

# Minutes

## The City of Edinburgh Council

Edinburgh, Thursday 16 December 2021

Present:-

### LORD PROVOST

The Right Honourable Frank Ross

### COUNCILLORS

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

Andrew Johnston  
David Key  
Callum Laidlaw  
Kevin Lang  
Lesley Macinnes  
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  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Ethan Young  
Louise Young

## 1 Congratulations

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The Lord Provost offered his congratulations to Councillor Stephanie Smith on the birth of her son on 10 December 2021.

## 2 Minutes

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### Decision

To approve the minute of the Council of 25 November 2021 as a correct record.

## 3 Independent Review into Whistleblowing and Organisational Culture

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The Council had commissioned an independent Inquiry (“the 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. The outcome of that Inquiry was reported to Council in October 2021.

The Policy and Sustainability Committee agreed in October 2020 that a further independent assessment of the Council’s whistleblowing and organisational culture should be undertaken by way of an independent review (“the Review”) which was agreed by full Council on 15 October 2020.

Details were provided on the report of the review, which was conducted by Susanne Tanner QC, assisted by law firm Pinsent Masons which identified key issues, findings and recommendations.

Susanne Tanner QC and Tom Stocker were in attendance to present the report.

### Motion

- 1) To note that the independent review (the “Review”) into whistleblowing and organisational culture, conducted by Susanne Tanner QC with the assistance of Pinsent Masons LLP, was now complete.
- 2) To request that the Chief Executive report back to Council within one cycle with proposals on how the recommendations would be implemented.
- 3) To thank the Independent Chair Susanne Tanner QC and the support team at Pinsent Masons LLP for setting out recommendations to build on the Council’s strong foundations of a Whistleblowing Policy, process and experience of the last 7 years.
- 4) To also thank the many staff who engaged with the review team, giving their experience and input to help shape recommendations for improvement that affects staff and Elected Members.

- 5) However, to recognise that a significant minority of staff who replied to the survey still need further support to instil greater confidence to use whistleblowing and management procedures to raise issues to help the Council address issues and make improvements for staff and the public.
- 6) To therefore request officers pay particular attention to the recommendations designed to improve this level of confidence and prioritise these actions in the implementation plans returning to Council.
- 7) To note the improvements to corporate culture and processes since May 2014 identified by the Independent Review and acknowledges the improvements required as set out in the report.
- 8) To further note the recommendations in relation to Councillors' conduct and note that Elected Members have a responsibility to show leadership and adhere to policies and abide by the standards expected of them.

- moved by Councillor McVey, seconded by Councillor Day

#### **Amendment 1**

- 1) To note that the independent review (the "Review") into whistleblowing and organisational culture, conducted by Susanne Tanner QC with the assistance of Pinsent Masons LLP, has submitted the Report at Appendix 1 and its overarching finding that "there is not a universally positive, open, safe and supportive whistleblowing and organisational culture for the raising of and responding to concerns of wrongdoing within CEC".
- 2) To recognise that while the overall aims and policy intentions of the Council in regard to Whistleblowing and Organisational Culture are sound there has been a failure since 2014 to drive the fundamental cultural change necessary to deliver on this in practice such that 50 recommendations and a number of other suggestions are made by Ms Tanner in addition to the recommendations made in her Inquiry report.
- 3) To agree to accept the recommendations in full and add for consideration the other suggestions for improvement made in the Report; instructs the Chief Executive to report back to Council within one cycle with detailed proposals on how the recommendations will be implemented including an expectation of retrospective reporting of early action on administrative and management recommendations that can be implemented immediately.
- 4) To note with concern that a number of the recommendations relate to matters of assurance and recognises that this is in an organisation that has been subject to four consecutive red internal audit opinions with limited progress in addressing audit findings and implementing on time agreed management actions.

- 5) In this regard to note the considerable number of attempts by the Conservative Group to improve assurance, performance management and improvement processes in the Council over the past ten years, these attempts often voted down by other Groups, with recent examples being:

<b>Date</b>	<b>Amend/Addend</b>	<b>Committee</b>	<b>Report Subject</b>	<b>Audit status referenced</b>
30.11.21	Addendum	Policy and Sustainability	Performance Update Report	N/A
5.10.21	Addendum	Policy and Sustainability	BV Assurance Audit Response October Update	<b>RED</b>
19.8.21	Amendment	TEC	Edinburgh Tram Network Supplier Management	<b>BLACK</b>
20.4.21	Amendment	Policy and Sustainability	Internal Audit Overdue Finding and Key performance Indicators as at 10 Feb 2021-	<b>RED</b>
23.2.21	Amendment	Policy and Sustainability	Internal Audit Overdue Finding and Key Performance Indictors at 30 October 2020	<b>RED</b>
10.12.20	Amendment	Council	Best Value Assurance Audit	<b>RED</b>

- 6) To note that considerable numbers of questions raised by councillors with the Review team as a result of the Report and that some of those involved in the case studies have raised questions of accuracy and agrees to request that the Review Team address these and any remaining issues arising at no further cost to the public purse.
- 7) To note the comments in paragraphs 5.16 to 5.42 the Report regarding councillors but recognises that councillors will often have a duty to speak publicly on issues of concern in representing constituents, the wider public or a political viewpoint of those who elected them regardless of whether this

conflicts with the Council corporate view; and that the interpretation of some specific examples given in the Report are subjective, and this section distracts from the report's significant and far-reaching findings.

- 8) Nevertheless to agree that there are fundamental issue in regard to relationships between elected members as described in the Accounts Commission's Best Value Assurance Report dated 26 November 2020 and that no specific steps have been taken to address this although no specific recommendations were made as to how this could be addressed other than elected members attending already arranged training.
- 9) To agree that the lack of a formal comprehensive Best Value Improvement Plan (as called for by the Conservative Group in the amendment of 10 December 2020 in the table above) has allowed this issue to be ignored and, while there are elections approaching in less than six months, the Council would still benefit from action on this given that many members may return. Therefore, further agrees that the advice of the Improvement Service be sought in order to initiate facilitated workshop and/or mediation sessions amongst councillors to address these concerns as discussions between Group Leaders have failed to improve insight or understanding of the fundamental problems involved.
- 10) To agree to appoint an independent adviser, external to the Council Management Team, with a proven track record of implementing cultural change and assurance practices in large organisations. Reporting to the Chief Executive as Head of Paid Service, this Adviser will be tasked with delivering on the recommendations of the Review, the Inquiry, a full Assurance Framework, the recommendations arising from the Cultural Review described at paragraph 5.9 and initiated by HR, and the further development of the performance and continuous improvement culture of the Council (all as such matters may be amended by Council in response to the Chief Executive's proposals being brought back to Council within one cycle).
- 11) The Adviser referred to at 10) above to be appointed by the Recruitment Committee and to report to councillors through Committees or the Council independently of the Chief Executive and to be able to raise issues directly with Councillors in a similar way to the Chief Internal Auditor or External Audit. The appointment to be time limited to one year with a possible extension of a further year should a case be made that the need remained.
- 12) To agree that the budget for this adviser is allocated at the Council budget meeting in February 2022.

- moved by Councillor Whyte seconded by Councillor Doggart

## **Voting**

The voting was as follows:

For the motion	-	42 votes
For the amendment	-	14 votes

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

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

## **Decision**

To approve the motion by Councillor McVey.

(References – Act of Council No 2 of 28 October 2021; Policy and Sustainability Committee of 6 October 2020 (item 1); Act of Council No of 15 October 2020; report by the Chief Executive, submitted.)

## **Declaration of Interests**

Councillor Lang declared a non-financial interest in the above item as a Director of the Law Society of Scotland.

## **4 Community Councils – Notification of Key Information and Consultations - Motion by Councillor Rust**

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### **a) Deputation – Colinton Community Council**

A written deputation was presented on behalf of Colinton Community Council.

The deputation expressed their support for Councillor Rust's motion. The felt that several Council Officers were not giving proper respect to the needs of Colinton Community Council in terms of a reasonable process of consultation about any matter which would materially affect their local population.

The deputation indicated that specific instances where they were unable to give a considered response were the proposed ETROs in Lanark Road, the Review of Active Travel Measures on Lanark Road following Spaces for People changes to road geometry under emergency legislation, the Review of Public Toilet Provision and the Provision of Coffee Shop space in Spylaw Park. They stressed that there needed to be greater sensitivity to the position that community councillors were volunteers, needed time to react but would add

considerable value to proposed changes because of their wealth of local knowledge.

**b) Deputation – Keep Edinburgh Moving**

A written deputation was presented on behalf of Keep Edinburgh Moving.

The deputation indicated that they felt that at the moment for many schemes, Community Councils were unable to submit a stakeholder response, or were unable to represent a breadth of community views in a response and believed that this was partly caused by the very short timescales given to Community Councils to respond and a flawed process of updating/managing contact lists.

**c) Deputation – Leith Central Community Council**

The deputation were in support of the initiative proposed in Councillor Rust's motion. They indicated that on several occasions they had been unable to respond to proposed Council initiatives due to the short timescales involved and that as Community Councillors were volunteers, they had not been able to check the Council website on a daily basis. The deputation also asked the Council to note that many Community Councils did not hold meetings in December or July and that the scheme for Community Councils required them to hold a minimum of only 6 meetings per year.

The deputation suggested that in future if a consultation period were to be extended, that this be for a further 6 weeks as the norm.

**d) Deputation – New Town Broughton and Community Council**

A written deputation was presented on behalf of New Town and Broughton Community Council.

The deputation expressed their support for Councillor Rust's motion and asked the Council to also consider the date on which papers for Committee meetings were made public.

**e) Motion by Councillor Rust**

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

“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.”

## **Motion**

To approve the motion by Councillor Rust.

- moved by Councillor Rust, seconded by Councillor Brown



## **Amendment**

To agree paragraphs 1-4 of the motion by Councillor Rust and to replace paragraph 5 with:

- “5) Notes that in 2021 the Council implemented a new Consultation Policy, which set up a process of quality assurance for consultation activity, supported by a skills development programme for key staff performing consultations in all departments. This included a standard 12-week period for consultations, excluding those issues with statutory timescales.
- 6) Notes that in early 2022, the Council will review the performance of the consultation policy and agrees that the report to Policy and Sustainability Committee will make recommendations for further improvement including around stakeholder communication and notification processes and taking on board the issues raised in paragraph 2.
- 7) Notes that although the principle of giving community councils more than one month notice on a consultation is reasonable and desirable, there are some statutory consultations which can include traffic regulation orders and licensing, where Community Councils are required to be notified but that may have 21 day or 28 day timescales as defined in the relevant legislation.
- 8) Notes that the Council has been developing a joint programme of improvement activity with the Edinburgh Association of Community Councils (EACC) to strengthen the communication and information flow between the Council and all community councils. This includes a specific action for both the Council and community councils to keep the community council database up to date. Notes that this collaborative work is due to be considered by the Edinburgh Partnership in December 2021 with a further report in March 2022 and agrees that the matters raised in paragraph 4 should be included in the discussions and improvements being agreed with the EACC and the Council.”

- moved by Councillor McVey, seconded by Councillor Day

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

## **Decision**

To approve the following adjusted motion by Councillor Rust:

- 1) To recognise that Community Councils were staffed by volunteers, and were a key link between salaried council officers and councillors. More than that, they were statutory stakeholders which needed to be included in consultations.

- 2) To note that recently there had been incidences where:
  - Some Community Councils had not received notification of key information and consultations impacting their area
  - All Community Councils had been required to respond within less than one meeting cycle - in some cases to council plans with significant impact on their local area.
- 3) To understand it could be difficult to attract community councillors to the role at the best of times, but even harder if they were given a role to represent their community to the council which, due to a process that was not fit for purpose was almost impossible to achieve.
- 4) To therefore request: 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 held for Community Councils was correct and that they had 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 could instantly notify receipt of a key communication.
- 5) To note that in 2021 the Council implemented a new Consultation Policy, which set up a process of quality assurance for consultation activity, supported by a skills development programme for key staff performing consultations in all departments. This included a standard 12-week period for consultations, excluding those issues with statutory timescales.
- 6) To note that in early 2022, the Council would review the performance of the consultation policy and agree that the report to Policy and Sustainability Committee would make recommendations for further improvement including around stakeholder communication and notification processes and taking on board the issues raised in paragraph 2.
- 7) To note that although the principle of giving community councils more than one month notice on a consultation was reasonable and desirable, there were some statutory consultations which could include traffic regulation orders and licensing, where Community Councils were required to be notified but that may have 21 day or 28 day timescales as defined in the relevant legislation.
- 8) To note that the Council had been developing a joint programme of improvement activity with the Edinburgh Association of Community Councils (EACC) to strengthen the communication and information flow between the Council and all community councils. This included a specific action for both the Council and community councils to keep the community council database up to date. To note that this collaborative work was due to be considered by the Edinburgh Partnership in December 2021 with a further report in March 2022

and agree that the matters raised in paragraph 4 should be included in the discussions and improvements being agreed with the EACC and the Council.

## **5 Improving Accessibility and Inclusion for Edinburgh Citizens and Visitors - Motion by Councillor Lezley Marion Cameron**

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### **a) Deputation - WelcoMe**

The deputation outlined the services they were able to provide to organisations to help provide better customer services for people with disabilities. They spoke about the challenges facing disabled people when entering a building and how this could be eased with the aid of an app on their phone which could advise the building of their arrival and requirements which in turn would assist with customer service training for dealing with individual needs.

The deputation listed other companies and organisations which used their services and urged the Council to consider the possibility of using their service.

### **b) Motion by Councillor Lezley Marion Cameron**

The following motion by Councillor Lezley Marion Cameron was submitted in terms of Standing Order 17;

“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.”

### **Motion**

To approve the motion by Councillor Lezley Marion Campbell

- moved by Councillor Lezley Marion Cameron, seconded by Councillor Gordon

### **Amendment**

- 1) To add after paragraph 2 (after the word “adaptable”) in the motion by Councillor Lezley Marion Cameron:

“Council notes current bin collection arrangements limit access to the public footpath for people with a disability and others, including parents with buggies, in many of the capital's streets, particularly in residential areas.”

- 2) To add after the word “amenities” in paragraph 4 of the motion:

“and bus stop closures and pavement parking”.

- moved by Councillor Burgess, seconded by Councillor Miller

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

### **Decision**

To approve the following adjusted motion by Councillor Lezley Marion Cameron:

- 1) The City of Edinburgh Council was committed to Edinburgh becoming a safer, more accessible, and inclusive city for Edinburgh residents and visitors.
- 2) To note recent policy and project development and implementation which had 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 the dropped kerb programme, as well as the agreement to provide 4,500 new homes within the house building targets which would be wheelchair accessible or adaptable.
- 3) To note current bin collection arrangements limited access to the public footpath for people with a disability and others, including parents with buggies, in many of the capital's streets, particularly in residential areas
- 4) To also note that in order to achieve the real benefits of Equality Impact Assessments, they needed to be designed with the input of people with lived

- expertise of the barriers that the assessments and recommendations intended to remove.
- 5) To call 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, bus stop closures and pavement parking in the Council ownership which would affect citizen and visitor access to these.
  - 6) Equality Impact Assessments of such proposals, temporary and permanent, should consider and clearly set out in reports, how proposals would impact on improving the accessibility and inclusion of the city to Edinburgh citizens and visitors.
  - 7) To call 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 was being achieved; and what further steps Council could take to work with its partners to improve the accessibility of major attractions, public services and amenities which were not in the Council ownership.

## 6 Leader's Report

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

- Covid 19 – Current situation

The following questions/comments were made:

- |                          |   |  |
|--------------------------|---|--|
| Councillor Burgess       | - | Omicron covid variant – national guidance – impact on Council services   |
| Councillor Aldridge      | - | Omicron covid variant – impact on Council services – funding from Scottish Government                                  |
| Councillor Day           | - | Omicron covid variant – national guidance<br>- Draft settlement for Edinburgh agreed by Scottish Government            |
| Councillor Kate Campbell | - | Current covid situation – financial support from UK Government   |
| Councillor Miller        | - | Carbon emissions reduction data  |
| Councillor Neil Ross     | - | Omicron variant – Licences for the operation of Christmas market – full compliance of current guidance by the operator |
| Councillor Arthur        | - | Council draft budget – Council tax increase  |
| Councillor Gordon        | - | Asking communities and businesses to follow covid guidelines   |

Councillor Barrie	-	£7.7m funding for improving waste collection in city – changes to services - consultation
Councillor Fullerton	-	Events and parties in Downing Street
Councillor Munro	-	Omicron covid variant
	-	COSLA – budget settlement – available funding
Councillor Main	-	Omicron variant – write to UK government asking for furlough and financial support to be put in place
Councillor Mary Campbell	-	Recent announcement on changes in Wales to delay return to school – ventilation in our schools

## 7 Appointments – Energy for Edinburgh

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### Decision

To agree to appoint Councillor McVey to the Board of Directors for Energy for Edinburgh in place of Councillor Macinnes.

## 8 Review of Political Management Arrangements – December 2021

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

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

### Motion

- 1) To agree to hold virtual meetings for executive committees and the Governance, Risk and Best Value Committee and to delegate authority to the Chief Executive to reinstate hybrid meetings when the public health situation improved.
- 2) To agree that once hybrid executive committee and Governance, Risk and Best Value Committee meetings resumed, these hybrid arrangements would stay in place until the Scottish Government's working from home guidance was changed or lifted, or until the next significant review of the political management arrangements after the election in May 2022, whichever came first.
- 3) To note that meetings of the City of Edinburgh Council would continue to be virtual until the Council removed the physical distancing requirement in its

buildings, whereupon a report would be brought to Council to consider the reimplementation of physical Council meetings.

- 4) To agree that the current Interim Standing Orders continue until the next review of the political management arrangements.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

- 1) To agree to hold virtual meetings for executive committees and the Governance, Risk and Best Value Committee and to delegate authority to the Chief Executive to reinstate hybrid meetings when the public health situation improved.
- 2) To agree that once hybrid executive committee and Governance, Risk and Best Value Committee meetings resumed, these hybrid arrangements would stay in place until the Scottish Government's working from home guidance was changed or lifted, or until the next significant review of the political management arrangements after the election in May 2022, whichever came first.
- 3) To note that meetings of the City of Edinburgh Council would continue to be virtual until the Council removed the physical distancing requirement in its buildings, whereupon a report would be brought to Council to consider the reimplementation of physical Council meetings.
- 4) In light of concerns raised as part of the Best Value Audit Report 2020 and reiterated in the Culture and Whistleblowing Report by Susanne Tanner QC regarding the culture amongst councillors; to reduce the length of meetings and to give councillors who don't sit on a particular Executive Committee the opportunity ask questions of the Leader and Committee Conveners in a structured manner through written Council Questions and verbal supplementary questions to remove 9.1 (e) of the Order of Business for Full Council in the Standing Orders.

- moved by Councillor Mowat, seconded by Councillor Jim Campbell

### **Voting**

The voting was as follows:

For the motion	-	42 votes
For the amendment	-	15 votes

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

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

### **Decision**

To approve the motion by Councillor McVey.

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

## **9 Treasury Management: Mid Term Report 2021/22 - referral from the Finance and Resources Committee**

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The Finance and Resources Committee had referred a report, which provided an update on Treasury Management activity undertaken in the first half of 2021/22, to the Council for approval.

### **Decision**

- 1) To approve the Treasury Management: Mid-Term Report 2021/22.
- 2) To refer the report by the Executive Director of Corporate Services to the Governance, Risk and Best Value Committee for scrutiny.

(Reference – Finance and Resources Committee of 9 December 2021 (item 9); referral from the Finance and Resources Committee, submitted.)

## **10 Appointment of Executive Director, Corporate Services**

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Details were provided on the proposed recruitment process following the resignation of the Executive Director, Corporate Services, exploring both an interim arrangement and a fixed term contract. It was proposed that the recruitment of a permanent candidate would commence post May 2022 and would be undertaken in line with the Council's Chief Officer Recruitment Policy.

### **Decision**

- 1) To delegate authority to the Chief Executive to recruit an interim Executive Director, Corporate Services.
- 2) To approve the permanent recruitment of an Executive Director, Corporate Services at an appropriate time after local government elections in May 2022.

(Reference - report by the Chief Executive, submitted.)



## 11 Household Recycling Charter - Motion by Councillor Burgess

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

“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/charterhousehold-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.”

### **Motion**

To approve the motion by Councillor Burgess.

- moved by Councillor Burgess, seconded by Councillor Miller

## **Amendment**

- 1) To accept paragraphs 1-5 of the motion by Councillor Burgess.
- 2) To replace paragraph 6 of the motion with:

“To recognise that these commitments and the actions to achieve them are in line with Council ambitions for household recycling but that there are aspects of the Charter, as outlined in 4(IV), that could be difficult to implement in Edinburgh, notably the need to increase the number of bins each household receiving kerbside collections would require, but requests a short report outlining those challenges to the Transport and Environment Committee within two cycles. This should include a recommendation on whether the Council should sign the Charter and what the implications would be for the services we currently provide to residents, as well as a clear indication of how we already meet the objectives of the Charter.”

- moved by Councillor Macinnes, seconded by Councillor Doran

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

## **Decision**

To approve the following adjusted motion by Councillor Burgess:

- 1) To note that the Scottish Government and CoSLA agreed a Household Recycling Charter that aimed to bring more consistency to recycling services; <https://www.zerowastescotland.org.uk/content/charterhousehold-recycling>.
- 2) To note that many of Scotland’s leading councils had signed up to the Charter.
- 3) To note that the Charter was a declaration of an intent to provide services that delivered local and national benefits, encouraging high-levels of citizen participation in waste prevention, recycling and reuse.
- 4) To note 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) To note that Scottish Ministers agreed to work in partnership with signatories and their representatives to support the delivery of these commitments.
- 6) To recognise that these commitments and the actions to achieve them were in line with Council ambitions for household recycling but that there were aspects of the Charter, as outlined in 4(IV), that could be difficult to implement in Edinburgh, notably the need to increase the number of bins each household receiving kerbside collections would require, but to request a short report outlining those challenges to the Transport and Environment Committee within two cycles. This should include a recommendation on whether the Council should sign the Charter and what the implications would be for the services it currently provided to residents, as well as a clear indication of how it already met the objectives of the Charter.

## **12 Health and Wellbeing Census - Motion by Councillor Laidlaw**

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

“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.”

### **Motion**

To approve the motion by Councillor Laidlaw.

- moved by Councillor Laidlaw, seconded by Councillor Mowat

### **Amendment 1**

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

Notes the Health and Wellbeing Census is essential to ensure young people can express their needs to policy makers, as defined by the UNCRC.

Notes Edinburgh Council, and authorities across Scotland follow a rights-based approach to this survey where young people can withdraw their consent to take part in some or all of the survey

Notes the responses of young people have a direct link to the curriculum covering Relationship, Sexual health and Parenting - where issues like consent and safe sex are explored within the classroom rather than the internet, and informed by the lived experience of young people from this survey.

Notes the Council will continue to work with the Scottish Government on the delivery of the census and feedback any issues from an Edinburgh perspective that could be helpful in improving the effectiveness of the census; and further notes that the Council and schools can exercise their rights to edit the survey.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 2**

To delete all from - “Council questions whether asking such questions...” in the motion by Councillor Laidlaw and replace with –

“Council notes that it is up to parents, carers and children and young people themselves to decide whether children and young person should take part. Children and young people can be opt-outed by parents/carers notifying their child’s school. Children and young people themselves can also say to their teacher that they do not wish to take part at any time.

Council recognises that this survey is an important tool to ensure that children’s services can be correctly planned and provided using the most complete and up to date information.

Council agrees with the reasons given by the government for the survey, which is to:

- plan and deliver better policies for the benefit of all children and families, or specific groups
- better understand some of the factors which influence the outcomes for children
- target resources better
- enhance the quality of research to improve the lives of people in Scotland
- provide a window on society, the economy and on the work and performance of local and central government

Council agrees to continue to deliver the survey in schools as planned.”

- moved by Councillor Mary Campbell, seconded by Councillor Burgess

### **Amendment 3**

To add at the end of the final paragraph of the motion by Councillor Laidlaw:

“Officers to arrange for a representative of the Scottish Government, involved in the Census project, to be invited to the committee meeting so that members can ask questions around content and process.”

- moved by Councillor Louise Young, seconded by Councillor Osler

In accordance with Standing Order 21(12), Amendment 3 was accepted as an addendum to the motion.

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

### **Voting**

The voting was as follows:

For the Motion (as adjusted)	-	24 votes
For Amendment 1 (as adjusted)	-	32 votes

For the Motion (as adjusted): Councillors Aldridge, Barrie, Bridgman, Brown, Bruce, Jim Campbell, Cook, Doggart, Douglas, Gloyer, Graczyk, Johnston, Laidlaw, Lang, McLellan, Mitchell, Mowat, Osler, Rose, Neil Ross, Rust, Webber, Whyte and Louise Young.

For Amendment 1 (as adjusted): The Lord Provost, Councillors Arthur, Bird, Booth, Burgess, Cameron, Kate Campbell, Mary Campbell, Child, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Griffiths, Henderson, Key, Macinnes, McNeese-Mechan, McVey, Miller, Munn, Munro, Perry, Rae, Staniforth, Watt, Wilson, Work and Ethan Young.)

## **Decision**

To approve the following adjusted Amendment 1 by Councillor McVey:

- 1) To note the Health and Wellbeing Census was essential to ensure young people could express their needs to policy makers, as defined by the UNCRRC.
- 2) To note Edinburgh Council, and authorities across Scotland followed a rights-based approach to this survey where young people could withdraw their consent to take part in some or all of the survey
- 3) To note the responses of young people had a direct link to the curriculum covering Relationship, Sexual health and Parenting - where issues like consent and safe sex were explored within the classroom rather than the internet, and informed by the lived experience of young people from this survey.
- 4) To note the Council would continue to work with the Scottish Government on the delivery of the census and feedback any issues from an Edinburgh perspective that could be helpful in improving the effectiveness of the census; and to further note that the Council and schools could exercise their rights to edit the survey.
- 5) To note that it was up to parents, carers and children and young people themselves to decide whether children and young person should take part. Children and young people could be opt-outed by parents/carers notifying their child's school. Children and young people themselves could also say to their teacher that they did not wish to take part at any time.
- 6) To recognise that this survey was an important tool to ensure that children's services could be correctly planned and provided using the most complete and up to date information.

- 7) To agree with the reasons given by the government for the survey, which was to:
- plan and deliver better policies for the benefit of all children and families, or specific groups
  - better understand some of the factors which influence the outcomes for children
  - target resources better
  - enhance the quality of research to improve the lives of people in Scotland
  - provide a window on society, the economy and on the work and performance of local and central government
- 8) To agree to continue to deliver the survey in schools as planned.

### **13 Scottish Government Funding for Light Rail - Motion by Councillor Staniforth**

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

“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.”

### **Motion**

To approve the motion by Councillor Staniforth.

- moved by Councillor Staniforth, seconded by Councillor Miller

### **Amendment**

1) To delete paragraph 2 of the motion by Councillor Staniforth and replace with:

“That representations have been consistently made from the City of Edinburgh Council to the Cabinet Secretary for Net Zero, Energy and Transport and the Cabinet Secretary for Finance and Economy on this issue, most recently in a letter from the Council Leader to the Cabinet Secretary for Finance and Economy in advance of the most recent budget announcement and in person during a Scottish Cities Alliance meeting with Green Party Government Ministers by the Council Leader.”

2) To delete the last paragraph of the motion and replace with:

“To support the Council Leader and Deputy Leader in their call for this change and support their request, which is being followed up in a meeting with the Cabinet Secretary for Finance in the coming weeks. Further resolves to continue to raise the points in this motion with all relevant Ministers until this change is secured as well as at the forthcoming meeting with the Cabinet Secretary.”

- moved by Councillor Macinnes, seconded by Councillor Doran

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

### **Decision**

To approve the following adjusted motion by Councillor Staniforth:

- 1) To note that as light rail was 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) To note that representations had been consistently made from the City of Edinburgh Council to the Cabinet Secretary for Net Zero, Energy and Transport and the Cabinet Secretary for Finance and Economy on this issue, most



recently in a letter from the Council Leader to the Cabinet Secretary for Finance and Economy in advance of the most recent budget announcement and in person during a Scottish Cities Alliance meeting with Green Party Government Ministers by the Council Leader.

- 3) To note that if light rail was not included in the scheme it would potentially put other councils off from investing in those methods of public transport and might also lead to a two-tier system of public transport when public transport integration and increased patronage was critical.
- 4) To note that because trams had not been included in other national free public transport schemes only Edinburgh residents could use their concessionary travel passes on Edinburgh's trams.
- 5) To support the Council Leader and Deputy Leader in their call for this change and support their request, which was being followed up in a meeting with the Cabinet Secretary for Finance in the coming weeks. To further resolve to continue to raise the points in this motion with all relevant Ministers until this change was secured as well as at the forthcoming meeting with the Cabinet Secretary.

## **14 Enhancing Employment Opportunities for People with a Disability - Motion by Councillor Howie**

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

“Council notes:

- 1) Specialist officers employed by the Department for Work and 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 and 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 and Pensions and the benefits and advantages of this for people with a disability and others including elected Councillors;

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.”

### **Motion**

To approve the motion by Councillor Howie.

- moved by Councillor Staniforth, seconded by Councillor Rae

### **Amendment**

To add to the motion by Councillor Howie:

Notes commitment 7 of the Coalition Commitments which is to improve access to employment and training opportunities for people with disabilities, and that progress on this commitment is reported annually at the Policy and Sustainability Committee and Full Council.

Notes specialist services are delivered through All in Edinburgh and Project Search. All in Edinburgh is a pan disability employment support service which was previously part funded through the European Social Fund, and which the Council has committed to continuing funding through the budget process. Project Search provides supported

work placements in the Council and NHS complemented with training by Edinburgh College.

Notes that the Council has just recommissioned employability services to start from 1 April, with a detailed report on this process presented to the Housing, Homelessness and Fair Work Committee on 14<sup>th</sup> January 2021 and contracts approved by Finance and Resource Committee on 7 October 2021. The supported employment service for disabled people continues to be a focus area and we provide Job Coaches both in-house, and through our contracted third party providers who are able to offer specialist support for disabled people beginning work, to help people find new jobs or to help people retain existing jobs.

Further notes the reports to the Housing, Homelessness and Fair Work Committee on 3<sup>rd</sup> June and 2<sup>nd</sup> September on Network of Employability Support and Training (NEST) and No One Left Behind (NOLB2) funding from the Scottish Government through which we will deliver local grants and training opportunities, with a strong focus on individuals who have been most adversely impacted by the pandemic and who face existing barriers, which includes young people, members of the BAME community, and disabled people.

Further notes that the approach is to operate a 'no wrong door' policy for employability support and that disabled people are able to access a range of specialist and generalist employability support.

Agrees that the report to the Housing, Homelessness and Fair Work Committee should set out the full range of employability services provided or funded by the Council that disabled people can access, from in-house services, contracted services and third party grants. The report should consider how these services can be best used to mitigate any changes to provision in place from the DWP or other agencies.

- moved by Councillor Kate Campbell, seconded by Councillor Watt

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 Howie:

- 1) To note specialist officers employed by the Department for Work and 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) To note the Department for Work and Pensions no longer employed such specialist officers and, instead, provided 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 had been employed.

- 3) To note that people with a disability therefore no longer had 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 had managed to obtain.
- 4) To note the rate of unemployment for people with a disability was currently running at between 40/50%, ten times the national figure.
- 5) To note the consequences of unemployment for most people with a disability, including exclusion from the workplace were absence of a work routine/structure, reduced income, increased social isolation and disproportionately higher levels of physical and mental health issues.
- 6) To agree to bring forward a report to Housing, Homelessness and Fair Work Committee within two cycles that:

Considered how the Council could 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;

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

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

To also examine any other ways in which the council could 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 could give a lead and demonstrate to others by example how this could be achieved successfully and to the benefit of all.

- 7) To note commitment 7 of the Coalition Commitments which was to improve access to employment and training opportunities for people with disabilities, and that progress on this commitment was reported annually at Policy and Sustainability Committee and Full Council.
- 8) To note specialist services were delivered through All in Edinburgh and Project Search. All in Edinburgh was a pan disability employment support service which was previously part funded through the European Social Fund, and which the Council had committed to continuing funding through the budget process. Project Search provided supported work placements in the Council and NHS complemented with training by Edinburgh College.

- 9) To note that the Council had just recommissioned employability services to start from 1 April, with a detailed report on this process presented to the Housing, Homelessness and Fair Work Committee on 14 January 2021 and contracts approved by Finance and Resource Committee on 7 October 2021. The supported employment service for disabled people continued to be a focus area and the Council provided Job Coaches both in-house, and through the contracted third party providers who were able to offer specialist support for disabled people beginning work, to help people find new jobs or to help people retain existing jobs.
- 10) To further note the reports to the Housing, Homelessness and Fair Work Committee on 3 June and 2 September 2021 on Network of Employability Support and Training (NEST) and No One Left Behind (NOLB2) funding from the Scottish Government through which the Council would deliver local grants and training opportunities, with a strong focus on individuals who had been most adversely impacted by the pandemic and who faced existing barriers, which included young people, members of the BAME community, and disabled people.
- 11) To further note that the approach was to operate a 'no wrong door' policy for employability support and that disabled people were able to access a range of specialist and generalist employability support.
- 12) To agree that the report to the Housing, Homelessness and Fair Work Committee should set out the full range of employability services provided or funded by the Council that disabled people could access, from in-house services, contracted services and third party grants. The report should consider how these services could be best used to mitigate any changes to provision in place from the DWP or other agencies.

## **15 Cameron Toll Bridge Strikes - Motion by Councillor Howie**

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The following motion by Councillor Howie was submitted in terms of Standing Order 17;

“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.
- 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.”

### **Motion**

To approve the motion by Councillor Howie.

- moved by Councillor Burgess, seconded by Councillor Miller

### **Amendment 1**

To replace paragraph 5 of the motion by Councillor Howie with:

“Agree to request information from Police Scotland and Network Rail identifying any Council actions that could help mitigate the potential for instances like this and report back to Transport and Environment Committee, as appropriate with any updated information or further actions the Council could take while retaining the essential objective of no more bridge strikes and, therefore, preventing casualties.”

- moved by Councillor Macinnes, seconded by Councillor Doran

### **Amendment 2**

To replace paragraphs 1-4 of the motion by Councillor Howie with a new paragraph 1 and thereafter renumber paragraph 5 as a new paragraph 2 as follows:

- “1) Notes further collisions in September and November 2021 involving HGVs failing to navigate the railway bridge at Cameron Toll with consequential damage, risk to life and delay.”

- moved by Councillor Rose, seconded by Councillor Jim Campbell

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

### **Decision**

To approve the following adjusted motion by Councillor Howie:

- 1) To note that bridge strikes had occurred ever since the bridge was too low and vehicles, mainly lorries, became too big to pass underneath it, which took us back to sometime in the last century.

- 2) To note that history of bridge strikes was unknown as council did not retain relevant statistics including casualty figures or costs, and that previous reviews and improvements had failed to stop the bridge strikes.
- 3) To note vehicles striking the bridge, mainly HGVs, usually toppled over and thereby posed a risk to both pedestrians and other road users, including cyclists.
- 4) To note further collisions in September and November 2021 involving HGVs failing to navigate the railway bridge at Cameron Toll with consequential damage, risk to life and delay.
- 5) To therefore express a desire to reduce the number of bridge strikes to zero.
- 6) To agree to request information from Police Scotland and Network Rail identifying any Council actions that could help mitigate the potential for instances like this and report back to Transport and Environment Committee, as appropriate with any updated information or further actions the Council could take while retaining the essential objective of no more bridge strikes and, therefore, preventing casualties.

## **16 VAT Rate on Energy Efficiency Retrofits - Motion by Councillor Booth**

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The following motion by Councillor Booth was submitted in terms of Standing Order 17;

“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."

- moved by Councillor Booth, seconded by Councillor Rae

### **Decision**

To approve the motion by Councillor Booth.

## **17 Smilechildcare - Motion by Councillor Fullerton**

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The following motion by Councillor Fullerton was submitted in terms of Standing Order 17;

"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.”

- moved by the Lord Provost, seconded by Councillor Griffiths

### **Decision**

To approve the motion by Councillor Fullerton.

## **18 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.

### **Declaration of Interests**

Councillor Booth declared a non-financial interest in the above item (Question 16) as the parent of two young people who were in Gaelic Medium Education.

## Appendix 1

(As referred to in Act of Council No 18 of 16 December 2021)

### QUESTION NO 1

**By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 December 2021**

In September, the Transport Convener publicly committed to the Equal Pavements Pledge, and this pledge is prominently placed on the Transport for All website:

<https://www.transportforall.org.uk/campaign/equal-pavements-pledge/>

This includes a commitment to "undertake a professional accessibility audit of your streetspace".

**Question** (1) What action is being taken to ensure any current or future proposed ETRO or TRO embeds this pledge?

**Answer** (1) The specific element of the Pavements Pledge which would relate to matters dealt with by ETRO or TRO would be the protection of blue badge bays. In developing ETROs and TROs, officers look at existing disabled parking arrangements and seek to protect or replace this (if protecting the existing bays cannot be achieved).

Alongside this, in developing schemes which require an ETRO or TRO officers also engage the relevant key stakeholder groups where required (e.g. Edinburgh Access Panel and Living Streets).

**Question** (2) Will independent professional accessibility audits of the existing streetscape and any planned schemes be carried out for all current or future ETRO or TROs, so it is clear what contribution any plans make to achieving the pledge and how the combination of elements being proposed for each area work together to achieve that or otherwise?

**Answer** (2) The Council is committed to working with relevant stakeholders, including those representing people with mobility, visual and other impairments, as it develops projects (not only those where legal orders are required) and carries out Integrated Impact Assessments for projects on the street network. As part of the design process for any planned scheme officers are required to consider, where

applicable, any changes to road and pavement layouts which will deliver the aims of the pledge.

Alongside this design work, other officers within the Council (e.g. Roads Inspectors, Street and Environmental Enforcement Officers and Parking Attendants) undertake patrols across the city and take enforcement action where there are breaches of the Council's approved policies and standards.

An audit of the city's streetscape has already started with the creating a comprehensive GIS inventory of locations on footways where dropped crossings (or other features such as raised tables or continuous footways) to facilitate pedestrian movement are present. This work also considered locations which would benefit from creating a continuous accessible network for walking and wheeling. This inventory is being used to prioritise a programme of dropped crossings and measures on side roads.

## QUESTION NO 2

**By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 December 2021**

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

In the report, there was a link to this data.

<https://www.edinburgh.gov.uk/downloads/file/29562/monitoring-cycle-counters>

**Question** (1) Please could you provide updated data to the present date?

**Answer** (1) The report to Council in [June 2021](#) confirmed that monitoring proposals would be reported to Transport and Environment Committee prior to implementation of the ETROs and that, thereafter, monitoring information and feedback received following implementation would be reported to Transport and Environment Committee with recommendations on next steps.

The data collected from 58 walking and cycling counters across the city is published online and updated daily at: <https://www.edinburgh.gov.uk/cycling-walking/statistics-cycling-edinburgh/1>

**Question** (2) Could this data be updated monthly from now on?

**Answer** (2) As noted above, this data is updated daily.

**Question** (3) This data is very limited, which is a concern given the level of investment in active travel and the need to ensure budget is spent on effective projects. What are the plans for additional locations for continual cycle counts and when will these be active?

**Answer** (3) The data published daily provides information on all walking and cycling counters across the city, while the information noted in the June 2021 report presented information only for those Spaces for People schemes which already had counters in place.

There are currently no plans for new walking and cycle count locations.

**Question** (4) There has been reference previously to a more comprehensive public data source being published. When will this be live?

**Answer** (4) As indicated above this is live now, and available via the above link to the Council website.

### QUESTION NO 3

**By Councillor Jim Campbell for  
answer by the Convener of the  
Transport and Environment  
Committee at a meeting of the  
Council on 16 December 2021**

On 29 November Forth Ward Members received an email raising concerns that no Safe Route to the new Victoria Primary School would be in place when it opens early next year. This is despite the likelihood that many more students will now have to cross the busy A901, Lindsey Road, due to the Primary School moving to a new building in Western Harbour. The reason given for this omission, apparently by Council Officers, was the secondment of Officers to the Spaces for People Programme.

I am grateful for the Deputy Leader's intervention to resolve this nonsense.

**Question** (1) Does the Convener recognise this?

**Answer** (1) The Spaces for People programme has had no impact on the resources/planning for the new Victoria Primary School. Planning and officer discussions for this new school have been ongoing since before the pandemic.

**Question** (2) Can the Convener reassure Council that Safe Routes to School are a priority for her?

**Answer** (2) Yes, Safe Routes to School are a priority for me. The Council has committed to undertake a travel plan review of all schools within the city over the next 24 months and to invest in the routes being used by children and families to travel to school to ensure safe, sustainable travel is an option for all.

**Question** (3) Can the Convener assure Council that a safe route to school / travel plan will be shared with all Parents / carers of Victoria Primary students covering access to the new building before the school moves?

**Answer**

- (3)** Discussions are on-going with the school in preparation for opening and it has been agreed that a travel survey for parents will take place at the end of January. This will help to establish planned routes which will be used to travel to the new school and to ensure that any new crossing facilities are situated where there is the most demand. The outcome of the survey will be shared with the school.

#### QUESTION NO 4

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 December 2021**

To ask the Convener of Transport and Environment:

There was an Edinburgh Council consultation in June 2018 on 2 options for the London Street crossing at Drummond Place; either a Puffin crossing (Option 1), which the criterion used by Transport officials within the council would have supported, or Option 2, to add step-outs either side of the junction (to significantly narrow the turning) as well as a raised table. The consultation attracted 173 responses with the step-out / raised table being supported by over 90% of respondents.

A plan has been prepared for these works.

The Policy and Sustainability Committee (under the revised Political Management arrangements in place during the pandemic) discussed an updated Pedestrian Crossing Priority list on 6th August 2020 - this had the London Street crossing at the top of the list with an stated 'Estimated Construction Year' being 2020/21 and £200,000 was included in the budget for 2020/21 for pedestrian crossing improvements.

#### Question

- (1) When are the works for this crossing to be put in place scheduled to be carried out?

#### Answer

- (1) The design work for the crossing is complete. Construction will take place following the successful conclusion of the statutory process for the Redetermination Order required to alter the road layout. This will hopefully be completed by summer 2022, assuming no objections are received. Thereafter, it is hoped that construction will begin swiftly.

#### Question

- (2) Has there been a change in process for bringing forward the Pedestrian Crossing Priority List which is usually an annual report to Committee given that the last time this was presented to Council was on 6th August 2020?



**Answer**

- (2) There has been no change to process. It is intended to bring the report to Committee by Autumn 2022. The Road Safety team is continuing to undertake assessments and the outcomes of all assessments undertaken since August 2020 will be detailed within the upcoming report

## QUESTION NO 5

**By Councillor Neil Ross for answer  
by the Convener of the Regulatory  
Committee at a meeting of the  
Council on 16 December 2021**

### Question

Following the passing of my motion on the Amplification of Sound on 28 October, has the convener written to Ben Macpherson MSP, the Minister for Local Government in Scotland, as requested, and, if so, can she publish the text of her letter and indicate the date it was sent?

### Answer

I wrote to the Minister on 8 November 2021. A copy of that letter is included below.

Ben Macpherson MSP  
St Andrews House  
Regent Road  
EDINBURGH  
EH1 3DG

By email

Date 8 November 2021

Dear Ben,

#### Amplification of Sound in Public Spaces

Noise from busking and street entertainment has been a significant concern for some of the city's residents for some time. On 28 October the City of Edinburgh Council discussed the amplification of sound in public spaces. Councillor Neil Ross moved a motion (attached) with respect to the impact of amplified sound from buskers and street entertainers in public spaces in Edinburgh.

As a result I was asked to write to you to highlight the negative impact of amplified sound from buskers and street entertainers in public spaces in Edinburgh; and to request that Scottish Government considers whether new powers are required 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.

#### Background

In conjunction with their Police partners, Council officers in the City Centre Neighbourhood Team previously ran a campaign in an attempt to minimise disturbance by buskers. This included the development of a 'Good Practice Guide', including a request system where the use of amplification was intended whilst busking in the city centre. This was discontinued after the first summer due to a lack of

resources and enforcement powers.

Some years ago, the Council trialled temporary street signage regarding busking in the city centre and has adopted an informal role responding to initial complaints and advising buskers on the guidelines drafted by that team in 2015. In the vast majority of cases, they have to be forwarded to Police Scotland, who can use their legal enforcement powers in this respect.

Current position

Under the Civic Government (Scotland) Act 1982, Police officers may seize sound-making equipment (no matter where located) if a person fails to stop the noise on being asked to do so. Police Constables may also serve Fixed Penalty Notices for this offence.

Although Police Scotland may use these powers in the relevant circumstances, use of these must be balanced against other priorities. The Council would welcome the provision of further enforcement powers in order to support Council officers to encourage best practice.

Statutory provisions under the Environmental Protection Act 1990 allow for local authorities to require the abatement of a noise nuisance if the noise amounts to a Statutory Nuisance. However, 'Statutory Nuisance' is not defined. It is normally determined by reference to the noise itself and its duration, volume, character, time of day and frequency. This means that the disturbance must be long-term and sustained. The noise must also be affecting an individual in a domestic property. This legislation is used when noise is emanating from a premise or from a vehicle, machine or equipment in the road. It is not applicable to street noise such as buskers, as it is often difficult to establish that there is a sustained problem from the same person.

I would appreciate the opportunity to discuss opportunities to develop a way forward in this regard.

Yours sincerely  
Cathy

Councillor Catherine Fullerton  
Convener – City of Edinburgh Council Regulatory Committee

**Supplementary Question** Can the Convener confirm that she will robustly pursue the case for regulation of amplified sound from buskers and street entertainers in her discussions with Mr Macpherson?

**Supplementary Answer** Yes, I can confirm that I will follow up with Mr Macpherson.

**QUESTION NO 6**

**By Councillor Neil Ross for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 16 December 2021**

Back in 2017 the Council committed to making repairs on a right-first-time basis and was looking at the purchase of a Hot Box machine to allow hot repairs to be done. Please can you provide the following:

**Question** (1) The proportion of emergency repairs carried out within the expected timescale over the past twelve months?

**Answer** (1) The information below provides details of road defect repairs in 2020/21 and 2021/22 as this information is collated by financial year. The data in Appendix 1 shows this service is consistently achieving the performance target for all Category 1, 2 and 3 defects on a monthly basis.

**Question** (2) The proportion of temporary repairs that are subsequently replaced by permanent repairs within the expected timescale over the past twelve months? What is that timescale?

**Answer** (2) It is not possible to provide details of the proportion of temporary repairs which are subsequently replaced by permanent repairs. A process has been established to review all Category 1 defects and a follow up job where possible is created and scheduled within one month of the temporary repair being completed.

The Road Operations team have, however, confirmed that:

- They undertook 420 permanent hot box repair jobs last year. Historically there is an average of 2.02 defects per job and so the number of defects permanently repaired will be approximately 840;
- In addition, the response squads carried out 120 permanent repair jobs; and
- 65,000m<sup>2</sup> of targeted priority surfacing was carried out over the last nine months. These jobs are targeted at roads where patching is not feasible.

**Question** (3) How many 'hot box' repair machines does the Council have at its disposal at present for making 'hot' permanent repairs?

**Answer** (3) A 'hot box' is not a repair machine, rather it is an insulated lorry with an active heating system which keeps the asphalt contained within it hot for a longer period of time. The Council has one hotbox and six insulated lorries which serve a similar purpose.

**Question** (4) Has the Council investigated the potential of 'road mole' type repair solutions and, if so, what conclusion was reached?

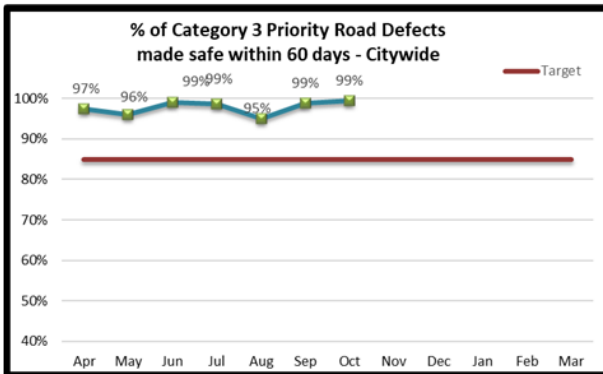
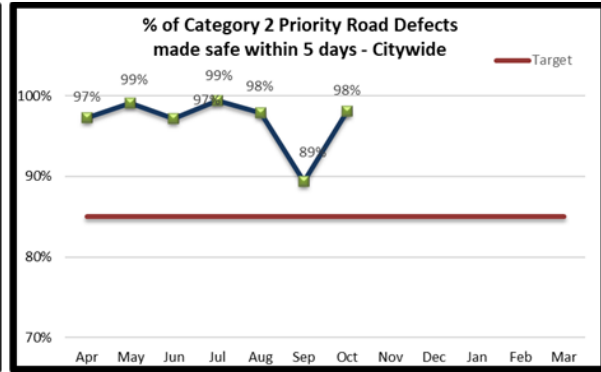
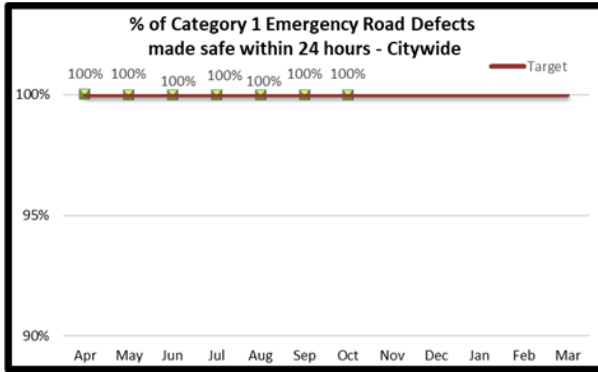
**Answer** (4) Yes, Council officers investigated the potential of the 'Road Mole', through discussion with the 'Road Mole' team and a demonstration of the vehicle in Liverpool.

A number of benefits, challenges and limitations were identified. Officers attempted to set up a trial of the equipment in Edinburgh but it was not commercially viable. Officers also sought to seek an option to establish a contract hire of the equipment but the equipment was in its infancy and there was no viable offer returned.

However, officers have engaged with JCB who have developed a similar item of plant named the 'Pothole Pro'. This is more commercially accessible, and a one-week trial is planned this month to better understand and test the potential benefits of adopting this dedicated equipment.

## Appendix 1:

2021/22 – YTD:



2020/21:



**Please note:** the data for 2020/21 includes the time period following the outbreak of Coronavirus (COVID-19) when the service stood down Category 3 defects to protect staff and to comply with government legislation. This led to the dip in Category 3 performance between April and June 2020. Despite the uncertainty at the time, the Road Operations team maintained Category 1 and Category 2 defects throughout the pandemic.

**QUESTION NO 7**

**By Councillor Neil Ross for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 16 December 2021**

**Question**

Following the passing of my motion on Zebra Markings for Side Streets on 25 November, has the convener written to the Scottish Government Ministers for Transport and Active Travel, as requested, and, if so, can she publish the text of her letters and indicate the dates they were sent?

**Answer**

There is an established procedure in place whereby Scottish Local Authorities can apply to Transport Scotland for authorisation to use traffic signs or road markings that are not prescribed within the relevant roads' legislation. We would need to follow this process to formally seek authorisation for any trial of informal zebras in Edinburgh. As this authorisation has to be applied for on a location specific basis, we will not be in a position to do this for some time, while we investigate and potentially consult on suitable locations.

A letter was sent to Scottish Government Ministers for Transport and Active Travel notifying them that we intend to seek authorisation for a trial next year and seeking support for this.

The letter was not finalised and sent until a review of the report on the outcomes on the Manchester trial was complete as this informed the contents of the letter to Scottish Ministers.

It should be noted that the motion which passed on this matter was in fact a Coalition amendment, as noted in the Minutes of the meeting.

“Dear Mr. Matheson and Mr. Harvie

At the City of Edinburgh Council we are very keen to explore low cost but high impact ways of helping us move rapidly towards a net zero carbon, healthy and inclusive transport system.

One of the issues we currently face is that available forms of pedestrian (and cycle) priority street crossings, either signals or the ‘zebra’ are both relatively expensive, with significant infrastructure needed over and above the necessary road markings. Many mainland European countries use much cheaper variants of the zebra, relying either on paint alone or on paint supported by fixed signs rather than flashing beacons (we’ve shown a few examples below, from Italy and Denmark).

We’re aware of trials of this type of crossing recently conducted in Manchester. Early results of the trials, involving using the low cost zebras on side roads, appear encouraging, with large increases in drivers’ propensity to give way to pedestrians recorded.

We are looking at options for a similar proposed trial in Edinburgh, potentially including crossings in both the same type of location and possibly for crossing secondary roads in locations where a conventional zebra or signalled crossing would not be affordable. We would hope to submit proposals in the first half of 2022, in the meantime we would very much welcome your support in principle for such an experiment.





Should you wish to discuss this important topic, my colleague, Martin Scott, will be pleased to make arrangements – [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk).

Yours sincerely and kind regards,

Councillor Lesley Macinnes  
Transport and Environment Convener

**QUESTION NO 8**

**By Councillor Jim Campbell for  
answer by the Convener of the  
Finance and Resources Committee at  
a meeting of the Council on 16  
December 2021**

Councillor access to documents relating to the Monitoring Officer and Brodies earlier work around whistleblowing allegations

**Question** (1) Can the Convener confirm if the Council will have to pay a third party to give Councillor's access to these Council documents?

**Answer** (1) A small amount will have been incurred in order for two councillors to have access to these documents prior to November Council. This was facilitated by the Inquiry Team as they retain the most comprehensive and accessible record of these documents. However, following the November Council decision, arrangements have been made for Councillors who wish to do so to examine the relevant documents on Council premises facilitated by Council staff so no third party costs will be incurred.

**Question** (2) If so, what amount is envisaged?

**Answer** (2) See Q1 above. The costs associated with the Independent Inquiries have been reported regularly to Council and the Finance and Resources Committee, most recently on 9 December 2021.

**Question** (3) Can the Convener confirm if the Council retains in its own possession any copies of these documents?

**Answer** (3) Yes

**QUESTION NO 9**

**By Councillor Cook for answer by the Council Leader at a meeting of the Council on 16 December 2021**

To ask the Council Leader how many times in the last 12 months they have met with:

**Question** (1) The Scottish First Minister

**Answer** (1) As Councillor Cook would expect, there has been continuous engagement with representatives of the Scottish Government and Cabinet Ministers and Ministers on a number of issues relating to the pandemic and wider matters. I have not analysed the enormous amount of meeting records to give a definitive answer if there has been a meeting in the last year that included both me and the First Minister, but I have no records of any direct meetings. Although to assure Councillor Cook, if I felt the need for a 1 to 1 with the First Minister to help take forward our programme for the Capital on any specific issue, I wouldn't hesitate in progressing it.

**Question** (2) The Cabinet Secretary for Finance and the Economy

**Answer** (2) Numerous times at various meetings such as but not limited to the Scottish Cities Alliance, Edinburgh City Region Deal and the City Centre Taskforce Oversight Group.

**Question** (3) Essential Edinburgh

**Answer** (3) Numerous times at various meetings through regular forums such as but not limited to the Strategic Implementation Group of ETAG (which I have Chaired since the start of the pandemic) and others like the Economic Advisory Panel.

**Question** (4) The Edinburgh Hoteliers Association

**Answer** (4) Numerous times at various meetings through regular forums such as but not limited to the Strategic Implementation Group of ETAG (which I have Chaired since the start of the pandemic).

**Question** (5) The Edinburgh Chamber of Commerce

**Answer**

- (5)** Numerous times at various meetings through regular forums such as but not limited to the Strategic Implementation Group of ETAG (which I have Chaired since the start of the pandemic) and others like the Economic Advisory Panel.

**QUESTION NO 10**

**By Councillor Cook for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 December 2021**

To ask the Convener of Transport and Environment Committee how many times in the last 12 months they have met with representatives of:

**Question** (1) Edinburgh Taxi Association

**Answer** (1) No requests to meet Convener directly, but ETA take part in the Transport Forum which Convener chairs.

**Question** (2) Unite the Union Cab Branch

**Answer** (2) No requests to meet the Convener directly within last 12 months. Although the Convener has met with other Unite representatives to discuss, for example, ALEO reform.

**Question** (3) Lothian Buses

**Answer** (3) The convener has met with Lothian Buses 7 times in the last 12 months to discuss various matters. In addition, we maintain regular contact by phone on any matters which arise.

**Question** (4) The AA

**Answer** (4) The Convener has not been approached to meet the AA. They are on the invite list for the Transport Forum but have never attended.

**Question** (5) Essential Edinburgh

**Answer** (5) Essential Edinburgh have not met with the Convener but have engaged with officers during Spaces for People, in March an engagement session was chaired by Cllr Doran., due to the Convener's illness. The Vice Convener also meets with EE regularly as part of the George Street Association. The organisation has also made a deputation to Transport and Environment Committee in August and engage regularly with officers and the Convener via email.

**Question** (6) Edinburgh Hoteliers Association

**Answer** (6) The Association have not requested a direct meeting with the convener but were part of the Spaces for People engagement session with the Vice-Convener on 10 March 2021, as described above.

**Question** (7) Edinburgh Chamber of Commerce

**Answer** (7) The Convener met with the Chamber of Commerce in February 2021, and they were also present at the Spaces for People engagement session in March. In addition, the Chamber of Commerce have also engaged with officers on the City Mobility Plan.

**QUESTION NO 11**

**By Councillor Mowat for answer by  
the Convener of the Regulatory  
Committee at a meeting of the  
Council on 16 December 2021**

At the Regulatory Committee on 2nd December 2021  
Councillor Day moved to continue Item 7.4 on the grounds  
of legal advice received, can the Convener clarify:

**Question** (1) Whether legal advice was sought on this item by councillors.

**Answer** (1) Legal advice was sought by councillors in relation to this  
item.

**Question** (2) Whether officers brought forward legal advice to councillors  
without a request.

**Answer** (2) See above.

**Question** (3) Which councillors were party to this legal advice?

**Answer** (3) The advice was provided to the Convener and Vice  
Convener of the Committee and to the Leader and Depute  
leader of the Council.



**QUESTION NO 12**

**By Councillor Mowat for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 16 December 2021**

Could the Convener detail:

The cost of providing the gull proof sack service

**Question** (1) Per household and

**Answer** (1) Based on approximately 2,300 households, the cost per household is £34.97 per household per year solely for collection (driver, loader and vehicle costs). The costs of disposal and administrative support are not included as this data is not held separately from other waste services.

For comparison, based on the 132,000 households that use the communal bin service, the current cost per household (of residual/non-recyclable waste collections) is £22.15 per year solely for collection.

**Question** (2) As a total cost

**Answer** (2) The estimated cost of collection of the gull proof bags from the 2,300 households that use the service is £80,431 per year.

For comparison, the estimated current cost of communal bin collections of residual/non-recyclable waste from the c.132,000 households that use this service is £2,924,240.

**QUESTION NO 13**

**By Councillor Whyte for answer by  
the Council Leader at a meeting of  
the Council on 16 December 2021**

**Question**

Given that the response to previous questions indicates that he believes that the appraisal of the Chief Executive is the Council Leader's responsibility can he confirm how many annual appraisals the Chief Executive has had since joining the Council in 2015 and since he became Council Leader in 2017?

**Answer**

I understand that the Council was in the process of developing a new approach to performance management when the Chief Executive was appointed, and this was subsequently approved in 2016 by the Corporate Policy and Strategy Committee.

Since becoming the Leader of the Council in 2017, I have discussed performance on an ongoing basis with the Chief Executive, which is consistent with the Council's approved performance management framework and policy. In addition to this ongoing approach, I commissioned the Local Government Association to undertake a formal 360-degree review as part of my ongoing discussions with the Chief Executive Spring 2019 which Councillor Whyte was part of. This will be repeated when possible, as I have already confirmed in previous answers.

**QUESTION NO 14**

**By Councillor Whyte for answer by  
the Council Leader at a meeting of  
the Council on 16 December 2021**

**Question**

Who took the decision, and under what authority, that the approach to the appraisal of the Chief Executive would change to being the sole responsibility of the Council Leader as opposed to the approach with all previous Chief Executives where appraisal was undertaken by a small committee made up of the political group leaders?

**Answer**

To repeat a part of my answer to Councillor Whyte from November 2018 and again in March 2021 “the Chief Executive is uniquely accountable to the whole Council, in its capacity as employer, **through the Leader of the Council**” which is the normal approach in local government.

This accords fully with the Council’s approved performance management framework and policy, which is applicable to all employees, including the Chief Executive. This policy was approved by the Corporate Policy and Strategy Committee in 2016.

Councillor Whyte may also wish to be aware that the Chief Executive’s job description, which forms part of his contract of employment, makes explicit that he is responsible to the Council, through the Council Leader. The job description for the Chief Executive was approved by Group Leaders in early 2015, again as reported to the Corporate Policy and Strategy Committee. Councillor Whyte may wish to reconsider asking such questions at Full Council, when these answers are already known to members of his group, including his colleague who was the Conservative Group Leader at that time.

**Supplementary  
Question**

Lord Provost, the Council Leader told me in March and in answer to a question on this topic and I quote:

“Councillor Whyte wasn’t Group Leader before I became Group Leader and I wasn’t Group Leader before I became Council Leader, so in terms of the practice before that, I don’t think either of us can speak with authority.”

End of quote.

Given the conversations we’ve had again today about the tone of debate in the Chamber, with exhortations to do better including from the Council Leader, why has he chosen to write such a dismissive and derogatory conclusion to the answer he placed before the Council? Does he not recognise that we all have an interest in determining whether the Chief Executive is achieving his agreed objectives regardless of whether we voted for the exact detail of how they were set out?

**Supplementary  
Answer**

I repeat that Councillor Whyte should reconsider asking the same question multiple times, wasting Council time. This request is not the same as the aggressive, personalised comments (and often direct attacks on officers) that we have seen increasingly from Conservative colleagues.

**QUESTION NO 15**

**By Councillor Whyte for answer by  
the Council Leader at a meeting of  
the Council on 16 December 2021**

**Question**

Given that he has recognised in his response to previous questions on this topic that the Chief Executive is responsible to the whole Council and not just the Administration why he has not shared the Chief Executive's objectives with other Group Leaders and when he will do so?

**Answer**

I have previously answered a similar question from Councillor Whyte in March 2021.

Therefore, I restate that the Chief Executive's objectives are focused on dealing with the consequences of a global pandemic for both the Council and the City, including the Council's statutory responsibilities arising from the Civil Contingencies Act and providing direct leadership of the Council's Incident Management Team, which continues to operate.

Regular reports provided to the Policy and Sustainability Committee on the Adaptation and Renewal Programme ensure that progress within these objectives are not only shared, but that they are in the public domain.

In addition to these objectives, the Chief Executive continues to discharge the responsibilities of his role, as set out in his job description and aligned to the delivery of the Council's approved business plan.

I understand that Councillor Whyte doesn't support the Chief Executive in delivering the settled will of Council to improve the wellbeing of our residents and tackle climate change and poverty in our City- which Cllr Whyte and his party colleagues have consistently voted against. I further note that Cllr Whyte has failed to raise this for discussion at Group Leaders meetings since his last questions in March 2021- although I would also point out that while Group Leaders is a useful forum on some issues, it is not a forum to try and frustrate the settled will of Council.

**Supplementary  
Question**

Lord Provost, the Council leader says he looks to the Adaptation and Renewal Framework and the Council Business Plan as the Chief Executive's objectives. So, I wonder how he is monitoring the aspects of the Chief Executive's Job Description that relate to Culture, Leadership, and Change and transformation? I ask because these are critically important to the Review we discussed earlier today and on which we have 50 recommendations from an independent review. Do these feature in the objectives?

**Supplementary  
Answer**

Yes.

**QUESTION NO 16**

**By Councillor Booth for answer by  
the Convener of the Education,  
Children and Families Committee at a  
meeting of the Council on 16  
December 2021**

**Question** (1) Please can the Convener clarify what Scottish Government funding was received for the refurbishment of the Darroch annex, and what conditions were attached to that funding?

**Answer** (1) The Scottish Government contribution was £4million.

**Question** (2) If the Darroch annex reverts to English Medium Education in the future, what are the implications of this for the funding received?

**Answer** (2) At the time the Scottish Government granted the funding the intention was that the Darroch Annexe would be suitable for a GME primary school in the longer term. If that does not transpire then discussions would need to be had with the Scottish Government about the status of the funding.

**Supplementary  
Question**

I thank the Convener for his answer, which seems to be at odds with the response that I've received from Scottish Government officials, who have told me, I quote, "We have been reassured by CEC officers that if Darroch reverted to English Medium Education, this would be taken into account and transferred to [another] GME project in the city."

Please can the Convenor clarify: will the £4m be transferred to another GME project, or won't it?

**Supplementary  
Answer**

It is not yet clear whether there will be a continued use of Darroch for GME in the long term. If it isn't used for GME in the longer term then the funding can be transferred to another project. The details of this would required to be discussed with the Scottish Government.

**QUESTION NO 17**

**By Councillor Bruce for answer by the Convener of the Edinburgh Integration Joint Board at a meeting of the Council on 16 December 2021**

Can the Convener confirm

**Question**

The number of Care Package requests that are currently outstanding for each locality?

**Answer**

The number of care package requests outstanding at 9 December 2021 in each locality are as follows:

- North-East – 163
- North-West – 210
- South-East – 231
- South-West – 191

The above number of requests includes those for people in hospital and at home.

**Supplementary Question**

What are the estimated timescales for delivering the outstanding requests for Care Packages?

**Supplementary Answer**

The health and social care system is in an unprecedented crisis in terms of its delivery of care, including care at home. There is not nearly enough carers to cover the essential care we are being asked to deliver. A paper was presented by the HSCP at the Council's Policy and Sustainability Committee on 5 October 2021 outlining the scale of the challenge we are facing and the significant pressures being put on our services

We currently have no timescales for delivering the outstanding packages of care. Actions taken to address the situation include:

- We are working with the independent care sector to increase their capacity and stabilise. A single recruitment portal and advertising campaign was launched on 4 October 2021 and work is also underway with Edinburgh College on supporting more students into part time work.



- The recruitment work is part of a wider Home Based Support plan that is working to optimise the care already available where we are working with providers to prioritise care in line with people's critical need.
- We are in the process of recruiting more carers to our internal Homecare Service
- We are engaging with the 3<sup>rd</sup> sector on opportunities to work with volunteers in a way that is safe and appropriate.
- We are enhancing multi-disciplinary teams already in place including increasing staffing into District Nursing in-reach, Home First and Discharge to Assess models.
- To support people's discharge from hospital, we have contracted with care homes to provide interim beds for people that are waiting on a package of care. This means that rather than waiting in hospital for a package of care, they can be in a more homely environment.