

# 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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

### Contacts

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## 1. Order of business

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- 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

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- 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

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| 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

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- 4.1 If any

## 5. Minutes

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| 5.1 | The City of Edinburgh Council of 23 September 2021 – submitted for approval as a correct record | 65 - 128 |
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## 6. Leader's Report

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| 6.1 | Leader's report | 129 - 132 |
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## 7. Appointments

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| 7.1 | Appointment to Committees – Report by the Executive Director of Corporate Services | 133 - 136 |
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## 8. Reports

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| 8.1 | BioQuarter - Outline Business Case - referral from the Policy and Sustainability Committee | 137 - 202 |
| 8.2 | Edinburgh International Conference Centre Hotel and Hotel School - Final Business Case     | 203 - 290 |
|     | (a) Report by the Executive Director of Place  |           |
|     | (b) Confidential Final Business Case   |           |

## 9. Resolution to Consider in Private

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| 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. |  |
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## 10. Private Reports

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| 10.1 | Reprioritisation of Capital Budget to support a Mobile Workforce Solution (Totalmobile) for homecare and reablement – referral from the Finance and Resources Committee | 291 - 298 |
| 10.2 | Unsuitable Accommodation Order: Purchasing Homes – referral from the Finance and Resources Committee  | 299 - 320 |

## 11. Motions

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### **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:
  - i) 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,

- 1) 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.
- 3) 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:

- 1) 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:

- 1) 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 policies 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.

- 6) 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 4<sup>th</sup> 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

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### 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 29<sup>th</sup>, 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 Co-educational 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 80<sup>th</sup> birthday.”

## **13. Questions**

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### **13.1 By Councillor Lang - Speed Reduction Measures – for answer by the Convener of the Transport and Environment Committee**

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<b>13.2</b>	By Councillor Lang - School Travel Plans – for answer by the Convener of the Transport and Environment Committee	323 - 324
<b>13.3</b>	By Councillor Lang - Assisted Waste Collection – for answer by the Convener of the Transport and Environment Committee	325 - 326
<b>13.4</b>	By Councillor Lang - Assisted Waste Collection – for answer by the Vice-Convener of the Transport and Environment Committee	327 - 328
<b>13.5</b>	By Councillor Osler - Increased Funding for Improvements to Protect Communities from Future Flooding – for answer by the Convener of the Transport and Environment Committee	329 - 330
<b>13.6</b>	By Councillor Osler - Disabled Person's Parking Place – Applications – for answer by the Convener of the Transport and Environment Committee	331 - 332
<b>13.7</b>	By Councillor Louise Young - Playscheme Provision – for answer by the Convener of the Education, Children and Families Committee	333 - 334
<b>13.8</b>	By Councillor Louise Young - Unadopted Roads – for answer by the Convener of the Transport and Environment Committee	335 - 336
<b>13.9</b>	By Councillor Rust - Cycle Count - Water of Leith – for answer by the Convener of the Transport and Environment Committee	337 - 338

<b>13.10</b>	By Councillor Rust - Lanark Road Spaces for People-Travelling Safely Local Engagement – for answer by the Convener of the Transport and Environment Committee	339 - 340
<b>13.11</b>	By Councillor Rust - Replacement of Temporary Bollard Design Cycle Lanes – for answer by the Convener of the Transport and Environment Committee	341 - 342
<b>13.12</b>	By Councillor Jim Campbell - Home Share Temporary Accommodation Property – for answer by the Convener of the Housing, Homelessness and Fair Work Committee	343 - 344
<b>13.13</b>	By Councillor Jim Campbell -Speed Limit on Granton Road and Craighall Road – for answer by the Convener of the Transport and Environment Committee	345 - 346
<b>13.14</b>	By Councillor Mowat - Miss Marple – for answer by the Leader of the Council	347 - 348
<b>13.15</b>	By Councillor McLellan - Holyrood Park Low Road – for answer by the Convener of the Transport and Environment Committee	349 - 350
<b>13.16</b>	By Councillor Mowat - HMO's and Short Term Lets – for answer by the Convener of the Regulatory Committee	351 - 352
<b>13.17</b>	By Councillor Douglas - Forestry Services – for answer by the Convener of the Transport and Environment Committee	353 - 354

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| <b>13.18</b> | By Councillor Douglas - Monitoring of Cyclists - Waterloo Place –<br>for answer by the Convener of the Transport and Environment<br>Committee | 355 - 356 |
| <b>13.19</b> | By Councillor Jim Campbell - Report by Susanne Tanner QC –<br>for answer by the Leader of the Council   | 357 - 358 |
| <b>13.20</b> | By Councillor Mowat - Scottish Government Funding of Travel –<br>for answer by the Leader of the Council                                      | 359 - 360 |

## **Nick Smith**

Service Director, Legal and Assurance

## **Committee Members**

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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

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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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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](mailto:gavin.king@edinburgh.gov.uk).

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We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).



## City of Edinburgh Council

10.00am, Thursday 28 October 2021

### Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the Late Sean Bell

Executive/routine  
Wards  
Council Commitments

#### 1. Recommendations

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- 1.1 To note that the independent Inquiry into complaints about the late Sean Bell, conducted by Pinsent Masons LLP and overseen by Inquiry Chair Susanne Tanner QC, has completed its investigation. The Open Report with Summary, Conclusions and Recommendations (the “Open Report”) has been prepared by the independent Inquiry and is attached at Appendix 1 to this report and Council is asked to consider this.
- 1.2 To request that the Chief Executive report back to Council within one cycle detailing how the recommendations will be implemented.

**Andrew Kerr**

Chief Executive

E-mail: [andrew.kerr@edinburgh.gov.uk](mailto:andrew.kerr@edinburgh.gov.uk) | Tel: 0131 469 3002

# Report

## 2. Executive Summary

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- 2.1 The independent Inquiry has identified certain failings and missed opportunities on the part of the Council to address the unacceptable conduct of the late Sean Bell and has made recommendations in this regard.
- 2.2 The Council is asked to consider these recommendations and how to respond to them.

## 3. Background

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- 3.1 The Council commissioned an independent Inquiry into complaints about the conduct of the late Sean Bell, a former senior manager in its Communities and Families directorate, who passed away in August 2020. Mr Bell was due to stand trial for sexual offences charges, but Police Scotland's criminal investigation was brought to a close following his death.
- 3.2 The Inquiry was carried out by a specialist team from Pinsent Masons' Manchester office, and was overseen by Inquiry Chair, Susanne Tanner QC.
- 3.3 The purpose of the Inquiry was to establish, amongst other things, whether or not any, or appropriate, steps were taken by the Council to respond to any past allegations or suspicions of abuse or inappropriate behaviour by Mr Bell.
- 3.4 The Inquiry has produced an Open Report of the full Inquiry report which identifies key issues, findings and recommendations. This is attached at Appendix 1.
- 3.5 All Elected Members have been provided with the opportunity to access the full unredacted version of the report prepared by the Inquiry. The full version of the report is not being shared more widely due to: i) the highly sensitive nature of its content; ii) the need to protect the identities of certain survivors and those who co-operated with the inquiry who wish to remain anonymous; iii) data protection reasons (including potential for identification of current staff or former staff members who have given information in confidence or requested that their information not be used) and iv) concerns about the effective conduct of public affairs (per s.30 of FOISA). The Inquiry Team recommended that this is a reasonable and proportionate approach which balances respective rights and interests. The Open

Report details the main issues and findings in this regard. Criticisms of the Council contained within the full report are fully represented in the Open Report.

## **4. Main report**

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- 4.1 Elected Members are asked to consider the information provided at Appendix 1.
- 4.2 Elected Members are asked to note that the Police investigations into the activities of the late Sean Bell were closed following his death and no criminal charges were brought. Confirmation has also been received that no Fatal Accident Inquiry into the circumstances of his death will take place.
- 4.3 The Council notes the serious shortcomings of some of its employees and former employees that have been identified by the Inquiry. The Inquiry team undertook a civil investigation into potential wrongdoing and as such the appropriate standard of proof that they have adopted is to make determination(s) on the balance of probabilities.
- 4.4 Formal letters have already been sent by the Council to those survivors who suffered abuse by Mr Bell, of whom the Council is aware offering the Council's deepest sympathies. The Chief Executive has offered to meet with those survivors in person.
- 4.5 This has been a very difficult process for the survivors, as well as all staff and others affected. The Council wishes to thank all the survivors and relevant staff for coming forward with their information. It is only through such processes that these issues can be properly identified, investigated and responded to. The Council reiterates its commitment to identifying and addressing inappropriate behaviours and activities and welcomes individuals raising issues of concern through available means of escalation including management, the independent whistleblowing service, our employment Policies or Trade Unions.
- 4.6 The primary focus of the investigation was to establish whether Mr Bell was involved in any abuse and, if he was, whether anyone at CEC had knowledge of, or suspected, such abuse. In addition, the Inquiry Team was also tasked with establishing whether Mr Bell misused public funds and, if he did, whether any CEC employees were aware of such misuse. In respect of the latter, during the course of their enquiries, the Inquiry Team ascertained that several internal and external investigations were carried out in relation to the allegation. The Inquiry Team have noted that the matter was investigated internally by CEC on several occasions and that those investigations found that no misuse of public funds had taken place. In light of this information, and having reviewed certain documents relating to the complaint, the Inquiry Team is of the view that this particular matter has already been addressed and investigated both internally and externally, to a conclusion.

The Council therefore confirms that those provisions relating to misuse of public funds are removed from the terms of reference by agreement.

- 4.7 Notwithstanding the fact that Sean Bell worked in the area of children's social work, the Inquiry has not identified any concerns about the abuse or mistreatment of children by Mr Bell.
- 4.8 Appropriate arrangements are being set up to look at how the Council may best address next steps following the recommendations set out in the Open Report. Further detail will be provided when the Chief Executive reports back to Council.

## **5. Next Steps**

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- 5.1 The Council should consider the findings and recommendations as set out in the Inquiry's Open Report.
- 5.2 If the recommendations are approved, the Chief Executive will report back to Council within one cycle detailing how the Inquiry's recommendations will be implemented.

## **6. Financial impact**

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- 6.1 The cost of this Inquiry into complaints about the late Sean Bell to date excluding work in progress which has not yet been invoiced is £654,000. A budget of £1m was provided for as part of the budget setting process for both this review and the wider culture review instructed by Council. The adequacy of the budget for this is presently under review.
- 6.2 There will be financial impacts flowing from the recommendations of the Inquiry report and recommendations in this regard will be made when the Chief Executive reports back to Council.

## **7. Stakeholder/Community Impact**

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- 7.1 The report identifies that Mr Bell had a detrimental impact on those survivors and the wider staff cohort in some of his interactions. This was, and is, not acceptable.
- 7.2 The Council acknowledges that the need for, and the outcome of, this report will come as a shock to, and be distressing for, many staff and citizens and the Council hopes that implementation of the Inquiry's report recommendations will address the concerns identified going forward.

## **8. Background reading/external references**

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- 8.1 [Response to Council Motion on Whistleblowing Culture, Policy and Sustainability Committee 6th October 2020](#)
- 8.2 [Response to Council Motion on Whistleblowing Culture, Referral from P&S Committee, City of Edinburgh Council, 15<sup>th</sup> October 2020](#)

## **9. Appendices**

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- 9.1 Appendix 1 - Inquiry's Open Report with Summary, Conclusions and Recommendations (the "Open Report").



**PROJECT APPLE – ‘INVESTIGATION INTO ALLEGATIONS  
CONCERNING THE CONDUCT OF THE LATE SEAN BELL AND THE  
WAY IN WHICH HISTORICAL COMPLAINTS ABOUT HIM WERE  
DEALT WITH AT THE TIME THEY WERE MADE’**

**OPEN REPORT WITH SUMMARY, CONCLUSIONS AND  
RECOMMENDATIONS**

**DATED: 22 OCTOBER 2021**

**Susanne Tanner QC**  
**Ampersand Advocates**  
**Advocates’ Library**  
**Parliament House**  
**Edinburgh**  
**EH1 1RF**

**Pinsent Masons LLP**  
**3 Hardman Street**  
**Spinningfields**  
**Manchester**  
**M3 3AU**  
**(Ref: jd20.ED0095.07066)**



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## 1. DEFINITIONS

<b>“AG”</b>	Alistair Gaw
<b>“AJ”</b>	Andy Jeffries
<b>“CEC”</b>	City of Edinburgh Council
<b>“CF Department”</b>	Communities and Families Department of the CEC (and any of its previous guises, including ‘Children and Families’ and the ‘Department of Social Work’)
<b>“COPFS”</b>	Crown Office and Procurator Fiscal Service
<b>“EB”</b>	Emma Barrie
<b>“Inquiry Team”</b>	Susanne Tanner QC and Pinsent Masons
<b>“Pinsent Masons”</b>	Pinsent Masons LLP
<b>“SFIU”</b>	Scottish Fatalities Investigation Unit
<b>“SSSC”</b>	Scottish Social Services Council
<b>“SB”</b>	Sean Bell
<b>“TB”</b>	Tricia Bell

## 2. INTRODUCTION

- 2.1 On 15 October 2021, at a meeting at Pinsent Masons' Edinburgh offices, the Inquiry Team presented its findings and recommendations to the CEC's Group Leaders (the "**GLs**") by way of a detailed, written report (the "**Report**"). The Report was provided to GLs in a full and unredacted form. At that meeting, the Report was considered by GLs, on behalf of their respective parties, on a confidential basis, and the Inquiry Team answered the Group Leaders' questions in respect of the Report and arrangements for its distribution and publication.
- 2.2 Given the way in which the Inquiry was commissioned (as set out at paragraph 3.1.6 below), the importance of the Inquiry, and of the Inquiry Team's findings and recommendations, it was deemed imperative that *all* CEC Councillors should have sight of, and access to, the full, unredacted version of the Report, as seen by the GLs. Accordingly, during the weeks commencing 18 and 25 October 2021, those Councillors who wished to view the Report attended Pinsent Masons' Edinburgh offices to read the document in hardcopy on a confidential basis.
- 2.3 Ahead of its provision to GLs and Councillors, the Inquiry Team took the decision to provide only paper copies of the Report to those who wished to read it. This was due to the fact that the Report contains extremely sensitive and personal material relative to a number of people, including a number of survivors of abuse. Prior to reading the Report, GLs and Councillors were made acutely aware of the Report's confidentiality and sensitivity, and that any breach of confidence as to its content may have serious repercussions for those named in, or identifiable through, the Report (both survivors and witnesses).
- 2.4 For the reasons outlined at paragraph 2.3 above, and in order to protect the identities of contributors to the Inquiry who wish to remain anonymous (particularly those who have been abused and / or remain employed by the CEC), the Inquiry Team have hereby produced a document which contains a summary of the Report, including its key findings and recommendations. This document is intended as being suitable for wider circulation and publication, and contains, *inter alia*:
- 2.4.1 for context, the background to the Inquiry Team's instruction and the personnel involved;
- 2.4.2 the Inquiry's scope, content and methodology;

2.4.3 the Inquiry Team's key findings and observations; and

2.4.4 the Inquiry Team's Recommendations,

(the "**Open Report**").

2.5 From the outset, the Inquiry Team's approach to the Inquiry has been survivor-led. Accordingly, the content of this Open Report has been specifically tailored to ensure that there is an adequate balance between: i) sharing the experiences of those survivors who wish for their accounts to be shared publicly; and ii) ensuring that the wishes of those survivors or contributors who want to remain anonymous, or have not participated in the Inquiry, are fully respected and honoured.

### 3. BACKGROUND TO INSTRUCTION, PERSONNEL AND ROLE

#### 3.1 **Background to Instruction**

- 3.1.1 In June 2020, EB disclosed to a CEC employee that she had suffered historical sexual abuse at the hands of her estranged stepfather, SB. At the time of EB's disclosure, SB was a Senior Manager in the CF Department of the CEC, an organisation for which he had worked for over 30 years. EB claimed that, for a significant period of time in the 1990's, SB had repeatedly sexually assaulted her. It was further alleged by EB that, prior to her disclosure in June 2020, information pertaining to such assaults had already been disclosed by EB to various CEC employees on several previous occasions.
- 3.1.2 In response to the allegations, the CEC opened an internal investigation into EB's disclosure and SB was subsequently suspended from his employment while enquiries were undertaken. Further, the CEC provided information concerning the abuse to the police.
- 3.1.3 A criminal investigation was commenced by the police and, based on the evidence received from two complainers, SB was arrested and charged in connection with allegations concerning historical physical, sexual, and verbal abuse. On 23 July 2020, the matter was reported to the COPFS. SB was placed in police custody and was due to appear at Edinburgh Sheriff Court. At that stage, enquiries were also continuing with two further complainers. Following consideration of the police report, COPFS gave instructions for the police to liberate SB, pending further enquires.
- 3.1.4 SB was rearrested on 21 August 2020 and charged with additional offences. SB was released from police custody on an undertaking to appear at Edinburgh Sheriff Court on 18 September 2020 in respect of these charges.
- 3.1.5 On 27 August 2020, ahead of his first appearance at Edinburgh Sheriff Court, SB's body was found at the foot of Salisbury Crags, Edinburgh. It is understood that SB committed suicide. An investigation into the circumstances of his death was subsequently conducted by the SFIU, a specialist unit within the COPFS. On 14 April 2021, the SFIU concluded its further enquiries and confirmed that there would not be a Fatal Accident Inquiry into SB's passing.

3.1.6 As a result of SB's death, the criminal case against him was brought to a close. On 17 September 2020, a motion was passed at the CEC's full council which noted that an independent investigation was underway into allegations concerning the conduct of SB and the way in which historical complaints regarding him were dealt with at the time they were made (the "**Inquiry**"). In early-October 2020, the CEC formally instructed Pinsent Masons to progress the Inquiry. A further motion was made at the CEC's full council on 15 October 2020 that an independent review should also be commenced into the CEC's whistleblowing and organisational culture (the "**Review**") and said motion was endorsed by full council. On 6 November 2020, Ms. Susanne Tanner QC, of Ampersand Advocates, was instructed by the CEC as the Independent Chair of both the Inquiry and the Review. These appointments followed an interview by the CEC Group Leaders on 5 November 2020. As set out at page 8 of this Report, together, Susanne Tanner QC and Pinsent Masons are the Inquiry Team.

3.1.7 The Inquiry Team was instructed by the CEC to understand and establish:

- (a) whether SB was involved in abuse (of any kind) and / or inappropriate behaviour and, if he was, the extent of any abuse and whether anyone else from the CEC was involved;
- (b) the extent to which any abuse established to have occurred was connected to SB's work as a social worker or his employment with the CEC;
- (c) whether any other CEC employees (current or former) had any knowledge or suspicions of any acts of abuse by SB;
- (d) whether any steps were taken / not taken by the CEC / CEC employees to respond to any past allegations or suspicions of abuse by SB;
- (e) the reasons for any identified failures to address any past allegations or suspicions of abuse by SB; and

- (f) whether SB misused public funds and, if he did, whether any employees (current or former) of the CEC had any knowledge or suspicions of the misuse of public funds,<sup>1</sup>

(the “**Terms of Reference**”).

3.1.8 The Inquiry Team was further instructed to:

- (a) consider whether further changes in policy or practice are needed to prevent any recurrence of the allegations concerning SB; and
- (b) report to the CEC on the above matters, and to make recommendations, as soon as reasonably practicable,

(the “**Recommendations**”).

## 3.2 **Personnel and Role**

3.2.1 Leading the Inquiry Team were:

- (a) **Ms. Tanner QC** – Queen's Counsel of over 20 years' call, with significant expertise in criminal law, regulatory matters and public inquiries. Ms. Tanner QC provided overall supervision and advice on the Inquiry; and
- (b) **Mr. Julian Diaz-Rainey, Partner, Pinsent Masons** – Mr. Diaz-Rainey is a forensic litigator who has worked on disputes and regulatory matters for over 25 years. He has vast experience of inquiry work, having assisted on the Shipman Public Inquiry, the Baha Mousa Inquiry and the Al-Sweady Inquiry. Most recently, alongside Queen's Counsel, he led Manchester City Football Club's 4-year inquiry into its connections with the convicted paedophile, Barry Bennell.

3.2.2 The Inquiry Team's role principally involved:

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<sup>1</sup> During the course of the Inquiry, having reviewed certain documents relating to the allegation, the Inquiry Team recommended to the CEC that this allegation be dealt with by way of a separate investigation to be commenced, if required, following the completion of the Inquiry. Given the wealth of information the Inquiry Team received in relation to the principal issue, i.e., SB's abuse, the Inquiry Team did not want to delay publication of its findings and Recommendations in this regard, given that the Inquiry Team had by that stage spoken to several survivors of such abuse. Any delay to proceedings would have likely had a significant, emotional impact upon the survivors of SB's abuse, of which there are several. The Inquiry Team await a decision in this respect. For the sake of clarity, this Open Report does not contain any review of, or findings in relation to, the suggestion that SB misused public funds and / or that certain employees of the CEC had knowledge / suspicions of such misuse.

- (a) conducting a wide-ranging review of documentation made available by the CEC relating to, amongst other things, SB and concerns regarding his behaviour. In total, over 600,000 emails, documents and other communications were collected and, of those, some 70,000 were deemed relevant,<sup>2</sup> and subsequently reviewed, by the Inquiry Team (the “**Document Review Exercise**”);
- (b) reviewing the CEC’s internal policy and procedural documents in force at the relevant times;
- (c) identifying and interviewing as many witnesses as possible who might have relevant information on the issues under consideration, including both those who contacted the Inquiry Team in response to ‘calls for evidence’ and those who were contacted by the Inquiry Team and invited to assist the Inquiry;
- (d) crystallising all interviews into either statements or file notes to ensure the capture of the best possible evidence from each witness<sup>3</sup>; and
- (e) ensuring full and proper safeguards were in place for the interview of any vulnerable witnesses via the use of expert interviewers and the provision of support before, during and after the interview.

3.2.3 The Inquiry Team engaged the following experts to assist in the execution of its role:

- (a) **LimeCulture** – LimeCulture is the UK's leading training and consultancy company specialising in responses to sexual violence. LimeCulture has provided expert advice to the Inquiry Team on best practice when conducting the Inquiry, most particularly in respect of interviewing and supporting vulnerable witnesses. During the Inquiry, LimeCulture has been assisted by RASASC Cheshire, a support service organisation that specialises in assisting survivors of sexual violence. Support from RASASC Cheshire is offered to

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<sup>2</sup> Documents were deemed ‘relevant’ by the Inquiry Team upon the application of various search terms to data captured by EY’s forensic team.

<sup>3</sup> Such witness statements and file notes are legally privileged documents.



potentially vulnerable witnesses at all times from first contact – before, during and after any interview;

- (b) **Intersol** – Intersol is a leading training and consultancy company specialising in interview techniques and practice. The team at Intersol includes former police officers with extensive experience in the interview of survivors of sexual violence and other vulnerable individuals. Intersol has led all interviews with witnesses considered potentially vulnerable; and
- (c) **EY** – EY is a leading, multinational professional services organisation. The forensic team based at EY's Manchester office facilitated the Inquiry Team's large-scale Document Review Exercise.

3.2.4 At the outset of the instruction, both the CEC and the Inquiry Team liaised with the police to ensure that no criminal investigations would be compromised by the CEC's instruction of the Inquiry Team or its subsequent work.

#### 4. SCOPE, CONTENT AND LEGAL BACKDROP OF THE INQUIRY

##### 4.1 **Scope and Content**

- 4.1.1 Via the CEC, the Inquiry Team issued both 'internal' and 'external' calls for evidence in December 2020. The response to those requests was overwhelming, with over 55 individuals coming forward and asking to speak with the Inquiry Team. In total, nearly 100 witness interviews took place. The Inquiry Team is extremely grateful to all of the witnesses who provided evidence, particularly those who are the survivors of abuse. The willingness of individuals to partake in the Inquiry was far greater than the Inquiry Team initially expected.
- 4.1.2 While reporting regularly to the CEC on mechanics and practical issues, the Inquiry Team has acted completely independently when conducting its enquiries. As an example of this, the identities of witnesses were not disclosed to the CEC unless the witness agreed to this. Whilst it was the Inquiry Team's desire to speak to witnesses on a 'named basis', given the nature of the subject matter, and given that many of the witnesses who came forward were still employed by the CEC, witnesses were always afforded the opportunity to provide their evidence confidentially.
- 4.1.3 The Inquiry Team had no power to compel any individual to participate in the Inquiry, or to provide evidence. Participation was purely voluntary.
- 4.1.4 The Inquiry is a civil investigation into potential wrongdoing. As such, the appropriate standard of proof – i.e., the burden to persuade the Inquiry Team that a fact in issue has been established is the 'balance of probabilities'. This standard means that the Inquiry Team is satisfied that an event occurred if it considers that, on the evidence it has obtained, the occurrence of the event was more likely than not.
- 4.1.5 On 4 August 2021, the Inquiry Team commenced the Maxwellisation process of its Report. Maxwellisation is a procedure by which those subject to a potential criticism are given an opportunity to make representations in response. There is no set formula for Maxwellisation; rather, it is the responsibility of the investigating team to determine whether the process should be engaged and, if it is, what it should comprise. The Inquiry Team determined the procedure to be adopted for the purpose of fulfilling the Terms

of Reference in a way that was fair, while recognising the importance of expediency and cost efficiency. In particular, the Inquiry Team took into account that those facing criticism had already provided a signed witness statement following a lengthy interview in which matters in issue were raised with them for their comment. Accordingly, the process adopted by the Inquiry was as follows:

- (a) those facing criticism were afforded the opportunity to read the passages of the Report containing said criticism at Pinsent Masons' offices in Edinburgh (together with a representative of their choice). Those attending were not entitled to make or retain a copy of the Report, or the sections with which they were provided; and
- (b) having read the relevant material, those facing criticism were then entitled to make representations to the Inquiry Team by a set deadline. Such representations were limited to a response to those criticisms contained in the Report and of which the individual had been notified,

(the "**Maxwellisation Process**").

It was made clear to those partaking in the Maxwellisation Process that, while representations would be considered by the Inquiry Team, and may result in further procedure, the Report, including the conclusions of the Inquiry Team, would not necessarily be amended as a result. Some amendments to the Report were made as a result of the Maxwellisation Process, and those who participated in it were informed of those changes.

#### 4.2 **Legal Backdrop – Relevant CEC Policies and Procedures**

- 4.2.1 At all material times the CEC has had in place various policies that governed how it, and its employees, should behave in prescribed circumstances. The policies were either revised or introduced at various points during the relevant time period in question – i.e., the length of SB's tenure at the CEC.
- 4.2.2 The parts of the applicable policies that were in force at the relevant times were analysed in detail by the Inquiry Team – and a thorough assessment of their application to the subject matter is set out in the Report.

4.2.3 The policies that the Inquiry Team deemed relevant to the scope of the Inquiry were the CEC's: i) Employee Code of Conduct; ii) Disciplinary Procedures; iii) Disciplinary Code; iv) Policy on Violence to Employees at Work; v) Public Interest Disclosure / Whistleblowing Policy; and vi) Domestic Abuse Policy (together, the "**Relevant CEC Policies and Procedures**"). While information on specific breaches of the Relevant CEC Policies and Procedures are not outlined in this Open Report, where it has been deemed that the CEC have breached such policies and procedures per se, this is explicitly stated in the Conclusions section of this document (at paragraph 7 below).

## 5. METHODOLOGY

5.1 The evidence obtained by the Inquiry Team suggests that, since the 1990's, survivors of sexual and / or physical abuse by SB have allegedly disclosed, or have attempted to disclose, details of such abuse to the CEC on five separate occasions (herein referred to collectively as the "**Alleged Formal Disclosures**" and, individually, the "**First**", "**Second**", "**Third**", "**Fourth**" and "**Fifth Alleged Formal Disclosures**").

5.2 Notwithstanding this, the Inquiry Team wish to make it clear at the outset that the five Alleged Formal Disclosures do not comprise the entirety of:

5.2.1 the times that certain CEC employees were told of serious acts of impropriety on the part of SB. Indeed, over the years in which SB was employed by the CEC, several members of CEC staff were told of various reprehensible acts that SB had allegedly committed: from sexual and physical assault, to domestic abuse and coercive control.

The distinction the Inquiry Team has drawn between the Alleged Formal Disclosures and these other disclosures is that the latter were discussed in a more private capacity / setting, often between friends, or close colleagues, with no expectation on the part of the discloser that the recipient would, or should, take some form of action considering the nature of the information provided (herein referred to as the "**Alleged Informal Disclosures**").

In contrast, the Alleged Formal Disclosures were made in a more professional capacity / setting, and one in which either:

- (a) the disclosers each had a perfectly reasonable expectation that the recipients *would*, or *should*, take some form of action considering the nature of the information provided (such as, for example, commencing an internal investigation); or
- (b) the recipients of such information *did* take some form of action as a result of what was disclosed;

5.2.2 SB's abuse of women.

The five Alleged Formal Disclosures concern allegations made by three different women, and they concern both sexual and physical assault. The Inquiry Team has been made aware of several other individuals who have

suffered some form of abuse at the hands of SB during the years in which SB was employed by the organisation. This includes sexual assault, attempted sexual assault, physical abuse, and verbal abuse. While the Report provides information on some of those instances of abuse, the Inquiry Team has adhered to the Inquiry's Terms of Reference and the need to focus on who at the CEC knew what, and when. Some of SB's abuse was inflicted on individuals who neither: i) fell under the CEC's remit, whether as an employee or a service user; nor ii) told anyone who worked at the CEC of the abuse they had suffered. While the Inquiry Team in no way wishes to diminish the abuse that these individuals have suffered, or the impact and effect that such abuse has had on their respective lives, parameters had to be set by the Inquiry Team in line with the Terms of Reference, and it was therefore decided that such evidence fell outwith the scope of the Inquiry.

## 6. SB'S BACKGROUND

6.1 SB was born on 20 October 1961. At the time of his death, SB had been married three times:

6.1.1 SB married for the first time to Elaine Samson ("**ES**");

6.1.2 in 1993, SB's relationship with ES ended and he moved in with TB, the mother of EB, and also a SW at the CEC. SB and TB later married;

6.1.3 SB then left TB and, in the period before marrying his third wife, entered into a series of relationships with several other CEC employees; and

6.1.4 SB then married for the third time.

6.2 In respect of his working life, SB qualified as a SW in 1988. He commenced working for the CEC in the same year, when he was approximately 27 years old. SB continued to be employed by the organisation until the time of his death in August 2020, some 32 years. During his employment by the CEC, SB held a number of different positions but, by the time of EB's disclosure in June 2020 (i.e., the Fifth Alleged Formal Disclosure), he was a Senior Manager in the CF Department.

6.3 By all accounts, SB was a talented SW. Several witnesses described him as being *'the face of the service'* and someone who repeatedly got results. Seemingly, given the length of time he had worked in Edinburgh, SB was a well-known figure in the field of social work in the city. Outside of the organisation, and amongst certain of his peers, he appeared to be a well-respected individual. Certain witnesses stressed that, while SB could be *'very demanding'* in a work-related sense, if you responded to his ways, he would get the best out of you.

6.4 What became increasingly clear to the Inquiry Team as the investigation progressed, however, was that, in respect of his colleagues at work, SB caused a strong feeling of either like or dislike; there was very little sentiment in between. Indeed, SB was referred to as *'being like Marmite'* by several witnesses.

6.5 From the witness evidence obtained, the determining factor as to whether a witness liked or disliked SB appears to have been gender. While the Inquiry Team heard from two female CEC employees who spoke positively about SB's manner, most of the women interviewed by the Inquiry Team were disparaging about him. He was

described as a *'bully'* and, in respect of his general conduct around women in the workplace, he was labelled as a *'sleaze'* and a *'dirty creep.'*

- 6.6 According to several witnesses, SB was *'a lady's man'* and would always *'try it on.'* One witness said that SB considered any new starter at the CEC as *'fair fodder'* and that he had a penchant for *'young women.'* Words such as *'lecherous'* and *'predatory'* were used by witnesses when asked to describe SB's behaviour around women in the workplace.
- 6.7 Notwithstanding the many negative comments received from witnesses in respect of SB's conduct, and having been informed of several alarming incidents for which SB was either: i) at the very least, questioned about by his line manager; or ii) investigated in relation to, SB's HR record is completely clear. The Inquiry Team was surprised to discover this, given the content of the witness evidence obtained.
- 6.8 As far as the Inquiry Team is aware, SB did not have any criminal convictions for sexual or physical assault. Further, until his death, SB retained his membership in the Protecting Vulnerable Groups Scheme (the **"PVG Scheme"**). As a result, his suitability to continue working with protected adults would have been routinely checked by Disclosure Scotland. The CEC confirmed to the Inquiry Team that, at no stage during the course of SB's employment, were they informed by Disclosure Scotland that SB was unsuitable to practise social work with those protected by the PVG Scheme. Notwithstanding this, the Inquiry Team found the evidence from those witnesses who accused SB of actions such as sexual and / or physical assault to be highly credible. As mentioned earlier in this Open Report, it is the Inquiry Team's strong view that, abuse by SB was not limited to the women that are the subject of the Alleged Formal Disclosures. Rather, on the basis of the evidence obtained, the Inquiry Team suspects that several other individuals are survivors of historical sexual and / or physical abuse by SB.



## 7. THE INQUIRY TEAM'S CONCLUSIONS

7.1 In accordance with the Inquiry's Terms of Reference (as set out at paragraph 3.1.7 of this Open Report), the Inquiry Team made the following conclusions:

### 'Was SB involved in abuse / inappropriate behaviour'

7.1.1 Yes. The Inquiry Team is satisfied on the evidence that SB was a serial abuser. That abuse took many forms; for some, it was simply verbal, but for others it was both physical and sexual. The Inquiry Team accepted the evidence which showed that at least three witnesses were repeatedly sexually assaulted by SB and there is no reason to suspect that those individuals are the only survivors of such abuse.

7.1.2 In respect of the incidents that form the bases of the five Alleged Formal Disclosures:

#### (a) *First, Fourth and Fifth Alleged Formal Disclosures*

The Inquiry Team spoke to EB on several occasions in relation to the First, Fourth and Fifth Alleged Formal Disclosures. As with TB, the Inquiry Team found her to be a highly credible witness. In relation to the incidents involving SB that led to the disclosures, the Inquiry Team finds the following:

- (i) SB's relationship with EB appears to have been highly inappropriate from the outset. Instances of sexual touching and other inappropriate behaviours soon escalated to SB regularly arriving at EB's flat unannounced, often intoxicated, and proceeding to get into EB's bed with her, without EB's consent. Such occasions were described by EB to the Inquiry Team as SB '*ramping things up*' with a view to having some form of sexual intercourse with her; and
- (ii) once in EB's bed, SB repeatedly sexually touched her and, on several occasions, committed serious sexual assault against her. Despite being told '*no*' and being asked by EB to '*get out of [her] bedroom,*' SB continued to abuse her.

During the final occasion on which SB got into EB's bed, SB raped EB.

(b) *Second Alleged Formal Disclosure*

- (i) It is the Inquiry Team's view that, on the balance of probabilities, SB seriously assaulted a fellow colleague in the 2010's. The Inquiry Team also obtained evidence of an alarmingly similar incident to this assault by SB – but this time against ES – many years earlier.

(c) *Third Alleged Formal Disclosure*

- (i) The Inquiry Team is satisfied on the evidence that TB suffered repeated physical and sexual abuse by SB throughout their relationship.

7.1.3 Throughout the course of the Inquiry, multiple current and former CEC employees provided accounts of SB's inappropriate behaviour, both within and outside of the workplace. Some of those were disclosing for the first time; others reported speaking about SB's behaviour many times previously, whether simply with their peers or, in certain scenarios, to more senior managers at the CEC. However, one fact which struck the Inquiry Team was the effect that SB's behaviour continued to have on these individuals to this day. One witness suggested that, after an incident involving SB, they had lived in 'terror' and with 'daily anxiety' until they heard of SB's death. Clearly, many of the survivors of SB's abuse – whether it was verbal, physical or sexual – are still suffering and, for the majority, it is a pain they will continue to bear for the rest of their lives.

'Was anyone else from the CEC involved'

7.1.4 The Inquiry Team found no evidence to suggest that anyone else at the CEC was involved in SB's abuse / inappropriate behaviour.

'Was the abuse connected to SB's work as an SW or his employment with the CEC'

7.1.5 In respect of SB's abuse of those who are the subject of the Alleged Formal Disclosures – i.e., EB, TB and another individual – the Inquiry Team has found no evidence to suggest that such abuse was connected to SB's work as a

SW. However, there is evidence – which was accepted by the Inquiry Team – that SB's actions, in exploiting his position at the CEC to attempt to discredit EB and in his dealings with other CEC employees involved with EB at the time, were closely connected to his employment with the CEC. Additionally, in respect of TB and the other individual, given that both of them worked at the CEC at the time when the abuse occurred, there is a clear proximity to SB's employment at the organisation.

*'Did any other CEC employees have any knowledge or suspicions of any abuse'*

7.1.6 Yes, several. In respect of this *knowledge* or *suspicion*, however, there are three, delineated camps:

- (a) knowledge / suspicion that is derived from a formal disclosure – i.e., the Alleged Formal Disclosures;
- (b) knowledge / suspicion that is derived from an informal disclosure – i.e., the Alleged Informal Disclosures; and
- (c) knowledge / suspicion that is derived from rumour, gossip and speculation.

*Alleged Formal Disclosures*

7.1.7 As outlined at paragraph 5.2.1 of this Open Report, the Inquiry Team has drawn a distinction between Alleged Formal and Alleged Informal Disclosures. In respect of the former, the Inquiry Team has treated such disclosures as having been made in a more professional capacity / setting, and one in which either: i) the disclosers each had an expectation that the recipients *would*, or *should*, take some form of action considering the nature of the information provided; or ii) the recipients did in fact take some form of action as a result of what was disclosed. The Inquiry Team's views on who at the CEC had knowledge of each of the Alleged Formal Disclosures and its conclusions in respect of the CEC's liability in this regard are set out at paragraphs 7.1.12 to 7.1.21 below.

*Alleged Informal Disclosures*

7.1.8 The Inquiry Team has treated such disclosures as having been made in a more private capacity / setting, often between friends, or close colleagues,

with no expectation on the part of the discloser that the recipient would, or should, take some form of action considering the nature of the information provided. Such disclosures were commonplace for TB who was, seemingly, candid about her relationship with SB and told several CEC employees about the abuse she had suffered. While such recipients had *knowledge* or *suspensions* of abuse given what TB had told them, the Inquiry Team would not recommend such individuals being reprimanded for any failure to escalate what they were told. In relation to TB, many of those individuals comforted her; they listened, they cared, and they tried to help. Several of them were friends and, as above, there was no expectation on TB's part that they would, or should, do anything in response to her claims. That was not the purpose of such disclosures.

- 7.1.9 Notwithstanding this, when asked by the Inquiry Team why they did not escalate TB's claims, several witnesses spoke of a culture at the CEC in which they felt that, if they complained about SB's behaviour, they would either not be believed or, worse still, there would be some form of retribution for coming forward. They suggested that SB was the '*golden boy*' and that, in the eyes of his fellow managers, he could do no wrong. TB told the Inquiry Team that she did not raise the issue of domestic abuse while married to SB because she knew she would not be believed, and that view was echoed by those she disclosed to. One witness told the Inquiry Team that complaining about SB's conduct was futile as he was protected by '*the old boys*' network.' This culture – and the suggestion that there was an old boys' network in the CF Department – is explored in greater detail at paragraph 8.1.4(c) of this Open Report.

#### *Rumour, Gossip and Speculation*

- 7.1.10 The Inquiry Team was surprised at the sheer amount of current and former CEC employees who were aware of, or suspected, SB's inappropriate behaviour. It appears that, throughout his time at the CEC, SB was the subject of a substantial amount of gossip and rumour, much of which has turned out to be true. While it is accepted that those who seek to be interviewed for any inquiry / investigation naturally have 'a story to tell' and information to provide, it appears that knowledge, or suspicion, of SB's inappropriate conduct was widespread amongst CEC staff, and particularly those in the CF Department. For example, in respect of TB's allegations and an incident involving another

individual (i.e., the Second and Third Alleged Formal Disclosures), the Inquiry Team was presented with a considerable amount of evidence to suggest these matters were discussed quite openly amongst staff. Indeed, the Inquiry Team were surprised at the level of detail that many witnesses provided in relation to those two disclosures.

- 7.1.11 Similarly, rumour and gossip in respect of the incidents involving EB – i.e., the subject of the First Alleged Formal Disclosure – was also extensive. One witness – who was fully aware of the nature of the allegation – told the Inquiry Team that, at the time, talk of SB’s inappropriate behaviour was widespread. Given the prevalence of rumour, gossip and speculation in relation to the First, Second and Third Alleged Formal Disclosures, the CEC’s failure to take action to investigate matters at those times is extremely difficult to understand.

*‘Whether any steps were taken / not taken by the CEC / CEC employees to respond to any past allegations or suspicions of abuse by SB, and the reasons for any identified failures’*

#### *First Alleged Formal Disclosure*

- 7.1.12 It is the Inquiry Team’s view that, on the balance of probabilities, in the 1990’s, a CEC employee was made aware of inappropriate behaviour towards EB on the part of SB. Although EB did not detail the abuse suffered, the information provided to that individual was, in the Inquiry Team’s opinion, more than sufficient to suggest that some form of abuse may have taken place. Although the Inquiry Team cannot be certain of the way in which others at the CEC were made aware of EB’s comments, it is the Inquiry Team’s view that at least two other CEC employees were aware of, in one witness’s own words, an *‘inappropriate episode’* involving SB.

- 7.1.13 At a similar time, certain other employees were also suspicious of SB’s conduct, and this was relayed to a more senior colleague. Notwithstanding the above, no steps were taken by the CEC to respond to EB’s allegations. The reasons for this are unknown but, as was a theme throughout the Inquiry, it appears that SB may well have discredited the source. Thus, EB was not believed and no formal investigation was conducted. It is the Inquiry Team’s view that the failure to properly report, escalate and investigate the allegations of inappropriate behaviour was a significant failing of the CEC.

### *Second Alleged Formal Disclosure*

7.1.14 As stated at paragraph 7.1.2(b)(i) above, it is the Inquiry Team's view that, on the balance of probabilities, SB seriously assaulted a fellow colleague in the 2010's. That incident was reported by the survivor to their line manager who, in turn: i) reported it to AJ, then Senior Manager of Children's Social Work Services at the CEC (who, subsequently, informed AG, then Head of Support to Children and Young People at the CEC); and ii) included details of the incident in a document that, seemingly, was widely disseminated at the CEC (the "**Dossier**"). Indeed, it was suggested to the Inquiry Team that, at the time, even the CEC's Chief Executive may have received a copy of the document. For the sake of clarity, however, the Inquiry Team is unable to: i) verify whether the Chief Executive was a recipient; ii) confirm exactly *who* received a copy of the Dossier; and iii) confirm exactly *how* many CEC employees may have had sight of that Dossier and, as a consequence, knowledge of this incident.

7.1.15 Notwithstanding the above, given the circumstances, it is the Inquiry Team's view that the CEC did not take appropriate action. Such action should have included the launching of an investigation, in conjunction with a report to the police. Given the highly sensitive nature of the work carried out within the CF Department, and the position of utmost trust held by SB, it is completely unacceptable that such appropriate action was not taken. The CEC policies in existence at the time, although perhaps not comprehensive, were sufficient enough to have mandated the CEC to escalate the matter further and report it to the police. It is the Inquiry Team's view that the failure to take appropriate action was a failing of the CEC and was in breach of the CEC's own policies that were in force at the time. In respect of the individuals involved in the decision to take no further action – namely AJ and AG – it was a dereliction of duty on their part, compounded by the fact that, as vastly experienced SWs themselves, they really should have known better. Indeed, they should have been considering the risks posed by SB to both his alleged victims, as well as other CEC employees and service users.

### *Third Alleged Formal Disclosure*

7.1.16 It is the Inquiry Team's view that, on the balance of probabilities, SB abused TB physically, sexually, and psychologically over a prolonged period of time.

It is also the Inquiry Team's view that, during a private meeting with AJ, TB alluded to the fact she had suffered some form of abuse by SB. Notwithstanding this, an appropriate investigation (which would have likely resulted in a report being made to the police) was not commenced.

7.1.17 While the Inquiry Team cannot be certain on the available evidence of the reason(s) why no enquiries were made, it may have been that TB was not perceived to be a credible witness, or that matters outside of the workplace were considered not to be the responsibility of the CEC.

7.1.18 However, such views were incongruous with the CEC's own policies and the general responsibilities of management in such an organisation. It should not have been for the CEC to refuse to take matters further on an assessment of TB's credibility in light of such serious, repeated and independently corroborated accounts. In particular, TB's account supported that of the individual that is the subject of the Second Alleged Formal Disclosure – it was corroborative evidence. It is the Inquiry Team's view that the failure to take appropriate action was a failing of the CEC and was in breach of the CEC's own policies that were in force at the time.

#### *Fourth Alleged Formal Disclosure*

7.1.19 It is the Inquiry Team's view that, on the balance of probabilities, while EB disclosed past instances of abuse and inappropriate behaviour to a CEC employee in the 2010's, those disclosures were made in general terms in respect of the nature of the abuse and the extent to which it had occurred at the hands of her stepfather, 'Sean'. Further, those disclosures were not attributed explicitly to SB. At the time of this disclosure, the Inquiry Team's view is that, on the balance of probabilities, the recipient of that information did not know who 'Sean' was or that he was a SW at the CEC.

7.1.20 In light of the Inquiry Team's observations, no direct criticism is levelled at the CEC in respect of the Fourth Alleged Formal Disclosure.

#### *Fifth Alleged Formal Disclosure*

7.1.21 In June 2020, EB disclosed to a CEC employee details of the abuse she, her mother and another individual had suffered at the hands of SB. The matter was then escalated up the management structure at the CEC and eventually

to the police. The police subsequently arrested SB, who later took his own life prior to the commencement of any criminal trial. It is the Inquiry Team's view that, on the balance of probabilities, the CEC acted appropriately and followed the necessary policies. The CEC launched their own investigation, reported the matter to the police, considered the potential risk to EB and suspended SB, all expeditiously, which is what the Inquiry Team would expect from such an organisation. The only area upon which the CEC could have improved was in respect of its communications with EB at the time, to ensure she was fully aware of the appropriate steps the organisation was taking.



## 8. OBSERVATIONS

8.1 While not strictly within the parameters of the Inquiry's Terms of Reference, prior to outlining its Recommendations, the Inquiry Team wishes to provide some general observations on the evidence it obtained during the Inquiry:

8.1.1 while it is clear that a number of formal disclosures were made to CEC employees, it is also apparent that a significant number of informal disclosures also occurred. To that end, SB's inappropriate behaviour (and, potentially, also his abuse) seemed to be, as one witness described it, an '*open secret*' in the CF Department. That department was, and is, charged with looking after some of the most vulnerable people in the local authority area. The SWs working within the CF Department are supposed to be experts at spotting signs of abuse, experts at preventing abuse and experts at investigating and resolving incredibly sensitive cases involving abuse. It is, therefore, particularly striking that SB's behaviour remained unreported and unchallenged for as long as it did, especially where that behaviour was potentially widely known about or suspected. That SB's behaviour was allowed to continue unchecked over an extended period of time, and that he was protected from investigation of this alleged behaviour, is worthy of strong criticism and it must not be allowed to happen again in respect of other victims of abuse;

8.1.2 the CEC and, in particular, the CF Department within it, should have had a heightened sensitivity and awareness of abuse-related issues yet, despite that, SB was allowed to, effectively, become '*untouchable*.' When his behaviours were challenged, the Inquiry Team was told that he would work to discredit the source of that information;

8.1.3 witnesses who were survivors of SB's abuse, or aware of his misbehaviours, talked of feelings of fear and hopelessness. They felt that, if they came forward with their concerns, they would either be, as above, discredited, or simply not believed. Therefore, they felt that it was safer to stay silent. Clearly, those feelings were not mutually exclusive and SB's ability to discredit resulted in the accounts of witnesses such as EB and TB being disbelieved. That was only possible, however, because SB was often taken on his word. Such was his influence, his accounts and explanations were never critically assessed. Indeed, it appears that, whatever SB said, it was taken as '*gospel*.'

This suggestion was repeated by a large proportion of the witnesses who spoke to the Inquiry Team and the sentiment ran deep. When asked about SB's influence on senior personnel in the CF Department, one witness said their feeling was that SB had '*groomed*' a number of people. When asked by the Inquiry Team why a witness did not utilise the protection afforded under the CEC's whistleblowing policy, they said that they did not do so as they knew they would not be '*supported...*' They added that the CEC's '*wider culture*' would not have supported a complaint concerning SB;

8.1.4 in light of the above, a key question, therefore, appears to be: 'why was SB always believed?' The answer is, most probably, multifaceted:

- (a) SB appears to have had enormous influence in the CF Department in particular, and within social work at the CEC more generally. He had worked there for his entire career, he was well-connected, moved in the right circles and, importantly, he got results. It was also suggested that SB had friends in higher places;
- (b) SB was described by many witnesses as charismatic, self-assured and convincing. Further, as stated by several witnesses, he was very intelligent. One witness suggested that, because of these characteristics, SB was skilled at keeping people onside. Another witness told the Inquiry Team that SB was a '*very persuasive character*' and, as a result, senior individuals at the CEC just accepted what SB said as '*the truth.*' It should be noted, however, that the characteristics outlined above are not solely applicable to SB, as they are typical of many abusers. Possessing such attributes enables people like SB to become adept at grooming people; and
- (c) it was suggested by a number of witnesses that SB was 'believed' because he formed part of an '*old boys' network*' (the "**Network**") of individuals in the CF Department who, above all else, looked after their own.<sup>4</sup> Several witnesses described the Network as being pervasive at the CEC. To those witnesses it meant that the members of the Network were treated differently from the rest; for example, if any of them were in trouble, or subject to investigation,

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<sup>4</sup> For the sake of clarity, it is the Inquiry Team's understanding that the actors identified as being part of the Network in the CF Department are no longer employed by the CEC.

their cases would often be reviewed by other individuals in the Network. Thus, objectivity and impartiality were absent.

The Inquiry Team was told that the Network developed over time, with several of the alleged members having trained or progressed through the ranks at the CEC together. The Inquiry Team is of the view that SB's position within the Network may have afforded him a certain level of protection. For many witnesses, it was suggested that SB had a *'friendly relationship'* with other senior individuals within the CEC. The Inquiry Team was also told that, because of the relationships formed between SB and other senior individuals, and because of the Network mentality amongst them, working and personal relationships became blurred. Indeed, as above, one witness told the Inquiry Team that concerns were raised about certain members within the Network conducting investigations into other members, notwithstanding the longstanding working relationships and friendships between them. It was suggested that AJ's review of the incident that is the subject of the Second Alleged Formal Disclosure, and his wider investigations into allegations of recruitment malpractice and the misuse of public funds, fell into such a category. In respect of AJ, the Inquiry Team is of the view that SB's behaviour may have become a blind spot for him over the years they worked together. Setting aside his conduct in relation to the Second and Third Alleged Formal Disclosures, some of AJ's other behaviour towards SB can, on the evidence received, be described as inappropriate on occasions. For example, notwithstanding AJ's inference in August 2020 that SB was being investigated by the police for sexual offences, the Inquiry Team was told by a witness that AJ arranged a collection for SB when the latter was signed-off from his work at the CEC with ill health at that time. Further, at or around the same time, AJ circulated an internal newsletter to all staff in the CF Department commending SB for certain improvements that had been made to the service and stating: *'I have passed on to Sean the huge number of warm wishes that have been relayed to me by colleagues and we are all wishing him a good recovery.'*<sup>5</sup> When asked by the Inquiry Team whether

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<sup>5</sup> Newsletter circulated to staff in the CF Department in August 2020.

he regretted sending the newsletter, AJ said that he did but, for all he knew, SB would be found not guilty of what was being alleged against him. AJ's conduct was bad judgment on his part, given his state of knowledge, and perhaps reflects a wider theme in this Report that, regardless of the accusations and allegations levelled at SB, he was the one who was generally believed and supported by senior management, rather than the accusers or witnesses.

- 8.1.5 while the Inquiry Team has been critical of AJ<sup>6</sup> and AG's respective conduct in this Open Report and in the Report, it should be recognised that both men have been SWs and public servants for many years. The Inquiry Team spoke to several witnesses at the CEC who spoke very highly of both individuals and suggested that their impact on the field of social work has been substantial. As such, it is inferred that both AJ and AG have made a positive difference over many years to numerous families in need of care, help and support in Edinburgh. Their long tenure and valuable contribution to this essential service area should not be forgotten, regardless of the criticism of them in this Report. While the Inquiry Team found both AJ and AG to be intelligent and affable individuals, who did their best to assist the work of the Inquiry, the Inquiry team are satisfied that certain errors of judgment were made. In respect of AG, that error pertained to the Second Alleged Formal disclosure and, in the Inquiry Team's view, a failure to take appropriate action. As to AJ, those errors relate to both the Second and Third Alleged Disclosures and, as with AG, a failure to take appropriate steps in the respective circumstances.

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<sup>6</sup> AJ resigned from his position with CEC during the course of the Inquiry. As there was an ongoing disciplinary process at the time of his resignation, it is expected that the CEC will have notified the SSSC of the same, if required to do so in terms of its obligations as a social services employer.

## 9. RECOMMENDATIONS

- 9.1 Set out below are the Inquiry Team's Recommendations based on the work it has undertaken in relation to the Inquiry. It is the Inquiry Team's hope that its Recommendations will be considered by the CEC for implementation in full, subject to, of course, employment law, data protection provisions, financial considerations and the decision-making structure within the CEC. It is also the Inquiry Team's genuine hope that the Recommendations are not used as a political instrument within the CEC. The Recommendations are intended to provide a positive framework for the organisation to address many of the identified failings of the past and it would not be in the interests of the CEC, or those whom it serves, for the Inquiry Team's conclusions, observations or Recommendations to be seized upon by elected members or their parties and used for political gain. It is the Inquiry Team's view that to do so would be reprehensible, particularly given the extremely sensitive nature of the Inquiry's subject matter and the interests of the survivors of SB's abuse.

### **'Investigations relating to sexual allegations, domestic abuse, physical violence, stalking or harassment'**

- 9.1.1 the system of investigation within the CEC relating to sexual allegations, domestic abuse, physical violence, stalking or harassment needs to be reformed to ensure that it is independent and impartial, and seen to be as such, both within and outwith the CEC;
- 9.1.2 the CEC should consider the implementation of an independent investigation unit of appropriately experienced and properly trained investigators, to investigate all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not). The CEC should either procure an independent external firm to establish an independent team of investigators to take on this role; or create an internal unit of investigators whose sole role is to carry out such investigations. If internal, any such unit should be regularly audited by an independent body;
- 9.1.3 all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) must be escalated to the CEC's Monitoring Officer prior to the appointment of any investigator,

whether internal or external; and a record should be kept of all such allegations for an appropriate period of time, subject to GDPR considerations, to allow for identification of patterns of behaviour;

9.1.4 if the system of investigation for such matters remains internal, all CEC employees tasked with conducting investigations must be properly trained to ensure, amongst other things, that:

- (a) they are alive to the possibility of potential conflicts of interest arising from personal / work related relationships with those subject to investigation, or witnesses, and decline to act where there is an actual or apparent conflict prior to, or during, the investigation, as required; and
- (b) they understand how to properly conduct interviews with alleged survivors of various kinds of abuse and will make referrals to support services for survivors, where necessary;

9.1.5 if the system of such investigations remains internal, the CEC should look to an external service provider with appropriate expertise to design and / or deliver the training to CEC employees, and to provide refresher training annually;

**‘Training and Education on domestic abuse, coercive control, the 2019 Policy on Domestic Abuse (the “2019 PDA”), the 2019 Whistleblowing Policy (the “2019 WBP”) and other employee and service user welfare policies’**

9.1.6 staff training and understanding within the CF Department and the wider-CEC surrounding domestic abuse, coercive control, the 2019 PDA, the 2019 WBP and other employee and service user welfare policies needs to be improved. Appropriate training and education are paramount in ensuring an effective safeguarding culture for employees and service users;

9.1.7 all employees of the CEC with line management responsibilities should be required to partake in mandatory training on domestic abuse, coercive control and how to appropriately deal with those individuals making complaints of a potentially criminal nature; and such training should be refreshed annually, with records kept of such training. The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training;

- 9.1.8 all employees of the CEC with line management responsibilities should be required to undertake training on public interest disclosures and the 2019 WBP, to enable them to differentiate between such disclosures and matters falling within other CEC policies (the PDA 2019, grievances, and potential disciplinary matters). The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training;

**‘Policy and Procedures’**

- 9.1.9 the current CEC HR practices relating to relationships between CEC employees are inadequate and do not reflect the close working and personal relationships between many CEC employees, which are often undisclosed;
- 9.1.10 a CEC policy should be created which stipulates that relationships between CEC staff members must be disclosed if they involve an individual with line management responsibilities. This policy should also include the steps to be taken if a situation involving allegations of a sexual nature, domestic abuse or those relating to physical violence, harassment, or stalking, within or outwith the working day or CEC workplace, arises between employees who are, or were, involved in a relationship;
- 9.1.11 the current CEC domestic abuse policy, the 2019 PDA, requires to be revised to state explicitly that it covers situations with CEC employees which arise outside the workplace and / or outwith work hours;

**‘General Recommendations’**

- 9.1.12 there must be a formal system in place at the CEC for recording disclosures by employees, service users or others relating to allegations of sexual or physical violence, harassment or stalking by CEC employees (whether occurring during the course of work hours or on CEC premises or not);
- 9.1.13 record keeping must be improved within the CEC, with notes taken at all meetings where disclosures or concerns are raised by employees to line managers regarding sexual or physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not). Once recorded, line managers should be obliged to report such disclosures or concerns up the management structure at the CEC;

- 9.1.14 a record of all investigations conducted (whether internal or external) regarding abuse of a sexual or physical nature, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) should be kept by the CEC for a period of twenty-five years, in a searchable and accessible format, subject to GDPR considerations;
- 9.1.15 an appropriate CEC redress scheme should be set up, without admission of liability, to compensate those who have been abused by SB; and
- 9.1.16 familial or former familial relationships of employees within the CEC should be disclosed and logged appropriately on both employees' HR files, to ensure that any actual or potential conflicts which may arise during the course of internal investigations are addressed.



10.00am, Thursday 28 October 2021

## Monitoring Officer Report

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To note that the independent Inquiry into complaints about the late Sean Bell, conducted by Pinsent Masons LLP and overseen by Inquiry Chair Susanne Tanner QC, has completed its investigation and has submitted its report to the Council for consideration on 28 October 2021.
- 1.2 To note that the Council's Monitoring Officer is required, under s.5 of the Local Government and Housing Act 1989, to report to Council if they consider that in the course of the discharge of the Council's functions any proposal, decision or omission has resulted in maladministration, illegality or injustice.

**Nick Smith**

Council Monitoring Officer

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# Report

## 2. Executive Summary

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- 2.1 The independent Inquiry has identified certain failings and missed opportunities on the part of the Council to address the unacceptable conduct of the late Sean Bell.
- 2.2 Given the failings and omissions to act as set out by the Inquiry in its report, the Monitoring Officer has concluded that he is required to report this as maladministration and injustice to Council in terms of section 5 of the Local Government and Housing Act 1989.

## 3. Background

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- 3.1 The Council commissioned an independent Inquiry into complaints about the conduct of the late Sean Bell, a former senior manager in its Communities and Families directorate, who passed away in August 2020. Mr Bell was due to stand trial for sexual offences charges, but Police Scotland's criminal investigation was brought to a close following his death.
- 3.2 The Inquiry was carried out by a specialist team from Pinsent Masons' Manchester office, and was overseen by Inquiry Chair, Susanne Tanner QC.
- 3.3 The purpose of the Inquiry was to establish, amongst other things, whether or not any, or appropriate, steps were taken by the Council to respond to any past allegations or suspicions of abuse or inappropriate behaviour by Mr Bell.

## 4. Main report

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- 4.1 Elected Members are referred to the Inquiry's Report into Complaints against the Late Sean Bell, also for consideration on the current full Council agenda. The Monitoring Officer has had access to the full report by the Inquiry. It is not proposed to repeat the Inquiry's findings and recommendations in detail in this report as they are clearly set out in the Inquiry's report.
- 4.2 As Elected Members will note, the report details certain failings and omissions on the part of the Council. The Monitoring Officer considers that these failings and omissions amount to maladministration and injustice and require to be reported to Council under section 5 of the Local Government and Housing Act 1989.

- 4.3 While there is no statutory definition of '*maladministration*' it is generally accepted (including by the Scottish Public Services Ombudsman) to include the following: '*failure to apply rules properly; neglect; inattention; delay; incompetence and ineptitude*'. It is clear from the Inquiry's report that the Council failed to act upon opportunities over a prolonged period of time to invoke appropriate policies in order to investigate serious allegations concerning Sean Bell. It is therefore the Monitoring Officer's clear view that maladministration has occurred encompassing the elements of maladministration italicised above.
- 4.4 In addition, it is the Monitoring Officer's view that injustice has resulted from the Council's initial failures to report serious allegations concerning Sean Bell to Police Scotland. Had such referrals been made appropriately and timeously, Mr Bell would likely have been subject to criminal investigation and potential criminal proceedings at an earlier stage.

## **5. Next Steps**

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- 5.1 The Council should consider the findings and recommendations as set out in the Inquiry's report.

## **6. Financial impact**

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- 6.1 No direct impact arises from this report, although there will be financial impacts flowing from the Inquiry report.

## **7. Stakeholder/Community Impact**

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- 7.1 No direct impact arises from this report, although there will be wider equalities impacts flowing from the Inquiry report.

## **8. Background reading/external references**

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- 8.1 The Inquiry's Report into Complaints against the Late Sean Bell.

## **9. Appendices**

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- 9.1 None.

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## Minutes

### The City of Edinburgh Council

Edinburgh, Thursday 23 September 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  
Gavin Corbett  
Cammy Day  
Denis C Dixon  
Phil Duggart  
Karen Doran  
Scott Douglas  
Catherine Fullerton  
Neil Gardiner  
Gillian Gloyer  
George Gordon  
Ashley Graczyk  
Joan Griffiths  
Ricky Henderson  
Derek Howie  
Graham J Hutchison

Andrew Johnston  
David Key  
Callum Laidlaw  
Kevin Lang  
Lesley Macinnes  
Melanie Main  
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  
Cameron Rose  
Neil Ross  
Jason Rust  
Stephanie Smith  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Louise Young

## 1 Order of Business – Item 7.4 on the Agenda

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

“Council notes that Item 7.4 has been circulated to members with a related confidential Annex with the intention by officers that it be considered as private business.

Council further notes that an identical private report circulated to Council on 26 August contained an Annex with the Court Judgement in the case; that Court judgements are published as public documents by the Court Service and welcomes the fact that this Annex is now a link in the public report to Council as this provides transparency by allowing the public swift access to the main document that explains the case.

Council also notes that, barring one paragraph (4.9), the reason given for the remainder of the report being circulated under a ‘B agenda’ as private is because it relates to potential legal arguments which the Council did not use in the case.

Council notes the decision by the “Proper Officer” that paragraph 4.9 of the private report contains personal data and cannot be released, however is concerned that this reasoning was only provided to councillors during the meeting on 26 August without a previous opportunity for councillors to seek a briefing on the Data Protection issues involved despite a detailed briefing being released to Council Group Leaders on 25 August which failed to mention this issue.

Council considers that, as the case has been lost, as the Court has ordered release of the document to the Whistleblower and as this has been complied with, there is no further value in protecting the legal argument outlined in the report and no reason why the remainder of the report, with a redaction of Paragraph 4.9, 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.”

### **Motion**

That the Order of Business remain as set out on the published agenda for the meeting.

- moved by The Lord Provost, seconded by Councillor Griffiths

## **Amendment**

To approve the motion as submitted by Councillor Whyte in terms of Standing Order 17.

- moved by Councillor Whyte, seconded by Councillor Jim Campbell

## **Voting**

The voting was as follows:

For the motion	-	39 votes
For the amendment	-	17 votes

(For the motion: The Lord Provost, Councillors Aldridge, Arthur, Barrie, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dixon, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Howie, Key, Lang, Macinnes, Main, McNeese-Mechan, McVey, Miller, Munn, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Staniforth, Watt, Wilson, Work and Louise Young.

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

## **Decision**

To approve the motion by the Lord Provost.

## **2 Council Owned Care Homes EIJB – Motion by Councillor McVey**

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### **a) Deputation – Edinburgh Trade Union Council**

The Deputation expressed concern that the comprehensive consultation that was to be carried out by the EIJB did not seem to have the same commitment to the level of consultation carried out by the Council or NHS Lothian. They stressed that public concerns needed to be addressed in a comprehensive manner and that the planned consultation did not appear to take account of COVID, job security, universal credit cuts and cuts to social care and NHS services.

The deputation indicated that there had been no public consultation of the proposed closures of care homes which had left the residents and families involved, who had had a difficult time over the past 18 months, in a state of insecurity. The deputation indicated that the lack of information coming from the EIJB was concerning.

The deputation urged the Council to take further action to ensure a full consultation took place which was comprehensive, robust, looked beyond the options previously decided and involved all stakeholders.

**b) Deputation – Unison**

The deputation supported the motion by Councillor McVey and indicated that the citizens of Edinburgh should have Council run and operated residential care homes. They expressed concern that there had been no detailed information supplied which supported the closure of care homes and many questions had gone unanswered. The deputation felt that a delay in the decision making process was necessary to allow Councillors to have the full facts regarding the future of care homes.

The deputation welcomed the consultation however were concerned that it would not apply to Drum Brae Care Home and stressed that the public consultation was about understanding need and giving decision makers the opportunity to inform themselves about what the city needed in regard to person centred care.

**c) Motion by Councillor McVey**

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

- “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 outlined in Paragraph 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."

### **Motion**

To approve the motion by Councillor McVey.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 1**

- 1) In paragraph 1 of the motion by Councillor McVey, delete "of the future of Care Homes in Edinburgh" and replace with "in respect of bed-based care, including Hospital Based Complex Clinical Care, intermediate care and residential care, in Edinburgh."
- 2) In paragraph 2 of the motion, insert "covering all aspects of the bed-based review" after "as possible".
- 3) In paragraph 3 of the motion, delete all after "completed" and replace with "and will implement in Council processes and procedures whatever legislation requires as a consequence of the Feeley Review."
- 4) In paragraph 6 of the motion, replace "two cycles" with "one cycle".
- 5) Insert at the end of paragraph 6 of the motion, "The report should contain explanation of any departure from existing Council policies and procedures in relation to the initial announcement of potential care home closures, particularly in relation to consultation."

- moved by Councillor Doggart, seconded by Councillor Whyte

### **Amendment 2**

- 1) In point 3 of the motion by Councillor McVey, replace "Agrees the Council will maintain the present number of care homes" with "Agrees the Council will work with the EIJB to maintain the present publicly-owned assets".
- 2) To add a new additional paragraph 4 to the motion and renumber:

- 4) Council will work with the IJB to develop options for Council managed care homes to address the needs of Edinburgh residents, and as a partner is committed to expanding publicly owned and operated care provision.

- moved by Councillor Main, seconded by Councillor Corbett

### **Amendment 3**

To delete paragraph 3 of the motion by Councillor McVey and replace with:

“Agrees the council will proceed to support the reprovisioning of the Drum Brae Care Home as a HBCCC, and that the council will otherwise retain the number of care homes until the consultation outlined in para 1 is completed.”

- moved by Councillor Aldridge, seconded by Councillor Neil Ross

In accordance with Standing Order 21(12), Paragraphs 1, 2 and 4 of Amendment 1 and the whole of Amendment 2 were accepted as amendments to the motion.

### **Voting**

For the Motion (as adjusted)	-	34 votes
For Amendment 1	-	16 votes
For Amendment 3	-	5 votes

(For the Motion (as adjusted): The Lord Provost, Councillors Arthur, Barrie, Bird, Booth, Bridgman, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dixon, Fullerton, Gardiner, Gordon, Griffiths, Howie, Key, Macinnes, Main, McNeese-Mechan, McVey, Miller, Munn, Munro, Perry, Rae, Rankin, Staniforth, Watt, Wilson and Work.

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

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

### **Decision**

To approve the following adjusted motion by Councillor McVey:

- 1) To acknowledge the EIJ board had asked for additional information and would undertake a consultation in respect of bed-based care, including Hospital Based Complex Clinical Care, intermediate care and residential care, in Edinburgh.

- 2) To request the consultation should be as comprehensive as possible covering all aspects of the bed-based review 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) To agree the Council would work with the EIJB to maintain the present publicly-owned assets until the consultation outlined in Paragraph 1 was completed and as a partner was 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) To agree to work with the IJB to develop options for Council managed care homes to address the needs of Edinburgh residents, and as a partner was committed to expanding publicly owned and operated care provision.
- 5) To call on the EIJB to develop a comprehensive care plan, which included future residential care that was 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.
- 6) To call 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 needed to occur to fully meet the findings and recommendations.
- 7) To request an update report from the Chief Officer of the EIJB within one cycle to the Policy and Sustainability Committee updating Council on these plans.

### **Declaration of Interests**

Councillor Arthur declared a financial interest in the above item as his wife was employed in one of the units being discussed.

## **3 Health and Inequalities in relation to Active Travel Provision in Edinburgh and Edinburgh Doctors for Active Travel – Motions by Councillors Macinnes and Miller**

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### **a) Deputation – Lothian Deprivation Interest Group**

The deputation expressed concern at the Council's plans for the removal of some of the active travel infrastructure that had been introduced to Edinburgh during the pandemic and asked the Council to consider maintaining, improving and extending the routes in the interests of public health.

They raised the following points:

- People in areas of deprivation were less likely to drive and more likely to be involved in a road traffic collision;
- Traffic was the dominant source of air pollution in Scotland;
- A lot of the population didn't get the bare minimum of exercise to stay healthy and about one third of the population were obese;
- Environmental and economic consequences of climate change would have the greatest effect on the poor, young, elderly and people with chronic ill health and disabilities.

The deputation urged the Council to do what they could to encourage the people of Edinburgh to make an active lifestyle part of their choice.

**b) Deputation – Keep Edinburgh Moving**

The deputation expressed concern that a letter which had been signed by health professionals had 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. The deputation indicated that 32% of the population of Edinburgh had some form of disability and nearly 70% of Spaces for People active travel schemes had a negative impact on many disabled people in that group, including 6,500 blue badge holders.

The Deputation also indicated the following additional negative impacts of the Spaces for People Scheme:

- Delays in travel times
- Restrictions on parking
- Isolation and impact on quality of life
- Injuries and distress caused to members of the public

The deputation stressed that schemes to support cycling were vital, but they also needed to be fully accessible and avoid negative impacts on pedestrians and people who relied on public transport, particularly those with disabilities and their carers.

**c) Motions by Councillors Macinnes and Miller**

The following motions by Councillors Macinnes and Miller were submitted in terms of Standing Order 17:

**Motion 1 - By Councillor Macinnes**

“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 (i.e. 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.”

**Motion 2 - By Councillor Miller**

“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 Convener responds to the letter on behalf of the Council.
- 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 measure.”

## **Motion**

To approve the motion by Councillor Macinnes.

- moved by Councillor Macinnes, seconded by Councillor Doran

## **Amendment 1**

To delete all of the motion by Councillor Macinnes and replace with:

Council:

- 1) Welcomes the public engaging with the Council on active travel and specifically on *Spaces for People* and *Travelling Safely* measures brought forward by the Council and regrets aspects of the limited and flawed consultation undertaken by the Council to date.
- 2) Recognises that forcing significant changes on communities where local people have expressed substantive opposition is a cause of reputational damage to the Council and contrary to building support for active travel which is likely to endure and gain public validity.
- 3) Notes the letter signed by 144 of the 24,000 people involved in delivery of healthcare in Lothian as part of their contribution to the public debate and agrees with the importance of active travel and the positive health impacts but considers that the letter provides no direct analysis of the quality of the measures introduced thus far in Edinburgh, which fail to improve safe, self-powered travel.
- 4) Considers that in light of the negative impact of *Spaces for People* active travel schemes on disabled people, patients and carers as well as users of public transport amongst others, the Council requires better quality and more inclusive, properly conceived active travel plans for all road users.
- 5) Agrees that improvement in health and reduction in health inequalities are important citywide and national objectives and there is no evidence that recent and current schemes implemented by the Council are achieving this.

- moved by Councillor Rust seconded by Councillor Hutchison

## **Amendment 2**

To approve a composite motion of Councillors Macinnes and Miller's original motions as follows:

"Council:

- 1) 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).

- 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) 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.
- 4) 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.
- 5) Requests that the Council Leader and the Transport Convenor responds to the letter on behalf of the Council.



- 6) 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.
- 7) 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 (i.e. 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.”

- moved by Councillor Miller, seconded by Councillor Corbett

### **Amendment 3**

To approve Councillor Miller’s original motion as submitted as follows:

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 Convener responds to the letter on behalf of the Council.
  - 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 measure.”

- moved by Councillor Lang, seconded by Councillor Osler

In accordance with Standing Order 22(12), Amendment 2 was accepted as an amendment to the motion.

## Voting

The voting was as follows:

For the Motion (as adjusted)	-	34 votes
For Amendment 1	-	16 votes
For Amendment 3	-	6 votes

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

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

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

## Decision

To approve the following adjusted motion by Councillor Macinnes:

- 1) To welcome 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 \(wordpress.com\)](#).
- 2) To note that the letter set 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) To further welcome their call to retain and extend as much of the recent improvements to active travel infrastructure as possible. To recognise the succinct description in the letter of why active travel and actions to combat air pollution were so important and the health inequalities and outcomes they could help to address and to meet climate obligations.

- 4) To note that this well-researched and evidenced call reflected the Council's approach towards increased active travel options within and supported 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.
- 5) To request that the Council Leader and the Transport Convener respond to the letter on behalf of the Council.
- 6) To welcome the considered professional opinion of the signatories and request that council officers and Transport and Environment Committee take account of these opinions when making any future relevant decisions about active travel measures.
- 7) To request that officers bring forward a report to the Transport and Environment Committee by March 2022 which examined the issues raised in this letter, described the likely effect of not making significant progress towards improved sustainable transport (i.e. public transport and active travel) within Edinburgh and its connections with neighbouring authorities) and outline the transport-related actions the Council was taking towards achieving a more equitable, healthier future for all those living, working and visiting Edinburgh.

## 4 Minutes

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### Decision

To approve the minute of the Council of 26 August 2021 as a correct record.

## 5 Leader's Report

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

- Resettlement scheme
- Update on current Covid positions

The following questions/comments were made:

Councillor Whyte	- Councillor Dickie – Evening News article
Councillor Burgess	- Climate Week in Scotland – Challenge Scottish Government to take up recommendations of the Civic Charter and the forthcoming City Net Zero Strategy

Councillor Aldridge	- Interlinked Fire Alarm systems
Councillor Day	- Local Music Festivals
	- Craigmillar Regeneration – Scottish Home Award - Housing Regeneration Project of the Year - Congratulations
Councillor Rankin	- Effects of UK Government’s Universal Credit cut
Councillor Doggart	- Apologies for failure of the Leader to ask the Scottish Government for additional funding over the past 4 years
Councillor Miller	- Anger across the south west of City at proposed loss of World of Soccer and support for indoor sports facilities
Councillor Lang	- Transport Scotland Act – Ban on pavement parking – delay in bringing ban into force
Councillor Kate Campbell	- Craigmillar Regeneration – Scottish Home Award - Housing Regeneration Project of the Year – Congratulations
	- Rebuild Programme – Funding for Private Sector Housing
Councillor Johnston	- Night Clubs – vaccine passports - concerns
Councillor Barrie	- Chief Officer Appointments – Service Director: Housing, Family Support and Fair Work
Councillor Fullerton	- Energy Crisis – price rises – fuel poverty
Councillor Rae	- Fridays for the Future – Global Climate strike – support for young citizens
Councillor Neil Ross	- Installation of electric vehicle charging facilities – work with private sector organisations

## 6 Appointment to Outside Organisations

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On 29 June 2017 the Council had appointed members to outside bodies for 2017-22. Councillor Iain Whyte had tendered his resignation as a member of the Board of Trustees of Edinburgh International Festival Council and Council was asked to appoint a member in his place.

## **Motion**

- 1) Councillor Bird to be replaced by Councillor Ethan Young on the Governance, Risk and Best Value Committee.
- 2) The Lord Provost to replace Councillor Dixon on the Governance, Risk and Best Value Committee.
- 3) Councillor Dixon to replace Councillor Ethan Young on the Planning Committee.
- 4) Councillor Fullerton to replace Councillor Key on the Culture and Communities Committee.
- 5) Councillor McNeese-Mechan to replace Councillor Fullerton as Convener of the Committee on the Jean F Watson Bequest.

- moved by Councillor Fullerton, seconded by Councillor Doran

## **Amendment**

To appoint Councillor Mowat in place of Councillor Whyte as a Council representative on the Board of Trustees of Edinburgh International Festival Council.

- moved by Councillor Whyte, seconded by Councillor Rust

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 Fullerton:

- 1) To appoint Councillor Ethan Young in place of Councillor Bird on the Governance, Risk and Best Value Committee.
- 2) To appoint the Lord Provost in place of Councillor Dixon on the Governance, Risk and Best Value Committee.
- 3) To appoint Councillor Dixon in place of Councillor Ethan Young on the Planning Committee.
- 4) To appoint Councillor Fullerton in place of Councillor Key on the Culture and Communities Committee.
- 5) To appoint Councillor McNeese-Mechan in place of Councillor Fullerton as Convener of the Committee on the Jean F Watson Bequest.

- 6) To appoint Councillor Mowat in place of Councillor Whyte as a Council representative on the Board of Trustees of Edinburgh International Festival Council.

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

## **7 Chief Officer Appointments**

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Details were provided on the outcome of the recruitment process for the Executive Director of Education and Children's Services, Service Director: Culture and Wellbeing and Service Director: Housing, Family Support and Fair Work.

### **Decision**

- 1) To approve the appointment of Amanda Hatton as Executive Director of Education and Children's Services.
- 2) To approve the appointment of Joan Parr as Service Director: Culture and Wellbeing.
- 3) To note that no appointment to the role of a Service Director: Housing, Family Support and Fair Work would be made permanently at this time.

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

## **8 Queen's Platinum Jubilee 2022 – Additional Leave**

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In response to a motion by Councillor Laidlaw, details were provided on the UK Government's announcement of an additional holiday to mark Her Majesty The Queen's 70th anniversary as monarch in summer 2022 and approval sought for an additional fixed day's leave for all colleagues on Friday 3 June 2022, an alternative Spring Holiday date from Monday 18 April 2022 to Thursday 2 June 2022 for all non-schools' colleagues and an alternative Victoria Day date from Monday 23 May 2022 to Thursday 2 June 2022 for all schools' colleagues.

### **Decision**

- 1) To 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.
- 2) To agree that the spring holiday initially scheduled for Monday 18 April 2022 would be moved to Thursday 2 June 2022 for all non-school employees.

- 3) To agree that Victoria Day scheduled for Monday 23 May 2022 would be moved to Thursday 2 June 2022 for all school-based employees.
- 4) To agree that an additional fixed day's leave would be granted for all employees on Friday 3 June 2022.

(References – Act of Council No 17 of 26 August 2021; report by the Executive Director of Corporate Services, submitted.)

## 9 St James Quarter GAM: Interim Payment

---

Details were provided 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 Asset.

### Motion

To agree an interim payment being 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 the report by the Executive Director of Place

- moved by Councillor McVey, seconded by Councillor Day

### Amendment

- 1) To note that the Growth Accelerator Model was agreed in 2016 on the basis of public benefits being secured which otherwise would not materialise and on the net uplift in Non domestic rate income funding the GAM over time; to note that, while progress had been made towards achieving the requirements set out in the GAM, these had not yet been fully achieved; and therefore agree only to make payment once the council requirements had been fully achieved.
- 2) To agree a payment of £1,321,415 for Picardy Place works on the terms set out in the report by the Executive Director of Place.

- moved by Councillor Corbett, seconded by Councillor Miller

### Voting

The voting was as follows:

For the motion	-	48 votes
For the amendment	-	8 votes

(For the motion: The Lord Provost, Councillors Aldridge, Arthur, Barrie, Bird, Bridgman, Brown, Bruce, Cameron, Jim Campbell, Kate Campbell, Child, Day,



Dixon, Duggart, Doran, Douglas, Fullerton, Gardiner, Gloyer, Gordon, Griffiths, Henderson, Hutchison, Johnston, Key, Laidlaw, Lang, Macinnes, McLellan, McNeese-Mechan, McVey, Mitchell, Mowat, Munn, Munro, Osler, Perry, Rankin, Rose, Neil Ross, Rust, Smith, Watt, Webber, Whyte, Wilson and Work.

For the amendment: Councillors Booth, Burgess, Mary Campbell, Corbett, Howie, Miller, Rae and Staniforth.)

## **Decision**

To approve the motion by Councillor McVey.

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

## **10 Report in Relation to a Legal Case**

---

In response to a motion by Councillor Rose, the Council had requested a report to all members of Council explaining the detailed conclusions of the court case in respect of the case of John Travers v City of Edinburgh Council, and why the Council resisted the action it had now been instructed to carry out.

Details were provided of the Council's position in regard to the action it had been instructed to carry out.

## **Motion**

- 1) To note the report by the Service Director: Legal and Assurance and Council Monitoring Officer.
- 2) To delegate the Chief Executive to engage with Mr Travers and his family with a view to addressing any detriment caused to him and his family not covered by previous settlements and for any detriment since the conclusion of the PWC work in 2016. This should include consideration of making a full and final settlement, if appropriate subject to any ongoing legal dispute with the conclusion of any agreement reached being reported back to Council - subject to agreement of Mr Travers.

- moved by Councillor McVey, seconded by Councillor Day

## **Amendment**

- 1) To note the content of the Judgment by Sheriff Noble in John Travers v City of Edinburgh Council.
- 2) To regret the five year refusal to provide John Travers with a copy of the report which, as the Sheriff has found, the Council agreed to provide (noting that Sheriff Noble found in fact that the contract was established, including by

the circumstances, and that the 'balance of probabilities' test is a legal bar above which proof needs to rise).

- 3) To consider that the extensive legal deployment by the Council during this period is at odds with the statements in the report suggesting the Council has sympathy with Mr Travers and his wish to access the PwC report and has contributed to considerable costs being expended by both the Council using taxpayers funding and by Mr Travers.
- 4) To note that the refusal to provide the John Travers with a copy of the report has inhibited full and timeous police inquiry, given that the police indicated they required John Travers to have full access to the results of the inquiry in order to progress their investigation.
- 5) To consider that the report by the Service Director: Legal and Assurance and Council Monitoring Officer does not appear to reflect the decisive nature of the conclusions of Sheriff Noble's Judgement.
- 6) To note a number of apparent inaccuracies or inconsistencies in the report and instructs the Chief Executive to review these and report back to Council as soon as possible, viz:
  - a) The 'redacted' copy of the PwC Report supplied to John Travers failed to include a large number of paragraphs which contained no identifiable personal data which necessitated redaction from a data protection argument.
  - b) The unredacted PwC report supplied to John Travers was accompanied with a narrative of how it should be used – which may be a limit on the unrestricted provision instructed by Sheriff Noble.
  - c) The Financial Impact section of the Report by the Service Director: Legal and Assurance and Council Monitoring Officer states that there are no direct financial impacts **of this report**. Council regrets that it was not informed of potential financial impact given that Sheriff Noble has instructed further hearings to attribute costs.
- 7) To note in relation to the Data Protection Acts, the risk to City of Edinburgh Council was not established and that Sheriff Noble noted, *"In my view, neither the Data Protection Act 1998 nor the Data Protection Act 2018 bars the pursuer from receiving an unredacted copy of the PwC report."* Sheriff Noble further notes, *" . . . the balance in my view falls very firmly in favour of providing the pursuer (John Travers) with a copy of the report."* (Judgement, note 38).

- 8) To note that the report appears to perpetuate a culture of protecting the rights of employees and former employees even where they are found to be responsible for wrongdoing over the rights of victims and public transparency.
- 9) To instruct that the documents associated with the current debate be passed to the Inquiry, chaired by Susanne Tanner, including the reports and all briefings to councillors, for consideration of what they contribute to the analysis of the current culture of the Council.
- 10) To note that this court case continues a 19-year course of events, and the Council's ongoing fight to avoid release of the report does nothing to encourage whistleblowers or others seeking action to come forward.
- 11) To instruct that all councillors should be given access to the 2016 PwC report.
- 12) To instruct the Chief Executive to engage with Mr Travers with a view to making a full and final settlement for any detriment caused to him and his family not covered by previous settlements and for any detriment since the conclusion of the PwC work in 2016, the outcome of this engagement to be reported to Council or an appropriate committee for approval.

- moved by Councillor Rose, seconded by Councillor Johnston

## **Voting**

For the motion	-	39 votes
For the amendment	-	18 votes

(For the motion: The Lord Provost, Councillors Aldridge, Arthur, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dixon, Doran, Fullerton, Gardiner, Gloyer, Gordon, Graczyk, Griffiths, Henderson, Howie, Key, Lang, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Staniforth, Watt, Wilson and Work.

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

## **Decision**

To approve the motion by Councillor McVey.

(References – Act of Council No 30 of 24 June 2021; Act of Council No 10 of 26 August 2021: report by the Service Director: Legal and Assurance and Council Monitoring Officer, submitted.)

## 11 Climate Charter - Motion by Councillor Macinnes

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

“Council:

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.”

### **Motion**

To approve the motion by Councillor Macinnes.

- moved by Councillor Macinnes seconded by Councillor Doran

### **Amendment**

To add to the motion by Councillor Macinnes:

Council

Notes the current underfunding of local Councils by the Scottish Government, and underlines that this funding would be essential to carry out any goals and recommendations set by Scotland’s Climate Assembly.

- moved by Councillor Whyte, seconded by Councillor Jim Campbell

## Voting

The voting was as follows:

For the motion	-	37 votes
For the amendment	-	17 votes

(For the motion: The Lord Provost, Councillors Arthur, Barrie, Bird, Booth, Bridgman, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dixon, Doran, Fullerton, Gardiner, Gordon, Graczyk, Griffiths, Henderson, Howie, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Osler, Perry, Rae, Rankin, Neil Ross, Watt, Wilson and Work.

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

## Decision

To approve the motion by Councillor Macinnes.

## Declaration of Interests

Councillor Neil Ross declared a non-financial interest in the above item as a member of Living Streets Scotland.

## 12 Better School Milk - Motion by Councillor Burgess

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

“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 and 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."

### **Motion**

To approve the motion by Councillor Burgess.

- moved by Councillor Burgess seconded by Councillor Mary Campbell

### **Amendment**

- 1) To amend paragraph 2 of the motion to read:
  - 2) Recognises that some believe 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.
- 2) To add a new paragraph 3 of the motion and renumber accordingly
  - 3) Notes that organic milk is considerably more expensive to produce and purchase and asks the report to provide clear costs and possible funding sources, along with evidence of the health benefits of switching from non-organic milk.

- moved by Councillor Laidlaw, seconded by Councillor Douglas

### **Voting**

The voting was as follows:

For the motion	-	33 votes
For the amendment	-	20 votes

(For the motion: The Lord Provost, Councillors Arthur, Barrie, Bird, Booth, Bridgman, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Corbett, Day, Dixon, Gardiner, Gordon, Graczyk, Griffiths, Henderson, Howie, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munro, Munn, Perry, Rae, Rankin, Watt, Wilson and Work.)

For the amendment: Councillors, Aldridge, Brown, Bruce, Jim Campbell, Doggart, Douglas, Gloyer, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Rose, Neil Ross, Rust, Smith, Webber and Whyte.)

### **Decision**

To approve the motion by Councillor Burgess.

## 13 Equal Pavements Pledge - Motion by Councillor Miller

---

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

“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, panimpairment 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 the City of Edinburgh Council takes this pledge and that the Transport Convenor writes to Transport for All to convey support for the pledge.”

## **Motion**

To approve the motion by Councillor Miller.

- moved by Councillor Miller, seconded by Councillor Corbett

## **Amendment 1**

- 1) To accept points 1-4 of the motion by Councillor Miller.
- 2) To delete the final paragraph and replace with:

Therefore, agrees that the City of Edinburgh Council adopts this pledge and applies the principles to all schemes going forward and reviews work undertaken in haste over the last year; including but not limited to “Spaces for People” schemes now rebranded as “Travelling Safely” and on works in relation to the Tram Line 1 completion to Newhaven and reports back to Council which schemes comply and where schemes do not comply what



remedial work and associated costs and resources would be required to make them compliant

Requests that the Transport Convenor writes to Transport for All to convey support for the pledge.

- moved by Councillor Mowat, seconded by Councillor Whyte

## **Amendment 2**

To add to the motion by Councillor Miller:

To further agree that the Council can take a leading role in this work by ensuring those council staff and sub-contractors responsible for delivering core council services are trained in the importance of protecting footway space wherever possible, and by making sure sufficient officer resource is in place to deal with issues of enforcement.

- moved by Councillor Lang, seconded by Councillor Osler

In accordance with Standing Order 21(12), Amendment 1 was adjusted and accepted as an amendment to the motion and Amendment 2 was accepted as an addendum to the motion.

## **Decision**

**To approve the following adjusted motion by Councillor Miller:**

- 1) To welcome the 'Equal Pavements Pledge' aimed at improving the accessibility of footways by Transport for All the disability group focusing on transport.
- 2) To note that the seven-point pledge was 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, panimpairment 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) To note that the pledge was supported by RNIB, Living Streets and Sustrans and had already been taken by the London Assembly and the City of Westminster.

- 4) To recognise that as lockdown restrictions gradually began to lift there was an opportunity to improve accessibility for disabled people.
- 5) To therefore, agree that the City of Edinburgh Council adopt this pledge and apply the principles to all schemes going forward and review work undertaken at pace over the last year and report back to the Transport and Environment Committee which schemes complied and where schemes did not comply what remedial work and associated costs and resources would be required to make them compliant.
- 6) To further agree that the Council could take a leading role in this work by ensuring those council staff and sub-contractors responsible for delivering core council services were trained in the importance of protecting footway space wherever possible, and by making sure sufficient officer resource was in place to deal with issues of enforcement.

### **Declaration of Interests**

Councillor Neil Ross declared a non-financial interest in the above item as a member of Living Streets Scotland.

## **14 Edinburgh Integration Joint Board Bed Based Review - Motion by Councillor Doggart**

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

“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.”

### **Decision**

To note that Councillor Doggart had withdrawn his motion.

## **15 Hearts Fan Ownership - Motion by Councillor Corbett**

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The following motion by Councillor Corbett was submitted in terms of Standing Order 17,

““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.”

- moved by the Lord Provost seconded by Councillor Griffiths

### **Decision**

To approve the motion by Councillor Corbett.

### **Declaration of Interests**

The Lord Provost and Councillor Griffiths declared a non-financial interest in the above item as contributors to the Foundation of Hearts.

Councillor Henderson declared a financial interest in the above item as a member and contributor to the Foundation of Hearts.

## **16 Questions**

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

## **17 Supplementary Confidential Report in Relation to a Legal Case**

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The Council, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 12 of Part 1 of Schedule 7(A) of the Act.

Details were provided on further relevant information which was considered by officers during the course of the case. This information was confidential and/or legally privileged.

### **Decision**

To note the report by the Service Director: Legal and Assurance and Council Monitoring Officer. Full details of the decision are contained in a confidential statement signed by the Lord Provost with reference to this minute item.

(References – Act of Council No 30 of 24 June 2021; Act of Council No 10 of 26 August 2021: reports (2) by the Service Director: Legal and Assurance and Council Monitoring Officer, submitted.)

## Appendix 1

(As referred to in Act of Council No 16 of 23 September 2021)

### 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) There are 77 EV charging points on Council land across the city. The table below provides further details on the locations.

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

**Answer** (2) The financial year in which each was installed is included in the table below.

**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) The placing of any equipment or apparatus on the public road network by members of the public, including charging operators not appointed by the Council, is not permitted at this time.

This is because apparatus occupation on roads and pavements is only permitted if placed by Statutory Undertakers (public utilities) and Roads Authorities.

In addition, equipment on the public road network is normally not permitted for public safety, accessibility, road maintenance, and/or equipment responsibility reasons.

Under the terms of section 109 the New Roads and Street Works Act 1991 and Section 58 and the Roads (Scotland) Act 1984, consent must be obtained in writing from the Roads Authority for excavating in or placing anything on a road and pavement. If consent is requested for the placing of private charging points, it will not be granted at this time. If consent is not requested/granted, installation of a charging point would be an offence.

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

**Answer** (4) As permission is not granted to charging operators to run charging points on its land, it is not possible to answer this question.

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

**Answer** (5) As permission is not granted to charging operators to run charging points on its land, it is not possible to answer this question.

**Supplementary Question** Thank you Lord Provost and thank you to the Convener for her answer. Although, I'm sorry I think there's maybe been a misunderstanding of question 3 as it's about EV charging points that the Council has allowed on its land including those identified in the answer given to question 1, and so I'm wondering if this question and questions 4 and 5 can be looked at again please?

**Supplementary Answer** I'll ask officers to take a fresh look given what you've just said Councillor Ross and we'll come back with a written response to all Councillors.

**Table 1 – Existing EV Charge Points on Council Land**

Asset Description	No. of Charge Points	Chargepoint Type	Chargepoint Manufacturer	Financial Year
Russell Road Depot, 38 Russell Road	1	7 kw single outlet, smart	Elektromotive	2012/13
Russell Road Depot, 38 Russell Road	1	7 kw single outlet, smart	Elektromotive	2012/13
Cowan's Close Depot, Cowan's Close	1	7kW single outlet, smart	Elektromotive	2012/13
Ingliston Park & Ride	2	22 kw double outlet, smart	APT	2015/16
Ingliston Park & Ride	2	22 kw double outlet, smart	APT	2015/16
Straiton Park and Ride	3	50 kw double outlet, smart, AC/DC	APT	2015/16
Hermiston Park and Ride	3	50 kw double outlet, smart, AC/DC	APT	2015/16
Blackhall Library	2	22 kw double outlet, smart	APT	2015/16
Westerhailes Healthy Living Centre	2	22 kw double outlet, smart	APT	2015/16
East Neighbourhood Centre	3	50 kw double outlet, smart, AC/DC	Siemens	2015/16
Murryburn Depot/Cab office	3	50 kw double outlet, smart, AC/DC	Siemens	2015/16
Ingliston Park & Ride	3	50 kw double outlet, smart, AC/DC	ABB/BMM	2016/17
FETA, South Queensferry (transferring to Transport Scotland ownership Aug 2020)	3	50 kw double outlet, smart, AC/DC	ABB/BMM	2016/17
FETA, South Queensferry (transferring to Transport Scotland ownership Aug 2020)	2	22 kw double outlet, smart	ICU/BMM	2016/17
North Neighbourhood Office	2	22 kw double outlet, smart	APT	2017/18
South Neighbourhood Office	2	22 kw double outlet, smart	APT	2017/18
West Neighbourhood Office (Drumbrae Library)	2	7 kw double outlet, smart	APT	2017/18
Straiton Park and Ride	2	7 kw double outlet, smart	APT	2017/18



Bankhead Depot	3	50 kw double outlet, smart, AC/DC	APT	2017/18
Bankhead Depot	1	22 kw single outlet, smart	APT	2017/18
Kirkliston Library	1	7kW single outlet, smart	APT	2018/19
Craigentenny Community Centre	2	7 kw double outlet, smart	APT	2018/19
Inch Park	1	7kW single outlet, smart	APT	2018/19
Drumbrae Library (inside garage)	1	7kW single outlet, smart	APT	2018/19
Portobello Town Hall	1	7kW single outlet, smart	APT	2018/19
Mortonhall Crematorium	1	7kW single outlet, smart	APT	2018/19
Mortonhall Crematorium	1	7kW single outlet, smart	APT	2018/19
Princes Street Gardens	1	7kW single outlet, smart	APT	2018/19
Westfield House Social Work Centre	1	7kW single outlet, smart	APT	2018/9
Wester Hailes Healthy Living Centre	2	7kw dual post	Swarco	2021/22
Saughton Park	2	7kw single wall boxes	Swarco	2021/22
Captains Road	3	7kw dual post	Swarco	2021/22
West Pilton Gardens	3	7kw dual post	Swarco	2021/22
Drumbrae Hub	3	7kw dual post	Swarco	2021/22
North Pepper Place	2	7kw dual charger	Swarco	2021/22
Clocktower Ind Estate	3	single wall charger	Swarco	2021/22
Kings Haugh	2	7kw dual charger	Swarco	2021/22
Craigmillar Waste Depot	3	7kw dual post	Swarco	2021/22
Murrayburn Depot	1	dual wall charger	Swarco	2021/22

Total No. of Charge Points

77

## 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) As reported to Transport and Environment Committee in [April 2021](#) as part of the communal bin review update, the increased prevalence of home working and the increase in home deliveries and associated packaging is being kept under review to identify the ongoing trends and is feeding into the Council's planning for future communal bin services.

Since the outbreak of COVID-19, additional vehicles have been deployed to ensure that our waste and cleansing staff have been able to work safely and to meet the increased demand. In addition, social media campaigns have been developed to raise awareness of the increase in waste being produced and providing information what can be done to help, such as flat packing their cardboard before putting it into the bins.

In addition, recruitment is underway for additional HGV drivers for the service.

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?

**Answer** (2) Unauthorised presentation of waste in communal street bins by some businesses happens too often.

The Street Enforcement Team has increased enforcement action for trade waste offences since 1 September 2020 in recognition of this.

However, enforcement action for domestic unauthorised presentation of waste is much more difficult to detect and it is generally not possible to distinguish occupier misuse from landlord misuse.

**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) The table below shows a summary of the fixed penalty notices issued from September 2019 and again from September 2020, including those issued to businesses

	1 September 2019 – 31 August 2020	1 September 2020 – 31 August 2021
Fixed Penalty Notices (Trade)	74	192
S.47 Notice (prescribing contract to be arranged by business)	15	0
Reg 4 Notice (requiring business to produce Waste Transfer Note)	102	110
<b>TOTAL</b>	<b>191</b>	<b>302</b>

Note: During the first lockdown (from March 2020) the Street Enforcement Team worked from home for several months which will have impacted on service delivery and enforcement action taken.

### 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

The support provided to each political group from within Member Services is detailed in the table below.

This does not include support provided by other Council teams, such as Committee Services, where support is provided in terms of motions, etc. given the difficulties in quantifying the level of support provided to any one political group.

Service Policy Advisors are detailed separately as they support both the Convener and Vice-Convener of Committees, rather than a particular political group.

We are unable to detail the costs per group as, given the low numbers of staff involved it would mean that in some cases individual salaries would effectively be disclosed. This information can be provided to elected members privately upon request.

<b>Group</b>	<b>Full time equivalent (FTE) Staff</b>
Conservative	5
EPIC	Supported by staff in SNP and Green Group
Green	2
Labour	3
Liberal Democrat	1
SNP	6
Service Policy Advisers	7

**Supplementary  
Question**

Thank you Lord Provost and thank you to the Convener for his answer. These figures suggest an unfairness in the distribution of support given to councillors to deal with constituent casework which we all have to do and in particular there is a considerable imbalance between the support given to the Convener's group and to my group, does the Convener accept this is unfair and if so would he be willing to discuss how we could achieve a fairer distribution of support?

**Supplementary  
Answer**

I thank Councillor Ross for his question. I'm sure all of us would probably agree that at times we need more support regardless of what group we're in given the volume of case work that comes through on top of our Committee work. I'd be happy to have a discussion with Councillor Ross on this issue, I know as many of you will know I've been on the Council a few times under different Administrations at different times and the support staff issue has always been there, is there adequate support for the different sizes of the groups and the situations Councillors find themselves in, obviously there's resourcing issues as we are all well aware but it is something that I think we can easily have a conversation about and see if there's a better way of organising although I'm sure it is kind of tied to the size of the group and the proportionality within that, but happy to discuss it.

#### 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) The Vice Convener, Housing, Homelessness and Fair Work was, I understand, referencing the difficulties in securing land for Park and Rides – a situation I fully recognise. Park and Ride sites are an important tool in the transportation toolbox – as a means of reducing the high number of often single occupancy cars which come into our city. Their success in absorbing some of that car traffic is evident. I would argue that more Park and Rides are a desirable aspect of the transport network, alongside integrated public and active travel networks to the relevant site. The economic, health and quality of life issues caused by excessive congestion in this city are significant and must be acted upon in a number of ways, including the expansion of Park and Rides, wherever possible

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

**Answer** (2) Yes

**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) I have never, to the best of my recollection, discussed Park and Rides in any depth with the VC HH&FW and, as you are no doubt aware, the City Mobility Plan, adopted earlier this year after full scrutiny at the Transport and Environment Committee which you attended, contains a commitment to further develop P&R as one means of best serving the city's future needs.

This is shown in the emphasis on wider regional work as clearly stated in this quote (added italics):

'Edinburgh is the hub of a sub-regional economy that extends north (to Fife), west (to West Lothian and Falkirk), east (to East Lothian) and south (to Midlothian and the Scottish Borders). Strengthening cross border public transport services will be key to tackling the environmental and economic impacts of significant in-commuting into Edinburgh. We will continue to work with regional partners and neighbouring local authorities to coordinate spatial planning and transport at a regional level to support public transport provision across the region.

Our city region has seven park and ride facilities which support the transition from cars to public transport or active travel. These facilities are essential in helping us manage congestion and encourage more sustainable travel in the city. The sub-regional nature of these interchanges means that opportunities to enhance and expand existing sites and create new sites needs to be coordinated at a regional level.

***We will continue to work with regional and local authority partners to investigate opportunities for expanding existing and creating new sites around the edges of the city to tackle the highest levels of in commuting and congestion.*** Strategic interchanges will evolve - as gateways into the city they will fulfil a multi-purpose role in supporting more sustainable movement. Provision should include electric vehicle charging and other services such as click and collect.

***Policy Measure MOVEMENT 9 Regional Interchanges***  
Investigate opportunities to expand existing and create new

strategically placed transport hubs on the edge of the city where people travelling into Edinburgh can switch to or between public transport and active travel. Interchanges will include facilities to support sustainable travel.'



**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**

The Traffic Regulation Order (TRO) is currently being developed for publication, with implementation of the Order expected in Spring 2022 (this will however be subject to the TRO process and possible objections).

**Supplementary  
Question**

Thank you very much Lord Provost and thank you to the Convener for the answer. Has the Convener been given any explanation as to why it has taken 18 months just to get to a point of a statutory consultation on a simple reduction in speed limit?

**Supplementary  
Answer**

As I'm sure you will be well aware Councillor Lang, we have a variety of conversations across the council, the TRO process is a laborious and difficult one, we've had all sorts of extra pressures on the TRO team across the last 18 months and as a result of which some aspects have been delayed and I think it's fair to say that I would be much happier if we were further on in this process, I think it's vital from the point of view of road safety but for that reason I am going to request a written briefing to councillors that will explore that particular point that you are making and which will go to all Councillors.

**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**

The Transport and Environment Committee received an update on this on [28 January 2021](#).

Before we undertake any consultation, analysis of street data for the roads across the city that have a speed limit above 40 mph and monitoring surveys are required to help us develop proposals for consultation. The street data analysis is currently underway, and monitoring will be arranged once the analysis is complete. The outcome of this will be provided to Transport and Environment Committee.

**Supplementary  
Question**

Thank you. There was nothing in the answer that suggested when the outcome will come to the Transport Committee, has the Convener got any indication as to when that's likely to be?

**Supplementary  
Answer**

Councillor Lang, I missed the very first part of your sentence but I presume it's that you're looking for an expansion on the timing attached to the Transport and Environment committee decision, no I don't have a specific date for it but again will provide that a once we've got some clarity on it.

## 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) An update on the delivery of the pedestrian crossing programme was provided to the Transport and Environment Committee on [22 April 2021](#), as part of a report on the delivery of the wider Road Safety Improvements Programme. The report included information on various factors that had impacted on the delivery of improvements scheduled to be constructed during 2020/21 and 2021/22.

Five of the 17 crossing improvements that were expected to be delivered during financial year 2020/21 were completed within the financial year, with construction of one further improvement undertaken shortly afterwards during the school Easter holiday period. Two more improvements were delivered as part of other work programmes.

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

**Answer** (2) None of these crossings have been delivered yet.

**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) An updated programme will be presented to the Committee for approval in early 2022. This will include the outcomes of crossing assessments undertaken in the spring and autumn 2021 batches.

## 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 reward, 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.

- |                 |  |
|-----------------|--|
| <b>Question</b> | (1) What consideration has the Council given to reinstating them?  |
| <b>Answer</b>   | (1) The reinstatement of these powers is not currently being considered by the Council. The powers were replaced by the Civic Government (Scotland) Act 1982 which gave powers to Police Scotland to deal with any noise disturbance issues arising from street musicians. The Council welcomes responsible street musicians and performers which help to brighten the atmosphere in our city. Where possible, Council officers actively support Police Scotland in its role in relation to street performing to achieve balanced, fair, sensible and positive street performing behaviours. |
| <b>Question</b> | (2) What measures could the Council use instead to control the use of loudspeakers and amplified music from street musicians?  |

**Answer**

- (2) The Council has limited powers to regulate busking and street performing under the Civic Government (Scotland) Act 1982. As noted in answer 1, noise nuisance and disturbance issues are a matter for Police Scotland to address. Under section 54 of the 1982 Act, Police Scotland can request buskers or street musicians to stop performing where their performance is disturbing others. It is an offence not to cease singing or using a sound producing device when required to do so by a Police Officer and can result in the matter being referred to the Procurator Fiscal and/or any equipment seized.

The Council continues to encourage street musicians to be considerate of the public and any neighbouring businesses while performing. The Council's [website](#) has a range of best practice tips for performers to help them better integrate with their surroundings and which help to minimise any nuisance towards residents and businesses.

**Supplementary Question**

Thank you very much and thank you very much for your response. It's just a quick question, just for clarity's sake, in Question 2 I ask what measures could the council use instead to control the use of loudspeakers by street musicians, I just want to be totally clear on this, are you basically suggesting the fact that the council doesn't actually have any measures at all?

**Supplementary Answer**

That's exactly what I'm saying is that there is no legislation to cover it for us, the police have the legislation and we have no resources to get involved in policing this.

**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**

A report on public conveniences is due to be considered by Transport and Environment Committee on 14 October 2021. This will an update on temporary provision of toilet facilities.

**Supplementary  
Question**

Thank you very much and thank you very much Convener for your response. As you noted in your response the papers going to the Committee but the papers going to Committee a good two weeks after what is proposed to be the end point of the temporary loos because they were only supposed to be open till the end of September, I just wondered if you could let me know what's going to happen in that space band, just if you could let residents know?

**Supplementary  
Answer**

Thank you Councillor Osler for the supplementary, I'm very pleased to say that in discussion the senior officers we've been able to extend the funding to take some of the temporary provision of toilet facilities to the end of October, I'd need to get clarification that it's actually the specific ones that you referred to in your question but I believe it to be the case.

**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**

As set out in my response to Council Question 15.4, there were 13 responses which required investigation, and following this, there were four responses which required further follow-up investigation.

The Panel Providers fraud investigation into the 13 concluded that nine of the respondents were bona-fide based on checks of their digital fingerprints and confirmation of their identity.

The remaining four responses were from new panel members and had completed all of the normal on-boarding checks prior to being invited to participate in this consultation. The fraud investigation has been able to verify that their digital fingerprints are different, but they were not able to establish contact for further verification. On that basis, the Panel Providers will monitor involvement of these individuals in any future surveys they are invited to participate in.

It is usual for specific quotas of survey respondents to be targeted and therefore completion by similar respondent profiles would be expected.

**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**

This is a huge piece of work as this information is not held centrally. It would require officers to contact every school and ask for the information from each Head Teacher.

If Cllr Mowat can advise what specific information she needs I will try and get a response or I would be happy to meet to discuss.

**Supplementary  
Question**

Thank you Lord Provost and I thank the Convener for his response. I suppose my first comment is that the fact that we do not know how many spaces are available for pupils in each year group of high schools across the city is slightly concerning given that we are supposed to be planning this, but, what I would actually particularly like is about what spaces we have at the current time in each school because my understanding is that in certain year groups there are virtually no spaces for incoming pupils across schools in the city and I think that would be useful information if that could be provided, I don't expect it to be provided now.

**Supplementary  
Answer**

I'm happy to try and provide it but I'd need to go back to the head teachers and see what information they have on file, but if I can't provide it I'll have a discussion with you about what we can provide.



**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**

**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) Council officers are having ongoing discussions with Historic Environment Scotland (HES) on the current consultation on vehicle access to the road networks in Holyrood Park and on balancing the needs of all park users. Officers will seek further discussion with HES once the outcome of the consultation is known (the consultation closes on 30 September and is available [here](#)).

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

**Answer** (2) Once the outcome of the consultation is known, Council officers will work with HES to arrange traffic surveys and modelling to ensure effective management of the network.

**Supplementary Question** Thank you Lord Provost. The proposal I mention in my question is essential, it impacts thousands of car journeys a week, so will the council support any measures that result in increased congestion on Holyrood Road and the Royal Mile?

**Supplementary Answer** I don't think we're in the business of supporting increased congestion in any form, I have consistent conversations with Historic Environment Scotland, very fruitful conversations, out of that has come the fact that council officers will work with Historic Environment Scotland to understand better what any impact might come from their particular actions and on that basis we'll be making some decisions around what we do in terms of own transport network decision making but that will come after the consultation is known, thank you.

**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)**    The Council intends to submit a bid by February 2022 to the UK Office for Zero Emission Vehicles (OZEV) seeking funding to extend on-street residential charging opportunities in the city.

**Question**                    **(2)**    The outcome of this funding bid?

**Answer**                    **(2)**    The outcome of the funding bid will be confirmed following submission.

**Supplementary Question**                    Yes I suppose it's just a quick supplementary as to ask why it's taken us so long and we've not yet submitted for that when East Lothian Council have secured over £800,000 already and are already in the process of installing the EV charging infrastructure to make them one of the best local authorities per head of population for chargers and I'm just curious as to why there such a delay and we're constantly on catch up?

**Supplementary Answer**                    Thank you Councillor Webber for that supplementary. Different local authorities work in different ways, we have a different set of challenges attached to this type of funding bid, I will ask officers to find the particular reason and I'll send round to all Councillors.

**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**

Following the decision of Council in June 2021 to progress with Experimental Traffic Regulation Orders to retain some measures in place beyond the end of the Coronavirus pandemic, the removal and reinstatement allowance for 2021/22 has been reduced to £0.250m (the includes an allowance of £0.05m for the removal of Town Centre measures at the appropriate time).

In addition, an allowance of £0.230m has been made for material and contract changes for scheme revisions.

I am expecting a report to a future Transport and Environment Committee on how the remaining “removal allowance” or “scheme revision allowance” should be allocated.

**Supplementary  
Question**

Thank you Lord Provost, a brief supplementary. Just to clarify, does the Convener think that she has set aside enough money for this project?

**Supplementary  
Answer**

Councillor Johnson thank your supplementary but I hope you would recall that I've not operational management responsibility, I rely on the advice of senior officers for this kind of matter because they're obviously subject to conversations with traffic management contractors for example who are involved in this particular aspect of the Spaces for People project, the figures are shown in the answer and I believe are accurate and helpful.

## 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) The timeline and arrangements put in place to engage with local residents recognised that it would be challenging to complete all of the actions from Council in time to report to Transport and Environment Committee in September. The change of date for Committee has not provided more time to prepare but has ensured that responses from residents through the survey will be available in advance of Committee.

Internal testing (including quality checking) was undertaken proportionate to the need to work at pace and the timeframe available. However, following feedback particularly in respect of Question 5 in the engagement survey, the survey has been recently amended.

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

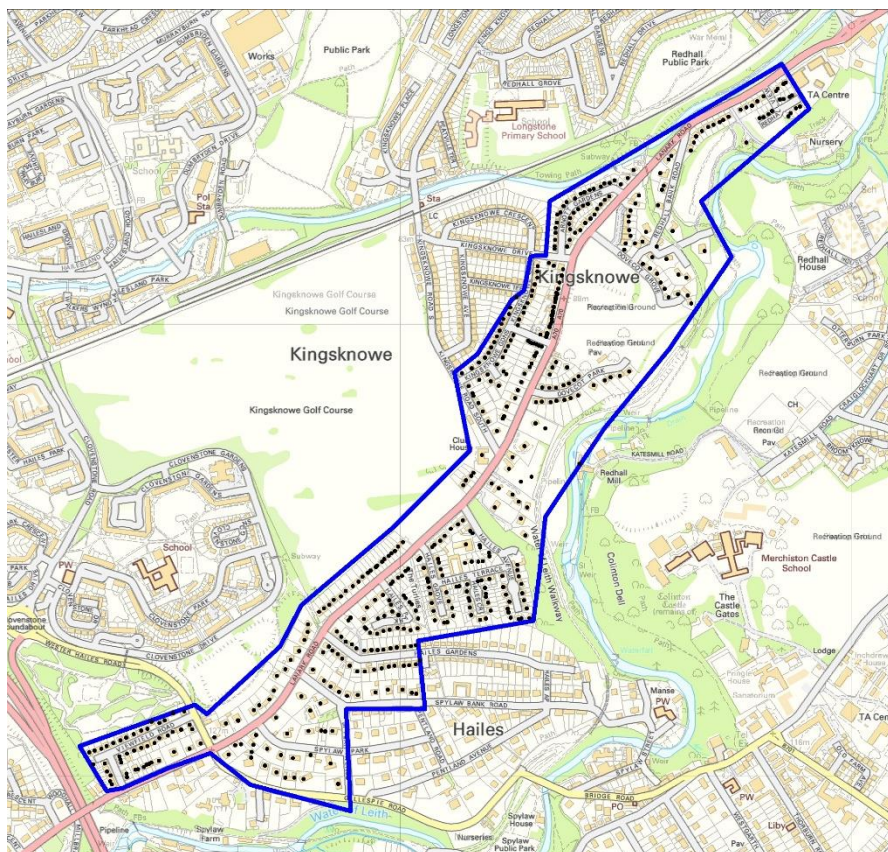
**Answer** (2) A distribution company was engaged to deliver the letters and non-deliveries were reported back to the Council. Four properties within one block did not receive the letter on the 1<sup>st</sup> attempt as entry could not be gained. However, letters were delivered on the 2<sup>nd</sup> attempt, which was within 5 days of the 1<sup>st</sup> delivery attempt.

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

**Answer** (3) The map below shows the boundary which was developed to include the properties (both residents and businesses) which have a frontage directly adjacent to the measures, cul-de-sacs leading from the measures and properties approximately within 300m of the measures.

**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) Following a request from a Councillor, the boundary information was shared with local ward Councillors (from the four affected wards) and Transport and Environment members. There was no feedback received on the proposed boundaries.



**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) a) In total, there have been 14 claims made.

b) The claims relate to the following schemes: Dalry Road, Buckstone Terrace, Princes Street x 2, Morningside Road, Pennywell Road, Glanville Place, Mayfield Gardens, Bruntsfield Place x 2, George IV Bridge, Hamilton Place, Bakers Place and Duddingston Road.

**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)** a) To date 13 claims are open and one claim was repudiated.
- b) There have been no payments made.

**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) The current Health and Social Care annual budgets for the relevant care homes are as follows:

Drumbrae	£2.757m
Clovenstone	£1.466m
Fords Road	£1.522m
Ferrylee	£2.323m
Jewel House	£1.254m
<b>Total</b>	<b>£9.322m</b>

The EIJB Bed Based Care Strategy recommends a change in use of Drumbrae Care Home to provide Hospital Based Complex Clinical Care and the EIJB noted that the four care homes proposed for decommissioning no longer meet Care Inspectorate standards. The EIJB bed based care proposals provides for reinvestment of £8.400m p.a. in wider care provision including £1.23m for procurement of respite care (currently provided at Ferrylee); a contingency of £3.79m for increased procurement of care at home and residential care; and investment of £3.38m in a revised model of care specialising in nursing and dementia care to be delivered through retained internal care homes at Marionville, Inchview, Royston, Castlegreen and North Merchiston.

The EIJB anticipate an overall annual saving of c £0.922m though implementation of the above proposals.



**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) Debt outstanding for the relevant care homes at 31<sup>st</sup> March 2021 was as follows:

Drumbrae	£6.000m
Clovenstone	£0.152m
Fords Road	-
Ferrylee	£0.116m
Jewel House	£0.016m

Drumbrae Care Home opened during the 2013-2014 financial year with the cost of this investment being repaid over a 20-year period.

**Supplementary Question** Thank you Lord Provost and thank you to the Convener for his answer. A quick supplementary, just in terms of the numbers that have been provided, is the Convener confident that we will be in a position to spend the allocated amount on the rebased care, just the Council elements?

**Supplementary Answer** I would hope that was case Councillor Doggart, I can't be 100% certain with anything but I would hope that would be the case.

**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**

**Question**

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

**Answer**

It is incorrect to state that the footway width in the Leith Walk design does not meet the Edinburgh Street Design Guidance (ESDG).

The EDSG recognises that flexibility is required to accommodate a variety of modes in the design of existing streets. Leith Walk is classified as a Strategic Retail/High Street. In these cases, the guidance is that footways should be a minimum of 2.5m wide. However, there are situations in which reductions in footway width are permissible, these are explained in ESDG P3 – Footways and are summarised below:

- When segregated cycle provision is being installed in existing streets, it may be acceptable to reduce footway widths.
- Footways may have reduced widths, over short lengths not exceeding 3m in long profile, to negotiate mature trees and other obstructions e.g., bus stops, but they should at no point be less than 1.5m from kerb edge to building line.
- Where public utility services underlie the footway, special arrangements may be necessary at sections of reduced width to accommodate utilities in the carriageway or verge.

The ESDG also recommends that one way cycle lanes should be 1.75m wide but should be no less than 1.5m. In exceptional circumstances this can be further reduced to 1.25m and parallel to bus stops can be reduced to 1.2m (see ESDG C2 – Cycle Lanes and ESDG C4 – Segregated Cycle tracks – Hard Segregation).

Leith Walk is almost 2km long with footways on both sides of the road, and we have identified approximately 240m of footway that is less than 2.5 m wide. Where sections of footway are less than 2.5m wide on Leith Walk this is due in all cases to the presence of a cycleway in combination with other factors such as bin bays, loading bays, bus stops and pedestrian crossings as per ESDG. There are no sections where the width of the footway reduces below 1.5 metres, with the narrowest section being 1.8 metres for a distance of 28 metres.

**Supplementary  
Question**

Thank you Lord Provost. I'd asked this question to see whether cycle ways were effectively stealing footways within the tram project area on Leith Walk which is described as a strategic retail or High Street, given the motion we've just passed, on access they shouldn't be, but there is actually something that I need to clarify here in the Convener's answer, she says it is incorrect to state the footway width does not meet Street design guidance and goes on with various bullet points - footways may have reduced widths over short lengths not exceeding 3 metres in long profile, so I understand that, except that in the final part of her answer in the final paragraph she indicates that there is a reduced width of 1.8 metres over a distance of 28 metres, not 3 metres as in the design guidance, so given that, can the Convener clarify why she thinks the design meets the design guidance?

**Supplementary  
Answer**

I think we can rely on officers to interpret the Edinburgh street design guidance very effectively for us, and I think that it's been done within this answer, I think there is perhaps a misreading of what's been said so I would jump back to that initial question which says it is incorrect to state that the footway within the Leith Walk design does not meet the Edinburgh street design guidance, however since you've asked a highly specific question I will ask officers to return to you with a written answer on it, but I do believe your original commentary about you currently hoping to find that cycle

ways provision had provision is an unfortunate way of looking at this particular piece, we're attempting to introduce a variety of improved infrastructure into this particular street and of course we face challenges any type of retrofitting does produce challenges for us in terms of trying to meet the needs of all the different groups that are represented on the footway and the roads thank you.



## ***COP26 – time for change***

In just over a week's time, world leaders will assemble in Glasgow for the [landmark COP26 summit](#) to address the urgent need to tackle climate change, and the devastating effects it could have on our planet.

Here in Edinburgh, we're facing up to the climate change emergency. We were the first – and so far still the only – Scottish Council to sign up to the [Civic Charter on Climate](#), which emerged from the pioneering national Climate Assembly work, and are already taking substantive local action towards our [commitment to become a net-zero city by 2030](#).

We're delivering a whole range of projects and initiatives to support our climate target – from schemes to encourage and support sustainable travel and [becoming a Million Tree City](#), to planned investment in greener Council buildings, and much more.

Next month, we'll be publishing the final draft of the [2030 Climate Strategy](#), which lays out the actions needed to meet our 2030 net-zero goal. These are the kind of changes we must make to build a resilient, liveable city for future generations.

In terms of COP26, we've been gearing up to support the smooth running of this pivotal event for over 18 months, working closely with the UK and Scottish Governments, Police Scotland and local transport providers.

While it's being hosted in Glasgow, we're expecting it to be busy right across the central belt, including here in Edinburgh, and we want to keep the city moving and open for business. We're encouraging people to plan ahead, consider how and if they need to travel and to avoid peak times if possible – [visit our dedicated website for up-to-date travel information](#).

## ***A cleaner, greener transport future for Edinburgh***

One of the key contributors to our carbon footprint is transport: here in Edinburgh road traffic accounts for almost a third of carbon emissions. One of the best ways of limiting this is to encourage and facilitate the switch from private car journeys to more sustainable modes of travel, whether that's walking, wheeling, cycling or public transport.

We have a track record for promoting clean, low-carbon travel – whether that's through championing our Lothian bus service or committing 10% of our transport budget to cycling improvements – and our ten-year [City Mobility Plan](#) envisions more, transformational change to achieve this.

So I was delighted when, earlier this month, the Transport and Environment Committee approved an [updated Active Travel Investment Programme](#), which will see £118m invested in schemes to help people walk, wheel and cycle over the next five years. More than 50 miles of safe cycle routes and an increase in funding to create more accessible pavements are planned, amongst a range of other improvements.

As well as reducing greenhouse gases, this will also lower harmful air pollution associated with road traffic. This will be further supported by our [Low Emission Zone \(LEZ\)](#) that councillors will consider this month ahead of its planned implementation next spring.

The final LEZ, which has been developed following years of careful analysis, modelling and consultation with the public, will limit the most polluting vehicles in the densely populated city centre, with an expected knock-on effect across the city. Everyone has the right to breathe clean air, and we'll be spending the coming months helping people to prepare for these changes, which will benefit generations to come.

## ***Planning for a sustainable future***

As well as transport, sustainable planning and development are crucial to Edinburgh's greener future. So I'm very pleased that the city's [next proposed local development plan – City Plan 2030](#) is moving to the 'representations' stage. Our approach in the plan is to use 'brownfield land' to help developers make best use of the finite resources we have available to sustainably accommodate Edinburgh's growing population and help us realise our Net Zero 2030 ambition.

We're asking developers to rise to the challenges of rapid climate change and support the Scottish Government's '20-minute walkable neighbourhood' approach. We want to build new low-energy, vibrant communities around existing transport networks with plenty of active travel options, high-quality affordable homes, with great culture and leisure activities, and educational and health facilities nearby.

The plan also includes proposed policies to limit the number of short-term lets, addressing the well-reported pressures they bring.

## ***Facing up to Edinburgh's past***

While we focus on securing Edinburgh's green and sustainable future, we must also make sure we face up to our city's past – the good as well as the bad. I do believe that Edinburgh is one of the most inclusive, diverse and welcoming cities in the world, yet we must always strive to do better.

In July 2020 we agreed a [set of actions to address historic racial injustice and stem modern-day discrimination](#). One of the actions was a commitment to establish an independent review to consider and make recommendations on Edinburgh's slavery and colonialism legacy.

Through the work of the independent Edinburgh Slavery and Colonialism Legacy Review Group we have an opportunity to have an open and honest conversation with ourselves and our communities. I look forward to the launch of the consultation towards the end of October – fittingly, in Black History Month – and to a productive and meaningful dialogue with citizens over the coming months.

## ***Sustainable new coastal town taking shape***

Our £1.3bn proposal to build one of the most sustainable new neighbourhoods in Scotland at Granton Waterfront is one of the major 'brownfield' developments in our proposed City Plan 2030.

This project recently took a step forward as [committee agreed an Outline Business Case for the first phase of regeneration in the area](#). Over the next 15 years, 3,500 net-zero carbon homes, a primary school, health centre, commercial and cultural spaces, sustainable transport provision and a new coastal park are all planned.

We're already progressing with the delivery of around 660 Council-led homes and there's been positive progress in growing a cultural and arts cluster. Just last month we announced a [lease for arts charity Edinburgh Palette in our vacant industrial unit on West Shore Road](#), a building which also recently played host to the hugely successful [Hidden Door Festival](#).

## ***Creating Scotland's biggest health innovation district***

There's much to be excited about in the south-east of the city too, thanks to the [Edinburgh BioQuarter's ambitious expansion plans](#). The development will create Scotland's biggest health innovation district, with an eventual community of 20,000 people living, working or studying there as part of a vibrant, mixed-use neighbourhood.

The area is already a driving force in Scotland's thriving life sciences sector and a leading destination in the UK for healthcare delivery, ground-breaking medical research and health innovation.

The BioQuarter development is a key part of Edinburgh's economic future. It has the potential to bring in billions of pounds of investment with lasting benefits for local people, connecting jobs, education and opportunities to nearby areas like Greendykes and Craigmillar, where we're also making major investments in regeneration.

## ***Positive progress on poverty***

One of our core goals as a city is to eradicate poverty in Edinburgh by the end of the decade so I was encouraged to see the [progress we have made in the past year following the Edinburgh Poverty Commission's call to action](#).

Edinburgh's the first local authority in the UK to set such a target and [tackling poverty and inequality in our city are key planks of our Business Plan](#). Thanks to our additional £2.5m investment we're able to expand our income maximisation services, supporting families to reduce and prevent food and financial insecurity. We also relaunched the Edinburgh Guarantee to help people of all ages and backgrounds into work or learning.

In tandem, we're providing [new homelessness prevention resources](#) to help those at risk of losing their homes, which now also includes the Scottish Government's [Tenant Hardship Fund](#).

Sadly, many still find themselves in homeless situations so I'm pleased to see we're continuing to provide accommodation of last resort, tailored support and positive move-on option advice at our [Welcome Centre at the Haymarket Hub](#). This partnership initiative with Bethany Christian Trust reopened its doors this month for people who so desperately need our help this winter and will be there until May next year.

## ***Wall of sporting honour at new Meadowbank***

Our new [Meadowbank Sports Centre](#) will be one of the country's top community sports centres, with some of the most state-of-the-art fitness facilities in the UK. Construction is due to be complete by the end of the year and a space within the new building's atrium has been reserved for a new Wall of Honour, to commemorate members of the public who have made significant contributions to Meadowbank's past and legacy as a sports venue and community facility.

Meadowbank has been an important part of Scotland's sporting history for many years and this is a fantastic way for citizens to pay a lasting tribute to its legacy and the outstanding individuals who have made a positive impact on sport in Edinburgh. Which Meadowbank-connected sporting figures do you think should be remembered and celebrated there for years to come?

Communities, teams and individuals across Edinburgh can [submit nominations for the Wall by Friday 26 November](#).

## ***Music to our ears***

It's been a long journey to get here but I'm delighted that a sustainable long-term future has at last been secured for the iconic old Royal High School.

The much-loved building in the heart of our World Heritage Site is to be given a [fresh start as a music school](#) and the new lease holder – the Royal High School Preservation Trust – has committed to the high architectural standards required for its future restoration.

When finalising the lease, we'll also be exploring partnership opportunities with the Trust so we can share knowledge and open up opportunities for musicians, choirs and orchestras from throughout the city. We're committed to making sure as many people as possible can enjoy and benefit from the world-class facilities the trust is planning to provide.

## ***And the next winner of the Edinburgh Award is...***

Alexander McCall Smith, the 2020 recipient of the Edinburgh Award, said it was [an accolade that meant more to him than almost any other he'd ever received](#).

The Edinburgh Award is given every year to an exceptional individual who's brought positive national and international attention to Edinburgh. Nominations are now open for 2021 and we need to hear from you: who do you think has really put Edinburgh on the world map this year and made a positive impact on the Capital?

We're incredibly lucky to live in a place that's home to so many brilliant people who are leading lights in their field, from artists and authors to scientists and academics, sportspeople and campaigners.

You can [nominate your chosen winner until 29 October](#) and we plan to announce the winner next month.

## ***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 28 October 2021

### Appointments to Committees

Item number	
Executive/routine	Executive
Wards	All
Council Commitments	

#### 1. Recommendation

---

- 1.1 To appoint Councillor Munn in place of Councillor Rankin on the Pensions Committee.
- 1.2 To appoint Councillor Munn in place of Councillor Rankin as Convener of the Pensions Committee.
- 1.3 To note that the Convener of the Finance and Resources Committee is also appointed as a Director of Lothian Pension Fund Employment Ltd.

**Stephen S. Moir**  
Executive Director of Corporate Services

Contact: Louise Williamson, Assistant Committee Officer  
Legal and Assurance Division, Corporate Services Directorate  
Email: [louise.p.williamson@edinburgh.gov.uk](mailto:louise.p.williamson@edinburgh.gov.uk)

## Appointments to Committees

### 2. Executive Summary

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- 2.1 Councillor Alasdair Rankin has tendered his resignation as a member and Convener of the Pensions Committee.
- 2.2 Council is asked to appoint Councillor Munn in place of Councillor Rankin as a member and Convener of the Pensions Committee.

### 3. Main report

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- 3.1 The appointment of committees, joint committees and joint boards is a reserved matter for full Council.
- 3.2 Appointments to the Council's committees were made at the Council meeting on 27 May 2021.
- 3.3 At its meeting on 24 June 2021, the Council appointed Councillor Rankin to the Pensions Committee and as Convener of that Committee.
- 3.4 The appointment as Convener of the Finance and Resources Committee also brings with it the appointment as a Director of Lothian Pension Fund Employment Ltd.
- 3.5 Council is invited to appoint Councillor Rob Munn in place of Councillor Alasdair Rankin as a member and Convener of the Pensions Committee and to note that as Convener of the Pension Committee, Councillor Munn will also become a Director of Lothian Pension Fund Employment Ltd.

### 4. Next Steps

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- 4.1 Any member appointed will be expected to contribute to the workplan of the Pensions Committee, starting at its next meeting on 8 December 2021

## **5. Financial impact**

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5.1 None

## **6. Stakeholder/Community Impact**

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6.1 None

## **7. Background reading/external references**

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7.1 [Minute of the City of Edinburgh Council of 27 May 2021](#)

7.2 [Minute of the City of Edinburgh Council of 24 June 2021](#)

## **8. Appendices**

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8.1 None.

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# The City of Edinburgh Council

10.00am, Thursday, 28 October 2021

## BioQuarter – Outline Business Case – referral from the Policy and Sustainability Committee

Executive/routine  
Wards  
Council Commitments

### 1. For Decision/Action

---

- 1.1 The Policy and Sustainability has referred the attached report to the City of Edinburgh Council for agreement to enter into EBQ3 Ltd on the terms outlined in the report.

**Stephen S. Moir**  
Executive Director of Corporate Services

Contact: Louise Williamson, Assistant Committee Officer  
Legal and Assurance Division, Corporate Services  
E-mail: [louise.p.williamson@edinburgh.gov.uk](mailto:louise.p.williamson@edinburgh.gov.uk)

# Referral Report

## BioQuarter – Outline Business Case

### 2. Terms of Referral

---

- 2.1 On 5 October 2021, the Policy and Sustainability Committee considered a report on the Outline Business Case (OBC) for the procurement of a Private Sector Partner (PSP) for BioQuarter project which built upon the Strategic Business Case (SBC).
- 2.2 The Policy and Sustainability Committee agreed:
  - 2.2.1 To approve the Outline Business Case (OBC) as provided in Appendix 1 to the report by the Executive Director of Place.
  - 2.2.2 To agree to the Council being a party to EBQ3 Ltd for the purposes of running the Private Sector Partner (PSP) procurement process and ensuring that the 'primary purpose' of the BioQuarter was preserved.
  - 2.2.3 To refer the report to Council seeking agreement to enter into EBQ3 Ltd on the terms outlined in the paper.
  - 2.2.4 To agree to delegate authority to the Chief Executive to nominate officers to the EBQ3 Ltd Board for the purposes of running the procurement process.
  - 2.2.5 To note that EBQ3 Ltd would take the final decision on appointment of a development partner and that an update report would be brought back to Committee in late 2022 advising of the outcome of the procurement process and outlining next steps.

### 3. Background Reading/ External References

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- 3.1 Minute of the Policy and Sustainability Committee – 5 October 2021

### 4. Appendices

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Appendix 1 – report by the Executive Director of Place

# Policy and Sustainability Committee

10.00am, Tuesday, 5 October 2021

## BioQuarter – Outline Business Case

Executive/routine Wards Council Commitments	Executive All <a href="#">1, 2, 6, 31</a>
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### 1. Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 Approves the Outline Business Case (OBC) as provided in Appendix 1;
  - 1.1.2 Agrees to the Council being a party to EBQ3 Ltd for the purposes of running the Private Sector Partner (PSP) procurement process and ensuring that the 'primary purpose' of the BioQuarter is preserved;
  - 1.1.3 Refers this report to Council seeking agreement to enter into EBQ3 Ltd on the terms outlined in this paper;
  - 1.1.4 Agrees to delegate authority to the Chief Executive to nominate officers to the EBQ3 Ltd Board for the purposes of running the procurement process; and
  - 1.1.5 Notes that EBQ3 Ltd will take the final decision on appointment of a development partner and that an update report will be brought back to Committee in late 2022 advising of the outcome of the procurement process and outlining next steps.

**Paul Lawrence**

Executive Director of Place

Contact: David Cooper, Commercial Development and Investment Manager

E-mail: [david.cooper@edinburgh.gov.uk](mailto:david.cooper@edinburgh.gov.uk) | Tel: 0131 529 6233

## BioQuarter – Outline Business Case

### 2. Executive Summary

---

- 2.1 This report provides the Outline Business Case (OBC) for the procurement of a Private Sector Partner (PSP) for BioQuarter project. It builds upon the Strategic Business Case (SBC) and is presented for approval.
- 2.2 It is anticipated that the PSP will be responsible for delivering the commercial elements of the BioQuarter, in co-ordination with the wider programme of activity which will continue to be led by the public sector partners.

### 3. Background

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- 3.1 The BioQuarter is the collective name given to the life sciences campus at Little France that is home to the Royal Infirmary Edinburgh as well as many other buildings and institutes. The public sector partners leading the development of the BioQuarter are NHS Lothian, Scottish Enterprise, University of Edinburgh and the Council.
- 3.2 In 2017, the Council agreed to become a formal partner in the BioQuarter and subsequently entered into a Collaboration Agreement with the other three project partners - the University of Edinburgh, Scottish Enterprise and NHS Lothian. The governing body for this is the BioQuarter Strategy Board.
- 3.3 On [25 February 2020](#) the Council agreed the BioQuarter SBC and an allocation of £500,000 from the City Strategic Investment Fund (CSIF) to fund project development and procurement of a development partner for the site.
- 3.4 Life Sciences is a significant sector in the United Kingdom (UK) economy employing 90,000 people. The BioQuarter is a key player in this sector and exists to improve people's lives, health and well-being.
- 3.5 The BioQuarter site is identified in the Local Development Plan (LDP) as an area for life science development that supports wider growth and regeneration in South East Edinburgh. It is also recognised in the City Mobility Plan (CMP) as an area of growth where further transport infrastructure is required. It has significant potential to contribute to the city's Economy Strategy, Council Commitments and Council



Business Plan, particularly in relation to the inclusive growth and net zero carbon agendas.

- 3.6 Over the last 20 years, BioQuarter has generated an estimated £2.72 billion gross value added from its research, clinical, and commercial activities and a further £320 million from its development. The on-going investment of the partners in academic and clinical facilities will lead to it becoming the second largest health and social care-focussed site in the UK within the next ten years. However, BioQuarter has the potential to continue to evolve and do much more, most notably within the field of commercial innovation and encouraging collaboration between academics, clinicians and industry. With a worldwide life sciences market value of £868 billion and an anticipated annual growth of eight to ten percent, the commercial life sciences, data innovation and biomedical sectors are crucial to the global economy. With this growing global market, it is essential that BioQuarter is able to compete on a global platform, leading health and social care offerings around the world and does not get left behind. The focus of other global health related sites regenerating and branding themselves into 'Innovation Districts' rather than 'science parks', recognises the rapid integration of technologies and science and the need for nurturing collaboration.
- 3.7 The long-term vision is to build upon Scotland's and BioQuarter's existing, recognised expertise in health technology, data driven innovation and Life Sciences, and to use this as a platform from which to broaden BioQuarter's commercial innovation activity, attract, grow and retain new innovative businesses, and transition BioQuarter from a national to a global destination.

## **4. Main report**

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### **Outline Business Case (OBC)**

- 4.1 The OBC, as agreed by the BioQuarter Strategy Board, is presented to Committee for consideration and approval. It sets out the rationale for proceeding with the procurement of a PSP.
- 4.2 The OBC has developed the SBC that was previously agreed. The purpose of the BioQuarter OBC is to capture the outputs from the 15 workstreams, including innovation, place, procurement, legal, financial and Economic and Social Impact. It will continue to be refined over the life-time of the project as decisions and approvals are made, to ensure it remains relevant and helpful for the partners but also as an aide memoire of this complex project.
- 4.3 The OBC findings are that the economic and social benefits of delivering the BioQuarter are significant and should be accelerated where possible. In order to deliver this new and exciting vision, the expertise and financial backing of a PSP are required. The intention is to select an investment and development partner with the financial means and development experience to accelerate delivery of the vision. Preparations for the procurement exercise are going well and the team is on

track for the procurement exercise to go live in October 2021, subject to approval from the partners.

- 4.4 The level of investment is unavailable to the partners on an individual basis and at the speed needed to ensure BioQuarter does not fall behind other UK sites and thereby fail to meet its full potential. If the proposed development were not to take place, BioQuarter would begin to lose its people, companies and research funding. Investment of circa £600 million is required to develop the overall site and create the mix of accommodation required to attract, retain and grow companies and businesses. This is a significant sum and one that exceeds available public sector capital funding without incurring high levels of debt. Unlocking innovation is not just about the bricks and mortar. Significant resources and expertise are required to manage, lead, nurture and develop an innovation ecosystem. The creation of this new public private partnership will bring the best of all worlds together.
- 4.5 The PSP will be responsible for delivering the commercial elements of the BioQuarter in co-ordination with the wider programme of activity which will continue to be led by the public sector partners. Land (to the south of the site and which extends to circa 61 acres) will be made available to the PSP for this purpose. The land is to be drawn down in parcels defined during the competitive dialogue stage of the procurement exercise.
- 4.6 A development agreement is now proposed as the means of contracting with a development partner as opposed to establishing a joint venture company limited by shares. This arrangement better reflects the role that the public sector partners will take in the process moving forward and provides clarity for the private sector partner. Prior to the OBC, the working assumption, as outlined in the SBC, was that the commercial development would be delivered by way of a corporate joint venture with a private sector partner. That construct involved the land being injected as an “equity” contribution by Scottish Enterprise into a proposed Limited company, in return for a shareholding. This approach would have most likely resulted in very small equity shares for the public sector partners, unless significant cash investments were to be made, and, as such, has been discounted as an approach. A strategic joint venture development agreement is now proposed as this is a more appropriate mechanism in these circumstances and is clearer in terms of the roles of the various parties.

### **EBQ3 Ltd**

- 4.7 In order to carry out the procurement process it is proposed that Scottish Enterprise, University of Edinburgh and the Council form EBQ3 Ltd, which will be a company limited by shares. It will perform the role of the contracting authority as well as ensuring compliance with the ‘primary purpose’ of the BioQuarter as set out in the OBC.
- 4.8 The first job of this new company will be to run the procurement process and appoint the development partner for the site. This will be done through a competitive dialogue process. Given the technical nature of the exercise and the otherwise limited scope of this vehicle, it is proposed that Council Officers be

appointed as board members in the first instance and that this be reviewed once a partner is appointed.

- 4.9 Thereafter, the role of the company will be to act as a watchdog and to ensure that proposals brought forward by the PSP comply with the 'primary purpose' of the BioQuarter. The 'primary purpose' is a legal definition which will be embedded in the legal agreements governing the project and will restrict development by the PSP to certain land uses and the require development to meet the overarching principles set out in the vision for the site and the place strategy.

### **Conclusions**

- 4.10 The Council has a long-standing commitment to the BioQuarter project and has already established the financial contribution it will make in order to progress the project. This is limited to business case development funding. No capital investment is sought, and the Council is not expecting a financial return from this project. The focus is on securing the projected economic and social outcomes.
- 4.11 In terms of the Council's Risk Appetite Statement the project falls into two Risk Descriptions – Programme and Project Delivery where the risk appetite is low to high; and Reputational where the appetite is low to moderate. The assessment in terms of actual risk to the Council in proceeding with the project is low and the potential benefits for wider society are significant. In summary, the OBC provides a sound basis on which to proceed with the project and the procurement of a development partner.

## **5. Next Steps**

---

- 5.1 It is recommended that Committee refer this report to Council for approval to enter into EBQ3 Ltd. Subject to approval from Council, officers will work with the BioQuarter Programme Team to progress the project.
- 5.2 EBQ3 Ltd will be established with officers appointed to the board in the first instance and the procurement process will begin. It is requested that Committee delegate authority to the Chief Executive to nominate Council officers to the company board.
- 5.3 Subject to the agreement of the OBC, by all the project partners, the high-level programme for the project is as follows:
- 5.3.1 Procurement go-live – Q4 2021.
  - 5.3.2 Bidder shortlist – Q1 2022.
  - 5.3.3 Preferred bidder – Q4 2022.
  - 5.3.4 Design work commences – Q2 2023.
  - 5.3.5 Works commence on site – Q2 2024.
  - 5.3.6 Full occupation – 2036/37.

- 5.4 A report will then be brought back to in late 2022 with the outcome of the procurement process.

## **6. Financial impact**

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- 6.1 There are no direct financial impacts arising from this report. The funding required for this project has already been agreed by Committee and no additional funding is sought at this time.

## **7. Stakeholder/Community Impact**

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- 7.1 The economic case set out in the OBC is strong in terms of jobs created and value to the Edinburgh economy. The BioQuarter Partnership already has an outreach programme in place which is creating opportunities for school children in the local area. The community benefits required through the procurement process will seek to maximise positive outcomes for the locality.
- 7.2 The emerging masterplan, while having a strong focus on life science workspace, is for a new urban quarter rather than a business park that sits behind gates. In addition to the potential new jobs that will be created, there is also the ability to provide services and amenities for surrounding communities within the BioQuarter.
- 7.3 Once a private sector partner is appointed, planning proposals will be developed, and further community engagement and consultation will be undertaken.
- 7.4 The community impact arising from the proposal is considered to be positive and an Equalities Impact and Rights Assessment has been undertaken collectively by the partners.

## **8. Background reading/external references**

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- 8.1 Additional background papers for the project can be made available upon request.

## **9. Appendices**

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- 9.1 Appendix 1 – BioQuarter – Outline Business Case – Redacted Version.



# Outline Business Case

Version 2 - Updated August 2021 with **COMMERCIALLY SENSITIVE DETAILS OMITTED**

# CONTENTS

Page 146

This Outline Business Case has been developed by the Edinburgh BioQuarter Programme Team, with selected inputs from the various project advisers and the senior operational leads.

1. Introduction and Background
2. Strategic Case
3. Management Case
- ~~4. Commercial Case~~
5. Economic Case (taken from the work that Streets UK/Stantec have done)
- ~~6. Financial Case (taken from the work that Grant Thornton have done)~~

**APPENDICES: these are not attached to the OBC but are available upon request from the Programme Team.**

Appendix B. Economic and Social Impact Assessment (and Principles) – Strategy Board has noted and approved principles

Appendix C. Innovation Strategy and Principles – Strategy Board has approved

Appendix F. Accounting and Taxation Review - for noting

# Introduction and Background

This section of the Outline Business Case presents the introduction and background. Its purpose is to:

- Give background to Edinburgh BioQuarter
- Set the scene for the project
- Outline the governance approvals that are required
- Set out the schedule of 'Control Documents' that are referred to in the other sections of the Outline Business Case and legal documents



## 1.0 Introduction

A transformation of Edinburgh BioQuarter is planned. The shared vision of the BioQuarter Partners (City of Edinburgh Council, NHS Lothian, Scottish Enterprise and the University of Edinburgh) is to unlock BioQuarter's full innovation potential and transform the site into Edinburgh's Health Innovation District - a new mixed-use, urban neighbourhood of Edinburgh, centred around a world leading community of health innovators and companies.

In order to deliver this new and exciting vision, the expertise and financial backing of a private sector partner are required. The investment level and speed of development needed to unlock BioQuarter's full potential exceed the resourcing of the BioQuarter Partners by themselves.

As agreed in principle by the BioQuarter Strategy Board in January 2020, a compliant procurement exercise is currently in the pre go-live stage. The intention is to select an investment and development private sector partner with the financial means and development experience to accelerate delivery of the vision.

Preparations for the procurement exercise are going well and the team is on track for the procurement exercise to go live in October 2021.





## 3.0 The Story so Far

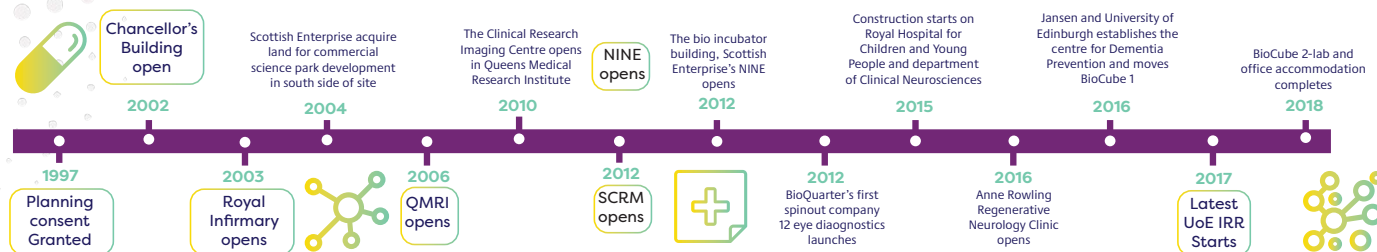
Edinburgh BioQuarter is currently one of the UK's leading life sciences centres of excellence and is home to the University of Edinburgh Medical School and the Royal Infirmary of Edinburgh. It was the first location in the UK to co-locate academic research, clinical development and commercial research at scale.

In 1997, the Scottish Government obtained planning permission for land in the Little France area of Edinburgh. This allowed the Royal Infirmary of Edinburgh and the University of Edinburgh's Medical School to be relocated from their historic sites in the City Centre, as the first stage in the creation of a new medical neighbourhood. Development commenced immediately and in 2002 NHS Lothian opened the first building to patients – the new Royal Infirmary of Edinburgh.

At the same time the University completed its first phase of relocation of the College of Medicine and Veterinary Medicine with the move of medical teaching and research to the adjacent Chancellor's Building. This was followed by the Queens Medical Research Institute in 2006 and Scottish Centre for Regenerative Medicine in 2012.

In 2004 Scottish Enterprise acquired the surrounding land with a view to establishing one of Europe's leading locations for life sciences companies. In 2012 the bio-incubator building NINE opened and welcomed its first tenants.

In 2007 the site was named Edinburgh BioQuarter.





## 4.0 BioQuarter Today

BioQuarter is a leading UK destination for life sciences innovation, medical teaching, research and healthcare delivery. It hosts a community of 8,000 people who work and study on site. BioQuarter also welcomes significant numbers of patients and visitors each year.

The site provides a range of highly skilled jobs and is a hive of productivity. The community is driven by the common goal of improving lives. Its highly skilled workforce is made up of diverse fields including medical researchers, clinical professionals, healthcare, data analysts, image specialist, teachers, and health innovators.

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It is anchored by two major institutions:

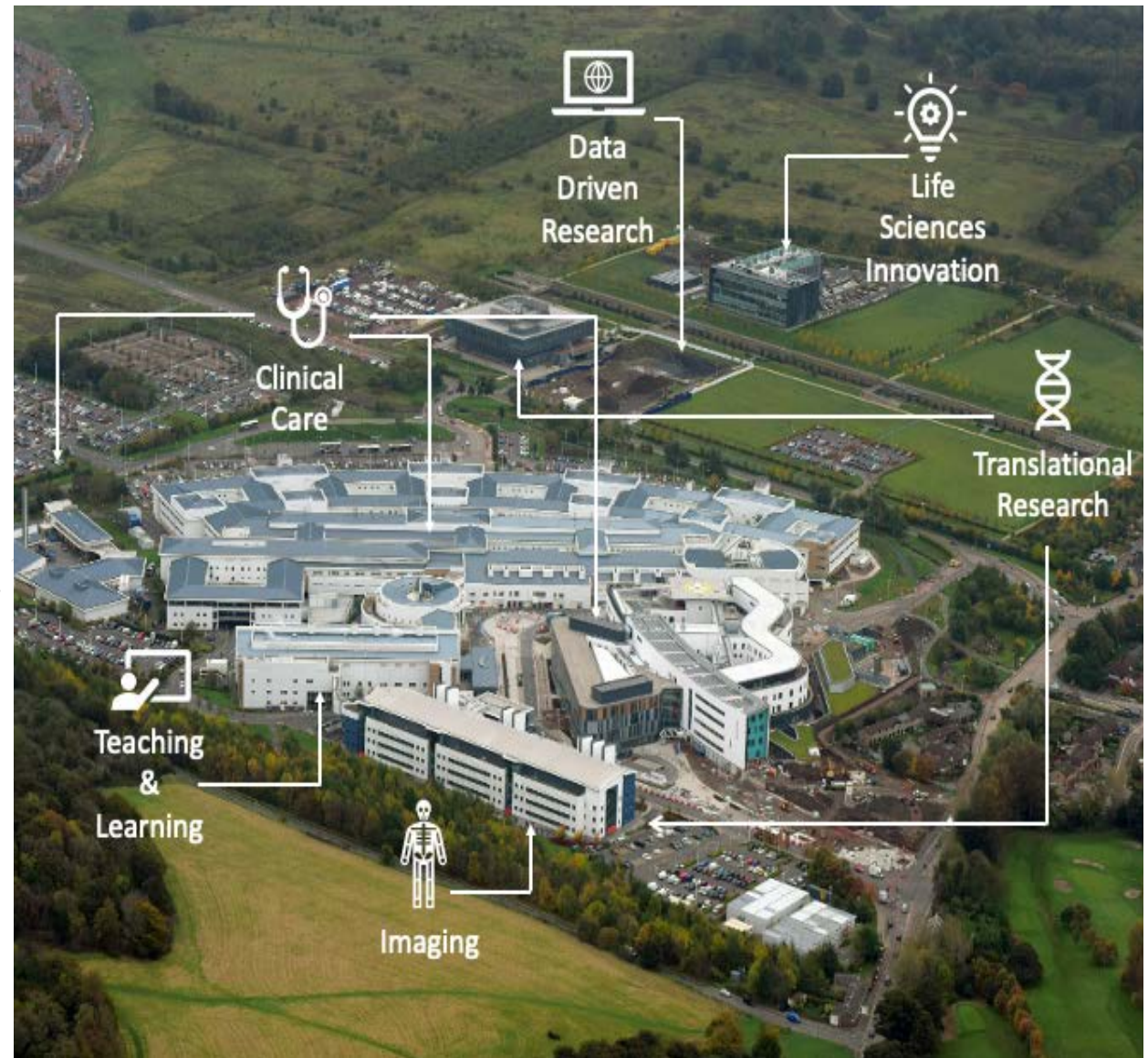
### The Royal Infirmary of Edinburgh (RIE)

The hospital has circa. 900 beds and is one of Scotland's major acute teaching hospitals and tertiary care centres. Alongside the RIE is the new Royal Hospital for Children and Young People and Department of Clinical Neurosciences, which began receiving its first patients in July 2020 and was fully opened in 2021.

### The University of Edinburgh Medical School (EMS)

Currently ranked 24th in the world QS ranking, EMS has specific research strengths including brain sciences, advanced technologies, regenerative medicine, medical informatics, data-driven health innovation and translational medicine.

The range of facilities at BioQuarter generates upwards of £204 million in gross value added each year.



1

### The Royal Infirmary of Edinburgh

One of Scotland's major acute teaching hospitals. With a 24-hour Accident and Emergency department, it provides a full range of acute medical and surgical services.

2

### The Royal Hospital for Children and Young People

Provides care for children and young people from birth to around age 16.

3

### Department for Clinical Neurosciences and Edinburgh Neurosciences

The work of over 500 fundamental and clinical researchers spans the life course – from prenatal to old age and attempts to answer fundamental questions.

4

### The Anne Rowling Regenerative Neurology Clinic

Delivers research and trials for people with neurodegenerative disease, as well as hosting NHS specialists.

13

### Edinburgh Infectious Diseases

Is a network of researchers and clinicians in infectious disease in Edinburgh where more than 170 research groups are focused on infectious diseases.

12

### Edinburgh Clinical Research Facility

Provides clinical researchers with access to space, nursing input and scientific support to conduct high quality clinical research, focused on experimental medicine.

11

### NINE Innovation Centre and BioCubes

Designed specifically for rapidly growing health innovation companies.

10

### Usher Institute

Works with people, populations and their data to understand and advance the health of all through innovative collaborations in a global community.

9

### University of Edinburgh Medical School

Home to the world-leading University of Edinburgh Medical School.

8

### Institute for Regeneration and Repair (includes CRM)

Where scientists and clinicians study tissue regeneration and repair, stem cells and disease to advance human health.

7

### Centre for Dementia Prevention

The Centre combines research in science, medicine and social sciences to lead global efforts in preventing dementia.

6

### Queen's Medical Research Institute (QMRI)

A world-class clinical research facility with four strategic centres addressing major disease challenges.

5

### Edinburgh Imaging

Clinicians, researchers and scientists work together to advance health through excellence in imaging science.

## BioQuarter today – facilities cont.





## 5.0 Investment to Date

Over the past two decades, BioQuarter has developed extensively with over £600 million (including new IRR main building and RHSC) of capital invested in buildings, infrastructure and specialist equipment (excluding acquisition costs).

Funding to date has been by the BioQuarter Partners, Scottish Government, Medical Research Council and philanthropic sources.

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### OVERALL TO DATE

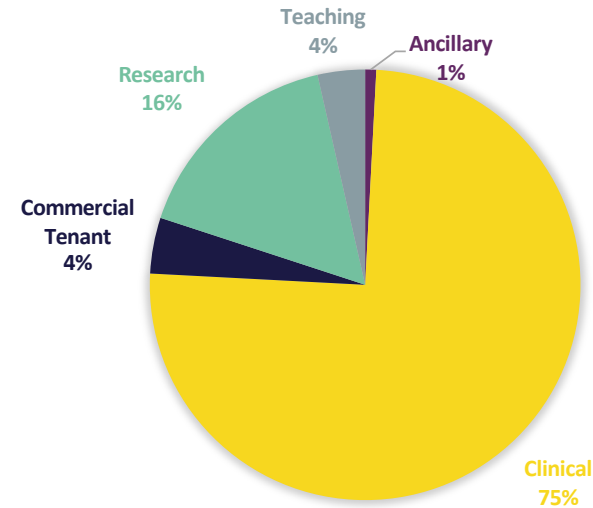
**£624m** capital investment

- **70** acres of land developed
- **2.5m square feet** of clinical, teaching and commercial tenant space

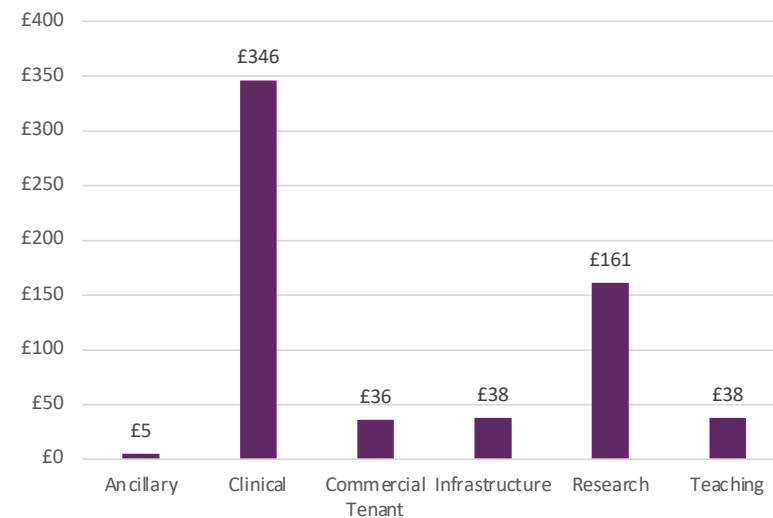
Over the last 20 years, BioQuarter has generated an estimated £2.72 billion gross value added from its research, clinical, and commercial activities and a further £320 million from its development (in current prices).

*Note all data updated to include IRR and RHSC but not Usher or IRR Expansion project.*

Total GIA Space Delivered to Date (sqm) – 240,000



Total Capital Investment To Date (£m) - £624m



## 5.1 Infrastructure Investment to Date

There have been 5 major public sector funded infrastructure interventions to date that have unlocked the land in phases.

**2002 - £10m**

Scottish Government funded infrastructure associated with PE, Chancellor Building & QMRI

**2018 - £10m**

University of Edinburgh and Scottish Enterprise funded infrastructure to improve connectivity between north & south

**2005 - £5m**

Scottish Enterprise funded £5m of infrastructure to facilitate SCRM and BioQuarter NINE & BioCubes

**2016 - £10m**

Scottish Government funded £10m of infrastructure associated with the new RHSC

**2020 - £13m**

City Region Deal funding for £13m of infrastructure to install major infrastructure to facilitate new Usher Institute.



## 6.0 Part of a thriving Scottish Life Sciences Sector

**Edinburgh BioQuarter already has a network of leading clinicians, academics, scientists and life sciences businesses based on site and is part of a thriving life sciences sector in Scotland and the UK.**

Like all ecosystems, BioQuarter's ecosystem is taking time to develop. It has significant unlocked potential. Over the past two decades its notable successes include:

- 2012 the first dedicated Life Sciences Innovation Centre opened at BioQuarter - a mix of incubator and grow-on space for life sciences companies – BioQuarter NINE
- BioQuarter NINE and the supporting BioCubes 1 and 2 (commercial accommodation) are now fully occupied : they are home to 14 life sciences tenants and two strategic research institutes
- 10 spinout companies have been created through the College of Medicine and Veterinary Medicine since 2012, attracting £10 million early-stage investment

The Scottish Life Sciences Sector has an ambitious target of reaching an annual turnover of £8 billion by 2025

- It has 41,000 people employed across more than 770 organisations
- It had a turnover of over £6.5 billion in 2019

**Scottish Government target for life sciences sector to reach £8 billion turnover by 2025**



# STRATEGIC CASE

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This section of the Outline Business Case presents the Strategic Case. Its purpose is to set out the:

- Need for unlocking innovation at BioQuarter
- Implementation route - creation of a public private partnership
- Transformation of BioQuarter into Edinburgh's vibrant Health Innovation District.







## 7.0 Vision

**The next chapter for BioQuarter is here and the BioQuarter Partners have a strong foundation on which to build. Today's BioQuarter is a melting pot of talent. It contributes significantly to the local and national economies and the health discoveries and ideas that it generates are considerable. It is currently the third largest UK Life Sciences site after Cambridge and the Newcastle Helix.**

Over the last 20 years, BioQuarter has generated an estimated £2.72 billion gross value added from its research, clinical, and commercial activities and a further £320 million from its development. The on-going investment of the BioQuarter Partners in academic and clinical facilities will lead to it becoming the second largest health and social care-focused site in the UK within the next ten years.

However, BioQuarter has the potential to continue to evolve and do much more, most notably within the field of commercial innovation and encouraging collaboration between academics, clinicians and industry. With a worldwide life sciences market value of £868 billion and an anticipated annual growth of eight to ten percent, the commercial life sciences, data innovation and biomedical sectors are crucial to the global economy. With this growing global market, it is essential that BioQuarter is able to compete on a global platform, leading health and social care offerings around the world and does not get left behind. The focus of other global health related sites regenerating and branding themselves into 'Innovation Districts' rather than 'science parks', recognises the rapid integration of technologies and science and the need for nurturing collaboration.

The BioQuarter Partners' long-term vision: to build upon Scotland's and BioQuarter's existing, recognised expertise in health technology, data driven innovation and Life Sciences, and use this as a platform from which to broaden BioQuarter's commercial innovation activity; attract, grow and retain new innovative businesses and transition BioQuarter from a national to a global destination.





# Edinburgh's Health Innovation District: To be a global destination for pioneering health innovation and enterprise





## 8.0 Strategic Drivers

**What drives the need for BioQuarter's vision today? With one of the most serious economic and health crisis currently upon us, the drivers for unlocking BioQuarter's potential have never been more relevant. With the opportunity to create 3650 permanent new jobs on site and to contribute significantly to the UK economy over the next 10-15 years, BioQuarter will not only play a critical role in the fight against disease but will be a major contributor to Scotland's economic and employment recovery.**

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Edinburgh BioQuarter is enviably positioned to lead research on local and global Health Challenges. University of Edinburgh research scientists and NHS Lothian clinical staff already work together across the BioQuarter site to tackle the global and local health challenges of our time. Today the greatest of these is the Covid-19 Coronavirus pandemic and tomorrow, who knows. BioQuarter's ideas, discoveries, facilities and skills have enabled whole teams to pivot in response to the outbreak. The Stop COVID, CovidLife and Cornagenes studies have already launched. Dozens of additional studies are also underway.

Education and discovery are key to tackling all health challenges. Solutions to both local and global treatments, diagnostics and care will come from 'bench to bedside' translational research and commercial enterprise. With clinical, non-clinical, wet and dry lab facilities located right next to NHS Lothian clinical facilities and with patients on the same site as industry and medical students, BioQuarter is primed to continue to expand its solutions to growing health issues, whilst becoming an economic catalyst for job creation, company growth and inward investment.



Economy and employment

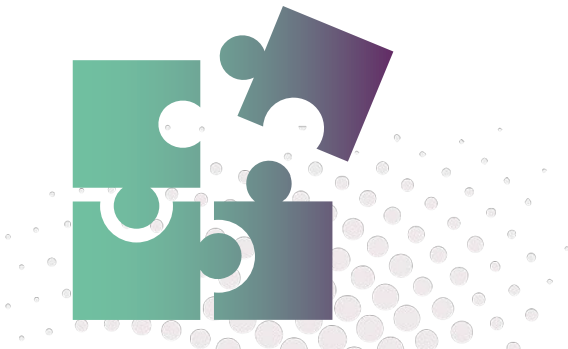


Health

## 9.0 Strategic Goals

The vision is ambitious. There are two clear goals to achieving the vision:

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### Unlocking Innovation

The ambition is to develop BioQuarter rapidly into Edinburgh's Health Innovation District. This addresses a key opportunity and recognises that the optimum performance of BioQuarter will be achieved through the enhancement of the location to attract new investment and organisations to the site and create jobs. BioQuarter must transition from a specialist life sciences research park to a fully functioning, vibrant health innovation ecosystem. This will maximise the value of the location both to local communities and to the organisations supported there. To achieve this, it is essential to develop, attract, grow and retain new health-related innovation businesses. The reach of the next phase of the BioQuarter's development will be much broader than that to date.



### Create Space

A placemaking strategy is critical to BioQuarter's success and to ensure that the Innovation District functions to its full potential. Now more than ever, people have great expectations of their environment. 20 years ago, to access an innovation economy, workers had to drive to a secluded suburban business park, work on their own, then drive home. Today, people want to be in urbanised places which are walkable, bikeable and where they can bump into other people. Businesses want to be near other businesses, research labs and Universities so smart ideas can be turned into new products. People want to collaborate and discuss in open, busy spaces with coffee. Successful places need people not just working there but living there to bring critical mass and ensure evening and weekend business. Innovation Districts are competitive places and cool spaces, where people live, work, learn and discover together.

## 9.1 Implementation

The implementation of the next chapter is well underway, however there are several key steps that need to take place before change can happen. The following table illustrates these necessary steps and progress to date.

Strategic Goals	Implementation Route	Progress
<p><b>To unlock innovation</b></p> <p><b>To create a place that people want to live and work</b></p>	<p><b>Step 1:</b></p> <p>1. <b>EBQ3 Ltd Formed:</b> sign the EBQ3 Ltd shareholders agreement which will oversee the procurement and project development (EBQ3 consists of the City of Edinburgh Council, University of Edinburgh and Scottish Enterprise)</p> <p><b>Step 2:</b></p> <p>1. <b>Procurement and partnership:</b> procure a private sector partner to deliver the physical redevelopment of the JV land zone and form a strategic joint venture consisting of the private sector partner and EBQ3 Ltd.</p> <p><b>Step 3:</b></p> <p>1. <b>Develop land:</b> develop the acquired land as an integral part of BioQuarter.</p>	<ul style="list-style-type: none"> <li>Awaiting the 3 partners governance then shareholders agreement to be signed ahead of go-live.</li> <li>Awaiting the 3 partners governance</li> <li>Commence procurement</li> </ul>

## 9.2 Unlocking Innovation

**Unlocking innovation and transforming BioQuarter from an academic/clinical-led science park to an innovation district sits at the heart of the vision. This requires careful growth of the ecosystem to create, attract and grow existing and new businesses. Currently there are 14 companies accommodated within BioQuarter NINE and three "virtual" companies as part of its growing business network membership. There is potential to grow this exponentially.**

The aim is that BioQuarter develops as a destination where health innovation companies can “go to grow” and provides a welcoming environment for companies of all stages, shapes and sizes. Under current plans, our Innovation District has the potential to nurture tens, if not hundreds, of companies; this level of critical mass will improve innovation capacity and bring exponential benefits, delivering both social impact and economic growth.

This is not just about creating more space. It is about providing formal, tailored support for companies and entrepreneurs to grow, for example post incubation support for University spinouts to land and grow, and entrepreneurial education programmes to attract new organisations and investors.

Innovation Districts have been identified by the Brookings Institute as a key source of business growth, especially in cities. They note the importance of clusters to the whole ecosystem and delivering synergistic benefits to the effectiveness of the Innovation District and its anchor institutions (namely the University of Edinburgh and NHS Lothian).

According to research from the International Association of Science Parks (IASP) companies themselves are one of the critical factors in building brand awareness. Therefore, alongside targeted marketing communications, our brand awareness will increase as our community grows onsite. Our anchor institutions will reap the benefits through increased activity and collaboration opportunities, as well as the through more investments and investors connected to this "enhanced" ecosystem.

Lay the foundations of a successful Innovation District by being inclusive, easily accessed, open to different groups and having a broad range of opportunities.





## Cont.

BioQuarter's innovation ecosystem has many advantages, building on BioQuarter's location in Scotland and its history as an innovation hub. Our vision for BioQuarter is to be a global destination for pioneering health innovation and enterprise. From this vision flow four key health innovation pillars which have been developed by the Innovation Strategy Working Group. These are areas of overarching strength, with touchpoints across the whole BioQuarter ecosystem.

These are influenced by current and future activity, they align with Scottish Government strategies (digital health and care, life sciences and economic) and are market-driven. They reflect on partners' objectives for the innovation district, support delivery of a joint agenda towards innovation and help to support a clear narrative in relation to promoting the Innovation District when communicating with key stakeholders.

The BioQuarter Partners' 2020 Innovation Strategy and Principles is included as Appendix C for Strategy Board approval.

## Our health innovation pillars:

### 1. To be the "health" data capital of Europe

The lightning rod that links all research and innovation at BioQuarter is data. It is one of the key drivers of growth for Edinburgh and Scotland's economy. If data is the "new gold" then BioQuarter is as a well-stocked "mine". It is at the forefront of Scotland's health data, digital health and health tech capabilities and, pump-primed by the £1.3 billion Edinburgh and South East Scotland City Region Deal and the Usher Institute's expansion at the heart of BioQuarter. There is an opportunity to make global impacts through research, teaching and the growth of companies that are both founded locally and as inward investments into the site.

### 2. To revolutionise healthcare by harnessing discovery science and dynamic enterprise to make new drugs, treatments and technologies available to patients more quickly.

COVID-19 has shone a global spotlight on the length of time it takes to deliver a new drug or treatment to patients. BioQuarter can accelerate this process thanks to its strengths in research, science, clinical expertise, company creation and growth, and the excellent facilities on site. It can leverage itself as a key destination where researchers and companies, together, can translate and test medical innovation at scale and on time. To support this vision, the community can build capacity and funding with a market-driven focus, allowing for the experimental development, testing and evaluation of new solutions in collaboration with stakeholders, including NHS staff and patients, all in one place, enabling a world-leading destination for experimental medicine.

### 3. To transform patient care and improve services in Scotland through more healthcare-led innovation.

BioQuarter's innovation ecosystem allows unique access to NHS Lothian's testbed. The ecosystem can help to tackle the key health and social care issues facing BioQuarter's local communities as well as national and global health challenges. These solutions then have the potential to spread widely, enabling the future delivery of health and care services that are more effective, more efficient and more affordable.

### 4. To develop as Scotland's home for advanced therapeutics for the benefit of patients across the world.

BioQuarter is home to the Institute for Regeneration and Repair bringing together one of the largest communities of regenerative and stem cell scientists on one site in Europe. We have the ability to tailor health care to address the needs of sub-groups within susceptible populations that share common genetic and immunological characteristics and can in some cases, even tailor treatments to a specific individual's unique genetic makeup. The markets for cell and tissue therapies are growing at an exceptional rate and with a significant cluster of companies already forming in Scotland, with the right investment and programmes - BioQuarter can lead the charge in this area.

## Key to unlocking innovation is the City Region Deal

Development continues over the next few years as part of the Edinburgh and South East City Region Deal. The new Usher Institute's Data-Driven Health and Social Care Innovation Hub will be built at the heart of BioQuarter along with its enabling infrastructure also part of the City Region Deal.

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- Part of a £1.4 billion investment to establish Edinburgh as the Data Capital of Europe.



- The new £68m Health and Social Care building will sit at the heart of BioQuarter.



- 600 clinicians, researchers, students, data scientists and professional services.
- 50 health and social care experts all in one place.



- 49 new companies.
- £138 million research income.
- 277 new datasets utilised to improve.



## 9.3 Create a place where people want to live, work and learn

The second goal is to create a place where people want to live, work and learn. This goal is key to BioQuarter meeting its full potential and attracting and retaining new business, skills and talent. Transitioning the site into a thriving Innovation District: an urban neighbourhood where people want to live, work, play, visit, relax and learn, will be complex and will require investment. The new development will need

strong sustainability characteristics and will offer a range of residential homes, retail and hospitality outlets. This will create a new 24/7 live, work and play neighbourhood that will include town centre amenities, a hotel, gym and green outdoor spaces. The existing buildings and site will need to be carefully stitched into this.

The innovation district will need strong sustainability characteristics, a quality public realm and a range of innovation facilities. For critical mass and place making, innovation will sit alongside private residential accommodation, student residential accommodation and affordable homes. A second town centre which has good connectivity to the existing Royal Infirmary main mall will host retail and leisure facilities. With the drive to create new '20- minute neighbourhood', the new town centre will bring people to the site and provide for those on the site.



Illustrative Visual of a future residential and mixed use community

## Cont.

The private sector partner will develop their first buildings in Zones 1A and 2A (see plan in section 4.0). It is intended that these first buildings will form a second town centre for BioQuarter with easy connections to the original 'town centre,' which is the hospital mall within the Royal Infirmary of Edinburgh, and the existing bus hub. This new heart of the Health Innovation District will be a lively town centre with commercial innovation accommodation, café's, gym facilities, a community outreach centre, a nursery and a hotel blended with residential homes. This new 20-minute town centre will be bookended by the existing BioQuarter NINE and the new £68m data-driven health and social care innovation hub – home to the Usher Institute.

This first development area is estimated to have a 10 to 15 year programme, starting in 2024.

*Create a successful place for people to thrive*





## Cont.

It is essential that Edinburgh BioQuarter sets a high bar for the sustainability and wellbeing and green agendas. These cross all workstreams and impact all aspects of the BioQuarter.

A sustainability assessment was undertaken on behalf of the BioQuarter Partners earlier in 2020. This established a set of principles that all partners will be responsible for contributing to and pursuing. This framework will ensure that all development and activity on site aspire to the highest level. These principles will be embedded in the Edinburgh BioQuarter Place Strategy which is one of the Control Documents listed in Section 2.1 of the Outline Business Case Introduction and Background.

## Green Agenda



**Net zero operational emissions for all new BioQuarter buildings;**

- To deliver better air quality at the site making a healthier community;



**Biodiversity net gain for all development at the site;**

- To restore and enhance the natural world;



**Building design for a future climate;**

- To build a resilient development that can adapt to a future climate;



**Promoting health and wellbeing within design;**

- To help the EBQ community have a big impact in what they do.

## 10.0 Development of the Land

Developing new accommodation is at the heart of both unlocking innovation and creating a place where people want to live, work and learn. Without this neither can take place. The Statutory Place Brief will replace the existing Supplementary Guidance and will be given planning status as part of the City of Edinburgh Council's Local Development Plan. This will ensure that the BioQuarter development has a degree of planning status but remains flexible for the new private sector partner to develop. The detailed masterplan will be developed in 2023 by the private sector partner based on this for the JV land zones. This will need to be dovetailed into the University of Edinburgh's land holdings to ensure a holistic masterplan.

Development of the Place Strategy has demonstrated that there is an estimated 540,000 sq. m. GIA of potential on the land south of Little France Drive if urban heights are utilized – see plan over. This GIA is formed from:

- 30,000 sq. m GIA has already been delivered – Scottish Centre for Regenerative Medicine, Institute for Regeneration & Repair, BioQuarter NINE and BioCubes
  - 100,000 sq. m GIA will be developed by the University of Edinburgh as part of its own Estates' strategies e.g. Usher Institute and expansion of the Institute for Regeneration & Repair.
  - 410,000 sq. m GIA (4.4m sq. ft) is the focus of the private sector partner on the 61 acres of undeveloped Scottish Enterprise land
- The most recent masterplan approved by the City of Edinburgh Council as the planning authority, in 2014, allows for 245,000sqm of life sciences space (commercial and academic) south of Little France Drive.
- For the purposes of aligning this Outline Business Case's financial, economic and commercial elements, the site has been zoned as 1A, 1B, 2A and 2B (see plan). As the detailed masterplan and delivery strategy will be developed further by the private sector partner at a later stage, the timing and size of the zones may change. Each zone has an estimated density of GIA space developed through the BioQuarter Place Strategy. Each zone has a mix of accommodation which includes residential housing required for critical mass, place strategy and commercial viability.



## 11.0 BioQuarter's Potential

The potential of BioQuarter's development to deliver against local and national priorities is significant. Five pillars of success have been developed which will underpin the future for BioQuarter's as Edinburgh's Health Innovation District.

At its core, BioQuarter aims to accelerate advances in healthcare and wellbeing and expedite the discovery of new drugs, treatments and technologies to improve lives. In doing so, it will be an integral part of the continued regeneration of its neighbouring communities, via employment and education, and will bring significant social and economic benefits to Edinburgh and Scotland.

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**INNOVATION:** Create, attract and grow hundreds of companies and continue to develop pioneering research



**TALENT:** Attract, retain, nurture and develop talent to enhance Edinburgh's knowledge economy



**HEALTH:** Make revolutionary advances in health and social care delivery, innovation pathways and teaching to improve lives



**SOCIAL:** Deliver social and community benefits as part of the Scottish Government's inclusive growth agenda



**ECONOMIC:** Deliver economic growth, inward investment and new jobs

By unlocking innovation through a public - private partnership we can



## 11.1 Health

**At its core, BioQuarter exists to advance healthcare discoveries and education, improve people's lives and enhance health and well-being. With the world facing increasing health and wellbeing issues and with an aging population, treatments, preventions and diagnostics are key to tackling this.**

Chronic diseases, such as diabetes, cancer and heart disease, are collectively responsible for over 70% of all deaths worldwide annually, or 41 million people. Over 85% of these premature deaths are in low and middle-income countries.

Cancer is the most common cause of death in the UK (28%) followed by circulatory diseases, such as heart diseases and strokes (25.0%) and 13% dementia.

Edinburgh BioQuarter is in an enviable position to lead research and innovation around these global and local health challenges. Co-location makes it possible to consider the impacts from every angle of clinical need and patient pathways.

An Innovation Strategy has been created to underpin how the partnership works together to achieve these health outcomes.

Positioning of our innovation ecosystem is critical for marketing the BioQuarter to an external audience.

### LOCAL HEALTH CHALLENGES

**Health Inequalities** - The SPECTRUM data-driven project aims to inform prevention of non-communicable diseases, researchers aim to use their work to transform policy to encourage and enable healthy environments and behaviours.

**Health and Wellbeing Education** - Strong role for education in preventative health across populations.

**Obesity** - work led in CVS considering obesity from metabolic, genetic and developmental angles. At the CRH, scientists are considering the impact of obesity on pregnancy and future health.

**Alcohol and Substance Abuse** – home to the Scottish Alcohol Research Network. A network of clinicians, academics, researchers and others with an interest in alcohol-related harm research.

**Mental Health and Wellbeing** – teams working in Edinburgh Neuroscience span the whole life course from birth through adulthood to old age, with fundamental and clinical work integrated across all areas.

### GLOBAL HEALTH CHALLENGES

**Air pollution and climate change** - A team of researchers led by Dr Mark Miller and BHF Professor David Newby continue research into pollutant nanoparticles linked to diesel exhaust fumes identifying new biomarkers that may be able to flag exposure and toxicity levels.

**Non-communicable diseases** - including heart disease, stroke, cancer, diabetes and chronic lung disease are collectively responsible for almost 70% of all deaths worldwide.

**Antimicrobial resistance** - The Edinburgh Infection Diseases research group covers one of the greatest threats to global health, its potential economic and societal impact is substantial.

**Vaccine hesitancy** - BioQuarter's award-winning public engagement programmes aim to take steps towards openness about research and its role in society, thereby supporting efforts to reduce vaccine hesitancy within local communities.

**HIV** – the Edinburgh Infectious Diseases group's most recent publication reveals a new group of men at most risk of the infection.

**Aging population** - the Centre for Dementia Prevention is a global centre of excellence in this field.

## 11.2 Innovation

**A thriving health innovation ecosystem is a core part of the development of Edinburgh BioQuarter's Health Innovation District. This will only be possible if we create, attract and grow hundreds of companies and continue to develop pioneering research.**

Given the historic investment by partners in Edinburgh BioQuarter and the current strengths of its ecosystem, Edinburgh Health Innovation District has a strong foundation from which to build. Through releasing and developing the land owned by Scottish Enterprise, retail, hospitality and housing will be developed alongside new space for innovation, collaboration and commercial tenants. In tandem by developing, attracting, growing and retaining new and existing health related innovation companies, BioQuarter can unlock its innovation potential.

This combined development will provide the physical elements around which the Edinburgh Health Innovation District can be formed. However, they will not in themselves be sufficient to create a world-class enhanced ecosystem at our Innovation District. To achieve this partners must work to attract the investment and skilled personnel necessary to take forward new technology developments and health-related services that utilise the unique strengths that Edinburgh BioQuarter offers (life sciences, data and biomedical sciences) and which work in tandem to benefit the overall success of the ecosystem and its partners.

### INNOVATION CAPACITY

Develop a thriving ecosystem that is flexible, well-resourced and adds value to its community, e.g. entrepreneurial programmes.

### LEADERSHIP

Form a strong leadership structure to promote innovation-related decisions about activities and space.

### CRITICAL MASS

Grow, attract and retain organisations and companies in a cluster which contributes synergistic capabilities to the success of the ecosystem.

### SHARED AMBITIONS

Unite the community together with shared goals and outcomes.

### REPUTATION/BRAND

Grow a globally recognised brand for innovation and ensure that the community promote a shared and consistent message

### DIVERSITY AND INCLUSION

Create a bottom-up approach to innovation by providing funding and time for staff to get involved and actively bring in the local communities through skills and education.

### COLLABORATION

Break down barriers and create a culture of sharing, working together, transparency, access and engagement across the district.



## Cont.

Key to unlocking innovation is space. The vision is to develop space over the next 10 to 15 years for over 250 new companies which will accelerate the growth of a critical mass of highly skilled innovators.

Unlock BioQuarter's innovation potential by taking a holistic approach to innovation, activating it and focusing on 4 themes:

## 4 core healthcare ambitions



- **DATA:** support all research with data and ensure access to data is accessible with Usher at the heart of BioQuarter



- **SPEED:** accelerating production and efficiencies of new drugs, treatments and technologies



- **SOLVE:** prioritising NHS patient needs through healthcare-led innovation
- **DISCOVERY:** grow as Scotland's home for advanced therapeutics innovation and treatment of disease



## Cont.

**It is everyone at BioQuarter's responsibility to develop the site into a thriving innovation ecosystem; this will require a more holistic approach than has been taken to date. The BioQuarter Partners' innovation 'experts' have, for the first time, formed an Innovation Strategy Working Group (ISWG) with representation from all partner's innovation teams. The group has developed a Health Innovation Strategy and a set of core principles which will be the framework for unlocking innovation. This can be found at Appendix C.**

**This is the first joint Innovation Strategy for BioQuarter.**

To inform the Strategy, a review of the current ecosystem was carried out. This involved undertaking research and an analysis of global Innovation Districts. The 'Mapping Edinburgh BioQuarter's Innovation Ecosystem: Current Actors and Assets and Comparator Analysis' report, which has been shared with the ISWG and Senior Operational Leads and is available upon request., provides a framework for delivering a world-class ecosystem as a core part of the development of BioQuarter's Health Innovation District and supports the vision.

The strategy dovetails with the innovation plans of anchor institutions (namely the University of Edinburgh and NHS Lothian) and the strategic objectives of all four partners . It does not replace existing models, pathways or programmes but rather proposes a more holistic approach to stimulate growth of the innovation community. It builds on the many advantages of the current ecosystem, e.g. a track record of company growth, access to leading researchers, city-wide partners, an evolving investment environment and a highly skilled workforce.

The strategy outlines four key health innovation pillars which are areas of overarching strength (data and health tech capabilities, experimental and translational medicine, healthcare-led innovation and advanced therapies) in our ecosystem. These are market-driven, influenced by current activities and future needs and aligned to current Scottish Government strategic priorities (digital health and care, life sciences and economic). The strategy is clear that the anchor institutions, and major actors, should be encouraged to work more systemically. This more

As part of the work on the Innovation Strategy, a set of principles has been developed. These can be found in the Strategy document which is included at Appendix C. These ten principles have been designed as a framework for success. The BioQuarter Strategy Board will be asked to approve these principles.

integrated approach can create a "focal point" for innovation activity, supporting the potential for a central repository of information which contributes towards marketing intelligence and adds significant value to our USP and brand. It identifies the need for tailored company support mechanisms to retain organisations, post-incubation opportunities for University spinouts to take root and grow and entrepreneurial education to deliver the "buzz" required to attract new organisations and investors.

Integration across the whole system is essential to developing a cluster of companies with capabilities that add value to the overall effectiveness of the Innovation District,, enabling more innovation activity, increased collaboration opportunities and investments.

### Innovation Principles

1. A strong management and leadership structure
2. Shared, appropriate innovation objectives
3. Shared ethos and knowledge exchange among all partners
4. Well-targeted communications and brand
5. A culture which supports "bottom-up" innovation
6. An integrated health innovation ecosystem
7. New ways of doing things for our on-site community
8. Attracting and retaining talented people
9. Nurturing the innovation pipeline
10. Inclusion of local communities

# Over the next 10 to 15 years

## Accelerated Growth

A thriving innovation cluster with the potential to accommodate over 250 health companies

## Green Agenda

Net zero carbon energy solution for the full site by 2030 in line with city

## Community

New education skills outreach centre

Further science engagement with local schools

## Economic

**£140m**

Net additional annual GVA by 2036 (undiscounted)

## Jobs & Skills



**1,670**

Gross PYE construction jobs



**4,885**

Gross additional FTE operational jobs (inc. innovation jobs)

## Construction

**£170 m** construction impact to Scotland's GVA (gross, cumulative, discounted)

**£400m** GDV

## Revenue Generated

**£4m**

in section 75 revenue

**£800,000**

in annual council tax revenue once complete

**£12m**

Annual retail & hospitality spend from residents once complete

## Space



**400**

New residential housing units



**200**

Affordable housing units



**850,000**

sq ft of innovation accommodation



**200,000**

sq ft of new hotel, catering and leisure



**20-minute neighbourhood**

New town centre with café, shops and hotel

## 11.3 Community Impact

BioQuarter has the potential to be a powerful player in the regeneration of the local areas. Edinburgh BioQuarter is located in Little France, a suburb of South East Edinburgh, sitting within both the City Council's Edinburgh North East and Edinburgh South East Locality areas. Several neighborhoods, including Craigmiller, Liberton, Gilmerton, the Inch, Niddrie, Mordun and Danderhall, surround BioQuarter. Significantly, the communities of Craigmillar, Mordun and Niddrie rank highly on the Scottish Index of Multiple Deprivation.

The North East Edinburgh Locality Improvement Plan 2017-2022, which includes Craigmillar, recognises that the locality includes the most socially and economically disadvantaged areas in the City of Edinburgh, Scotland and Europe. Edinburgh BioQuarter is highlighted in the plan as a significant development in the area. Community consultation revealed that people in the area would like: "All our young people to reach their full potential have more opportunities for work and affordable leisure facilities and feel part of a community that is vibrant and thriving, strong, clean, green, safe and healthy." With similar hopes reflected in the South East Edinburgh Locality Improvement Plan 2017-2026, which includes the Moredun and Gracemount localities neighboring Edinburgh BioQuarter to the south. It is crucial that the development at BioQuarter leads to the creation of employment, educational and social opportunities and amenities for local communities – children, adults and families. For BioQuarter to be porous and inclusive looking forward, BioQuarter needs to be accessible to these communities physically, in terms of transport and ease of navigation. Furthermore, for it to be truly inclusive it needs to tackle non-physical barriers, pertinent to the socio-economic status of the surrounding areas. Thus, Edinburgh BioQuarter will undertake an ambitious community-centred engagement programme.

Recognising its mutual reward, for both the local communities and the internal community of staff and students that reside at Edinburgh BioQuarter, various organisations and partners have pursued community engagement projects to date. These include contractors working on construction projects, for example Balfour Beatty and Multiplex; and; research centres and Institutes within The University of Edinburgh, for example MRC-Centre for Regenerative Medicine (MRC-CRM) and The Queens Medical Research Institute, perhaps most notably working with staff and students at local schools in Craigmillar.

### GOALS

- Ensure that the site develops to address the regeneration needs of the adjacent local communities. It must therefore be porous, connected and have no 'barriers'. This may require breaking down barriers that are perceived to exist between BioQuarter and local communities – the ethos of the "gated community" is the polar opposite to that of an Innovation District. The site, buildings and local amenities must fit the needs of local communities and must therefore be accessible, welcoming, open and inviting
- Ensure growth is green and sustainable and is at the heart of all decisions that we make
- Given the leading-edge healthcare and associated specialisms that will be based at the Innovation District, the project will improve the healthcare and wellbeing of the local area, the broader Edinburgh and Lothian region, Scotland and the UK
- Job creation, especially during the post-Covid economic recovery, will be critical. Jobs must be relevant both to experts attracted to the Innovation District and to those living locally. The project will deliver inclusive growth in line with the City of Edinburgh's growth strategy
- Deliver social benefits in terms of education and opportunities to improve workforce skills and wellbeing in BioQuarter's neighbouring communities and across Scotland

## 11.4 Community Impact Principles

As part of the work on Economic and Social Impact, a set of ten Community Impact Principles has been approved by the Strategy across six areas; these are outlined in brief below. The full set of principles can be found in the Economic and Social Impact Assessment report which is included at Appendix B.

### COMMUNITY ENGAGEMENT

*Principle 8 - Embedding of Community Engagement*

### HEALTH AND WELLBEING

*Principle 9 - Promoting Community Health and Wellbeing*

### SUPPORTING BUSINESS GROWTH THROUGH COLLABORATION AND INNOVATION

*Principle 10 - Supporting and Facilitating Collaboration and Innovation*

By applying the principles, BioQuarter will support education initiatives to help develop skills, create sustainable employment for disadvantaged groups and empower local communities.

### SCHOOLS AND TERTIARY EDUCATION

#### EDUCATION

*Principle 1 - Facilitating the Provision of Placements and Mentoring Opportunities*

*Principle 2 - Delivering Knowledge Exchange to Learner Pathway Programmes*

*Principle 3 - Support Outreach Initiatives of the BioQuarter Partners*

#### EMPLOYMENT

*Principle 4 - Support Targeted Employment Initiatives Through Community Benefits*

*Principle 5 - Support Creation and Delivery of Work Based Learning Opportunities*

*Principle 6 - Work with Agencies to Support Local People into BioQuarter Employment*

#### ENTERPRISE

*Principle 7 - Support Local Enterprise and Spend*



## 11.5 Talent

**Attracting and retaining people is fundamental to success within all organisations. BioQuarter is no different. It has enormous pull as a health innovation district, as a contributor to the Edinburgh and Scottish economies and, furthermore, as a contributor to solutions to world health challenges.**

It is therefore critical that BioQuarter is able to compete with innovation districts globally and thereby attract and retain the best people in a range of fields, including health data, translational medicine, health research and medical technologies. This necessitates the development of a vibrant, 24/7 environment with a range of retail and leisure facilities, as

well as state-of-the-art research and healthcare facilities.

It is also crucial that the environment at BioQuarter is able to support and nurture the researchers, scientists, nurses and doctors of tomorrow in the form of University of Edinburgh medical students and, therefore, is a welcoming environment with access to quality amenities and leisure facilities, as well as attractive landscaping and well-connected transport links to Edinburgh city centre and beyond.



## 12.0 Why Now

**BioQuarter has seen steady development over the past 17 years. However, as evidenced by the recent options appraisal (see section 11.0), to continue on this trajectory, without increasing the pace and scale of development, would see BioQuarter begin to lose out to other sites in terms of innovation, investment and people.**

Why is this the time right for BioQuarter? There is a new generation of research being driven by data. The University of Edinburgh's Usher Institute, which has been located at BioQuarter NINE since 2014, is at the heart of this. For BioQuarter, the 'why now' trigger is the decision for the institute to make its expanded home at the heart of the BioQuarter in 2022 in a new, flagship building, worth £68 million capital investment (by the UK and Scottish Governments and the University of Edinburgh). Usher is part of a £1.3 billion Edinburgh and South East Scotland City Region Deal investment to establish Edinburgh as the Data Capital of Europe with the new building will sit at the heart of the Innovation District. The ambition for Usher is to be home to:

- 600 clinicians, researchers, students, data scientists and professional services.
- 50 health and social care experts all in one place.
- 49 new companies.

Furthermore, it is predicted to generate £138 million in research income. This will create a world-leading innovation hub where public, private and third sector organisations can collaborate to enable data-driven advances in the delivery of health and social care. This will bring together approximately 950 individuals in a purpose-built facility which will develop new partnerships between academics, clinicians, healthcare providers and health technology companies. It will be a truly unique facility for entrepreneurs and researchers alike.

The University of Edinburgh has one of the most highly developed health informatics systems in the world and has a long tradition of using linked health service data for research.

Few other places have systems that combine high-quality data, consistency, and national coverage with the ability to link data to allow patient-based analysis and follow-up.



**"This is the right time for BioQuarter"**

**Professor Haslett, Chair of Translational Medicine and Director of The QMRI**

## 13.0 What Makes BioQuarter Unique?

Although there are many centre of excellence sites across the UK, all with ambitions for expansion and aiming to become global leaders, BioQuarter has a unique set of credentials that sets it apart and makes the site attractive to investors, researchers, businesses, innovators, and entrepreneurs. These are available land, access to data, the long-term commitment of four of Scotland's largest organisations and a triple helix model anchored by Edinburgh University (ranked in the world top 20).

However, it is the co-location of all of these attributes on one site with room to expand that is BioQuarter's ultimate USP. This is key to making BioQuarter attractive to the investor market.

### Location / Collaboration of Expertise and Facilities

Clinical, research, teaching, imaging, innovation and academic activities, BioQuarter offers all of these specialist activities on one site with substantial opportunities for collaboration both on site and with other local clusters - Easter Bush, the Roslin Innovation Centre and Heriot Watt University - and also offers the ability to leverage connections across Edinburgh's life sciences sector and the wider Scottish life sciences network.

### Access to Healthcare Data

Data driven innovation will be a driver in the next generation of research and development. The use of real time health data is at the heart of the wider development of health services, wearable technology and community engagement. With the expansion of the Usher Institute in 2022, and access to broader opportunities offered via the Edinburgh and South East Scotland City Region Deal (which aims to position Edinburgh and South-East Scotland as the "Data Capital" of Europe"), BioQuarter will pursue opportunities the use data and analytics to develop new products, processes, organisational methods and markets. Access to Scotland's significant healthcare data assets to support digital transformation and attract and create a new breed of innovative businesses is key to the success of BioQuarter. Businesses and researchers locating at the Health Innovation District will have a unique advantage.



### University of Edinburgh Medical School

The University of Edinburgh's School of Medicine is a broad structure with over 2500 undergraduate students, a hub for online postgraduate teaching and four world-leading research institutions. The University has a world-class reputation in Regenerative Medicine and Advanced Therapies, Health Informatics and Data Science, Neuroscience and Translational Medicine. The University has focused its activities in these key areas at BioQuarter where it has levered large-scale investment into new high-profile academic research centres including the MRC Centre for Regenerative Medicine, the Queen's Medical Research Institute and the Anne Rowling Regenerative Neurology Centre, all of which provide significant opportunity for commercial collaboration.

## 13.1 Continuing Partner Commitment

In addition to the Usher Institute, the BioQuarter partner organisations will continue to invest in academic and clinical infrastructure over the next few years which will see the pool of talent at BioQuarter increase.

Opening soon:

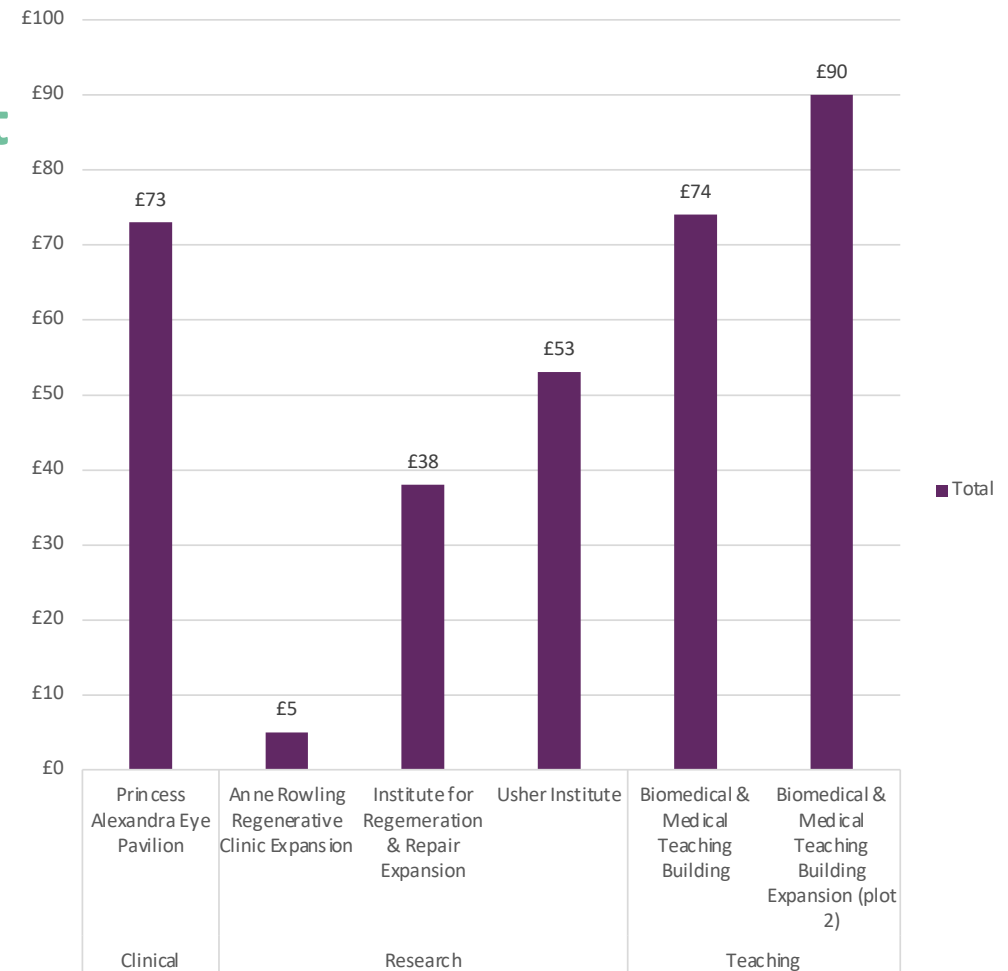
A new Centre for Tissue Repair; this will house the University of Edinburgh's Institute for Regeneration and Repair which will relocate to the heart of the BioQuarter, and, together with the existing Centre for Regenerative Medicine, will be home to the world's largest number of stem cell scientists on a single site.

Pipeline:

- A business case is being considered for a new Centre for Laboratory and Forensic Science within the Innovation District: a joint development housing a variety of complementary services provided by and for the NHS, City Council, University and Crown Office.
- The potential for a new Biomedical and Medical Teaching Building (University of Edinburgh): co-location of all the University's medical and biomedical teaching (over 2500 undergraduate students).
- The possibility for a new Princess Alexandra Eye Pavilion hospital (NHS Lothian): working closely with industry, the new state-of-the-art facility aims to drive a step-change in eye care processes, remote diagnosis and monitoring.

The proposals outlined above underpin the value of the opportunity and emphasise the importance of acting quickly to ensure that Edinburgh and Scotland exploit its potential to the full and do not lose out to other sites that are currently being developed.

BioQuarter Partners Potential Pipeline





## 14.0 Strategic Fit

As with all multi-headed partnerships, demonstrating to each organisation that the development of BioQuarter meets their own strategic priorities is crucial.

Organisation and Strategy	BioQuarter Contribution
<b>Scottish Government – Economic Strategy</b> <ul style="list-style-type: none"> <li>Innovation</li> <li>Inclusive Growth</li> <li>Investment</li> <li>Internationalisation</li> </ul> <p>Fair work, the climate crisis and productivity growth have emerged within the last year as being notable priorities. The SG Advisory Group on Economic Recovery (COVID-19) reported on 22 June 2020</p>	<ul style="list-style-type: none"> <li>Supports Innovation in businesses</li> <li>Builds on established links and historic investment between RIE, NHS, University of Edinburgh and BioQuarter (significant leverage)</li> <li>Significant potential contribution to productivity growth through the creation and attraction of high value businesses</li> <li>Creates high value jobs</li> <li>Stimulates internationalisation</li> <li>Health and Life Science firms more likely to export from formation of typical start-ups</li> <li>Health and Life Science firms attract investment</li> <li>Opportunity to link Health specialisms at Edinburgh BioQuarter with Data expertise elsewhere in Edinburgh</li> <li>Opportunity for COVID-19 response</li> <li>Possible opportunity for resilience enhancement</li> </ul>
<b>Scottish Government – Scotland Well-being</b> <p>Uses the 17 UN Sustainable Development Goals to focus on creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth.</p>	<ul style="list-style-type: none"> <li>Edinburgh Health Innovation District will be inclusive, bridging the gap between BioQuarter and surrounding communities.</li> <li>The Innovation District will facilitate the development of new health solutions that are likely to disproportionately benefit deprived communities as these tend to exhibit poorer health indices.</li> <li>The Innovation District will provide opportunities for good jobs for those in surrounding communities.</li> </ul>
<b>Edinburgh and S.E. Scotland City Region Deal</b> <ul style="list-style-type: none"> <li>Research, Development and Innovation</li> <li>Integrated Regional Employability and Skills</li> <li>Transport</li> <li>Culture</li> <li>Housing</li> </ul>	<ul style="list-style-type: none"> <li>Supports Innovation in businesses</li> <li>Strengthens triple helix engagements</li> <li>Develops established health ecosystem at BioQuarter</li> <li>Introduces dedicated skills enhancement and employability initiatives for local people</li> <li>Strengthens links to schools</li> <li>Makes a major contribution to Edinburgh's housing provision</li> <li>Supports sustainable community development in neighbouring areas</li> </ul>

Organisation and Strategy	BIOQUARTER Contribution
<b>Scottish Enterprise (Strategic Plan)</b> <ul style="list-style-type: none"> <li>Attract, create and protect quality jobs and talent that will support well-being across Scotland</li> <li>Drive research and innovation investment in businesses and sectors</li> <li>Stimulate capital investment in local, regional and national economies</li> <li>Give more businesses across Scotland the best chance to fill their potential</li> <li>Grow export value and the number of exporters.</li> <li>Respond to current demand for Life Sciences space in Scotland</li> </ul>	<ul style="list-style-type: none"> <li>Creates high value jobs</li> <li>Attracts investment to Edinburgh that is additional at the Scotland and UK levels</li> <li>Stimulates R&amp;D expenditure by firms</li> <li>Supports the growth of added-value health services</li> <li>Stimulate capital investment</li> <li>Leverages investment from public partners</li> <li>Potential to contribute to export performance</li> <li>Health and Life Science firms tend to export more</li> <li>Facilitate resilience against future COVID-19 type events through its unique applied research focus</li> <li>Lead to new health-data research collaborations and consequent product/service development</li> <li>Lead to enhancements in health service provision and personal well-being</li> <li>Attract talent</li> <li>Transition to low carbon economy also now an important driver for SE</li> </ul>
<b>University of Edinburgh</b> <ul style="list-style-type: none"> <li>People</li> <li>Research</li> <li>Assistance to take ideas forward /spin out</li> <li>Office and Lab Space</li> <li>Financial support</li> <li>Teaching and learning</li> <li>Social and Civic Responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Creates unique opportunities for significant skills enhancement and career development</li> <li>Link between Edinburgh BioQuarter -RIE-University, supported by partners, creates a globally recognised centre of applied research excellence in Health</li> <li>Facilities' access overcomes cost barriers for health and life science businesses spinning out and starting up</li> <li>Opportunity to link University's Health and Data expertise - valuable for e-Health research. Creates a dynamic new community</li> <li>Opportunities to link to City deal key workstream, of digital driven innovation via Usher Institute etc.</li> </ul>
<b>NHS Lothian (Strategic plan 2014-2024)</b> <ul style="list-style-type: none"> <li>Prioritise prevention, reduce inequalities and promote longer healthier lives for all</li> <li>Put in place robust systems to deliver the best model of integrated care for our population</li> <li>Ensure that care is evidence-based, incorporates best practice, fosters innovation and achieves safe, seamless and sustainable care pathways for patients</li> <li>Design our healthcare systems to reliably and efficiently deliver the right care at the right time in the most appropriate setting</li> </ul>	<p>The project will bring together specialist clinical care provision of the RIE with research expertise and laboratory facilities currently the BioQuarter.</p> <p>Will create a more dynamic innovation ecosystem by joining firms, health researchers and research expertise in complimentary areas (e.g. data) such that all of the healthcare resources operate together to produce new, innovative and societally relevant treatments.</p> <p>The Innovation District also offers a potential to engage local communities with specific health challenges in the development of new digital health services that incorporate the current health expertise of the BioQuarter with that of Edinburgh's data and software specialisms.</p>

## 15.0 Project Positioning

**As with all regeneration projects that are creating something new, seeking investment and attracting, creating, growing and retaining new and existing companies is fundamental. To achieve this, the public and private positioning of the project are essential.**

Moving forward, the reach of the Edinburgh Health Innovation District's activities will be much broader than the previous Life Sciences activities. The importance of data-led innovation and access to data is clear from the work of the Innovation Strategy Working Group and needs to be clear in the project positioning and marketing. Emphasis on health tech, digital health, specialist small scale manufacturing, wearables and advanced testing are also important. However, the Life Sciences industry profile in Scotland remains extremely strong as it amounts to nearly a quarter of Scotland's BERD (Business Enterprise Research & Development) and remains an important platform for BioQuarter.

The following apply to the Scottish Life Sciences sector:

- One of the largest life sciences clusters in Europe, Scotland is home to a range of multinationals and small and medium enterprises (SMEs) with a strong track record of creating and growing start-ups
- Outside of the "Golden Triangle" (East, South East and London), Scotland generated more start-ups than any other region in the UK between 2012 and 2016.
- A thriving entrepreneurial culture in its universities sees Scotland placed as the second most successful region in the UK for creating spin-outs

Scottish life sciences statistics (February 2020)

- 771 organisations - 675 companies and 96 educational/research institutions (2016)
- 39,900 employment - 1.5% of Scotland's total employment (2016)
- £2.4 billion GVA - 1.8% of Scotland's GVA (2016)
- £1.3 billion exports - 3.9% of Scotland's total international exports (2017)
- £293m R&D - 23.5% of Scotland's BERD (2017)



INNOVATION READY  
UNIFIED HEALTH SERVICE



VIBRANT, DIVERSE AND  
GROWING COMPANY BASE



SKILLED AND DYNAMIC  
WORKFORCE



ACCESS TO WORLD  
LEADING RESEARCH



NETWORKS, CONNECTIONS  
AND BUSINESS  
ENVIRONMENT



PROVEN TRACK RECORD OF  
INVENTION AND MEDICAL  
ADVANCES



SMALL DEVICE  
MANUFACTURING  
LOCATION



STRONG EVOLVING  
INVESTMENT  
ENVIRONMENT

## 16.0 Strategic Options Appraisal

During 2019, the BioQuarter Strategy Board discussed possible options for achieving its vision and maximising the impact of its Value Proposition. Please note that a formal options appraisal was not undertaken but the discussions captured at the Board meeting were detailed in the Strategic Business Case.

In the lead-up to the Outline Business Case, further discussions have been captured formally in the adjacent tables. Five principal options were considered:

- Do Nothing
- Do Minimum
- Partners Deliver the vision themselves
- Engage a private partner to form a partnership with the existing BioQuarter Partners to deliver the vision
- Sell site commercially

It can be seen that Option 4, Engage a Private Partner, is deemed to be the principal option to pursue. The Do Minimum option could also be pursued but its impact would be sub-optimal as it will not deliver the core of the vision.

- Four key criteria have been used to assess the options:
  - Contribution to vision – This criterion considers each of the options and their likelihood of delivering the project's vision
  - Deliverability and risk – these relate both to the likely challenges around delivering a complex project and the risks associated with it failing to meet its targets and achieve its vision
  - Financial sustainability and VFM – these relate to how financially sustainable the project is likely to be once any investment from the public sector is made and whether that investment is a good use of public sector funding
  - Acceptability to stakeholders – this is a Pass/Fail criterion. If any of the stakeholders/partners find an option unacceptable, it would be automatically excluded

	1. Do Nothing	2. Do Minimum	3. Partners deliver	4. Engage Private Partner	5. Sell Site Commercially
Contribution to vision	None	None/Low	Very High	Very High	None
Deliverability and Risk	None	Low	Medium/High	Medium/High	Low
Financial Sustainability and VFM	High	High	High	High	Low
Acceptability to Stakeholders (	Fail	Pass	Fail	Pass	Fail

Options	Description	Pros	Cons
1. Do Nothing	Stop current development	Risk, cost, investment free	Misses opportunity
2. Do Minimum	Continue current BIOQUARTER projects, then stop	Low risk, low cost	Misses opportunity
3. Partners Deliver	Partners fund and deliver the project to develop the site	Under control of the partners	Partners do not have the funds or the people resources available to implement the project
4. Engage Private Sector	Partners procure a private partner to deliver the full vision where the Partners lead on attracting the investment	BioQuarter Partners lead on their strengths Private partner expertise and experience in delivery of physical project and long- term operator	Higher risk (financial, construction etc) Active management input required for the Private Partner Procurement resource from partners required
5. Sell site	Site is sold for development	Low risk, low cost	Misses opportunity



## 17.0 Community Consultation

During summer 2020, a 'virtual' public consultation took place to seek feedback on our development plans as well as to help inform the BioQuarter community and local communities of our proposals. Over the period there were 2,122 unique views (typically these represent one person or household) of the consultation web page. Overall the feedback was positive.

18 public responses were submitted directly via the website to the consultation and an email response was submitted by Danderhall and District Community Council together with Millerhill Residents Group. A feedback form response was also submitted by Gilmerton and Inch Community Councils directly via the website. A full copy of the outputs is available upon request.

In summary, the feedback provided by Danderhall & District Community Council and Millerhill Residents Group indicates that the development of BioQuarter is supported in general, however the proposed housing provision raises some concerns regarding transport. Concerns have also been raised regarding potential visual amenity impacts and the impacts on nature, habitats, and wildlife.

Gilmerton and Inch Community Council is less supportive of housing at BioQuarter than the other mix of uses proposed, due to potential impacts on local services and the transport network. However, high density housing is preferred to low density. The Community Council supports improved transport connections to and from the site, including active travel and public transport; it also wished the principle of sustainability to be central to the development. The Community Council has also requested to be kept informed about emerging proposals and hope agreed plans can be relied upon.



# MANAGEMENT CASE

Page 185

This section of the Outline Business Case presents the management case. Its purpose is to:

**Short term:**

- Confirm the legal and management arrangements for EBQ3 Ltd
- Summarise the procurement strategy
- Outline the resource required for the procurement strategy

**Long term:**

- Outline the updated legal structure
- Outline the arrangements for land drawdown
- Note the ongoing work on State Aid and Sector Classification

## 22.0 Today's Governance and Management

The BioQuarter Strategy Board has held strategic ownership/stewardship of the overall BioQuarter partnership and programme since the Collaboration Agreement in 2017. The board meets every eight weeks, to provide high level advice and support. It is currently chaired by Paul Lawrence (Director of Place, City of Edinburgh Council).

A series of working groups have been established to assist with the workstreams for procurement. These are not fixed and will have to be flexible to support priorities.

In the short term a similar structure will continue with the addition of EBQ3 Ltd board were all procurement discussions will take place – see later section.

The long term structure will be determined during dialogue as it will depend on the bidders approach and business models. It assumed that the BioQuarter Strategy Board at this time will be disbanded and replaced with the Strategic Joint Venture Board.

Final structure will be included in the Final Business Case developed at the end of the procurement.

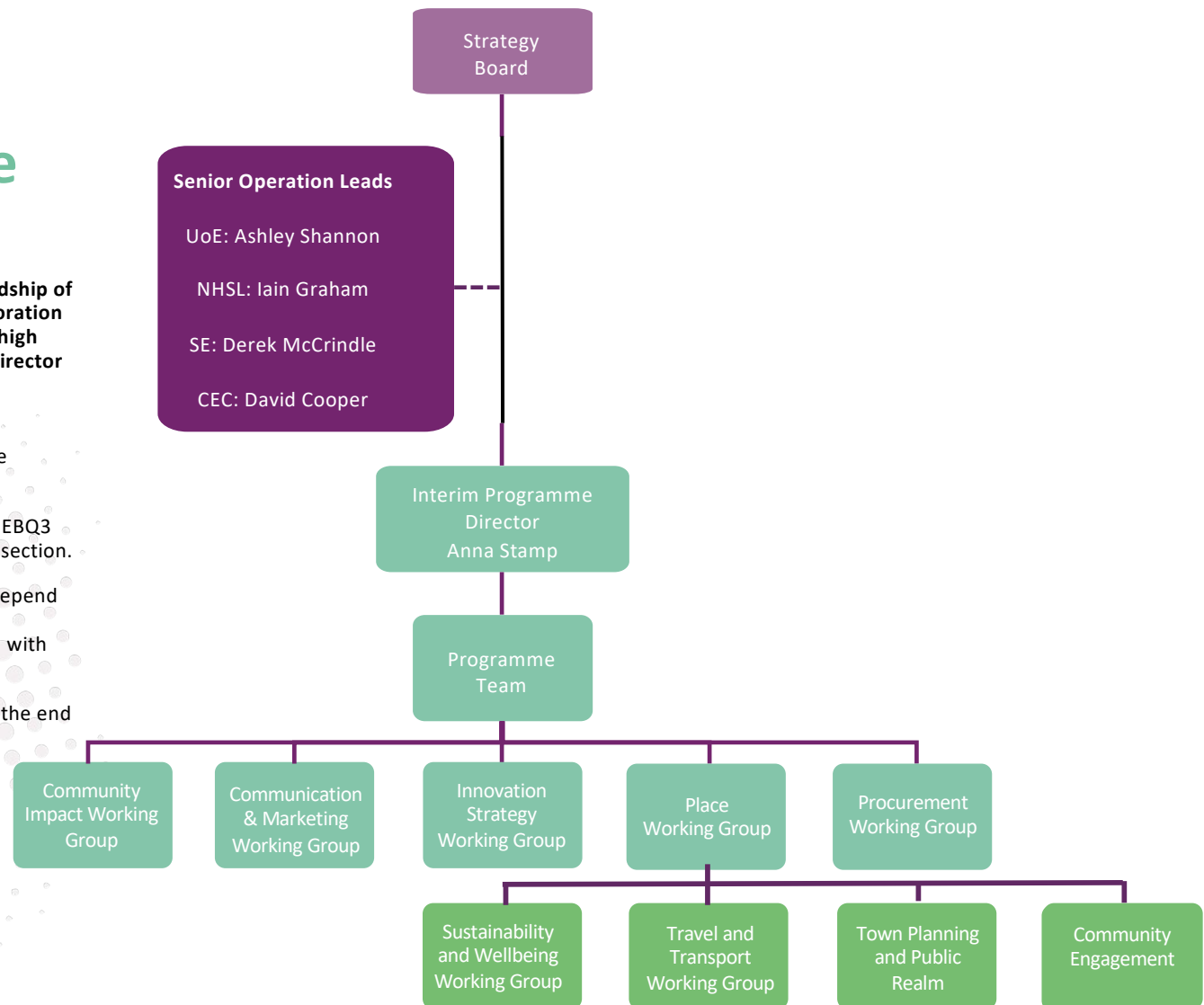


Diagram shows Aug 21 governance & management structure



## 23.0 Critical Path for next two years

During 2021 and 2022, a compliant procurement exercise will take place to procure a fifth partner and form Strategic Joint Venture. During this time, the management and legal structures of the BioQuarter will evolve into their final state as part of the public procurement process's competitive dialogue process. The adjacent diagram outlines the various steps that are required.

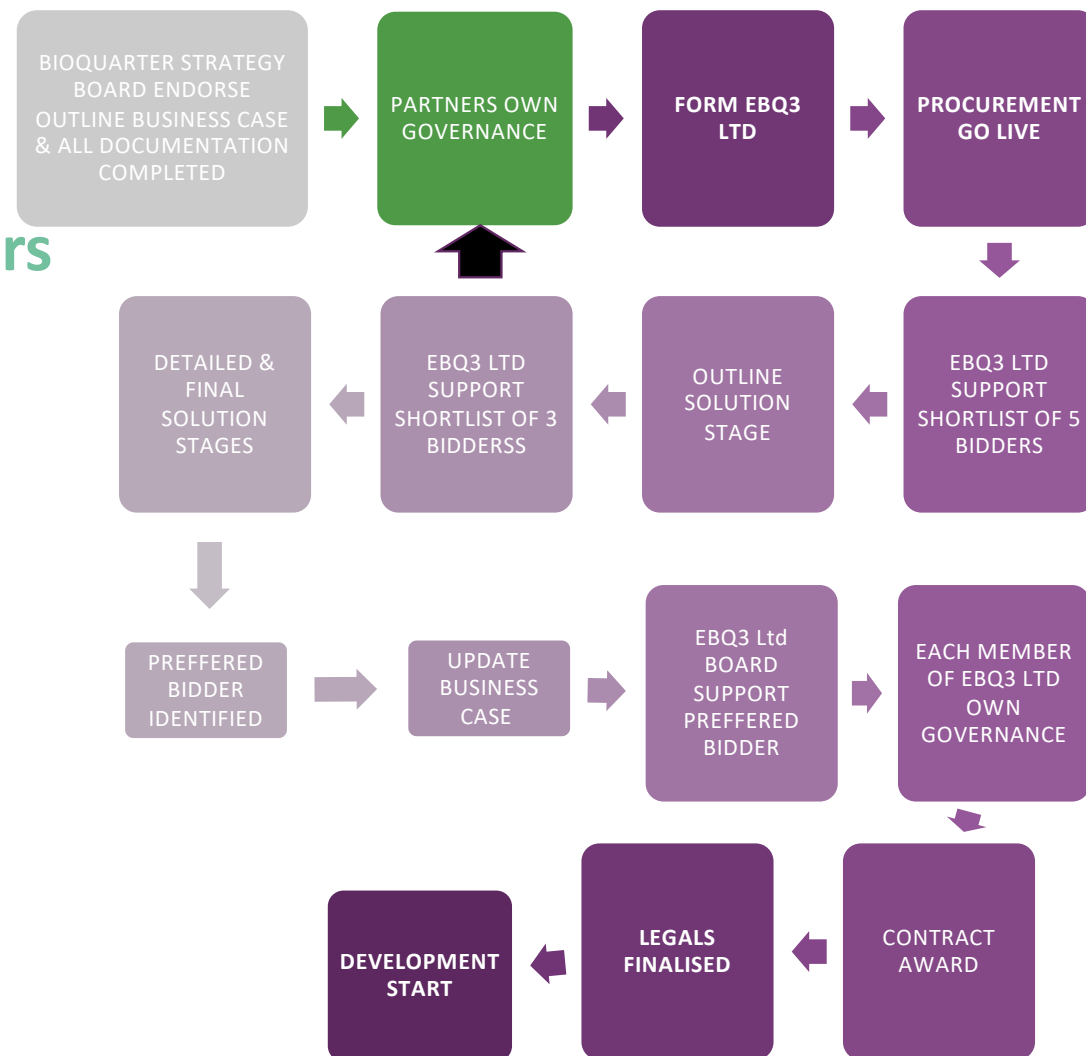


Diagram shows critical path steps over the next 2 years

STEP 1 – form EBQ3 Ltd

STEP 2 – undertake procurement exercise (see section 5.0)

STEP 3 – endorse preferred bidder and form Strategic Joint Venture (see section 7.0)

STEP 4 – development can start

STEP 5 – draw down land as phased development plans agreed

## 24.0 Primary Purpose and Wider Purpose

**As with all legal partnership agreements, the legal definition of both the objective itself and also the boundary upon which the objective is based are critical for decision making, governance and control.**

Two terms are used in the Outline Business Case - Management Case for this purpose:

**Primary Purpose** – this is a legal term which refers to the strategic purpose of the BioQuarter Partners in relation to the Primary Purpose Area (see boundary plan 3.1). The intention is to develop this area for the benefit of all stakeholders as a whole by enabling the development in accordance with the Control Documentation as scheduled in the Outline Business Case Introduction Section 2.1.

**Wider Purpose** - a second layer has been established, named the Wider Purpose. This refers to the strategic objective of the BioQuarter Partners for the Wider Purpose Area (see boundary plan 3.1). The Wider Purpose has been established as NHS Lothian is unable to have obligations set on its land, so cannot be bound by the Primary Purpose, but it is essential that the overall vision speaks to the full BioQuarter site, including the NHS Lothian land.

Both will be used for decision making. Collaboration Agreement 2.0 will include the concept of a Wider Purpose and Primary Purpose for BioQuarter. These will act as an agreed standard against which future decisions relating to BioQuarter generally can be tested.

The boundary for each area is different and can be seen in the boundary plan 3.1.

- The boundary of the primary and wider purpose areas are key, because of the diversity of the partners. The Primary Purpose shall apply in respect of the Primary Purpose Area and the Wider Purpose in respect of the Wider Purpose Area.

If a decision does not appear to all of the non-conflicted parties to the Collaboration Agreement 2.0 to be in line with the Primary Purpose, it will be capable of being challenged by them on that ground. That will then initiate an escalation process aimed at delivering a consensus, with the possibility of an independent third party being asked to opine on whether or not a decision is in line with the Primary Purpose. (A simple "yes" or "no" question, rather than asking for a commercial judgement to be made).

### Primary Purpose

This will be used to make decisions on the basis that an activity or use of a building/space does or does not comply with the Primary Purpose and can therefore go forward. As recommended by Pinsent Masons, legal advisers, a Primary Purpose can't be too wide, should be predominantly focused on uses for space rather than activities and should be clearly linked to the overarching principles which have or will be agreed for the whole of the site. For the Primary Purpose this will include the BioQuarter vision (as set out in this Outline Business Case: Strategic Case) and the BioQuarter Place Strategy.

### Wider Purpose

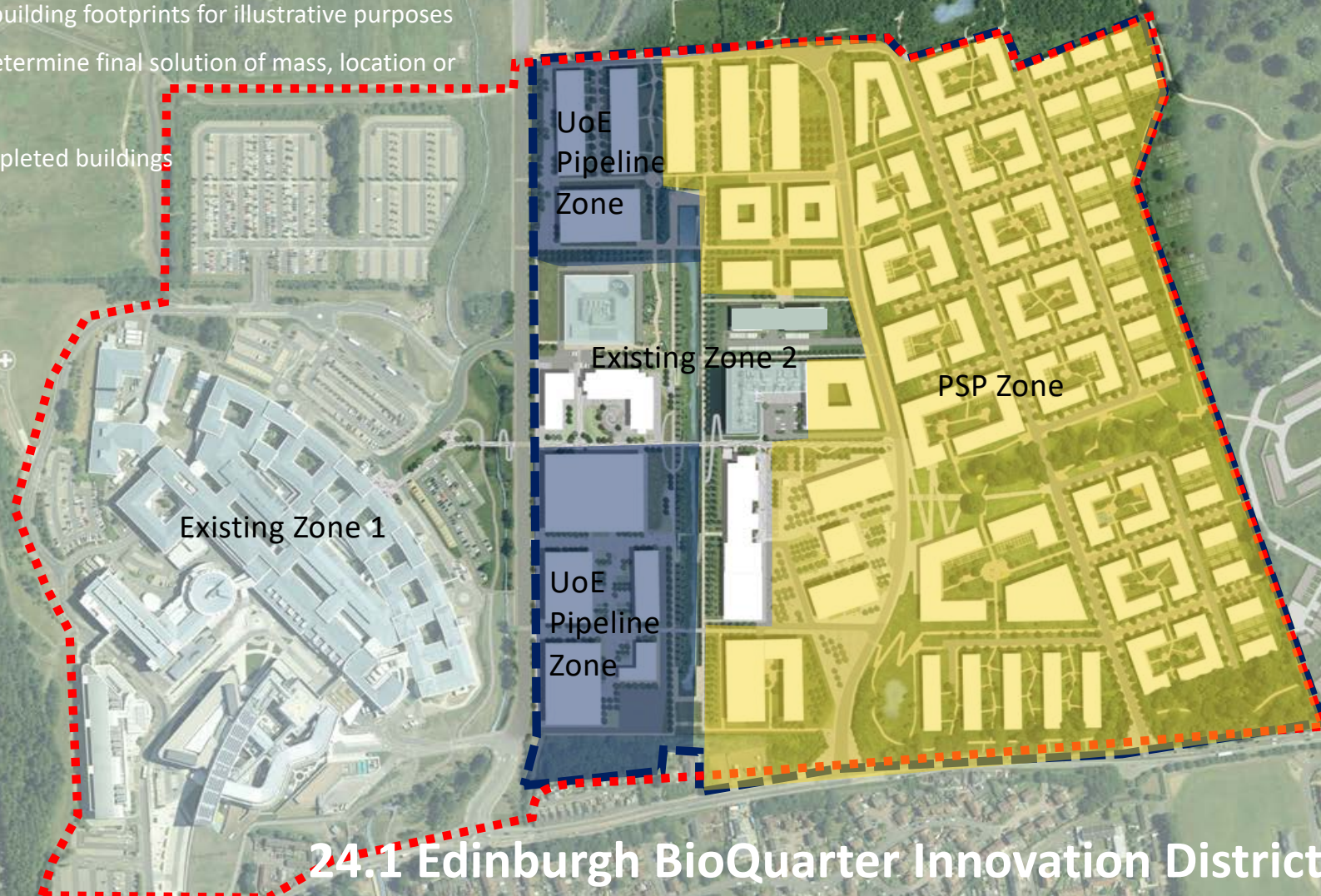
This will be used to ensure that the full BioQuarter site complies with the strategic vision and also the various design guidelines that exist e.g. BioQuarter Place Strategy (approval as above) and Signage Strategy (approved previously by all BioQuarter Partners).



## Key

- 1. Boundary of full/wider BioQuarter Innovation District
- 2. Boundary of primary purpose
- 3. Indicative building footprints for illustrative purposes and do not determine final solution of mass, location or shape
- 4. Actual completed buildings

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## 24.1 Edinburgh BioQuarter Innovation District Masterplan

## 24.2 Masterplan Space Determination

**A centre of excellence for -**

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**Health-related space & activity for:**

- innovation, collaboration, commercialisation/commercial innovation or support, teaching, academic research & technology, clinical trials, healthcare provision, data driven, small scale manufacturing & production, teaching & learning, mortuary services and industrial bio-tech

**And create a place where people want to be including:**

**• Ancillary space & activity for -**

- Commercial ancillary: sport, leisure, food, coffee, nursery, hotel & retail
- Non-commercial ancillary: primary school, pre-school, community healthcare (GP/dentist), wellbeing public outreach, arts and community skills
- Residential: a variety of residential units including affordable housing



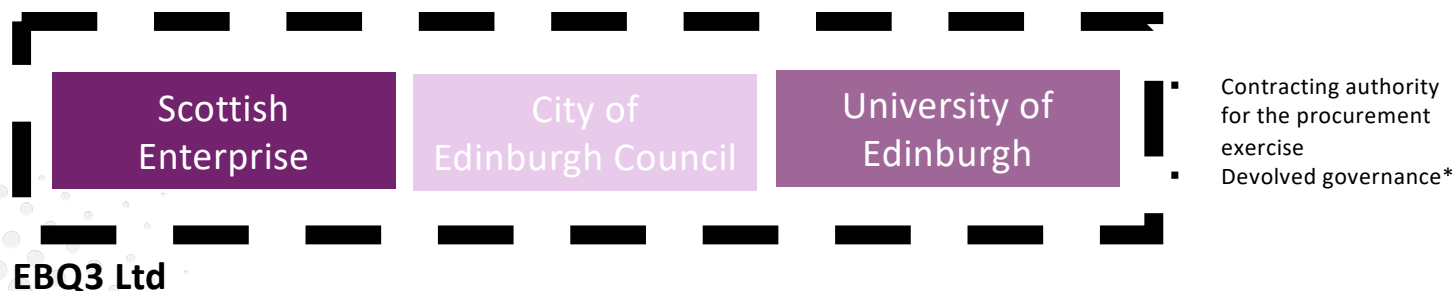
## 26.0 Implementation Step 1: EBQ3 Ltd

As the first step, it is intended that City of Edinburgh Council, Scottish Enterprise and University of Edinburgh form a new joint venture company limited by shares, named EBQ3 Ltd (prior to public procurement go-live).

The decision to form a joint venture was taken by the BioQuarter Strategy Board in recognition that the existing Collaboration Agreement between the four partners was not fit for purpose to formally engage with the private sector. This is because it does not contain governance provisions which are sufficiently sophisticated for the next stage of the project.

As part of the BioQuarter Strategic Case presented to the Strategy Board in November 2019 and again in January 2020, partners formally supported this approach and the joint venture was named EBQ4 Ltd. However in March 2020, NHS Lothian confirmed that NHS boards are legally prevented from entering into this type of arrangement if they are not predominately healthcare. As a result the name was changed to EBQ3 Ltd.

The detailed parameters for EBQ3 Ltd have been developed by the Partners' legal advisers, Pinsent Masons LLP, in conjunction with the partner organisations and included in the EBQ3 Ltd Shareholders Agreement.



## 26.1 Principles of EBQ3 Ltd Shareholders' Agreement

### The principles to note for EBQ3 Ltd prior to PSP:

- Shell company with only nominal equity (£1 each)
- Owned by CEC, SE and UoE in equal shares

Activities over the next 2 years is predominately overseeing procurement process

Contracting authority for the procurement exercise so there is a single entity to deal bidder-facing activities during procurement duration:

Projects consistent image and single voice

In line with commercial advice from C&W regarding market attractiveness of the opportunity

- 2 directors appointed by each shareholder to the board
- Limited decision making as no ability to spend money without agreement by partners organisation
- All decisions to be taken unanimously - level of delegated authority of the board members on behalf of their organisation to be determined by each organisation
- Procurement decisions - ahead of any approvals being sought from EBQ3 Ltd, partners own procurement directors will review associated documentation at key gateway stages
- Small annual budget required for accounts, audit etc.

- Any procurement challenge, liability will sit with EBQ3 Ltd and any other named contracting authorities
- Meetings to be kept to a minimum, with a purpose of Programme Team reporting on procurement exercise

## 26.2 Cont.

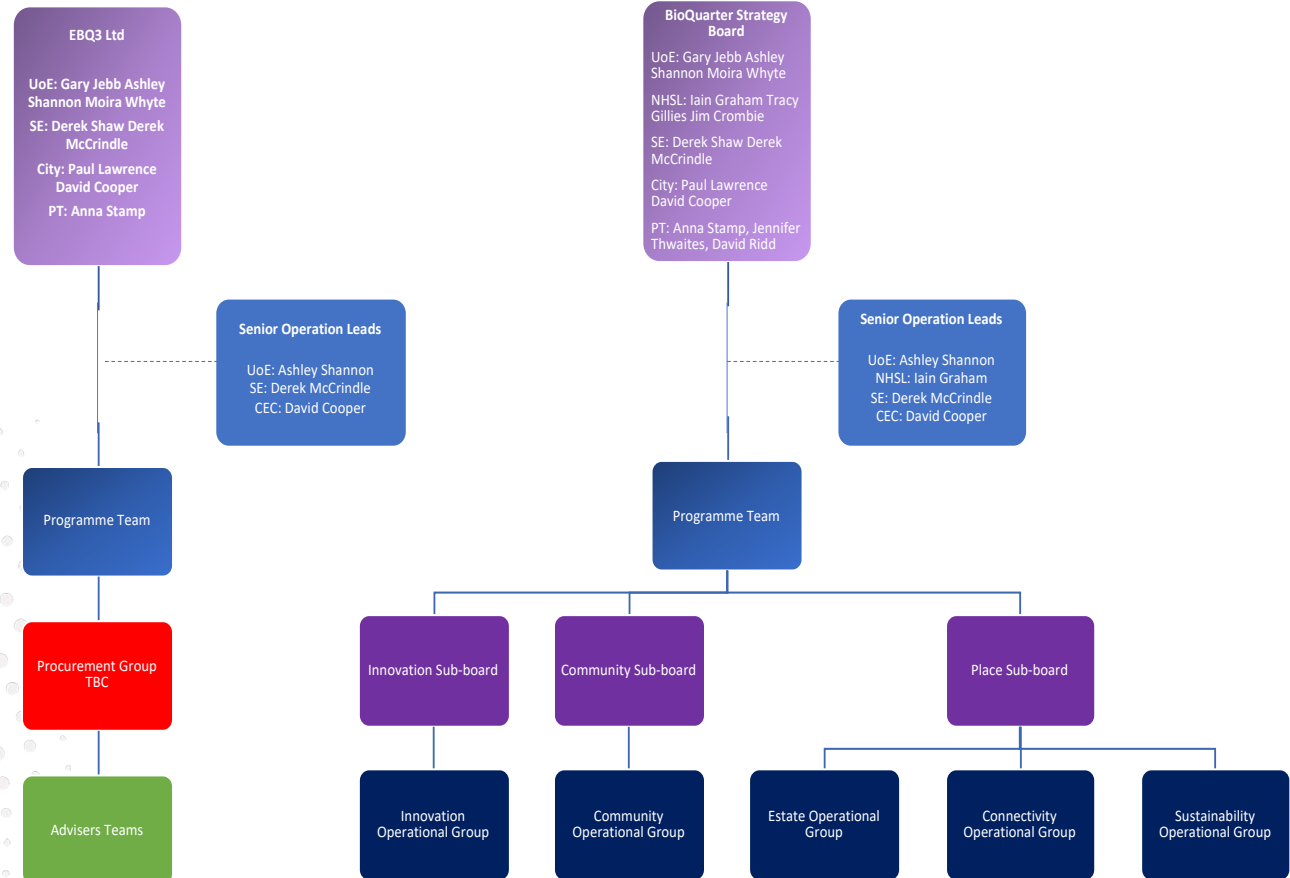
### The principles to note for EBQ3 once the PSP is in situ:

- Will continue in the same form as previous slide
- Has no end date unless specified termination event arises
- Long term its purpose is to act as the “guardian” of the “Primary Purpose” in respect of the Primary Purpose Area (e.g., all land south of Little France Drive) on behalf of the BioQuarter strategic joint venture
- EBQ3 Ltd is a constant party to any objection
- Whether to object or not is a decision for non-conflicted partners and it will be EBQ3 Ltd.'s job to raise and manage any objection process (effectively the non-conflicted EBQ3 Ltd Directors will do it).
- Deciding whether to object or not will be governed by the BioQuarter Strategic JV Agreement.
- A simple “yes/no” question asked of an expert
- Not substituting expert’s judgement for commercial judgements of the parties
- In practice that means an objection can be raised if:
  - PSP/SE/CEC object to a proposal by UoE to develop the UoE land; or
  - CEC/UoE object to a proposal by SE and/or the PSP to develop the JV Land Zones
- If they think such proposal is not in accordance with the primary Purpose, the detail of which is set out in the BioQuarter Strategic JV.
- Each organisation can also object on their own.

## 27.4 Short Term Management Structure for EBQ3 Ltd and Strategy Board during procurement

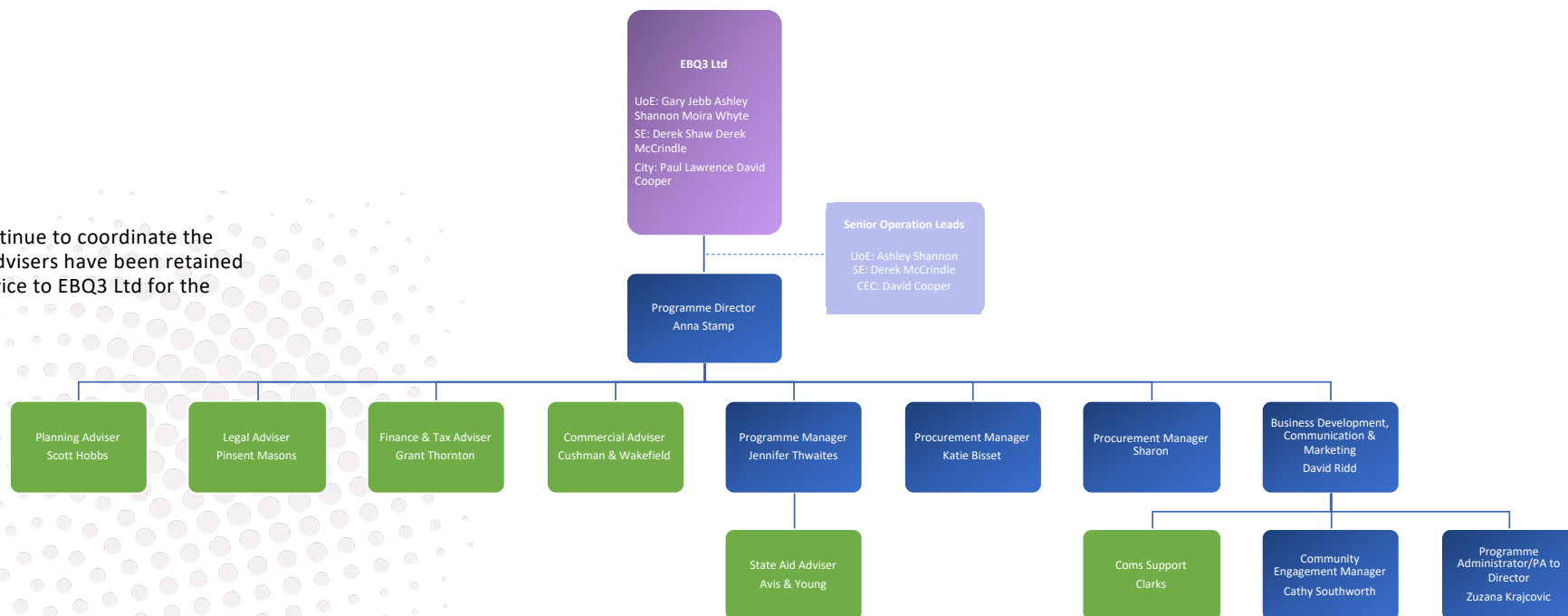
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In the short term, governance will remain largely as currently, with a EBQ3 Ltd Board being formed for the procurement to report to and the BioQuarter Strategic Joint Venture board replacing the existing BioQuarter Strategy Board. Although board membership have not been agreed; however it is essential that this continues with similar strategic senior involvement and input to the current BioQuarter Strategy Board. Some matters will require the BioQuarter Partners' own governance approval e.g. changes in resource and final approval of preferred bidder.



## Cont

The Programme Team will continue to coordinate the procurement exercise and 4 advisers have been retained to ensure special technical advice to EBQ3 Ltd for the procurement exercise.



## 33.0 Risk Management

A project risk register has been developed and is being maintained with input from all partners and advisers. This risk register is currently focused on the procurement exercise. The top risks identified at this stage in the project are listed below. The detailed project risk register can be accessed on request and will continue to be updated. A longer-term project risk register will be developed in due course.

Only those risks with a current risk rating of "High" have been included.

1. **Procurement** - The public procurement exercise is not aligned with the investor market and the procurement exercise is too onerous for the market to take on board at this time. Impact of this is low numbers or bidders dropping out. Mitigation is through ongoing review by Commercial Advisers with the procurement strategy and conflict between public procurement process and commercially aligned process being escalated to the Strategy Board.
2. **Funding** - Inability to secure third party funding to the necessary timeline. Impact of this is delay to the 2<sup>nd</sup> procurement stage or market failure. Mitigation is to commence discussions with Scottish Government.
3. **Recession** - Economic recession and changing market conditions due to Covid 19. Impact of this is no bidders. Mitigation is to keep monitoring the market.
4. **BioQuarter strategic joint venture** - legal arrangements for BioQuarter strategic joint venture become so overcomplicated that it puts off the market. Impact of this is low numbers of bidders or they drop out mid process. Mitigation is to keep it as simple as possible.
5. **EBQ3** - Partners are unable to reach agreement on the terms of the EBQ3 collaboration agreement. Impact of this is delay to procurement go-live. Mitigation is access to Strategy Board membership for escalation.



# ECONOMIC CASE

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This section of the Outline Business Case presents the Economic Case. Its purpose is to set out:

- The potential high-level economic impacts associated with the proposed development

## 36.0 Background

**In October 2020, streets-uk and Stantec completed an economic and social impact assessment of the proposed Edinburgh BioQuarter development. The assessment was informed by an extensive consultation exercise completed in June and July 2020. It comprised:**

**a high-level economic impact assessment of the proposed BioQuarter development which sets out the anticipated number of jobs, GVA and the range and significance of qualitative benefits; and**

**a set of proposed social and community impact principles that the BioQuarter Partners and successful private sector development partner may wish to adopt in the BioQuarter development.**

The full report can be seen at Appendix B.

For cross-referencing purposes, the term Phase 1 has been used in the report by the consultants. This Phase 1 includes the BioQuarter Partners' pipeline projects and the private sector partner development Zones 1A, and 2A; Phase 2 includes the private sector development zones 1B and 2B.

BioQuarter has the potential to deliver economic and social benefits at national, city region and local community levels in: health innovation; healthcare and well-being; research development, innovation and commercialisation; internationalisation; employment; and education.

In addition, the proposals align with the Scottish Government's Economic Strategy and National Performance Framework, delivering a greener, fairer and more equal society. Of specific current relevance is the role the development can play in supporting the Scottish Government's Economic Recovery Implementation Plan, launched in August 2020, which outlines the route towards a jobs-focussed and socially just economic recovery in the aftermath of COVID.

The BioQuarter proposals will also play a significant role in delivering on City Region strategic ambitions, playing a key role in the Edinburgh and South East Scotland (ESES) City Region Deal, as well as on a locality level, meeting many of the local economic and well-being aspirations of both the North East and South East Edinburgh Locality Improvement Plans.

The regenerative ambitions of BioQuarter also align with the strategic ambitions of the four partners, all of which have been brought into even sharper focus by the economic and social implications of the COVID pandemic.

## 37.0 Residential Community Numbers

On completion of Phase 1, the site will support a community of c. 1,200 residents, rising to c. 4,700 residents by completion of the full development.

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**A sustainable mixed-use  
community of c. 1,200 residents on  
completion of Phase 1**



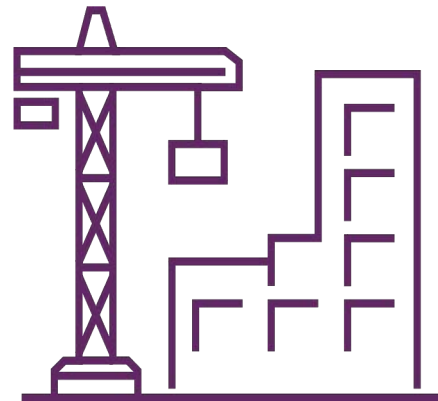
**A mix of commercial, research, health,  
retail, leisure and hospitality  
development on completion, with a  
community of c. 4700 residents by the  
end of phase 2**

## 38.0 Construction Impacts

By the end of phase 2, BioQuarter is expected to receive close to £550 million (discounted) of capital investment, supporting 4,310 gross PYE job years in construction, and contributing £270 million to Scottish gross cumulative discounted construction impact to Scottish GVA.



**£550m investment  
supporting  
4,310 construction jobs**



**Generating £270m in  
cumulative construction  
sector GVA**

## 39.0 Operational Impacts

By the time phase 2 is fully occupied, it is expected to employ 20,850 people, 12,970 of whom will be additional to the Scottish labour force. It is also expected to contribute £510 million (net, undiscounted) to Scottish GVA annually.



**Health innovation district  
employing 20,850 people**



**A national economic driver, generating £510  
million (net, undiscounted) in gross value  
added every year**



END

## The City of Edinburgh Council

10.00am, Thursday, 28 October 2021

### Edinburgh International Conference Centre hotel and hotel school – final business case

Executive/routine Wards Council Commitments	Executive 11 – City Centre <a href="#">2, 31</a>
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#### 1. Recommendations

- 1.1 It is recommended that the City of Edinburgh Council:
  - 1.1.1 Agrees the final business case for the Edinburgh International Conference Centre (EICC) hotel and hotel school project (provided in Appendix 1);
  - 1.1.2 Agrees that the Council proceed with the EICC hotel and hotel school project on the terms set out in this report and the final business case;
  - 1.1.3 Notes that delegated authority would be granted to the Chief Executive (or any such other officer as they shall sub-delegate to) to proceed with the Agreement for Head Lease, the Agreement for Sub Lease, and any other agreements and actions required to commence the project;
  - 1.1.4 Notes that the Strategic Delivery Agreement (SDA) which would be entered into between the Council and EICC (as referenced in the final business case) is now provided at detailed Heads of Terms stage and that this will be reported to Housing, Homelessness and Fair Work Committee for consideration once developed into a full SDA covering both hotel and conference activities in January 2022; and
  - 1.1.5 Notes that EICC will submit, as part of the SDA, changes to it's governance and board composition in order to deliver this project and it's wider portfolio of business.

**Paul Lawrence**, Executive Director of Place

Contact: David Cooper, Commercial Development and Investment Manager

E-mail: [david.cooper@edinburgh.gov.uk](mailto:david.cooper@edinburgh.gov.uk) | Tel: 0131 529 6233

## Edinburgh International Conference Centre hotel and hotel school – final business case

### 2. Executive Summary

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- 2.1 This report introduces a final business case for the Council entering into a 25-year head lease on a 349-bedroom hotel that is being developed at Haymarket Edinburgh by Quartermile Developments Limited for The Prudential Assurance Company Limited. The Council will in turn sub lease the hotel to Edinburgh International Conference Centre Limited (“EICC Ltd”), who will operate the hotel under a Franchise Agreement with the hotel brand Hyatt. The EICC will also operate a hotel school based in the hotel in partnership with Edinburgh College providing a unique training facility for students.
- 2.2 The profits from the hotel will in the first instance be used to fund the required capital investment in the Conference Centre. There is not expected to be any call on Council capital or revenue budgets and the Council will not take on any risk associated with the construction of the hotel.
- 2.3 A business case for the project was approved by the Finance and Resources Committee (and, subsequently, the City of Edinburgh Council) in March 2020, immediately prior to the rapid escalation of the COVID-19 outbreak in the UK. Since March 2020, officers have continued to develop the project and have now prepared a final business case as the negotiations with parties are largely complete and the Council will need to sign contracts over the coming weeks.
- 2.4 The final business case provides an updated position that reflects any changes in circumstances and the outcomes of the negotiations that have taken place. The business case’s findings are that the project continues to be viable and worthy of support and notes that additional benefits have been secured since March 2020. Importantly, discussions in relation to the proposed hotel school are now at an advanced stage and this element of the project is now likely to proceed, which will deliver much needed skills and training and ultimately employment opportunities for young people in the city.
- 2.5 The Council is now requested to approve the final business case, noting that the necessary authority would be delegated to the Chief Executive to enter into all agreements and take all actions required to deliver the project as per the original approval.



### 3. Background

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- 3.1 The Edinburgh International Conference Centre (“the Conference Centre”) is operated by EICC Ltd, a subsidiary of CEC Holdings Limited, which is a Council arm’s length company.
- 3.2 EICC Ltd forecasts that, over the 21-year period from January 2018 to December 2038, significant capital expenditure on the Conference Centre will be required. EICC Ltd’s operating surpluses are not forecast to be sufficient to meet this expenditure. A fund exists for investment in the Conference Centre, the Lothian Road Income Trust, but this is only capitalised with £2.2m. In June 2018, Housing and Economy Committee instructed officers to identify potential solutions to the capital funding challenge.
- 3.3 Council officers together with EICC Ltd officers identified a potential solution as being to secure (by lease or purchase) additional property with income-generation potential. Subsequently, the potential for the Council to lease a hotel which will be sub-let to EICC Ltd was explored. In spring 2019, the property developer Quartermile Developments Limited approached the Council with an opportunity for the Council to take a leasehold interest in a hotel being delivered at Haymarket Edinburgh, a brownfield development site on Morrison Street. It is important to note that the development will proceed regardless of whether the Council is involved – the Council is not itself developing a hotel, or financing the development of one, or enabling an otherwise unviable hotel to be developed via its involvement. However, the Council’s involvement is driving betterment of what would otherwise happen, for example by significantly boosting the carbon performance of the hotel building.
- 3.4 In October 2019, Finance and Resources Committee agreed the principle of the Council securing an interest in a hotel at Haymarket Edinburgh as a means of funding capital expenditure in the Conference Centre and instructed officers to carry out due diligence on the proposal. Officers subsequently developed a proposal, with elected members being given access to briefings and a data room in early-2020 to help inform them.
- 3.5 On [5 March 2020](#), a business case for the Council entering into a 25-year head lease on a hotel of around 365 bedrooms being developed at Haymarket Edinburgh by Quartermile Developments Limited and sub leasing the hotel to EICC Ltd to operate was presented to Finance and Resources Committee. The Committee agreed in principle to the Council proceeding with the project and referred the report to the City of Edinburgh Council to approve. The City of Edinburgh Council subsequently approved the report on [12 March 2020](#). Authority was delegated to the Chief Executive to enter into all agreements required to deliver the project including the Agreement for Head Lease and Agreement for Sub Lease.

#### **Project Status**

- 3.6 Following the decisions by Finance and Resources Committee and the City of Edinburgh Council in March 2020, officers began work to deliver the project.
- 3.7 During March 2020, the COVID-19 virus situation in the UK rapidly escalated.

- 3.8 In May 2020, in view of the potential detrimental impact of COVID-19 on the project, officers prepared a “gateway review” of the project for consideration by the Council’s Corporate Leadership Team. The key findings of the review were:
- 3.8.1 COVID-19 had had an extremely significant adverse impact on the city’s tourism sector, with occupancy and revenue per available room both believed to have fallen by more than the 20% figure below which the net present value of the project became negative, meaning that – at the time when the review was undertaken – the project was not viable;
  - 3.8.2 The Office for National Statistics and Office for Budget Responsibility forecast that the UK economy would contract by 12.8% in 2020 but grow by 17.9% in 2021 and resume its previously forecast growth trajectory from 2022;
  - 3.8.3 Consultancies generally predicted that the hotel market would recover by the end of 2021, caveated upon the absence of a second wave/second lockdown;
  - 3.8.4 The net present value of the project remained positive in two “downside” scenarios modelled by the Council’s Finance service;
  - 3.8.5 In the downside scenarios, the reserves of EICC Ltd and the Lothian Road Income Trust would be inadequate to meet shortfalls in the early years of the project, albeit this could be mitigated by deferring some capital expenditure; and
  - 3.8.6 Eight of the 15 key risks identified in the project’s risk register had been significantly exacerbated by COVID-19.
- 3.9 In December 2020, the Council commissioned Christie & Co to undertake an independent review of the project business case. Christie & Co recommended that financial projections be updated as recovery scenarios were judged to be “*likely to stretch into and beyond the estimated opening date of the proposed hotel*”. Christie & Co also noted that the net present value discount rate might have changed and suggested that the occupancy and average daily rate for the initial years were potentially overly optimistic given the impact of COVID-19; the longer-term stabilised occupancy rate was, however, still regarded as reasonable.
- 3.10 In April 2021, a second gateway review of the project was presented to the Corporate Leadership Team. The key findings of the review were:
- 3.10.1 Occupancy and revenue per available room in Edinburgh both fell sharply in 2020. Occupancy fell from 79.8% in July 2019 to 40.3% in July 2020, while RevPAR fell from £77.37 to £28.32 – reductions of 49.5% and 63.4% respectively, far greater than the 20% reduction modelled in the business case;
  - 3.10.2 Updated forecasts for the UK economy published by the Office for National Statistics and Office for Budget Responsibility in November 2020 suggested that, in the central scenario, the UK economy would return to its pre-COVID-19 (i.e. Q4 2019) size in Q4 2022. The upside scenario predicted Q4 2021;

the downside scenario predicted Q4 2024 (but with the economy reaching 95% of its former size by Q4 2022);

- 3.10.3 The consultancy PwC predicted in October 2020 that revenue per available room in UK cities (including Edinburgh) would return to 2019 levels in 2023;
- 3.10.4 Negotiations with Quartermile Developments Limited and other key parties ongoing since March 2020 had resulted in a slightly improved proposition for the Council (as set out in the final business case);
- 3.10.5 EICC Ltd sustained an operating loss of £0.8m in the year ending 31 December 2020, with an overall loss of £1.7m, however, an operating profit of £0.25m is now forecast for the year ending 31 December 2021. EICC Ltd's cash reserves remain robust. EICC Ltd expect the domestic conference market to begin to recover from mid-2021 and the international conference market from 2022; and
- 3.10.6 Further downside modelling was carried out, this time based upon the tourism sector taking longer to recover than the UK economy overall. The project's net present value remained positive in this scenario. Due to improved commercial terms, the shortfalls in the early years of the project could now be met from a combination of EICC Ltd's reserves and the Lothian Road Income Trust even in the downside scenario.

## **4. Main report**

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- 4.1 Negotiations with the various organisations involved in the delivery of the project have advanced considerably since March 2020. Summary updates on each of the key commercial relationships are set out below:
  - 4.1.1 The Agreement for Head Lease between The Prudential Assurance Company Limited and the Council is essentially complete and ready for signing. As set out in the final business case, the terms of the head lease have materially improved. Work has been carried out to help ensure the Council entering into the agreement with The Prudential Assurance Company Limited complies with all relevant regulations around procurement and state aid;
  - 4.1.2 The Agreement for Sub Lease between the Council and EICC Ltd effectively mirrors the agreement for head lease and so is also essentially complete;
  - 4.1.3 The Franchise Agreement between EICC Ltd and Hyatt is at an advanced stage and, as set out in the final business case, the financial terms have also been improved. There are several outstanding commercial points which at the time of writing EICC Ltd was in the process of agreeing with Hyatt, with a view to Hyatt formally approving the Franchise Agreement in October 2021;
  - 4.1.4 The Head Leaseholder Agreement between Hyatt and the Council – which principally sets out the obligations upon each party in the event that the Council replaces EICC Ltd as operator of the hotel – has been agreed in

principle by both parties, with a view to Hyatt formally approving it in October 2021;

4.1.5 The Strategic Delivery Agreement between the Council and EICC Ltd setting out the Council's expectations and requirements of EICC Ltd vis-a-vis the hotel and hotel school is at detailed heads of terms draft stage and has been agreed in principle by the EICC Ltd Board; it will be reported to Housing, Homelessness and Fair Work Committee in January 2022 for approval. Further information is set out at 4.17; and

4.1.6 EICC Ltd has held extensive discussions with Edinburgh College around the operation of the hotel school and planning for this is now well advanced. The hotel school will be a long term arrangement that will provide excellent training opportunities for young people and importantly in the current climate will help to provide much needed talent to support the hospitality industry in Edinburgh. A business case on this aspect of the project is currently under consideration by the Scottish Government.

4.2 As a result of halts to non-essential construction work ordered in response to COVID-19, the expected practical completion date of the hotel (when the lease would come into effect) has been delayed to Quarter 3 in 2024. This revised programme has been factored into the final business case.

#### **Final business case**

4.3 This report introduces a final business case (prepared using the HM Treasury "five case" model) for the Council entering into a 25-year lease on a hotel of 349 bedrooms<sup>1</sup> (the largest in Edinburgh) that is being developed at Haymarket Edinburgh by Quartermile on behalf of the owner and eventual landlord, The Prudential Assurance Company Limited. The Council will in turn sub lease the hotel to EICC Ltd, who will operate the hotel under a Franchise Agreement with Hyatt. The profits from the hotel will be used to help fund the required capital investment in the Conference Centre identified above. EICC Ltd will also operate a hotel school based in the hotel in partnership with Edinburgh College.

4.4 The final business case is broadly identical in structure to the business case presented to Committee in March 2020 but has been updated and refined to reflect the outcomes of the negotiations that have been carried out since then as well as the more detailed proposals for how the project will be delivered and the impact and implications of the COVID-19 pandemic. It continues to make a strong case for supporting the project and finds that, while the risk profile has changed and some additional costs have arisen, additional benefits have also been secured including additional restaurant and bar space (at no additional cost) and an improvement in the energy performance from a 'D' rating to a 'C' allowing the hotel to be heated without the use of gas, as well as financial benefits as outlined in the business case.

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<sup>1</sup> The number of bedrooms has reduced slightly due to amendments to the hotel design requested by EICC Ltd in order to enhance the food and drink offering of the hotel.

Importantly, it is still projected that there will be no call on Council for financial contribution to the hotel.

- 4.5 The final business case is to be considered as a private item given the commercially sensitive information it contains. It has been prepared by Council officers with input and oversight from EICC and from specialist hotel consultants.
- 4.6 The Strategic Case chapter of the business case sets out the strategic rationale for proceeding with the project. The project aims to deliver six key benefits for the Council and for Edinburgh more widely: funding capital expenditure on the Conference Centre; generating an additional return on investment (profit); making EICC Ltd financially self-sufficient; enhancing the skills of tourism sector workers; contributing to the strategic development of Haymarket Edinburgh; and attracting additional visitor expenditure to Edinburgh. The project will contribute to the fulfilment of five outcomes set out in the Council's Business Plan and multiple strategic aims, including the Edinburgh Economy Strategy, Edinburgh Tourism Strategy, and the 2030 net zero carbon target, for example by creating over 200 new jobs paying at least the Real Living Wage (making it an exemplar for well-paid, fair work) and reducing the expected carbon emissions of the proposed hotel. The activities of EICC added £720m to the economy of Edinburgh in the year ending 31 December 2019; the project will enable this impact to be increased.
- 4.7 The Economic Case chapter of the business case sets out the two options for delivering the project that were considered (along with the "do nothing" option) and the net present value and wider benefits of each, concluding that a Franchise Agreement delivers the best value, with a positive net present value. Sensitivity analysis shows that the projected net present value remains positive under adverse market conditions up to a simultaneous decline in occupancy and room rate of 20%. The Economic Case chapter also sets out that Haymarket Edinburgh was judged to be the only available location for the hotel fulfilling the requirements of close proximity to the Conference Centre, capacity of 350–400 bedrooms, and the ability to generate required profits in the required timeframe.
- 4.8 The Financial Case chapter of the business case models the costs and income of the hotel, including maintaining a reserve to cover lifecycle expenditure on the hotel. Costs during the pre-opening phase of the hotel (such as construction management, staff recruitment and the purchase of hotel supplies) will be met from EICC Ltd's cash balances, which will subsequently be replenished once the hotel is operational. In its first year of trading the hotel is projected to generate sufficient revenue to, when combined with key money received from the franchisor<sup>2</sup>, enable the hotel to meet projected running costs, pay taxes due, and to reinstate EICC Ltd's cash balances. In the longer-term, as revenues reach stabilisation, the projected profits will enable the capital expenditure requirements of the Conference Centre to be met in full and to build up a contingency reserve. Surpluses beyond this will be available for redistribution to the Council and, upon agreement,

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<sup>2</sup> Key money refers to an upfront payment made by a hotel brand as a financial inducement to secure a franchise / management agreement. This payment is returnable should EICC Ltd cease to comply with the terms of the agreement.

reinvestment in EICC Ltd. The hotel will remain profitable in most forecast scenarios albeit it could not sustain a deep prolonged fall in demand. There is not expected to be any call on Council capital or revenue budgets for the duration of the project. Instead, the projections are that the EICC will become fully financially self-sustaining and that dividends could be paid to the Council in future years.

- 4.9 The Commercial Case chapter of the business case sets out how commercial relationships will be established in a manner that secures best value and at the same time ensures compliance with relevant legal and regulatory rules, including procurement rules. The Council will directly enter into a head lease agreement for the hotel to be developed, with the hotel being leased to the Council when construction is complete. The Council entering into such an arrangement is permitted under the relevant regulations, and commercially the only option, on the basis that Haymarket Edinburgh is the only possible site meeting the requirements of the Council and EICC Ltd: (i) close proximity to the Conference Centre, (ii) a capacity of 350–400 bedrooms, and (iii) the ability to generate the required profits within the required timeframe. This approach has been subject to independent assessment by the Council's external legal and property advisers. The sub lease of the hotel to EICC Ltd will be on market terms mirroring those of the head lease entered into by the Council. EICC Ltd will then operate the hotel under a Franchise Agreement with the hotel brand Hyatt, which was identified as the preferred franchise partner selected following an extensive selection process. The Commercial Case has been revised and updated to reflect actual and pending regulatory changes in the wake of the UK's departure from the European Union.
- 4.10 The Management Case chapter of the business case sets out how the project will be governed and managed. From the Council's perspective, the core relationship of the project is that between the Council and EICC Ltd, and this will be controlled by three key documents: the EICC Ltd shareholders' agreement, the sub lease, and a new Strategic Delivery Agreement between the Council and EICC Ltd. A programme and risk register have been prepared. A framework has been developed for the management of the development of the hotel, for health and safety management, and for remedial actions in the case of construction insolvency, along with cost, risk, stakeholder, communications, environmental, and benefits management. EICC Ltd has set out how the hotel and the hotel school will be structured and operated.
- 4.11 The business case concludes that the project aligns with the Council's strategic aims; that the project secures best value and represents the best of the options available; that the project is affordable and fundable; that the project is commercially viable and can be procured in line with relevant regulations; and that the Council and EICC Ltd can successfully deliver the project.

#### **Strategic Delivery Agreement (SDA)**

- 4.12 An SDA is now at a detailed heads of terms draft stage and has been agreed in principle by the EICC Ltd Board but this currently only covers the hotel element of the overall EICC business. These provisions for the hotel are considered by officers to be suitably robust reflecting the fact that the Council is also the majority

shareholder of the company. This will be developed into a full SDA covering the overall business of the EICC (conference and hotel) The detail of this will be reported to Housing, Homelessness and Fair Work Committee for agreement in January 2022. Thereafter the matter will be reported back to Council for final agreement including any adjustments to the Shareholders Agreement. It should be noted that the Council may in due course want to consider the make-up of the board given the growing remit of the company.

- 4.13 Given that the Council has control of EICC Ltd, it is acceptable for this process to continue after the Franchise Agreement, hotel leases and other necessary agreements have been signed as this is solely an internal matter for the Council and EICC Ltd to agree and does not impact upon commercial relationships with third parties, nor will it delay the project.
- 4.14 Given the widening of operations that this project represents, and for good governance purposes, it has been agreed at a recent EICC Board meeting that the overall structure of the Board including the formation of various committees is to be reviewed with a view to producing remits and standing orders for each of the committees that are set up. This work should also include the remit and number of independent non-Executive Directors required for the future and these matters will also be included in the SDA.

## **5. Next Steps**

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- 5.1 Subject to approval by full Council, the Council will enter into the Agreement for Head Lease with The Prudential Assurance Company Limited, the Agreement for Sub Lease with EICC Ltd, and all other agreements needed to deliver the project as set out in the associated final business case.
- 5.2 A full project programme is set out in Annex C of the associated final business case.
- 5.3 Project updates will be provided via annual reports and business bulletin items along with EICC Ltd's annual reports.

## **6. Financial impact**

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- 6.1 The report recommends that the Council approves the principle of the Council entering into a head lease agreement on the hotel and into a sub-lease agreement with EICC Ltd that will mirror the terms of the head lease. Financial modelling carried out to support the business case shows that the hotel will generate sufficient profits to meet rental payments in full.
- 6.2 The hotel is expected to be profitable from its first year of operation, bolstered by improved financial terms secured through negotiation with the landlord and franchisor. There will be additional costs for EICC Ltd during the pre-opening phase,

but these will be covered by EICC Ltd's cash reserves. There is therefore not expected to be any call on Council capital or revenue budgets.

- 6.3 It is forecast that the hotel will deliver sufficient net surpluses over the project lifespan – covering around two years pre-opening and 25 years of operations – to fund the Conference Centre lifecycle capital expenditure over that period and build up a contingency reserve. The use of residual surpluses remaining after funding capital expenditure on the Conference Centre and other agreed priorities (such as required capital expenditure on the hotel) will subject to discussions between EICC and the Council.
- 6.4 There is a risk that the profitability of the hotel could be eroded by adverse market conditions. A range of scenarios have been tested and it has been found that the hotel could remain viable given adverse market conditions of as much as a 20% decline in occupancy alongside a 20% decline in room rate for the full duration of the 25-year lease period. The hotel could not sustain prolonged extremely adverse market conditions such as those seen during the COVID-19 pandemic.
- 6.5 The proposal for the hotel school between the EICC and Edinburgh College is still under development but is now at an advanced stage. It is projected that the costs of running the school can be met via fees paid by Student Awards Agency Scotland. A separate business case has been submitted to the Scottish Government and Scottish Futures Trust regarding potential additional funding to support the hotel school.

## **7. Stakeholder/Community Impact**

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- 7.1 The principal project stakeholders and the strategy for managing good relations with each are set out in the Management Case chapter of the associated business case.

## **8. Background reading/external references**

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- 8.1 [Edinburgh International Conference Centre Hotel and Hotel School – Business Case](#) – report to the Finance and Resources Committee, 5 March 2020.

## **9. Appendices**

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- 9.1 Appendix 1: Edinburgh International Conference Centre hotel and hotel school – final business case (restricted document)



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by virtue of paragraph(s) 6, 8, 9 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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by virtue of paragraph(s) 8, 9 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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## QUESTION NO 1

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

At its April 2021 meeting, the Transport and Environment Committee considered the report “Delivery of the Road Safety Improvements Programme”.

Paragraph 4.11 of the report said that a programme to roll out appropriate speed reduction measures on the roads listed in appendix 3 would be developed “shortly”.

**Question**                    **(1)**    What speed reduction measures have been agreed for each of the roads listed in appendix 3 of the report?

**Answer**                    **(1)**

**Question**                    **(2)**    Which of these agreed speed reduction measures have already been implemented?

**Answer**                    **(2)**

**Question**                    **(3)**    Which of the remaining speed reduction measures are expected to be implemented by the end of the calendar year?

**Answer**                    **(3)**



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## **QUESTION NO 2**

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

### **Question**

What progress has been made in the review of school travel plans since work commenced in November 2020?

### **Answer**

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## QUESTION NO 3

**By Councillor Lang for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

**Question**            **(1)**    On what date did the Convener first become aware of the decision of officers to review those residents who are registered for assisted waste collections?

**Answer**            **(1)**

**Question**            **(2)**    Was the Convener consulted on either the need for a review or the process which was proposed to be undertaken?

**Answer**            **(2)**

**Question**            **(3)**    If the Convener was consulted, did she approve of the review and processes proposed?

**Answer**            **(3)**

**Question**            **(4)**    Specifically, did the Convener consent to the intention to remove someone from assisted collections if they did not reply to either of the two letters?

**Answer**            **(4)**

**Question**            **(5)**    What is the Convener's current view on (a) the need for the review and (b) the processes being proposed for the review?

**Answer**            **(5)**

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## QUESTION NO 4

**By Councillor Lang for answer by the Vice-Convener of the Transport and Environment Committee at a meeting of the Council on 28 October 2021**

**Question**            (1)    On what date did the Vice-Convener first become aware of the decision of officers to review those residents who are registered for assisted waste collections?

**Answer**             (1)

**Question**            (2)    Was the Vice-Convener consulted on either the need for a review or the process which was proposed to be undertaken?

**Answer**             (2)

**Question**            (3)    If the Vice-Convener was consulted, did she approve of the review and processes proposed?

**Answer**             (3)

**Question**            (4)    Specifically, did the Vice-Convener consent to the intention to remove someone from assisted collections if they did not reply to either of the two letters?

**Answer**             (4)

**Question**            (5)    What is the Vice-Convener's current view on (a) the need for the review and (b) the processes being proposed for the review?

**Answer**             (5)

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## QUESTION NO 5

**By Councillor Osler for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

On the 26<sup>th</sup> August, Council unanimously agreed that the Convener of Transport and Environment would write to both of the Cabinet Secretary for Finance and the Economy and the Cabinet Secretary for Net Zero, Energy and Transport in order to seek sufficient increased funding to make critical improvements which will be necessary to protect communities from future flooding.

**Question**                    **(1)**    When did the Convener send the agreed communication to each Cabinet Secretary?

**Answer**                    **(1)**

**Question**                    **(2)**    For each communication, has the Convener received a response?

**Answer**                    **(2)**

**Question**                    **(3)**    **If Yes:**

- Which Cabinet Secretary has responded?
- What was the response?

**If No:**

- Has the Convener followed up with the Cabinet Secretary to seek a response?

**Answer**                    **(3)**



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## QUESTION NO 6

**By Councillor Osler for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 October 2021**

**Question**            **(1)**    What is the average length of time for processing applications requesting a Disabled Person's Parking Place (DPPP)?

**Answer**            **(1)**

**Question**            **(2)**    How many DPPP applications and/or requests has the Council received in each of the following years:

2018  
2019  
2020  
2021?

**Answer**            **(2)**

**Question**            **(3)**    Of these applications and/or requests how many have been processed and actioned in each of the following years:

2019  
2020  
2021?

**Answer**            **(3)**

**Question**            **(4)**    In each of the following years, how many have been refused:

2018  
2019  
2020  
2021?

**Answer**            **(4)**

**Question**            **(5)**    In total, how many applications and/or requests currently are outstanding?

**Answer**            **(5)**



## QUESTION NO 7

**By Councillor Louise Young for  
answer by the Convener of the  
Education, Children and Families  
Committee at a meeting of the  
Council on 28 October 2021**

**Question**                    **(1)**    How many days/hours were eligible children offered in Playscheme, during the following school holiday periods (recognising some periods were impacted by Covid restrictions):

- Easter 2019
- Summer 2019
- October 2019
- Easter 2020
- Summer 2020
- October 2020
- Easter 2021
- Summer 2021
- October 2021

**Answer**                    **(1)**

**Question**                    **(2)**    If Summer or October 2021 was lower than the equivalent pre-covid (ie 2019), why?

**Answer**                    **(2)**

**Question**                    **(3)**    Is the expected days/hours provision for Easter and Summer 2022 expected to be at pre-Covid levels? If not, why?

**Answer**                    **(3)**

**Question**                    **(4)**    If 2022 is expected to continue at a lower level, when is it intended that the amount of days/hours will return to pre-Covid levels?

**Answer**

**(4)**

## QUESTION NO 8

**By Councillor Louise Young for  
answer by the Convener of the  
Transport and Environment  
Committee at a meeting of the  
Council on 28 October 2021**

Despite emails sent on the 13<sup>th</sup> December 2020, and then on 6<sup>th</sup> February, 6<sup>th</sup> August, 28<sup>th</sup> August and 6<sup>th</sup> September, I have been unable to get an updated list of outstanding road adoptions for Kirkliston. Many emails have gone unanswered. The only responses received were to redirect my email in August and provide a copy of the 2019 status report.

**Question**                    **(1)** Does the Convener find it acceptable that a request made 10 months ago is still outstanding?

**Answer**                    **(1)**

**Question**                    **(2)** What timescale does the Convener consider appropriate for a response to such a request to be provided?

**Answer**                    **(2)**

**Question**                    **(3)** Can the Convener provide the requested update – namely “a list of unadopted roads/developments in Kirkliston and the latest position and proposed next steps for each”

**Answer**                    **(3)**

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## QUESTION NO 9

**By Councillor Rust for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

**Question**                    **(1)**    Please could you supply the cycle count data for the Water of Leith cycle counter by Spylaw Park for the whole of 2021 to date. Please provide this in the same format as previously supplied data for 2019 and 2020 - on a weekly basis and split by weekday and weekend.



WoL Counts Spylaw  
Park.xlsx

**Answer**                    **(1)**

**Question**                    **(2)**    Please provide data for any other cycle counter on Water of Leith or Union Canal within 1 mile of Lanark Road, for 2019, 2020 and 2021 year to date, in the same format.

**Answer**                    **(2)**



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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 28 October 2021**

### Question

- (1)** Please confirm the total cost of running the recent "local engagement" exercise for Lanark Road *Spaces for People* for all tasks involved which will include as a minimum:
- a) Planning the consultation approach;
  - b) Designing and writing the consultation materials (in all accessible formats);
  - c) Producing the consultation materials - print costs and digital implementation costs, and any technical requirements to keep the consultation secure and unable to be manipulated by special interest groups;
  - d) Promoting the materials - including any delivery of letters, adverts design, media spend, time spent on press releases etc;
  - e) Analysing the responses;
  - f) Preparing the report for committee.

Please split the cost by:

- Internal council officer time
- External costs.

Specifically how much officer time was involved in:

- a) responding to complaints relating to the engagement exercise?
- b) identifying respondents who needed to be contacted?
- c) liaising with individual respondents to confirm or change their answers?

### Answer

**(1)**

**Question** (2) Please provide the evidence that demonstrates the local engagement met, or did not meet, the required measures for the seven consultation quality standards within "Edinburgh's Consultation Framework - Guidance Note 7 - Consultation Quality Standards", under the headings:

- Process
- Genuine
- Inclusive and Accessible
- Informative
- Effective
- Action-focused
- Feedback

**Answer** (2)

**Question** (3) In this local engagement exercise, the postcodes and email addresses for individual respondents were captured. This created various concerns in terms of data and identification and that this method of validating responses can still be spammed and is inadequate etc.

- a) Will this be reviewed to use a more robust method in future?
- b) What will now happen to this data, bearing in mind it may need to be kept somewhere in case of future legal challenge?

**Answer** (3)

## QUESTION NO 11

**By Councillor Rust for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 28 October 2021**

- |                 |   |
|-----------------|---|
| <b>Question</b> | <b>(1)</b> The council is proposing extending the likes of the bollard cycle lanes on Lanark Road, Longstone, Comiston Road, Silverknowes and Newington for 18 months under ETROs. Some of these areas are within or border conservation areas. Assuming they will be made permanent, at what point does the council plan to replace the bollards with a more aesthetically pleasing design, eg as shown in the latest Cycling by Design guidelines, on p56 (p61 of the pdf), p79 (p84 of the pdf) or p104 (p109 of the pdf)<br><a href="https://www.transport.gov.scot/media/50323/cycling-by-design-update-2019-final-document-15-september-2021-1.pdf">https://www.transport.gov.scot/media/50323/cycling-by-design-update-2019-final-document-15-september-2021-1.pdf</a> |
| <b>Answer</b>   | <b>(1)</b>  |
| <b>Question</b> | <b>(2)</b> Please can you provide an approximate budget for replacing all bollard lanes in Edinburgh with a design such as this (broken down by each individual bollard scheme in Edinburgh)?   |
| <b>Answer</b>   | <b>(2)</b>  |
| <b>Question</b> | <b>(3)</b> Please confirm what level of evidenced cycle lane usage will be required to justify this investment?   |
| <b>Answer</b>   | <b>(3)</b>  |
| <b>Question</b> | <b>(4)</b> Please confirm that the cost for this can be covered within the recently announced funding of £118m that has recently been secured for the next 5 years?   |
| <b>Answer</b>   | <b>(4)</b>  |

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## QUESTION NO 12

**By Councillor Jim Campbell for  
answer by the Convener of the  
Housing, Homelessness and Fair  
Work Committee at a meeting of the  
Council on 28 October 2021**

**Question**            **(1)**    How many properties has City of Edinburgh Council purchased or earmarked to become Home Share Temporary Accommodation since May 2017?

**Answer**            **(1)**

**Question**            **(2)**    In each case, can the date of purchase / decision to earmark be given, alongside the date the first tenant moved into the property?

**Answer**            **(2)**

**Question**            **(3)**    Of the properties with at least one tenant, what is the current average occupancy of home share temporary accommodation?

**Answer**            **(3)**

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## QUESTION NO 13

**By Councillor Jim Campbell for  
answer by the Convener of the  
Transport and Environment  
Committee at a meeting of the  
Council on 28 October 2021**

### **Question**

I understand Committee has agreed to the introduction of a lower speed limit on Granton Road and Craighall Road in my Ward. Local people are interested in when this might be implemented on the ground.

Can the Convener use her Office to establish the go live date for the new speed limit, and share that with me by way of answer to this question, as all other enquiries have thus far failed?

### **Answer**



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## QUESTION NO 14

**By Councillor Mowat for answer by  
the Leader of the Council at a  
meeting of the Council on 28 October  
2021**

**Question**            **(1)** Will the Council Leader distance himself from the comments of the Council Depute Leader at Council on 23 September 2021, when the Depute Leader made clearly disparaging remarks about a fellow senior Member of this Council, a member of the Leader's political Group, and the Vice Convener of the Education Children and Families Committee, comparing her work on behalf of constituents to "Miss Marple" in a pejorative way?

**Answer**            **(1)**

**Question**            **(2)** Is the Leader aware of the Depute Leader making a full unreserved apology for this public outburst?

**Answer**            **(2)**

**Question**            **(3)** If so, can the Leader share this apology?

**Answer**            **(3)**

**Question**            **(4)** If not, will the Leader use this question as an opportunity to condemn the lack of an apology?

**Answer**            **(4)**

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## QUESTION NO 15

**By Councillor McLellan for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 October 2021**

**Question**                    **(1)**    What discussions has the convener had with Historic Environment Scotland about the re-opening of the Low Road from through Holyrood Park from Duddingston Village

**Answer**                    **(1)**

**Question**                    **(2)**    What work have council officers done to assist HES to bring about the re-opening of the road as quickly as possible?

**Answer**                    **(2)**

**Question**                    **(3)**    Can an assessment of the impact of the Low Road closure on surrounding streets be conducted?

**Answer**                    **(3)**

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## QUESTION NO 16

**By Councillor Mowat for answer by the Convener of the Regulatory Committee at a meeting of the Council on 28 October 2021**

For the following the streets could the information in the questions below be provided please:

- Scotland Street;
- Drummond Place;
- Dublin Street;

**Question**            **(1)**    The number of HMOs licensed in each street in each of the last 5 years.

**Answer**             **(1)**

**Question**            **(2)**    The number of flats where there is a registered landlord in each street in each of the last 5 years.

**Answer**             **(2)**

**Question**            **(3)**    The number of properties registered for council tax in each of the last five years.

**Answer**             **(3)**

**Question**            **(4)**    The number parking permits issued for each street in the last 5 years and the number of properties with more than two permits (should there be any) in any of the last five years.

**Answer**             **(4)**

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## QUESTION NO 17

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 October 2021**

**Question**            **(1)**    What the current staffing levels are in the forestry service team?

**Answer**             **(1)**

**Question**            **(2)**    What plans there are to fill any vacancies?

**Answer**             **(2)**

**Question**            **(3)**    The current backlog of work within the department, including waiting times for dealing with new enquiries?

**Answer**             **(3)**



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## **QUESTION NO 18**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 October 2021**

### **Question**

To ask the Convener whether any monitoring is done of the number of cyclists to have taken a left turn onto Waterloo Place when travelling from Leith Street, and if so, how many cyclists have made this turn?

### **Answer**

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## **QUESTION NO 19**

**By Councillor Jim Campbell for  
answer by the Leader of the Council  
at a meeting of the Council on 28  
October 2021**

### **Question**

It is understood the report by Susanne Tanner QC into the Sean Bell affair was shared with Group Leaders on 15 October and subsequently made available for review by other Council members.

Can the Leader inform Council which individuals outside Ms Tanner's team saw her report before 15 October and for what purposes?

### **Answer**

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## QUESTION NO 20

**By Councillor Mowat for answer by  
the Leader of the Council at a  
meeting of the Council on 28 October  
2021**

**Question**                    **(1)**    Have any assurances been given to Council that the proposed Scottish Government scheme for those under 22 years to travel without charge on public transport will include Government funding to support such arrangements on the Transport for Edinburgh tram line?

**Answer**                    **(1)**

**Question**                    **(2)**    In addition, has the Scottish Government given any commitment to include funding for Edinburgh Trams, so that the cost of providing 'free' tram travel to older citizens is covered by Government rather than this Council?

**Answer**                    **(2)**

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