case. The charge is a percentage of the transaction cost and varies from bank to bank. This cost is met from the income received (this equates to a reduction in income of between £0.058m and £0.065m); and
- Achieving full cost recovery – as outlined above, the service can only recover costs related to the collection service and cannot generate a surplus. The £35 charge is based on the cost of service delivery; however, the associated income was forecast on the basis of both high and low sign up levels

QUESTION NO 22

By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

Question

Has the City Council reported to Scottish Government as funder of Spaces for People through Sustrans about the red audit finding and if not, does it intend to do so?

Answer

No, the Council has not reported this to Sustrans as officers do not believe that there is reason to do so.

Supplementary Question

I note that officers do not believe there is a reason to do so. Given we have a councillor and administration led council and the question was of the Convener, what does the convener think?

Supplementary Answer

The provision of Scottish government funding for the Spaces for People pandemic response did not include any conditions of grant relating to how the programme was administered. There is therefore no specific reason to share the findings of an internal audit with the Scottish Government or with Sustrans. The internal audit is in the public domain and could, of course, be shared with them if they request it.

It should also be recognised, as it was in the internal audit report, that, in the interim period between the internal audit being undertaken and the report being published, there had been significant management actions to meet concerns expressed within the report.

‘Management had identified a number of areas where improvement was required, and had either addressed them (for example, retrospective publication of prioritisation outcomes) or were implementing improvements (for example, creating a programme risk register) during the audit or as at our audit completion date.’

The internal audit report also recognised ‘the challenges associated within urgent implementation of SfP initiatives to support citizens during initial Covid-19 lockdown measures’.

The internal audit report is a very useful document which serves to provide guidance on this particular project and to provide lessons for future project implementation.

QUESTION NO 23

By Councillor Whyte for answer by the Vice-Convenor of the Transport and Environment Committee at a meeting of the Council on 26 August 2021

On 21 January 2020 the Evening News reported that the Vice Convenor of the Transport and Environment Committee, Councillor Doran would be “devastated” if she found out a loved-one's bench had been burned and that “she did not know how the scandal could have happened” and that “the person behind the decision must be held accountable”. The article quotes Councillor Doran directly saying: “I don't know how this would have happened and that is what we need to investigate. We need to find out who made that decision.”

The article also notes the Council Leader as saying a full investigation was underway.

Can the Vice-Convenor answer the following:

Question (1) Has the investigation concluded?

Answer (1) The investigation referred to by the Council Leader was concluded. This found that the person that was allegedly responsible for the burning of the benches is no longer employed by the Council.

However, further evidence has come to light in recent weeks which has caused this finding to be questioned and a new investigation is underway.

Question (2) How did the incident happen?

Answer (2) Given the new investigation that has commenced, it would not be appropriate to answer this question at this point.

Question (3) Who made the decision?

Answer (3) Given the new investigation that has commenced, it would not be appropriate to answer this question at this point.

Question (4) Has anyone been held accountable?

Answer

- (4)** Following the conclusion of the first investigation, no disciplinary action was taken as the individual that was alleged to be responsible had left the employment of the Council.

As stated above, however, further evidence has become available and has led to a new investigation being commenced.

If it is the case that there is evidence that shows that there has been a breach of the Council's Disciplinary Code or Employee Code of Conduct, then the appropriate sanctions will be applied. However, it is not appropriate to pre-judge the outcome of this new investigation to ensure that it remains impartial

QUESTION NO 24

By Councillor Booth for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 26 August 2021

Further to the letter sent to the Education Secretary by the Convener and Vice-Convener of Education on 12 August and circulated to GME parents, please could the Convener respond to the following points:

Question (1) The letter mentions a table outlining site options the council has already explored for GME secondary. Will the council publish that table?

Answer (1) The table is provided below in appendix

Question (2) Have the following sites been considered for GME secondary? If they have been ruled out, what are the grounds for this?

- a) Princess Alexandra Eye Pavilion
- b) Old Royal High School
- c) Old Tynecastle High School
- d) Lothian Buses depot, Annandale Street
- e) Russel Road Depot (former)

- Answer** **(2)** a) Princess Alexandra Eye Pavilion
- Not Council Owned. Still Operational and no date for closure. Site too small for a High School
- b) Old Royal High School
- Site too small and building not suitable for a modern High School
- c) Old Tynecastle High School
- Not owned by Council. In the blast zone for the brewery. Site too small.
- d) Lothian Buses depot, Annandale Street
- It's an operational bus depot and no proposals by LRT to relocate.
- e) Russel Road Depot (former)
- See table below.

Question **(3)** What steps are the council taking to ensure that demand for GME within Edinburgh is met, and that the situation in Glasgow, where parents are being refused places at GME primary, is not repeated in Edinburgh?

Answer **(3)** The draft statutory consultation paper outlining proposals for the growth of GME in Edinburgh was considered by the Education, Children and Families Committee on 28 May 2021. The proposal includes the intention to establish two new dedicated GME teaching units, one in the south east of the city and one in the west, initially within existing primary schools but with a path for growth to full primary schools identified.

Question **(4)** Will the council conduct a further informal consultation on options for GME secondary before proceeding to a statutory consultation? If so, when?

Answer **(4)** No further informal consultation is planned.

Question

(5) Please can the Convenor clarify:

a) whether the proposed consultation on GME Secondary is a 'discontinue' consultation in terms of paragraph 1 of schedule 1 of the Schools (Consultation) (Scotland) Act 2010?

b) If so, and if the council consults and does not proceed with its proposal, can the council consult again on proposals to discontinue GME education at JGHS within 5 years?

Answer

(5) a) Yes, it is a discontinue consultation.

b) Yes the 5 year rule would apply unless there was a significant change in the school's circumstances.

Opportunity for development of GME School	Associated School	Barriers to progression	Estimated Site Size (for an 800 capacity secondary school 14 acres required – although not ideal 8 acres for playing fields can be off site).	Timescales	Implications for Statutory Consultation
Bus depot site adjacent to Drummond High School Site 101	Drummond High School	Operational Lothian Buses depot. Would be a small site for a high school but might be possible if we reduce some school building standards and use off site playing fields. There is also an efficiency opportunity due to location directly adjacent to Drummond High School.	6 acres	Could take a significant amount of time to relocate the current users as no known plans for this at present.	Consultation could not proceed until site availability confirmed. Secondary GME would remain at JGHS in interim. If consultation proceeded in relation to growth of primary GME only from August 2022 then new secondary school would need to be deliverable by August 2029 There would be a significant risk in taking forward growth of GME primary without a confirmed secondary solution, because Darroch annexe will only accommodate current numbers until 2028-29.

Fettes Police Station	Broughton High School	Operational police station. Would require Scottish Government support to provide the site for the school and additional funding.	14 acres	Could take a significant amount of time to relocate the current users as no known plans for this at present.	As above
Royal Victoria Hospital Site	Broughton High School	Site not owned by Council and targeted for housing development. Would require Scottish Government support to provide the site for the school and additional funding.	14.4 acres	Further information required from NHS	As above
Council's depot at Russell Road;	Tynecastle	Still operational. Would be a small site for a high school but might be possible if we reduce some school building standards and use off site playing fields. Council has wider regeneration plans for the site and is anticipating a capital receipt for this site.	6 acres	Longer term option due to ongoing operational use and wider regeneration plans.	As above – except Council has ownership of the site so easier to confirm site available for this option before statutory consultation proceeds.

QUESTION NO 25

**By Councillor Booth for answer by
the Leader of the Council at a
meeting of the Council on 26 August
2021**

Question

Further to his supplementary answer to my question at full council on 24 June 2021, please can the council leader confirm when he met with Gaelic parents to hear their concerns, and what was the outcome of this meeting?

Answer

As stated in the supplementary answer on June 24th to question 21, I'm happy to meet parents to hear their views and appreciate those who have got in touch directly so far. There is continuing dialogue between parents and the Convenor and Vice Convenor of Children and Families, including a meeting with parent council and Comann nam Parent representatives just last week, and I'm happy to attend any meeting I'm invited to. Cllr Booth is aware of recent developments have meant the consultation has yet to be agreed, but I would again reiterate the importance of views being captured through the consultation to ensure a full and accurate picture.

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Vaccination, Vaccination, Vaccination

It's almost exactly 18 months since we went into the first full lockdown of the pandemic and, thankfully, things are in a far better place now than they were back then.

There's no room for complacency, though, and there's still much we all need to do to keep the city on track. Cases remain high in Edinburgh and although it's good news that the infection rate seems to be slowing now, we've got to stay vigilant.

As well as continuing to follow the safety and hygiene guidance, getting vaccinated is the surest way to keep ourselves and our communities protected from this awful virus and I'm delighted that 78% of our citizens are now double-dosed.

That does mean, though, that there are still many thousands of local people unvaccinated, including [12-15-year-olds who are newly eligible](#), so I'd urge everyone who still needs their first or second dose to [pop along to one of the many drop-in clinics](#) around the city and help us collectively tackle the spread.

Welcoming Afghan refugees to our city

Edinburgh has a long and proud history of offering a safe refuge and positive new start for those fleeing war and turmoil in their home countries. In the past few weeks, our experienced Council team has worked hand in hand with partner agencies across the city to welcome a group of Afghan people escaping the increasingly desperate situation in their homeland.

I'm delighted to say the group, who are currently in hotel accommodation, have been settling in well and are receiving a full range of practical and pastoral support to help them adjust to their new circumstances.

Huge thanks to everyone involved in this process, from across the Council, Police Scotland, NHS Lothian, the DWP, Lothian Buses, COSLA and, of course, third sector organisations including Edinburgh Clothing Store, Re-Act, Edinburgh City Mission and Scottish Faith Action for Refugees. And thanks to people across the City who have got in touch to offer help.

This has been a genuine Team Edinburgh effort and one which will continue in the weeks and months ahead.

Co-creating a healthy, green, sustainable future for Edinburgh

[Scotland's Climate Week](#) is currently under way and this year, in the run up to COP26, it showcases climate action taking place across the country. Since [declaring a climate emergency](#) and setting our target of a net zero Edinburgh by 2030 two years ago, we've played a leading role in creating a healthy, green, clean, and sustainable future for the city.

Most recently, we've recognised the important role food growing plays in responding to climate change and have become a [signatory to the International Glasgow Food and Climate Declaration](#). The Declaration highlights the vital role food plays in meeting our net zero targets, as well as helping to reduce poverty, inequality and poor health.

We also want Edinburgh to sign up to [Scotland's Climate Assembly's Civic Charter](#) and will be asking councillors to approve this on 23 September. The Charter provides a mandate from citizens to the Scottish Government to meet our climate obligations.

Our communities, businesses and residents already have a strong record of climate action and, as we work towards net zero, I know the city will work together to deliver change at the speed and scale needed for a greener future for us all.

Last weekend to share your views on LEZ proposals

One way we're working to create a healthier environment right here in Edinburgh is through the [introduction of a Low Emission Zone \(LEZ\)](#), which will promote cleaner air, improve health and create more pleasant surroundings.

Air pollution is harmful to us all, but particularly to the youngest, oldest and most vulnerable members of society. By limiting the most polluting vehicles in the city centre, we expect to lower traffic-related emissions there by about 55% with a positive knock-on impact on air quality across the city.

A great deal of analysis and modelling has gone into the development of our LEZ, as well as consideration for the people who live and work here. That's why our proposals include a two-year grace period after the LEZ is introduced in spring 2022 to help people prepare and why we'll introduce exemptions for blue badge holders and other essential vehicles to make sure they can still serve the city.

We're one of four Scottish cities collaborating with the Scottish Government to introduce an LEZ and we want to bring the people of Edinburgh along with us as we make these changes.

We want to know what you think of the proposals, so please [take part in the consultation](#) before it closes on 20 September.

Recovery momentum continues

Over the summer months we've seen businesses starting to recover. In the heart of the city, the new St James Quarter is fast becoming an established shopping and dining destination, with more retailers and eateries opening their doors. This, together with the newly-opened Johnnie Walker Princes Street and plans for other major units on Princes Street, shows there's real investor confidence in our vibrant Capital.

As a Council, we continue to support businesses – financially and practically – and this month additional money is being distributed through the Discretionary Grant Fund to trade associations as well as those suffering a continuing impact on their earnings.

And with Covid 19 cases still high, [we're helping Edinburgh's hospitality sector](#) to keep making the most of outdoor spaces safely by extending the measures we introduced in March for another month (to 31 October). Of course, this has to be balanced with the needs of local residents, so we're asking businesses to apply for the appropriate permission for any temporary structures beyond that date.

Taking pride in our beautiful city

With many Covid restrictions now lifted, it's been fantastic seeing more people out and about enjoying our beautiful city. This does, however, put a lot more pressure on our hard-working waste and cleansing teams.

To help tackle this we've installed 30 extra bins at 'hotspot' areas throughout the city, including dedicated BBQ bins in busy parks and our new communal bin hubs (being installed following our [communal bin review](#)) are making disposing of residential waste a lot easier. We hope they'll boost our recycling rates, too.

Weeds have become an issue across parts of Edinburgh, so we've allocated more resources to deal with this. If you spot an area that needs attention, please contact us via the [Council's website](#) or on Twitter via [Edinhelp](#). We're really grateful to everyone who's taken the opportunity to weed outside their homes while trimming their hedges.

I want to pay tribute to our dedicated teams for continuing to deliver quality services while still experiencing Covid-related staff shortages. Their commitment through the pandemic has been unyielding and I would urge you to support them as they go about their work.

Curtain up at our cultural venues

We were thrilled to reopen the doors at our iconic [Usher Hall](#), [Assembly Rooms](#) and [Museum of Edinburgh](#) at the end of August. It's brilliant to see such significant cultural venues back open, both for public wellbeing and to support the recovery of our cultural infrastructure and economy.

Ten thousand people have already been through the Usher Hall's grand doors to enjoy performances by Passenger, The Specials and Elbow, plus Teenage Fanclub at the Assembly Rooms.

Now is also a great time to [rediscover the historic Museum of Edinburgh on the Royal Mile](#), which has welcomed an average of 140 visitors each day since it reopened. There's plenty to see at this quirky museum – if you haven't been before, or recently, come and discover Edinburgh's fascinating past among the various exhibits from both the Old and New Towns.

It has been a massive effort from our venues' teams to deliver operational and customer services with Covid-19 measures in place and I'd like to thank them for their continued dedication and hard work.

Get involved

Keep up to date with all Council news via our [news section online](#). You can watch live Council and committee meetings via our [webcast](#) service and join the debate on Twitter using #edinwebcast. If you wish to unsubscribe, please [email](#) us.

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The City of Edinburgh Council

10.00am, Thursday 23 September 2021

Appointments to Outside Organisations

Item number	
Executive/routine	Executive
Wards	All
Council Commitments	

1. Recommendation

- 1.1 To appoint one member to serve in place of Councillor Whyte on the Board of Trustees on the Edinburgh International Festival Council.

Stephen S. Moir
Executive Director of Corporate Services

Contact: Louise Williamson, Assistant Committee Officer
Legal and Assurance Division, Corporate Services Division
Email: louise.p.williamson@edinburgh.gov.uk

Appointments to Outside Organisations

2. Executive Summary

- 2.1 Councillor Iain Whyte has tendered his resignation as a member of the Board of Trustees of Edinburgh International Festival Council.
- 2.2 Council is asked to appoint a member in place of Councillor Whyte on the Board of Trustees of Edinburgh International Festival Council.

3. Main report

- 3.1 Appointments to Outside Bodies for 2017 – 22 were approved by Council on 29 June 2017.
- 3.2 Edinburgh International Festival Council Board of Trustees administer the affairs of the Edinburgh International Festival Society. Councillor Iain Whyte, alongside the Lord Provost and Councillors Amy McNeese-Mechan and Donald Wilson, was appointed to represent the Council on the Board by the Council on 29 June 2017
- 3.3 Councillor Iain Whyte has finished his term as a trustee and subsequently submitted his resignation as a Council representative, and a replacement representative is sought.
- 3.4 The Edinburgh International Festival Council have indicated that they are looking for a trustee who has an in-depth knowledge of the organisation and who also has skills in finance and audit, business continuity, environment and sustainability, and public health and wellbeing.

4. Next Steps

- 4.1 Any changes in representation will be communicated to the organisation concerned.

5. Financial impact

- 5.1 None.

6. Stakeholder/Community Impact

6.1 None

7. Background reading/external references

7.1 [Minute of the City of Edinburgh Council of 29 June 2017](#)

8. Appendices

8.1 None.

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City of Edinburgh Council

10.00am, Thursday 27 September 2021

Chief Officer Appointments

Executive/routine Executive
Wards
Council Commitments

1. Recommendations

- 1.1 This report asks Council to approve the recommendations from the relevant Recruitment Committees to appoint to the following roles:
 - Executive Director of Education and Children's Services
 - Service Director: Culture and Wellbeing
- 1.2 To note the recommendation from the Recruitment Committee for the Service Director: Housing, Family Support and Fair Work, not to appoint permanently to this role at this time.

Andrew Kerr

Chief Executive

Contact: Katy Miller, Service Director: Human Resources,
Human Resources Division, Corporate Services Directorate

E-mail: katy.miller@edinburgh.gov.uk | Tel: 07720 830549

Chief Officer Appointments

2. Executive Summary

- 2.1 Approval was received from Council on Thursday 27th May 2021 to proceed with the recruitment of:
- Executive Director of Education and Children's Services
 - Service Director: Culture and Wellbeing
 - Service Director: Housing, Family Support and Fair Work
- 2.2 Approval is now being sought to appoint to the posts of Executive Director of Education and Children's Services and the Service Director: Culture and Wellbeing.

3. Background

- 3.1 Council approved the new organisational design for the senior leadership at Chief Officer level on 27 May 2021 and to commence recruitment to the following roles:
- Executive Director of Education and Children's Services
 - Service Director: Culture and Wellbeing
 - Service Director: Housing, Family Support and Fair Work.
- 3.2 SOLACE was engaged to lead a direct candidate search, coupled with national press advertising and online and social media advertising.

4. Main report

- 4.1 The composition of the three Recruitment Committees are detailed in appendix one.
- 4.2 Following Recruitment Committees held on 17th and 19th August 2021, Council is recommended to approve the following appointments:
- Service Director: Culture and Wellbeing – Joan Parr.
 - Executive Director of Education and Children's Services – Amanda Hatton.

- 4.3 To note that the Recruitment Committee Housing, Family Support and Fair Work on 13th August recommend that the post is not appointed to permanently at this time and, that the current interim arrangement in place for this post continues.

5. Next Steps

- 5.1 If approved to proceed with relevant pre employment checks and onboarding of the appointed candidates.

6. Financial impact

- 6.1 The costs of recruiting to these posts are contained within approved budgets.

7. Stakeholder/Community Impact

- 7.1 N/A.

8. Background reading/external references

- 8.1 [Senior Officer Review – The City of Edinburgh Council 27th May 2021](#)

9. Appendices

- 9.1 Appendix one – Recruitment Committee composition

Appendix 1 – Recruitment Committee Composition

Executive Director of Education and Children’s Services:

Councillor McVey, Councillor Day, Councillor Munn, Councillor Perry, Councillor Mowat, Councillor Neil Ross. (Councillor Mary Campbell was unable to attend).

Service Director: Culture and Wellbeing:

Councillor McVey, Councillor Day, Councillor Munn, Councillor Wilson, Councillor Staniforth, Councillor Osler, Councillor Mitchell.

Service Director: Housing, Family Support and Fair Work:

Councillor McVey, Councillor Day, Councillor Munn, Councillor Kate Campbell, Councillor Jim Campbell, Councillor Louise Young, Councillor Rae.

The City of Edinburgh Council

10.00am, Thursday 23 September 2021

Queen’s Platinum Jubilee 2022 - Additional Leave

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 Council is recommended to:
- 1.2 note the proposal for one additional day’s leave following the UK Government’s announcement to mark Her Majesty The Queen’s 70th anniversary as monarch in summer 2022;
- 1.3 approve that the spring holiday initially scheduled for Monday 18 April 2022 will be moved to Thursday 2 June 2022 for all non-school employees;
- 1.4 approve that Victoria Day scheduled for Monday 23 May 2022 will be moved to Thursday 2 June 2022 for all school-based employees; and,
- 1.5 approve that an additional fixed day’s leave will be granted for all employees on Friday 3 June 2022.

Stephen S. Moir
Executive Director of Corporate Services

Contact: Katy Miller, Service Director: Human Resources
Human Resources Division, Corporate Services Directorate
E-mail: katy.miller@edinburgh.gov.uk | Tel: 0131 469 5522

Queen's Platinum Jubilee 2022 - Additional Leave

2. Executive Summary

- 2.1 The report notes the UK Government's announcement of an additional holiday to mark Her Majesty The Queen's 70th anniversary as monarch in summer 2022 and thus seeks approval of an additional fixed day's leave for all colleagues on Friday 3 June 2022.
- 2.2 The report seeks approval of an alternative Spring Holiday date from Monday 18 April 2022 to Thursday 2 June 2022 for all non-schools' colleagues.
- 2.3 The report also seeks approval of an alternative Victoria Day date from Monday 23 May 2022 to Thursday 2 June 2022 for all schools' colleagues.

3. Background

- 3.1 In 2022, Her Majesty The Queen will become the first British Monarch to celebrate a Platinum Jubilee, 70 years of service. The UK Government announced that one of the scheduled public holidays should be moved to Thursday 2 June 2022 and an additional holiday on Friday 3 June would be granted to allow for a four-day weekend to celebrate this event.
- 3.2 Public Holidays for 2021-27 were previously agreed at full Council in November 2020.
- 3.3 A motion on this topic was also raised by Councillor Laidlaw at full Council on Thursday 26 August 2021, link in section 8.

4. Main report

- 4.1 The UK Government announced that the May Bank Holiday Weekend would be moved to Thursday 2 June 2022 and an additional Holiday provided on Friday 3 June 2022 to allow a four-day weekend to celebrate the Queen's Platinum Jubilee.
- 4.2 In Edinburgh, the May Bank holiday noted above at 4.1 has traditionally not been observed at the end of May. The equivalent Spring Holiday in Edinburgh is normally the third Monday in April. In 2022, this falls on Monday 18 April and as this

is the same day as Easter Monday it had not been finalised as part of the Public Holiday report taken to full Council in November 2020 and was still to be agreed.

- 4.3 The proposal is that the spring holiday that would have fallen on Monday 18 April 2022, would be moved to Thursday 2 June 2022 for all non-schools-based employees.
- 4.4 In relation to employees working within schools, the proposal is that the Victoria Day holiday scheduled for Monday 23 May 2022 would be moved to Thursday 2 June 2022.
- 4.4 An additional fixed day's leave would also be granted for all colleagues on Friday 3 June 2022.
- 4.5 In relation to school-based employees, this would mean that schools would be closed on Thursday 2 June and Friday 3 June 2022.
- 4.6 This additional day's leave would mean a reduction in teaching days and permission would have to be sought from the Scottish Government's Learning Directorate. Education and Children's Services officers have been in discussion with Scottish Government officials on this point and our proposal has, at this stage, been noted. Government Officials are now awaiting confirmation of the Council's decision on this point.
- 4.7 A benchmarking survey was undertaken in conjunction with the Council and CoSLA initially in July 2021 to ascertain what proposals were being considered by other local authorities and this was refreshed again in September 2021.
- 4.8 The proposals from other Scottish Local Authorities that have responded to the CoSLA survey so far are that an existing public holiday for schools will be moved to Thursday 2 June 2022. However, all other services will remain open given that this holiday day is already included in the annual entitlement for local government employees in most cases.
- 4.9 With regard to Friday 3 June 2022, an additional day's leave will be granted and Councils (including schools) will be closed. Based upon the benchmarking returns received so far, other Scottish Local Authority proposals are in line with this recommendation for the City of Edinburgh Council.

5. Next Steps

- 5.1 Subject to Council approval, an additional fixed day's leave for all employees would be granted, and the spring holiday for non-schools' colleagues and the Victoria Day holiday for schools' employees would take place on Thursday 2 June 2022.

6. Financial impact

- 6.1 There is a notional cost of £1.99m for the additional fixed day's leave on Friday 3 June 2022. This cost has been assessed based upon the opportunity cost of lost working time due to the additional annual leave and the resulting enhanced payments and other costs for those employees / services required to still operate during the period concerned.

7. Stakeholder/Community Impact

- 7.1 There would, as a result of these proposals be a reduction in some Council services for the additional day of fixed annual leave and, equally, a reduction in the provision of teaching days across the City which would have implications for parents and carers within the City.

8. Background reading/external references

- 8.1 [Public Holidays 2021-2027](#)
- 8.2 [Motion by Cllr Laidlaw at Full Council Thursday 26 August 2021](#)

9. Appendices

- 9.1 None.

The City of Edinburgh Council

10.00am, Thursday, 23 September 2021

St James Quarter GAM: Interim Payment

1. Recommendations

- 1.1 Council is asked to agree that an interim payment is made to Nuveen in relation to the Growth Accelerator Model Agreement (GAM) to the value of £56.4 million for the growth assets and £1,321,415 for the Picardy Place works, subject to the terms set out in this report.

Paul Lawrence

Executive Director of Place

Contact: David Cooper, Commercial Development and Investment Manager

E-mail: david.cooper@edinburgh.gov.uk | Tel: 0131 529 6233

St James Quarter GAM: Interim Payment

2. Executive Summary

- 2.1 This report sets out the current position for the ongoing management of the GAM agreement between the Council and Nuveen with particular regard to the request by Nuveen for payment in relation to the Growth Assets.
- 2.2 The GAM was agreed between the Council and TH Real Estate (now Nuveen) as a means of ensuring the delivery of the new St James Quarter, securing additional public realm benefits alongside the new centre, and generating new jobs and economic growth for the city. It is primarily a funding mechanism where the Council funds the delivery of public realm and other improvements in and around the centre (the Growth Assets) and then recovers these costs from the Scottish Government based on the achievement of economic targets. The Scottish Government funding is generated by the increased amount of non-domestic rates as a result of the increased development.
- 2.3 Nuveen has made good progress with the development despite the challenges brought about by Covid-19, with the St James Quarter now open and shops trading. A payment is now sought from the Council for the delivery of the Growth Assets.
- 2.4 The request for payment has been assessed and, while the Council is not obliged to make any payment, it is reasonable to do so in the circumstances which are set out in more detail later in this report. This is considered a variation to the contract and, given the values involved, it is reported to Council for determination.
- 2.5 It is considered reasonable that an interim payment is made subject to suitable conditions being in place as set out in the report.

3. Background

- 3.1 On 4 June 2009, the Council approved planning permission in principle (08/03361/OUT) for the redevelopment, refurbishment and demolition works to provide a major mixed use scheme on the site of the existing St James Centre.
- 3.2 In accordance with the recommendations of the St James Quarter Compulsory Purchase Order report to Council, dated 29 May 2014, a Compulsory Purchase Order (CPO) was made and confirmed for the St James Quarter redevelopment

area, for the purpose of acquiring the land and property interests shown in the CPO Plans and Schedule of Interests.

- 3.3 A Minute of Agreement (Agency Agreement) between St James Edinburgh Limited and the City of Edinburgh Council completed on 4 September 2014 on terms which were considered acceptable by the Chief Executive, in consultation with the then Council Leader and Depute Leader. The Agency Agreement protected the interests of the Council and secured reimbursement of all costs, fees, expenses and compensation claims which would be incurred including the subsequent transfer to St James Edinburgh Limited of the property interests acquired, and such other terms as the Chief Executive considered necessary or desirable.
- 3.4 The Agency Agreement with TH Real Estate (now Nuveen) provided that in executing the CPO to support the project, all costs to the Council were fully reimbursed and there was therefore no cost to the public purse.
- 3.5 On the 19 November 2015 and 10 March 2016, in reports to Council, the Chief Executive was authorised to enter into the GAM Agreement.
- 3.6 On 14 June 2016, the GAM was signed on behalf of the Council and on 21 June 2016, the GAM was signed on behalf of the Developer.
- 3.7 In October 2016, prior to commencing construction works, Nuveen secured a development partner in APG. The Dutch pension asset management fund agreed to take a 75% stake in the Development with Nuveen holding the remaining 25%, on behalf of its UK Shopping Centre Fund.
- 3.8 On 16 October 2016, construction work on the new centre commenced. The necessary pre-conditions of the GAM agreement were satisfied on 14 October 2016. As of that date, it became a live contract and work has been under way since to deliver the provisions of the agreement.
- 3.9 On 1 February 2018, the Council agreed to make available a budget of £1.5m to increase the scope of the GAM agreement to allow additional works to Picardy Place to be carried out.

4. Main report

- 4.1 The development of the St James Quarter is now significantly advanced with the majority of the retail and leisure uses now complete and open for trading. The cinema, hotels and residential uses are still under construction although the majority of work remaining is internal fitting out. They are all programmed to be completed over the next 12 months.
- 4.2 Progress has also been made with the programme of infrastructure works (the Growth Assets) which would provide the necessary impetus to take the redevelopment forward. These include improvements to the physical environment at James Craig Walk, Leith Street, Elder Street, York Place, St James Place, Cathedral Land and Little King Street as well as publicly accessible spaces and facilities within the St James Quarter itself. In addition, new public realm at Picardy

Place, together with the provision of a multi-modal transport interchange at the junction of Leith Walk, Leith Street and York Place was to be delivered. A new energy centre designed to provide power, heat and cooling to the development and, potentially, the wider area is also a Growth Asset. These works are funded through the GAM and this has provided the stimulus to take forward the development and deliver the economic growth that are sought as a result of the development. The vast majority of these works are improvements to publicly owned or controlled assets.

- 4.3 The works are all now substantially complete and Appendix 1 shows the detail of where works are not complete and the reasons why. To a large extent the areas that are not complete have been subject to delays outwith the developer or the contractor's control. The works that have been completed have all been delivered to a high standard, although their handover will not take place until final completion.
- 4.4 The GAM agreement has a funding cap of £61.4m as the maximum that the Council will pay for the Growth Assets. The funding cap is subject to change if the Council request variations to the works and all such variations have been taken forward on a cost neutral basis i.e. any enhancement was balanced with a reduction in scope elsewhere in the contract. The final account has now been agreed between the Council and Nuveen and while the actual cost to Nuveen has been £62.67m the funding cap is retained at £61.4m. As a result, the Council is required to pay this amount once the payment provisions in the GAM are triggered.
- 4.5 In addition to the £61.4m, the Council agreed a budget of £1.5m so that additional enhancements to Picardy Place could be carried out. These were undertaken as a variation to the GAM agreement and the final cost has been agreed at £1,321,415, which is in addition to the £61.4m.
- 4.6 In light of the progress made, Nuveen has submitted a request for payment for the delivery of the Growth Assets. The Council is obliged to pay once three requirements are met. The requirements are set out in the table below along with commentary on the current position.

<p>Requirement 1: That 50% of the Retail and Leisure Element in respect of which non-domestic rates are payable is open for trading.</p>
<p>Assessment: MET</p> <p>This requirement has been met and approximately 76% of the Retail Leisure Element is currently open and trading with more units opening in the coming weeks.</p>
<p>Requirement 2: A statement or statements of practical completion has been issued for the areas comprising the Retail and Leisure Element.</p>
<p>Assessment: NOT MET (Imminent)</p> <p>This requirement has not been met as the cinema has not yet reached practical completion. Nuveen do not dispute this but have advised that they have reworked</p>

their programme as a result of Covid impacts and they have also had to take on additional works on this building (warm shell as opposed to shell) to satisfy the requirements of their tenant. Their contention is that they have exceeded Requirement 1 (as above) and have satisfied the general requirement to complete and open the centre. It should also be noted that this requirement will be met in the next few days.

Requirement 3: A statement or statements of practical completion has been issued for the areas comprising the Growth Assets.

Assessment: MET (On Qualified Basis)

Nuveen have provided qualified statements of practical completion in relation to the Growth Assets. These have been provided by Gardiner Theobald (the Employer's Agent) who also have a duty of care to the Council. There is also a schedule of outstanding works provided (see Appendix 1 for outstanding items). The position stated by Nuveen is that completion certificates needed to be issued in order to open the centre and this was the appropriate approach to take in these circumstances. Officers do not dispute the approach taken but the interpretation of the contract is that a payment is not necessarily required in these circumstances although this is open to interpretation. It is, however, clear that the contract does not make provision for these circumstances. Nuveen have proposed a retention in order to deal with situation that has arisen.

- 4.7 The key issue is whether the Council is obliged to make a payment now under the terms of the agreement with Nuveen. The assessment of this situation, as stated above, is that the Council is not obliged to make a payment at this time. Requirement 2 makes this clear although this requirement will be met within the next few days and may have been achieved by the time of the Council meeting. Once this happens the assessment of whether a payment is due or not will rest on Requirement 3 alone. As stated above this is not clear cut and the contract does not make provision for this scenario. The two interpretations that could be drawn are that either the full payment is either required or that no payment at all is required at this stage. This has the potential to lead to a dispute and both parties are keen to avoid such a situation arising.
- 4.8 Notwithstanding, the position that the Council could take in this matter, it is considered appropriate to make an interim payment at this stage, subject to a variation being agreed, on the basis that:
- 4.8.1 This is a reasonable approach to take having regard to the partnership nature of this funding model and its purpose;
 - 4.8.2 That significant progress has made in terms of the delivery of the centre and the Growth Assets;
 - 4.8.3 Nuveen has had to manage significant changes in circumstance and disruption to delivery, and,

- 4.8.4 There is a desire to retain a positive working relationship with Nuveen given ongoing contractual requirements and the need to secure economic outcomes from the development in order to secure Scottish Government funding.
- 4.9 Having regard to the above factors, it is considered that agreeing to make an interim payment is a reasonable approach to take in these circumstances.
- 4.10 If the Council proceed with a payment now, it is advisable to set out the conditionality of an interim payment by exchange of letters between solicitors. This would cover the arrangements around handover of the growth assets and when Nuveen need to make payments to the Council in relation to the lease of the Energy Centre (£0.150m) and the GAM Repayment (£0.350m). The Council's requirement is that the growth assets are not handed over until they are all fully complete and that the payment provisions, as appropriate, start from the date of the interim payment. These provisions are already provided for in the GAM but need to be clarified in this situation as it is considered a variation of the contract.
- 4.11 In order to protect the Council's remaining interests, it is proposed to retain £5m of the total GAM amount as a contingency to ensure that those assets still be completed (estimated cost of £0.530m) are done to the required standard. This means the Council would make a payment of £56.4m on the proposed GAM payment of £61.4m (retention £5m) and make full payment on the Picardy Place works where there are no outstanding matters. Payments in respect of the outstanding assets will be made from the proposal retention on an agreed percentage basis.
- 4.12 The proposal represents a variation to the agreement but not a material change in approach with regard to the overarching purpose of the GAM. Making an interim payment is considered to be the appropriate way forward in the circumstances.

5. Next Steps

- 5.1 Subject to agreement by Council:
- 5.1.1 A letter setting out the terms of the interim payment will be sent to Nuveen and the interim payment will be made upon acceptance of these terms;
- 5.1.2 Council officers will continue to work with Nuveen to complete the works to the St James Quarter and the Growth Assets; and,
- 5.1.3 Council officers will continue to work with both Nuveen and Scottish Government officials on delivery of the targets required to secure payment of the Scottish Government grant.

6. Financial impact

- 6.1 The Council has already borrowed the money required to pay for the GAM and has factored the overall GAM funding strategy into its financial strategy. The interim

payment will have an impact on cash flow as it involves paying out money before the Council might otherwise have to do so. The ability to secure the annual repayment from Nuveen now will help to offset this.

- 6.2 Discussions are on-going with the Scottish Government to secure the funding to meet the borrowing costs of the GAM payment. It should be noted that there was always going to be a lag between the payment being made to Nuveen and Scottish Government funding being confirmed.

7. Stakeholder/Community Impact

- 7.1 No community consultation has been carried out in relation to this specific report and are not considered appropriate given this is a contractual matter.
- 7.2 This matter has been discussed with representatives of Nuveen and they are in agreement that this is an appropriate way forward.

8. Background reading/external references

- 8.1 Previous GAM Committee reports and project information can be made available upon request.

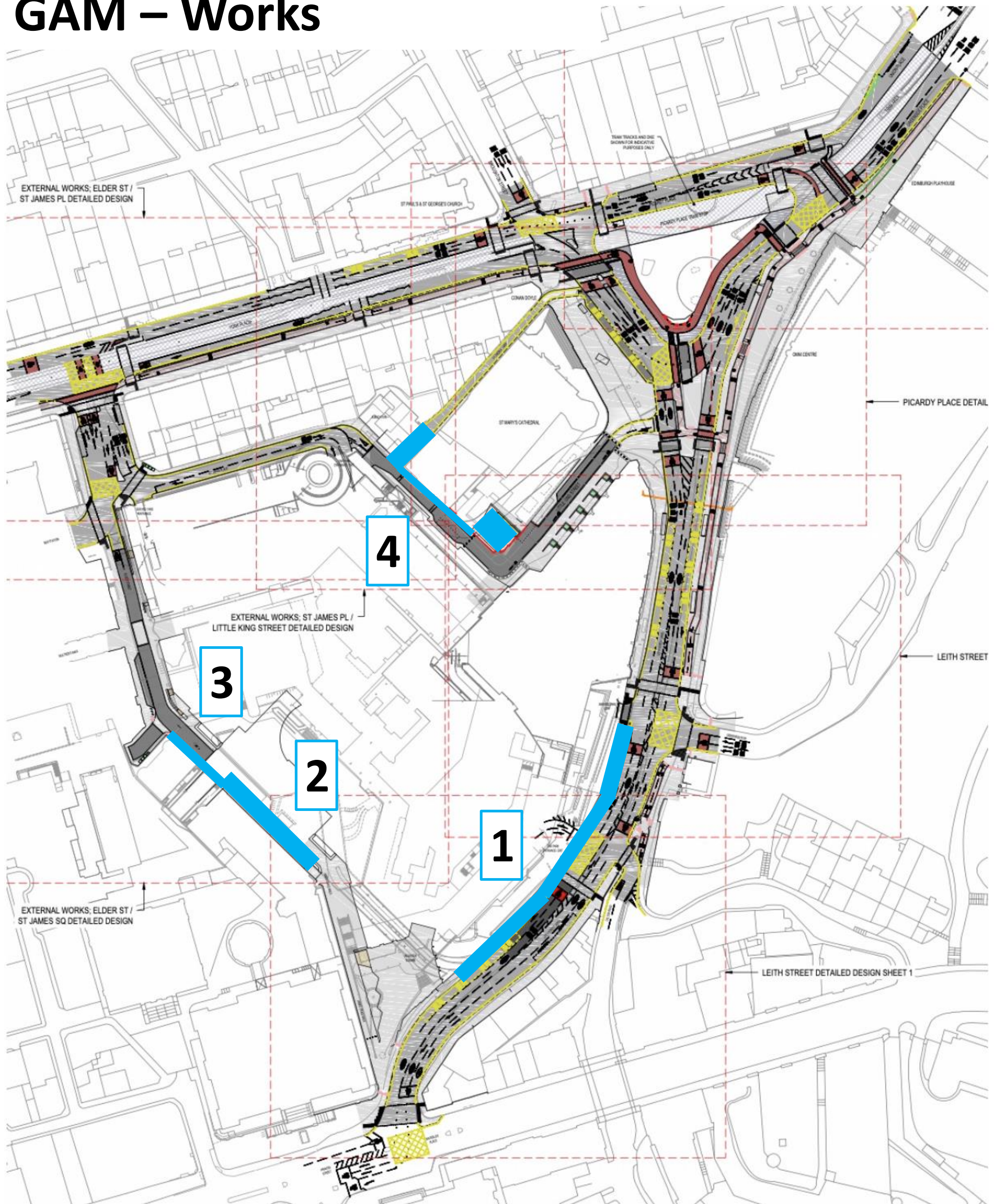
9. Appendices

- 9.1 Appendix 1 – Plan and description of incomplete works

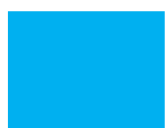
Appendix 1

GAM – Incomplete Works

GAM – Works



- 1. Leith Street
- 2. St James Square
- 3. Elder Street (upper)
- 4. Little King Street/ Cathedral Lane

 Blue areas are the areas where works are yet to be completed.

1. Leith Street



A section of the northbound pavement and inside carriageway lane (Calton Road to Greenside Row) is being retained by the contractor to facilitate completion of the retail and leisure element of the project. The street lighting and the traffic lights on the junction with Greenside Row will not be completed, fully commissioned and tested until the hoarding is removed. As a consequence of this the Council's Street Lighting team will not accept the Leith Street system as complete.



2. St James Square



A hoarding in front of 27-31 St James Square has been erected to enable the steps to the new retail units and this part of the square to be completed. The delay to the delivery has been caused by a call in by the Scottish Ministers in relation to listed building consent. That consent has now been issued.



James Craig Walk – a section of the pavement abutting the centre was being retained to support the Contractor's completion work. The cycle parking area has now been completed.



3. Elder Street



The section of east side footway replacing the ramp abutting the gable wall of 23-26 St James Square has not be completed. The Council has not yet issued a permit for works in this area. This is likely to be resolved soon.

4. Cathedral Lane/Little King Street



Cathedral Lane – section of the carriageway and street lighting will not be completed, the latter of which will need to be commissioned and tested. As a consequence of this the Council's Street Lighting team will not accept the system as complete until the permanent supply is installed.



Little King Street - The street lighting will not have its permanent power supply, consequently will not be commissioned and fully tested. As a consequence of this the Council's Street Lighting team will not accept the system as complete until the permanent supply are installed.



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City of Edinburgh Council

10:00am, Thursday, 23 September 2021

Report in relation to a legal case

Executive/routine Wards Council Commitments	Executive
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1. Recommendation

1.1 To note the contents of this report.

Nick Smith

Service Director: Legal and Assurance and Council Monitoring Officer

Contact: Kevin McKee, Head of Legal Services and Deputy Monitoring Officer

Legal and Assurance Division, Corporate Services Directorate

E-mail: kevin.mckee@edinburgh.gov.uk | Tel: 0759 061 6424

Report in relation to a legal case

2. Executive Summary

- 2.1 On 23 June 2021 Sheriff Noble issued his judgment in the case of *John Travers v City of Edinburgh Council*.
- 2.2 On 24 June 2021 the Council instructed the Monitoring Officer to "*report to all members of Council explaining the detailed conclusions of the court case and why the Council resisted the action it has now been instructed to carry out*". The instruction referred to was to deliver to Mr Travers a copy of the report prepared by PwC dated June 2016 ("the PwC Report") referred to in the judgment. The PwC Report has been the subject of a previous Monitoring Officer Report to Council on 30 June 2016 (on a B agenda).
- 2.3 At the outset it is worth confirming that both Chief Executive and the Monitoring Officer have always maintained significant sympathy for Mr Travers and his family for what they have been through. The outcomes of the PwC report were very concerning and, as members will be aware, resulted in a formal section 5 report to Council in June 2016 citing maladministration. The actions of certain ex-Council officers as detailed in the PwC report were unacceptable. The Council takes this opportunity to again reiterate that it takes whistleblowing seriously and seeks to encourage whistleblowers to come forward and will protect them appropriately when they do so.
- 2.4 The Council's position, verified by extensive external legal advice, was that it could not accede to what Mr Travers wanted without placing the Council at significant risk of being in breach of its data protection obligations and other obligations (as detailed in the confidential B agenda supplementary report). The Council accepts the Sheriff's judgement that the full unredacted PwC Report should now be provided to Mr Travers. The granting of an order requiring the release of the report by a court means that the Council will not be in breach of its data protection obligations by doing so.

- 2.5 A supplementary confidential report is provided to Council under B Agenda, detailing further relevant information which was considered by officers during the course of this case. This information is confidential and/or legally privileged.

3. Background

- 3.1 This report does not cover the detail of the PwC Report or the historic circumstances that gave rise to it. These matters were covered in the Monitoring Officer Report to Council dated 30 June 2016 citing maladministration and which was considered on a B agenda.
- 3.2 Mr Travers had for some time asserted that he was entitled to a full and unredacted copy of the PwC Report following the completion of the investigation that was undertaken by them. The Council did not have sufficient evidence to support Mr Travers' assertion. The reasons for this are more fully explained below.
- 3.3 Mr Travers raised proceedings against the Council in Edinburgh Sheriff Court in order to secure a full and unredacted copy of the PwC Report. His claim was based on what he asserted was his contractual right to be issued with a full and unredacted copy following discussions that had taken place between Mr Travers and the (then) Monitoring Officer on 18 November 2015 during the course of which Mr Travers asserted that he was advised he would be provided with a copy of the final PwC Report. Having taken comprehensive external legal advice, the Council defended Mr Travers' action on two main grounds.
- 3.4 The first ground was that the Council did not owe a contractual duty to provide Mr Travers with a copy of the PwC Report. The Council's former Monitoring Officer, who Mr Travers claimed promised him a copy of the report, could not recall making such a promise and considered it unlikely that he would have done so. Contemporary documentary evidence also indicated that no such promise appeared to have been made. The Council therefore considered that it did not have sufficient evidence that the alleged contractual obligation existed to justify voluntary release of the report to Mr Travers. See the confidential supplementary B agenda Report for further details of the potential consequences of doing so.
- 3.5 The second ground was that for the Council to agree to provide Mr Travers with an unredacted version of the PwC Report, the contract would have been contrary to public policy because it would involve the Council actively breaching Data Protection legislation. The PwC Report contains significant amounts of personal data belonging to Mr Travers and also to a number of other third parties who assisted PwC in their investigation. Given the sensitive nature of the issues considered in the course of the PwC investigation, individuals who had participated in the investigation did so on the reasonable understanding that their data would be used in relation to the Council's interests in the matters raised in the course of the

investigation. In summary, release of the PwC Report in full to Mr Travers would have involved the unauthorised release of a large amount of this third party personal data. The release of this data would have exposed the Council to potential claims of breach of statutory duty from the third parties whose data is included within the PwC Report. It is the second of these grounds which was the principal reason for the Council resisting the action raised by Mr Travers. Both of the Council's grounds for resisting Mr Travers' action are explained further in the main section of this report.

- 3.6 In his judgment Sheriff Noble concluded that, having considered the evidence, on the balance of probabilities he decided that the Council did in fact owe a contractual obligation to provide Mr Travers with an unredacted copy of the PwC Report. He also decided that given the existence of such an obligation, Data Protection legislation did not bar Mr Travers from receiving an unredacted copy of the PwC Report if the court so ordered its release.
- 3.7 In response to the Sheriff's judgment, a copy of the unredacted PwC Report has now been provided to Mr Travers.

4. Main report

- 4.1 The first ground of Mr Travers' claim was based upon discussions that took place between Mr Travers and the (then) Monitoring Officer in November 2015. On the basis of witness and documentary evidence, the view taken by the Council was that the available evidence did not support the existence of a binding contract between the Council and Mr Travers. This view was confirmed by external legal advice from Brodies LLP and a senior QC. For these reasons the Council resisted the first ground of Mr Travers' claim. The Council considered that any decision as to whether such a commitment was made would ultimately have to be made in court given the conflicting accounts and evidence available.
- 4.2 The Council's current Monitoring Officer had previously provided Mr Travers with a summary of the main findings of the PwC Report by email on 28 June 2016. In the absence of any other right to the information being established then Mr Travers had to be treated as any other requester of information and the relevant legislation (FOI and DPA) was applied.
- 4.3 On 29 August 2016 the Council provided Mr Travers with a redacted copy of the PwC Report in response to a subject access request. The intention of this, together with the summary outcomes email referred to above, was to provide Mr Travers with information on the findings of PwC and also provide access to his own personal data as contained within the PwC Report without breaching the Council's obligations to third parties under Data Protection legislation. Accordingly, by August

2016, Mr Travers had been provided with the summary outcomes, as well as all information from within the PwC report which related to him and his family.

- 4.4 The decision to provide Mr Travers with a redacted version of the PwC Report followed specialist external legal advice on the Council's duties under Data Protection legislation regarding third party personal data. See also the supplementary B agenda report in this regard. In summary, the Council was advised that the only way for the Council to release the full and unredacted report to Mr Travers without being at significant risk of breaching Data Protection legislation (and consequent action from an aggrieved party or the regulator), was if it was ordered to do so by a court.
- 4.5 On 6 October 2016, the Council also provided a comprehensive Freedom of Information response to Mr Travers' agents, providing detail on why the remainder of the report was not being provided to him.
- 4.6 In the event the Sheriff, taking account of evidence presented by Mr Travers and other witnesses, concluded on the balance of probabilities that Mr Travers had been advised at the November 2015 meeting that he would receive a copy of the PwC Report on the conclusion of PwC's investigations. The Sheriff also concluded that in that event, the Data Protection legislation did not bar Mr Travers from receiving an unredacted copy of the PwC Report should the court make such an order.
- 4.7 For the sake of completeness, Council is advised that, in an attempt to avoid litigation, both parties had proposed alternative methods of dealing with the Data Protection issues. Please see the confidential report under B agenda for further detail in this regard.
- 4.8 There is no doubt that in this case the Council found itself in an invidious position. There was genuine sympathy for what Mr Travers and his family had been through over a number of years. However, unfortunately in this particular situation, the Council was unable to provide Mr Travers with what he had requested because: (i) it did not have sufficient evidence of an obligation to do so; and (more importantly) (ii) it would have placed the Council at significant legal risk in relation to Data Protection obligations (and other obligations (see the confidential B agenda report)) if it had acceded to what he wanted. The Council's position was informed by specialist external legal advice (independently from two different firms), and advice from its appointed QC.
- 4.9 The Council's defence of Mr Travers' action was undertaken in good faith and on the basis of advice of having reasonably good prospects of success in court.

5. Next Steps

- 5.1 Following the judgment, Mr Travers has now been provided with an unredacted copy of the PwC Report.

6. Financial impact

- 6.1 No direct impact arises as a consequence of this report.

7. Stakeholder/Community Impact

- 7.1 No direct impact arises as a consequence of this report.

8. Background reading/external references

- 8.1 None

9. Appendices

- 9.1 Appendix 1 – [Link to Judgement of Sheriff Noble in case of *John Travers v City of Edinburgh Council*.](#)

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

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QUESTION NO 1

**By Councillor Neil Ross for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 23 September 2021**

Many residents across the city are actively looking to purchase an electric car. One factor in their decision relates to the availability of existing and proposed EV charging infrastructure.

Question (1) How many working EV charging points are there currently in Edinburgh on council land and where are they located

Answer (1)

Question (2) In which financial year was each EV charging point installed?

Answer (2)

Question (3) When the council permits charging operators to run charging points on its land, does it specify a proportion of the time that charge points should be available for use and, if so, what is that standard?

Answer (3)

Question (4) Has that minimum standard been met over the past twelve months?

Answer (4)

Question (5) What is the minimum availability standard for the proposed new EV charging points?

Answer (5)

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QUESTION NO 2

**By Councillor Neil Ross for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 23 September 2021**

The Convener will be familiar with reports of waste collection service issues, in particular, over-flowing communal street bins of all descriptions.

Question (1) With many people now working from home and intending to continue with at least part-time working from home, what changes have been made to gear up the waste collection service to meet the increased demands placed upon it as a result in areas served by communal street bins?

Answer (1)
Fly tipping and mis-use of communal street bins by some businesses and landlords happens too often. In some cases, evidence, including names, of perpetrators has been provided to the Council by residents.

Question (2) Has the Council increased its enforcement action to deter fly tipping and mis-use of bins by some businesses and landlords? and

Answer (2)

Question (3) How many businesses and landlords have had enforcement action taken against them in the past twelve months and how many fixed £200 fines have been issued over the same period, with comparator figures for the preceding 12 months?

Answer (3)

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QUESTION NO 3

**By Councillor Neil Ross for answer
by the Convener of the Finance and
Resources Committee at a meeting
of the Council on 23 September 2021**

Question

Administrative support is provided to councillors in the form of assistance with constituent casework and assistance with political and committee work, such as research and preparation for questions, answers, motions, amendments and addenda for full Council and Council committees, including work done by departmental assistants. What were the numbers of administrative and departmental support staff working for each political group, excluding independent councillors, and their total costs per group for 2020/21?

Answer

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QUESTION NO 4

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

At the 26 August 2021 meeting of the Council and during the debate on reform of transport arms-length organisations, the Vice-Convener of Housing, Homelessness and Fair Work said:

“One councillor mentioned park and ride and, integrating (sic) park and ride would be great if we had big bits of land on the outskirts of our city for parking cars on, but I would kind of prefer that we look at it first whether we can build houses and new businesses and other things that the city probably needs more than park and ride. So I would just set that aside”.

Question (1) Does the Convener agree with this statement?

Answer (1)

Question (2) Does coalition commitment 26 on expanding provision of park and rides for commuters still stand?

Answer (2)

Question (3) Can the Convener confirm whether the failure to deliver expansions of park and ride sites in Edinburgh over the last four years is as a result of any successful internal lobbying by the vice-convener of Housing, Homelessness and Fair Work?

Answer (3)

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QUESTION NO 5

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

Question

What is the status of the traffic regulation order(s), implementing the February 2020 decision of the Transport & Environment Committee to reduce the speed limit of 22 streets from 40mph to 30mph?

Answer

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QUESTION NO 6

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

Question

At the meeting of 14 May 2020, the Policy & Sustainability Committee agreed that a consultation should be initiated by the end of 2020 with regards to speed limits on rural roads. When will this consultation commence?

Answer

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QUESTION NO 7

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

On 6 August 2020, the Policy & Sustainability Committee approved an updated prioritisation list for new pedestrian crossings to be installed in 2020/21.

Question (1) Which of the 17 crossings listed in appendix 1 of the August 2020 report were installed in the 2020/21 operating year as scheduled?

Answer (1)

Question (2) Which if any of the crossings listed for installation in 2021/22 have been installed?

Answer (2)

Question (3) When will the Transport & Environment Committee next be asked to approve an updated priority list for the current and future years?

Answer (3)

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QUESTION NO 8

By Councillor Osler for answer by the Convener of the Regulatory Committee at a meeting of the Council on 23 September 2021

Section 188 of Edinburgh Corporation Order Confirmation Act 1967 (Control of loudspeakers) stated:

“(1)(a) A person shall not, **without the consent of the Corporation**, operate any loudspeaker in any street.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.”

And

Section 461 (Street musicians):

“A person shall not, in any public place, for or in expectation of personal re- ward, continue to sound or play any musical instrument, or to sing or perform, after being required to desist **by any person resident or occupying premises in the neighbourhood**, or by any constable. ”

These are obviously no longer in force.

- | | |
|-----------------|--|
| Question | (1) What consideration has the Council given to reinstating them? |
| Answer | (1) |
| Question | (2) What measures could the Council use instead to control the use of loudspeakers and amplified music from street musicians? |
| Answer | (2) |

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QUESTION NO 9

**By Councillor Osler for answer by
the Convener of the Transport and
Environment Committee at a meeting
of the Council on 23 September 2021**

Question

What consideration has been given to extending the current temporary provision of toilet facilities in Inverleith Park, Leith Links and the Meadows?

Answer

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QUESTION NO 10

By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

With reference to Qu 15.4 relating to *Spaces for People* market research, for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 24 June 2021, the response was: "*Questions have been asked about a small number of responses to the market research (13 out of 583 (2% of the sample). These questions are being investigated. However, even if all 13 were to be discounted, there is no material impact on the outcome of the research.*".

Question

What was the outcome of that investigation and how were the anomalies explained?

Answer

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QUESTION NO 11

**By Councillor Mowat for answer by
the Convener of the Education,
Children and Families Committee at a
meeting of the Council on 23
September 2021**

Question

To ask the Convener of Education, Children and Families
how many spaces are available for pupils in each year
group of High School across the City?

Answer

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QUESTION NO 12

By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

To ask the Transport & Environment Committee Convener:

Question (1) What discussions have been held with Historic Environment Scotland regarding the proposed extended closure times of Queen's Drive between Holyrood Park Road and Holyrood Gait?

Answer (1)

Question (2) What analysis has been done regarding the impact this extended closure will have on traffic on surrounding streets?

Answer (2)

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QUESTION NO 13

By Councillor Webber for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

Can the Convener please provide details of:

Question (1) The City of Edinburgh Council's bid to the UK Office for Zero Emission Vehicles (OZEV) through the "On-Street Residential Chargepoint Scheme."

Answer (1)

Question (2) The outcome of this funding bid?

Answer (2)

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QUESTION NO 14

**By Councillor Johnston for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 23 September 2021**

Question

Can the Convener confirm what budget has been set aside for the potential removal of the Spaces for People projects and how said budget compares to the initial provision, which was in excess of £800k?

Answer

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QUESTION NO 15

**By Councillor Johnston for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 23 September 2021**

In QUESTION NO 15 on 11 March 2021, the Convener of the Transport and Environment Committee was asked what pre-testing of the public consultation survey was carried out and what was the scale and profile of the test sample? the response was: "Given the timescale for development and delivery of the engagement, it was not possible to pre-test the survey..."

Question (1) Given, there was more time to prepare for the Lanark Road engagement, what pre-testing, quality control and approval process was undertaken for the Local Engagement Survey for Lanark Road?

Answer (1)

Question (2) What steps were taken to ensure all residents in the prescribed local area received a letter?

Answer (2)

Question (3) How did council officers decide on the designated letter drop boundary?

Answer (3)

Question (4) Did council officers consult any elected councillors when setting the boundary of the area designated to receive letters, to ensure local knowledge was incorporated?

Answer (4)

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QUESTION NO 16

By Councillor Webber for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

Question (1) Following a response received to similar question in April 2021 can the Convener provide the latest data (*previously provided is indicated in italics*)

Question (1) Since the installation of the various temporary Spaces for People schemes across the city intended to aid with social distancing during the Covid 19 Pandemic how many personal injury or accident claims have been made against the Council?

*Previous Answer (1) a) There have been five claims in total
b) There has been one each from the following schemes: Dalry Road, Buckstone Terrace, Princes Street, Morningside Road and Pennywell Road.*

a) In total.

b) By scheme.

Answer (1)

Question (2) **Question (2) What has been the outcome of these claims?**

Previous Answer (2) All of the claims are still open at present.

a) Number of successful claims.

b) Total Payments / Compensation if applicable.

Answer (2)

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QUESTION NO 17

By Councillor Doggart for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 23 September 2021

Question (1) How much will Council expenditure reduce annually (in current year terms) for each of the 5 affected care homes if they are to close, as initially proposed to the EIJB in June 2021?

Answer (1)

Question (2) How much debt remains outstanding for each of the 5 affected care homes if they are to close, as initially proposed to the EIJB in June 2021?

Answer (2)

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QUESTION NO 18

By Councillor Whyte for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021

Tram Project – Leith Walk

To ask the Convener of the Transport and Environment Committee:

Question

Why was the street design accepted when the “Cycle Way” meets the designated Edinburgh Street Design Guidance but the footway doesn’t?

Answer

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