

Notice of meeting and agenda

City of Edinburgh Council

10.00 am Thursday, 16th December, 2021

Virtual Meeting - via Microsoft Teams

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

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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

Email: gavin.king@edinburgh.gov.uk

Tel: 0131 529 4239

1. Order of business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 The City of Edinburgh Council of 25 November 2021 – submitted for approval as a correct record 19 - 78

5. Leader's Report

- 5.1 Leader's Report 79 - 80

6. Appointments

- 6.1 If any

7. Reports

- 7.1 Independent Review into Whistleblowing and Organisational Culture – Report by the Chief Executive 81 - 236

7.2	Review of Political Management Arrangements – December 2021 – Report by the Executive Director of Corporate Services	237 - 244
7.3	Treasury Management: Mid Term Report 2021/22 - referral from the Finance and Resources Committee	245 - 264
7.4	Appointment of Executive Director, Corporate Services – Report by the Chief Executive	265 - 268

8. Motions

8.1 By Councillor Burgess – Household Recycling Charter

“Council;

1. Notes that the Scottish Government and CoSLA agreed a Household Recycling Charter that aims to bring more consistency to recycling services;

<https://www.zerowastescotland.org.uk/content/charter-household-recycling>

2. Notes that many of Scotland’s leading councils have signed up to the Charter;
3. Notes that the Charter is a declaration of an intent to provide services that deliver local and national benefits, encouraging high-levels of citizen participation in waste prevention, recycling and reuse;
4. Notes that under the Charter signatories commit:

- I. To improve our household waste and recycling services to maximise the capture of, and improve

the quality of, resources from the waste stream, recognising the variations in household types and geography to endeavour that our services meet the needs of all our citizens.

- II. To encourage our citizens to participate in our recycling and reuse services to ensure that they are fully utilised.
 - III. To operate our services so that our staff are safe, competent and treated fairly with the skills required to deliver effective and efficient resource management on behalf of our communities.
 - IV. To develop, agree, implement and review a Code of Practice that enshrines the current best practice to deliver cost effective and high-performing recycling services and tell all of our citizens and community partners about both this charter and the code of practice.
5. Notes that Scottish Ministers agree to work in partnership with signatories and their representatives to support the delivery of these commitments;
 6. Recognises that these commitments and the actions to achieve them are in-line with Council ambitions for household recycling and therefore agrees that the Council Leader and the Chief Executive sign up to the Household Recycling Charter on behalf of the Council.”

8.2 By Councillor Laidlaw – Health and Wellbeing Census

“Council notes that it has been asked by the Scottish Government to participate in an online health and wellbeing survey for all children in P5 to S6, which each child will be asked to complete

this during class time.

Council notes that while pupils will not be asked to type in their name into the survey they will use their SCN number. Schools and the local authority will typically use the data at cohort level but could identify individuals to offer support depending on responses.

Council notes that this survey will include a number of questions about sexual activity that have raised concerns from a number of parents and their representative bodies. These in particular include questions relating to specific sexual activities which will be asked to pupils in S4 and above, who could be as young as 14 years old. These include asking whether they have a boyfriend or girlfriend, "How much, if any, sexual experience have you had?", when they first had sex, and subsequent multiple-choice answers including 'oral sex' and 'vaginal or anal sex' and questions about use of various contraceptives.

Council notes the full questionnaire is yet to be published on the Scottish Government website and parents will only be able to see top-line guidance before being able to make a decision on whether to opt-in or out.

Council questions whether asking such questions is in the best interests of young people, who may feel additional pressure around whether they ought to be in relationship and/or sexually active, and that the widespread nature of the roll-out is likely to make this the subject of discussion, and possible bullying, in school settings.

Council questions whether administering this survey is a valuable use of class and teacher time, especially given the pressures of the past year of pandemic learning and the challenges teachers continue to face; as recently raised by the EIS.

Council notes a number of local authorities in Scotland, including West Lothian and Fife Councils, have decided to halt its roll-out due to concerns about its appropriateness and the impact on young people.

Council agrees for the census roll-out to be halted until a full report is brought to the next meeting of the Education, Children and Families Committee for elected members consideration."

8.3 By Councillor Rust – Community Councils – Notification of Key Information and Consultations

“Council:

1. Recognises that Community Councils are staffed by volunteers, and are a key link between salaried council officers and councillors. More than that, they are statutory stakeholders which need to be included in consultations.
2. Notes that recently there have been incidences where:
 - Some Community Councils have not received notification of key information and consultations impacting their area
 - All Community Councils have been required to respond within less than one meeting cycle - in some cases to council plans with significant impact on their local area.
3. Understands it can be difficult to attract community councillors to the role at the best of times, but even harder if they are given a role to represent their community to the council which, due to a process that is not fit for purpose is almost impossible to achieve.
4. Therefore requests: An urgent review of the Community Council notification process and contact lists to include:(a) Responsibility on council officers to check annually that the contact details they hold for Community Councils is correct and that they have more than one contact point and channel; and (b) Where possible to sample Community Councils to check receipt of key communications and/or put in place a mechanism whereby a community council can instantly notify receipt of a key communication.
5. Further seeks a commitment to ensure no community council is asked to respond to a council consultation in less than one calendar month meeting cycle as it severely limits their ability for their response to adequately represent the community because:
 - a. They are volunteers themselves having to fit the workload round day jobs and other commitments
 - b. They may need time to run community engagement

and surveys to inform their position on a particular consultation

- c. They may need a meeting to vote to take a position that has been informed by that community engagement and it is unreasonable to force volunteers to convene meetings at short notice.”

8.4 By Councillor Staniforth – Scottish Government Funding for Light Rail

“Council notes:

1. That as light rail is not currently included in the Scottish Government funding for the under 22s free public transport scheme that Edinburgh would shoulder the burden for it with regard to trams if included in the upcoming Council budget;
2. That Glasgow City Council has already resolved to write to Transport Scotland urging them to include their light rail subway system within funding for the scheme and that it would be consistent for Edinburgh to make the same request for trams;
3. That if light rail is not included in the scheme it will potentially put other councils off from investing in those methods of public transport and may also lead to a two-tier system of public transport when public transport integration and increased patronage is critical;
4. That because trams have not been included in other national free public transport schemes only Edinburgh residents can use their concessionary travel passes on Edinburgh’s trams;

Council therefore resolves:

To write to Transport Scotland and the Cabinet Secretary for Finance highlighting these points and asking that light rail including trams are included in funding for all national free public transport schemes that apply to buses.”

8.5 By Councillor Howie – Enhancing Employment Opportunities for People with a Disability

“Council notes: -

1. Specialist officers employed by the Department for Work & Pensions and operating as part of the Civil Service for many years provided an invaluable service to people with a disability whereby they assessed relevant needs and then obtained the necessary finance, equipment and all support required to assist the recipients to complete the work they had been employed to do alongside their work colleagues, many of whom would not have a disability.

2. The Department for Work & Pensions no longer employ such specialist officers and, instead, provide only finance following a complicated and lengthy application process, leaving recipients to get on with it, without knowing what's available in terms of equipment and other support services which could assist them to do the job for which they have been employed.

3. People with a disability therefore no longer have access to the experience, expertise and specialist knowledge which would certainly be of benefit to them and could mean the difference between success and failure in the job they have managed to obtain.

4. The rate of unemployment for people with a disability is

currently running at between 40/50%, ten times the national figure.

5. The consequences of unemployment for most people with a disability, including exclusion from the workplace are absence of a work routine/structure, reduced income, increased social isolation and disproportionately higher levels of physical and mental health issues.

6. Council agrees to: -

Bring forward a report to Housing, Homelessness and Fair Work Committee within two cycles that:

Considers how the Council can best assist and support people with a disability to find and sustain employment, be it within the Council itself but also with other local employers;

Considers the advantages for both people with a disability as well as wider society of having more people in employment, disabled or otherwise;

Considers how best to replace the service previously provided by the Department for Work & Pensions and the benefits and advantages of this for people with a disability and others;

And also examine any other ways in which the council can facilitate an increase in the employment of people with a disability, be it within the council or, alternatively, with other local employers, and to consider how the council can give a lead and demonstrate to others by example how this can be achieved successfully and to the benefit of all.”

8.6 By Councillor Howie – Cameron Toll Bridge Strikes

“Council notes:

1. Bridge strikes have occurred ever since the bridge was too low and vehicles, mainly lorries, became too big to pass underneath it, which takes us back to sometime in the last century;
2. History of bridge strikes is unknown as council does not retain relevant statistics including casualty figures or costs, and that previous reviews and improvements have failed to stop the bridge strikes;
3. Vehicles striking the bridge, mainly HGVs, usually topple over and thereby pose a risk to both pedestrians and other road users, including cyclists;

Council therefore:

4. Expresses a desire to reduce the number of bridge strikes to zero; and
5. Agrees to liaise with Police Scotland and Network Rail in to bring forward a report to full council within two cycles establishing what needs to change to ensure that there are no bridge strikes and, therefore, zero casualties.”

8.7 By Councillor Booth – VAT Rate on Energy Efficiency Retrofits

“Council:

- 1) Notes that energy to heat and power the city’s homes and other buildings accounts for over two thirds of Edinburgh’s greenhouse gas emissions, and that accelerating energy efficiency in homes and buildings is a key aim of the city’s recently-approved 2030 Climate Strategy;
- 2) Notes that VAT on most building retrofit products and services is currently charged at 20% while VAT on new

build construction projects is currently zero-VAT rated;

- 3) Notes research undertaken by the Federation of Master Builders which found that VAT costs are deterring around 4 million homeowners in the UK from improving their homes, while a VAT cut could unlock a £51 billion green revolution, and create 345,000 jobs;
- 4) Notes that the differential VAT rate between new build and retrofit projects creates a disincentive for building owners and managers to undertake energy efficiency retrofit projects and will make it harder for the council to achieve its carbon reduction targets;
- 5) Notes that a number of organisations including the Royal Institute of Chartered Surveyors, the Federation of Master Builders and the Architects' Journal support a campaign to reduce VAT on building retrofit projects in order to create jobs, drive forward energy efficiency improvements and cut greenhouse gas emissions;
- 6) Therefore agrees that the council supports the aims of the campaign to reduce VAT on building retrofits, and further agrees that the Council Leader will write to the Chancellor of the Exchequer urging him to reduce the rate of VAT on building retrofits to 5% or less."

8.8 By Councillor Cameron – Improving Accessibility and Inclusion for Edinburgh Citizens and Visitors

“The City of Edinburgh Council is committed to Edinburgh becoming a safer, more accessible, and inclusive city for Edinburgh residents and visitors.

Council notes recent policy and project development and

implementation which has been designed to improve accessibility and inclusivity, including, the citywide A Board ban which was designed to significantly reduce trip hazards and the enhancement of our dropped kerb programme, as well as the agreement to provide 4,500 new homes within our house building targets which will be wheelchair accessible or adaptable.

Council also notes that in order to achieve the real benefits of Equality Impact Assessments, they need to be designed with the input of people with lived expertise of the barriers that the assessments and recommendations intend to remove.

Council calls for Equality Impact Assessments to be undertaken, in respect of proposals pertaining to the temporary and permanent use of buildings, parks, land, public facilities and amenities in the Council ownership which will affect citizen and visitor access to these.

Equality Impact Assessments of such proposals, temporary and permanent, should consider and clearly set out in reports, how proposals will impact on improving the accessibility and inclusion of our city to Edinburgh citizens and visitors.

Council calls for a report to the Policy and Sustainability Committee within three cycles setting out progress on improving the accessibility and inclusion of Edinburgh; how this is being achieved; and what further steps Council can take to work with its partners to improve the accessibility of major attractions, public services and amenities which are not in the Council ownership.”

9. Congratulatory Motions

9.1 By Councillor Fullerton – Smilechildcare

Council notes:

Smilechildcare is a Council partner provider nursery based in the Calder’s in South West Edinburgh. They have been in operation

since 1997 and provide high quality, inclusive, affordable childcare for children aged 0 – 12 years, 8am – 6pm for 50 weeks of the year in safe and nurturing environments, meeting the needs of each child and supporting their families whilst working in partnership with other agencies. This service enables families on low income or accessing further education to secure and sustain long term employment helping to break the cycle of child poverty and deprivation, whilst in the knowledge their children will receive first class care.

In addition to offering this vital service, their location allows students attending the nearby schools, colleges and universities to study, attend training courses or volunteer, supporting them to become Job Ready.

I am delighted to announce that Smilechildcare have been successfully awarded Quality Counts certification, Platinum accreditation from National Day Nurseries Association (NDNA).

The first organisation awarded this accreditation in Scotland. The whole staff team has worked really hard over the last 18 months to achieve this accreditation, which acts as an indicator of the quality of service that they offer and they are delighted that their efforts have been rewarded by achieving this very special award.

In addition, the whole staff team had previously been awarded the Millie's Mark accreditation. Millie's Mark is a national recognition for going above and beyond the minimum training requirements for paediatric first aid. Millie's Mark is focused on the under 5 age group and all of Smilechildcare's staff, regardless of which department they work in, had to complete this rigorous training as it is the company as a whole which has gained the accreditation and not just the under 5 settings.

Council asks that the Lord Provost to acknowledge the achievements of Smilechildcare in an appropriate way.

10. Questions

- | | | |
|-------------|---|-----------|
| 10.1 | By Councillor Rust - Equal Pavements Pledge - for answer by the Convener of the Transport and Environment Committee | 269 - 270 |
| 10.2 | 10.2 - By Councillor Rust - SFP - Monitoring Cycle Counters - for | 271 - 272 |

answer by the Convener of the Transport and Environment Committee

- | | | |
|-------------|--|-----------|
| 10.3 | By Councillor Jim Campbell - Safe Route to School - New Victoria Primary - for answer by the Convener of the Transport and Environment Committee | 273 - 274 |
| 10.4 | By Councillor Mowat - London Street Crossing - for answer by the Convener of the Transport and Environment Committee | 275 - 276 |
| 10.5 | By Councillor Neil Ross - Motion on Amplification of Sound - Letter to Minister - for answer by the Convener of the Regulatory Committee | 277 - 278 |
| 10.6 | By Councillor Neil Ross - Roads and Pavements Repairs - for answer by the Convener of the Transport and Environment Committee | 279 - 280 |
| 10.7 | By Councillor Neil Ross - Zebra Markings for Side Streets - for answer by the Convener of the Transport and Environment Committee | 281 - 282 |
| 10.8 | By Councillor Jim Campbell - Councillor Access to Documents - for answer by the Convener of the Finance and Resources Committee | 283 - 284 |
| 10.9 | By Councillor Cook - Meeting with Politicians and Business Representatives - for answer by the Council Leader | 285 - 286 |

10.10	By Councillor Cook - Meeting with Business Representatives - for answer by the Convener of the Transport and Environment Committee	287 - 288
10.11	By Councillor Mowat - SEV Legal Advice - for answer by the Convener of the Regulatory Committee	289 - 290
10.12	By Councillor Mowat - Gull Proof Sack - for answer by the Convener of the Transport and Environment Committee	291 - 292
10.13	By Councillor Whyte - Chief Executive Appraisal 1 - for answer by the Council Leader	293 - 294
10.14	By Councillor Whyte - Chief Executive Appraisal 2 - for answer by the Council Leader	295 - 296
10.15	By Councillor Whyte - Chief Executive Appraisal 3 - for answer by the Council Leader	297 - 298
10.16	By Councillor Booth - Refurbishment of Darroch Annex - for answer by the Convener of the Education, Children and Families Committee	299 - 300
10.17	By Councillor Bruce - Care Packages - for answer by the Convener of the Edinburgh Integration Joint Board	301 - 302

Nick Smith

Service Director, Legal and Assurance

Information about the City of Edinburgh Council

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

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

Further information

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

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018.

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).

