Notice of meeting and agenda

City of Edinburgh Council

10.00 am Thursday, 28th October, 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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

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1. Order of business

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

2. Declaration of interests

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

3. Investigation Reports

3.1 Investigation Reports:

23 - 64

- a) Independent Inquiry Report Arising Out of Allegations
 Concerning the Conduct of the late Sean Bell Report by the Chief Executive
- b) Report by the Monitoring Officer

4. Deputations

4.1 If any

5. Minutes

5.1 The City of Edinburgh Council of 23 September 2021 – submitted for approval as a correct record

6. Leader's Report

6.1 Leader's report

129 - 132

7. Appointments

7.1 Appointment to Committees – Report by the Executive Director of Corporate Services

8. Reports

- **8.1** BioQuarter Outline Business Case referral from the Policy and Sustainability Committee
- **8.2** Edinburgh International Conference Centre Hotel and Hotel 203 290 School Final Business Case
 - (a) Report by the Executive Director of Place
 - (b) Confidential Final Business Case

9. Resolution to Consider in Private

9.1 The Sub-Committee, is requested under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs xx of Part 1 of Schedule 7A of the Act.

10. Private Reports

- 10.1 Reprioritisation of Capital Budget to support a Mobile Workforce
 Solution (Totalmobile) for homecare and reablement referral from the Finance and Resources Committee
- **10.2** Unsuitable Accommodation Order: Purchasing Homes referral 299 320 from the Finance and Resources Committee

11. Motions

11.1 By Councillor Mary Campbell - Supporting Teach the Future

"Council notes the positive work being undertaken by 'Teach the Future', a campaign group led by young people in schools and higher education, trying to ensure that all students are substantively taught about the climate emergency and ecological crisis.

Council resolves to support Teach the Future by requesting the Council Leader writes to the Cabinet Secretary for Education and Skills to express Council's support for the following asks –

ASK 1: A government commissioned review into how the whole of the Scottish formal education system is preparing students for the climate emergency and ecological crisis which offers recommendations for action at a local authority and individual school level.

ASK 2: Inclusion of the climate emergency and ecological crisis in teacher education and a new professional teaching qualification.

Ask 3: Increased priority for sustainability in school inspections and publicly influencing educational ranking.

ASK 4: A Scottish Climate and Biodiversity Emergency Education Act.

Council also requests a report to the Education, Children and Families Committee meeting in March outlining the response to the letter and detailing the work Edinburgh Council is doing to embed learning about the climate emergency and the ecological crisis. This should include planned curriculum work, the Climate Literacy training programme, the work of the Sustainability Board, and how children and young people are being empowered to participate in these changes."

11.2 By Councillor Neil Ross - Amplification of Sound in Public Spaces Council:

a) Welcomes buskers and street entertainers who liven up our city and who follow the Council's advice to do so at a

- considerate volume so passers-by can hear but nearby businesses and residents are not disturbed.
- b) Recognises the concerns of residents, businesses and visitors, in particular in the city centre, about the negative auditory impact of over-amplification of sound by some buskers and street entertainers in public spaces when the advice at a) above is ignored.
- c) Notes that a level of noise at or above 85 decibels can damage hearing or inflict pain on the hearer.
- d) Notes that there is a limitation on the amplification of sound for open air events in the standard conditions of the Council's Public Entertainment Licence.
- e) Notes the failure of the Council to bring forward any proposals to control the amplification of sound in public spaces in response to the motion approved by the Council on 22 August 2019.
- f) Notes the answers given on 23 September 2021 to questions on the control of noise from street entertainers and the lack of powers available to the Council to achieve balanced, fair, sensible and positive street performing behaviours.
- g) Therefore, requests the Convener of the Regulatory Committee to write to Ben Macpherson MSP, the Minister for Local Government in Scotland:
 - to highlight the negative auditory impact of amplified sound from buskers and street entertainers in public spaces in Edinburgh; and
 - ii) to request additional powers to allow the Council to effectively control the amplification of sound in public spaces under the Civic Government (Scotland) Act 1982, whether through an extension of the arrangements governing the licensing of public entertainment or by other means; and
 - iii) to report to the Regulatory Committee within two cycles to provide details of the correspondence with the Minister, including the response received from the Minister and details of any progress made.
- h) Also requests the Council's Street Enforcement team to

- actively engage with buskers and street entertainers to encourage adherence to the Council's advice on busking, as noted on the Council's website.
- i) Also requests that officers explore the feasibility of creating straight forward ways for residents and businesses to report disturbances to the Council arising from the amplification of sound in public spaces."

11.3 By Councillor Neil Ross - Raising HMO Standards "Council:

Notes there are a number of elements of HMO licensing where standards applying to landlords could be raised and best practice amongst letting agents could be encouraged, for example,

- The issue of application notices to residents
 The regularity of complaints by neighbouring residents that the site notice relating to an HMO application is often not easily seen during the required period of 21 days suggests that residents would be better informed of HMO licence applications if they were given a copy of the site notice, either paper or electronic.
- 2) The issue of emergency contact details to residents -Changes in the residents neighbouring HMO licenced properties over the three year period of a licence mean that the current requirement for landlords and agents to provide contact details, including 24/7 emergency contact details, to every occupier in the same building as the licence applicant's premises and any adjoining premises could be improved by making this an annual requirement.
- The problem of fly tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents –

The increasing use by the Council of enforcement action and the issue of fixed penalties to businesses and landlords found to have illegally dumped waste in the street or abused residential waste facilities suggests that a new HMO condition requiring adherence to acceptable waste disposal practices by landlords, and agents and sub-contractors acting on their behalf, might discourage this behaviour by contractors employed by landlords or agents. Therefore, requests a report to the Regulatory Committee in two cycles on ways to raise standards amongst landlords and to encourage best practice amongst letting agents, in particular, to address the matters highlighted above but also other areas where improvements can be made either via changes to HMO conditions or the HMO application process or by other means, both compulsory and voluntary. The report should reference the current HMO Licensing context, where relevant."

11.4 By Councillor Neil Ross - Engine Idling

Council:

- Notes that while emissions from stationary vehicles are only a small contributor to overall levels of air pollution, they can cause discomfort to people in the immediate vicinity, particularly where they occur in sensitive areas (e.g. outside schools). High levels of localised pollution can also trigger the symptoms of asthma and other respiratory diseases in vulnerable people.
- 2) Notes that the Council has powers under the Environment Act 1995 to tackle engine idling and, in the vast majority of cases, the only action required will be to remind a driver to switch off the engine while the vehicle is parked. If a driver refuses to co-operate, the Council can issue a Fixed Penalty Notice of £20. The Council's Street Enforcement team currently carries out vehicle emission enforcement, but it is possible to also employ a third party to carry this out.
- 3) Notes that the Council employs NSL to regulate and enforce parking in the city.
- 4) Requests that the Council should engage with NSL to discuss the potential for vehicle emission enforcement by parking attendants including, in particular:
 - i) the issue of appropriately worded leaflets to remind

- drivers whose engines are idling of their legal obligation to switch off the engine when parked; and
- ii) where a driver refuses to co-operate, the issue a Fixed Penalty Notice of £20; and
- iii) to report on the result of the discussions within two cycles to the Transport & Environment Committee."

11.5 By Councillor McVey - Local Electricity Bill "Council:

- 1) Notes the reduction of more than 60% in Edinburgh Council carbon emissions achieved, far exceeding the 42% 2020 target and acknowledges the ongoing efforts to get to net-zero as a City by 2030.
- 2) Recognises the very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so.
- 3) Further recognises that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for local companies, community groups and councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, if they wished, providing revenues received by such local companies, community groups or councils that chose to become local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions.
- 4) Notes that the Parliamentary Environmental Audit Committee, as a result of its 2021 Technological Innovations and Climate Change inquiry, recommended that a Right to Local Supply for local energy suppliers be established to address this.
- 5) Supports the Local Electricity Bill, currently supported by a cross-party group of 264 MPs and which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply by making the

setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company; and requests the Council leader writes to the UK Government and Edinburgh's MP's to highlight Council's support for the Bill."

11.6 By Councillor McVey - Universal Credit Cut and Child Poverty "Council:

- Notes that the Conservative UK Government has by failing to make permanent its Covid related increase in Universal Credit cut around £1,000 from the incomes of 35,000 Edinburgh families, and an estimated further 6 million households in the rest of the UK, at a time when the cost of living is rising sharply.
- 2) Notes the widespread opposition to this cut with Holyrood voting to condemn this plan in the Scottish Parliament on September 28th 2021 - with only Conservatives MSPs supporting the Conservative UK Government's withdrawal of this support from those most in need in our society.
- 3) Notes analysis from the Joseph Rowntree Foundation showing this will take £35m from residents in Edinburgh who need it most, pushing thousands more families, including thousands of children, into poverty.
- 4) Notes the compounded impact of this cut on existing polices such as the abhorrent two child cap for children born after April 2017 (and its grossly insensitive "rape clause"), the recent decision of the UK Conservative Government to increase National Insurance, energy price rises and other factors which means the impact on a single working parent with 2 children could be up to £1,750 a year according to analysis by the Joseph Rowntree Foundation.
- 5) Council joins the Scottish Parliament, Edinburgh Poverty Action Group and more than 100 organisations including JRF, Child Poverty Action Group, Citizens Advice Scotland, Crisis, One Parent Families Scotland, The Poverty Alliance, the Robertson Trust, and others in

condemning this action as an attack on those most in need in our city and demands the Conservative UK Government reverse this cut.

- Welcomes the use of devolved powers to create the Scottish Child Payment, at £520 per child per year with no cap on families' entitlements. Notes this will go some way to mitigate the effects on child poverty of the UK Government's Universal Credit cut.
- 7) Supports the Council Leader and Deputy Leader in writing to the Conservative UK Government setting out the impact of our City of the Universal Credit cut set within the context of the Poverty Commission Report. Further ask that the Council Leader and Deputy Leader writes to Scottish Government Ministers to explore other actions that can mitigate the impacts to poverty by the UK Government's actions, including increasing the rate of the Scottish Child Payment."

11.7 By Councillor Day - Community Wealth

"Acknowledges the benefits of Community Wealth building approach, and understands the Council leads in many areas of this, in particular our in-built Community Benefits schemes and employment opportunities.

Community Wealth Building can be described as people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people. Championed in Scotland with the Centre for Local Economic Strategies (CLES).

Notes the 5 key principles of Progressive Procurement, Fair Employment, Shared Ownership, socially just use of assets, and making financial power work for local places.

Calls for a report in two cycles to Policy and Sustainability committee setting out Edinburgh's approach to People centred approaches/Community Wealth building and identify any further opportunities going forward."

11.8 By Councillor Munn - Responsible and Sustainable Pension Fund Investments

"Notes that the holding of COP26 in Glasgow 31 Oct-12 Nov brings with it a focus on Local Government Pension Scheme investments in fossil fuels.

Notes that Lothian Pension Fund has a fiduciary duty to deliver the best returns for its pension holders and that fiduciary duty must be paramount in all decision making around the pension fund.

Notes that Lothian Pension Fund is a member of Climate Action 100+ and in September signed the Global Investor Statement on Climate calling on governments to urgently ramp up their efforts to address the climate crisis.

Notes the ongoing work of Lothian Pension Fund in actively engaging with companies it holds shares in to meet environmental, social and corporate governance standards as set out in the funds Statement of Responsible Investment Principles.

Notes Lothian Pension Fund holds shares in green technologies of around £120m in 2021 but has residual shares in companies operating in fossil fuels of around £118m in 2021. Further notes the Fund is using data from the Transition Pathway Initiative (TPI), to encourage companies to adopt business models and strategies that are in line with the aims of the Paris agreements. Our ambition is that all holdings covered by TPI [will have achieved a level 4 assessment and] have a business plan whose carbon performance is in-line with the Paris agreement or better by 2025.

Notes that the Council and wider city are working to objectives of achieving a net-zero carbon position by 2030 and driving down poverty and making Edinburgh a living wage City.

Council requests the Council Leader writes to the pension fund to seek assurance on the robustness of the Funds response to climate change and the need for action, an assurance that divestment will proceed for investments that are not TPI level 4 compliant by 2025, particularly as COP26 takes place in Scotland. Council further requests that the pension fund make a net zero commitment, incorporating detail on how to achieve this into the next iteration of the fund's Statement of Responsible

Investment Principle, due June 2022.

Further requests the Leader set out Council and citywide policies to be taken into consideration when making investment decisions, including requesting the pension fund formally sign up to the City's climate compact."

11.9 By Councillor Lezley Marion Cameron - Small Business Saturday

"Council notes the continuing challenges facing small business across the city in their attempts to reopen and recovery from the impact of Covid 19 and Brexit; and doing so in keeping with Scottish Government guidance.

Council welcomes the innovative and imaginative ways in which small businesses have adapted their operations, supply chains, and their offering to customers during this difficult period.

Council congratulates businesses which have taken steps to successfully reduce their carbon footprint; improve the overall sustainability of their operations, reducing waste and encouraging customers to adopt behaviours which contribute to this.

Council also recognises the efforts made by businesses to invest in the accessibility and appeal of their premises and "shop fronts" and the meaningful contribution this makes to the inclusiveness, attractiveness and vibrancy of Edinburgh's local high streets and city centre.

Council continues to proactively support Small Business Saturday, taking place this year on Saturday 4th December and to encourage Edinburgh residents and visitors to explore and support the wonderful and diverse range of local and small businesses in Edinburgh.

Council is also committed to continue to increase its procurement spend with small and local business and to continue to provide procurement advice and support to Council suppliers, meet the buyer events etc.

Council calls for a campaign in the run-up to and including Small Business Saturday which encourages businesses to make their business premises meaningfully more accessible and their operations more sustainable.

Council calls for a report to the Policy and Sustainability Cttee within 2 cycles setting out what advice and practical support Council can give to the small business sector to assist them improve the accessibility of their premises and to improve the overall sustainability of their business operations."

11.10 By Councillor Whyte - Condolences on the death of Sir David Amess MP

"Council sends its deepest condolences to the family, friends and colleagues across the House of Commons of the Conservative MP Sir David Amess, stabbed to death whilst holding a surgery and carrying out his duties as a constituency MP.

The death of a fellow elected member whilst carrying out their duties is an event that reminds us that whatever our political differences, once elected, we share in the common aim of serving our constituents.

Representing the public and your community is a privilege that can only be undertaken by engaging with the public and being part of those communities and Council agrees that in this moment of vulnerability it is more necessary than ever to continue to deliver democracy.

Council stands united to honour the work of Sir David, to grieve with his family, constituents and friends.

Council agrees to reaffirm its belief in democracy and pledge to continue to play its part in ensuring that open, representative democracy continues to honour the memory of Sir David Amess and the service he gave to his community."

11.11 By Councillor Webber- Early Days Prevention of Adverse Childhood Experiences

"Council

Notes the work of WAVE Trust and its 70/30 campaign to reduce levels of child abuse, neglect and domestic abuse by 70 per cent by 2030;

Notes that over 700 MPs, MSPs, MLAs, AMs, mayors and local

Councillors have endorsed the campaign across all political parties;

Recognises the role that Adverse Childhood Experiences (ACE) play in the entrenchment of intergenerational health and income inequalities and the loss of over £20 billion per year to the UK economy;

Recognises the preventative work already being carried out by the City of Edinburgh Council and acknowledges that there is a wide understanding of ACEs across services, including Education, the impact this can have on children as well as adults, and in turn their care of their own children, and the decisions they make as adults.

Agrees that the Council should further develop a comprehensive early years' strategy to prevent harm to children before it happens, ensuring that all parents are supported to give children the best possible start in life.

Agrees that the Council should explore with WAVE Trust (our/their) ideas on how to achieve 70/30, and to report back to Council in six cycles to indicate what would be required for the key recommendations of this strategy to be implemented and embedded within the culture and processes of the City of Edinburgh Council."

12. Congratulatory Motions

12.1 By Councillor Barrie - Hibernian and Hearts Ladies Football Teams Encouraging Women and Girls into Sport

"Council applauds Hibernian Football Club's decision to throw open the doors of Easter Road Stadium to host the Women's Premier League fixture, Hibernian Women versus Hearts on September 29th, with no admission charge to fans.

This ground-breaking initiative to support and promote women's football in our city, by playing the game in a major stadium, free of charge to fans, is extremely welcome. This initiative saw a record-breaking crowd of 5,512 fans attend a thrilling game where Hibernian Women prevailed with a 3-0 win.

Council congratulates both teams, those on the field and behind

the scenes, for their part in making this such a success, whilst demonstrating what a credit to the city both teams are, and also for doing a magnificent job in supporting and encouraging girls and women in to sport at all levels."

12.2 By Councillor Kate Campbell - Jack Kane Community Centre

"Council notes the exceptional work of the Jack Kane Community Centre, in partnership with the Council, in supporting young people in the wider Craigmillar and Niddrie community.

Council recognises the award of three-year funding through BBC Children in Need, gained by listening and acting on volunteering stories, and recognises the additional value such a proactive approach from the Jack Kane Community Centre brings, using the funding and support from the council to leverage in further funding and projects to support the community.

Council congratulates the Jack Kane Community Centre staff and volunteers for the superb achievement of becoming the first community centre in Edinburgh and Scotland to gain the CLD standards mark for the quality of the educational experience they provide, and the acknowledgement that the core principles and values of CLD competencies are embedded in the work they carry out with young volunteers alongside the other valuable work that takes place across the centre.

Council agrees that the Lord Provost will write to the management committee to share council's congratulations and appreciation of their work, and reaffirm our commitment to continue to work with them to develop opportunities for the wonderful community and young people they support."

12.3 By the Lord Provost - Recognition of Dr Elsie Inglis

"Council:

Recognises that Dr Elsie Inglis (1864 – 1917) was a pioneering Scottish doctor and surgeon becoming the founder of Women's medical practices and hospitals located within the City of Edinburgh.

Further recognises her work and achievements during the First

World War I, becoming a Suffragist and founder of the Scottish Women's Hospitals for Foreign Service, sending qualified teams of female nurses to Belgium, France, Serbia and Russia.

Notes that the Lord Provost, Mercat Tours and the Edinburgh Evening News upon the Centennial anniversary of Elsie's death on 26 November 2017 began a fundraising campaign to honour her life and recognise her work in the city and abroad by commemorating her with a statue.

Further notes that:

- our Capital city has more statues of animals than women;
- Elsie Inglis was a woman of character, who inspired others with her determination and pioneering work during inauspicious times;
- Elsie's values mirror those of the Edinburgh 2050 City
 Vision of 'Thriving, Welcoming, Fair and Pioneering'
 which resulted from the Councils largest consultation
 with the Citizens of Edinburgh in 2019;
- to date £2,400 has been raised, and,
- in the past few months the campaign has been rejuvenated with the support of a group of dedicated and passionate volunteers, along with Girl Guiding Edinburgh.

Welcomes the support from all parties involved and commend them for their fundraising efforts planned for March 2022, which includes the Girl Guiding sponsored 'Sit Still' in the Meadows and various afternoon teas being held at the City Chambers and the Royal College of Surgeons Edinburgh.

Council agrees to give full and unequivocal support to all of these activities to raise funds, enabling the life and work of Dr Elsie Inglis to be commemorated in the form of a statue; to be bequeathed to the Citizens of Edinburgh."

12.4 By Councillor Bruce - George Heriot's - Independent School of the Year 2021

"Council recognises George Heriot's School has, for many years, given educational opportunities to children who have lost a parent

or indeed to refugees fleeing war-torn countries.

That the school has a strong work ethic for both pupils and staff within a safe and friendly environment where pupils are openly encouraged to help each other in times of need.

That this has been endorsed by the judges of the 2021 Independent School of the Year awards, who said the school "exemplifies the pioneering and generous spirit of independent education".

Council therefore congratulates George Heriots for being named Independent School of the year 2021 ahead of over 700 nominated schools in the United Kingdom, and also Coeducational School of the year, and asks the Lord Provost to send a letter of congratulation to the school to recognise this achievement."

12.5 By Councillor Mitchell - 80 Years of Life Care

"Council:

- congratulates LifeCare on 80 successful years of serving the community and wider city since 1941.
- recognises the work of LifeCare supporting people with dementia, the elderly, those with reduced mobility, older people living in deprivation, and the socially isolated in Edinburgh over eight decades.
- particularly acknowledges that over the last year LifeCare has worked with and supported over 770 vulnerable older people in especially trying circumstances.
- thanks LifeCare for continuing to support and empower older people to live independently and happily in their community, and asks the Lord Provost to appropriately mark LifeCare's 80th birthday."

13. Questions

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- **13.19** By Councillor Jim Campbell Report by Susanne Tanner QC 357 358 for answer by the Leader of the Council
- **13.20** By Councillor Mowat Scottish Government Funding of Travel 359 360 for answer by the Leader of the Council

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillors (Convener), (Vice-Convener), Councillor Robert Aldridge, Councillor Scott Arthur, Councillor Gavin Barrie, Councillor Eleanor Bird, Councillor Chas Booth, Councillor Claire Bridgman, Councillor Mark Brown, Councillor Graeme Bruce, Councillor Steve Burgess, Councillor Lezley Marion Cameron, Councillor Jim Campbell, Councillor Kate Campbell, Councillor Mary Campbell, Councillor Maureen Child, Councillor Nick Cook, Councillor Gavin Corbett, Councillor Cammy Day, Councillor Alison Dickie, Councillor Denis Dixon, Councillor Phil Doggart, Councillor Karen Doran, Councillor Scott Douglas, Councillor Catherine Fullerton, Councillor Neil Gardiner, Councillor Gillian Gloyer, Councillor George Gordon, Councillor Ashley Graczyk, Councillor Joan Griffiths, Councillor Ricky Henderson, Councillor Derek Howie, Councillor Graham Hutchison, Councillor Andrew Johnston, Councillor David Key, Councillor Callum Laidlaw, Councillor Kevin Lang, Councillor Lesley Macinnes, Councillor Melanie Main, Councillor John McLellan, Councillor Amy McNeese-Mechan, Councillor Adam McVey, Councillor Claire Miller, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Gordon Munro, Councillor Rob Munn, Councillor Hal Osler, Councillor Ian Perry, Councillor Susan Rae, Councillor Alasdair Rankin, Councillor Lewis Ritchie, Councillor Cameron Rose, Councillor Frank Ross, Councillor Neil Ross, Councillor Jason Rust, Councillor Stephanie Smith, Councillor Alex Staniforth, Councillor Mandy Watt, Councillor Susan Webber, Councillor Iain Whyte, Councillor Donald Wilson, Councillor Norman Work, Councillor Ethan Young and Councillor Louise Young

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

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