

Notice of meeting and agenda

City of Edinburgh Council

10.00 am Thursday, 4th May, 2023

Main Council Chamber - City Chambers

This is a public meeting and members of the public are welcome to attend.

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

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1. Order of business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 The City of Edinburgh Council of 16 March 2023 – submitted for approval as a correct record 35 - 154

5. Leader's Report

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6. Appointments

- 6.1 Review of Appointments to Committees, Boards and Joint Boards for 2023/2024 – Report by the Executive Director of Corporate Services 159 - 174

7. Reports

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7.5	Drug and Alcohol Recovery Services in Niddrie and Craigmillar – Report by the Interim Chief Officer, Edinburgh Health and Social Care Partnership	333 - 338
7.6	Proposed Compulsory Purchase Order - Granton Waterfront (Phase 1) Regeneration Site – Report by the Executive Director of Place	339 - 392

8. Motions

8.1 By Councillor Mumford – Standing Up for Migrants and Refugees

“Council:

1. Notes that the Illegal Migration Bill passed bill passed its second reading in the UK Government House of Commons on Tuesday 13th March and is now making its way through the next stages of the parliamentary process.
2. Notes that the UNHCR view is that this Bill “would be a clear breach of the Refugee Convention and would undermine a longstanding, humanitarian tradition of which the British people are rightly proud”.
3. Notes that in March 2017 Edinburgh Council agreed to become a 'City of Sanctuary' for refugees and asylum-seekers.

Therefore, Council:

4. Agrees its opposition to the UK Government’s Illegal Migration

Bill, and instructs the Council Leader and Lord Provost to make public statements to this effect.

5. Reaffirms its commitment to be a city which welcomes refugees, migrants, asylum seekers and all those seeking sanctuary.
6. Requests a briefing note to be circulated to all Elected Members before summer recess updating them on engagement with Edinburgh City of Sanctuary and future plans for embedding our commitment as a 'city of sanctuary' throughout Council operations."

8.2 By Councillor Miller – Care Inspection Reports

"Council:

1. Notes the findings of the Inspection of Adult Social Work and Social Care Services by the Care Inspectorate (published 21 March) and the joint inspection of Adult Support and Protection (published 14 February) both of which identify substantial areas for improvement.
2. Notes with concern the areas identified for improvement, which include protection, quality and availability of services, legislative compliance, outcomes-focused practice, and community support.
3. Recognises that, while financial and labour market pressures present challenges to the council, change and improvements are needed across areas such as IT, workforce strategy, processes, policies, and integration across the sector.
4. Notes the requirement to prepare an improvement plan in response to both inspections, thanks officers for beginning this work, and calls for improvement plans to be reported to the Policy & Sustainability Committee within one cycle."

8.3 By Councillor Day – Tourism Tax

1. "Council notes that Manchester has become the first city in the

UK to introduce a tourist tax, with visitors having to pay an extra £1 a night.

2. Recognises that Manchester is using its devolved powers to levy this 'city visitor charge' from the first of April.
3. Regrets that the Scottish Government has yet to fully devolve the power to Edinburgh in order for it to raise essential revenue to fund council services.
4. Agrees that the Council Leader engage with Tourism groups in the city to put pressure on the Scottish Government to devolve the tourism tax power and to write to the relevant Minister in the Scottish Government."

8.4 By Councillor Caldwell - Sewage in Edinburgh's Waterways

"Council -

Regrets

- 1) That there are a large number of Combined Sewer Overflow (CSOs) outputs in Edinburgh's waterways, such as along the Water of Leith, the River Almond and the Figgate Burn.
- 2) That many CSOs are not actively monitored, despite promises from Scottish Water and SEPA that a number of monitors would be installed by the end of 2022.
- 3) That although plans have come forward Scottish Water to reduce the amount of CSOs in total, action is still to be taken outwith 'upgrading' a small percentage of CSOs.

Notes

- 1) The important benefits that our rivers and coastline plays for our community, and that many voluntary organisations clean up our waterways, and thanks them for their ongoing service.
- 2) The current situation is contradictory to the City of Edinburgh Council's declaration of a Nature and Climate Emergency.
- 3) The City of Edinburgh Council is a member of the Edinburgh and Lothians Drain Partnership along with Scottish Water, SEPA and others.

Requests

- 1) The Edinburgh and Lothians Drains Partnership holds an extraordinary meeting to draft a publicly accessible plan of action and invites key stakeholders and campaign groups including (but not exclusive to) The Water of Leith Conservation Trust, River Almond Action Group, Figgate Friends, Forth Rivers Trust and SOS Leith with Full Minutes published on the Council website alongside a map of all river-based CSOs within the City of Edinburgh.
- 2) That Transport and Environment Committee is:
 - a. provided six-monthly updates on the installation of sewage monitoring to the business bulletin.
 - b. provided ongoing data when this monitoring is live
- 3) The Council Leader write to the Scottish Government, Scottish Water and SEPA, outlining the Council's major concern that no-one knows how much sewage is being dumped in Edinburgh's biodiverse waterways.

Believes

that the ambition should be that Edinburgh's waterways are free from the discharge of human waste."

8.5 By Councillor Lang – Consideration of Private Business

"Council:

1. notes that, at its meeting on 21 March 2023, the Policy & Sustainability Committee considered a report on 'Four Seasons Healthcare - North Merchiston and Castlegreen Care Homes'.
2. acknowledges the commercial sensitivity that rightly led the committee to consider this item in private.
3. notes an addendum was tabled to the report which extended beyond the specific case of the two care homes and resulted in a majority decision to agree:
 - a) that 'the council's role as a care provider is best met through council owned and operated care homes' and,
 - b) that 'CECs presumption going forward should be in favour

of an in-house model', and for 'the Convenor to communicate this council position to EIJB'.

4. recognises this addendum was never published publicly and that any group which may have wished to give a deputation on these general issues would not have been able to do so.
5. further recognises that members of the public were excluded and the webcast turned off for the debate and vote on the general issues covered by the addendum.
6. agrees the Council should aspire to the highest levels of openness, transparency and accountability in its decision making.
7. recognises that, whilst there will be individual cases and sensitive matters which require consideration in private, discussion and decisions on general policy issues should always be held in public unless there are exceptional circumstances.
8. requests that officers consider the issues which arose on 21 March 2023 and reports back to Council within six months with options on how procedures could be amended to ensure discussions on general issues and decisions on policy are taken in public, even when the catalyst for such a discussion comes from a private agenda item.”

8.6 By Councillor Bennett - Period Product Provision

- “1. Council recognises that access to sanitary products is essential for those who menstruate.
2. Council agrees that an increase in poverty has accelerated the uptake and requirement of free period products in public buildings throughout Edinburgh.
3. Council notes that access to free period products is possible due to provision in public buildings, such as libraries, schools, and community centres.
4. Council regrets that, currently, there are many community buildings which, while previously receiving free period products to distribute, no longer do, especially third sector

partners.

5. Council requests a report to Policy and Sustainability Committee within 2 cycles detailing:
 - a. The possible costs associated with extension of provision.
 - b. An application scheme for interested parties to receive products to distribute.”

8.7 By Councillor McNeese-Mechan - Ekbatan Girls

“Council notes with deep concern that the Iranian Security Forces continue to snatch women and girls from schools, homes, and universities. In the latest such act of violence against women, five girls from the Ekbatan neighbourhood have been snatched by the so-called ‘morality police’, despite assurances from the Iranian Attorney General late last year that this had been abolished.

The City of Edinburgh Council declares our commitment to stamping out violence against women and girls wherever it occurs. We further affirm our understanding that key to tackling the global scourge of gender-based violence, it is essential to recognise the misogyny that underlies it.

Council agrees to support local organisations in their efforts to raise awareness, including but not limited to, offering free space for meetings for local Iranian networks in Edinburgh who are coordinating support and resistance in Iran.

Further agrees to write to all Edinburgh MPs encouraging them to seek action by the foreign office through diplomatic and intelligence channels to ensure the return of the Ekbatan girls to their families and push for identification of and action against those who kidnapped them, whether by the Iranian regime or internationally.”

8.8 By Councillor Mattos Coelho - Make Public Sexual Harassment Illegal Campaign

“Council acknowledges that ‘Make PSH (Public Sexual Harassment) Illegal’ Campaign’s was launched at the Scottish

parliament on International Women's Day, 8th March 2023. The campaign is calling on the Scottish Government to follow the recommendation as set out by [the Criminal Justice and Misogyny Working Group](#), to make public sexual harassment illegal in Scotland.

Council recognises that the "Women's Safety in public places – phase two" consultation closed on the 26 March and is intrinsically linked to the campaign above.

Therefore, Council agrees:

- to support and endorse the campaign.
- that the Lord Provost will sign the open letter and encourage all other councillors to sign.
- to request that the Director of Corporate Services work with trade unions through the joint consultative forum and any other appropriate forums to explore actions to raise awareness and reduce these behaviours through staff networks.
- to also request the Director for Education and Children's Services works to identify further actions through schools, to equip teachers and parents with the necessary tools to teach children from P1 to S6 that harassment is not acceptable to tackle it across society."

8.9 By Councillor Mattos Coelho - Single Parents Day

"Council:

Notes that:

- 39% of children in single parent households are living in poverty –amounting to 90,000 children in Scotland.
- 40% of those are in households where the single parent is working.
- 92% of single parent families are headed by women.
- In Edinburgh, one in four (27%) families is headed by a single parent.

- Single parents are one of the hardest hit groups by the economic and social impacts of the pandemic and the cost-of-living crisis.
- Most single parents report feeling isolated and without significant support, and isolation contributes to low self-esteem, poor confidence, anxiety and depression.
- Lone parents are one of the six priority family types identified by the Scottish government as being at high risk of child poverty.

Notes that there is a clear gender inequality and that Single Parents should be specifically acknowledged and their strength celebrated. Further notes that since 1984 the United States has been making a “Single Parents Day” to help raise awareness to their existence and struggles.

Therefore, requests that Lord Provost takes necessary actions to make the 21st March each year “Single Parents Day” and work with officers to mark this in an appropriate way.”

8.10 By Councillor Key - Heathervale Care Home Service

“Council:

1. Notes the most recent inspection report by the Care Inspectorate of Heathervale Care Home Service.
2. Is very concerned with the quality grading of “Adequate”; this equates to an evaluation assessment of 3 on a scale of 1 to 6 and means that “strengths only just outweigh weaknesses”.
3. Is further concerned that this Service is not showing signs of improvement and is not achieving the high-quality grades that were evident 5 years ago.
4. Calls for a report to Council in one cycle that details the improvement plan called for by the Care Inspectorate and that assures council that all actions called for in the report have been completed satisfactorily.
5. Is very disappointed that Councillors, in their role as

Corporate Parents, only became aware of the details of this report through press media coverage rather than through a Member's Brief or other appropriate channel.

6. Calls for a comprehensive report within 2 cycles on all accommodation services that provide care to our young people within Edinburgh and to arrange Members' visits to them within this calendar year, 2023."

8.11 By Councillor Kumar - EDI Training

"Council:

1. Thanks officers for offering training around Equality and Diversity to elected representatives and refers to Council's Equality and Diversity Framework 2021-25.
2. Reflects on calls for both Police Scotland and Metropolitan Police to improve their Equality and Diversity training.
3. Recognises that Equality and Diversity training is critical and has a profound impact on those with protected characteristics under Equality Act 2010; and other people
 - with learning, sensory, and physical disabilities
 - experiencing domestic abuse and violence
 - facing digital exclusion
 - with care experience
 - from other underrepresented groups such as ethnic minority and Gypsy Travellers.
4. Notes that current equality and diversity training is offered as a one-off online training for staff.
5. Agrees to review our Equality and Diversity training, learning, and development practice to be changed to:
 - a) Mandatory training every 3 years completed online.
 - b) Provides opportunities for in-person training to reflect on case studies and examples of unconscious bias training that can impact on how we develop policies, procurement, funding, design and deliver services.

- c) Explores services of organisations such as CEMVO Scotland, Multi-Cultural Family Base and others to provide training on behalf of the Council.
6. Requests an update to be provided to Policy and Sustainability Committee in 2 cycles.”

8.12 By Councillor O'Neill - Edinburgh as a Feminist City

“Council:

1. Recognises that more work is needed to create safer and inclusive spaces for women and people of marginalised genders and that it is fundamental that gender equity is central to land use planning, and the management and design of public spaces.
2. Also recognises the disparity in women’s everyday lives which is exacerbated by lack of local and accessible job opportunities, lack of proximity to services and efficient public transport, and lack of access to green space and a safe public realm.
3. Notes the Violence Against Women and Girls Priority Papers published by Public Health Scotland which identify key areas of work including Place, Early Years, Mental Health, Inclusive Economy and Being Healthy and Active.
4. Commends the existing work of Equally Safe Edinburgh that promotes the delivery of an integrated, high-quality response to violence against women and girls, and children and young people affected by gender-based violence in Edinburgh.
5. Further commends the work of the Women’s Safety in Public Places Community Improvement Partnership, which is taking a broad approach to tackling the safety of women in the public spaces of the city.
6. Notes the other review work being done to create a more inclusive Edinburgh across the Council, including Equality Impact Assessments, the refreshment of Edinburgh Design Guidance, Active Travel Plan, the Circulation Plan, Open

Space Strategy, and the formation of City Plan 2030.

7. Further notes work being carried out through Transport and Environment Committee, looking at mobility analysis – using CCTV systems to collect a wide range of traffic and mobility data including how pavement users move around at junctions and locations.
8. Believes a gender-neutral approach to city development does not work and that women and people of marginalised genders have diverse needs that are not currently reflected in practice.
9. Believes that we can learn from other European cities such as Vienna and Barcelona who have recently published a manual called 'Gender mainstreaming made easy', and a 'Handbook for everyday life urban planning: Urban planning with a gender perspective' respectively, resulting in the implementation of wider pavements, more benches in public spaces, improved lighting, ramps for wheelchairs and buggies and visible commemorations of women and the queer community.

Finally, Council requests.

10. Engagement from officers, elected members and experts in the form of workshop meetings to aid drafting the report.

Subsequently requests;

11. A report to Full Council in three cycles on how a feminist town planning approach and gendered lens can be adopted across the Council which should include;
 - a. Recommendations from current Council policy and upcoming changes to documents mentioned in points 6 & 7.
 - b. Reference to stakeholder involvement, budget implications and further recommendations to relevant committees.”

8.13 By Councillor Parker – Disposable Vapes

“Council:

- 1) Notes the recent increase in use of disposable vapes and the negative impact this has on health, wellbeing and the environment.
- 2) Further notes increased pressures felt by the Council to deal with the safe disposal of disposable vapes including fire risk at recycling centres.
- 3) Notes that several Councils including Glasgow, Falkirk, Dundee, Renfrewshire, North Ayrshire and East Lothian have written to the Scottish Government to convey their support for a ban on disposable vapes.
- 4) Therefore, requests the Council Leader also writes to the Scottish Government Minister for Green Skills, Circular Economy and Biodiversity to convey the Council’s support for the banning of disposable vapes as part of the Scottish Government’s urgent review into the environmental impact of these as undertaken by Zero Waste Scotland.
- 5) Additionally, requests a report to Transport & Environment Committee in 3 cycles setting out what current provision is in place for the recycling of disposable vapes and what more could be done to make this easier for residents whilst a ban is not in place.”

8.14 By Councillor Dijkstra-Downie - Class Bus Passes for Schools

“Council notes that:

1. All children and young people in Scotland aged 5-21 are currently eligible for free bus travel.
2. Children and young people can only take advantage of free bus travel when they are able to present a National Entitlement Card with valid free travel entitlement activated.
3. Last year, data released showed that around 1 in 4 eligible children and young people in Edinburgh had not applied for a free bus travel pass.

4. All primary and secondary school pupils in Edinburgh fall within the qualifying age bracket for free bus travel.

Council further understands that:

5. Edinburgh schools frequently use local bus travel for school outings but find that not all school pupils either possess or have access to free bus passes at the time of travel, resulting in unnecessary costs, delays and inequity when using local buses for school-related travel.
6. Edinburgh schools would welcome access to a number of teacher-administered 'class bus passes' that would each allow an entire class access to free bus travel.

Council therefore asks:

7. Officers to investigate the possibility of the implementation of such a scheme and report to the Transport & Environment Committee in two cycles.
8. The Convener of the Transport & Environment Committee to write to Lothian Buses and McGills to ask them how a pilot scheme might be implemented."

8.15 By Councillor Aston – Noise App

"Council:

- 1.1 Recognises that noise nuisance caused by neighbours can, like other forms of antisocial behaviour, be a blight on the lives of Edinburgh's council tenants.
- 1.2 Accepts that noise nuisance complaints are often challenging for officers to investigate and take action on, as well as being challenging to substantiate because of the difficulty in obtaining corroboration.
- 1.3 Acknowledges that the Council should take all reasonable and available steps to assist the process of substantiating noise complaints, including looking at new tools such as digital applications.
- 1.4 Understands that a number of Registered Social Landlords operating in Edinburgh and some other local authorities use a noise recording app to help substantiate allegations

of nuisance noise, which their tenants are able to download onto their smartphones.

- 1.5 Requests a report in three cycles to the Housing, Homelessness and Fair Work Committee (or to the Culture and Communities Committee, depending on which is held to be the executive committee responsible), making an evaluation of the efficacy of apps of this type, an assessment of legal considerations such as compliance with the Regulation of Investigatory Powers (Scotland) Act, potential cost implications, and any other relevant factors.”

8.16 By Councillor Heap – Europe Day – Celebrating Edinburgh’s European Identity

“Council

- Recognises that Europe Day, celebrated by the Council of Europe on 5 May, marks the foundation of the Council of Europe on 5 May 1949, and is a celebration of peace and unity in Europe.
- Notes that the role of the Council of Europe is to promote human rights, democracy and the rule of law across the continent.
- Understands that Edinburgh is a leading city of a Council of Europe member state.
- Recognises that many citizens of Edinburgh value the City’s identity as a European city, and that Edinburgh derives economic, cultural and social benefits from being recognised as such throughout the rest of the European continent and the world.
- Therefore, requests that:
 - On a date on or close to 5 May 2024 and around the same time every year after, the City of Edinburgh Council hosts an appropriate civic celebration of Edinburgh’s European identity.
 - Retrospectively for 2023 but within one month of the

passage of the motion, and on a date on or close to 5 May 2024 every year after, the Council Leader publishes a statement outlining what the Council has done to:

- (1) develop links with other Council of Europe nations and,
 - (2) promote human rights, democracy and the rule of law in the city
- Within one week of the passage of this motion, the flag of the Council of Europe is flown from the city chambers on a year-round basis as much possible given the need to fly other flags listed in the Council's Flag Protocol.
 - Officers report within two cycles on what the City of Edinburgh Council can do to increase engagement with the Council of Europe and other local governments in member states.”

8.17 By Councillor Parker – Edward Windsor

“Council:

1. Notes that in March Charles Mountbatten-Windsor gifted the title of Duke of Edinburgh to his brother, Edward, on his 59th birthday.
2. Notes the absence of any kind of consultation with the people of Edinburgh over who should be given a title bearing the name of their home, and the lack of democratic legitimacy of the title of Duke.
3. Notes that the people of the city have democratic paths to elect their representatives through elections to the City of Edinburgh Council, the Scottish Parliament, and the Parliament of the United Kingdom.
4. Notes that according to the Lieutenancies Act 1997 the formal relationship between the City of Edinburgh and the Royal Family is through the office of the Lord Provost, who

is an elected member.

5. Notes a briefing note circulated to members of the Finance & Resources Committee confirming that the appointment of a Duke and Duchess of Edinburgh signals an increase in upcoming royal activity in the city.

Therefore, Council:

6. Agrees that the only legitimate representation of the people of Edinburgh is that which is democratic and accountable to them;
7. Believes that the title of Duke of Edinburgh should hold no official status in the city, and therefore this Council also believes it should be considered an illegitimate title;
8. Regrets the bestowal of the title of Duke and Duchess of Edinburgh to members of the Royal Family and believes these titles should not exist;
9. Regrets the increased disruption and costs which may be incurred by Edinburgh and its citizens by this undemocratic bestowal of a title referring to our city;
10. Regrets that this title may confer official standing in events hosted by the Council, including special privileges or access to Council property regarding events for the city or its people; and
11. Regrets that the titles of Duke and Duchess of Edinburgh will be used in Council communication and believes that instead the current holders of the titles should be referred to by their names.”

8.18 By Councillor Mowat – West End Parking Dispensation

“Council notes:

That residents were informed in week beginning 17th April 2023 that parking dispensations allowing residents with a valid parking permit to park in spaces other than residents or shared parking

spaces in their zone would be rescinded on 1st May 2023.

That this is less than 2 weeks' notice and that includes rescinding parking dispensations in Zone 1 which is currently experiencing a significant traffic diversion through residential streets removing residents parking spaces; that due to works for CCWEL there has been a significant loss of parking to both accommodate the works and as part of the design and that the plans for CCWEL and the associated reduction in parking were drawn up prior to the Pandemic and not altered when the TRO was approved.

That there has been significant change from office to residential accommodation in the West End during the design and implementation of CCWEL and:

Council therefore agrees that there should be no rescinding of the dispensation to park in pay and display spaces until work has been undertaken to ensure there is adequate parking provision for resident permit holders and a report made to Transport and Environment Committee in 2 cycles containing:

- An assessment of the impact of the combination of continuing severe disruption whilst works for CCWEL are implemented, the change of building occupancy in parts of the West End and the change in working patterns created by the Pandemic on the previous estimates of the parking provision required.
- Current number of parking spaces by category; resident, shared and pay and display in each parking zone; the number of residents permits issued for each zone; and the number of any other permits that can use that zone that are issued (for permits that can use zone the total number to be provided).

That due to the short timescale given regarding this decision to rescind parking exemptions this should be suspended across all parking zones in order to assess those areas where other measures are needed if the exemptions are to be rescinded.”

8.19 By Councillor McFarlane – Save the Filmhouse

“Council:

- 1.0 Notes the Emergency SNP Motion to March’s Policy and Sustainability Committee 2023 secured a unanimous endorsement from councillors declaring Edinburgh Council’s preference to retain cultural film and film education as the central use of The Filmhouse.
- 1.1 However, further notes the private sale of 88 Lothian Road has now concluded and the new private owners are reported as Caledonian Heritable LTD.
2. Welcomes the fact that the Edinburgh International Film Festival, its domain name, assets and intellectual property have been saved with funding from Creative Scotland/Screen Scotland and notes the positive news that the EIFF will return to Edinburgh in August 2023 for its 76th edition as part of the Edinburgh International Festival.
3. Notes that the City of Edinburgh Council has previously given grant funding to the Centre for Moving Image of £100,000 per year which it has then distributed among various activities including educational activity and the cultural cinema function, and therefore there is precedent for financial support acknowledging the importance and benefits The Filmhouse brings to the city.
4. Notes that at least one option that could see those with the expertise to maintain 88 Lothian Road as a cultural cinema is emerging following the efforts of the Save The Filmhouse Campaign.
- 5.1 Council agrees to reiterate its support for cultural cinema to remain at the heart of 88 Lothian Road and believes that we as an authority are a key stakeholder in efforts to secure this provision which has a rich history locally in the city and aligns with the approved City Culture Strategy aims and ambitions alongside sustaining the burgeoning film production sector which brings economic, social and cultural benefit to the city.
- 5.2 Council therefore further requests that officers immediately contact all cultural partners known to be currently involved in talks with Caledonian Heritable LTD including Creative

Scotland/Screen Scotland and the Minister for Culture in the Scottish Government to identify any actions of the City of Edinburgh Council which could be the lynchpin to securing agreement to retain a model of cultural cinema within the building between the new owner and a cultural organisation up to and including:

- A review of future ongoing CEC revenue funding to support a sustainable future for The Filmhouse as a cultural cinema in line with previous financial support.
 - Engagement and exploration of how partnership could be established between the potential tenants of 88 Lothian Road, Creative Scotland / Screen Scotland and the City of Edinburgh Council.
 - Full exploration of all options that would achieve our stated ambition for 88 Lothian Road including that of a prospective rent or lease guarantee jointly in partnership with Creative Scotland/Screen Scotland if this could provide necessary confidence to allow the known potential cultural tenants to restore the premises as the home of cultural cinema in Edinburgh.
 - Any ongoing governance support and oversight necessary to enable this outcome to progress.
- 5.3 Agrees to engage with Caledonian Heritable LTD to signal our intentions to explore all options fully and in detail alongside stakeholders whilst understanding any decision would be subject to further Council approval.
- 5.4 Further agrees an update report on progress within 1 cycle to the Culture and Communities committee.”

8.20 By Councillor McKenzie – Review Rights of Appeal in Planning

“Council:

1. Notes the complaint made in September 2022 by Environmental Rights Centre Scotland, Planning

Democracy, RSPB Scotland and Friends of the Earth Scotland to the Aarhus Convention Compliance Committee (ACCC), a United Nations body tasked with upholding environmental rights, regarding the lack of community appeal rights in planning for members of the public in Scotland.

2. Notes that the complaint centres around the fact that members of the public in Scotland, who are not applicants for planning permission, and who seek to challenge a planning decision, do not have the same statutory appeal rights as applicants; that applicants for planning permission in Scotland enjoy statutory appeal rights which enable them to have the full merits of planning decisions reviewed at no or low financial cost, and that the only legal recourse for members of the public is statutory review or judicial review in the Court of Session.
3. Notes that statutory review and judicial review do not allow for full merits reviews of planning decisions and are prohibitively expensive, notes that applicants for planning permission therefore have a privileged position in terms of their statutory planning appeal rights, relative to other members of the public.
4. Notes that the complaint is now being investigated by the ACCC, who have written to the Scottish Government requesting a response by 21 July 2023.
5. Notes the 2017-2022 Capital Coalition supported a community right of appeal in planning, as does the 2022 Edinburgh Labour manifesto.
6. Notes that the Minister for Local Government Empowerment and Planning is scheduled to meet all Council Leaders in Scotland shortly.
7. Therefore agrees that the Council Leader will request at this meeting that the Minister responds to the complaint by committing to a review of rights of appeal, and will write to the Minister to that effect, and that Planning Committee will be updated on progress of this action and any response from the Minister.”

8.21 By Councillor Davidson – Crisis in NHS Dentistry

“Council notes:

1. that access to NHS Dentistry has become significantly harder in recent years for the residents of Edinburgh.
2. that the number of NHS dental claims in NHS Lothian area reduced from 958,000 in 2019 to just 555,678 between January and November 2022.
3. that many dentists are not accepting new NHS patients and that polling has shown many of those registered have been unable to get appointments, leaving people in pain and causing wider mouth health issues to be missed.

Council believes access to NHS dentistry is essential for residents of Edinburgh and that the SNP/Green Scottish Government is failing to reform the funding structures so dentists can return to taking on NHS activity and enable more patients to be seen.

Council requests the Council leader writes to (a) the Scottish Health Secretary to request urgent action to tackle the lack of access to NHS dentists in Edinburgh and (b) the Edinburgh Integrated Joint Board to request a written update on the approach being to improve access to NHS dentistry in the city for consideration at a future meeting of the Policy & Sustainability Committee.”

8.22 By Councillor Flannery – Bridgend Farm Reserve Funding

“Council notes:

1. With disappointment the lack of Scottish Government “Investing in Communities” Funding for Bridgend Farmhouse, where this has been granted in the past
2. That Bridgend Farmhouse has been placed on a ‘reserve list’ for funding, and the concern and uncertainty that brings for long-term planning

3. Ongoing work to develop the Council's Community Centre Strategy
4. The real pressures that many of our Community Centres and Management Committees are presently under
5. That current uncertainty for Bridgend Farmhouse affects all community groups that use the centre, with challenges for programming, staff hire and long-term strategy
6. With caution, the recent experiences of Drylaw Neighbourhood Centre, Muirhouse Millennium Centre and Gorgie Farm
7. That the motion 'Muirhouse Millennium Centre' agreed by Council in February 2023 expressed regret that information concerning the financial status of community centres was not able to be collected
8. The devastating blow to the local community the potential loss of Bridgend Farmhouse would be.

Council therefore asks;

9. For a briefing note to be circulated to members of Culture & Communities committee to provide details of any other Edinburgh organisations on the 'reserve list' for funding, and therefore at similar risk.
10. For the Convener of Culture & Communities to meet with officers and Bridgend Farmhouse to explore what the Council can do to support Bridgend Farmhouse, timeously."

9. Congratulatory Motions

9.1 By Councillor McFarlane - West Port Garden

Council notes that on the 29th of April the West Port Community Garden celebrated ten years since the City of Edinburgh Council handed over the keys to volunteers and residents of the Grassmarket and the surrounding area who have tirelessly rescued, maintained, and improved the inner-city green space for the benefit of the community and visitors alike.

Established in 1909 by Patrick Geddes as one of several gardens in the Old Town to allow inner-city children from the then-slum to experience nature, green space and gardening it is notable thanks to the volunteers that the West Port Garden is still around and serving its original purpose over a century later as a thriving and calm greenspace in the centre of the bustling Grassmarket.

Council requests that the Lord Provost congratulates GRASS (The Grassmarket Residents Association), and the volunteer gardeners of the West Port for all their hard work in reaching this milestone in an appropriate way.”

9.2 By Councillor McNeese-Mechan - 50th Anniversary of the Edinburgh Renaissance Band

“Council notes that the Edinburgh Renaissance Band will be celebrating its 50th year anniversary in 2023. This group of 11 local musicians formed in 1973 to perform medieval and Renaissance music from the period between 1200-1650, including both a Scottish and European repertoire, in well-researched concerts that have both informed and delighted audiences over the past half century.

From their very beginnings as a ‘late night Festival Fringe’ show, Edinburgh Renaissance Band have expanded to perform in concert halls, period balls and corporate events, with the unifying vision to entertain and educate listeners to this often obscure four hundred year period of early music. During the recent pandemic, ERB played on, delivering a successful online virtual performance.

Additionally, the ERB have expanded beyond the bounds of the city to participate in Dunfermline’s 900th anniversary of the death of St.Margaret, the 450th anniversary observation of the Siege of Haddington, and were featured at the opening of the new extension of the National Museum of Scotland on Chambers Street in 1992. Further afield, they have been invited to perform in Paris, Cologne, and Stockholm, amongst other European cities.

Council proudly offers its thanks and congratulations to the Edinburgh Renaissance Band for its contributions to the city's cultural and educational offerings, and therefore asks that the Lord Provost observe this significant milestone in an appropriate way."

9.3 By Councillor Gardiner - 150 Year Anniversary of the Scottish Football Association

"City of Edinburgh recognises and celebrates the important role that the Scottish Football Association has played in Scottish society over the last one hundred and fifty years, promoting and administering football in our country and organising our national teams.

To celebrate this outstanding achievement Council requests that the Lord Provost writes to the Scottish Football Association to acknowledge this important anniversary and enquires whether the respective managers of the senior national women's and men's teams would be available to speak at a celebratory event at City Chambers, with the team captains from the Capital City's youth teams also invited to attend."

9.4 By Councillor Lezley Marion Cameron - Scotland Men's Curling Team Win World Curling Championships

"Council warmly congratulates the Scotland Men's Curling Team; Bruce Mouat, Grant Hardie, Bobby Lammie and Hammy McMillan; on its emphatic victory over Canada in the World Men's Curling Championship final on 10 April in Ottawa.

Council asks the Lord Provost to convey, in an appropriate way, Council's congratulations to the Scotland men's Curling Team and all involved in the training and preparations for, and throughout the tournament, culminating in the team's gold medal success in the Men's World Curling Championships."

9.5 By Councillor Lezley Marion Cameron – 75 Years of the Edinburgh Black Cabs Annual Children's Outing

“Council notes that in 1947, the first Edinburgh Black Cabs Children’s Outing took place.

75 years on, the annual, fun filled, spectacular procession will take place this year on Tuesday 13th June. and it is anticipated that up to 50 black cabs and over 100 children will take part in this year’s outing.

As per tradition, Black Cab drivers take time out to take children and their parents for a memorable, fun day out.

Prizes will be awarded for the best taxi float, best balloon dressed taxi, and best fancy dressed child and taxi driver at a ceremony at Edinburgh Zoo ahead of the Lord Provost waving off the annual children’s taxi outing parade to make its way through the city.

Council congratulates the Edinburgh Black Cab trade on its 75th anniversary of the first Edinburgh Taxi outing and asks the Lord Provost to formally convey Council’s congratulations and gratitude to the Edinburgh Black Cab trade and its sponsors for creating fun filled days out and happy memories for the countless of children and families who have taken part in what is a firm favourite charitable event in Edinburgh’s calendar.”

9.6 By Councillor Lezley Marion Cameron - 100 Years of the SNIPEF (The Scottish and Northern Ireland Plumbing Employers' Federation

“Council notes that the Scottish and Northern Ireland Plumbing Employers’ Federation (SNIPEF), the principal trade association for plumbing and heating businesses in Scotland and Northern Ireland, is celebrating its centenary year in 2023.

Promoting high standards across the plumbing and heating industry, SNIPEF represents over 750 member firms that employ more than 5,500 operatives. SNIPEF provides quality assurance for consumers and works in partnership with bodies like Skills Development Scotland to ensure the industry has a highly skilled and qualified workforce.

Council congratulates SNIPEF on reaching its centenary milestone and notes that SNIPEF is hosting its forthcoming centenary celebratory lunch and reception event in the City

Chambers.

Council asks the Lord Provost to convey the congratulations of Council to SNIPEF in an appropriate way.”

9.7 By Councillor Lezley Marion Cameron - Edinburgh Leisure Turns 25

“Council congratulates Edinburgh Leisure on reaching its 25 years milestone on 1 April 2023.

Since its formation in April 1998, Edinburgh Leisure has provided through its network of venues, an extensive range of leisure and sports activities, opened new facilities such as the Gracemount Leisure Centre, the Drumbrae Leisure Centre; and undertaken major refurbishments of facilities including the Royal Commonwealth Pool in 2012, and the newly rebuilt Meadowbank Sports Centre in 2022.

Council congratulates all involved in Edinburgh Leisure on making a positive impact to the wellbeing of Edinburgh citizens and visitors over the past 25 years and asks the Lord Provost to convey Council’s congratulations and gratitude in an appropriate way.”

9.8 By Councillor Meagher – Edinburgh Living Wage City

“Council:

- Welcomes and celebrates the outstanding commitments being made by employers across Edinburgh to help ensure that in the midst of a continuing cost of living crisis, workers in this city can earn a decent wage that is enough to live on.
- Recognises and thanks the 30 employers who became accredited as real Living Wage employers during the first quarter of 2023, and thanks the Edinburgh Living Wage Action Group for its continuing work to promote fair work and the real Living Wage in Edinburgh. These employers join a community of 633 Living Wage accredited employers in Edinburgh, collectively employing over 200,000 workers.

- Further recognises that this voluntary commitment from employers means that levels of low pay employment in Edinburgh are circa 25% lower than they would otherwise be.
- Notes that evidence continues to show that a commitment to fair work is good for business as well as being good for workers, and congratulates the many real Living Wage employers who have been celebrated by their business peers in recent awards ceremonies. These include business such as Edinburgh Dog and Cat Home, Edinburgh College, Surgeon’s Quarter, Narro Associates, Capital City Partnership – all Living Wage accredited employers - who were recently recognised for their excellence at this year’s Edinburgh Chamber of Commerce business awards.
- Further notes that on 25th May this year the Council will be host to the first UK wide conference bringing together cities and towns who have committed to being ‘Living Wage Places’.
- This conference, led by the UK Living Wage Foundation, will include delegates from areas such as Cardiff, Sunderland, Dundee, Salford, Greater Manchester, Norwich, Scottish Borders and others and will provide a great opportunity to showcase the progress made in Edinburgh to date, and learn from best practice in the promotion of fair work in partner cities across the UK.”

10. Questions

10.1	By Councillor Campbell – HRA Payments to the General Fund – for answer by the Convener of the Housing, Homelessness and Fair Work Committee	393 - 394
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10.3	By Councillor Campbell - Mixed Tenure Improvement Service Sinking Fund for Private Owners – for answer by the Convener of the Housing, Homelessness and Fair Work Committee	397 - 398
10.4	By Councillor McNeese-Mechan - Tram All-Party Oversight Group – for answer by the Leader of the Council	399 - 400
10.5	By Councillor McNeese-Mechan - Tram All-Party Oversight Group – for answer by the Convener of the Transport and Environment Committee	401 - 402
10.6	By Councillor Thornley - Capital Delivery Priorities – for answer by the Convener of the Transport and Environment Committee	403 - 404
10.7	By Councillor Caldwell - New Greenspaces and Playparks – for answer by the Convener of the Planning Committee	405 - 406
10.8	By Councillor Caldwell - Leith Walk and Elm Row Pavement Rectification – for answer by the Convener of the Transport and Environment Committee	407 - 408
10.9	By Councillor Caldwell - Floods and Population Density – for answer by the Convener of the Transport and Environment Committee	409 - 410
10.10	By Councillor Younie - Bollards and Extended Pavements on Barnton Avenue – for answer by the Convener of the Transport and Environment Committee	411 - 412
10.11	By Councillor Lang - Management Rules for Public Parks and Greenspace – for answer by the Convener of the Culture and Communities Committee	413 - 414

10.12	By Councillor Lang - Healthcare Provision in South Queensferry – for answer by the Convener of the Development Management Sub-Committee	415 - 416
10.13	By Councillor Lang - Davidson's Mains Roundabout – for answer by the Convener of the Transport and Environment Committee	417 - 418
10.14	By Councillor McFarlane - 88 Lothian Road – for answer by the Convener of the Culture and Communities Committee	419 - 420
10.15	By Councillor Lang – Low Traffic Neighbourhood – for answer by the Convener of the Transport and Environment Committee	421 - 422
10.16	By Councillor O'Neill – Data from Scottish National Standardised Assessments (SNSA) and Measaichean Coitcheann Naiseanta airson Foghlam tron Ghaidhlig (MCNG) – for answer by the Convener of the Education, Children and Families Committee	423 - 424
10.17	By Councillor O'Neill – Expansion of Free School Meals – for answer by the Convener of the Education, Children and Families Committee	425 - 426
10.18	By Councillor O'Neill – Equal Pavements – for answer by the Convener of the Transport and Environment Committee	427 - 428
10.19	By Councillor Bruce - A71 Dalmahoy Junction – for answer by the Convener of the Transport and Environment Committee	429 - 430
10.20	By Councillor Bruce - Ratho Bus Service – for answer by the Convener of the Transport and Environment Committee	431 - 432

10.21	By Councillor Doggart - Cost of Replacing Swift IT System – for answer by the Convener of the Finance and Resources Committee	433 - 434
10.22	By Councillor Doggart - Swift IT System – for answer by the Convener of the Governance, Risk and Best Value Committee	435 - 436
10.23	By Councillor Mitchell - Care Homes Procurement – for answer by the Chair, Edinburgh Integration Joint Board	437 - 438
10.24	By Councillor Rust - 5 Winton Drive, Planning Appeal – for answer by the Convener of the Planning Committee	439 - 440
10.25	By Councillor Whyte – Smart Bins – for answer by the Leader of the Council	441 - 442
10.26	By Councillor Booth – GME Secondary School Site Review – for answer by the Convener of the Education, Children and Families Committee	443 - 444
10.27	By Councillor Booth – Size of City of Edinburgh Council Secondary Schools – for answer by the Convener of the Education, Children and Families Committee	445 - 446
10.28	By Councillor Booth – Licensing Board Meetings – for answer by the Leader of the Council	447 - 448

Nick Smith

Service Director, Legal and Assurance

Information about the City of Edinburgh Council

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

The City of Edinburgh Council usually meets in the Council Chamber in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the Council meeting is open to all members of the public.

Further information

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

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>.

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other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

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Minutes

The City of Edinburgh Council

Edinburgh, Thursday 16 March 2023

Present:

LORD PROVOST

The Right Honourable Robert Aldridge

COUNCILLORS

Scott Arthur
Danny Aston
Jule Bandel
Alan C Beal
Fiona Bennett
Marco Biagi
Chas Booth
Graeme Bruce
Steve Burgess
Jack Caldwell
Lezley Marion Cameron
Kate Campbell
Christopher Cowdy
James Dalgleish
Euan R Davidson
Cammy Day
Sanne Dijkstra-Downie
Denis C Dixon
Stuart Dobbin
Phil Doggart
Katrina Faccenda
Pauline Flannery
Catherine Fullerton
Neil Gardiner
Fiona Glasgow
Margaret A Graham
Joan Griffiths
Dan Heap
Euan Hyslop
Stephen P Jenkinson
Tim Jones

David Key
Simita Kumar
Kevin Lang
Lesley Macinnes
Martha Mattos Coelho
Finlay McFarlane
Ross McKenzie
Amy McNeese-Mechan
Adam McVey
Jane E Meagher
Claire Miller
Max Mitchell
Jo Mowat
Alys Mumford
Marie-Clair Munro
Vicky Nicolson
Kayleigh O'Neill
Hal Osler
Ben Parker
Tim Pogson
Susan Rae
Neil J Ross
Jason Rust
Alex Staniforth
Edward J Thornley
Val Walker
Mandy H Watt
Iain Whyte
Norman J Work
Louise Young
Lewis J Younie

1. Deputation - UNISON

The deputation were saddened by the unnecessary closure of the Drumbrae Care Home and that the facility had sat empty for over a year. They felt that the report being presented to the Council was inaccurate and vague in detail. Details given of the adaptations required were now beyond the original estimates and the amended proposals would result in a reduction of 72 complex care beds.

The deputation urged the Council to retain the facility and return it to its original use as a much needed residential care home (see item 11 below).

2 Minutes

Decision

- 1) To approve the minute of the Council of 9 February 2023 as a correct record.
- 2) To approve the minute of the Council of 23 February 2023 as a correct record.

3 Leader's Report

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

- Welcome Councillor Fiona Bennett
- Welcome Deborah Smart, Executive Director of Corporate Services
- Duke and Duchess of Edinburgh - Ukrainian event in the City Chambers
- Death of Andrew McKinnon, Forrester High School
- Edinburgh Market Campaign – Chamber of Commerce Award
- Edinburgh Trams - Leith Walk trial runs
- Opening of Granton Station Square

The following questions/comments were made:

- | | |
|------------------|-----------------------------------------------------------|
| Councillor McVey | - Andrew McKinnon, Forrester High School - condolences |
| | - Councillor Bennett congratulations |
| | - No compulsory redundancies – Councillor Day resignation |

- | | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Lang | <ul style="list-style-type: none"> - Welcome Councillor Bennett - Andrew McKinnon, Forrester High School – condolences - City’s conservation status – robust planning policies and guidance – applications for readiness thermometer in Edinburgh |
| Councillor Mumford | <ul style="list-style-type: none"> - Councillor Bennett - congratulations - Problem of short-term lets - applications |
| Councillor Whyte | <ul style="list-style-type: none"> - Councillor Bennett – congratulations - Andrew McKinnon, Forrester High School - condolences - Welcome Chancellor Jeremy Hunt’s direct award of £8.6m to Edinburgh’s Festivals |
| Councillor Graham | <ul style="list-style-type: none"> - Event to mark International Women’s Day 2024 |
| Councillor Aston | <ul style="list-style-type: none"> - Resignation of Council Leader |
| Councillor Caldwell | <ul style="list-style-type: none"> - Residents of Leith/Leith Walk/Forth/City Centre wards - tram remedial works – scheduling and scope |
| Councillor Parker | <ul style="list-style-type: none"> - Welcome to Councillor Bennett - Andrew McKinnon, Forrester High School - condolences - EICC – hosting events for the Scottish Energy Forum |
| Councillor Jones | <ul style="list-style-type: none"> - Meetings of parents to discuss any aspects of school curriculum without fear of intimidation |
| Councillor McKenzie | <ul style="list-style-type: none"> - Support for trans community |
| Councillor Meagher | <ul style="list-style-type: none"> - Local elected members – duty to support local groups of parents who wish to hold open and democratic discussions without fear of intimidation |
| Councillor Work | <ul style="list-style-type: none"> - Resignation of SNP leader in Dumfries and Galloway |

Councillor Davidson	-	Deaths from drug related causes – opposition to cuts to the Drug and Alcohol Partnership
Councillor Cowdy	-	Scottish Government Funding for repairing potholes and heating swimming pools
Councillor Lezley Marion Cameron	-	Scottish Government pause in funding for the new doctor’s surgery which was to be part of the new Liberton High School campus
Councillor Kumar	-	Stonewall Diversity Programme - report to Policy and Sustainability Committee
Councillor Doggart	-	Resignation of Council Leader
Councillor Campbell	-	Appropriate places for holding public meetings
Councillor McFarlane	-	Inclusive education

4 Appointment to Working Groups

The Council had continued consideration of the appointment of Working Groups to the next meeting on 16 March 2023 to allow briefings to be held with Groups.

Details were provided on the benefits and constraints of Working Groups and careful consideration encouraged on whether any Working Group should be appointed, recognising the pressure that a large number of Working Groups could exert on elected member and officer time and resource.

Motion

- 1) To agree to re-establish and appoint members to the following Working Groups:
 - Royal Burgh 900th Anniversary
 - Edinburgh Waterfront All Party Oversight Group
 - Equalities Working Group
 - Short Term Lets Working Group
 - Sustainability & Climate Emergency All Party Oversight Group
 - West Edinburgh All Party Oversight Group
 - Council Health & Safety Consultative Forum
 - Economic Advisory Panel

- 2) To agree to combine the following Working Groups into a single group, and appoint members:
 - Transport Forum
 - Local Access Forum
 - Active Travel Forum
- 3) To agree to establish and appoint the following members to the Tram All Party Oversight Group (this group has been meeting informally):
 - Councillors Day (Convener), Arthur, McVey, McFarlane, Lang, Dijkstra-Downie, Staniforth, Miller, Bandel, Munro, and Whyte.
- 4) To agree to appoint the following members to the Forth Green Freeport Elected Member Sounding Board (Council agreed in December 2022 to establish this board, following a successful bid):
 - Councillors Day, Dobbin, Caldwell, Booth and Whyte.
- 5) To agree to close the following Working Groups:
 - Edinburgh Extension Act 1920 (remit completed)
 - Slavery and Colonialism Legacy Review Group (remit completed)
 - Welfare Reform Working Group (remit completed - Working Group agreed to cease the group at meeting in December 2021)
 - Single Use Plastics Working Group (remit completed)
 - Central Edinburgh Development Working Group (remit completed)
 - Wester Hailes Working Group (remit completed)
 - Meadowbank Sports Centre and Stadium Working Group (remit completed)
 - Tourism and Communities Working Group (group has not met since early 2019)
 - Elected Members ICT and Digital Sounding Board (proposed at Group Leaders session)
 - Cammo Estate Advisory Committee (proposed at Group Leaders session – elected member representation not needed, but it can continue as an officer group).

- 6) To agree the Working Group remit and membership structures, as set out at Appendix 1 to the report by the Executive Director of Corporate Services.
- 7) To agree the revised working group framework outlined in Appendix 2 to the report.

- moved by Councillor Day, seconded by Councillor Meagher

Amendment 1

- 1)
 - Edinburgh Waterfront All Party Oversight Group (short life) – To appoint Councillor Dobbin as the SNP Representative.
 - Equalities Working Group (short life) - To appoint Councillor Kumar as the SNP Representative.
 - Short Term Lets Working Group – To appoint Councillor K Campbell, Councillor Fullerton and Councillor Gardiner as SNP Representatives.
 - Sustainability & Climate Emergency All Party Oversight Group (short life) – To appoint Councillor Macinnes as the SNP Representative.
 - West Edinburgh All Party Oversight Group - To appoint Councillor Hyslop as the SNP Representative.
 - Elected Members ICT and Digital Sounding Board (standing) - To appoint Councillor Campbell and Councillor Nicolson as the SNP Representatives.
 - Health and Safety Consultative Forum – with 1 representative from each party - to appoint Councillor Campbell as the SNP Representative.
- 2) Transport Forum; Local Access Forum; Active Travel Forum (standing) – To appoint Councillor Aston as the SNP Representative.
- 3) Tram All Party Oversight Group – To appoint Councillor McVey and Councillor McFarlane and Councillor Aston as SNP Representative.
- 4) Forth Green Freeport Elected Member Sounding Board – To appoint Councillor Campbell as the SNP Representative.
- 5) Elected Members ICT and Digital Sounding Board – To appoint Councillor Campbell and Councillor Nicolson as the SNP Representatives.

- moved by Councillor Dobbin, seconded by Councillor Kumar

Amendment 2

To make the following appointments on behalf of the Liberal Democrat Group:

Edinburgh Waterfront All Party Oversight Group – Councillor Dijkstra-Downie

Equalities Working Group – Councillor Bennett

Short Term Lets Working Group – Councillors Ross and Beal

Sustainability and Climate Emergency All Party Oversight Group – Councillor Dijkstra-Downie

West Edinburgh All Party Oversight Group – Councillor Younie

Transport Forum – Councillor Lang

- moved by Councillor Lang, seconded by Councillor Young

Amendment 3

1) To agree to re-establish and appoint members to the following Working Groups:

- Royal Burgh 900th Anniversary
- Edinburgh Waterfront All Party Oversight Group
- Equalities Working Group
- Short Term Lets Working Group
- Sustainability & Climate Emergency All Party Oversight Group
- West Edinburgh All Party Oversight Group
- Council Health & Safety Consultative Forum
- Economic Advisory Panel

2) To agree to combine the following Working Groups into a single group, and appoint members:

- Transport Forum
- Local Access Forum
- Active Travel Forum

3) To agree to establish and appoint the following members to the Tram All Party Oversight Group (this group has been meeting informally):

- Councillors Day (Convener), Arthur, McVey, McFarlane, Lang, Dijkstra-Downie, Staniforth, Miller, Bandel, Munro, and Whyte.

- 4) To agree to appoint the following members to the Forth Green Freeport Elected Member Sounding Board (Council agreed in December 2022 to establish this board, following a successful bid):
- Councillors Day, Dobbin, Caldwell, Booth and Whyte.
- 5) To agree to close the following Working Groups:
- Edinburgh Extension Act 1920 (remit completed)
 - Slavery and Colonialism Legacy Review Group (remit completed)
 - Welfare Reform Working Group (remit completed - Working Group agreed to cease the group at meeting in December 2021)
 - Single Use Plastics Working Group (remit completed)
 - Central Edinburgh Development Working Group (remit completed)
 - Wester Hailes Working Group (remit completed)
 - Meadowbank Sports Centre and Stadium Working Group (remit completed)
 - Tourism and Communities Working Group (group has not met since early 2019)
 - Elected Members ICT and Digital Sounding Board (proposed at Group Leaders session)
 - Cammo Estate Advisory Committee (proposed at Group Leaders session – elected member representation not needed, but it can continue as an officer group).
- 6) To agree the Working Group remits and membership structures, as set out at Appendix 1 to the report by the Executive Director of Corporate Services, with the following revisions:
- i) amends the name of the “Sustainability & Climate Emergency All Party Oversight Group (short life)” to the “**Sustainability and Climate & Nature Emergencies All Party Oversight Group**”
 - ii) amends point 4 from its remit from “To provide a vehicle for the development of the 2030 Sustainability Strategy and 2050 Vision before it is submitted for debate and approval at the Corporate Policy and Strategy Committee” to “To provide a vehicle for the development, **implementation and oversight** of the **2030 Climate Strategy** and the

different strands of the Infrastructure and Investment Programme Board, to support discussion and reporting of these at Policy & Sustainability committee”

- iii) Amends the remit of Forth Green Freeport Elected Member Sounding Board to include “...and to ensure that the priorities passed by Council in December 2022 - around fair work, unionisation, community benefits, job and employability opportunities, affordable local housing allocation, and health & safety and environmental protection - are reflected in all discussions about the freeport”.
 - iv) Agrees that the remit of the Equalities Working Group will be revisited by the Policy and Sustainability Committee following the mapping exercise and member workshop series.
- 7) To appoint Councillor O’Neill to Forth Green Freeport Elected Member Sounding Board.

- moved by Councillor Mumford, seconded by Councillor Parker

Amendment 4

To make the following appointments on behalf of the Conservative Group to the Working Groups:

- Royal Burgh 900th Anniversary – Councillor Whyte
- Edinburgh Waterfront All Party Oversight Group – Councillor Mowat
- Equalities Working Group – Councillor Jones
- Short Term Lets Working Group – Councillors Mowat and Rust
- Sustainability and Climate Emergency All Party Oversight Group – Councillor Whyte
- West Edinburgh All Party Oversight Group – Councillor Mitchell
- Transport Forum replacement group – Councillor Munro

- moved by Councillor Mowat, seconded by Councillor Rust

In accordance with Standing Order 22(12), Amendment 1 was adjusted and accepted as an addendum to the motion, Amendments 2 and 4 were accepted as addendums to the motion, and Amendment 3 was accepted as an amendment to the motion.

In accordance with Standing Order 22(12), Amendment 1 was adjusted, then the Motion and Amendments 2, 3 and 4 accepted as addendums to Amendment 1.

Voting

The voting was as follows:

For the Motion (as adjusted) - 33 votes
For Amendment 1(as adjusted) - 28 votes

(For the Motion (as adjusted): Lord Provost, Councillors. Arthur, Beal, Bruce, Caldwell, Lezley Marion Cameron, Cowdy, Dalgleish, Davidson, Day, Dijkstra-Downie, Duggart, Faccenda, Flannery, Graham, Griffiths, Jenkinson, Jones, Lang, Meagher, Mitchell, Mowat, Osler, Pogson, Ross, Rust, Thornley, Walker, Watt, Whyte, Young and Younie.

For Amendment 1 (as adjusted): Councillors Aston, Bandel, Biagi, Booth, Burgess, Campbell, Dixon, Dobbin, Fullerton, Gardiner, Glasgow, Heap, Hyslop, Key, Kumar, Macinnes, Mattos Coelho, McFarlane, McNeese-Meechan, McVey, Miller, Mumford, Nicolson, O'Neill, Parker, Rae, Staniforth and Work.)

Decision

To approve the following adjusted Motion by Councillor Day:

- 1) To agree to re-establish and appoint members to the following Working Groups:
 - Royal Burgh 900th Anniversary
(Lord Provost and Councillors Day, Lang, McVey, Mumford/Parker, and Whyte)
 - Edinburgh Waterfront All Party Oversight Group (9 Members)
(Councillors Day (Chair), Meagher, Arthur, Walker, Dalgleish, Griffiths, Dobbin, Dijkstra-Downie, O'Neill and Councillor Mowat)
 - Equalities Working Group (5 Members)
(1 Labour Group member, Councillors Kumar, Bennett, O'Neill and Councillor Jones)
 - Short Term Lets Working Group (11 Members)
(2 Labour Group Members, Councillors Campbell, Fullerton, Gardiner, Ross, Beal, Booth, Rae, Mowat and Rust)
 - Sustainability & Climate Emergency All Party Oversight Group (now the "Sustainability and Climate and Nature Emergencies All Party Oversight Group") (6 Members)

(Councillors Day, Macinnes, Dijkstra-Downie, Parker, Councillor Whyte and the Sustainability Champion)

- West Edinburgh All Party Oversight Group (8 Members)
(Councillors Meagher, Arthur, Dalgleish, Griffiths, Hyslop, Younie, Heap, and Mitchell)
- Council Health and Safety Consultative Forum (1 Member)
(Councillor Watt)
- Economic Advisory Panel (1 Member)
(Councillor Meagher)

2) To agree to combine the following Working Groups into a single group, and appoint members:

- Transport Forum
- Local Access Forum
- Active Travel Forum

(5 Members: Councillors Arthur, Aston, Lang, Bandel and Munro)

3) To agree to establish and appoint the following members to the Tram All Party Oversight Group (this group has been meeting informally):

- Councillors Day (Convener), Arthur, Aston, McVey, McFarlane, Lang, Dijkstra-Downie, Staniforth, Miller, Bandel, Munro, and Whyte.

4) To agree to appoint the following members to the Forth Green Freeport Elected Member Sounding Board (Council agreed in December 2022 to establish this board, following a successful bid):

- Councillors Day, Campbell, Caldwell, O'Neill and Whyte.

5) To agree to close the following Working Groups:

- Edinburgh Extension Act 1920 (remit completed)
- Slavery and Colonialism Legacy Review Group (remit completed)
- Welfare Reform Working Group (remit completed - Working Group agreed to cease the group at meeting in December 2021)
- Single Use Plastics Working Group (remit completed)
- Central Edinburgh Development Working Group (remit completed)
- Wester Hailes Working Group (remit completed)

- Meadowbank Sports Centre and Stadium Working Group (remit completed)
 - Tourism and Communities Working Group (group has not met since early 2019)
 - Elected Members ICT and Digital Sounding Board (proposed at Group Leaders session)
 - Cammo Estate Advisory Committee (proposed at Group Leaders session – elected member representation not needed, but it can continue as an officer group).
- 6) To agree the Working Group remits and membership structures, as set out at Appendix 1 to the report by the Executive Director of Corporate Services with the following revisions:
- i) to amend the name of the “Sustainability & Climate Emergency All Party Oversight Group (short life)” to the “**Sustainability and Climate & Nature Emergencies All Party Oversight Group**”
 - ii) to amend point 4 from its remit from “To provide a vehicle for the development of the 2030 Sustainability Strategy and 2050 Vision before it is submitted for debate and approval at the Corporate Policy and Strategy Committee” to “To provide a vehicle for the development, **implementation and oversight** of the **2030 Climate Strategy** and the **different strands of the Infrastructure and Investment Programme Board, to support discussion and reporting of these at Policy & Sustainability committee**”
 - iii) to amend the remit of Forth Green Freeport Elected Member Sounding Board to include “**...and to ensure that the priorities passed by Council in December 2022 - around fair work, unionisation, community benefits, job and employability opportunities, affordable local housing allocation, and health & safety and environmental protection - are reflected in all discussions about the freeport**”.
 - iv) to agree that the remit of the Equalities Working Group would be revisited by the Policy and Sustainability Committee following the mapping exercise and member workshop series.
- 7) To agree the revised working group framework outlined in Appendix 2 to the report.

(References – Act of Council No 7 of 9 February 2023; report by the Executive Director of Corporate Services, submitted.)

5 By-election – No 6 Corstorphine/Murrayfield Ward

Following the resignation of Councillor Frank Ross as a member of the City of Edinburgh Council, arrangements were made for the necessary by-election which had been held on 9 March 2023. Fiona Bennett (Scottish Liberal Democrats) had subsequently been elected as a councillor, and signed the necessary Declaration of Acceptance of Office.

Decision

To note that Fiona Bennett (Scottish Liberal Democrats) had been elected as a councillor for No 6 Corstorphine/Murrayfield Ward.

(References – Act of Council No 6 of 9 February 2023: report by the Executive Director of Corporate Services, submitted)

6 Appointment to Chief Officer Posts

Details were provided on the outcome of the recruitment process for the Service Director, Children’s Services, Justice Services and Chief Social Work Officer (CSWO).

Decision

To approve the appointment of Kathy Henwood as Service Director, Children’s Services, Justice Services and Chief Social Work Officer (CSWO).

(Reference: report by the Chief Executive, submitted)

7 Council Business Plan 2023-27

An update was provided on the Council Business Plan which had been developed as an evolution of the existing Council Business Plan and now to incorporate new cross party strategic objectives agreed by Council, alongside officer assessment of approaches needed to meet budgetary and other pressures facing the Council.

Motion

- 1) To note the work undertaken by officers to prepare an updated Council Business Plan aligned to existing Council commitments and the shared political priorities agreed by Council in June 2022.
- 2) To note that amendments agreed by Council in December 2022 have been fully incorporated in this updated Council Business Plan.

- 3) To note that further amendments have been incorporated to ensure alignment with Council Budget decisions made in February 2023.
- 4) To agree the amendments made to the Council Business Plan for 2023-27.

- moved by Councillor Day, seconded by Councillor Watt

Amendment 1

- 1) To note the work undertaken by officers to prepare an updated Council Business Plan aligned to existing Council commitments and the shared political priorities agreed by Council in June 2022.
- 2) To note that amendments agreed by Council in December 2022 have been fully incorporated in this updated Council Business Plan.
- 3) To note that further amendments have been incorporated to ensure alignment with Council Budget decisions made in February 2023.
- 4) To note the business plan of the Administration parties is a huge lost opportunity to tackle climate change, effectively fight poverty and improve local services for residents- showing a lack of ambition for our Capital city, as set out in alternative proposals in December 2022.

- moved by Councillor McVey, seconded by Councillor Macinnes

Amendment 2

- 1) To note the work undertaken by officers to prepare an updated Council Business Plan aligned to existing Council commitments and the shared political priorities agreed by Council in June 2022.
- 2) To note that amendments agreed by Council in December 2022 have been fully incorporated in this updated Council Business Plan.
- 3) To note that further amendments have been incorporated to ensure alignment with Council Budget decisions made in February 2023.
- 4) To note the amendments made to the Council Business Plan for 2023-27.

- moved by Councillor Parker, seconded by Councillor Mumford

In accordance with Standing Order 22(12), Amendment 2 was accepted into Amendment 1 with Amendment 1 being an addendum to Amendment 2

Voting

The voting was as follows:

For the Motion	-	33 votes
For Amendment 1 (as adjusted)	-	29 votes

(For the Motion: Lord Provost, Councillors. Arthur, Beal, Bruce, Caldwell, Lezley Marion Cameron, Cowdy, Dalgleish, Davidson, Day, Dijkstra-Downie, Duggart, Faccenda, Flannery, Graham, Griffiths, Jenkinson, Jones, Lang, Meagher, Mitchell, Mowat, Munro, Osler, Pogson, Ross, Rust, Thornley, Walker, Watt, Whyte, Young and Younie.

For Amendment 1 (as adjusted): Councillors Aston, Bandel, Biagi, Booth, Burgess, Campbell, Dixon, Dobbin, Fullerton, Gardiner, Glasgow, Heap, Hyslop, Key, Kumar, Macinnes, Mattos Coelho, McFarlane, McKenzie, McNeese-Meehan, McVey, Miller, Mumford, Nicolson, O'Neill, Parker, Rae, Staniforth and Work.)

Decision

To approve the Motion by Councillor Day.

(References – Act of Council No 7 of 15 December 2022; report by the Chief Executive, submitted.)

8 Standards Commission for Scotland – Decision of Hearing Panel – former Councillors Child and Doran

Details were provided on the decision by the Hearing Panel of the Standards Commission for Scotland into a complaint against former Councillors Child and Doran, alleging that they had contravened the Councillors' Code of Conduct, in particular paragraphs 5.7, 7.3, 7.4 and 7.12.

Decision

To note the decision of the Standards Commission for Scotland regarding former Councillors Child and Doran.

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

9 Charging for Visitor Access to St Giles' Cathedral

Details were provided on a request received from Edinburgh High Kirk (St Giles' Cathedral) Kirk Session, through The Church of Scotland General Trustees, seeking approval to vary the title deed provisions to allow charging for non-worshipping entry to the building. In order to do so, the Kirk Session required the consent of the City of Edinburgh Council (as successor to the Provost, Magistrates etc. of the City of Edinburgh).

Motion

- 1) To authorise the Kirk Session, through The Church of Scotland General Trustees, to vary the title deed provisions to allow charging for non worshipping entry to the St Giles' Cathedral.
- 2) To agree to a Members Briefing on the potential charges for visitors; the implications for entry for worshippers and for Edinburgh residents who have the right to gain access under the Edinburgh Burgh Church's Scheme and how the definition of worshipers will be determined.

- moved by Councillor Graham, seconded by Councillor Meagher

Amendment 1

- 1) To authorise the Kirk Session, through The Church of Scotland General Trustees, to vary the title deed provisions to allow charging for non worshipping entry to the St Giles' Cathedral.
- 2) Requests that the Kirk of Session maintains free access for accompanying paid and unpaid carers to St Giles when varying the title deed provisions to allow charging for non-worshipping entry to the building.
- 3) Requests that this facility is fully advertised to the public ahead of their visit and understood by staff ahead of introducing the charge.

- moved by Councillor McFarlane, seconded by Councillor Nicolson

Amendment 2

- 1) To defer until next Full Council the decision to authorise the Kirk Session, through The Church of Scotland General Trustees, to vary the title deed provisions to allow charging for non worshipping entry to the St Giles' Cathedral.
- 2) Recognises that St Giles is a major city centre asset for the City of Edinburgh, and that the Council is a body "having or claiming to have rights or duties in connection with the said Cathedral Church of St Giles".
- 3) Therefore, requests a report by the next Full Council detailing the possible impact on charging for non-worshipping access on (a) Free and low-cost access to activities (b) Public access to warm and welcoming spaces (c) Public access to toilet facilities.
- 4) Asks officers to engage with the relevant body of the Kirk Session to discuss alternative models including selective charging and footfall monitoring.

- moved by Councillor Heap, seconded by Councillor Mumford

In accordance with Standing Order 22(12), Amendment 1 was accepted in full and Amendment 2 adjusted and accepted as addendums to the Motion.

Decision

To approve the following adjusted motion by Councillor Graham:

- 1) To authorise the Kirk Session, through The Church of Scotland General Trustees, to vary the title deed provisions to allow charging for non worshipping entry to the St Giles' Cathedral.
- 2) To agree to a Members Briefing on the potential charges for visitors; the implications for entry for worshippers and for Edinburgh residents who had the right to gain access under the Edinburgh Burgh Church's Scheme and how the definition of worshipers would be determined.
- 3) To request that the Kirk of Session maintain free access for accompanying paid and unpaid carers to St Giles when varying the title deed provisions to allow charging for non-worshipping entry to the building.
- 4) To request that this facility be fully advertised to the public ahead of their visit and understood by staff ahead of introducing the charge.
- 5) To recognise that St Giles was a major city centre asset for the City of Edinburgh, and that the Council was a body "having or claiming to have rights or duties in connection with the said Cathedral Church of St Giles".
- 6) To therefore, request a report by the next Full Council detailing the possible impact on charging for non-worshipping access on (a) Free and low-cost access to activities (b) Public access to warm and welcoming spaces (c) Public access to toilet facilities
- 7) To ask officers to engage with the relevant body of the Kirk Session to discuss alternative models including selective charging and footfall monitoring

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

Declaration of Interests

Councillor Faccenda made a transparency statement in respect of the above item as a member of the Scottish Tour Guides Association.

Councillor Staniforth made a transparency statement in respect of the above item as an active Tour Guide

10 Motion by Councillor Nicolson – Self Directed Support

In response to a motion by Councillor Nicolson, details were provided on the Council's operational approach to determining if those in critical need had underspent, the impact on people, the budget setting process and the total value of recovery over recent years.

Motion

- 1) To note the operational approach to determining if those in critical need have underspent.
- 2) To note the impact on outcomes for people in need of removing allocated support.
- 3) To note the budget setting process and financial impacts.
- 4) To note the total value of claw backs each year for the last 5 years.

- moved by Councillor Pogson, seconded by Councillor Griffiths

Amendment 1

- 1) To note the operational approach to determining if those in critical need have underspent.
- 2) To note the impact on outcomes for people in need of removing allocated support.
- 3) To note the budget setting process and financial impacts.
- 4) To note the total value of claw backs each year for the last 5 years.
- 5) Notes that the Health and Social Care Partnership not only provides Self Directed Support payments to people assessed as having Critical need but also individuals who have an assessment of Substantial need and that any change to support criteria would need to be agreed at a meeting of Edinburgh Integration Joint Board.
- 6) Also notes that people who have an assessment of a Mild or Moderate need but have unpaid carers who have a carer's assessment can also receive a Direct Payment for respite care.
- 7) Regrets that the level of unused funds clawed back from carers in 2022/23 is £2.4m and observes that these funds could have been life changing for individuals living with a disability and their unpaid carers.

- 8) Notes that the report refers to a 'considered process' for recovering Direct Payments. However there is at present no easily accessible published statement for Self Directed Support recipients, no statement on City of Edinburgh Council's website and therefore minimal opportunity for public scrutiny of the Self Directed Support 'claw back' process.
- 9) Further notes there is no one definition of 'Community Care' as referenced in the report. Therefore, every individual's assessment should allow their Direct Payment to be spent as determined by outcomes identified by assessors and signed off in their Personal Support Plan.
- 10) Acknowledges new Scottish Government Self Directed Support Guidance from November 2022 stating 'The new standard is that people are involved in the development of their budget and have maximum flexibility to use this in the way that they choose to achieve agreed outcomes. The available funding should be allocated in a way that is transparent, fair, equitable and sufficient, across all communities and for all individuals' and this is the standard we should be looking to meet in Edinburgh.
- 11) Notes that no options to support Self Directed Support recipients with cost of living was made in the report.

Therefore:

- 12) Requests a further report in 1 cycle to the Policy and Sustainability specifically outlining which Directorate's Budget is credited when Self Directed Support monies are unspent and 'clawed back' and details of the financial transaction.
- 13) Requests that this report details how the parameters of use for Self Directed Support can be made as broad as statutory guidance encourages, by delivering care and support through the widest means possible including options to support people with the cost-of-living crisis.
- 14) Further requests the report outlines how the 'claw back' procedure can be developed to support assessors as currently no assurance can be given that every locality and practitioner follows the same process.
- 15) Recommends full publication of the 'considered process' to provide opportunity for public scrutiny of the Self Directed Support 'claw back' process thus enabling transparency and assurance for those in receipt of Self Directed Support.
- 16) Recommends evidence is circulated that Finance and Audit processes are regularly reviewed to ensure they align with SDS values and practice and that feedback from supported people is included in the review of finance and audit processes.

- moved by Councillor Nicolson, seconded by Councillor Glasgow

Amendment 2

- 1) To note the operational approach to determining if those in critical need have underspent.
- 2) To note the impact on outcomes for people in need of removing allocated support.
- 3) To note the budget setting process and financial impacts.
- 4) To note the total value of claw backs each year for the last 5 years.
- 5) Notes that due to the Brexit driven recruitment crisis many service users can't access personal assistants or traditional forms of social care
- 6) Notes that the original principles of self-directed support were driven by a need to empower service users and families to commission support and respite which matches their individual needs and circumstances.
- 7) Council reaffirms its commitment to:
 - a) the principles of the social model of disability;
 - b) empowering service users to make the choices that are correct for them.
- 8) Therefore requests a report to Policy and Sustainability Committee by September detailing:
 - a) potential solutions to reducing the amount of self-directed support money's clawed back from families through allowing spend on non-traditional approaches to care and respite;
 - b) what training the council is providing those at each level of implementing SDS locally in terms of maximizing service user choice in this area.

- moved by Councillor Davidson, seconded by Councillor Younie

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

Decision

To approve the following adjusted motion by Councillor Graham:

- 1) To note the operational approach to determining if those in critical need had underspent.
- 2) To note the impact on outcomes for people in need of removing allocated support.
- 3) To note the budget setting process and financial impacts.
- 4) To note the total value of claw backs each year for the last 5 years.
- 5) To note that the Health and Social Care Partnership not only provided Self Directed Support payments to people assessed as having Critical need but also individuals who had an assessment of Substantial need and that any change to support criteria would need to be agreed at a meeting of Edinburgh Integration Joint Board.
- 6) To also note that people who had an assessment of a Mild or Moderate need but had unpaid carers who had a carer's assessment could also receive a Direct Payment for respite care.
- 7) To regret that the level of unused funds clawed back from carers in 2022/23 was £2.4m and observe that these funds could have been life changing for individuals living with a disability and their unpaid carers.
- 8) To note that the report referred to a 'considered process' for recovering Direct Payments. However there was at present no easily accessible published statement for Self Directed Support recipients, no statement on City of Edinburgh Council's website and therefore minimal opportunity for public scrutiny of the Self Directed Support 'claw back' process.
- 9) To further note there was no one definition of 'Community Care' as referenced in the report. Therefore, every individual's assessment should allow their Direct Payment to be spent as determined by outcomes identified by assessors and signed off in their Personal Support Plan.
- 10) To acknowledge new Scottish Government Self Directed Support Guidance from November 2022 stating 'The new standard is that people are involved in the development of their budget and have maximum flexibility to use this in the way that they choose to achieve agreed outcomes. The available funding should be allocated in a way that is transparent, fair, equitable and sufficient, across all communities and for all individuals' and this was the standard we should be looking to meet in Edinburgh.

- 11) To note that no options to support Self Directed Support recipients with cost of living had been made in the report.
- 12) To note that due to the Brexit driven recruitment crisis many service users could not access personal assistants or traditional forms of social care.
- 13) To note that the original principles of self-directed support were driven by a need to empower service users and families to commission support and respite which matched their individual needs and circumstances.
- 14) To reaffirm the commitment to:
 - a) the principles of the social model of disability;
 - b) empowering service users to make the choices that were correct for them.

Therefore:

- 15) To request a further report in 1 cycle to the Policy and Sustainability Committee specifically outlining which Directorate's Budget was credited when Self Directed Support monies were unspent and 'clawed back' and details of the financial transaction.
- 16) To request that this report detail how the parameters of use for Self Directed Support could be made as broad as statutory guidance encouraged, by delivering care and support through the widest means possible including options to support people with the cost-of-living crisis.
- 17) To further request the report outline how the 'claw back' procedure could be developed to support assessors as currently no assurance could be given that every locality and practitioner followed the same process.
- 18) To request a report to Policy and Sustainability Committee by September detailing:
 - a) potential solutions to reducing the amount of self-directed support money's clawed back from families through allowing spend on non-traditional approaches to care and respite;
 - b) what training the council was providing those at each level of implementing SDS locally in terms of maximizing service user choice in this area.
- 19) To recommend full publication of the 'considered process' to provide opportunity for public scrutiny of the Self Directed Support 'claw back' process

thus enabling transparency and assurance for those in receipt of Self Directed Support.

- 20) To recommend evidence be circulated that Finance and Audit processes were regularly reviewed to ensure they aligned with SDS values and practice and that feedback from supported people was included in the review of finance and audit processes.

(References: Act of Council No 16 of 15 December 2022; report by the Chief Officer, Edinburgh Health and Social Care Partnership, submitted)

11 Drumbrae Care Home – Status Report

The Council had previously considered an update on the status of the Drumbrae Care Home.

A further update was provided on Drumbrae Care Home which included information on the amended proposal to the original direction and decisions made by the Board and Council.

The Council had heard a deputation from Unison on this issue (see item 1 above).

Motion

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.
- 2) To note the need to match care beds of type, complex care, residential care, dementia care, etc, to levels of demand within each of these categories of need across the city and that this is an extremely complex and dynamic matter.
- 3) To note the ongoing Bed-Based Review is the mechanism by which these respective levels of need within specific categories will ultimately be identified and matched with appropriate supply.
- 4) To note that Drumbrae Care Home is one significant element of a complex wider network of care provision across the city, including the Liberton Hospital site and Ferryfield House.
- 5) To note that EIJB has noted the extreme urgency being communicated by partners within City of Edinburgh Council, the workforce unions and other concerned sources to make a clear and final decision on the future of Drumbrae Care Home within the shortest timeframe possible. Discussions are ongoing with our Partners to seek a resolution to the issues faced with the transition of Drumbrae. These discussions will be concluded by early April,

and we propose to report back to Full Council with a clear and final decision at the meeting on 4th May 2023

- moved by Councillor Pogson, seconded by Councillor Graham

Amendment 1

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.
- 2) The briefing paper referenced at section 5 of the report should include detail of the steps that those undertaking the full pathway review will take in order to engage carer representatives, patient and service user groups and the Trade Unions in the review process.
- 3) Furthermore, the paper should include an outline of planned communications to both full council and the EIJB to provide updates on the progression of the various elements of this project.

- moved by Councillor Davidson, seconded by Councillor Younie

Amendment 2

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.
- 2) Thanks officers for beginning to provide information about Drumbrae Care Home via a series of 'status reports', however notes that several actions agreed by Council in December and February remain outstanding and therefore calls for these to be completed in full.
- 3) Expresses concern that this status report does not comment on outcomes for future residents of Drumbrae Care Home and that proposals are being developed without the support of impact assessments, and calls for impact to be fully integrated into the process of developing options for this home and its residents.
- 4) Regrets that despite requests for improved elected member involvement, health & social care spokespeople have not been invited to engage or been kept informed during the process to develop and assess options, therefore Council calls on officers to ensure cross-party elected member engagement in the development of the revised proposal for Drumbrae Care Home.
- 5) Notes the financial interdependencies described in section 6 of the status report, such as the PFI contract term for Ferryfield House and the redevelopment of the Liberton Hospital site, and calls on officers to provide members with a strategic briefing of revenue and capital budgeting for

Drumbrae Care Home and the bed based review, analysing the impact and interdependencies for public finances across health and social care.

- 6) Furthermore notes the home has now been closed for 15 months and it is 9 months since the increased cost to deliver the Integration Joint Board (IJB) Direction was identified, but that officers have not sought elected member approval for any change to the terms agreed by Finance & Resources Committee, and calls for recommendations to be brought urgently to the relevant committees and to the IJB.

- moved by Councillor Miller, seconded by Councillor Mumford

Amendment 3

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.
- 2) Council condemns the failure to deliver the Bed Based Review as originally approved due to NHS Lothian's unwillingness to follow a direction from the EIJB.
- 3) Council condemns the failure to update elected members about the serious failure highlighted in paragraph 2 of the report.
- 4) Council notes that the recent alternative proposal from NHS Lothian on the use of Drumbrae Care Home could have been incorporated within the original direction, including creating different terms for a lease already approved by Finance and Resources Committee.
- 5) Council recognises that the proposed revision to the original proposal creates considerable risk that there will be inadequate provision of beds.
- 6) Council requests the Chief Officer of the EHSCP to clearly set out all risks, mitigations and contingencies in respect of Drumbrae Care Home and to clarify the consequences for the already approved Bed Based Review in the report to Council on 4 May 2023.

- moved by Councillor Mitchell, seconded by Councillor Doggart

In accordance with Standing Order 22(12), the Motion by Councillor Pogson was withdrawn, Amendment 1 was adjusted and accepted and Amendments 2 and 3 were accepted in full in place of the Motion.

Decision

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.

- 2) To agree the briefing paper referenced at section 5 of the report should include detail of the steps that those undertaking the full pathway review would take in order to engage carer representatives, patient and service user groups and the Trade Unions in the review process.
- 3) To thank officers for beginning to provide information about Drumbrae Care Home via a series of 'status reports', however to note that several actions agreed by Council in December and February remained outstanding and therefore to call for these to be completed in full.
- 4) To express concern that the status report did not comment on outcomes for future residents of Drumbrae Care Home and that proposals were being developed without the support of impact assessments, and to call for impact to be fully integrated into the process of developing options for this home and its residents.
- 5) To regret that despite requests for improved elected member involvement, health and social care spokespeople had not been invited to engage or been kept informed during the process to develop and assess options, therefore to call on officers to ensure cross-party elected member engagement in the development of the revised proposal for Drumbrae Care Home.
- 6) To note the financial interdependencies described in section 6 of the status report, such as the PFI contract term for Ferryfield House and the redevelopment of the Liberton Hospital site, and to call on officers to provide members with a strategic briefing of revenue and capital budgeting for Drumbrae Care Home and the bed based review, analysing the impact and interdependencies for public finances across health and social care.
- 7) Furthermore to note the home had now been closed for 15 months and it was 9 months since the increased cost to deliver the Integration Joint Board (IJB) Direction was identified, but that officers had not sought elected member approval for any change to the terms agreed by Finance and Resources Committee, and to call for recommendations to be brought urgently to the relevant committees and to the IJB.
- 8) To condemn the failure to deliver the Bed Based Review as originally approved due to NHS Lothian's unwillingness to follow a direction from the EIJB.
- 9) To condemn the failure to update elected members about the serious failure highlighted in paragraph 2 of the report.
- 10) To note that the recent alternative proposal from NHS Lothian on the use of Drumbrae Care Home could have been incorporated within the original

direction, including creating different terms for a lease already approved by Finance and Resources Committee.

- 11) To recognise that the proposed revision to the original proposal created considerable risk that there would be inadequate provision of beds.
- 12) To request the Chief Officer of the EHSCP to clearly set out all risks, mitigations and contingencies in respect of Drumbrae Care Home and to clarify the consequences for the already approved Bed Based Review in the report to Council on 4 May 2023

(References: Act of Council No 16 of 9 February 2023; report by the Chief Executive, submitted.)

12 Edinburgh Tram Funding Inquiry – Funding Update

Approval was sought for further funding for both the Tram Inquiry and Tram-related litigations. Further detail was set out in the B agenda report at item 35 below.

Decision

To allocate a further funding sum as set out in the B agenda report (item 35 below) in relation to the ongoing Edinburgh Tram Inquiry and Tram litigation activity.

(References: Act of Council No 33 of 22 August 2019; report by the Chief Executive, submitted.)

13 Revenue Budget 2023/24 Update

An update was provided on the outcome of the Scottish Budget's Stage Three Parliamentary consideration, confirming no change in the Council's overall core revenue grant funding allocation. Following the decision of Council at the budget-setting meeting on 23 February 2023, details were also provided setting out a revised proposed set of fees and charges, consistent with Council's approved budget decision.

Motion

- 1) To note that, following the Scottish Budget's Parliamentary consideration, the Council's core grant funding allocation did not change and as such the Council's budget remained balanced, based on approved savings and investments.
- 2) To refer the report to a Special meeting of the Finance and Resources Committee to be held before 1 April 2023 to revise fees and charges and delegate authority to that Committee to set fees and charges.

- moved by Councillor Watt, seconded by Councillor Griffiths

Amendment

- 1) Notes the detail outlined in point 4.3 of the report by the Executive Director of Corporate Services, highlighting additional funding from the Scottish Government which “would allow a 5.5% average increase to be paid to both teaching and non-teaching staff in 2023/24” and therefore instructs the Council Leader to vote for 5.5% as a minimum offer during all discussions at COSLA Leaders.
- 2) Notes the revised proposed fees and charges set out in Appendix 1 and agrees to increase on-street parking charges 20%. The additional revenue should be used to freeze poverty-related charges, such as funeral charges, with officers bringing back a further report to Council in one cycle with detailed proposals of which charges to freeze.
- 3) Council notes Labour, Conservative and Liberal Democrat Councillors voted for a Liberal Democrat budget which included ending the policy of no compulsory redundancies as well as voting to privatise waste and cleansing services; conflicting with existing Council policies which a majority of parties support.
- 4) Notes and welcomes the circulation of a briefing note to all Elected Members confirming that the budget-setting process does not and cannot automatically change council policies. Further notes there are other policy changes contained in the budget such as ending free tram travel for under 22s amongst others.
- 5) Therefore to delegate decision to a special meeting of the Finance and Resources Committee before 1 April 2023 to revise fees and charges and delegate authority to that Committee to set fees and charges and setting out the process officers will follow on the implementation of the Liberal Democrat Budget, including consideration of those policies mentioned above. This should also include any further decisions required from committee or council, and the process by which these could be revisited based on Council Standing Orders, Financial Regulations and other documents governing council decision making.

- moved by Councillor McVey, seconded by Councillor Mumford

Voting

The voting was as follows:

For the motion	-	34 votes
For the amendment	-	28 votes

(For the motion: Lord Provost, Councillors. Arthur, Beal, Bennett, Bruce, Caldwell, Lezley Marion Cameron, Cowdy, Dalgleish, Davidson, Day, Dijkstra-Downie, Doggart, Faccenda, Flannery, Graham, Griffiths, Jenkinson, Jones, Lang, Meagher, Mitchell, Mowat, Munro, Osler, Pogson, Ross, Rust, Thornley, Walker, Watt, Whyte, Young and Younie.

For the amendment: Councillors Aston, Bandel, Biagi, Booth, Burgess, Campbell, Dixon, Dobbin, Fullerton, Gardiner, Glasgow, Heap, Hyslop, Kumar, McKenzie, Macinnes, Mattos Coelho, McFarlane, McNeese-Meechan, McVey, Miller, Mumford, Nicolson, O'Neill, Parker, Rae, Staniforth and Work.)

Decision

To approve the motion by Councillor Watt.

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

14 Annual Treasury Management Strategy 2023/24 – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred a report the Annual Treasury Management Strategy 2023/24 comprising an Annual Investment Strategy and a Debt Management Strategy to the Council for approval.

Decision

- 1) To approve the Annual Treasury Management Strategy 2023/24.
- 2) To refer the report to the Governance, Risk and Best Value Committee for scrutiny.

(References: Finance and Resources Committee of 10 March 2023 (item 2); referral from the Finance and Resources Committee, submitted.)

15 Capital Strategy 2023-33 – Annual Report – referral from the Finance and Resources Committee

The Finance and Resources Committee had referred the annual report on the Capital Strategy 2023-33 – Annual Report to the City of Edinburgh Council for approval.

Decision

To approve the Capital Strategy 2023-33.

(References: Finance and Resources Committee of 10 March 2023 (item 3); referral from the Finance and Resources Committee, submitted.)

16 Edinburgh International Conference Centre – Shareholders' Agreement and Strategic Delivery Agreement – referral from the Housing, Homelessness and Fair Work Committee

The Housing, Homelessness and Fair Work Committee had referred a report on the Edinburgh International Conference Centre – Shareholders' Agreement and Strategic Delivery Agreement to the City of Edinburgh Council for final approval.

Decision

- 1) To agree the Heads of Terms for revision to the Shareholders' Agreement between the Council and Edinburgh International Conference Centre Limited and the new Strategic Delivery Agreement between the Council and Edinburgh International Conference Centre Hotels Limited.
- 2) To note that the Executive Director of Place had been delegated authority to execute the Shareholders' agreement and Strategic Delivery Agreement.
- 3) To agree that the Finance and Resources Committee would act on behalf of the Council in considering the annual business plan(s) for the EICC and its subsidiaries at the appropriate times **which would include KPI targets** and provide to the EICC the Council's approval or non-approval of the respective business plans of the EICC and its subsidiaries.

(References: Housing, Homelessness and Fair Work Committee of 9 March 2023 (item 15); referral from the Housing, Homelessness and Fair Work Committee, submitted.)

Declaration of Interests

The Lord Provost and Councillors Lezley Marion Cameron, Fullerton, Mumford and Whyte made a transparency statement in respect of the above item as Directors of EICC.

17 Gorgie Farm (arrangements for the care of animals) – Motion by Councillor Heap

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

“Council:

- 1) Notes with regret that Gorgie Farm closed on 16 January.
- 2) Recognises that progress is being made in finding a new operator for the farm and thanks Council officers for their work in doing so.
- 3) Believes that the new provider should not be a commercial operator and the farm should always be free to access for visitors.
- 4) Notes that the animals resident at Gorgie Farm are being fostered/re-homed whilst a new operator for the farm is put in place.
- 5) Understands that some animals are being fostered/rehomed at other farms.
- 6) Notes with concern the media is reporting that up to 50 smaller animals have had to be fostered by staff and volunteers at their own expense.
- 7) Thanks the staff and volunteers for taking care of the animals.
- 8) Requests that officers investigate:
 - (a) the process by which the animals were fostered/re-homed;
 - (b) What can be done to provide financial support to staff and volunteers looking after animals at their own expense; and
 - (c) How the new operator can take over financial and other responsibility for the care of the animals in a timely manner.
- 9) Requests the outcomes of this investigation are reported to Sighthill/Gorgie Councillors and party group leaders as soon as possible.”

Motion

Council:

- 1) Notes with regret that Gorgie Farm closed on 16 January.
- 2) Recognises the work that Council Officers have undertaken to help Edinburgh Voluntary Organisations Council (EVOC) initiate a community-led project to find a possible solution.
- 3) Notes that:
 - i) EVOC is one of three partners that make up Edinburgh's TSI (Third Sector Interface), helping to support and develop the city's community and voluntary sector, with a role to develop robust solutions and approaches that underpin strong organisations.
 - ii) EVOC's role in this instance is to work with the local community and all stakeholders, to identifying proposals that could see Gorgie City Farm reopen with a strong sustainable plan to secure its future.
 - iii) The Partnership Steering Group created to reopen Gorgie City Farm will start from the principle that it will bring together city experts in key fields such as local volunteering and social enterprise and connect these together
 - (iv) As per Sections 4.3 and 4.5 of the report agreed by Education Children and Families Committee on 31 January, the purpose of this project is to arrive at a "community-led model for the farm" rather than a for-profit private sector model.
- 4) Believes that the farm should remain free at the point of entry
- 5) Notes that the animals resident at Gorgie Farm are being fostered/re-homed whilst a new operator for the farm is put in place.
- 6) Understands that some animals are being fostered/re-homed at other farms.
- 7) Notes the media is reporting that up to 50 smaller animals have had to **be** fostered by staff and volunteers at their own expense.
- 8) Thanks the staff and volunteers for taking care of the animals.
- 9) Requests officers report back:
 - (a) Via a member briefing on what has or can be done to provide financial support to staff and volunteers looking after animals at their own

expense; and the possible role in the Partnership Steering Group and EVOC in facilitating this

- (b) Via member briefings on the progress of the Partnership Steering Group chaired by EVOC.
- (c) Via a report to Culture and Communities Committee information on spend so far from the £150,000 support fund approved by the Education, Children and Families Committee on 31 January, and a plan for the remaining budget.”

- moved by Councillor Heap, seconded by Councillor Dixon

Decision

To approve the adjusted motion by Councillor Heap..

18 Flooding - Motion by Councillor Osler

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

“Council

- 1) Notes the budget that was passed on 23rd February 2023.
- 2) Notes that contained within the capital budget was an additional £2m allocated for flood prevention measures.
- 3) Notes that the Council has a Vision for Water Management which fits within the Council’s Edinburgh 2050 Vision.
- 4) Notes that the Water Management Vision and its objectives are an important step towards mitigating the scale of flooding and have been developed with input from Scottish Water (SW) and the Scottish Environment protection Agency (SEPA).
- 5) Recognises the need for practical applications of the Vision for Water Management in line with the Sustainable Rainwater Management guidance.
- 6) Notes that there are, and will be, opportunities to develop capital funding for some schemes using partnership money from Scottish Water and funding partners like SUSTRANS.
- 7) Agrees that a report should come to the Transport and Environment Committee within two cycles setting out:

- Currently identified priorities and potential sources of funding; and
- how the extra £2m could be best spent to alleviate flooding concerns within the City.”

Motion

To approve the motion by Councillor Osler.

- moved by Councillor Osler, seconded by Councillor Ross

Amendment 1

To add to the motion by Councillor Osler:

“Further notes that:

- 8) The Council will publish a refreshed version of its Edinburgh Adapts plan for climate adaptation later this year and that this will include learning from the climate risk assessment it commissioned, including exploring the issue of flooding / flood risk.
- 9) The Council declared a Nature Emergency on 9th February 2023 and that the 2030 Climate Strategy and Vision for Water Management includes a commitment to prioritising nature-based solutions to flooding such as rain gardens and flood plains, as well as the development of green-blue networks.
- 10) On 9th / 10th March 2023, Housing, Homelessness & Fair Work committee and Finance and Resources committee passed motions / amendments looking at how the Council’s whole house retrofit and estate improvement programme could include new approaches to more sustainable water management as test cases for practical applications of the Vision for Water Management.
- 11) Therefore, agrees that this report will also include specific consideration of how proposed spending can improve outcomes for nature and biodiversity, and be cognisant of the additional commitments and strategies listed at 8), 9) and 10).”

- moved by Councillor Parker, seconded by Councillor Miller

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

Decision

To approve the following adjusted motion by Councillor Osler:

- 1) To note the budget that was passed on 23rd February 2023.

- 2) To note that contained within the capital budget was an additional £2m allocated for flood prevention measures.
- 3) To note that the Council had a Vision for Water Management which fitted within the Council's Edinburgh 2050 Vision.
- 4) To note that the Water Management Vision and its objectives were an important step towards mitigating the scale of flooding and had been developed with input from Scottish Water (SW) and the Scottish Environment protection Agency (SEPA).
- 5) To recognise the need for practical applications of the Vision for Water Management in line with the Sustainable Rainwater Management guidance.
- 6) To note that there were, and would be, opportunities to develop capital funding for some schemes using partnership money from Scottish Water and funding partners like SUSTRANS.
- 7) Agrees that a report should come to the Transport and Environment Committee within two cycles setting out:
 - Currently identified priorities and potential sources of funding; and
 - how the extra £2m could be best spent to alleviate flooding concerns within the City.
- 8) To note that the Council would publish a refreshed version of its Edinburgh Adapts plan for climate adaptation later this year and that this would include learning from the climate risk assessment it commissioned, including exploring the issue of flooding / flood risk.
- 9) To note that the Council declared a Nature Emergency on 9th February 2023 and that the 2030 Climate Strategy and Vision for Water Management included a commitment to prioritising nature-based solutions to flooding such as rain gardens and flood plains, as well as the development of green-blue networks.
- 10) To note that on 9th / 10th March 2023, Housing, Homelessness and Fair Work Committee and Finance and Resources Committee passed motions / amendments looking at how the Council's whole house retrofit and estate improvement programme could include new approaches to more sustainable water management as test cases for practical applications of the Vision for Water Management.
- 11) To therefore, agree that this report would also include specific consideration of how proposed spending could improve outcomes for nature and

biodiversity, and be cognisant of the additional commitments and strategies listed at 8), 9) and 10).

19 Improving the Budget Process - Motion by Councillor Staniforth

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

- “1) Notes:
- a) Councillor Kate Campbell's motion to GRBV calling for an audit into the budget process and correctly noting that the budget process for 23/24 was not a good model.
 - b) That the budget process was originally created for a council with a majority controlling coalition or single party and that this is in fact a rarity in Edinburgh following the introduction of STV.
 - c) That the budget process varies widely from council to council across Scotland.
- 2) Therefore:
- a) Instructs officers to hold a workshop of all councillors to explore how the budget process can be improved.
 - b) Instructs officers to report - either as part of an audit or independently - on the budget process undertaken by other council across Scotland in order to inform our own potential budget process reforms.”

- moved by Councillor Staniforth, seconded by Councillor Mumford

Decision

To approve the following adjusted motion by Councillor Staniforth:

- 1) To note:
- a) Councillor Kate Campbell's amendment to GRBV calling for an audit into the budget process and correctly noting that the budget process for 23/24 was not a good model.
 - b) That the budget process was originally created for a council with a majority controlling coalition or single party and that this was in fact a rarity in Edinburgh following the introduction of STV.

- c) That the budget process varied widely from council to council across Scotland.
- 2) To therefore:
- a) Instruct officers to hold a workshop of all councillors to explore how the budget process could be improved.
 - b) Instructs officers to report - either as part of an audit or independently - on the budget process undertaken by other council across Scotland in order to inform our own potential budget process reforms

20 Communal Bin Review Locations Framework - Motion by Councillor Mitchell

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

“Council:

- 1) Notes the ongoing work in the communal bin review.
- 2) Thanks, officials, for the ongoing work across the communal bin review including the additional work in the World Heritage Site.
- 3) Regrets that many residents both within and outwith the World Heritage Site are dissatisfied with aspects of the proposals for a variety of reasons including, but not limited to, impact on residential amenity based on the location of the bin hubs.
- 4) Acknowledges that not all streets are alike.
- 5) Believes that suitable alternative locations with community support can be identified in reasonable proximity to locations originally perceived as optimal under the design framework and that these parameters should be acceptable for consideration. For example, across a road by walls, railings or fencing as has previously worked in many streets without issue and is preferred by residents.
- 6) Therefore, agrees to an urgent review of the design framework originally set by committee to allow for greater flexibility and consideration of how and where bin hubs are located to reduce impact on residential amenity, and is prepared to accept that new TROs may need to be raised to deal with these issues. The review should be available in report form at the Transport and Environment Committee within two cycles.”

Motion

To approve the motion by Councillor Mitchell.

- moved by Councillor Mitchell, seconded by Councillor Mowat

Amendment 1

To delete point 6 in the motion by Councillor Mitchell and insert:

- “6) Recognises one of the aims of the project is to reduce the number of bin locations while at the same time ensuring that the full range of waste and recycling services are provided at each location. Reducing the number of locations in this way will unfortunately mean that many people will need to walk further to dispose of waste and recycle.
- 7) Acknowledges a balance therefore needs to be struck between these risks and the enhancement which the project offers and that the guidance seeks “as far as possible” to site bins in accordance with the “Mobility Component of the Personal Independence Payment” which is used by the Government to assess Mobility e.g. for Blue Badge access. This applies where a person cannot walk more than 50m and should therefore be the target to ensure good accessibility for those with accessibility requirements but this does not represent a blanket ban on considering exceptional circumstances.
- 8) Notes that Transport and Environment Committee on October 6, 2022, the SNP successfully moved an amendment requesting a short report for approval “outlining a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”.
- 9) Acknowledges that this report is currently scheduled on the TEC Rolling Actions Log for committee consideration on May 18 2023 and that this should establish a framework for reviewing decisions on individual cases (up to and including advertising a new TRO) where the residents preferred location may not totally comply with all aspects of the decision framework as agreed by committee on February 27 2020. This should also acknowledge where officers are introducing CPZ and making other changes in tandem with the rollout and builds in responsiveness where this is the case.”

- moved by Councillor McFarlane, seconded by Councillor Dobbin

Amendment 2

To adjust the motion by Councillor Mitchell as follows:

- 1) In paragraph 3)

- after “proposals” insert “and their implementation”.
- after “bin hubs”, insert “such as their direct proximity to living spaces or bedrooms, causing anxiety to residents”.

2) After paragraph 3)

- insert new
 - 4) Regrets that before, during and after implementation of bin hubs, residents have raised concerns about safety and accessibility of the new hub locations and the operation of new bins. Where bin hubs are placed alongside narrow footways that do not meet Edinburgh’s Street Design Guidance of a minimum 1.5m width, this causes access challenges for residents, especially those with disabilities.
- insert new
 - 5) Regrets further that many residents are dissatisfied with aspects of the consultation, were not aware of the consultation taking place, received substandard communications or were unable to take part in consultation events held during the working day.

3) Renumber paragraphs 4) to 6) accordingly and insert after alike: “and the current framework allows for local differences to influence the location of bin hubs.”

4) At the end of the motion, insert new paragraph 9):

- Agrees further that this report should include a review of the consultation process including what account has been taken of resident concerns and proposals for change so far, and any lessons learned.”

Renumber accordingly.

- moved by Councillor Dijkstra-Downie, seconded by Councillor Caldwell

Amendment 3

To replace paragraphs 5) and 6) in the motion by Councillor Mitchell with;

- “5) Recognises the importance of providing a waste and recycling service that is accessible to all present and future residents, and notes that the criteria to determine locations of communal bin hubs approved by Transport and Environment Committee were designed to achieve this objective.
- 6) Acknowledges that in individual cases, engagement with residents and ward councillors can lead to mutually agreeable alternative positionings of communal bin hubs that are accessible to everyone, and which still meet the

original policy objectives of the Communal Bin Review to improve waste and recycling services.

- 7) Notes the addendum passed at Transport and Environment Committee in October 2022 calling for a short report that “outlines a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”, and that a response is scheduled to be published as part of the Communal Bin Enhancement Update in May.
- 8) Agrees that such a mechanism outlined in this report will provide sufficient flexibility in the positioning of communal bin hubs without infringing on the accessibility of the waste and recycling service, and to take no further action.”

- moved by Councillor Bandel, seconded by Councillor Parker

Amendment 4

In the motion by Councillor Mitchell:

- 1) To renumber point 6) as 7).
- 2) To insert as point 6) to read:

“Remains committed to preserving or enhancing the visual landscape of the World Heritage Site and awaits the impending update detailing the success of the recycling trial within the World Heritage Site, which would provide a clear and acceptable alternative to communal bin hubs.”

- moved by Councillor Whyte, seconded by Councillor Cowdy

In accordance with Standing Order 22(12), Amendments 2 and 4 were accepted as amendments to the motion.

In accordance with Standing Order 22(12), Amendment 3 was accepted as an addendum to Amendment 1 and Amendment 2 was adjusted and accepted as an addendum to Amendment 1.

Voting

The voting was as follows:

For the Motion (as adjusted)	-	21 votes
For Amendment 1 (as adjusted)	-	40 votes

(For the Motion (as adjusted): Councillors Arthur, Bruce, Lezley Marion Cameron, Cowdy, Dalgleish, Day, Doggart, Faccenda, Graham, Griffiths, Jenkinson, Jones, Meagher, Mitchell, Mowat, Munro, Pogson, Rust, Walker, Watt and Whyte.

For Amendment 1 (as adjusted): Lord Provost, Councillors Aston, Bandel, Beal, Biagi, Booth, Burgess, Caldwell, Campbell, Davidson, Dijkstra-Downie, Dixon, Dobbin, Flannery, Fullerton, Gardiner, Glasgow, Heap, Hyslop, Key, Kumar, Lang, Macinnes, Mattos Coelho, McFarlane, McKenzie, McNeese-Meechan, McVey, Miller, Mumford, Nicolson, O'Neill, Osler, Parker, Rae, Ross, Staniforth, Thornley, Work, Young and Younie.)

For the Motion (as adjusted): Lord Provost, Councillors Beal, Bennett, Bruce, Caldwell, Cowdy, Davidson, Dijkstra-Downie, Doggart, Flannery, Jones, Lang, Mitchell, Mowat, Osler, Ross, Rust, Thornley, Whyte, Young and Younie.

For Amendment 1 (as adjusted): Councillors Arthur, Aston, Bandel, Biagi, Booth, Burgess, Lezley Marion Cameron, Campbell, Dalgleish, Day, Dixon, Dobbin, Faccenda, Fullerton, Gardiner, Glasgow, Graham, Griffiths, Heap, Hyslop, Jenkinson, Kumar, Macinnes, Mattos Coelho, McFarlane, McKenzie, McNeese-Meechan, McVey, Meagher, Miller, Mumford, Nicolson, O'Neill, Parker, Pogson, Rae, Staniforth, Walker, Watt and Work.)

Decision

To approve the following adjusted Amendment 1 by Councillor McVey:

- 1) To note the ongoing work in the communal bin review.
- 2) To thank, officials, for the ongoing work across the communal bin review including the additional work in the World Heritage Site.
- 3) To regret that many residents both within and outwith the World Heritage Site were dissatisfied with aspects of the proposals for a variety of reasons including, but not limited to, impact on residential amenity based on the location of the bin hubs.
- 4) To regret that before, during and after implementation of bin hubs, residents had raised concerns about safety and accessibility of the new hub locations and the operation of new bins. Where bin hubs were placed alongside narrow footways that did not meet Edinburgh's Street Design Guidance of a minimum 1.5m width, this caused access challenges for residents, especially those with disabilities
- 5) To acknowledge that not all streets were alike.

- 6) To recognise the importance of providing a waste and recycling service that was accessible to all present and future residents, and note that the criteria to determine locations of communal bin hubs approved by Transport and Environment Committee were designed to achieve this objective.
- 7) To acknowledge that in individual cases, engagement with residents and ward councillors could lead to mutually agreeable alternative positionings of communal bin hubs that were accessible to everyone, and which still met the original policy objectives of the Communal Bin Review to improve waste and recycling services.
- 8) To note the addendum passed at Transport and Environment Committee in October 2022 calling for a short report that “outlines a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”, and that a response was scheduled to be published as part of the Communal Bin Enhancement Update in May.
- 9) To agree that such a mechanism outlined in this report would provide sufficient flexibility in the positioning of communal bin hubs without infringing on the accessibility of the waste and recycling service, and to take no further action.
- 10) To recognise one of the aims of the project was to reduce the number of bin locations while at the same time ensuring that the full range of waste and recycling services were provided at each location. Reducing the number of locations in this way would unfortunately mean that many people would need to walk further to dispose of waste and recycle.
- 11) To acknowledge a balance therefore needed to be struck between these risks and the enhancement which the project offered and that the guidance sought “as far as possible” to site bins in accordance with the “Mobility Component of the Personal Independence Payment” which was used by the Government to assess Mobility e.g. for Blue Badge access. This applied where a person could not walk more than 50m and should therefore be the target to ensure good accessibility for those with accessibility requirements but this did not represent a blanket ban on considering exceptional circumstances.
- 12) To note that Transport and Environment Committee on October 6, 2022, the SNP successfully moved an amendment requesting a short report for approval “outlining a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”.

- 13) To acknowledge that this report was currently scheduled on the Transport and Environment Committee Rolling Actions Log for committee consideration on 18 May 2023 and that this should establish a framework for reviewing decisions on individual cases (up to and including advertising a new TRO) where the residents preferred location may not totally comply with all aspects of the decision framework as agreed by committee on February 27 2020. This should also acknowledge where officers were introducing CPZ and making other changes in tandem with the rollout and build in responsiveness where this was the case.

21 Commercial Property Undeveloped Land - Motion by Councillor Ross

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

“Council:

- 1) Notes the Council’s commercial property portfolio contains a wide variety of assets and is managed with a view to maximising the generation of income.
- 2) Notes that the rental income generated from commercial property leases supports spending in the Council’s revenue budget.
- 3) Recognises that the commercial property portfolio represents a potential source of additional capital for investment in Council priorities.
- 4) Agrees to consider a report to Finance and Resources Committee in two cycles setting out a medium to long-term strategy for the Council’s commercial property portfolio that sets out its purposes and objectives. The report should provide information on the properties held in the portfolio.
- 5) Agrees that the report should also outline how an exercise could be undertaken to identify undeveloped land held by the Council and the HRA with recommendations for retention, development or potential disposal.”

Motion

To approve the motion by Councillor Ross.

- moved by Councillor Ross, seconded by Councillor Younie

Amendment

To add to paragraph 4) of the motion by Councillor Ross:

“[The report should provide information on the properties held in the portfolio] including their current and previous uses, any community interest or desire for alternative uses expressed in the properties, and information about other council buildings and/or community provision in the surrounding area (or further information on how this information will be included in the medium to long-term strategy if this is not currently available).”

- moved by Councillor Mumford, seconded by Councillor Heap

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

Decision

To approve the following adjusted motion by Councillor Ross:

- 1) To note the Council's commercial property portfolio contained a wide variety of assets and was managed with a view to maximising the generation of income.
- 2) To note that the rental income generated from commercial property leases supported spending in the Council's revenue budget.
- 3) To recognise that the commercial property portfolio represented a potential source of additional capital for investment in Council priorities.
- 4) To agree to consider a report to Finance and Resources Committee in two cycles setting out a medium to long-term strategy for the Council's commercial property portfolio that set out its purposes and objectives. The report should provide information on the properties held in the portfolio including their current and previous uses, any community interest or desire for alternative uses expressed in the properties, and information about other council buildings and/or community provision in the surrounding area (or further information on how this information would be included in the medium to long-term strategy if this was not currently available).
- 5) To agree that the report should also outline how an exercise could be undertaken to identify undeveloped land held by the Council and the HRA with recommendations for retention, development or potential disposal.

22 Cost Recovery from Commercial Events - Motion by Councillor Ross

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

“Council:

- 1) Notes that events will normally require council permission, and that, for many events, an Event Planning Operations Group meeting (EPOG) is held. The EPOG is a multiagency safety advisory group that scrutinises arrangements for holding events to ensure that they are safe and well managed. As part of this process, Council officers from a variety of service areas who provide a range of services and permissions attend these meetings to ensure the safe and smooth running of events within the city.

- 2) Requests a report to Finance and Resources Committee in two cycles outlining options on how costs might further be recovered for services and permissions from commercial operators of sports grounds and events.”

Motion

To approve the motion by Councillor Ross.

- moved by Councillor Ross, seconded by Councillor Younie

Amendment 1

To add to the motion by Councillor Ross:

- “3) Further requests the report explore options for encouraging, e.g. by financially incentivising, events to be environmentally friendly such as by proving they are carbon neutral, protective of trees and wildlife and that they respond to any other relevant environmental concerns.”

- moved by Councillor Staniforth, seconded by Councillor Parker

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

Decision

To approve the following adjusted motion by Councillor Ross:

- 1) To note that events would normally require council permission, and that, for many events, an Event Planning Operations Group meeting (EPOG) was held. The EPOG was a multiagency safety advisory group that scrutinised arrangements for holding events to ensure that they were safe and well managed. As part of this process, Council officers from a variety of service areas who provide a range of services and permissions attended these meetings to ensure the safe and smooth running of events within the city.
- 2) To request a report to Finance and Resources Committee in two cycles outlining options on how costs might further be recovered for services and permissions from commercial operators of sports grounds and events.
- 3) To further request the report explore options for encouraging, e.g. by financially incentivising, events to be environmentally friendly such as by proving they were carbon neutral, protective of trees and wildlife and that they responded to any other relevant environmental concerns.

23 Conservatives Voter ID Disenfranchisement Legislation - Motion by Councillor Dobbin

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

“Council notes the UK Conservative Government has passed a voter suppression law, designed to disenfranchise 2 million people across the UK.

Notes the (Election Act 2022) relies on people having photographic ID, which many do not, and asks those without photo ID to go through a bureaucratic process before the day of poll, meaning many may lose their voting rights without knowing until election day- at which point it will be too late for any action to be taken to restore their ability to vote.

Council notes the SNP/Green fully-costed joint budget allocated additional money to help the elections team mitigate the Conservative’s attempt to withdraw universal voting rights from people, including thousands of residents in Edinburgh. Further notes that Labour, Conservative and Liberal Democrat Councillors voted this down.

Requests a report to Policy and Sustainability Committee in three cycles, setting out the impact of the Conservative’s voter ID disenfranchisement legislation, with information from the impact during May’s English local government elections. This should further set out all actions being taken by the Edinburgh Returning Officer, valuation board and elections team to support people most at risk of losing their voting rights.”

Motion

To approve the motion by Councillor Dobbin.

- moved by Councillor Dobbin seconded by Councillor Mattos Coelho

Amendment 1

1) To delete paragraph 3 in the motion by Councillor Dobbin and insert;

“Council notes that the requirement in Scotland for photo ID will apply only to UK General Elections, UK Parliament by-elections and recall petitions, and welcomes the fact such requirements will not exist for Scottish Parliament or local government elections.

Council recognises the need to fully inform voters in Edinburgh of the photo ID requirement at the next UK General Election, expected in 2024.

Council believes that, given these new requirements have come from a decision of the UK Government, it should be for the government to provide additional funding to ensure local election officials can run a proper information campaign, rather than forcing the council to take funding away from other vital local services.”

2) To add at the end of the motion:

“Council agrees that the Leader of the Council should write to the UK Government to:

- a) express the Council’s opposition to the voter ID requirement and,
- b) calling for the additional funding needed to ensure voters are made fully aware of the new requirements ahead of the next UK General Election.”

- moved by Councillor Lang, seconded by Councillor Beal

Amendment 2

1) To add after the first paragraph of the motion by Councillor Dobbin, ending “... across the UK:

“Regrets that this will undermine democracy and underrepresent the voting populus; for example those in poverty, disabled people and those for which English is not their first language, as they already face barriers when engaging with voting and elections.”

2) In the last paragraph of the motion after “... English local government elections” and before a new paragraph in “This should further set out...” add:

“This should include:

- a) How Voter ID legislation will lower voter turnout, or participation rate.
- b) How the Council can use its communications to share information on new legislation and how it will impact voters ahead of time.
- c) How the Council can engage with Edinburgh constituents on their worries or concerns of Voter ID ahead of future elections.”

- moved by Councillor O’Neill, seconded by Councillor Bandel

Amendment 3

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

“Council

- 1) Notes
 - a) The vast majority of people in the UK already hold photographic ID.
 - b) Photo ID has been required to vote in Northern Ireland since 2003.
 - c) Voter ID has been recommended by the Electoral Commission, the Office for Democratic Institutions and Human Rights at the Organisation for Security and Cooperation in Europe and in an independent report.
- 2) Recognises:
 - a) That under the Elections Act 2022 if a voter does not have any of the accepted forms of ID the voter can apply online for a free Voter Authority Certificate – this is a Photographic identity document specifically for the purpose of voting.
 - b) If a voter has an accepted form of photographic ID but it has expired, it can still be used, so long as the photograph is still a good likeness of the voter.
- 3) Welcomes that Voter ID creates more secure and fit for purpose electoral system with increased protection against fraudulent practices.”

- moved by Councillor Rust, seconded by Councillor Jones

In accordance with Standing Order 22(12), Amendment 1 was adjusted and accepted as an addendum to the Motion and Amendment 2 was accepted in full as an addendum to the Motion.

Voting

The voting was as follows:

For the Motion (as adjusted)	-	40 votes
For Amendment 1	-	13 votes
For Amendment 3	-	8 votes

(For the Motion (as adjusted): Councillors Arthur, Aston, Bandel, Biagi, Booth, Burgess, Lezley Marion Cameron, Campbell, Dalgleish, Day, Dixon, Dobbin, Faccenda, Fullerton, Gardiner, Glasgow, Graham, Griffiths, Heap, Hyslop, Jenkinson, Kumar, Macinnes, Mattos Coelho, McFarlane, McKenzie, McNeese-

Meechan, McVey, Meagher, Miller, Mumford, Nicolson, O'Neill, Parker, Pogson, Rae, Staniforth, Walker, Watt and Work.

For Amendment 1: Lord Provost, Councillors Beal, Bennett, Caldwell, Davidson, Dijkstra-Downie, Flannery, Lang, Osler, Ross, Thornley, Young and Younie.

For Amendment 3: Councillors Bruce, Cowdy, Doggart, Jones, Mitchell, Mowat, Rust and Whyte.)

Decision

To approve the following adjusted motion by Councillor Dobbin:

- 1) To note the UK Conservative Government had passed a voter suppression law, designed to disenfranchise 2 million people across the UK.
- 2) To regret that this would undermine democracy and underrepresent the voting populus; for example those in poverty, disabled people and those for which English was not their first language, as they already faced barriers when engaging with voting and elections.
- 3) To note the (Election Act 2022) relied on people having photographic ID, which many did not, and asked those without photo ID to go through a bureaucratic process before the day of poll, meaning many might lose their voting rights without knowing until election day- at which point it would be too late for any action to be taken to restore their ability to vote.
- 4) To note the SNP/Green fully-costed joint budget allocated additional money to help the elections team mitigate the Conservative's attempt to withdraw universal voting rights from people, including thousands of residents in Edinburgh. To further note that Labour, Conservative and Liberal Democrat Councillors voted this down.
- 5) To note that the requirement in Scotland for photo ID would apply only to UK General Elections, UK Parliament by-elections and recall petitions, and to welcome the fact such requirements would not exist for Scottish Parliament or local government elections.
- 6) To recognise the need to fully inform voters in Edinburgh of the photo ID requirement at the next UK General Election, expected in 2024.
- 7) To believe that, given these new requirements had come from a decision of the UK Government, it should be for the government to provide additional funding to ensure local election officials could run a proper information campaign, rather than forcing the council to take funding away from other vital local services.

- 8) To request a report to Policy and Sustainability Committee in three cycles, setting out the impact of the Conservative’s voter ID disenfranchisement legislation, with information from the impact during May’s English local government elections.

This should include:

- a) How Voter ID legislation would lower voter turnout, or participation rate.
- b) How the Council could use its communications to share information on new legislation and how it would impact voters ahead of time.
- c) How the Council could engage with Edinburgh constituents on their worries or concerns of Voter ID ahead of future elections

This should further set out all actions being taken by the Edinburgh Returning Officer, valuation board and elections team to support people most at risk of losing their voting rights.

- 9) To agree that the Leader of the Council should write to the UK Government to:
- a) express the Council’s opposition to the voter ID requirement and,
 - b) call for the additional funding needed to ensure voters were made fully aware of the new requirements ahead of the next UK General Election.

30 Edinburgh's Monuments and Commemoration - Motion by Councillor O’Neill

The following motion by Councillor O’Neill was submitted in terms of Standing Order 17:

“Council:

- 1) Notes that there are over 130 structures of public art or monuments across the city of Edinburgh.
- 2) Regrets that of those structures, 79 represent or commemorate men with just 8 representing women, less than the total number of structures dedicated to animals (15).
- 3) Recognises the cultural significance of statues and what values and ideas they commemorate.
- 4) Notes the motion by Councillor Cameron agreed at full council on 22 August 2019 and the subsequent report to Planning Committee, which agreed that, “when a street is named after a person, a woman’s name is given priority.”,

further notes that this policy does not currently apply to public art or monuments.

- 5) Notes the work of the Edinburgh Slavery and Colonialism Legacy Review, and in particular recommendation 2 that that structures “...associated with slavery and colonialism are retained and re-presented in accordance with a new, dedicated interpretation strategy which explains the nature and consequences of that involvement, , and recommendation 7, that “a significant public artwork be commissioned acknowledging Edinburgh’s links with slavery and colonialism”, and that this “initiates the development of a city-wide strategy for public art that fairly represents the diversity of the city...”
- 6) Notes that this is a live discussion, and that it is therefore in the best interests of the public that the council position on this is clear and unambiguous.
- 7) Agrees that new statues, monuments, buildings and street names should reflect the diverse history of Edinburgh and the Council wishes to see better representation in our placemaking.
- 8) Also agrees that this representation goes further than statues, for example in Leith’s Pride Bridge which is the only cultural landmark to LGBT+ people in Edinburgh.
- 9) Therefore, requests a report within 2 cycles to Culture & Communities committee, and thereafter be referred to Planning Committee which sets out:
 - a) The current process for how new statues, monuments and commemorative structures are decided upon in the city, and what role the Council plays in this;
 - b) Options for establishing a new policy and process for new statue / monument / commemorative structure proposals, to ensure that these contribute to the objectives set out in 5), including further options for improving representation amongst commemorative structures erected in the city.”

- moved by Councillor O’Neill, seconded by Councillor Staniforth

Decision

To approve the motion by Councillor O’Neill.

31 School Leaver Destination Statistics - Motion by Councillor Griffiths

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

“Asks Council to note the recently published School Leaver Destination Report which showed gains for our leavers in securing an initial positive destination. Notes that the City’s statistics are now better than the Virtual Comparator and the national average.

In particular, notes that the positive destinations for young people in areas of deprivation increased and that the gap was narrowed.

Commends all staff in schools from early years through to senior phase and partners for their efforts in securing these strong results.

Further, to continue to build on this success:

- Calls for the city’s employers to offer more work placements for young people to experience this vital development of their skills while at school.
- Calls for even stronger partnerships to be developed by all industries to offer apprenticeships at every level.
- Calls for all key stakeholders to discuss and feedback on the new developments for Education Reform so that the considerable assets of our city are used to improve curriculum and learning pathways for all.”

Motion

To approve the motion by Councillor Griffiths.

- moved by Councillor Griffiths, seconded by Councillor Walker

Amendment 1

To add after paragraph three “...these strong results.” and before “Further...” in the motion by Councillor Griffiths:

“Acknowledges that this progress sits within a positive wider national context and flows from the work of the previous administration. Commends the Scottish Government on the latest Initial School Leaver Destinations for 2021/22 which showed 95.7% of leavers were in an initial positive destination, an increase compared to 95.5% in 2020/21, and the highest positive destination rate since consistent records began in 2009/101).”

- moved by Councillor Kumar, seconded by Councillor Mattos Coelho

Amendment 2

To add a final paragraph to the motion by Councillor Griffiths:

“Council therefore requests a report to Education, Children and Families Committee by September detailing the progress in each of the above measures.”

- moved by Councillor Davidson, seconded by Councillor Young

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

Voting

The voting was as follows:

For the Motion (as adjusted)	-	34 votes
For Amendment 2	-	27 votes

(For the Motion (as adjusted): Lord Provost, Councillors. Arthur, Beal, Bennett, Bruce, Caldwell, Lezley Marion Cameron, Cowdy, Dalgleish, Davidson, Day, Dijkstra-Downie, Doggart, Faccenda, Flannery, Graham, Griffiths, Jenkinson, Jones, Lang, McKenzie, Meagher, Mitchell, Mowat, Osler, Pogson, Ross, Rust, Thornley, Walker, Watt, Whyte, Young and Younie.

For Amendment 2: Councillors Aston, Bandel, Biagi, Booth, Burgess, Campbell, Dixon, Dobbin, Fullerton, Gardiner, Glasgow, Heap, Hyslop, Kumar, Macinnes, Mattos Coelho, McFarlane, McNeese-Meechan, McVey, Miller, Mumford, Nicolson, O'Neill, Parker, Rae, Staniforth and Work.)

Decision

To approve the following adjusted motion by Councillor Griffiths:

- 1) To ask the Council to note the recently published School Leaver Destination Report which showed gains for our leavers in securing an initial positive destination. To note that the City's statistics were now better than the Virtual Comparator and the national average.
- 2) In particular, to note that the positive destinations for young people in areas of deprivation increased and that the gap was narrowed.
- 3) To commend all staff in schools from early years through to senior phase and partners for their efforts in securing these strong results.
- 4) Further, to continue to build on this success:

- To call for the city’s employers to offer more work placements for young people to experience this vital development of their skills while at school.
 - To call for even stronger partnerships to be developed by all industries to offer apprenticeships at every level.
 - To call for all key stakeholders to discuss and feedback on the new developments for Education Reform so that the considerable assets of our city were used to improve curriculum and learning pathways for all.
- 5) To therefore request a Business Bulletin item to Education, Children and Families Committee by September detailing the progress in each of the above measures.

32 Scottish Property Awards - Deal of the Year- Motion by Councillor Lezley Marion Cameron

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

“Council notes that the Scottish Property Awards 2023 category, Deal of The Year, was awarded to the Haymarket, Edinburgh Lease to the City of Edinburgh Council for the new Hyatt Centric Hotel, a partnership between M&G Real Estate, the QMile Group, Hyatt Hotels and the City of Edinburgh Council.

The hotel will be operated by the Edinburgh International Conference Centre under a franchise agreement with Hyatt. In addition to providing hotel capacity for visiting EICC delegates, the new hotel and hospitality training school will create new jobs and sustainable economic benefits for Edinburgh, ensuring the EICC remains at the forefront of Edinburgh and Scotland’s business tourism offering.

Council asks the Lord Provost to congratulate all parties involved in achieving this major project milestone and award in an appropriate way.”

- moved by the Lord Provost, seconded by Councillor Lezley Marion Cameron

Decision

To approve the motion by Councillor Lezley Marion Cameron.

33 Scottish Rugby Union 150 Years Anniversary- Motion by Councillor Lesley Marion Cameron

The following motion by Councillor Lesley Marion Cameron was submitted in terms of Standing Order 17:

“Council warmly congratulates the Scottish Rugby Union on its 150 years anniversary of its formation, coming into being on 3 March 1873.

Further to Council’s decision in February that the three historic back-to-back Calcutta Cup victories by the Scottish Rugby men’s national team in 2021, 2022 and 2023 were to be celebrated in an appropriate manner, Council agrees that a celebration such as a combined civic reception be held which together marks the 150th anniversary of the inception of the Scottish Rugby Union and the historic Calcutta Cup victories.”

- moved by The Lord Provost, seconded by Councillor Lesley Marion Cameron

Decision

To approve the motion by Councillor Lesley Marion Cameron.

34 Questions

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

35 Edinburgh Tram Inquiry – Funding Update

The Committee in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

An update was provided on funding in relation to the Council’s participation in the Tram Inquiry.

Decision

As detailed in the Confidential Schedule, signed by the Lord Provost with reference to this minute.

(References – Act of Council No 33 of 22 August 2019: report by the Chief Executive, submitted)

36 Council's Human Resources and Payroll System, Recommendation to Award Contract - referral from the Finance and Resources Committee

The Committee in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

The Finance and Resources Committee had referred a report on the Council's Human Resources and Payroll System – Recommendation to Award Contract to the City of Edinburgh Council for ratification.

Decision

As detailed in the Confidential Schedule, signed by the Lord Provost, with reference to this minute.

(References – Finance and Resources Committee of 10 March 2023 (item 13): referral from the Finance and Resources Committee, submitted)

Appendix 1

(As referred to in Act of Council No 34 of 16 March 2023)

QUESTION NO 1

**By Councillor Campbell for answer
by the Convener of the Housing,
Homelessness and Fair Work
Committee at a meeting of the
Council on 16 March 2023**

At the council budget meeting in February 2023 the Administration motion to the HRA proposed cutting the number of council houses built over the next ten years from 5k, agreed in 2022, to just 2,400.

Question (1) Can the convener please provide a list of sites where these 2.4k homes will be delivered, alongside the anticipated number of homes on each site?

Answer (1) This year's budget report advised that there is financial capacity to deliver 2,200 council-owned social rent homes based on 2.5% rent increases over 10 years. The 3% increase in Council rents over 10 years increases this capacity to 2,400 homes by 2036 (dependent on grant funding of £214m).

At the request of Housing, Homelessness and Fair Work Committee, officers are currently preparing a briefing note for Councillors on sites in the Council's housebuilding programme that are under construction and in detailed design/pre-construction. It will also include information on the pipeline (which are sites that do not have planning consent and are at early feasibility stage in the design and development process), as well as sites identified in the Local Plan as housing land where the Council has the opportunity to engage with landowners/developers to support the delivery of affordable housing. The capacity, type, mix and proposed sizes of properties can change during the design and development process. The information in the Briefing Note will therefore be subject to change as the programme progresses.

Question (2) Can the convener please provide a list of sites where the 2,600 homes that have been taken out of the programme were going to be delivered, alongside the number of homes that have been removed from each site?

Answer (2) No sites or homes have been taken out of the programme. Officers are continuing to progress the housebuilding programme on the sites already identified and will continue to identify new opportunities as outlined in the Housing Land Strategy Report to the Housing, Homelessness and Fair Work Committee in December 2022.

The HRA Business plan is reviewed annually. The Draft 10 year capital investment plan is indicative and subject to change to take account of inflation, borrowing rates, additional income from grant funding, increasing rents etc.

Question (3) Can the convener please confirm if there has been any reduction in the number of council built homes planned for each site listed below, by providing the planned number of council built affordable homes after the budget was passed in 2022 and any revisions to the planned number of council built affordable homes on each site since the budget in February 2023.

- a) Granton Waterfront (all sites, phases & plots)
- b) Pennywell (all phases & town centre)
- c) Meadowbank
- d) Powderhall
- e) Fountainbridge
- f) Greendykes
- g) Liberton Hospital site

Answer (3) There has been no reduction in the number of Council homes planned for any of the above sites as a result of the budget. The precise number of Council homes that can be delivered on any site will depend upon site capacity, statutory consents and availability of grant funding. Information on the sites listed above, and others within the programme, is included within the briefing note to be circulated to elected members which is based on the figures included in the SHIP.

Supplementary Question Thank you, Lord Provost, and thank you to the Convener for her answers, although she didn't actually answer my questions, could you confirm either she doesn't know where any of the houses that are in design and development are going to be built, on what sites they are going to be built or she has failed to provide the information that I've asked for even though she does have it and does she think that this is democratically acceptable?

Supplementary Answer I thank Councillor Campbell for a question I have to confess that I didn't quite hear all of it because of some noises off, but I would like to point out that in terms of council house sites, it gives me an opportunity to remind the Chamber that we have, in fact, we don't rely entirely on the Housing Revenue account to provide the builds that we need, and in fact, for example, we have attracted, I can't remember whether it's 8 or 9 million, I think, 8 million in additional funding already from underspends from other councils, and I would like to remind the Chamber of something that I've said on many, many occasions in this building, that the main problem for us in relation to our house building programme is the fact that we are so severely underfunded by the Scottish Government to the extent that the amount that we're allocated relative to that allocated to Glasgow is completely disproportionate to the needs of Edinburgh. This is a point of view, I have to say, that's endorsed not just by my group, but by the voluntary organisations and third sector organisations with which we work. We are chronically and severely underfunded by the Scottish government, thank you.

QUESTION NO 2

**By Councillor Campbell for answer
by the Convener of the Housing,
Homelessness and Fair Work
Committee at a meeting of the
Council on 16 March 2023**

At the council budget meeting in February 2023 the HRA budget paper proposed a ten year capital programme of £1.6bn, down from £2.9bn the year before, and based on a rent increase of 2.5%. The council actually agreed a rent increase of 3%.

- Question** (1) Can the convener confirm the new ten year capital programme amount, based on a 3% increase?
- Answer** (1) The 10 year capital investment programme that could be supported by increasing rents by 3% each year for 10 years is £1.7bn.
- Question** (2) Could the convener confirm what the ten year figure would be based on ten years of increases at 4.7%?
- Answer** (2) The 10 year capital investment programme that could be supported by increasing rents by 4.7% each year for 10 years is £2.2bn.
- Supplementary Question** Thank you, Lord Provost, I guess the answer is no, she will not provide the information.
- Comment by the Lord Provost** It's up to her to answer to the question, not you.
- Supplementary Question** Apologies Lord Provost. So, will she show the workings out, which you mind providing me with the workings out of how she got to the £2.2 billion, I'm not sure did she hear it that time, so will she provide the workings out for how the £2.2 billion was arrived at, would she be able to provide that to me?

**Supplementary
Answer**

Of course, Councillor Campbell, I'd be more than delighted to. I would also like to remind the Chamber that this 3% rent increase came after a two year rent freeze, and I would also like to remind us, not that we need it most of us, that we often say that we need to listen to tenants and, that led to the very difficult decision that we took to initiate a 3% rent increase, and I would like to say that that reflected the desires and wishes of the tenants who were consulted as part of the statutory consultation process that we made. So I'm more than happy that we are correcting, no ameliorating some of the consequences of previous decisions and working towards a better housing situation for our city, thank you.

QUESTION NO 3

**By Councillor McFarlane for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2023**

Question (1) With Camden Council serving notices for removal of 19 phone boxes on one road alone, can he confirm whether Edinburgh Council have any powers or ability to instruct removal of ancillary phone boxes, and if not, if he is happy to proactively engage with BT to put maximum pressure on the timely removal of their ancillary phone boxes?

Answer (1) Officers have been in contact with BT regarding phone boxes in the city. While this has been discussed with them, there is no obligation for them to be removed and the Council has no powers or ability to instruct their removal.

Officers will speak to colleagues in other authorities, including the Camden Council, to identify best practice and will adopt processes which could successfully put maximum pressure on BT for the removal of redundant phone boxes.

Question (2) Can he further confirm the expected date for the two red phone boxes in Hunter Square following BTs agreement to remove them after mounting pressure from ward councillors and the local police as they had become a hub for anti-social behaviour.

Answer (2) There is no confirmed date for the works to commence. Officers are working with BT to coordinate the works.

Supplementary Question Thank you Lord Provost and thanks to the Convener for his answer. I welcome the indication that city council officers will engage with Camden council who have ordered the removal of 18 phone boxes in one street only to see how they've managed to be so successful, but can he let the Council know how this will be fed back to members, thank you.

Supplementary Answer Thank you, Councillor McFarlane, and I'll keep my answer short if you don't mind, I'll make sure Councillors get a briefing on that because I think this is an issue of genuine concern right across the Chamber, thank you Lord Provost.

QUESTION NO 4

**By Councillor McFarlane for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2023**

Question (1) Can he confirm whether there are scheduled works for the recobbling or reconstruction in 2023/24 of the setted streets along Lawnmarket and Victoria Street?

Answer (1) The setts on the Lawnmarket are currently programmed to be renewed in 2023/24.

The renewal of the setts in Victoria Street is currently on the draft programme for 2025/26. This is still subject to change.

Question (2) If not, can he confirm when these streets may be scheduled for repair?

Answer (2) See answer 1.

Question (3) If maintenance works are planned, what measures in the reinstatement will the administration take to ensure those who cycle or push prams and buggies can do so safely. Is there an ambition to introduce sections of small smooth strips with flat-topped cobbles, for example?

Answer (3) Due to the historical significance of the Lawnmarket within the World Heritage Site, like-for-like replacement is proposed. This will maintain as many original features as possible.

Proposals have still to be developed for Victoria Street.

Supplementary Question Thank you Lord Provost and thanks to the Convener again for his answer. Just to ask is there no room for manoeuvre within the setted streets policy to accommodate flat, topped strips for cyclists within the world heritage site at all, and how did he come to that decision for lawnmarket, thank you.

Supplementary Answer So I'm happy to speak to officers about this again to see if there is any flexibility and if not, of course, this is something we can discuss at the Transport Committee if possible, thank you.

QUESTION NO 5

**By Councillor McFarlane for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2023**

Question

With the Trams to Newhaven project approaching completion, can he confirm what plans the City of Edinburgh Council have to ensure remedial works are undertaken to reconstruct the heavily damaged roads allocated by CEC as diversions for the duration of the works, such as East London Street.

Answer

As a member of the Transport & Environment Committee you will be aware that as Convener I inherited a situation whereby road and footpath maintenance across the city is underfunded. Like me, however, I am sure you welcome the additional £11M of funding allocated to road and footpath maintenance as part of the 2023/24 budget. This funding, however, must be prioritised due to the scale of the challenge we face.

The Council surveys the road network at least every two years, prioritising remedial works in accordance with the policy agreed by Transport and Environment Committee. There are currently no plans to carry out remedial works on the diversion routes, but any deterioration which requires action will be considered as part of the on-going surveys and associated investment plans.

Supplementary Question

Does he accept that the capital works programme has been reprioritised in the past for streets that were heavily damaged by their allocation as a diversion during tram works, and can he reassure the residents of East London Street that he is taking the associated issues with the damage seriously, thank you.

**Supplementary
Answer**

Absolutely, but what I would say, and I think we know this on the Transport Committee, is that road and footpath maintenance in the city is chronically underfunded and we see that in the city every day when we move around and I would say in the gentlest possible way that the amount of money that the euro group allocated to this in the budget last month would not even have scratched the surface, but really what we have to do is make sure that this extra money that we do have this year, £11 million pounds, and I've had some initial discussions with officers about this, is spend where it is most needed, so we could try to recover the situation, start to cover the situation, because we won't look to recover the situation because the extent of the problem is so large in the coming year. So it has to be prioritised where it is needed most and if that's on the tram, diversion routes or anywhere in the city it will be, because that is where the money is most needed, so we have to prioritise the funding, thank you.

QUESTION NO 6

By Councillor Dobbin for answer by the Convener of the Housing, Homelessness and Fair Work Committee at a meeting of the Council on 16 March 2023

The windows replacement programme has been delayed due to non-compliant tenders by several months, resulting in significant delays for council tenants who, over the winter, have had to put up with cold homes or extra costs of heating. Can the convener confirm:

Question (1) What went wrong with the tendering process?

Answer (1) In October 2020, Finances and Resources Committee approved a Capital Framework. However the Lot associated with windows was removed as there was no market interest in this Lot.

The Council needs robust, safe, secure and good quality windows installed within all homes and have specifications to make sure this is the case and therefore, in December 2021, a Windows Framework was approved by Finance and Resources Committee to provide a route to market for windows.

Utilising the Framework, contractors are asked to price for windows to be manufactured and installed on behalf of the Council. If officers are not satisfied that a window tender meets the Council's requirements, there is a duty to discuss this with the contractor and make a decision on whether to award the work or not. This has led to two failed procurements for UPVC windows.

There are no issues with the tendering process itself, but contractors have not demonstrated compliance that Council officers can accept.

Question (2) Why were all tenders non compliant?

Answer (2) All tenders, as confirmed by an independent Chartered Building Surveyor, were non-compliant because they did not meet the performance-based specification required by the Council to ensure we install robust, safe, secure and good quality windows.

- Question** (3) What lessons have been learned for future tenders to prevent non compliant tenders coming forward?
- Answer** (3) The tender documents are being reviewed to make sure all essential criteria is clearly defined. This will be reviewed by an independent Chartered Building Surveyor.
- A meeting with all relevant contractors will be convened prior to the tender being re-published on Public Contract Scotland to make sure the Council's requirements are clear before any tenders are submitted.
- Checklists for contractors have also been introduced to make clear the supporting information required prior to tenders being submitted.
- Question** (4) What is the new timeframe for getting contracts in place?
- Answer** (4) Summer 2023.
- Question** (5) What is the overall delay to the programme?
- Answer** (5) 24 months.
- Question** (6) Would the Convener commit to circulating a briefing note on this?
- Answer** (6) Yes, I have asked officers to prepare a briefing note on this for Councillors.
- Supplementary Question** Thank you, Lord Provost. Would the Convener commit to ensure that the promised briefing to councillors will detail when officers knew the windows renewal programme process had failed, all the actions that were taken and why there was no transparency that the programme was not going to complete, and does she recognise the hardship this extreme delay has caused to our tenants, thank you.

**Supplementary
Answer**

To thank Councillor Dobbin for his question, which I find extremely helpful, because it clearly straddles the previous administration as well as this one, and I'm more than happy to provide information about what went wrong with the tendering process and I certainly do understand what it's like to live in accommodation that has windows that are well beyond their the lifespan. I would say that I've already instructed officers to look at, and I acknowledge that this isn't ideal, but to look at some temporary solutions until such time as we can make sure that the tendering produces the results in terms of good quality, long lasting window replacements that we clearly need, thank you

QUESTION NO 7

**By Councillor McFarlane for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2023**

Scheduled later on this month, Haymarket Terrace will be closed for 8 months to all eastbound traffic and there will therefore be a significant sustained diversion through Magdala Crescent.

Residents have reported concerns about the poor quality of the road not being improved ahead of this diversion to accommodate the displaced traffic.

Can he confirm:

Question (1) When was the last time the north end of Magdala Crescent was resurfaced?

Answer (2) There is no record held on the last resurfacing of Magdala Crescent.

Question (2) What preparatory works to resurface the road to make it safer for vehicles and cyclists will be undertaken ahead of the diversion?

Answer (2) At present, no resurfacing works are planned to take place ahead of the diversion commencing.

Question (3) Has he or the CCWEL team considered proposals to make Douglas Crescents east end junction a No Entry to Douglas Gardens / Palmerston Place to reduce the number of eastbound vehicles with westbound traffic entering Douglas Crescent as normal?

Answer

- (3)** A suggestion was received from the local community to consider additional traffic restrictions to limit use of Douglas Crescent.

This was considered at the project's Traffic Management Review Panel on 2 March. It was decided that, in light of the numerous road works affecting the west of the city centre throughout this period, that this further restriction should not be introduced as the additional pressure that this would apply to the surrounding network could exacerbate existing issues with network management and flexibility.

QUESTION NO 8

By Councillor Beal for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Given the poor state of Edinburgh's Road and Pavements and the extra £11m in the budget to improve them:

- Question** (1) What is his plan to improvement the surface of roads & pavements?
- Answer** (1) The additional £11m investment will be added to the existing budget for carriageways and footways. The prioritisation procedures have previously been approved by Transport and Environment Committee. The plan is currently being refreshed to reflect the additional investment and will be reported to Transport and Environment Committee on 20 April 2023 for approval.
- Question** (2) How will he let members know the progress?
- Answer** (2) As noted above, the report on Transport Infrastructure Investment – Capital Delivery Priorities for 2023/24 will be presented to Transport and Environment Committee on 20 April 2023.
- Supplementary Question** Thanks Lord Provost. I'm still looking for an answer for part 2 as to when and how will you update us over the course of the year with progress on road and pavement repairs thanks.
- Supplementary Answer** So we will outline our capital investment plans in the next Transport and Environment committee, and if that doesn't answer your question, I'm sure we can explore that at the Committee, thank you, apologies.

QUESTION NO 9

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Question

Further to the answers provided to question 10.1 at the June 2022 meeting of the Council on the Davidson's Mains roundabout, can the Convener confirm the current status of the redetermination order required to deliver the proposed changes?

Answer

The plans for the Redetermination Order are finalised and will be advertised as soon as possible.

I will ensure officers provide an update to ward councillors at each stage of the order.

Should no objections be received when the proposed Order is advertised publicly, construction should begin within the next 12 months. However, any objections that are received will require to be referred to Scottish Ministers for determination.

Supplementary Question

Thank you Convener, thank you to the Convener for the answer. Can the Convener clarify, because it's almost a year now since his predecessor in absolute good faith said that the re determination order was ready to go, but a year on it's still not been published. Can the Convener explain what the hold-ups here is?

Supplementary Answer

So, thank you Councillor Lang, and in the break Councillor Lang explained to me that actually, and I think I'm right in saying that there was a death at this junction six years ago, and this work in part is in response to that, so I think I agree with you that this is an absolutely unacceptable situation so I will get a fuller answer to you on this one and I will share it with other Councillors, thank you.

QUESTION NO 10

**By Councillor Ross for answer by the
Convener of the Planning Committee
at a meeting of the Council on 16
March 2023**

The Council's Planning Department is responsible for the issue of notification letters to residents living within 20m of the subject address of a planning application. Sometimes notification letters fail to arrive and residents are denied the opportunity to express their views on a planning application. In other cases, notification letters may be overlooked or mistaken for junk mail.

Question (1) In the past twelve months, how many complaints have been received from residents living within planning notification range saying they did not receive a notification letter about a planning application

Answer (1) There have been no formal complaints investigated in accordance with the Council's Complaints Procedure in relation to the receipt of Neighbour Notifications within the last 12 months.

Records show that just over 105,000 neighbour notifications were carried out during this time. Where direct contact has been made with case officers advising neighbour notifications have been delayed due to postal strikes, additional time has been added to allow comments to be made.

Question (2) What could be done to address the non-receipt of notification letters

Answer (2) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 set out the specific requirements of the duty of the Local Authority to issue Neighbour Notifications. Due to the volume of letters issued, the postal system is the most efficient means of delivery of the letters.

Question (3) What could be done to make notification letters more obvious and recognisable

Answer (3) Neighbour Notification letters are printed on specialist paper that makes them stand out from standard correspondence. They are also clearly marked on the outside with a statement advising that the information is not a circular and advises that it relates specifically to a planning application that may affect the recipient.

Supplementary Question Thank you, Lord Provost, and thanks to the Convener for his answers. In relation to the third part of my question, I note that the outside of notification letters refer to a planning application that may affect the recipient, would the Convener be willing to discuss with me how that reference could be made more specific to the relevant planning application?

Supplementary Answer Thank you Lord Provost, I thank Councillor Ross for his question, I'd be more than happy to discuss that with him, thank you.

QUESTION NO 11

**By Councillor Davidson for answer
by the Convener of the Education,
Children and Families Committee at a
meeting of the Council on 16 March
2023**

Question (1) How many full day lets did the council lease to after school clubs during the recent Teacher Strikes?

Answer (1) **3 days as follows:**

- 25th January 2023
- 28th February 2023
- 1st March 2023

Question (2) What was the take up for these lets?

Answer (2) **25th January 2023**

- 14 x full day Out of School Care (OOSC)
- 3 x Breakfast Club only
- 11 x After School Club only
- 12 x Breakfast Club and After School Club
- 3 x no delivery

28th February 2023 and 1st March 2023

- 17 x full day OOSC
- 1 x Breakfast Club only
- 12 x After School Club only
- 11 x Breakfast Club and After School Club
- 3 x no delivery

Question (3) Due to lower than expected uptake of these lets and wider impacts of the strikes some of our third sector partners will the council be offering any additional support to these after school clubs?

Answer (3) Clubs and providers were given the opportunity to take their Breakfast Club or After School Clubs lets as well as the option of offer full day provision on strike days. Some did take up these options while chose not to. As there are to be no further strikes, the support offered to Breakfast and After School Club providers will continue as is required.

**Supplementary
Question**

I'd like to thank the Convener for her answer. The breakfast clubs and after-school clubs were really impacted quite severely by the recent strike action, I wondered if you'd be happy to meet myself and potentially Lothian Association of Youth Clubs to talk about how we can support the sector about going forward.

**Supplementary
Answer**

Thank you, Councillor Davidson, I'm happy to meet with you.

QUESTION NO 12

By Councillor Younie for answer by the Leader of the Council at a meeting of the Council on 16 March 2023

- Question** (1) What, if any, land covered by planning permission 16/01797/PPP is owned by the Council?
- Answer** (1) Planning permission 16/01797/PPP masterplan, an area in Queensberry, is shown on the attached plan. Council ownership within that area is shown on the second attached plan and extends to approximately 0.611 hectares (1.510 acres).
- Question** (2) What, if any, plans are there to use or develop this land in future?
- Answer** (2) As the planning permission is a wider housing led masterplan, negotiations are ongoing with the adjacent land owner, CALA, to investigate the possibility of selling the Council's land to the housebuilder. If terms are agreed, a report will be submitted for consideration by the Finance and Resources Committee.
- Question** (3) What consideration has been given as to whether any council owned land covered in this area could be used for future cemetery provision?
- Answer** (3) None. The site is included as an asset sale (un-ringfenced) in financial year 23/24 as part of the Council's Sustainable Capital Budget Strategy 2023-2033 approved by Council on 23 February 2023. Also please see answer to Q13.
- Supplementary Question** Thank you Lord Provost. Given Queensferry has almost reached its cemetery capacity, does the Leader or the Convener for Culture and Communities think this land in question can be used for this purpose rather than a commercial sale?
- Supplementary Answer** I think as the answer sets out it is part of the discussions that are on-going about the ex piece of land. I'm happy for myself, or the Culture Convener to meet with the Councillor to discuss this further.

QUESTION NO 13

**By Councillor Work for answer by the
Convener of the Culture and
Communities Committee at a
meeting of the Council on 16 March
2023**

- Question** (1) What is The City of Edinburgh Councils strategy for future proofing burial grounds provision across the city?
- Answer** (1) The current Cemetery Strategy was approved by Culture and Communities Committee in [November 2021](#).
- Question** (2) Can the Convener confirm what discussions have taken place about new cemetery provision for Queensferry?
- Answer** (2) Officers have responded to enquiries from Elected Members and others but there have been no discussions about new cemetery provision in Queensferry.
- Question** (3) Have any sites been identified for future cemetery provision in Queensferry?
- Answer** (3) In 2006, the Council commissioned Craigmillar Castle Park for future cemetery provision. Since then, officers have not become aware of any further sites for future cemetery provision.
- Question** (4) Will the convener and the relevant council officers meet with Queensferry & District Community Council and the Friends of Queensferry Cemetery to discuss the future of cemetery provision in Queensferry?
- Answer** (4) Council officers have regularly met with the Friends of Queensferry Cemetery. The Convenor and officers are happy to meet both the Community Council and Friends of Queensferry Cemetery.
- Supplementary Question** Thank you Lord Provost, thanks very much for the answers. Really just a clarification about, do you want me to visit and facilitate the meetings or are you writing or the officers writing to the Community Councils really just to clarify that point, thanks very much.

**Supplementary
Answer**

Thanks for your question. I am very happy to convene the meeting and facilitate it but I would also be happy to chat with you before doing it, so that we're sure you are on board with the proposal, thank you.

QUESTION NO 14

By Councillor Booth for answer by the Leader of the Council at a meeting of the Council on 16 March 2023

Please can the council leader outline, in relation to the council's Corporate Gaelic Development Officer (CGDO) post:

Question

- (1)** a) What proportion of this post is currently externally funded?
- b) Which organisations/funders contribute, and what proportion?
- c) For how many years has this funding been forthcoming in each case?

Answer

- (1)** a) NB the post is the Capital Gaelic Development Officer – the Corporate Gaelic Development Officer post ended in 2021.

External funding covers 100% of direct salary costs for the post. The Council's contribution to the post includes:

- Managerial and policy infrastructure including line management, progress reporting, project implementation and key stakeholder engagement
- Support for funding applications and connections to associated policy work including through Education and Policy and Insight teams
- Hosting of the post and provision of ICT, HR, communications support

b) For 2022-23: Scottish Government (29% via Education Children and Families grant), Bord Na Gàidhlig (57%), National Library of Scotland (7%), Commun Na Gàidhlig (7%)

c) The Scottish Government, Bord Na Gaidhlig and NLS have contributed since the start of Capital Gaelic in 2021-22; Commun Na Gàidhlig contributed to the second year of the project

- Question** (2) What external organisations/funders have been identified that might contribute funding to this post in future?
- Answer** (2) In addition to existing contributors, we are approaching the National Galleries and National Museums; discussions are pending with Ionad Gàidhlig Dhùn Èideann.
- Question** (3) Do any of the organisations identified in 2) fund 100% of the cost of a post, and would any of those organisations provide funding if the council does not contribute towards the cost of the post?
- Answer** (3) No – none of these organisations fund 100% of the post; as above, the Council provides substantial support for the post that is critical to the success of project implementation.
- Question** (4) Do any of the organisations identified in 2) have any other restrictions on funding, for example that they will fund a maximum number of years?
- If so, what are those restrictions?
- Answer** (4) One year funding is standard across all of the organisations involved.
- Question** (5) Have any external funding bids been submitted to outside organisations to cover the CGDO post in 2023/24 or future years?
- If so, which ones, and for what proportion of the cost of the post?
- Answer** (5) External partners have been approached to discuss financial contributions for 2023-24; Scottish Government grant funding to Education, Children and Families includes a contribution for the Capital Gaelic post; a bid will be made to Bord Na Gaidhlig for up to 60% of costs (details to be finalised once the funding contribution from other organisations has been agreed).
- Funding is applied for on an annual basis.

**Supplementary
Question**

Thank you, Lord Provost, I thank the Council Leader for his answer. Given that his answer clarifies that the Council currently makes no contribution to the salary costs of this post, please can he clarify whether the commitment in the draft Gaelic language plan that, and I quote, “Edinburgh has a special responsibility to nurture and help cultivate the Gaelic language”, does that also extend to the principle of making some funding available for this crucial post?

**Supplementary
Answer**

Thank you Lord Provost and can I thank Councillor Booth for his question. I'm happy to look into, it does identify that 29% is via Education, Children and Families, grant, so I will scrutinise it a bit further and come back to Councillor Booth but he'll understand as well that we had to make difficult budget decisions as the lowest funded council in Scotland from his SNP/Green Government.

QUESTION NO 15

By Councillor Booth for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2023

Question

Please will the convener give an update on progress towards identifying a site for a Gaelic medium education high school?

Answer

A briefing note providing an update on the site search study carried out by a property consultancy will be circulated to all the elected members on the Gaelic Implementation Group.

Supplementary Question

Thank you, Lord Provost, I thank the Convener for her answer, the briefing that she refers to was circulated this morning. Please can she clarify whether the report itself, including analysis of all the 28 sites initially identified, will be circulated to all Councillors and published on the council website alongside council questions?

Supplementary Answer

Happy to have that circulated.

QUESTION NO 16

By Councillor Booth for answer by the Convener of the Development Management Sub- Committee at a meeting of the Council on 16 March 2023

In relation to the council media release 'Melville Monument Plaque – a clarification' issued on Friday 3 March 2023, please will the convener clarify:

Question (1) Why the council took two days following the committee decision to make any media release on this issue?

Answer (1) The council does not routinely issue media releases following committee decisions, particularly those made by quasi-judicial committees.

In this case, in light of inaccurate reporting in the media and elsewhere, a clarification was issued via [social media](#) (on 2 March) and subsequently on the [Council website](#).

Question (2) Why no convener was quoted in the media release, as is usually the case in council media releases?

Answer (2) As noted in answer (1), a clarification was issued.

Supplementary Questions I thank the Convener for her answer. Given that her answer notes that there was inaccurate media reporting about the Melville plaque and that this was predicted by senior council officers ahead of the meeting, can I ask her to clarify why she allowed this to drift instead of taking proactive action to prevent it? Was it because she didn't want to be quoted in a council press release in order to maintain the myth that the Lib Dems are not part of this administration or was it simply because she's asleep at the wheel?

Supplementary Answer I would like to say I'd like to thank the honourable member for his question, but I'm not sure I'm going to thank him for that. I'm not entirely sure how to respond to that DM Sub is quasi judicial position, we don't generally issue press releases on a listed building consent that has already previously been noted to be granted, so I'm a little unsure about why we would suddenly do something in this case.

QUESTION NO 17

**By Councillor Booth for answer by
the Convener of the Planning
Committee at a meeting of the
Council on 16 March 2023**

In relation to the council media release 'Melville Monument Plaque – a clarification' issued on Friday 3 March 2023, please will the convener clarify:

Question (1) Why the council took two days following the committee decision to make any media release on this issue?

Answer (1) The council does not routinely issue media releases following committee decisions, particularly those made by quasi-judicial committees.

In this case, in light of inaccurate reporting in the media and elsewhere, a clarification was issued via [social media](#) (on 2 March) and subsequently on the [Council website](#).

Question (2) Why no convener was quoted in the media release, as is usually the case in council media releases?

Answer (2) As noted in answer (1), a clarification was issued.

Supplementary Question I thank the Convener for his answer and, given that his answer seems to be identical to that given to the previous question by Councillor Osler, this yet again seems to give the lie to the suggestion the Lib Dems are not part of this administration. Please can he clarify, given that it was pretty obvious beforehand there maybe misreporting of the Melville Plaque decision, why didn't he get ahead of the issue to prevent that? Was he also asleep at the wheel or does he simply not have a grip of what is his portfolio?

Supplementary Answer Thank you, Lord Provost, and I think I thank Councillor Booth for his question. I'm not asleep at the wheel, my committee's certainly not, nor indeed my portfolio, I think Councillor Osler's covered it and it's been covered in the questions that there's not normally quotes with particular applications at DM Sub, in the light of the media report announced, some clarification was needed, social media from the council was issued and on the council website and I think Councillor Booth has been provided with that, thank you Lord Provost.

QUESTION NO 18

By Councillor Booth for answer by the Leader of the Council at a meeting of the Council on 16 March 2023

Question

Further to his answer to my question on 9 February 2023, please can the council leader outline what the public health advantages are of his decision to reduce the size of the licensing board from 10 members to 9 members, and in so doing to remove the second Green member of the board?

Answer

As I have said previously, I'm sure the persistent questions regarding the new composition of the Licencing Board are not personally targeted.

I would expect all members of the Licensing Board to uphold the Licensing Objectives, including public health, giving each objective equal weighting. These objectives are paramount considerations when the Board is carrying out its responsibilities.

I'm sure all board members, who are from a range of backgrounds and have a variety of skills, will do their utmost to promote public health, informed by local experience.

Licensing Boards also publish Annual Function Reports which detail how they promote the licensing objectives, including public health. I would like to direct Councillor Booth to this report for detail on Edinburgh's Boards focus on public health.

Supplementary Question

I thank the Council Leader for his question, but yet again he has failed to answer the question. So can I ask the Council Leader to clarify what were the reasons for his decision to cut the Green Group representation on the Licensing Board in half?

**Supplementary
Answer**

Thank you Lord Provost and I thank Councillor Booth for his about 10th question on the same issue. I think I'll repeat my response that's been given that it wasn't my decision to change numbers, it was this Council's decision to change numbers and I think if he has issues with particular members of Licensing Board he should maybe take that up with the Convener directly.

QUESTION NO 19

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Question

I understand his answer to my question on Gaelic tram signage at the full council meeting on 24 November 2022 was inaccurate (question no. 24). Please would the Convener outline when an accurate answer to this question will be provided?

Answer

The accurate answer is provided below.

I feel it is possible to conclude that the decision-making process for the installation of signage, as per the Gaelic Language Plan 2018-2022, has not been followed comprehensively as part of the development of the Trams to Newhaven scheme.

The Place Directorate have offered to remind staff of the commitments within the Gaelic Language Plan, and to ensure that the plan's priorities (particularly in relation to signage) are comprehensively considered in future.

Once the new line is operational, it is proposed that (subject to funding being available) the Trams to Newhaven Board, in consultation with the Edinburgh Trams Board, will be asked to consider the installation of bilingual signage along the entirety of the tram route.

Supplementary Question

Thank you Lord Provost, I thank the Convener for his answer and I share his concern that Council policy doesn't appear to have been followed in this instance. Please can he clarify whether an estimated cost for the installation of bilingual signage has been investigated and, if so, what that is?

**Supplementary
Answer**

Thank you Lord Provost and thank you Councillor Booth for your follow up question. I want to thank you for not being asleep at the wheel on this issue actually, your persistence has actually shed light on what's been happening here. So I did speak on Monday evening as I was taking a leisurely walk down Leith Walk with the MD of the tram company and he has started the work on costing this. I'm not promising a detailed cost soon, but next time I speak to him I'll ask about it and if it is available we'll issue it.

QUESTION NO 20

By Councillor Whyte for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Question (1) Please outline the process used to finalise the street design layouts for the tram works on Leith Walk.

Answer (1) This was established during the last administration, and information is in the public domain and is contained in the [Public Consultation Impact Report](#) on the project website.

Further information is also available in the [Frequently Asked Questions](#) (FAQ) section of the project website.

Question (2) Please identify the person or body responsible for final agreement of the design and why they felt it was appropriate to approve a design that does not fully meet Edinburgh's Street Design Guidance

Answer (2) The detailed design was developed within the parameters of the Edinburgh Street Design Guidance as agreed by the last administration during the Early Contractor Involvement period and during construction.

Supplementary Question Thank you Lord Provost. The Convener has provided an answer, which relates it seems to me to how the public consultation was undertaken and some indication that when the decisions were taken regarding the last Administration, he hasn't actually answered, who made the decisions and what the process was for signing off the designs. So, given his new title of 'Scott the Humble', perhaps the Convener of Transport and Environment, could actually answer the question?

**Supplementary
Answer**

So thank you for that Councillor Whyte, I'm quite happy to go back over the data again and provide more detail on the answers that you need, but I think that's not going to change the situation on Leith Walk and I think we all do have concerns about some aspects of it, and I think it's more important that we work collectively to take forward the final stages of implementation and also to monitor the design. Frankly, I think that's more important, than some kind of investigation of how decisions were made etc, but I do understand that we have to learn lessons from that, absolutely

QUESTION NO 21

By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

With the imminent introduction of the Deposit Return Scheme, can the Convener answer the following questions raised by residents in the City Centre please:

Question (1) What is the current income and expenditure for on-street glass collections?

Answer (1) For recycling point collections (including on street bins, blocks of flats, bin stores and recycling points at supermarkets, etc) the year to date (April 2022 - January 2023) expenditure is £169,579.

The contract for this service covers the cost of collection. The sale of glass by the contractor is used to offset this cost so there is no income to the Council.

Question (2) Is the Scottish Government going to maintain the requirement on Councils to provide a doorstep/on-street glass collection once the DRS has been introduced?

Answer (2) It is not clear at the moment what the future requirement will be, particularly as the three SNP leadership candidates have all expressed concerns about the scheme. However, it is important to note that the DRS only includes PET, metal and glass drinks containers, and not other containers made of these materials (sauce bottles, pasta jars, etc).

Question (3) What will happen to the bottles qualifying for a deposit return that are placed in on-street recycling containers (boxes or communal bins) and will the deposit be collected on these?

Answer (3) The deposit will only be applied to glass drinks bottles. Other glass bottles and jars will not carry a deposit.

To collect the deposit, consumers will have to return the container to a designated return point. The Council will not be able to recover deposits from glass presented in recycling collections alongside other glass containers which did not carry a deposit.

Question (4) If the deposit is collected, what will happen to these monies?

Answer (4) See answer 3. The [Zero Waste Scotland](#) website confirms that the overall scheme is expected to be funding through three sources – unredeemed deposits, revenue from the sale of materials and any producer fees charged by the scheme administrator.

Question (5) Have projections of the impact of the on-street collections been carried out?

Answer (5) Zero Waste Scotland has commissioned work to model the anticipated impacts with Councils. This work is ongoing and is expected to be finalised within the next few months.

Question (6) What are the outcomes of any projections and what impact is this likely to have on future budgets?

Answer (6) See answer 5.

Supplementary Question Thank you Convener. On answer 1 to my question you give the cost details on an expenditure figure of £169,579 and that the sale of glasses offset is used to offset this figure, could the Convener, not immediately because I appreciate you may not have it to hand, provide councillors with details of how this offset works and whether this varies according to the moneys realised from the sale of recyclate as that goes up and down.

Supplementary Answer I would be very happy to do so, thank you

QUESTION NO 22

By Councillor Mowat for answer by the Convener of the Planning Committee at a meeting of the Council on 16 March 2023

Question

To facilitate the development of the Haymarket Yards, the Council sold the land on which the public conveniences at Morrison Street sat to the Developer and a burden was put on the Title that any development on this land would provide replacement public conveniences; this was not just a contractual agreement but forms a Burden registered in the Land Register of Scotland against the land; such a Burden will be made known to a prospective purchaser at the time of sale via a property search.

Given that this condition of sale has become a formally registered Burden against the land can the Convener uncover when a decision was taken not to enforce this burden as there are no public conveniences in the current design and despite this matter being raised continuously by the Community Council and Local Councillors for some years the burden remains unenforced.

https://edinburghcouncil-my.sharepoint.com/:b:/r/personal/9035829_edinburgh_gov_uk/Documents/Community%20Councils/West%20End/MID98698%20-%20Title%20sheet.pdf?csf=1&web=1&e=Nz9ieR

Answer

The wider site was sold by the Council in 2006. Since that time, the site has changed hands several times.

To date there has not been a formal decision taken to either enforce or not enforce the burden. Legal advice would be required to be considered in this regard.

It should be noted that the Development Management Sub-Committee, on 18 December 2019, approved a planning application that did not include public toilets.

**Supplementary
Question**

Thank you Lord Provost. I thank the Convener for his answer and I wonder if the Convener could advise on how a decision could be taken on whether or not to enforce the burden so that this matter could be finally concluded, again may not be immediately, I'd be happy to receive it later.

**Supplementary
Answer**

Thank you Lord Provost and I thank Councillor Mowat for her question. I'm happy to look into the issue further, investigate why there was no enforcement of burden or legal advice, so I'll look into it further for her, thank you.

QUESTION NO 23

By Councillor Cowdy for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Question **(1)** On 16th January CityFibre cut a trench in Shandon Bridge on Ashley Terrace to lay fibre optic cables that resulted in the bridge being damaged and closed, and remained closed on 7th Feb. Were these works authorised by City of Edinburgh Council?

Answer **(1)** No, these works were not authorised by the Council. There was no valid works notice on 16 January covering the point of excavation.

Question **(2)** Local residents and businesses have complained about frequent changes to diversions and street closures along with a lack of communication causing traffic chaos and frustration. What can the Convener do to improve communication with local residents and businesses when disruptive unplanned works arise?

Answer **(2)** When disruptive, unplanned works arise Council officers (including Communications and Edintravel) work closely to ensure the public are informed as soon as there is an issue on the network.

In addition, officers also work with Utility Companies to ensure that they communicate through all relevant channels to keep the travelling public and residents up to date.

Utility Companies have also been encouraged to carry out door to door personal updates, as well as letter drops, and officers will continue to push for this this.

Question **(3)** Given the above, along with the high level of fines imposed on CityFibre and the number of complaints from residents across the city about poor management of works from the Utility Company, and of the quality of the roads and pavements left behind, what is the Convener doing to improve the City Council's oversight of CityFibre's works?

Answer

- (3) Under the New Roads and Street Works Act, CityFibre have been issued with a Stage 1 Improvement Notice. This Notice advised CityFibre that they must achieve a minimum 90% pass rate for all sample inspections of their Signs, Lighting and Guarding as well as their reinstatements. This Improvement Notice was circulated to both the Scottish and South Roads Authorities and Utility Committees.

In addition, CityFibre were instructed to cease all work in progress on the network on 17 February, to make safe all defects, backfill any excavations and not commence any new works.

As a result of this decisive action, CityFibre produced an Improvement Plan which outlines a positive way forward for delivering works in the city. The methodologies detailed in the Plan provide evidence that CityFibre have understood the nature of improvements required and are committed to delivering them in Edinburgh.

Progress against the Plan and the Improvement Notice will be monitored closely, with an initial two month period of rigorous scrutiny and observation during which, if there are any failures in adherence to the Plan, CityFibre will be instructed to cease work in Edinburgh with immediate effect. Weekly meetings with CityFibre will take place throughout this period.

CityFibre were advised that they could recommence work on 3 March 2023.

Supplementary Question

Thank you, thank you to the Convener for his very full answer to my question. CityFibre are subject to an improvement plan, and the Convener said that there will be rigorous scrutiny for the first two months of that plan to make sure that they adhere to it, I wonder, could he tell me what about after that two months, is there plan for any additional oversight?

**Supplementary
Answer**

Well, as you can imagine Councillor Cowdy, officers are keeping a very close eye on what CityFibre is doing, given the discussions we've had about this at previous Transport and Environment Committees, and indeed I think you know, we've also recruited extra staff to this team to help with the workload, so the question is absolutely yes, and if you're interested once that data is available related to this work, I'm happy to share that with you, thank you.

QUESTION NO 24

By Councillor Jones for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2023

Question **(1)** In 2021, Council was notified of concerns that the implementation of the Health and Wellbeing Census in schools potentially breached various elements of data protection legislation. Did the council obtain advice from the Information Commissioner's Office prior to continuing data collection?

Answer **(1)** The Council carried out a data protection impact assessment (DPIA) concerning the implementation of the Health and Wellbeing Census, prior to the collection of data in the survey. The Council's DPIA process is designed to take account of the legislation and the ICO's published guidance regarding DPIAs. The Council's internal processes require the completion of DPIAs for more processes, as good practice, than is actually required under Data Protection legislation (Article 35 of UK GDPR requires completion of a DPIA only where the processing is likely to result in a "high risk" to individuals, or in certain specified circumstances).

The DPIA highlighted several mitigation actions which were duly implemented by the service which, in the Council's view, made the processing compliant with data protection legislation.

Consulting the Information Commissioner's Office about a DPIA is only required where a DPIA identifies a high risk that cannot be mitigated. Through the DPIA, the Council determined that the processing was not high risk, and that appropriate technical and organisational safeguards were in place to ensure the processing was safe, lawful, and appropriate, so there was no requirement or reason to consult the ICO.

Question (2) Please provide a list of all council documents that refer to data collected from the Health and Wellbeing Census. For example, reports, policy documents, recommendations, training, internal and external presentations etc? (If there are too many documents to list within the reasonable timeframe, please list as many as possible within the standard timeframe with the estimated total number of documents)

Answer (2) The following reports and presentations refer to data collected from the Health and Wellbeing Census:

Reports to schools on the statistical responses from their pupils to the Health and Wellbeing Census (all primary and secondary schools)

Sector wide reports on the statistical responses to Health and Wellbeing Census (primary and secondary) to all primary and secondary schools to Education Leadership Team and other education staff

Health and Wellbeing Census 2021 – 22 – Additional analysis report

Health and Wellbeing Census Initial Analysis and Signposting, Head Teach Briefing presentation.

Secondary Health and Wellbeing Network presentation

Primary Health and Wellbeing Network presentation

Quality Improvement Team presentation

Education Leadership Team presentation

Health and Wellbeing Strategic Board presentation

**Supplementary
Question**

Thank you, Lord Provost, and thank you to the Convener for her answer. The Data Protection Impact Assessment for Health and Wellbeing census on 22 September 2021, failed to mention the risk of capturing Scottish candidate numbers, which were also the children's e-mail addresses, and the concern was raised in 2022, including at the March Education Committee. Why did the Council not update the DPIA to include this risk and mitigation and update the privacy notes or ask the ICO for advice, thank you Convener.

**Supplementary
Answer**

Thank you Councillor Jones. I'm sorry, I can't give an answer to that just now, but I will get an answer and get back to you.

QUESTION NO 25

By Councillor Cowdy for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

- Question** (1) What proportion of the estimated £824m - £1,124m cost of the Active Travel Action Plan is associated with the provision of Segregated Cycle Lanes?
- Answer** (1) I am sure you will have read Appendix 2 of the Active Travel Action Plan (which was presented to Transport and Environment Committee on 2 February 2023 – you are a member) and know it outlines the costs for main road cycle segregation/network are anticipated to be between £212m and £247m. These figures represent around 26% and 22% respectively of the relevant total cost.
- Question** (2) Officers have asserted the ATAP cannot be completed by 2030. How long is it expected to take to deliver?
- Answer** (2) The delivery timeframe will depend on the availability of funding, particularly external funding from Scottish Government and other sources.
- Question** (3) How many new cycle trips are expected to be generated from the network of Segregated Cycle Lanes, each year, over the expected delivery period?
- Answer** (3) This has not been modelled. However, evidence from other cities, particularly elsewhere in Europe, demonstrates that delivery of segregated cycling infrastructure is associated with significant increases in the number of trips that are undertaken by cycling.
- Question** (4) How many of these new cycle trips are expected to be drawn away from private car trips and how many from public transport trips (including taxis)?

Answer (4) This has not been modelled. However the draft Active Travel and Public Transport Action Plans are intended to be complementary and are based on best practice elsewhere. The integrated packages of measures aim to encourage and facilitate walking, cycling and public transport use, increasing the opportunities for people to travel in ways that are healthy, environmentally friendly, and minimise the negative impacts on others.

Question (5) What proportion of the estimated £2,260m cost of the Council's carriageway and footway replacement is associated with the provision of Priority Cycle Lanes and Mandatory Cycle Lanes?

Answer (5) It is not possible to estimate the proportion of the total replacement cost associated with the provision of cycle lanes.

£2,260m is an estimate of the replacement cost of the entire adopted road network (taken from a report to the Transport and Environment Committee in [August 2022](#)).

The replacement cost varies as new roads and cycleways come onto the adopted road network.

Supplementary Question I thank the Convener again for his answer. The figures he gave were for total cycle infrastructure, I wondered if he could break those down very specifically for segregated cycle lanes.

Supplementary Answer I'm happy to share that separately, thank you,

QUESTION NO 26

**By Councillor Rust for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 16 March 2023**

Question

What legal time costs/fees have been incurred by the Council in relation to obtaining advice on the lawfulness or legal competence of different iterations of the SNP/Green proposals for Council Tax within this year's Council Budget process:

- a) internally
- b) external law firm
- c) Counsel.

Answer

- a) £930
- b) £883 plus VAT
- c) £1,250 plus VAT

QUESTION NO 27

By Councillor Bruce for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 16 March 2023

Question (1) Which extreme weather events in Edinburgh are officially linked to climate change in the last 20 years?

Answer (1) This information is not available. Although evidence suggests that the frequency and magnitude of extreme weather events is increasing, no individual event can be linked to Climate Change. Instead, the focus is on the trend.

The Met Office UK Climate Projections 2018 (UKCP18) provides the most up-to-date and appropriate climate change scenarios for understanding climate change in Edinburgh.

While the latest climate projections provide a much greater understanding of the links between climate change and extreme weather events, and the ability to ascertain if these events were exacerbated by climate change, the studies of attribution are predominately focused on large scale severe weather events so are unlikely to ascertain which ones are 'officially' linked to climate change.

Question (2) How many extreme weather events are predicted for Edinburgh in the next 20 years and how does this relate to whether Edinburgh hits its Net Zero target?

Answer (2) It is not possible to predict future climate change in the next 20 years with certainty, as it depends on various factors such as global action to mitigate climate change, and uncertainties in the global earth-climate system (including natural tipping points which are not fully understood).

However, all climate scenarios anticipate hotter, drier summers; milder, wetter winters; and more severe weather events (in particularly flash flooding). These eventualities are likely to be felt most by the most vulnerable in society.

It is not possible to predict the impact of future extreme weather events on whether Edinburgh hits its Net Zero target. By taking seriously our moral responsibility to work together with cities across the globe, however, we can be more certain of having an impact.

Question (3) What portion of the budget is allocated to meet the Net Zero target?

Answer (3) For 2023/24, the Council has allocated £279,000 to recruit new employees in the sustainability team to support achievement of the Net Zero target. However, there are other activities which are taking place across the Council which will also contribute to achieving the target (e.g. housing retrofit) but it is not possible to quantify the budgets associated with these activities. A key example of this are our Public and Active Travel Action Plans which we will consult on soon– amounting to £2B-£3B of investment. These measure the scale of this Administration’s ambition to respond to the climate emergency.

Question (4) What portion of the budget is allocated to infrastructure to build Edinburgh's resilience to extreme weather events?

Answer (4) There has been no specific allocation to infrastructure to build Edinburgh’s resilience to extreme weather events in the 2023/24 budget. However ongoing funding and, for example, the £2m allocated to fund measures to prevent flooding, funding allocated to improvements to paths, pavements and roads, parks and greenspaces and such like, will help build the city’s resilience to extreme weather events.

**Supplementary
Question**

Thank you Lord Provost and can I thank the Convener for his answers. Given the council are trying to tackle climate change, I'd be grateful if you could expand on why there is no specific allocation to infrastructure to build Edinburgh's resilience for extreme weather events in the 2023 24 budget, thank you.

**Supplementary
Answer**

So thank you for that answer, and also thank you for your question, it did seem slightly climate sceptic to me though if I was to sum it up, but none the less, thank you for your question. What would say is at the next Transport and Environment Committee one of the things we will be looking at is the flood defences, these have served us well, but they're getting to the stage where perhaps they're going to need a little bit more care and attention so that that will be the start of the process of looking at the very issues you raise, so thank you for acknowledging the real concerns about the climate emergency in this city and urging us to take the climate emergency seriously, thank you.

QUESTION NO 28

**By Councillor O'Neill for answer by
the Convener of the Transport and
Environment Committee at a meeting
of the Council on 16 March 2023**

Question (1) Has the Convener met with officers and Zero Waste Scotland to discuss the implementation of Scotland's Deposit Return Scheme (DRS) which is launching on 16th August 2023?

Answer (1) No. The DRS is a Scottish Government initiative and implementation of this is a matter for the Government and Circularity Scotland who are appointed as the delivery body to operate the scheme.

Officers receive regular briefings through the Waste Management Officers' Network and I note that all three of the SNP leadership candidates have questioned the future delivery of the scheme.

Question (2) What work has been done to adapt existing recycling systems and council services to support the transition to the scheme?

Answer (2) Zero Waste Scotland has commissioned Eunomia to work with Councils to model impacts. This work is ongoing and is expected to be finalised within the next few months.

Question (3) Does the convener know how this change in legislation – and the revised producer responsibility legislation for packaging waste – will change in allocating funding to managing and collecting materials not covered in DRS?

Answer (3) The Scottish Government has made no announcement in relation to funding as a result of DRS.

The producer responsibility legislation for packaging waste (pEPR) is UK wide legislation which will provide ring fenced funding for elements of recycling and waste collection services. The UK and Scottish Governments have made no announcement in relation to the implications of this scheme on local government funding in the UK or in Scotland.

Question (4) Does the convener believe that the City of Edinburgh is on track to hit Scotland’s national target of a 70% recycling rate by 2025?

Answer (4) As noted in the question, 70% is a national target for Scotland. The performance of individual authorities will vary due to differences in waste arisings, housing type and demography. Edinburgh’s performance compares favourably with similar Councils in Scotland, but progress at national level is not good enough. Indeed, at the start of this month the Scottish Parliament Information Centre said “progress has stalled in recent years”, and reported a rate of 42.7% for 2021.

The transfer of some responsibilities to the DRS and pEPR will mean that retailer takeback is expected to play a greater role in delivering recycling services going forward, so the local authority will play a potentially smaller role in delivering the national performance.

QUESTION NO 29

By Councillor Jones for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2023

- Question** **(1)** For the 12 months to 31 May 2022 and 12 months to 31 May 2021, could we please be advised –
- a) The total number of meals provided in Edinburgh,
 - b) The number of meals broken down by council, Partner Providers, and by childminders.
- Answer** **(1)** Information from our catering service.
- a) May 20 to May 21 = 398,319 meals to LA settings
 May 21 to May 22 = 641,258 meals to LA settings

 Meals to partners and childminders are calculated by academic year.
 - b) August 20 – August 21 = funding for 532,377 meals to partners and childminders

 August 21 – August 22 = funding for 578,115 meals to partner and childminders.
- Question** **(2)** Confirm the total amount of funding provided by the Scottish Government to City of Edinburgh Council for the provision of childcare for the 2021 and 2022 years.
- Answer** **(2)** City of Edinburgh Council received funding of £46,433,668 in 2021/22 and £41,313,984 in 2022/23
- Question** **(3)** Confirm any additional funding provided to City of Edinburgh Council for the provision of childcare for the 2021 and 2022 years.
- Answer** **(3)** City of Edinburgh Council received no additional funding over and above the funding detailed in question 2

- Question** (4) Advise the amount of funding provided by Scottish Government for a) 1140 hours b) 600 hours for the 2021 and 2022 years.
- Answer** (4) See question 2
- Question** (5) Confirm the total amount of funding provided by the Scottish Government to City of Edinburgh Council for Apprenticeships in childcare for the 2021 and 2022 years.
- Answer** (5) The Scottish Government doesn't fund apprenticeships
- Question** (6) Confirm how many apprentices are being funded, and how many are in a Local Authority setting and how many in a Partner setting for the 2021 and 2022 years
- Answer** (6) The apprentices are funded by Skills Development Scotland.
- Supplementary Question** Thank you, Lord Provost and thank you to the Convener for the answer to this, I realise what very lengthy question as part 2 is just a supplementary which is, we've asked that you confirm the total amount of funding provided by the Scottish Government City of Edinburgh Council provision of childcare for 2021 and 22 years to include the total number of hours provided for the private, voluntary, independent sector and the public sector, thank you Convener.
- Supplementary Answer** Thank you, Councillor Jones. Councillor Jones we've had presentations, we've done briefings and then put the answers to the questions here and I'm kind of getting a bit lost of what actually, exactly what information you're seeking that we're not giving you and maybe we should sit down so we can have that clarified..
- Comments by the Lord Provost** Perhaps that can be clarified between yourself and the Convener outside and if you're dissatisfied by all means ask another question.
- Councillor Jones** Just very briefly the nub of this is, we have been asking for some time what is the total amount of hours provided for the private, voluntary and independent sector and the public sector.

**The Lord
Provost**

I think the Convener's given the answer that she can give at the moment but she's indicated she will talk to you to make sure that you get the information that you require.

QUESTION NO 30

By Councillor Jones for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 16 March 2023

Question

Given recent allegations, and a live Police investigation, has the City of Edinburgh Council provided guidance to schools in relation to the use of LGBT Youth Scotland Schools Materials, and or referrals to their support groups?

Answer

We are aware of recent allegations of historic exploitation made by individuals who used LGBT Youth Scotland services in the past.

We have met with the Chief Executive of LGBT Youth Scotland who has informed us that: there is no ongoing Police investigation; one of the allegations related to a prior employee who was convicted in 2009 for their crimes; the second allegation was not criminal in nature and as such, there was no Police investigation to report; a full internal investigation into the second allegation has concluded and there is no evidence of misconduct by the employee against whom the allegation was made.

Regarding safeguarding policies and procedures, LGBT Youth Scotland have reviewed and strengthened these. All employees have basic disclosure and those working with young people have PVG Scheme membership. The Head of Youth Work has completed a postgraduate certificate in Child Protection and the organisation is considering additional measures to ensure children and young people's safety.

LGBT Youth Scotland materials used in schools are subject to a robust quality assurance process.

We have a very positive relationship with LGBT Youth Scotland and value their support in further developing LGBT inclusive education in our schools and their support for LGBT young people.

In this context, we will provide a statement of reassurance to schools to support communication with stakeholders.

QUESTION NO 31

By Councillor Caldwell for answer by the Leader of the Council at a meeting of the Council on 16 March 2023

A year ago, the Council worked alongside Third-sector partners to establish the successful 'Ukraine Welcome Hub' for refugees fleeing Russia's brutal invasion of Ukraine.

Question (1) Roughly how many Council staff are currently engaged with the Ukraine Welcome Hub?

Answer (1) There are approximately 50 colleagues (including some engaged from the Council's agency staffing partner) supporting the Council's response to the Ukraine crisis.

Question (2) Roughly how many volunteers are currently engaged with the Ukraine Welcome Hub?

Answer (2) There are over 200 volunteers and third sector partners engaged with the Ukraine Support programme across the city.

Question (3) When was the last formal meeting between the City of Edinburgh Council and EVOC, the Edinburgh Volunteer Centre and Edinburgh Social Enterprise as members of the Third Sector Interface (TFI), along with other partners, to discuss the challenges that refugees and migrants in Edinburgh are facing?

Answer (3) Officers engage on a daily with Third Sector partners and a weekly Edinburgh Oversight Group meeting takes place.

Question (4) When is the next formal meeting planned?

Answer (4) Wednesday 15 March.

Question (5) Will there be a review of the innovative way Council staff and the TFI came together to establish the Ukraine programme, and what positive learning do we hope to take forward from it, particularly regarding crisis response?

Answer (5) Yes. Although progress and planning are regularly reviewed through the weekly meetings, a series of focussed review and onward planning workshops are scheduled for April 2023.

Supplementary Question Thank you Lord Provost, thank you Council Leader for his answer. In stark contrast to the Chambers attitude today where we've criticised each other personally and we've thrown people under the bus, could the Council Leader tell me how he would like to see the chamber celebrate our council officers, our volunteers and our new Ukrainian neighbours, that have a made Edinburgh the success it is today.

Supplementary Answer Can I thank Councillor Caldwell for the helpful question to end this debate. I think as I touched in the Leader's report earlier, there was a fantastic event here in the chamber with hundreds of Ukrainians that the Lord Provost hosted with the royals and to see a huge thanks to the work that they've done, and Council officers as well who provide that, along with the voluntary sector. I suppose if anything Councillor Caldwell it's for us all to join together and support the Ukrainian community across the city to consider hosting them if you can and support the whole voluntary sector movement that are getting behind them across the city. We all know that the war is not going to end anytime soon and the more we can do what the Ukraine community is asking us to do, is to keep talking about this and what we'd ask the government to do is to keep funding this and help us find appropriate homes for people to move into once the ship's move on, thank you for your question.

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Leader's Report

Cllr Cammy Day



May 2023

Edinburgh by Numbers puts city in top spot

Looking for the UK's hotspot for healthy living and a healthy economy? You've come to the right place. That's according to the latest [Edinburgh by Numbers report](#), which not only reveals our residents are living longer – and well – compared to other parts of the UK, but that our businesses are thriving too.

Launched this week, Edinburgh by Numbers is one of our most well-used and well-loved annual publications. I'm pleased to see the latest edition yet again confirms Edinburgh's position as the most economically productive city outside of London, with the strongest local business survival rates of any comparable city, and above average wages for our workers.

When viewed alongside recent news of major investment into the centre and a [business tourism revival for the EICC](#), this all points to a post-pandemic rebound for Edinburgh – not least with the research demonstrating a bounce back in airport passenger numbers, too.

In yet more good news for the city centre, the team at Essential Edinburgh (EE) recently received the overwhelming backing of members to take forward the area's Business Improvement District for [another five years](#). As part of our 'Team Edinburgh' approach to economic recovery, which involved over 60 other organisations, EE has been involved in setting out what was needed for the city to recover sustainably from the pandemic.

Creating good places to live and work

While we're (rightly) working hard to deliver our ambitions for the Capital city – as set out in our [Council Business Plan 2023–27](#) – it's just as important that we focus on getting the basics right.

I'm pleased, then, that the most recent survey by Local Environmental Audit and Management System (LEAMS) shows we've reached pre-Covid levels of street cleanliness and are better than average when compared to similar council areas. Likewise, missed kerbside collections are at their lowest level for three years and reports of overflowing communal bins continue to fall. Great credit is due to our hard-working waste and cleansing teams for making this happen.

We're not resting on our laurels, however, which is why we're using the £3 million additional funding committed in February's budget to set out our new [Cleansing Action Plan](#).

Several new measures are being introduced and we're making improvements to existing services too – including a free uplift service for our residents on lower incomes, additional litter picking, mechanical sweeping, gully emptying, and verge and hedge maintenance on approach and rural roads. We're also putting extra resources into our overnight cleansing services to make sure we all wake up to a clean and tidy city each morning.

Major steps forward for transport in Edinburgh

Another area where we want to do better is the condition of our roads and pavements. For any living, breathing Capital city like Edinburgh this is a challenge – particularly following years of underinvestment from government – but we've made a firm commitment to improving the condition of streets across the city and are doubling our investment in this area to £22 million this year.

Our bridges are part of this too and I'm delighted that the refurbishment of North Bridge reached a milestone last Friday when it [reopened to two-way traffic](#). This is a complex scheme to restore the iconic Victorian structure to its former glory, and the project team is doing a fantastic job.

Our Trams to Newhaven project marked a milestone of its own last week when [daytime testing began](#). It was an exciting experience for passers-by when the first tram for decades rolled down Leith Walk and I'm sure, like me, they can't wait for paying service to begin in the coming weeks. I'd like to thank residents and businesses once again for their patience as teams have been hard at work over recent months.

Both projects will play a central role in our long term plans for movement around the city centre and further afield. Through the City Mobility Plan we want to create a safe, sustainable and accessible transport future for Edinburgh, and we've drawn up a series of action plans to help us achieve this.

We want you to help us shape these plans, and are currently seeking your views on all aspects of travel to, from and around Edinburgh. Please [have your say online](#).

Help is at hand for our most vulnerable

Ending poverty is another key priority for this Council and, following the creation of the Poverty Commission, we continue to lead the way on this work. With the cost-of-living crisis, and rising energy bills, [help is available](#), and I would encourage anyone who feels they need support to visit our website to find out more.

There's also help available from many other organisations across the Capital and I'm always keen to meet as many of them as possible to hear about the work they do to support our residents. I recently met with Scotland's national advice service, [Advice Direct Scotland](#). The charity provides free, impartial advice to anyone in Scotland on issues including energy bills, debt, benefits and consumer rights.

I understand that last year Edinburgh recorded lower-than-average claims compared to our population size, so please don't miss out on any entitlements. If you're struggling to heat your home, you may be eligible for the Home Heating Support Fund. You can [find out more about them, the Home Heating Support Fund, and other support](#) from their website.

'Providing a first-class service to the local community'

I want to pass on my congratulations to the dedicated team at Mortonhall Crematorium, who have just received an outstanding [inspection report](#) from the Scottish Government.

It's never easy to lose a loved one, and the team provide a vital, respectful and sensitive service in the most difficult of times.

The inspectors praised 'a close, united and enthusiastic team', led by experienced and knowledgeable management, which 'performs to a high standard, providing a first-class service to the local community and beyond'.

The Mortonhall Crematorium Management Plan, meanwhile, was found to be of a high standard containing a great deal more than that required by the Regulations.

Supporting our LGBTQ+ Community

Edinburgh has always been a welcoming and inclusive city – and we're rightly proud of our thriving LGBTQ+ community, all of whom have the right to live their lives with dignity and free from prejudice.

Social acceptance of those who identify as LGBTQ+ has, thankfully, increased over recent decades, but discrimination and hate crimes remain sadly all too common. On behalf of this Council, I want to repeat my total condemnation of attacks on anyone because of their sexual orientation or gender identity, or their race, religion or disability.

We're proud to be an LGBTQ+ friendly Council but there is always more that we can do, which is why I was delighted to join other group leaders in welcoming representatives of the Trans community to the City Chambers last week for what was a positive and constructive meeting.

They asked for our understanding and acceptance and to be able to access our (and other) services in the same way as anybody else. I look forward to working together to make sure this happens.

Top marks for digital school revolution

I was delighted to visit Carrick Knowe Primary School yesterday for the completion of our ambitious [Empowered Learning](#) programme, which has seen every school pupil from P6 to S6 given their own digital device.

Thanks to our £17.5m investment, this exciting partnership with our ICT service provider CGI has resulted in over 44,000 digital devices being handed out to pupils and school staff across the city.

Part of our ambitious and inclusive education strategy 'Edinburgh learns for Life', the devices are transforming teaching as our young people discover new and innovative ways to learn.

This is a significant and sustained investment in the future learning, outcomes and achievements of Edinburgh's children and young people and is a vital element of our strategy to increase attainment for everyone and reduce the poverty-related attainment gap.

King Charles's Coronation

As a new Royal era begins, the [Coronation of His Majesty King Charles III](#) promises to be a historic occasion, with celebrations taking place up and down the country next weekend (6–8 May).

The Lord Provost will represent Edinburgh at the ceremony in London and here in Edinburgh we're encouraging residents and visitors to dust off their picnic blankets and come together in West Princes Street Gardens to [watch proceedings live on the big screen](#). Then, on Sunday 7 May, the screen will remain in place and broadcast The Coronation Concert at Windsor Castle to spectators in the Gardens.

I'm aware of various street parties and other events planned across the city and residents are also invited to share their memories and record well wishes for the new sovereign in our Book of Congratulations, online from 2 May.

Let's hope the weather's kind to all those joining in the celebrations.

Rest in Peace, Ken Buchanan

I want to end by remembering one of Edinburgh's finest, boxing legend Ken Buchanan, whose memorial service was held in St Giles Cathedral earlier this week.

Born in Leith, Ken would go on to become Scotland's first undisputed world champion, famously fighting on the same bill as Muhammad Ali in Madison Square Garden twice and was once voted 'Britain's Greatest Ever Boxer' by Boxing News.

As the 10th recipient of the [Edinburgh Award](#), Ken's famous fighting hands were immortalised on a flagstone outside the City Chambers and, last August, large crowds gathered to celebrate as his statue was unveiled at a public ceremony on Leith Walk.

A fitting tribute to a great champion.

Get involved

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

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The City of Edinburgh Council

10.00am, Thursday, 4 May 2023

Review of Appointments to Committees, Boards and Joint Boards for 2023/2024

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To consider and agree the proportionality of Council committees.
- 1.2 To specify appointments to the following positions for 2023/24:
 - (a) The Leader and Depute Leader of the Council;
 - (b) Conveners and Vice-Conveners of the executive committees and other committees of the Council;
 - (c) Members of the executive committees and other committees of the Council;
 - (d) Members of the Integration Joint Board and Joint Committees; and
 - (e) The Chair/Vice Chair of the Integration Joint Board.
- 1.3 To note the membership of the Lothian Valuation Joint Board and Licensing Board.

Dr Deborah Smart

Executive Director of Corporate Services

Contact: Louise Williamson, Assistant Committee Clerk

E-mail: louise.p.williamson@edinburgh.gov.uk | Tel: 0131 529 4264

Review of Appointments to Committees, Boards and Joint Boards for 2023/2024

2. Executive Summary

- 2.1 Standing Order 3.2 specifies that the Council, in May, will appoint the Leader and Depute Leader, the members of the committees of the Council and their conveners and any vice-conveners and the members of the joint committees and joint boards.
- 2.2 The Council is invited to review the appointments to Committees, Boards and Joint Boards for 2023/2024. As per the usual process, all members to the executive committee and other committees of the Council, unless specified otherwise, are required to be appointed at this point in time.

3. Background

- 3.1 On 30 June 2022 the Council made appointments to Committees, Boards and Joint Boards for 2022/2023.
- 3.2 Some adjustments to Committee memberships and Conveners were also agreed at Council meetings on 25 August, 27 October, 24 November and 15 December 2022, and 9 February 2023.
- 3.3 The appendices reflect the current membership.
- 3.4 As set out in the Committee Terms of Reference and Delegated Functions, Committee membership will be proportionate according to the elected representation of political parties unless expressly agreed. On 30 June 2022 the Council agreed the political membership of the committees, Boards and Joint Boards.
- 3.5 Subsequently Councillor Frank Ross (SNP Group) had resigned from the Council and following a by-election on 9 March 2023, Councillor Fiona Bennett (Liberal Democrat Group) was elected in his place

4. Main report

- 4.1 Standing Order 3.2 requires the Council to make various appointments at its first ordinary meeting in May. Following the by-election result on 9 March 2023 there is

only one change to the political balance of the committees and that is a reduction of one member from the Labour Group to be replaced by an additional member from the Liberal Democrat Group on the Policy and Sustainability Committee. The Council is invited to specify its appointments to the following positions for 2023/2024:

- The Leader and Depute Leader of the Council;
- Conveners and Vice-Conveners of the executive committees and other committees of the Council (Appendix 1 details current Conveners and Vice Conveners);
- Members of the executive committees and other committees of the Council (Appendix 2 details current membership);
- Members of the Licensing Board, Joint Committees and Joint Boards that the Council should appoint (see paragraphs 4.4 - 4.10 below) (Appendix 3 details current membership)

Joint Boards

4.4 Interim Standing Order 3.2 requires the appointment of members of Joint Boards, and the Council is asked to determine its representation on the Edinburgh Integration Joint Board.

Edinburgh Integration Joint Board

4.5 Under Section 3.2 of the Edinburgh Integration Joint Board's Integration Scheme, the term of office for the Chair and Vice-Chair is two years. The right to appoint the Chair and Vice-Chair alternates between each of the Parties (NHS Lothian and the City of Edinburgh Council) on a two-year cycle.

4.6 The Council assumed the Chair position on 2 May 2021 and agreed to appoint Councillor Tim Pogson as Chair of the Joint Board with effect from 27 June 2022.

4.7 The Council now assumes the Vice-Chair position from 4 May 2023 and is asked to appoint to this with effect from this date.

Lothian Valuation Joint Board

4.8 The legislation relating to the Lothian Valuation Joint Board provides for the members first appointed to it to hold office for the life of the Council.

4.9 If there is to be any change in the Council's membership of this Joint Board, the co-operation of existing members is required by their resigning from the Board. New appointments cannot be made until a letter of resignation is received.

4.10 The Council is therefore invited to note the current membership of the Lothian Valuation Joint Board detailed at Appendix 3.

Licensing Board

4.11 Similar provisions to the Lothian Valuation Joint Board apply to the membership of the Licensing Board. Section 5 and Schedule 1 of the Licensing (Scotland) Act 2005

require that a vacancy on the Licensing Board must formally exist. In this connection, any member intending to resign from the Licensing Board must do so in writing to the Clerk and ensure that their letter is received before 1 May 2023.

- 4.12 The Council is asked to note the membership of the Licensing Board, also set out in Appendix 3.
- 4.13 The Act also states that any member appointed to the Licensing Board cannot take their place on the Board until they have completed an external training course and passed an examination.
- 4.14 A councillor who is a premises licence holder, or the employee of a premises licence holder and works as such in licensed premises, whether alone or in partnership with another person engaged in the business of producing or selling alcohol, or a director or other officer of a company so engaged or an employee of any person so engaged and working as such in that business, shall not act as a member of a Licensing Board for any purpose under the Act.

Pensions Committee

- 4.15 The Pensions Committee is appointed under Section 57 of the Local Government (Scotland) Act 1973 to exercise all functions of the pension funds administered by the City of Edinburgh Council within the terms of the legislation.
- 4.16 The Pensions Committee is made up of 5 City of Edinburgh elected members and 2 external members, one employer representative and one member representative.

4.17 Changes to Political Balance

Recent changes to the political representation of the Council has occurred which affects the membership of the Policy and Sustainability Committee. The membership of this Committee is currently 5 SNP, 4 Labour, 3 Liberal Democrat, 3 Green and 2 Conservative. To reflect the political balance of the Council, a Labour member should be replaced by a Liberal Democrat member.

5. Next Steps

- 5.1 Training will be provided to members as necessary.

6. Financial impact

- 6.1 Not applicable

7. Stakeholder/Community Impact

- 7.1 Not applicable

8. Background reading/external references

- 8.1 None

9. Appendices

- 9.1 Appendix 1 – Conveners and Vice-Conveners of Committees
- 9.2 Appendix 2 – Membership of Committees
- 9.3 Appendix 3 – Joint Committees and Boards and the Licensing Board

APPENDIX 1

THE CITY OF EDINBURGH COUNCIL

APPOINTMENTS FOR 2022/23

CONVENERS AND VICE CONVENERS OF COMMITTEES

EXECUTIVE COMMITTEES		
Policy and Sustainability	Convener:	Councillor Day
Culture and Communities	Convener:	Councillor Walker
Education, Children and Families	Convener:	Councillor Griffiths
Housing, Homelessness and Fair Work	Convener:	Councillor Meagher
Finance and Resources	Convener:	Councillor Watt
Transport and Environment	Convener:	Councillor Arthur
OTHER COMMITTEES		
Governance, Risk and Best Value	Convener:	Councillor Campbell
Leadership Advisory Panel	Convener:	Councillor Day
Pensions	Convener:	Councillor Watt
Planning	Convener:	Councillor Dalgleish
Development Management Sub-Committee	Convener:	Councillor Osler
Regulatory	Convener:	Councillor Neil Ross
Licensing Sub-Committee	Convener:	Councillor Mowat
Committee on the Jean F Watson Bequest	Convener:	Councillor Walker

APPEALS		
Committee on Discretionary Rating Appeals	Convener:	Councillor Day
Personnel Appeals	Convener:	Councillor Griffiths
Committee on Pupil/Student Support	Convener:	Councillor Meagher
Placing in Schools Appeals		Independent Chairperson
Chief Official Personnel Assessment Committee	Convener	Councillor Neil Ross
Chief Official Personnel Hearing Committee	Convener	Councillor Day
RECRUITMENT		
Recruitment Committee	Convener:	Council Leader

APPENDIX 2

THE CITY OF EDINBURGH COUNCIL

APPOINTMENTS FOR 2022/23

MEMBERSHIP OF COMMITTEES, BOARDS AND JOINT BOARDS

EXECUTIVE COMMITTEES	
Policy and Sustainability Committee (17 members: (including Leader of the Council (Convener) and Depute Leader of the Council - 5SNP, 4L, 3SLD, 3G, 2C)	
Councillor Aston Councillor Campbell Councillor Macinnes Councillor McVey Councillor Biagi Councillor Day (Convener) Councillor Griffiths Councillor Meagher Councillor Watt	Councillor Beal Councillor Dijkstra-Downie Councillor Lang Councillor Mumford Councillor Parker Councillor Staniforth Councillor Doggart Councillor Whyte
Culture and Communities Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Glasgow Councillor McFarlane Councillor McNeese Mechan Councillor Meagher Councillor Walker (Convener) Councillor Osler	Councillor Thornley Councillor Heap Councillor Staniforth Councillor Mitchell Councillor Munro
Education, Children and Families Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Key Councillor Kumar Councillor Mattos Coelho Councillor Griffiths (Convener) Councillor Walker Councillor Davidson	Councillor Young Councillor Burgess Councillor O'Neill Councillor Cowdy Councillor Jones

Added Members for Education Matters	
Fiona Beveridge, Church of Scotland Representative Angela Campbell, Roman Catholic Representative Dr Ruhy Parris, Third Religious Representative	Parent Representative 1 – Alex Ramage (non-voting) (until 24 May 2024) Parent Representative 2 - Sara Collins and Louise Collingwood (non-voting and shared basis) (until 24 May 2024)
Finance and Resources Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Hyslop Councillor Macinnes Councillor Nicolson Councillor Griffiths Councillor Watt (Convener) Councillor Neil Ross	Councillor Younie Councillor Mumford Councillor Staniforth Councillor Bruce Councillor Doggart
Housing, Homelessness and Fair Work Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Campbell Councillor Dobbin Councillor Kumar Councillor Meagher (Convener) Councillor Watt Councillor Caldwell	Councillor Flannery Councillor Parker Councillor Rae Councillor Bruce Councillor Whyte
Transport and Environment Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Aston Councillor McFarlane Councillor Work Councillor Arthur (Convener) Councillor Graham Councillor Dijkstra-Downie	Councillor Lang Councillor Bandel Councillor Miller Councillor Cowdy Councillor Munro

Other Committees	
<p>Governance, Risk and Best Value Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)</p> <p>Note: The Conveners and Vice Conveners of the following Committees shall not be eligible to serve as members of the Governance, Risk and Best Value Committee:</p> <p>The Policy and Sustainability Committee The Culture and Communities Committee The Education, Children and Families Committee The Finance and Resources Committee The Housing, Homelessness and Fair Work Committee The Transport and Environment Committee</p>	
<p>Councillor Biagi Councillor Campbell (Convener) Councillor McVey Councillor Faccenda Councillor Jenkinson Councillor Thornley</p>	<p>Councillor Younie Councillor Bandel Councillor Miller Councillor Mowat Councillor Rust</p>
<p>Whistleblowing Sub-Committee All members of the Governance, Risk and Best Value Committee</p>	
<p>Pensions Committee (5 members –1SNP, 1L, 1SLD, 1G, 1C)</p> <p>(plus 2 external members representing the employers and the members in the pension funds)</p>	
<p>Councillor Nicolson Councillor Watt Councillor Neil Ross (Convener)</p>	<p>Councillor Burgess Councillor Doggart</p>
External Members	
<p>John Anzani</p>	<p>Richard Lamont</p>

Planning Committee and Development Management Sub-Committee (11 members:- 3SNP, 2L, 2SLD, 2G, 2C)	
Councillor Gardiner Councillor Hyslop Councillor McNeese-Mechan Councillor Lezley Marion Cameron Councillor Dalgleish (Convener of Planning Committee) Councillor Beal	Councillor Osler (Convener of Development Management Sub) Councillor Booth Councillor O'Neill Councillor Jones Councillor Mowat
Planning Local Review Body All members of the Planning Committee (other than its Convener) comprising two panels of five.	
Panel 1 (5 members)	
Councillor Lezley Marion Cameron Councillor Gardiner Councillor Jones	Councillor O'Neill Councillor Osler
Panel 2 (5 members)	
Councillor Beal Councillor Booth Councillor Hyslop	Councillor McNeese-Mechan Councillor Mowat
Regulatory Committee and Licensing Sub-Committee (9 members:- 3SNP, 2L, 2SLD, 1G, 1C)	
Councillor Dixon Councillor Mattos Coelho Councillor Fullerton Councillor Dalgleish Labour Group Vacancy	Councillor Caldwell Councillor Neil Ross (Convener of Regulatory) Councillor Rae Councillor Mowat (Convener of Licensing Sub)
Leadership Advisory Panel (5 members of the Council plus 3 statutory representatives, appointed by the committee dealing with education, when considering education business – a group leader from each of the 5 groups))	
SNP Group Leader – Councillor McVey Labour Group Leader – Councillor Day Scottish Liberal Democrat Group Leader – Councillor Lang	Green Group Leader – Councillors Mumford/Staniforth Conservative Group Leader – Councillor Whyte

Administration of Trust Funds	
Committee on the Jean F Watson Bequest (8 members - 2SNP, 2L, 2SLD, 1G, 1C) plus one nominee of Friends of the City Arts Centre and two nominees of Executive Director of Corporate Services	
Councillor Fullerton Councillor McNeese-Mechan Councillor Meagher Councillor Walker (Convener)	Councillor Osler Councillor Thornley Councillor Rae Councillor Mitchell
Reviews and Appeals	
Committee on Discretionary Rating Relief Appeals (5 members –1SNP, 1L, 1SLD, 1G, 1C)	
Councillor Biagi Councillor Day (Convener) Councillor Beal	Councillor Staniforth Councillor Cowdy
Personnel Appeals Committee (9 members – 3SNP, 2L, 2SLD, 1G,1C)	
Councillor Dobbin Councillor McFarlane Councillor McNeese-Mechan Councillor Griffiths (Convener) Councillor Meagher	Councillor Dijkstra-Downie Councillor Flannery Councillor Miller Councillor Mowat
Committee on Pupil Student Support (5 members and one religious representative –1SNP, 1L, 1SLD, 1G, 1C)	
Councillor Key Councillor Meagher (Convener) Councillor Davidson	Councillor Burgess Councillor Jones
Placing in Schools Appeal Committee (3 persons drawn from three Panels as described in Committee Terms of Reference and Delegated Functions no.15)	
Panel 1 – All members of Council and religious representatives on the committee dealing with education business	
Recruitment Committee	
Leader of Council (Convener), Depute Leader of the Council, one relevant executive committee convener and group leaders.	

Chief Official Personnel Assessment Committee (5 members –1SNP, 1L, 1SLD, 1G, 1C)	
Councillor McVey Councillor Arthur Councillor Neil Ross (Convener)	Councillor Mumford Councillor Jones
Chief Official Personnel Hearing Committee (5 members –1SNP, 1L, 1SLD, 1G, 1C)	
Councillor Macinnes Councillor Day (Convener) Councillor Lang	Councillor Staniforth Councillor Whyte

APPENDIX 3

THE CITY OF EDINBURGH COUNCIL

APPOINTMENTS FOR 2022/23

JOINT COMMITTEES AND BOARDS, THE LICENSING BOARD

Lothian Valuation Joint Board/Lothian Electoral Joint Committee (9 members – 3SNP, 2L, 2SLD, 1G, 1C)	
Councillor Dixon Councillor Glasgow Councillor McFarlane Councillor Dalgleish Councillor Jenkinson	Councillor Beal Councillor Caldwell Councillor Staniforth Councillor Mitchell
Licensing Board (9 members: 3 SNP, 2 L, 2 SLD, 1G, 1 Conservative)	
Councillor Fullerton Councillor Key Councillor Work Councillor Lezley Marion Cameron Councillor Graham	Councillor Flannery Councillor Young (Convener) Councillor Booth Councillor Rust (Vice-Convener)
Integration Joint Board (5 members: 1SNP, 1L, 1SLD, 1G, 1C))	
Councillor Nicolson Councillor Pogson (Chair/Vice Chair) Councillor Davidson	Councillor Miller Councillor Mitchell
Edinburgh and South East of Scotland City Region Deal Joint Committee (1 member)	
Council Leader – Councillor Day	

Edinburgh and South East of Scotland Region – Elected Member Oversight Committee (2 members – previously the Leader and Depute Leader)	
Councillor Day	Councillor McVey
SEStran (South East of Scotland Regional Transport Partnership) (5 members – 1SNP, 1L, 1SLD, 1G, 1C)	
Councillor Aston Councillor Arthur Councillor Lang	Councillor Bandel Councillor Munro
Pentland Hills Regional Park Joint Committee (3 members)	
Councillor Bruce Councillor Gardiner	Councillor Jenkinson
Pentland Hills Regional Park Consultative Forum (2 members)	
Councillor Gardiner	Councillor Jenkinson

BAILIES

SNP – Councillor Amy McNeese-Mechan
 SLD – Councillor Pauline Flannery
 Labour – Councillor Margaret Graham
 Green – Councillor Susan Rae
 Conservative – Councillor Jason Rust

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The City of Edinburgh Council

10am, Thursday, 4 May 2023

Scheme of Delegation 2023

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To repeal the existing Scheme of Delegation to Officers and approve in their place appendix one, such repeal and approval to take effect from 5 May 2023.
- 1.2 To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the documents set out in appendix one as may be necessary to implement the decision of the Council in relation to this report and to produce a finalised version of the documents, making them available to members for information ahead of publication.

Dr Deborah Smart

Executive Director of Corporate Services

Contact: Gavin King, Head of Democracy, Governance and Resilience

E-mail: gavin.king@edinburgh.gov.uk | Tel: 0131 529 4239

Scheme of Delegation 2023

2. Executive Summary

- 2.1 This report sets out changes to the Scheme of Delegation to Officers. This document supports internal controls, accountability and the transparent operation of the Council and is a statutory requirement.

3. Background

- 3.1 In December 2022 new political management arrangements were agreed that made changes to the committee system and also sought to make efficiencies in reducing the amount of routine business that is considered.
- 3.2 In February 2023, a series of key governance documents were agreed by the Council, it was though agreed that a further period of consultation should be given for the Scheme of Delegation to Officers.
- 3.3 All political groups were offered a briefing and given the opportunity to feedback any concerns.

4. Main report

- 4.1 The current Scheme of Delegation to Officers is a prescriptive scheme which outlines in detail the powers that officers can carry out without going to a committee meeting. The changes proposed do not change this approach and the update in the main reflects changes to legislation and the structure of the Council.
- 4.2 It is also proposed to create distinct delegation to service directors, this better reflects their senior role in the Council and the decisions they routinely are required to take. This delegation is not specific to any service but covers matters relating to staff, health and safety, grant offers and consultations.
- 4.3 Additionally, values have been increased to reflect inflation over the last twenty years and to ensure relatively routine issues are considered at officer level. An example of this is the rental value for leasing a property is extended from £50,000 to £75,000.
- 4.4 There are a number of changes to the scheme of delegation in relation to planning. These include making the threshold for whether an application is reported to

committee being more than 20 representations for all applications. At present the threshold is more than 20 representations for householder development and more than 6 representations for other kinds of development. The threshold of more than 20 has worked well and bringing the thresholds into line will simplify matters. Other changes include enabling delegation of the initiation of stopping up proceedings and allowing the delegation of the confirmation of tree preservation orders where there are no objections.

- 4.5 Along with the Scheme of Delegation to Officers, Planning are required to have in place a Scheme of Delegation for Local Developments. This requires approval of Scottish Ministers. The Local Developments Scheme of Delegation is attached in appendix 2. The changes proposed within it would make it consistent with the changes proposed for the Scheme of Delegation to Officers. If approved by Council, Ministerial approval will be sought.

5. Next Steps

- 5.1 The new Scheme will be highlighted to officers and will be published on the Council's website alongside the other key governance documentation. Ministerial approval will be sought for the Local Developments Scheme of Delegation if approved.

6. Financial impact

- 6.1 There is no financial impact as a result of this report.

7. Stakeholder/Community Impact

- 7.1 It is good governance to maintain and regularly review the Council's key operational governance documents, so powers are transparent, clear and fit for purpose.
- 7.2 Consultation has been carried out with political groups on the Scheme of Delegation to Officers.

8. Background reading/external references

- 8.1 The City of Edinburgh Council 15 December 2022 – [Review of Political Management Arrangements 2022](#)
- 8.2 The City of Edinburgh Council 9 February 2023 – [Minute](#)
- 8.3 The City of Edinburgh Council 9 February 2023 – [Decision Making Framework](#)

9. Appendices

- 9.1 Appendix one - Scheme of Delegation to Officers
- 9.2 Appendix two – Statutory Scheme of Delegation for Local Planning Applications

Appendix 1

CITY OF EDINBURGH COUNCIL
SCHEME OF DELEGATION TO
OFFICERS

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CITY OF EDINBURGH COUNCIL
SCHEME OF DELEGATION TO OFFICERS

1. GENERAL

- 1.1 This Scheme of Delegation to Officers ("**Scheme**") applies from ~~30 June 2023~~³² and sets out the powers delegated by the City of Edinburgh Council ("**Council**") to officers, pursuant to the Local Government (Scotland) Act 1973. The Scheme is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
- 1.2 The powers delegated to officers in terms of this Scheme are subject to change by act of Council in accordance with the Standing Orders of the Council.
- 1.3 The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers and stating the title of the officer who exercises that power. The lists of powers are set out in this Scheme.
- 1.4 In this Scheme:
- (a) a reference to "**Executive Director**" means any of the Executive Directors of the Council or the Chief Officer - Edinburgh Health and Social Care Partnership (and "**Executive Directors**" shall be interpreted accordingly);
 - (b) a reference to a statute or statutory provision:
 - (i) is a reference to it as amended, extended or re-enacted from time to time; and
 - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
 - (c) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
 - (d) a reference to "**Council Policies**" shall include all and any policies approved

by the Council from time to time (and “**Council Policy**” shall be interpreted accordingly);

- (e) references to paragraphs are to paragraphs of this Scheme; and
- (f) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

Principles of delegation

1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:

- (a) the decision or action must not be a matter (“**Reserved Matter**”):
 - (i) reserved by law to the Council or a Committee or sub-committee of the Council (“**Committee**”); or
 - (ii) that the Council or a Committee has expressly determined should be discharged otherwise than by an officer;
- (b) the decision or action must not alter or be contrary to law or to policy set by the Council and its Committees;
- (c) the decision or action must be taken in accordance with the Council’s Standing Orders as amended from time to time;
- (d) the decision or action must be taken in accordance with the Financial Regulations and Corporate Debt Policy as amended from time to time and comply with the financial limits set out in those documents;
- (e) the financial consequences of the decision or action must be contained within the budget approved by Council for the financial year in question;
- (f) the decision or action must not give rise to a conflict of interest as set out in the Council’s code of conduct for employees; and
- (g) elected members must be appropriately consulted, and officers must comply

1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive in consultation with the Leader of the Council (or the ~~deputy-depute~~ Leader if the Leader is absent).

1.7 Each Executive Director shall have authority to take all decisions or actions necessary to implement a policy approved by or a decision previously taken by the Council or a Committee or which facilitate or are conducive to the implementation of such a policy or decision.

2. CONSULTATION WITH ELECTED MEMBERS

Politically controversial matters and material decisions

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision (“**Material Decision**”) that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or
- (b) a significant impact on service delivery or performance;

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.

Local Members

2.2 Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

Responsibility to inform

2.3 It is the responsibility of the Chief Executive or relevant Executive Director to keep

the elected members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

Reports

2.4 The Council or any Committee may require the Chief Executive or Executive Directors to submit reports on the decisions taken and action authorised by them under delegated authority. The Chief Executive or relevant Executive Director shall submit a report in relation to any Material Decision to Council or the appropriate Committee.

3. DELEGATION

Delegated authority

3.1 The Council delegates authority for certain powers or functions to the Chief Executive, Executive Directors and service directors as detailed in this Scheme.

3.2 In the event that the Chief Executive, Executive Director is unavailable, his/her deputy or the relevant service director will have delegated authority to take urgent decisions in the absence of the Chief Executive or Executive Director.

3.3 The Chief Executive, ~~or~~ Executive Directors and Service Directors may sub-delegate their delegated powers ~~to their deputy or service director or such other~~ officer(s) in their service area as they may consider appropriate. Each officer to whom powers are delegated may sub-delegate to such other officers in their service area as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive, ~~and~~ Executive Directors and Service Directors will remain accountable for decisions taken by their sub-delegates.

3.4 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.

3.5 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.

~~3.53.6~~ Where authority has been sub-delegated, the details of these powers and who it is sub-delegated to, should be outlined in writing and held by the relevant directorate with a copy sent to the Head of Democracy, Governance and Resilience.

~~3.63.7~~ Certain functions (“**Statutory Functions**”) must, by law, be carried out by certain statutory officers. The Council delegates authority to those statutory officers (“**Statutory Officers**”) to carry out the Statutory Functions. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 8.

~~3.73.8~~ The authority delegated to the Chief Executive ~~and~~ Executive Directors and Service Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.

~~3.83.9~~ Legislation requires that certain functions be exercised by a “**proper officer**”. This Scheme sets out Council officers who are designated as proper officers in relation to functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service area to exercise his or her functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in paragraph 5 of Appendix 1, paragraph 21 of Appendix 7 and in Appendix 9.

~~3.9~~ Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

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Material Decisions

3.10 Notwithstanding the terms of any delegation of authority to Executive Directors or other officers in terms of this Scheme, all Material Decisions shall be taken in consultation with the Corporate Leadership Team (“**CLT**”). It is intended that this will engender greater transparency; foster a collegiate culture of collective decision-making among Executive Directors; and ensure proper corporate oversight, scrutiny and challenge of Material Decisions.

3.11 It is the responsibility of each Executive Director or other officer to whom powers are delegated to consider whether a decision or action in relation to a matter delegated to him/her is a Material Decision and in the case of an officer other than an Executive

Director, to bring it to the attention of the relevant Executive Director and/ or Statutory Officers. The relevant Executive Director/ or Statutory Officer will bring any Material Decision to the next available meeting of the CLT.

3.12 In the case of any Material Decision that relates to a Statutory Function, the provisions of paragraphs 2.1 and 3.42-11 of this Scheme shall be without prejudice to the legal duties and responsibilities of the relevant Statutory Officer.

3.13 The provisions of paragraph 3.42-11 of this Scheme shall be without prejudice to the principles of delegation set out in paragraph 1.5 of this Scheme and the requirement to consult with elected members set out in paragraph 2.1 of this Scheme.

Major Projects

3.14 The following projects (“**Major Projects**”) shall be dealt with as set out in paragraph 3.15 of this Scheme:

- (a) any project which has an estimated value of £5 million or more; or
- (b) any other corporate project the Executive Director of Corporate Services shall, in consultation with the CLT and the Convener ~~or Vice Convener~~ of the Finance and Resources Committee, so designate.
- (c) Does not include projects involving the Lothian Pension Fund.

3.15 In order to ensure effective governance and delivery of Major Projects, the relevant Executive Director ~~of Corporate Services~~ will make arrangements to:

- (a) oversee all Major Projects to ensure they are initiated appropriately, and independently assess elements of the Major Projects including:
 - (i) options appraisal; (ii) affordability; (iii) implementation; (iv) resource planning;
 - (v) sustainability; (vi) equalities; (vii) environmental impact; and (viii) stakeholder engagement;
- (b) provide ongoing support to Major Projects through key stage or gateway reviews, management dashboard reporting, post completion reviews and tracking benefits realisation; and

- (c) update the CLT and the Governance, Risk and Best Value Committee on the status and progress of Major Projects.

Contracts Standing Orders

3.16 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders and have regard to the Council's procurement handbook which apply to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council and/or for the provision of services

4. DELEGATION TO CHIEF EXECUTIVE

4.1 As the Council's Statutory Head of Paid Service the Chief Executive has overall responsibility for the corporate management and operational functions of the Council that are delegated to officers under this Scheme. The Chief Executive is authorised to discharge any function or exercise any power delegated to any officer under this Scheme.

4.2 In addition, the Council authorises the Chief Executive to:

- (a) take action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, business continuity and resilience legislation are discharged;
- (b) take any urgent action necessary in the event of a civil emergency, business continuity or resilience incident;
- (c) act as Returning Officer for local government elections, Westminster elections, Scottish Parliament elections, European elections and Business Improvement District elections under sections 25 and 41 of the Representation of the People Act 1983;
- (d) act as Counting Officer for referendums held in terms of the Political Parties, Elections and Referendums Act 2000;

(e) perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, including:

- (i) appointing authorising officers;
- (ii) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information; and
- (iii) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults;

5. DELEGATION TO THE CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive, each Executive Director and shall have delegated authority to manage all human, financial and other resources within his/her service area, including those functions set out in Appendix 1.

6. DELEGATION TO SERVICE DIRECTORS

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, and the delegation to the Chief Executive and Executive Directors, each Service Director, shall have delegated authority to manage those functions set out in Appendix 2.

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~~6.7~~. DELEGATION TO EXECUTIVE DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

~~6.7~~.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Education and Children's Services, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the schools, early years, children's social work services, childcare, ~~libraries, sports, and wellbeing services,~~ community based services relating to youth work and community justice, including those set out in Appendix ~~23~~.

~~7.8~~. DELEGATION TO EXECUTIVE DIRECTOR OF CORPORATE SERVICES

~~78~~.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Corporate Services shall have delegated authority to carry out all financial, commercial and procurement, treasury management, investments, pensions, human resources, recruitment, payroll, learning and development, customer services, [registration](#), business support, banking and payments, policy and insight, [sustainability](#), communications, strategic change and delivery, democracy, governance and resilience, welfare reform and benefits administration, digital services (ICT), legal, risk management, health and safety and internal audit functions of the Council, including those set out in Appendix ~~34~~.

~~89~~. DELEGATION TO CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP

~~89~~.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Officer - Edinburgh Health and Social Care Partnership, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the social work, social care and social welfare functions of the Council including those set out in Appendix ~~45~~, except to the extent that those functions are delegated by Council to the Integration Joint Board.

~~910~~. DELEGATION TO EXECUTIVE DIRECTOR OF PLACE

~~910~~.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Place shall have delegated authority to carry out all powers and responsibilities associated with the Council's housing and regeneration, [housing support](#), [homelessness and household support](#), community safety, environmental health, Coronavirus public health restrictions, scientific services, trading standards, licensing, ~~registration~~, advice services, parks, waste management and disposal, street cleaning, grounds maintenance, operational estate and investment property, [capital construction projects](#), strategic asset management, catering, facilities management, cleaning, [catering](#), security and ~~the~~ Edinburgh shared repairs, ~~economic development~~ [business gateway](#), [business growth and inclusion](#), ~~sustainability~~, public safety, ~~culture~~ [cultural strategy](#), [cultural venues](#), libraries, sport and wellbeing ~~services~~, ~~community empowerment~~, community centres, corporate fleet management and maintenance, community transport, building standards, transport ~~planning~~ [strategy and network management](#), roads ~~management operations~~ and maintenance, flood prevention, reservoir and coastal functions including those set out in Appendix ~~56~~.

~~40~~11. **DELEGATION TO CHIEF PLANNING OFFICER**

~~40~~11.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Planning Officer shall have delegated authority to exercise the planning functions set out in Appendix ~~6-7~~

~~12~~4. **DELEGATION TO SERVICE DIRECTOR: HUMAN RESOURCES AND MONITORING OFFICER**

~~44~~12.1 The Service Director: Human Resources and/or the Monitoring Officer, when directed by the Chief Official Personnel Hearing Committee, have delegated authority to appoint an investigating officer to conduct a formal investigation into allegations made against the Chief Executive or other chief officials in line with the Council disciplinary policy.

~~44~~12.2 The Service Director: Human Resources and Monitoring Officer have delegated authority, in consultation with the Leader of the Council, to determine whether the Chief Executive is conflicted in any disciplinary process involving other officers which means the matter must be dealt with by elected members under the Council's disciplinary policies.

~~44~~12.3 The Monitoring Officer, in consultation with the Service Director: Human Resources has delegated authority to initiate an investigation into a Chief Official.

APPENDIX 1

GENERAL DELEGATION TO CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS

These are the functions referred to in paragraph 5 of the Scheme:

Funds, contracts and property

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. subject to any policies and/or directions issued by the Executive Director of Corporate Services:

(a) transferring funds between headings within their approved revenue budgets;

(b) transferring funds between capital projects included in the capital budgets for their service;

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provided that (1) the Executive Director of Corporate Services is informed of the transfer and (2) the transfer does not affect revenue or capital budgets for future years;

3. entering into, terminating, varying, suspending or extending contracts (including call-off contracts or direct awards under Framework Agreements established by the Council) subject to compliance with the Council's Contract Standing Orders or as otherwise authorised by the Council;
4. declaring property or land surplus to requirements, including one-off blocks of flats and main door properties;

Proper officers

5. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other

Appendix 1 – General Delegation to Chief Executive and Executive Directors
documents which require to be sealed with the Common Seal of the Council or
are binding on the Council;

Legal

6. settling legal actions and claims in consultation with the Service Director: Legal and Assurance;
7. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Service Director: Legal and Assurance;

Staff

8. appointing employees within agreed staffing levels up to but excluding Service Directors;
9. appointing an acting Service Director from the staff of the Council when a Service Director is absent, or the post is vacant;
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities, in accordance with Council's approved policy and procedures;
12. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of significant change— at a divisional level (e.g. merging of divisions, removal of service director posts) requiring a formal organisational review, provided that such changes comply with guidelines issued by the Executive Director of Corporate Services;
13. remedying inconsistencies in pay or terms and conditions of service in conjunction with the Executive Director of Corporate Services;
14. deciding the following staffing matters in accordance with approved Council policy, procedures and/or guidance issued by the Executive Director of Corporate Services (or, in the case of teaching staff, by the Executive Director of Education and Children's Services):

Appendix 1 – General Delegation to Chief Executive and Executive Directors

- (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
- (b) entering into compromise or settlement agreements with staff in relation to their employment with the Council in consultation with the Service Director: Legal and Assurance, and subject also to consultation with the appropriate convener;
- (c) save in the case of an Executive Director, where the decision shall be reserved to the Finance and Resources Committee, making decisions in relation to the Local Government Pension Scheme membership (including, for example, early payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);
- (d) extension of occupational sick pay allowance;
- (e) approval of payroll deductions and the recovery of overpayments;
- (f) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (g) approval of transfer of annual leave;
- (h) approval of overtime or additional hours of work;
- (i) approval of applications for secondary employment;
- (j) authorisation of payments for lectures, speeches etc. to external organisations;
- (k) determination of claims of up to ~~£250~~£1000 for damage to or loss of the personal property of employees in consultation with the Executive Director of Corporate Services;
- (l) payment of removal expenses and allowances;
- (m) payment of car users' allowances;

- (n) authorisation of telephone allowances;
- (o) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (p) establishment and filling of fixed term posts in accordance with the relevant Council Policy; and,
- (q) appointment of apprentices ~~on completion of indentures~~;

Health and Safety

- 15. implementing the Council's Health and Safety Policy and arrangements;

Staff Wellbeing

- 16. implementing the Council's Wellbeing Strategy and Policy for staff and associated arrangements;

Use of land and buildings

- 17. approving, subject to compliance with any ~~approved~~ scheme of charges, the use by appropriate organisations, bodies or persons of land and premises owned, occupied or managed by the Council (including land managed on behalf of the Common Good);
- 18. regulating access to, ~~and~~ ~~conduct of~~ ~~persons on~~ ~~property owned, occupied or managed by the Council, including (1) eviction, ejection and expulsion from property and (2) the application and enforcement of management rules under sections 112 and 116 of the Civic Government (Scotland) Act 1982 as approved by the Council from time to time;~~
- 19. approving the temporary closure of property owned, occupied or managed by the Council to:

- (a) ensure the safety of Council staff or members of the public;
- or

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subject to consultation with the appropriate convener ~~or vice convener~~ and local elected members and insertion of a public notice in the press informing the public of the closure when relevant;

Regulation of investigatory powers

20. performing the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, with the exception in the case of the Executive Directors of the following functions which are reserved to the Chief Executive:

- a) appointing authorising officers;
- b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining 'confidential' information; and
- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

Grants

21. The approval of grants should be undertaken in line with the rules and authority level set out in Grant Standing Orders (officer approval for grants under £25,000).

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Hospitality

- 22. approving expenditure on hospitality in accordance with Council Policy;
- 23. approving expenditure on overseas visits by officers in accordance with Council Policy;

Write off

24. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible or monetary asset not falling within the scope of the Corporate Debt policy in accordance with the Financial Regulations provided that:

(a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable, or in the case of relevant monetary assets, all reasonable steps to achieve recovery have been exhausted; and

(b) the decision is made in consultation with the Executive Director of Corporate Services;

Access to information

25. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

Consultations

26. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

Grant offers

27. applying for grant funding on behalf of the Council;

28. accepting offers of grant funding on behalf of the Council; and

Council Companies

29. monitoring the performance of each Council company delivering services in his or her service area, including the attendance of a nominated Council observer at all company Board meetings and, where practicable, the relevant Audit Committee.

APPENDIX 2

GENERAL DELEGATION TO SERVICE DIRECTORS

These are the powers referred to in paragraph 6 of the Scheme.

Funds, contracts and property

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. entering into, terminating, varying, suspending or extending contracts (including call-off contracts or direct awards under Framework Agreements established by the Council) subject to compliance with the Council's Contract Standing Orders or as otherwise authorised by the Council;

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Staff

8. appointing employees within agreed staffing levels up to ~~but excluding Service Directors~~ and including Heads of Service
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities, in accordance with Council's approved policy and procedures;
12. remedying inconsistencies in pay or terms and conditions of service in conjunction with the Executive Director of Corporate Services;
13. deciding the following staffing matters in accordance with approved Council policy, procedures and/or guidance issued by the Executive Director of Corporate Services (or, in the case of teaching staff, by the Executive Director of Education and Children's Services):
 - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;

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Appendix 1 – General Delegation to Chief Executive and Executive Directors

(b) extension of occupational sick pay allowance;

(c) approval of payroll deductions and the recovery of overpayments;

(d) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;

(e) approval of transfer of annual leave;

(f) approval of overtime or additional hours of work;

(g) approval of applications for secondary employment;

(h) authorisation of payments for lectures, speeches etc. to external organisations;

(i) determination of claims of up to £250 for damage to or loss of the personal property of employees in consultation with the Executive Director of Corporate Services;

(j) payment of removal expenses and allowances;

(k) payment of car users' allowances;

(l) authorisation of telephone allowances;

(m) placement of employees on appointment on a point within a grade or grades applicable to the posts;

(n) establishment and filling of fixed term posts in accordance with the relevant Council Policy; and,

(o) appointment of apprentices;

Health and Safety

14. implementing the Council's Health and Safety Policy and arrangements;

Staff Wellbeing

15. implementing the Council's Wellbeing Strategy and Policy for staff and associated arrangements;

Hospitality

16. approving expenditure on hospitality in accordance with Council Policy;

17. approving expenditure on overseas visits by officers in accordance with Council Policy;

Access to information

18. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

Consultations

19. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

Grant offers

20. applying for grant funding on behalf of the Council;

21. accepting offers of grant funding on behalf of the Council; and

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APPENDIX 23

DELEGATION TO THE EXECUTIVE DIRECTOR OF EDUCATION AND CHILDREN’S SERVICES

(or, where applicable, the Chief Social Work Officer)

These are the powers referred to in paragraph 6.7 of the Scheme:

Education

1. taking steps to discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education) and further education in accordance with section 1 of the Education (Scotland) Act 1980, and in doing so (1) having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standard in Scotland’s Schools etc. Act 2000) and (2) endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of the Standard in Scotland’s Schools etc. Act 2000);
2. maintaining and equipping schools and other buildings (section 17 of the Education (Scotland) Act 1980);
3. improving the access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980);
4. operating arrangements for pupils from outside the Council’s area (sections 23 and 24 of the Education (Scotland) Act 1980);
5. setting school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980);
6. managing placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any placing appeal committee in accordance with section 28F, both of the

Education (Scotland) Act
1980;

7. enforcing attendance at school, including bringing proceedings against parents in respect of children’s non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980);
8. allowing pupils to miss school (section 34 of the Education (Scotland) Act 1980);
9. excluding pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975);
10. promoting the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006);
11. awarding bursaries (section 49 of the Education (Scotland) Act 1980);
12. providing transport for pupils and students (section 51 of the Education (Scotland) Act 1980);
13. ensuring copies of education records are available including the ability to set charges (section 4 of the Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002);
14. awarding Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980);
15. providing school meals (section 53 of the Education (Scotland) Act 1980);
16. providing clothing (section 54 of the Education (Scotland) Act 1980);
17. discharging the Council’s duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937);
18. licensing stage or theatrical performances by children (Children and Young Persons Act 1963);

19. providing child guidance services (section 4 of the Education (Scotland) Act 1980);
20. referring young people in medically unsuitable employment to the Employment Medical Advisory Service of the Department of Employment;
21. application of national circulars regarding service conditions of teaching staff. Where there is a choice of action, the circular will be sent to Committee;
22. providing programmes of adult education;
23. providing or arranging in-service training for staff;
24. providing the education authority's representatives on the recruitment panels for all Head Teachers,
25. providing work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980);
26. operating health and safety checks on work-experience placements;
27. dealing with the use of educational premises for licensed functions;
28. managing the Education Arts Development Programme;
29. specifying the level of service and other relevant details for getting tenders for the School and Welfare Catering Services;
30. negotiating variation orders for changes in the level of School and Welfare Catering services with the approved contractor within the contract price approved by the Council;
31. making awards of up to ~~£5~~£10,000 for distribution of Childcare Partnership funds;
32. approving joint working arrangements with other bodies;
33. liaising with the Scottish Government Education & Training Department;

34. carrying out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010;
35. in consultation with the Chief Executive and with the Service Director: Legal and Assurance, receiving notice of, representing the Council and responding to referrals by the Children’s Reporter to the Scottish Ministers under the Children’s Hearings (Scotland) Act 2011;
36. implementing the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004;

Social Work

37. taking necessary steps to discharge the Council’s duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014;
38. arranging for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948;
39. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
40. where the carer of a person over 18 years of age is a child under 18 years of age, assisting Health and Social Care staff to assess the carer’s needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
41. making direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under the Social Care (Self-directed Support) (Scotland) Act 2013;
42. making direct payments to 16- and 17-year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013;
43. burying or cremating any person who was in the care of, or receiving help from,

the Council, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;

44. deciding whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
45. providing and maintaining whatever residential and other establishments are needed for the Council’s functions under Part II of the Children (Scotland) Act 1995;
46. recovering from other local authorities any costs for services provided to people ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
47. authorising the following finance related issues in accordance with the Corporate Debt Policy and wider Council Policies:
 - (a) writing off debts on social grounds or in exceptional circumstances;
 - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to ~~£500~~£1500, subject to appropriate consultation with the convener or vice-convener;
 - (c) reimbursing staff for loss or damage (*ex gratia*) of up to ~~£500~~£1500;
 - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £150; and
 - (e) reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (*ex gratia*), where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the convener or vice-convener;
48. providing reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of

the Children (Scotland) Act 1995;

49. assessing and recovering contributions for “maintainable” children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968;

50. where there is an assessed need, paying allowances to people who have children and young people residing with them as in section 50 of the Children Act 1975;

51. providing an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007;

52. supervising and providing reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007;

53. taking necessary or facilitative steps to implement arrangements for the adoption of children;

54. providing adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007;

55. approving and paying adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007;

56. securing the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984);

57. preparing and publishing a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;

58. preparing and publishing a three-year plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995;

59. publishing information about services for children in need as in section 20 of the Children (Scotland) Act 1995;

60. safeguarding and promoting the welfare of children looked after by the Council and

giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995;

61. safeguarding and promoting the welfare of children in need giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995;
62. minimising the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013;
63. providing accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995;
64. providing accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
65. providing accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995;
66. providing day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995;
67. providing after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995;
68. providing financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995;
69. reviewing cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995;
70. removing children from residential establishments as in section 32 of the Children

(Scotland) Act 1995;

71. accepting responsibility for orders made in respect of children in other parts of the UK where the child is now ordinarily resident in Edinburgh as in section 33 of the Children (Scotland) Act 1995;
72. providing short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995;
73. making enquiries and providing information to the Principal Reporter to the Children’s Panel where children may need compulsory measures of care as in section 60 of the Children’s Hearings (Scotland) Act 2011;
74. where a child may be at risk of significant harm, investigating the matter and if need be applying for the following orders:
 - (a) Child Assessment Order (under section 35 of Children’s Hearings (Scotland) Act 2011);
 - (b) Child Protection Order (under sections 37 to 39 of Children’s Hearings (Scotland) Act 2011);
 - (c) Emergency Child Protection Order (under section 55 of Children’s Hearings (Scotland) Act 2011); and
 - (d) Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995);
75. providing reports on children and their social background for a Children’s Hearing as in section 66 of the Children’s Hearings (Scotland) Act 2011;
76. implementing supervision requirements made by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011;
77. in consultation with Chief Executive and with the Service Director: Legal and Assurance, receiving, responding to and representing the Council in respect of all referrals by the Children’s Reporter to the Sheriff Principal under the Children’s Hearings (Scotland) Act 2011;

78. arranging the emergency move of a child subject to a supervision requirement with condition of residence under the Children’s Hearings (Scotland) Act 2011;
79. recommending that a supervision requirement is reviewed by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011;
80. where assessed as necessary, applying to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007;
81. applying for variation or revocation of permanence order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007;
82. providing information to the Courts and arranging accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995;
83. making purchases, outside the central purchasing arrangements, for necessary food, clothing and other essential items for children in care of the Council and living within the Council’s residential establishments for young people;
84. discharging the Council’s duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations 2013;
85. undertaking all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
 - (a) applying for the making of an order or review of an order;
 - (b) supervising parents who are subject to an order and reporting breaches to the relevant court; and
 - (c) providing services and programmes of work or training for parents and generally giving effect to parenting orders.
- 93.

- 86. undertaking housing offender management (sex and serious violent offenders);
- 87. supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:
 - (i) reports for courts and hearings (excluding children);
 - (ii) probation orders;
 - (iii) community payback orders;
 - (iv) community service;
 - (v) supervised attendance orders;
 - (vi) drug treatment and testing orders;
 - (vii) orders under section 57 of the Criminal Procedure (Scotland) Act;
 - (viii) diversion from prosecutions;
 - (ix) parole, or other supervised conditional release from prison;
 - (x) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and
 - (xi) throughcare services for serving and released prisoners;
- 88. supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:
- 89. take steps to ensure the Council complies with its duties to co-operate with the Scottish Minister when carrying out its functions in accordance with sections 1 and 10 to 12 of the Management of Offenders etc. (Scotland) Act 2005.

Sport

- 90. devising and implementing [school](#) events and sports programmes;
- 91. allocating space within [school](#) sports facilities to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;

~~92. monitoring arms’ length organisations which operate Sport facilities or services, or both, on the Council’s behalf, including Edinburgh Leisure;~~

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Libraries

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~~93. providing and managing the Council’s library services;~~

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~~94. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);~~

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~~95. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);~~

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~~96. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991); and~~

~~97. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967).~~

APPENDIX 3

DELEGATION TO THE EXECUTIVE DIRECTOR OF CORPORATE SERVICES

These are the powers referred to in paragraph 7 of the Scheme:

Legal and Assurance

1. signing court documents;
2. signing missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders;
3. engaging private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate;
4. monitor the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the General Data Protection Regulation 2016/679;
5. monitor the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011;
6. approve expenditure on civic hospitality in accordance with Council Policy;

Human Resources

7. approving applications for early retirement/voluntary severance payments (including teaching staff)(excluding Executive Directors) subject to an annual report being submitted to the Finance and Resources Committee;
8. issuing certificates as required for employees to apply to the adjudicator for exemption from political restriction;
9. approving all new career development/salary progression schemes and changes to

existing schemes;

10. implementing nationally agreed pay awards;

11. approving and making payment of:

(a) all elements of pay, remuneration and expenses to all employees;

(b) pension entitlements to existing and former employees; and

(c) tax, national insurance and apprenticeship levy contributions to Her Majesty's Revenue and Customs;

Finance

12. determining all accounting and financial records and procedures of the Council.

Where such procedures and records are maintained in a directorate/division other than that of the Executive Director of Corporate Services, the Executive Director shall, before making any determination, consult with the Executive Director of the service area concerned;

13. performing any function on behalf of the Common Good Fund, charitable endowments and any other Council funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice where necessary and reports any actions to Committee;

14. opening, closing and operating bank accounts on behalf of the Council;

15. approving and making payments due to Her Majesty's Revenue and Customs, and Revenue Scotland;

16. reviewing and amending as appropriate the financial limits given in the Financial Regulations, Finance Rules and supporting policies every year, in line with the relevant inflation indexes;

17. the pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management

Appendix 4 – Delegation to the Chief Officer - Edinburgh Health and Social Care Partnership

activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance;

18. all borrowing and lending in accordance with the Treasury Management Policy Statement;
19. providing cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts;
20. assessing business cases for the taking out of new leases to ensure they are consistent with the securing of best value;
21. effecting insurance cover and negotiating with the Council's insurers for all claims in consultation with other officers where necessary;
22. reviewing annually all insurances in consultation with the other chief officers as appropriate and reporting annually to the convener or vice- convener;
23. approving the rate of interest the Council is required to charge to borrowers with variable interest rate loans;
24. being responsible for all purchasing arrangements as detailed in the Contract Standing Orders;
25. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with Council Policies;

Customer and Digital Services

26. collecting (and where necessary recovering) council tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992;
27. issuing demand notices for the collection of rates payable to the Council under section 237 of the Local Government (Scotland) Act 1947;

28. recovering rates under section 247(5) of the Local Government (Scotland) Act 1947, where necessary in consultation with the convener or vice-convener;
29. administering benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
30. administering council tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012;
31. paying all sums to all creditors subject to the certification and authorisation of the appropriate chief officers;
32. signing the certificates and petitions that the Sheriff Court requires for Summary Warrant applications to collect arrears of Community Charge Non-Domestic Rates, Council Tax and other income;
33. deciding to call-up loans where borrowers have fallen into arrears with their house purchase loans;
34. establishing procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such applications;

The Lothian Pension Fund Group

36. implementing strategies and policies agreed by the Pensions Committee including the investment strategy of the pensions funds and performing any function on behalf of the pensions funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice;
37. implementing pension regulations including the application of discretions as required in accordance with policies approved by the Pensions Committee from time to time;
38. appointing, monitoring and reviewing such specialist managers and advisers as are

Appendix 4 – Delegation to the Chief Officer - Edinburgh Health and Social Care Partnership

necessary to make sure that the pensions funds' assets are managed effectively;

39. determining all accounting, records and financial procedures of the pension funds;
40. writing off pension overpayments of up to £35,000 subject to compliance with the appropriate Council Policies;

APPENDIX 4

DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP

(or, where applicable, the Chief Social Work Officer)

These are the powers referred to in paragraph 8 of the Scheme:

All service users

1. Taking any necessary action on behalf of the Council to ensure that it discharges its duties under the National Assistance Acts, the Disabled Persons (Employment) Act 1958, the Social Work (Scotland) Act 1968, the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Criminal Procedure (Scotland) Act 1995, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Public Services Reform (Scotland) Act 2010, the Social Care (Self-directed Support) (Scotland) Act 2013 or generally any legislation concerning the Council's functions relating to the provision of social care and support services;
2. arranging for the protection of property of people who have gone into hospital or care as in section 48 of the National Assistance Act 1948;
3. maintaining a Complaints Procedure and service as in section 5B of the Social Work

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(Scotland) Act 1968;

4. making direct payments to individuals to help them purchase community care services as in sections 12B and 12C of the Social Work (Scotland) Act 1968;
5. providing home help and laundry facilities as in section 14 of the Social Work (Scotland) Act 1968;
6. burying or cremating any person who was in the care of, or receiving help from, the Council and so on, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
7. deciding whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
8. providing and maintaining whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of section 59 of the Social Work (Scotland) Act 1968;
9. recovering from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
10. recovering charges for services provided under the Social Work (Scotland) Act 1968 as in section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under sections 1 to 6 of Community Care and Health (Scotland) Act 2002;
11. providing welfare services for people (including, for example, assistance in arranging the carrying out of any works of adaptation in homes);
12. providing information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;

13. making arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958;
14. co-ordinating and overseeing applications for the registration of all services provided by the Council and all related matters as in sections 59, 62 to 75 and 83 to 89 of the Public Services Reform (Scotland) Act 2010
15. administering the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels;
16. authorising the following finance related issues in accordance with the Financial Regulations and Council Policies:
 - (a) authorise the write-off of debts or charges in the following circumstances:
 - i. incorrect assessment brought to light at later date;
 - ii. where the service user has died and there is no money in the estate;
 - iii. where the service user cannot be traced;
 - iv. in the case of a service dispute where a complaint has been upheld; and
 - v. for social reasons;
 - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £1500;
 - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £1500;
 - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £250;
and
 - (e) reimbursing neighbours and relatives of departmental carers for loss or

damage caused by service users (*ex gratia*) of up to £500, where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the relevant convener or vice-convener;

Community Care

17. taking any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:
 - (a) making inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (section 4);
 - (b) applying to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (sections 7 and 11);
 - (c) if recommended by the relevant medical officer, applying for an order to remove to suitable premises a person in need of care and attention (sections 14 to 18); and
 - (d) applying for a banning order (sections 19 to 34);
18. preparing and publishing a plan for providing community care services in Edinburgh as in section 5A of the Social Work (Scotland) Act 1968;
19. promoting social welfare including giving help "in kind or in cash" where the terms of section 12 of the Social Work (Scotland) Act 1968 are met;
20. safeguarding and promoting the welfare of children in need and giving help "in kind or in cash" as in section 22 of the Children (Scotland) Act 1995;
21. collaborating with individuals and carers to assess their needs and providing information in accordance with sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
22. deciding with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in

section 13A of the Social Work (Scotland) Act 1968;

23. approving rates for and contracts for delivery of residential and other services in circumstances where the politically approved pricing policy does not apply;
24. assessing needs of disabled or chronically sick people as in section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
25. assisting in persons in need disposal produce of their work as in section 13 of the Social Work (Scotland) Act 1968;
26. approving waivers or disregards in respect of determining a client's liability for contribution to social care and housing support services provided;
27. approving waivers and disregards in respect of determining a client's liability for contribution to care home (residential/nursing) costs;
28. approving the variation, suspension or termination of contracts with providers in line with the Council's Quality Assurance arrangements for health and social care services;
29. providing or securing the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
30. providing after-care services for people who are/have been, suffering from mental disorder as in section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
31. appointing Mental Health officers as in section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervising the discharge of their statutory responsibilities; and
32. discharging the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:

(a) the following duties within section 10:

- i. supervising guardians;
- ii. consulting the Public Guardian and Mental Welfare Commission on matters of common interests;
- iii. receiving and investigating complaints about welfare attorneys and matters of common interests;
- iv. receiving and investigating complaints about welfare attorneys and guardians; and
- v. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and

(b) the following duties within section 57:

- i. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard; and
- ii. providing court reports of private applications to be a guardian.

33. Awarding and refusing grants in line with the decision of the Edinburgh integration Joint Board.

APPENDIX 56

DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE

These are the functions referred to in paragraph 9 of the Scheme:

Notices and Orders

1. signing notices and orders about road traffic matters;

Roads

2. overseeing the general management and maintenance of roads (section 1(1) of Roads (Scotland) Act 1984);
3. adding roads to or taking them off the roads authority's list of public roads (section 1(4) of the Roads (Scotland) Act 1984);
4. advising frontagers of the Council's intention to add to or delete from the list of public roads (section 1(5) of the Roads (Scotland) Act 1984);
5. altering or improving existing or proposed roads that cross public roads (section 12 of the Roads (Scotland) Act 1984);
6. serving notice on frontagers of a private road to make up and maintain that road (section 13(1) of the Roads (Scotland) Act 1984);
7. contributing to, or carrying out work on private roads (section 14(1) of the Roads (Scotland) Act 1984);
8. carrying out emergency work on private roads (section 15 of the Roads (Scotland) Act 1984);
9. determining applications for private roads to become public roads when Road Construction Consents are sought (section 16 of the Roads (Scotland) Act 1984);
10. entering into agreements to take over footpaths in accordance with section 18 of the

Roads (Scotland) Act 1984;

11. constructing new roads other than special roads which are considered requisite (section 20(1) of the Roads (Scotland) Act 1984);
12. entering new roads constructed by the local roads authority into the list of public roads (section 20(2) of the Roads (Scotland) Act 1984);
13. granting all road construction applications (section 21 of the Roads (Scotland) Act 1984) except:
 - (a) where there are unresolved objections;
 - (b) when the application is recommended for refusal;
and
 - (c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended;
14. serving notices to conform to conditions imposed in a Road Construction Consent (section 21(5) of the Roads (Scotland) Act 1984);
15. stopping up or temporarily closing a new road where there is no construction consent, or it is not conformed with (section 23 of the Roads (Scotland) Act 1984);
16. raising, lowering or altering the level of a public road (section 24 of the Roads (Scotland) Act 1984);
17. providing footways for the safety or convenience of pedestrians (section 25 of the Roads (Scotland) Act 1984);
18. constructing, lighting and maintaining pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26 of the Roads (Scotland) Act 1984);
19. constructing and maintaining works in the carriageway of a public road (section 27 of the Roads (Scotland) Act 1984);

20. providing and maintaining raised paving, pillars, walls, rails, fences or barriers at certain places (section 28 of the Roads (Scotland) Act 1984);
21. putting up and maintaining fences or posts to prevent access or to set the boundary for a road or proposed road (section 29 of the Roads (Scotland) Act 1984);
22. carrying out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30 of the Roads (Scotland) Act 1984);
23. using the road authority's powers for draining roads (section 31 of the Roads (Scotland) Act 1984);
24. contributing to the costs of drainage work (e.g. for flood prevention) (section 32 of the Roads (Scotland) Act 1984);
25. providing and maintaining snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33 of the Roads (Scotland) Act 1984;
26. taking reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34 of the Roads (Scotland) Act 1984);
27. providing and maintaining lighting on roads or proposed roads (section 35 of the Roads (Scotland) Act 1984);
28. constructing road humps (section 36 of the Roads (Scotland) Act 1984);
29. consulting on providing road humps (section 37 of the Roads (Scotland) Act 1984);
30. constructing traffic calming works (section 39A of the Roads (Scotland) Act 1984);
31. providing, maintaining and removing cattle-grids (sections 41, 42 and 43 of the Roads (Scotland) Act 1984);

32. entering into agreements with other neighbouring authorities in respect of cattle grids (section 44 of the Roads (Scotland) Act 1984);
33. providing cattle grids to supersede gates (section 45 of the Roads (Scotland) Act 1984);
34. making agreements for cattle grids with landowners (section 46 of the Roads (Scotland) Act 1984);
35. contributing towards the cost of cattle grids (section 47 of the Roads (Scotland) Act 1984);
36. entering into agreements with any persons willing to contribute to the construction or improvement of a road (section 48 of the Roads (Scotland) Act 1984);
37. maintaining structures and equipment for the detection of traffic offences (section 49A of the Roads (Scotland) Act 1984);
38. planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50 of the Roads (Scotland) Act 1984);
39. allowing trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51 of the Roads (Scotland) Act 1984);
40. carrying out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52 of the Roads (Scotland) Act 1984);
41. making agreements to use land for landscaping to mitigate the effects of road construction (section 53 of the Roads (Scotland) Act 1984);
42. providing and maintaining rubbish bins or storage bins on roads (section 54 of the Roads (Scotland) Act 1984);
43. authorising in writing work in or excavation under a public road (section 56 of the Roads (Scotland) Act 1984);
44. taking action to eliminate danger caused by works in or under a road (section 57 of

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the Roads (Scotland) Act 1984);

45. granting [or refusing](#) permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58 of the Roads (Scotland) Act 1984);
46. ~~giving~~ [granting or refusing](#) written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59 of the Roads (Scotland) Act 1984);
47. enforcing rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise protect a building in accordance with section 60 of the Roads (Scotland) Act 1984;
48. allowing equipment to be placed under a road (section 61 of the Roads (Scotland) Act 1984);
49. temporarily prohibiting or restricting the use of roads which are dangerous (section 62 of the Roads (Scotland) Act 1984);
50. serving notice that a satisfactory vehicle crossing must be made (section 63 of the Roads (Scotland) Act 1984);
51. ~~giving~~ [granting or refusing](#) statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2) of the Roads (Scotland) Act 1984);
52. serving notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66 of the Roads (Scotland) Act 1984);
53. issuing notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67 of the Roads (Scotland) Act 1984);
54. starting the consultation process to stop up public and private access to land (sections 70 and 72 of the Roads (Scotland) Act 1984);

55. stopping up public and private access to land where no objections have been received following notice to the public (sections 70 and 72 of the Roads (Scotland) Act 1984);

(a) Stopping up or diversion of any road under section 207 of the Town and Country Planning (Scotland) Act 1997 which is not:

(i) A trunk road within the meaning of the Roads (Scotland) Act 1984,

or

(ii) A special road provided by the Scottish Ministers in pursuance of a scheme under that Act

where the Chief Planning Officer is satisfied that it is necessary to do so to enable the development to be carried out in accordance with planning permission granted or section 242A of the Town and Country Planning (Scotland) Act 1997, or by a government department provided there have been no objections received following notice to the public made under Section 209 and Schedule 16 of that Act.

(b) Stopping up or diversion of any footpath or bridleway under section 208 of the Town and Country Planning (Scotland) Act 1997 where the Chief Planning Officer is satisfied that it is necessary to do so to enable the development to be carried out in accordance with planning permission granted or section 242A of the Town and Country Planning (Scotland) Act 1997, or by a government department provided there have been no objections received following notice to the public made under Section 209 and Schedule 16 of that Act.

56. making land temporarily available for alternative routes during road improvement works (section 74 of the Roads (Scotland) Act 1984);

57. diverting waters (to construct, improve, protect roads) (section 78 of the Roads (Scotland) Act 1984);

58. entering into agreements to maintain or contribute to the cost of maintaining bridges (section 79 of the Roads (Scotland) Act 1984);

59. serving notices relating to the obstruction of views at corners, bends and junctions (section 83 of the Roads (Scotland) Act 1984);

60. giving or refusing written permission for skips to be left on a road (section 85 of the Roads (Scotland) Act 1984);

61. removing skips which are causing danger or obstruction (section 86 of the Roads (Scotland) Act 1984);

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62. requiring persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87 of the Roads (Scotland) Act 1984;
63. removing or altering projections of any buildings that interfere with safe or convenient passage along a road (section 88 of the Roads (Scotland) Act 1984);
64. intimating to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89 of the Roads (Scotland) Act 1984);
65. taking all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
66. recovering from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
67. agreeing to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90 of the Roads (Scotland) Act 1984);
68. serving notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91 of the Roads (Scotland) Act 1984;
69. giving [or refusing](#) consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92 of the Roads (Scotland) Act 1984);
70. taking steps to protect road users from dangerous things on land beside or near a road (section 93 of the Roads (Scotland) Act 1984);
71. serving notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93 of the Roads (Scotland) Act 1984);
72. filling in a pipe or ditch next to or near a public road which is a danger to road users

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(section 94 of the Roads (Scotland) Act 1984);

73. recovering the cost of clearing mud, clay and so on, on a road (section 95 of the Roads (Scotland) Act 1984);

74. recovering extraordinary costs for maintaining a road that has excessively heavy traffic (section 96 of the Roads (Scotland) Act 1984);

75. giving [or refusing](#) consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97 of the Roads (Scotland) Act 1984);

76. [acting-action](#) related to stray and other animals on roads (section 98 of the Roads (Scotland) Act 1984);

77. serving notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99 of the Roads (Scotland) Act 1984;

78. acquiring land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107 of the Roads (Scotland) Act 1984);

79. acquiring land to improve amenity of new or improved road for schemes approved by the Council (section 105 of the Roads (Scotland) Act 1984);

80. obtaining materials for road repairs (section 121 of the Roads (Scotland) Act 1984);

81. giving people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984);

82. recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);

83. carrying out work that someone has failed to do (section 141 of the Roads (Scotland) Act 1984);

84. carrying out the roads authority's enforcement functions under the Roads (Scotland) Act 1984;

Traffic

85. commencing and completing the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and doing all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:

- (a) sections 1, 2, and 4 (road traffic orders);
- (b) section 9 (experimental traffic orders);
- (c) section 19 (regulation of highways by public service vehicles);
- (d) sections 32, 35, 45, 46 and 49 (parking places);
- (e) section 37 (extension of powers for purposes of general scheme traffic control);
- (f) section 53 (designation orders);
- (g) sections 82 and 83 (restricted roads); and
- (h) section 84 (speed limit orders);

86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no more than 6 material objections received by the public. Where an order under the above-noted sections of the Road Traffic Regulation Act 1984 covers locations in different streets, or contains no other proposals located within 100 metres in the same street, the order can be made under delegated powers where there have been no more than six material objections per location.

- (a) If statutory objections are received then consideration of the Order should be by the relevant committee;

87. in relation to orders made under paragraph 85 of the Scheme, making decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect;

88. commencing and completing the statutory procedure;

ii) – set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:

(a) making and confirming orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and

(b) making and confirming orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984;

ii) required by sections 202, 207 or 208 of the Town and Country Planning (Scotland) Act 1997 to make or confirm orders managing the use of or the stopping up roads as necessitated by the Planning process if requested by the Chief Planning Officer

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89. making orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984);

90. making orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984);

91. recovering the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984) or sections 207 or 208 of the Town and Country Planning (Scotland) Act 1997;

92. recovering the costs promoting, making, confirming and, where required, implementing:

a) stopping-up orders made and/or confirmed under section 68(1) of the Roads (Scotland) Act 1984 of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984);

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b) stopping-up and other orders made and/or confirmed under sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997;

c) road traffic orders, experimental orders, public service vehicle orders, parking places, designation orders, restricted road and speed limit Orders

[promoted under the relevant parts of the Road Traffic Regulation Act 1984](#)

93. recovering the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984;
94. remitting proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;
95. modifying in order to make less onerous (where the modification will remove an objection), or suspending, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984);
96. temporarily restricting or banning the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984);
97. putting up, maintaining and altering pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984);
98. deciding for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984);
99. managing off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984);
100. providing access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984);
101. acquiring land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984);
102. buying or hiring parking meters (section 49 of the Road Traffic Regulation Act

1984);

103. providing stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984);
104. causing or allowing traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984);
105. consulting on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984);
106. serving notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984);
107. entering any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984);
108. putting up and maintaining signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984);
109. placing bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984);
110. placing bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984);
111. taking action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984);
112. carrying out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988);
113. consulting about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998);
114. effecting duties as to the general procedure to be followed before a temporary

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- order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992);
115. effecting duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008);
 116. effecting duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming) (Scotland) Regulations 1994);
 117. effecting duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming) (Scotland) Regulations 1994 as amended);
 118. carrying out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
 119. carrying out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991;
 120. commenting as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations ~~2008~~2013);
 121. agreeing to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982);
 122. advising other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984);
 123. providing and maintaining lighting on roads that are not maintained by the Council;
 124. deciding for tenders and contracts for supported bus services under the Transport Act 1985;
 125. arranging for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985;

126. erecting, moving and removing bus stops, shelters and information panels provided that no objections are made following notice to the public;
127. installing, moving and removing bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002;
128. carrying out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011;
129. assessing whether people are eligible for forms of concessionary travel;
130. issuing and refusing to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
131. asking the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985);
132. dealing with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985);
133. dealing with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985);
134. securing public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision;
135. approving or refusing applications for school crossing patrols in accordance with the Council Policies;

Housing and Regeneration

136. approving offers and authorising payments of grants to Registered Social Landlords;
137. authorising and carrying out repairs and maintenance to homes owned by the Council for the purposes of affordable rent (“Council Homes”) in accordance with the Council’s repairs policy;
137. operating the “Right to Repair” scheme for tenants of Council Homes;
139. consenting to repairs and improvements of Council Homes;
140. determining whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent;
141. maintaining a common housing register and allocating Council Homes in accordance with the Council’s lettings policy;
142. collecting rent, service charges and court costs where applicable from current and former tenants of Council Homes;
143. writing off the arrears balances of former tenants of Council Homes in accordance with Council Policies;
144. consulting with tenants of Council Homes on increases to rent and service charges;
145. carrying out regular maintenance of land held on the Housing Revenue Account;
146. instructing repairs to common areas in accordance with the Tenements (Scotland) Act 2004;
147. preparing and implementing a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001;
148. registering the Council as a property factor with the Scottish Government and

Appendix 5-6 – Delegation to the Executive Director of Place

taking steps to comply with the code of conduct's standards of practice, in accordance with the Property Factors (Scotland) Act 2011;

149. ~~preparing and maintaining~~ respond to applications and updating a the register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004;
150. carrying out functions under Part 9-8 of the Antisocial Behaviour etc. (Scotland) Act 2004;
151. entering relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person has made a valid houses of multiple occupancy application;
152. approving the entitlement to the relevant discounts of the fee to be entered on the register of private landlords;
153. carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988;
154. issuing, serving, suspending and revoking work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006;
155. carrying out work where the owner of a house fails to comply with a work notice or a demolition notice under section 35 of the Housing (Scotland) Act 2006;
156. carrying out work after notification by a private rented housing committee under section 36 of the Housing (Scotland) Act 2006;
157. carrying out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006;
158. carrying out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006;
- NEW determine whether it is appropriate to restrict the grant of a houses in multiple occupation license to one year rather than three;
159. carrying out the Council's functions in relation to rights of entry under Part 9 of the

Housing (Scotland) Act 2006;

160. exercising the Council's powers under Part 10 of the Housing (Scotland) Act 2006;
161. granting, varying, refusing, extending and revoking temporary exemption orders in terms of section 142 and 143 of the Housing (Scotland) Act 2006;
162. issuing rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004;
163. where appropriate, refunding fees that have been paid by applicants to be placed on the register of landlords;
164. processing applications for improvement grants and domestic sound- proofing grants including authority to make payments;
165. seeking the Scottish Minister's approval to raise the level of grant given grant to an owner-occupier for reasons of hardship;
166. Carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988.
167. carrying out assessments to determine homelessness or the threat of homelessness, and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness;
168. carrying out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation;
169. entering into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation;
170. carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies;
171. kennelling pets for households staying in homeless, temporary or emergency accommodation;

172. determining who receives housing support in line with Council Policies;
173. Provide advice, guidance and assistance on debt, welfare rights and income maximisation.
174. implementing and enforcing the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action;
175. determining eligibility of applicants and administering the sale of Council Homes under "Right to Buy" legislation;
176. purchasing and selling property on the Housing Revenue Account up to a value of £250,000, provided that such purchases are reported annually to the appropriate committee;

Property and Facilities Management

177. concluding leases, missives of let, licence agreements or extensions of leases and licence agreements or similar on behalf of the Council where:
 - (a) the length of the lease/missive/agreement/~~extension~~ is no more than ~~five-ten~~ years and the rent (exclusive of VAT) is no more than ~~£5075,000~~ a year; or
 - (b) the length of the ~~lease/licence~~ agreement is no more than ~~one-24~~ months;
 - (c) save where any lease offer ~~which includes an element of community benefit as set out in Council Policy is received~~ is at a rental level considered to be concessionary, when the decision shall be referred to Committee;
178. negotiating, processing and instructing the Service Director, Legal and Assurance to conclude all rent reviews;
179. taking any action to ensure all terms of a lease or licence agreement are enforced, including terminating any lease or agreement and taking whatever action is necessary to effect an eviction where the tenant or licensee has failed to comply with the terms and conditions of the lease or agreement;

180 granting on behalf of the Council 'wayleave' agreements, and concluding missives and leases for sites for sub-stations, gas governors and similar installations for any period whatsoever, ~~except for:~~

~~(a) wayleaves for gas mains of a diameter greater than 225 mm;~~

~~(b) grids, oil or chemical pipelines;~~

~~(c) overhead transmission lines with capacity greater than 33,000 volts which would only be granted with the Council's consent;~~

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181. granting and obtaining a Minute of Waiver for no more than £50,000;

182. buying and selling property or property rights up to £50,000 when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the acquisition/disposal;

183. permitting a tenant to assign their lease/agreement subject to the Council being in no worse a financial position;

184. buying land or property if it has been specifically budgeted for;

185. marketing surplus property for sale or lease and accepting the highest offer subject to being satisfied that this represents market value (if it is proposed that any offer other than the highest received be accepted, or when any offer includes an element of community benefit as set out in Council Policy then the matter must be considered and approved by the Finance and Resources Committee);

186. agreeing terms for the sale of small plots of land (including land held on the Housing Revenue Account) and instructing the Service Director, Legal and Assurance to conclude the sale, subject to being satisfied that this represents market value, and where:

(a) the land is existing open space, for example amenity land, landscaping or verges adjoining roads and footpaths;

(b) the land does not exceed 150 metres²; and

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- (c) the use of the land would be for garden ground or for any other ancillary residential use;

187. negotiating and instructing the Service Director, Legal and Assurance to conclude the sale of residential properties under “Right to Buy” legislation;

188. where property is held for commercial or economic development purposes doing the following:

- (ii) negotiating to dispose of land or property (including property held on the Housing Revenue Account) at values up to ~~£250~~£400,000;

- (ii) negotiating the grant of “minutes of waiver”;

- (ii) signing all offers on behalf of the Council to let or take on lease properties where:

- (i) the length of the lease is no more than ~~ten~~five years and the exclusive rent is no more than ~~£50~~£75,000 a year; or

- (ii) the length of the ~~lease licence agreement~~ is no more than ~~one~~24 months;

save where any lease offer ~~which includes an element of community benefit as set out in Council Policy is received~~ is at a level considered to be concessionary, when the decision shall be referred to Committee;

- (d) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties;

- (e) agreeing to proposed transfers of leases where the Council is landlord, and instructing the Service Director, Legal and Assurance to conclude these;

189. where property is held on behalf of the Common Good, doing the following:

- (a) negotiating the grant of “minutes of waiver” or wayleaves;
- (b) signing on behalf of the Council, as manager, to let properties
- (c) negotiating to renew or extend leases where it is uneconomic or unsuitable to

advertise these properties;

190. publishing notices of a proposed appropriation or disposal of land in accordance with sections 24(2A) and 27(2A) of the Town and Country (Scotland) Act 1959;
191. negotiating and settling all claims for compensation where property has been purchased by the Council under a compulsory purchase order or requires to be purchased for a scheme or project included within the Council's Capital Investment Programme or where there has been a loss in value of property relating to works carried out by the Council;
192. managing or instructing the lease of Council community centres, working with locally elected Management Committees;

Edinburgh Shared Repairs [and Mixed Tenure Improvement Service](#)

193. serving notices for repairs, enforcement, carrying out and recovery of costs and expenses in terms of Part 8 of the Civic Government (Scotland) Act 1982 and Part 4 of the Building (Scotland) Act 2003;
194. withdrawing, waiving and relaxing notices issued under Part 4 of the Building (Scotland) Act 2003;
[instructing building condition surveys and repairs to common areas and registering Notices of Potential Liability at Registers of Scotland, in accordance with the Tenements \(Scotland\) Act 2004](#)

[New Evacuation of Buildings Under Section 42 of the Building \(Scotland\) Act 2003.](#)

195. recovering reasonable costs incurred in respect of surveys undertaken under section 22 of the Local Government in Scotland Act 2003
196. responding in emergency situations and carrying out repairs immediately where damage to property or health or safety matters are issues and recovering the costs and expenses of doing so;
197. inspecting properties, serving (as proper officer) and enforcing notices and recovering costs under section 24 of the [City of Edinburgh District Council Order](#)

Confirmation Act 1991; and

198. executing any works necessary for securing, restoring or repairing privately owned properties, and recovery from the owners of the relevant properties of any expenses reasonably incurred by the Council in doing so, all in accordance with section 26 and 57 of the [City of Edinburgh District Council Order Confirmation Act 1991](#).
199. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
200. make missing share payments into owners' maintenance accounts for sums between £500 and £20,000 under section 50 (3) of the Housing Act 2006.
201. recover missing share payments from the owner of the house concerned under section 59 of the Housing Scotland Act 2006 and in line with the Council's Corporate Debt Policy.

Licensing

202. granting or refusing permits for public charitable collections in accordance with criteria approved by the Regulatory Committee;
203. granting, attaching conditions to, refusing and issuing applications for licences [including variation applications](#) etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix ~~40-9~~ (including taxi and private hire car licence applications where an adverse medical report has been received) subject to:
 - (I) ~~(1)~~ there being no objection ~~or unresolved representation~~ from a member of the public or the Chief Constable to the application;
 - (II) [In consultation with the convener of the Licensing Sub-Committee to determine whether any unresolved representation should be referred to a hearing of that sub-committee.](#)
204. subject to consultation with the Convener ~~or Vice-Convener~~ of the Licensing Sub-Committee, granting, attaching conditions to, refusing and issuing applications for any temporary licences etc. under the Civic Government (Scotland) Act 1982 and

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the legislation listed in Part of A of Appendix 10 where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Licensing Sub-Committee prior to the date the licence, if granted, is due to commence;

205. granting, renewing, varying and issuing any licence where Police Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that he/she agrees to the conditions;
206. renewing, varying and or issuing licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 if satisfied (after considering reports by appropriate officials) as to their non-contentious nature;
207. keeping a public register of applications, permissions and licences;
208. granting and issuing late hours catering licence renewals with hours in excess of zoning policy, where those hours had been enjoyed in the preceding year without complaint;
209. determining an application for an exemption from the requirement to have a late hours catering licence in respect of any particular occasion or during a specified period not exceeding two months in any period of 12 months, and, where appropriate, to attach to such exemption any of the standing conditions applying to late hours catering licences;
210. refunding the appropriate application fee (or part of the fee) for applications which have been withdrawn or refused and licences which have been granted, in accordance with Council Policy;
211. advertising any proposed taxi stance appointment, variation or revocation and:
- (a) determining the proposal where no public objections or representations are received; and
 - (b) determining the starting date of any change;
212. determining whether good cause has been shown to deem an application for

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renewal of a licence made up to 28 days after the expiry of the existing licence issued under the [Civic Government \(Scotland\) Act 1982](#) is to be treated as if the licence had been made prior to its expiry;

213. subject to consultation with the Convener ~~or Vice-Convener~~ of the Licensing Sub-Committee, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10, and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences etc. for a period of not more than 6 weeks or until the suspension is considered by the Licensing Sub-Committee, whichever is sooner;
214. suspending taxi and private hire driver licences on a temporary basis on medical grounds during the currency of a licence where the licence holder agrees;
215. exempting new taxi driver licence applicants from elements of the compulsory training course if they have alternative equivalent qualifications;
216. accepting new applications to drive taxis or private hire cars from previously licensed drivers up to six months after the expiry of their licence at the appropriate renewal fee;
217. exercising the Council's overriding discretion in respect of section 187(a)(l) of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers 2006) to consider any negative factor such as:
 - (a) whether the width deviated from the manufacturer's specification for standard vehicles of that type;
 - (b) whether factory options such as wide wheels and tyres had been added; and
 - (c) whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified;
218. approving the installation of WIFI, CCTV or another camera equipment in any relevant licensed vehicle;

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219. determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal (including licences for houses in multiple occupation);
220. accepting a re-application for a civic licence within 12 months of a refusal under existing delegated powers due to an error of material fact and transferring the original fee to the re-application (including licences for houses in multiple occupation);
221. issuing letters of confirmation in respect of notification of public processions received except for any notification attracting representations that cannot be resolved through negotiation;
222. determining requests for variation of fees for Houses in Multiple Occupation licences;
223. appointing members to vacancies arising in the membership of the Council's Licensing Forum;
224. appointing Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005 and Civic Licensing Standards officers in accordance with the Civic Government (Scotland) Act 1982;
225. determining and issuing wheelchair exemptions on a temporary basis in respect of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers;
226. determining whether to hold a hearing to consider the suspension of a licence in terms of the Civic Government (Scotland) Act 1982;
227. approve in terms of standard licence condition 26 for individual applications to install Admits and to vary the standard conditions of licence to disapply condition 299 insofar as it applies to Admits.
228. approve exemptions to the age and emissions policy in respect of vehicle owners who are retiring, subject to meeting the criteria agreed by the Regulatory Committee

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229. approve in terms of standard licence condition 26 for individual applications to install 'Brightmove taxi tops' and to vary the standard conditions of licence to disapply condition 299 insofar as it applies to 'Brightmove taxi tops'

Community safety, environmental and consumer protection and registration etc.

230. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10;
231. when appointed by the Scottish Ministers, acting on any Emergency Order made under Part I of the Food and Environment Protection Act 1985;
232. carrying out reviews of air quality in accordance with section 82 of the Environment Act 1995;
233. carrying out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995;
234. complying with any regulations made under section 87 of the Environment Act 1995;
235. enforcing pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995;
236. issuing suspension notices under section 14 of the Consumer Protection Act 1987 for goods which are suspected to be unsafe;
237. granting licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936;
238. making registrations under the Health and Safety and Work etc. Act 1974 and The Poisons Act 1972;
239. appointing and exercising the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974;
240. serving improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974;

- 241 dealing with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974;
242. providing information upon request under section 27 of the Health and Safety at Work etc. Act 1974;
243. issuing credentials to enforcement staff so that they can deal with enforcing and licensing as provided by the relevant legislation and European directives;
244. providing mobile toilet units, waste containers and assistance in kind to community organisations and charities for special events for which budget provision has been made, and charging for provisions of these services where appropriate;
245. performing the Council's public health duties under sections 11 to 21 of the [City of Edinburgh District Council Order Confirmation Act 1991](#), including registering premises for acupuncturists, ear piercers and electrolysis's;
246. enforcing the removal or discontinuation of advertisements under section 186 of the Town and Country Planning (Scotland) Act 1997;
247. removing or obliterating placards or posters in accordance with section 187 of the Town and Country Planning (Scotland) Act 1997;
248. appointing officer to carry out the functions of the Public Analyst and Food Examiner (Food Safety Act 1990) and Agricultural Analyst/Depute Agricultural Analyst (Agriculture Act 1970);
249. exercising the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling;
250. burying or cremating the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recovering from the estate of the deceased person the expenses incurred in doing so (~~section 50 of the National Assistance Act 1948~~[part 3 of the Burial and Cremation \(Scotland\) act 2016](#));

251. burying or cremating the body of any deceased person who immediately before his death was in the care of, receiving assistance from, or was a child being looked after by the Council, and recovering the expenses of doing so from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred (section ~~28 of the Social Work (Scotland) Act 1968~~ [87 of the Burial and Cremation \(Scotland\) Act 2016](#));
252. maintaining cemeteries in accordance with [section 87 Part 1 of the Burial and Cremation \(Scotland\) Act 2016](#) ~~section 10 of the Edinburgh District Council Order Confirmation Act 1991~~;
253. awarding community grants from dedicated budgets;
254. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
255. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
256. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
257. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967);
258. exercising the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office;
259. appointing an officer to carry out the function of dealing with stray dogs, and dealing with dogs under sections 149, 150 and 151 of the Environmental Protection

Act 1990;

260. exercising the Council's functions under the Public Health etc. (Scotland) Act 2008, including serving notices on owners or occupiers of infected premises, inspecting premises and recovering expenses, and providing mortuaries;
261. carrying out periodical inspections and exercising the Council's inspections functions under sections 9A to 12 of the Zoo Licensing Act 1981;
262. considering and deciding for the welfare of animals following the closure of a zoo under sections 16E and 16G of the Zoo Licensing Act 1981;
263. controlling noise from construction sites by investigating, and serving and publishing notices in accordance with section 60 of the Control of Pollution Act 1974;
264. considering applications for consents for works in accordance with section 61 of the Control of Pollution Act 1974;
265. investigating noise nuisance, serving warning notices and fixed penalty notices, and seizing and removing equipment in accordance with sections 41 to 54 of the Antisocial Behaviour etc (Scotland) Act 2004;
266. inspecting and investigating statutory nuisances in accordance with section 79 of the Environmental Protection Act 1990;
267. serving abatement notices and fixed penalty notices and initiating proceedings in relation to statutory nuisances in accordance with sections 80, 80ZA and 80A of the Environmental Protection Act 1990;
268. abating nuisances and recovering costs in relation to statutory nuisances in accordance with sections 81, 81A and 81B of the Environmental Protection Act 1990;
269. issuing fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990;

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270. complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990;

271. issuing notices and requiring the removal of waste unlawfully deposited in accordance with section 59 of the Environmental Protection Act 1990;

272. promoting the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990;

273. issuing fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990;

274. designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990;

275. serving litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990;

276. issuing street litter control notices in accordance with section 93 of the Environmental Protection Act 1990;

277. complying with regulations made by Scottish Ministers in relation to the display of advertisements in accordance with section 182 of the Town and Country Planning (Scotland) Act 1997;

278. removing abandoned vehicles in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978;

279. disposing of removed vehicles in accordance with section 4 of the Refuse Disposal (Amenity) Act 1978;

280. recovering expenses in connection with removed vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978;

281. dealing with graffiti in accordance with sections 58 to 65 of the Antisocial Behaviour (Scotland) Act 2004, including serving graffiti removal notices;

282. exercising the Council's functions and powers in relation to drains in accordance

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with sections 29 to 34 of the [City of Edinburgh District Council Order Confirmation Act 1991](#), including removing obstructions and serving notices;

283. serving notices in relation to environmental matters in accordance with section 160 of the Environmental Protection Act 1990;

284. discharging the Council's functions in relation to genetically modified organisms, including entering and inspecting premises, in accordance with sections 114 to 117 of the Environmental Protection Act 1990;

285. entering into agreements with Scottish Ministers to exercise the enforcement functions of the Scottish Ministers in relation to genetically modified organisms, in accordance with section 125 of the Environmental Protection Act 1990;

286. inspecting land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990;

287. serving notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990;

288. determining appropriate people to bear responsibility for remediation in accordance with section 78F of the Environmental Protection Act 1990;

289. consulting in relation to remediation notices in accordance with sections 78G and 78H of the Environmental Protection Act 1990;

290. serving remediation notices in relation to the pollution of controlled waters in accordance with section 78J of the Environmental Protection Act 1990;

291. serving remediation notices in relation to contaminating substances which escape to other land in accordance with section 78K of the Environmental Protection Act 1990;

292. carrying out remediation to the relevant land or water environment in accordance with section 78N of the Environmental Protection Act 1990;

293. recovering costs incurred in relation to remediation in accordance with section 78P of the Environmental Protection Act 1990;

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294. exercising the Council's functions where remediation notices have been served and the land becomes special land, in accordance with section 78Q of the Environmental Protection Act 1990;
295. maintaining a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990;
296. providing SEPA with information when requested in accordance with section 78U of the Environmental Protection Act 1990;
297. having regard to guidance issued by SEPA in accordance with section 78V of the Environmental Protection Act 1990;
298. exercising the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990;
299. carrying out the Council's enforcement functions under sections 68, 71, 74 and 78 of the Antisocial Behaviour etc. (Scotland) Act 2004
300. carrying out the Council's enforcement functions in relation to fireworks in accordance with sections 2, 3 and 12 of the Fireworks Act 2003;
301. entering and inspecting premises, issuing fixed penalties and commencing legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005;
302. enforcing the safety provisions of the Motorcycle Noise Act 1987;
303. enforcing the provisions of the Tobacco Advertising and Promotion Act 2002 in accordance with sections 13 and 14 of that acts;
304. enforcing the duty to provide information on sale of houses, in accordance with sections 109 to 112 of the Housing (Scotland) Act 2006;
305. exercising the Council's enforcement functions in accordance with sections 25 and 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
306. applying for tobacco retailing banning orders and ancillary orders in accordance

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with sections 15 to 19 of the Tobacco and Primary Medical Services (Scotland) Act 2010;

307. issuing fixed penalty notices in accordance with section 27 of the Tobacco and Primary Medical Services (Scotland) Act 2010;

308. exercising the Council's powers of entry in accordance with sections 28 to 31 of the Tobacco and Primary Medical Services (Scotland) Act 2010;

309. exercising the Council's enforcement powers in relation to copyright infringement in accordance with sections 107A and 198A of the Copyright, Designs and Patents Act 1988;

310. exercising the Council's enforcement functions and powers under the Enterprise Act 2002;

311. dealing with the clean-up of spills in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;

312. requiring the owner of a public building to execute works necessary to minimise the risk to the public in the event of danger in accordance with section 23 of the City of Edinburgh District Council Order Confirmation Act 1991;

313. requiring owners to carry out, or carrying out works to secure, restore or repair structures, fixtures, walls or fences that has become insecure, worn out, damaged or in need of repair, and recovering the costs of doing so, all in accordance with section 24 of the [City of Edinburgh](#) District Council Order Confirmation Act 1991;

314. giving notice to person requiring them to take steps to reduce the emission of dust in accordance with section 25 of the City of Edinburgh District Council Order Confirmation Act 1991;

315. serving notices in accordance with section 26 and in relation to sections 23 to 25 of the City of Edinburgh District Council Order Confirmation Act 1991;

316. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;

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317. entering premises to perform the Council's functions under the City of Edinburgh District Council Order Confirmation Act 1991 in accordance with section 53 of that act;

318. executing works and recovering the costs of doing so where an owner or occupier fails to do so after being served notice to do so in accordance with section 57 of the City of Edinburgh District Council Order Confirmation Act 1991;

319. enforcing powers (and any amendments) given to the Council for Coronavirus public health restrictions ~~and other similar public health regulations~~

~~320 determine applications for licences under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021;~~

Parks and Greenspace

320. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:

- (a) the Convener ~~or vice-Convener~~ of the Culture and Communities Committee;
- (b) the Festival and Events Champion;
- (c) local ward Councillors;
- (d) as appropriate, other Council service areas; and/or
- (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;

321. issuing felling orders for trees affected by Dutch Elm Disease (sections 3(1) (2) and (4) and 5(1) of the Plant Health Act 1967 and section 20 of the Agricultural (Miscellaneous Provisions) Act 1972 (B) and Dutch Elm Disease (Amendment) (Local Authorities) Order 1975);

322. creating, maintaining, enhancing and removing physical and natural assets within

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the Council's parks and greenspaces;

323. creating, maintaining, enhancing and removing trees and other landscape features managed by the Council;

324. implementing the provisions of the Council's Park Management Rules;

325. implementing the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations;

326. implementing the provisions of wildlife, nature, access and parks legislation, including:

(a) Countryside (Scotland) Act 1967;

(b) Wildlife and Countryside (Scotland) Act 1981;

(c) National Parks and Access to the Countryside Act 1949;

(d) Nature Conservation (Scotland) Act 2004;

(e) Wildlife and Natural Environment (Scotland) Act 2011; and

(f) Land Reform (Scotland) Act 2003;

327. drafting, managing and implementing Council approved policy and strategy that relates to parks and greenspace responsibilities;

328. managing the Council's Green Flag Award and other quality management programmes;

329. managing events and activities taking place within parks and greenspaces;

Waste Services

330. preparing specifications and award contracts for repairing and maintaining the Council's vehicles and plant fleet, and for buying replacements, all in accordance with the Contracts Standing Orders as amended from time to time;

331. discharging duties relating to the conduct of the Council's significant trading operations in accordance with section 10 of the Local Government in Scotland Act 2003;
332. specifying the level of services and other relevant details for providing waste management, street cleansing and refuse collection services;
333. negotiating variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council;
334. setting the prices of trade waste services provided by the Council;
335. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management;
336. carrying out the Council's waste management functions in accordance with its approved integrated waste management plan, and providing the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990);
337. collecting household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990;
338. arranging for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990;
339. serving notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990;
340. supplying receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990;

341. arranging for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990;
342. ensuring that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990;
343. enabling waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using, selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990;
344. carrying out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990;
345. consenting to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990;
346. carrying out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990;
347. minimising the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990;
348. exercising the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990;
349. participating in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990;

350. carrying out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990;
351. participating in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990;
352. giving notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act;

Building Standards

353. submitting comments on relaxation applications determined by the Scottish Ministers;
354. signing certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003;
355. undertaking building standards assessments under section 6 of the Building (Scotland) Act 2003;
356. deciding on completion certificate submissions under section 18 of the Building (Scotland) Act 2003;
357. deciding on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted;
358. deciding on the imposition of a continuing requirement in terms of section 22 of the Building (Scotland) Act 2003;
359. deciding on the discharge or variation of a continuing requirement in terms of section 23 of the Building (Scotland) Act 2003;
360. maintaining and administering a building standard register in terms of section 24 of the Building (Scotland) Act 2003;

361. serving enforcement notices in terms of sections 25, 26, 27, 28, 29, 30 and 42 of the Building (Scotland) Act 2003 and carrying out all consequential enforcement procedures;
362. signing certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003;
363. processing section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005;
364. granting or refusing applications for building warrants, amendments to warrants and extensions to the periods of validity of building warrants;

Floods, Reservoirs and Coasts

365. preparing, reviewing, updating and making available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009);
366. assessing relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk Management (Scotland) Act 2009);
367. preparing maps and responding to the Scottish Environmental Protection Agency (“SEPA”) in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009;
368. responding to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009;
369. responding to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009;

Appendix 5-6 – Delegation to the Executive Director of Place

370. preparing local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009;
371. publishing a “draft supplementary part” of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council or Committee;
372. responding to consultation by a lead local authority on the “draft supplementary part” of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009;
373. publishing the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management (Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee;
374. responding to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009;
375. reviewing the local flood risk management plan and, subject to Council or Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009;
376. publishing final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval;
377. taking steps to co-operate with other local authorities where a local plan district covers more than one local authority’s area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009;
378. taking steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009;

379. providing SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009;
380. taking steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009;
381. sitting on the flood risk advisory group (section 49) and sub-district flood risk advisory group (section 50) on behalf of the Council in accordance with the Flood Risk Management (Scotland) Act 2009;
382. taking steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009;
383. carrying out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009;
384. responding to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management 7(Scotland) Act 2009;
385. giving notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009;
386. confirming or rejecting proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009;

387. keeping registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009;
388. recovering expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009;
389. responding to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009;
390. entering land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009;
391. serving notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009;
392. paying compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009;
393. assisting SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009;
394. reporting incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009;
395. discharging the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
396. offering relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
397. requesting the Scottish Ministers to direct planning permission for any

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development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;

398. serving notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009;
399. in relation to the Braid Burn flood prevention scheme and the Water of Leith prevention scheme (which were confirmed under the Flood Prevention (Scotland) Act 1961) carrying out the powers and duties of the Council, including paying compensation under section 11 of the Flood Prevention (Scotland) Act 1961;
400. exercising the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975;
401. exercising the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011; and
402. carrying out the duties and powers of the coast protection authority in accordance with the Coast Protection Act 1949.

City Strategy and Economy Business Growth and Inclusion

403. developing and advising on policies, strategies, programmes and projects for approval by Council or Committee in relation to economic development, ~~external relations and inward investment~~, including working in partnership with external organisations (both public and private) that deliver economic development activities (including making financial contributions to these activities where appropriate by way of a loan or grant in accordance with criteria approved by Committee);
404. ~~performing the Council's functions in respect of the East of Scotland Investment Fund, including authorising loans subject to annual reporting to the Economy Committee;~~

- 405. ~~allocating space within property managed by Economic Development to relevant partners and agreeing the terms of such arrangements;~~
- 406. ~~making changes to the opening hours of buildings managed by Economic Development as required for operational or budgetary reasons;~~
- 407. ~~altering or waiving (in whole or in part) charges of hire of property managed by Economic Development where there are sound financial, operational or other justifiable reasons for doing so, subject to annual reporting to the Economy Committee;~~
monitoring the Council's arms' length organisations relating to the city's economic development (e.g. Capital City Partnership, EDI).

Culture

- 408. devising and implementing cultural, heritage and events programmes;
- 409. organising museum and gallery exhibitions;
- 410. altering or waiving (in whole or in part) charges for hire of properties managed by the Service Director: ~~–~~ Culture and Wellbeing where there are sound financial, operational or other justifiable reasons for doing so;
- 411. agreeing in principle and instructing the Executive Director of Place to conclude temporary leases of property managed by the Service Director, Culture and Wellbeing;
- 412. allocating space within property managed by the Service Director: ~~–~~ Culture and Wellbeing to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
- 413. making such changes to the opening hours of buildings operated by the Service Director, Culture and Wellbeing as are required for operational and budgetary reasons;
- 414. monitoring arms' length organisations which operate Culture facilities or services, or

Appendix 5-6 – Delegation to the Executive Director of Place

both, on the Council's behalf, including the Festival City Theatres Trust;

415. accepting and rejecting gifts or bequests to the Council's museums and galleries;
416. lending any object in the Council's museum and gallery collections to any gallery, museum or exhibition in accordance with section 7 of the [City of Edinburgh District Council Order Confirmation Act 1991](#);
417. making recommendations and acting on the purchase of museum and gallery objects in accordance with Council Policy;
418. commenting on the impact of planning applications on Edinburgh's archaeology and historic environment in accordance with the Scottish Planning Policy (SPP) or National Planning Framework and accompanying Planning Advice Note (PAN2/2011), and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations ~~2008~~2013;
419. establishing Friends and other groups to support the work of the service area;
420. contributing up to £10,000 from the Jean F Watson Bequest trust funds to secure the purchase of any single work of art in accordance with the purposes of the trust, in consultation with the Convener of the Committee on the Jean F Watson Bequest;
421. buying individual items valued up to £1,000 for the Museum of Childhood collection using the Catherine E Cowper Trust's funds;

Public Safety

422. administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988; and
423. administering and issuing permits and carrying out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.

Sport

monitoring arms' length organisations which operate Sport facilities or services, or both, on the Council's behalf, including Edinburgh Leisure;

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Libraries

providing and managing the Council's library services.

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APPENDIX 6

CHIEF PLANNING OFFICER

These are the functions referred to in paragraph 10 of the Scheme:

Planning policy

1. responding directly to consultations on development plans, planning applications, environmental assessments and planning guidance from neighbouring authorities at any stage in the process unless the **Chief** Planning Officer considers that:
 - (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be draw to the attention of the consulting authority;
 - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
 - (c) the Council should formally object to a proposed development plan;
2. responding directly to planning related consultations from the Scottish Government and Government Agencies unless the Chief Planning Officer considers that:
 - (a) the consultation raises a significant planning issue for the Council Which should be drawn to the attention of the Scottish Government/Government Agency; or
 - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;
3. determining whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;

Local Development Plan Preparation

- 4 considering the Local Development Plan Report of Examination, save where:
 - (a) grounds set out in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 are engaged.
- 5 Publishing the Local Development Plan as modified after examination

Planning applications etc.

6. determining applications (including retrospective applications) for planning permission, planning permission in principle, approval of matters specified in conditions, listed building consent, conservation area consent and consent to display an advertisement, provided that:
 - (a) the decision is in accordance with the statutory development plan (Strategic Development Plan and Local Development Plan);
 - (b) conditions added by the Development Management Sub-Committee are not removed or amended;
 - (c) where approval is recommended, not more than six-20 material objections have been received from third parties , no elected member has requested referral of the application to the Development Management Sub-Committee under sub-paragraph (i) and the Chief Planning Officer does not consider the application to be controversial or of significant public interest or as having a significant impact on the environment under sub-paragraph (n) except where the application is for listed building consent conterminous with an associated householder development;
 - ~~(d) where approval is recommended and the application is for listed building consent conterminous with an associated householder development, not more than 20 material objections or a petition have been received from third parties;~~
 - (ed) where refusal is recommended, not more than 20 material representations in support of the proposals have been received from third parties , no elected member has requested referral of the application to the Development Management Sub-Committee under sub-paragraph (i) and the Chief Planning Officer does not consider the application to be controversial or of significant public interest or as

having a significant impact on the environment under sub-paragraph (n);

~~(fe)~~ where a petition has been submitted properly headed with material planning considerations, it has not more than 20 signatures of objection in relation to recommendations for approval and not more than 20 signatures of support in relation to recommendations for refusal, no elected member has requested referral of the application to the Development Management Sub-Committee under sub-paragraph (i) and the Chief Planning Officer does not consider the application to be controversial or of significant public interest or as having a significant impact on the environment under sub-paragraph (n); other than those cases relating to paragraph 6(d);

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~~(ef)~~ Objections from statutory consultees, where requested to be statutory consultees, including community councils, are resolved in relation to applications recommended for approval and there are no outstanding support comments from community councils in relation to applications recommended for refusal.

~~(fg)~~ the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;

~~(fh)~~ there is no legal agreement required in connection with the application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000, or where by virtue of any policy or non-statutory guidance on developer contributions there is a requirement to be met and, for whatever reason, that requirement is not being fully met;

(i) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;

~~(kj)~~ the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);

~~(k)~~ the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;

~~(l)~~ the application is not submitted by, or on behalf of, an officer involved in the

statutory planning process, or by their partner, close friend or relative;

(em) the application is not for Hazardous Substance Consent;

(en) the Chief Planning Officer does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and

(eo) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;

7. determining applications for certificates of lawful use or lawful development under sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997 and applications for certificates of appropriate alternative development under Section 26 of the Land Compensation (Scotland) Act 1963 and the Land Compensation (Scotland) Development Order 1975, provided that:

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~~(a) the application does not raise a significant planning matter, leading to advice to refuse or to object;~~

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~~(b) the Chief Planning Officer does not consider the application to be potentially controversial, or likely to be of significant public interest, or as having a significant impact on the environment;~~

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~~(c) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2000;~~

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~~(d) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;~~

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~~(e) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);~~

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~~(f) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;~~

~~(g) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative; and~~

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~~(h) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;~~

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~~NEW authorise the stopping up or diversion of any road under section 207 of the Town and Country Planning (Scotland) Act 1997 which is not –~~

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~~(a) A trunk road within the meaning of the Roads (Scotland) Act 1984, or
(b) A special road provided by the Scottish Ministers in pursuance of a scheme under that Act,
where they are satisfied that it is necessary to do so to enable the development to be carried out in accordance with planning permission granted under Part III or section 242A, or by a government department.~~

~~NEW authorise the stopping up or diversion of any footpath or bridleway under section 208 of the Town and Country Planning (Scotland) Act 1997 where they are satisfied that it is necessary to do so to enable the development to be carried out in accordance with planning permission granted under Part III or section 242A, or by a government department.~~

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8. determining whether an application for planning permission will need to be accompanied by an Environmental Impact Assessment Report and responding to requests for any associated scoping opinion;

9. issuing an opinion in respect of a Pre-Application Screening request;

10. deciding whether the method of consultation is acceptable, or more is needed in respect of a Proposal of Application Notice;

11. deciding whether or not to decline to determine a repeat application for planning permission in any of the circumstances ~~whereby the planning authority may decline to determine an application for planning permission as~~ set out in Section 39 of the Town and Country Planning (Scotland) Act 1997;

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12. signing a processing agreement in respect of a major application as defined in the hierarchy of development;

13. ~~promoting a direction~~Imposing a condition altering the duration of a planning consent;

14. determining whether a change to a granted planning application is material or not or whether changes are substantial;
 15. deciding whether or not full details of a proposed agricultural building require to be submitted;
 16. deciding whether or not full details of a proposed forestry building require to be submitted;
 17. deciding whether or not full details of proposed buildings by gas and electricity undertakings, solely for the protection of plant and machinery, are required;
 18. deciding whether or not, in the case of proposed demolition of residential property, to require a formal submission;
 19. deciding whether or not, in the case of proposed toll facilities on toll roads, to require a detailed submission;
 20. determining painting and sundry minor works requiring permission by reason of an Article 4 Direction;
 21. determining that alterations to a listed building do not require Listed Building Consent
 22. determining whether works or a change of use constitute permitted development or permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or whether prior approval of matters is required as necessary and determining any prior approval applications where required;
 23. determining the display of advertisements; _____
- ~~New: deciding whether or not, in the case of telecommunications masts and equipment, to require the prior approval for the siting and design of such equipment and determining such _____ applications _____ where _____ sought.~~
- ~~New: in the case of development under local or private acts or order, including Tram, to determine any prior approval application for the siting and design of any building.~~

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Enforcement action

24. acting as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate officers to prepare, sign and serve such notices on his behalf;
25. initiating, progressing, serving notices and concluding enforcement action, interdict action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:
 - (a) Planning Contravention Notices;
 - (b) Enforcement Notices, including those relating to listed building and advertisements;
 - (c) advertisement discontinuation procedures;
 - (d) reporting to the procurator fiscal;
 - (e) Breach of Condition Notices;
 - (f) Amenity Notices;
 - (g) Stop Notices;
 - (h) Temporary Stop Notices;
 - (i) Fixed Penalty Notices;
 - (j) Hazardous Substances Contravention Notices;
 - (k) Tree Replacement Notices;
 - (l) prosecution in respect of the above as necessary and the giving of evidence in

court; and

(m) powers of entry;

[\(n\) Notice requiring application for planning permission for development already carried out.](#)

26. carrying out the following functions provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration:

(a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);

(b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);

(c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);

(d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);

(e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning (Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);

(f) serving section 270 Notices and Planning Contravention Notices;

(g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;

(h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;

Appendix 6 – Delegation to the Chief Planning Officer

- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission;

Landscape

- 27. making Tree Preservation Orders (with the Planning Committee approving the final order taking into account objections or representations received);
- 28. authorising or refusing the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees protected by Tree Preservation Orders (including the imposition of conditions as appropriate);
- 29. determining notifications for the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees in conservation areas;
- 30. serving, progressing, and concluding actions in respect of tree replacement notices, including any necessary follow up direct action;
- 31. investigating unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate;
- 32. considering and determining all applications in respect of high hedge notices, taking any subsequent enforcement or other action and exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration;

Appeals

33. determining what response should be made to the Directorate of Planning and Environmental Appeals in the case of appeals submitted in respect of the non-determination of an application and/or where the application could otherwise have been dealt with under delegated powers;

Legal Agreements

34. entering into a legal agreement with a developer, provided that:
- (a) the agreement complies with the terms of government guidance, relevant development plan policies and supplementary guidance on developer contributions; and
 - (b) does not involve a financial sum or other contributions of a value exceeding £250,000;
35. entering into a discharge of a legal agreement granting partial or full discharge of the relevant party's obligations on the due performance by that party of such obligations;
36. modifying a legal agreement with the relevant party provided that:
- (a) the terms of the modifications comply with the terms of government guidance, relevant development plan policies and supplemental guidance on developer contributions; and
 - (b) it does not involve reducing the financial sum or other contributions in the legal agreement;
37. extending the six-month period for concluding a legal agreement to nine —months, provided meaningful progress is being achieved

Miscellaneous

38. authorising Powers of Entry to land for any purpose (especially surveying) relating to the preparation of a development plan and general planning controls (sections 269 & 270 of the Town and Country Planning (Scotland) Act 1997);

39. allocating new street numbers and, in consultation with the appropriate local ward councillors, changing street numbers and naming new streets;

40. requiring proper maintenance of land affecting listed buildings or conservation areas and to undertake necessary work and recover costs in cases of non-compliance (sections 135 and 179 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);

~~NEW: Initiating the stopping up of roads, footpaths and bridleways under section 207 and 208 of the Town and Country Planning (Scotland) Act 1997 provided that the stopping up is necessary in order to enable the development to be carried out in accordance with the grant of planning permission.~~

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Flooding

41. requesting advice from SEPA as to flood risk under section 72 of the Flood Risk Management (Scotland) Act 2009.

APPENDIX 7

STATUTORY FUNCTIONS AND STATUTORY OFFICERS

<u>Statutory Function</u>	<u>Legislation</u>	<u>Officer</u>
Agricultural Analyst/Depute Agricultural Analyst	Section 67(3) of the Agriculture Act 1970	Scientific Bereavement and Registration Service Senior Manager and Operation Manager— Public Analyst Nominated by the Executive Director
Assessor	Section 27 of the Local Government etc. (Scotland) Act 1994	Assessor of the Lothian Valuation Joint Board
Chief Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Head of Regulatory Services Licensing and Trading Standards— Service Manager
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures
Chief Social Work Officer	Social Work (Scotland) Act 1968	Chief Social Work Officer
Chief Education Officer	Education (Scotland) Act 2016	Chief Education Officer
Clerk of the Licensing Board	Licensing (Scotland) Act 2005	Service Director: Legal and Assurance
Counting Officer	Parties, Elections and Referendums Act 2000	Chief Executive
Data Protection Officer	37-39 of General Data Protection Regulations	Information Governance Manager
Dog Catcher	section 149 of the Environmental Protection Act 1990	Dog Warden

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Appendix 7 – Statutory Functions and Statutory Officers

Food Examiner	Section 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager Public Analyst Nominated
Head of Paid Service	Section 4(1) of the Local Government and Housing Act 1989	Chief Executive
Mental Health Officers	Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003	Certain social workers as appointed by the Chief Social Work Officer.
Monitoring Officer	Section 5(1) of the Local Government and Housing Act 1989	Service Director: Legal and Assurance
Public Analyst	Sections 27 and 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager Public Analyst Nominated
Registrar of Births, Deaths and Marriages	Section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	Chief Registrar/ Registration Services Manager
Returning Officer	Sections 25 and 41 of the Representation of the People Act 1983	Chief Executive

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APPENDIX 8
PROPER OFFICER FUNCTIONS

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Declaration of acceptance of office	section 33A of the Local Government (Scotland) Act 1973	Service Director: Legal and Assurance
Resignation of office by a member	section 34 of the Local Government (Scotland) Act 1973	Chief Executive
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Service Director: Legal and Assurance
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	All Executive Directors, Chief Executive
Members' rights of access to documents which enclose "exempt information"	section 50F (2) of the Local Government (Scotland) Act 1973	Chief Executive
Transfer of securities on alteration of area etc.	section 92 of the Local Government (Scotland) Act 1973	Executive Director of Corporate Services
Financial Administration	section 95 of the Local Government (Scotland) Act 1973	Service Director: Finance and Procurement
Education endowments	section 128 of the Local Government (Scotland) Act 1973	Service Director: Legal and Assurance
Ordnance Survey	section 145 of the Local Government (Scotland) Act 1973	Executive Director of Corporate Services

Appendix 8 – Proper Officer Functions

Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Service Director: Legal and Assurance
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Executive Director of Corporate Services
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 2005	Executive Director of Corporate Services and Service Director: Legal and Assurance
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Executive Director of Corporate Services and Service Director: Legal and Assurance
Procedure for byelaws	sections 202 and 204 of the Local Government (Scotland) Act 1973	Executive Director of Corporate Services and Service Director, Legal and Assurance
Roll of honorary freemen	section 206 of the Local Government (Scotland) Act 1973	Service Director, Legal and Assurance
Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Service Director, Legal and Assurance
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Executive Director of Corporate Services
Maintaining the register of members' interests	Regulation 6 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Service Director, Legal and Assurance

APPENDIX 9
LIST OF LEGISLATION

Part A

1. Animal Boarding Establishments Act 1963;
2. Animal Health and Welfare (Scotland) Act 2006;
- ~~3. Breeding of Dogs Act 1973;~~
4. Cinemas Act 1985;
5. City of Edinburgh District Council Order Confirmation Act 1991;
6. Civic Government (Scotland) Act 1982;
7. Dangerous Wild Animals Act 1976;
8. Deer (Scotland) Act 1996;
9. Housing (Scotland) Act 2006;
10. Hypnotism Act 1952;
11. Performing Animals (Regulation) Act 1925;
12. Pet Animals Act 1951;
13. Petroleum (Transfer of Licences) Act 1936;
14. Riding Establishments Acts 1964 and 1970;

~~15. Theatres Act 1968; and~~

16. Zoo Licensing Act 1981.

17. Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

Part B

1. Accommodation Agencies Act 1953;
- ~~2. Agriculture Produce (Grading and Marking) Acts 1928 and 1931;~~
3. Agriculture Act 1970;
4. Agriculture (Miscellaneous Provisions) Act 1968;
5. Animal Boarding Establishments Act 1963;

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6. Animal Health Act 1981;
7. Animal Health and Welfare (Scotland) Act 2006;
8. Breeding and Sale of Dogs (Welfare) Act 1999;
9. Breeding of Dogs Act 1973 and 1991;
- ~~10. Burial Grounds (Scotland) Act 1855;~~
11. Children and Young Persons (Protection from Tobacco) Act 1991;
12. Church of Scotland (Property and Endowment) Act 1925;
13. Cinemas Act 1985;
14. Civic Government (Scotland) Act 1982;
15. Civil Partnership Act 2004;
16. Clean Air Act 1993;
17. Control of Dogs (Scotland) Act 2010;

~~18. Consumer Credit Act 1974;~~

19. Consumer Protection Act 1987;

~~20. Cremation Acts 1902 and 1952;~~

21. Cremation (Scotland) Amendment Regulations 2003;
22. Dangerous Wild Animals Act 1976;
23. Development of Tourism Act 1969 (sections 17 and 18);
24. Dog Fouling (Scotland) Act 2003;
25. Education Reform Act 1988 (section 215);
26. Energy Conservation Act 1981 (section 20);
27. Environment and Safety Information Act 1988;
28. Estate Agents Act 1979;
29. European Communities Act 1972 (section 2(2));
30. Explosives Act 1875 (sections 74 and 78);
31. Fair Trading Act 1973;

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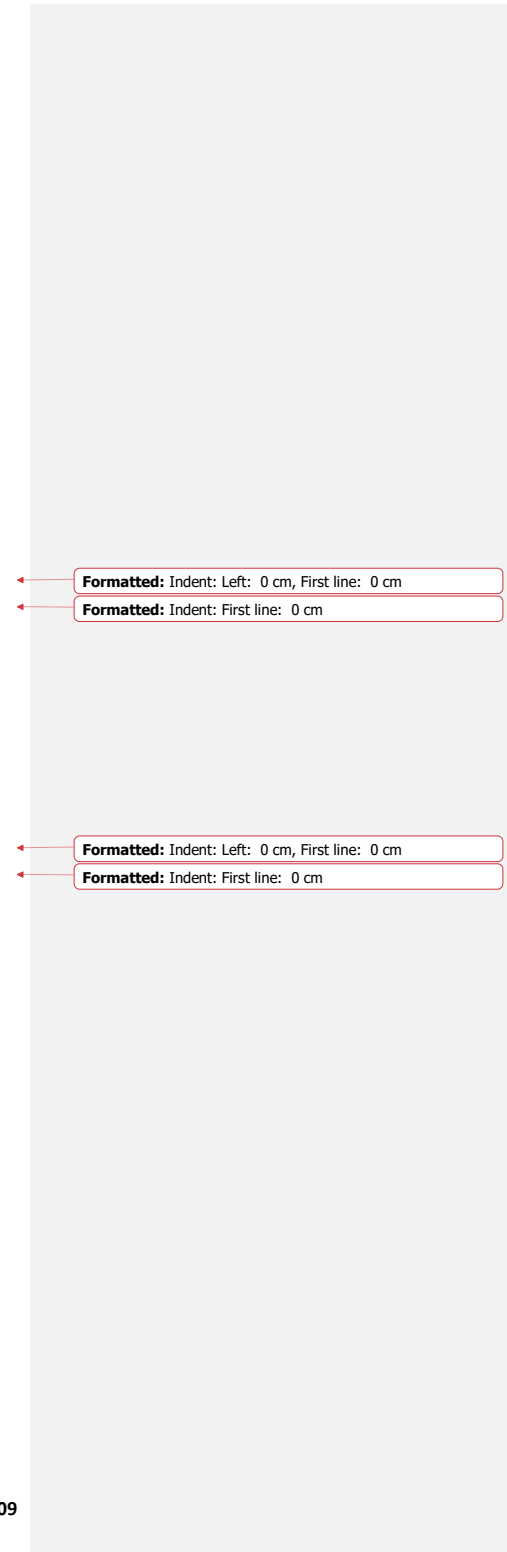
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32. Food and Environment Protection Act 1985 (sections 19(1B) and (1C));
33. Hallmarking Act 1973;
34. Housing (Scotland) Act 1987, Parts IV, V, VII and VIII
35. International Health Regulations 2005;
36. Marriage (Approval of Places) (Scotland) Regulations 2002;
37. Marriage (Scotland) Act 1977;
38. Medicines Act 1968;
39. Performing Animals (Regulation) Act 1925;
40. Pet Animals Act 1951;
- ~~41. Petroleum (Consolidation) Act 1928 (section 17);~~
42. Poisons Act 1972;
43. Prevention of Damage by Pests Act 1949;
44. Prices Act 1974 and 1975;
45. Private Rented Housing (Scotland) Act 2011;
- ~~46. Property Misdemeanors Act 1991;~~
47. Public Health (Aircraft) (Scotland) Regulations 1971;
48. Public Health (Ships) (Scotland) Regulations 1971;
49. Rent (Scotland) Act 1984;
50. Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003);
51. Sewerage (Scotland) Act 1968;
52. Single Use Carrier Bags Charge (Scotland) Regulations 2014;
53. Telecommunications Act 1984 (section 30);
54. Theatres Act 1968;
55. Timeshare Act 1992;
56. Trade Descriptions Act 1968;
57. Trademarks Act 1994;



58. Video Recordings Acts 1984 ~~and~~, 1993 and 2010;

59. Water (Scotland) Act 1980;

60. Water Services etc. (Scotland) Act 2005;

61. Weights and Measures Act 1985

- [a. Official Feed and Food Controls \(Scotland\) Regulations 2009.](#)
- [b. Fireworks Act 2003](#)
- [c. Trade in Animals and Related Products \(Scotland\) Regulations 2012.](#)
- [d. The Housing \(Scotland\) Act 1987](#)
- [e. The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017.](#)
- [f. Consumer Rights Act 2015;](#)
- [g. Licensing \(Scotland\) Act 2005](#)
- [h. Antisocial Behaviour etc. \(Scotland\) Act 2004](#)
- [i. Consumer Rights Act 2015; Licensing \(Scotland\) Act 2005](#)
- [j. Psychoactive Substances Act 2016](#)
- [k. Public Health \(Ships\) \(Scotland\) Amendment Regulations 2007;](#)
- [l. Environmental Protection Act 1990](#)
- [m. Public Health etc. \(Scotland\) Act 2008](#)
- [n. Food Safety Act 1990](#)
- [o. Food and Environment Protection Act 1985](#)
- [p. Environment Act 1995](#)
- [q. Health and Safety at Work etc. Act 1974](#)
- [r. Burial and Cremation \(Scotland\) Act 2016](#)
- [s. Control of Pollution Act 1974](#)
- [t. Official Feed and Food Controls \(Scotland\) Regulations 2009](#)
- [u. Trade in Animals and Related Products \(Scotland\) Regulations 2012](#)
- [v. Smoking Health and Social Care \(Scotland\) Act 2005](#)
- [w. Pyrotechnic Articles \(Safety\) Regulations 2015](#)
- [x. The Petroleum \(Consolidation\) Regulations 2014](#)
- [y. Gambling Act 2005](#)
- [z. Water Services etc. \(Scotland\) Act 2005-](#)
- [aa. Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022](#)
- [bb. The Environmental Protection \(Single-use Plastic Products\) \(Scotland\) Regulations 2021](#)

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**Appendix 2 - THE CITY OF EDINBURGH COUNCIL
LOCAL DEVELOPMENTS
SCHEME OF DELEGATION**

Status

- 1 The Council, as planning authority, has made this Scheme of Delegation for the purposes of section 43A of the Town and Country Planning (Scotland) Act 1997 (the Act) and Part 2 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations). It provides for the determination of local developments by the Chief Planning Officer subject to certain exceptions.
- 2 The Council has delegated other planning functions to the Executive Director of PLACE and the Chief Planning Officer under section 56 of the Local Government (Scotland) Act 1973. These are listed in the Council's Scheme of Delegation to Officers published on the Council's website.

Appointed Officer

- 3 For the purposes of section 43A (1) of the Act, the Council authorises the Chief Planning Officer to appoint suitable officers to determine applications for local developments in accordance with this Scheme.

Delegated Powers

- 4 Subject to the qualifications and exceptions listed below, the Council delegates authority to the appointed officer to determine:
 - applications for planning permission ¹
 - applications for consent, agreement or approval required by a condition imposed on a grant of planning permissionin respect of local developments, as defined by Sections 3A(4)(b) and 26A of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Qualifications and Exceptions

- 5 In exercising authority under this Scheme, the appointed officer should be satisfied that:
 - the decision is in accordance with the statutory Development Plan (Strategic Development Plan and Local Development Plan)
 - the decision does not remove or amend conditions originally added by Committee;
- 6 An appointed officer shall not determine an application which has been submitted:
 - by, or on behalf of, an elected member of the Council or by the partner, close friend or relative of an elected member of the Council;
 - by, or on behalf of, an officer involved in the statutory planning process or by a partner, close friend or relative of such officer.
- 7 An appointed officer shall not determine an application:

¹ The meaning of "application" shall be taken to include applications for planning permission; planning permission in principle; applications for consent, agreement or approval required by condition imposed on a grant of consent for local developments.

- which an elected member has requested, within 21 days from the date of neighbour notification, the date of the advertisement or the validation date whichever is the later, be referred to the Development Management Sub-Committee for material planning reasons; or
- which has outstanding unresolved objections from statutory consultees and the application is recommended for approval;
- which has support comments from the local community council as a statutory consultee and is recommended for refusal.
- which the Chief Planning Officer considers to be controversial, or of significant public interest, or has a significant impact on the environment.

8 An appointed officer shall not approve an application if more than ~~six-20~~ material objections have been received from third parties ~~except if the application is for householder development.~~

~~9 An appointed officer shall not approve an application for householder development if more than 20 material objections have been received from third parties.~~

409 An appointed officer can determine an application for householder development if a petition is submitted;

4110 An appointed officer shall not refuse an application if more than 20 material representations in support of the proposals have been received from third parties.

4211 An appointed officer shall not determine an application where a petition has been submitted properly headed with material planning considerations and it has more than 20 signatures of objection in relation to recommendations for approval and more than 20 signatures of support in relation to recommendations for refusal.

4312 An appointed officer can determine whether changes to an approved local development are material or not;

4413 Applications which are exempt from this Scheme by virtue of paragraphs 6 - 13 above shall be determined by the Development Management Sub-Committee.

~~15 During the period of the where the Council's Leadership Advisory Panel is in operation as a result of Coronavirus measures, in relation to the Chief Planning Officer, the requirement for decisions to be made by the Development Management Sub-Committee shall not apply and instead, decisions which would otherwise be required to be at Committee shall be made by the Chief Planning Officer, in consultation with the Convener and Vice-Convener of the Development Management Sub-Committee, and subject any such decision having regard to the public interest and that decision being reported to the next meeting the Development Management Sub-Committee.~~

Effective Date

4614 This Scheme was adopted by the Council ~~7 April 2020~~ [insert date following approval from Scottish Ministers] and will take effect from that date.

4715 The Council will review the Scheme from time to time at intervals of no greater than five years or if required to do so by the Scottish Ministers.

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City of Edinburgh Council

10.00am, Thursday, 4 May 2023

Council Reporting

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note the proposed changes to the Council/Committee Report Template and the Report Writing Guidance at Appendices 1 and 2.
- 1.2 To agree to adopt the revised report template and associated revised guidance, to take effect from 29 July 2023.

Dr Deborah Smart

Executive Director of Corporate Services

Contact: Jamie Macrae, Committee Officer

E-mail: jamie.macrae@edinburgh.gov.uk | Tel: 0131 553 8242

Council Reporting

2. Executive Summary

- 2.1 This report seeks Council approval to adopt a revised Report Template for Council reporting, along with associated guidance, with the aim of increasing the focus on sustainability, equalities and risk. It also proposes the removal of the Background section.

3. Background

- 3.1 The current version of the report template was agreed by the Corporate Policy and Strategy Committee on 4 December 2018, having first been considered by the Governance, Risk and Best Value Committee, and was rolled out in April 2019.

4. Main report

- 4.1 This report proposes changes to the Council Report Template, which has not been refreshed for over 4 years.
- 4.2 Firstly, it is proposed to remove the Background section – this is in response to feedback about the length of Council reports. The **Background** section of reports is often lengthy and not always helpful for elected members. Relevant background can be included in the Main report.
- 4.3 The second proposed change is to replace the existing **Stakeholder / Community Impact** section, with two new sections: **Equality and Poverty Impact** and **Climate and Nature Emergency Implications**. The current Stakeholder / Community Impact is supposed to capture sustainability impacts, but this isn't clear from the heading and is often overlooked. A benchmarking exercise by officers in the Policy and Insight Division found that other local authorities have standalone sections on sustainability and equalities.
- 4.4 The Climate and Nature Emergency Implications section reflects the Council's duties under the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, and the Council's declaration of a Climate Emergency in 2019 and a Nature Emergency in 2023. Having a dedicated section ensures that sustainability is

embedded into all Council activities and projects; and that alignment with the Council's net zero target is always considered when making decisions.

- 4.5 The Equality and Poverty impact section highlights the requirement to provide details of equality, human rights (including children's rights) and socio-economic disadvantage implications as identified in the Integrated Impact Assessment that elected members need to take into account when reaching their decision, and steps to mitigate these.
- 4.6 In response to feedback from elected members, it is also proposed to reinstate the **Risk, policy, compliance and governance impact** section, with the inclusion of **community impact**.
- 4.7 As with the current version of the Report Template, guidance is embedded within the template itself, but more detailed guidance will be available on the Orb. The revised version of this document is attached at Appendix 2. This has been updated to include guidance on the new sections of the Template, and also to reflect changes to the Council's governance structure since the guidance was last published.

5. Next Steps

- 5.1 Due to the lead-in time required for Council reports, it is not practical to adopt the new template until after the summer recess – it is therefore suggested that, if approved, the new template will be adopted from 29 July 2023. Internal communications channels will be used to make officers of the new template and guidance.

6. Financial impact

- 6.1 There is no financial impact associated with this report.

7. Stakeholder/Community Impact

- 7.1 There is no stakeholder/community impact associated with this report.

8. Background reading/external references

- 8.1 [Minute of the Corporate Policy and Strategy Committee – 4 December 2018](#)
- 8.2 [Committee Reporting – referral to the Corporate Policy and Strategy Committee from the Governance, Risk and Best Value Committee](#)

9. Appendices

- 9.1 Appendix 1 – Proposed Report Template
- 9.2 Appendix 2 – Revised Committee Reporting Guidance

Appendix 1

Committee name

Time, day, date

Name of report

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Recommendations should be clear, concise and focussed.
- 1.2 Recommendations asking the committee to note information should be limited to instances where this has been requested or is of vital importance to the committee.

Director's name

Director's job title

Contact: Name, job title

E-mail: [e-mail address](#) | Tel: 0131 123 4567



Report

Name of report

2. Executive Summary

- 2.1 The Executive Summary should summarise the contents of the report and reason for submission in one paragraph.

3. Background

- 3.1 ~~The background section should contain the essential information needed to understand the reason for the report. Keep the information succinct. If detailed background is required, this should be listed in appendices.~~

4. Main report

- 4.1 This section should be no longer than two pages. Any additional detail should be included as appendices. Elected members have to read a large volume of reports in a short amount of time. Include only the information requested or required to support the recommendations or options. Good writing advice is contained within the report writing guidance document.

5. Next Steps

- 5.1 This section should outline the next steps that will be taken following the Committee report.

6. Financial impact

- 6.1 Have you considered the following:
- 6.1.1 Business Case
 - 6.1.2 Budget provision
 - 6.1.3 Refer to any revenue or capital costs associated with the report

- 6.1.4 State what these costs are and give the financial year(s) in which the costs will be incurred
- 6.1.5 Income/Savings
- 6.1.6 External funding
- 6.1.7 A comparison of the financing options that have been considered
- 6.1.8 Any financial risks.
- 6.2 For Procurement reports the following should be detailed:
 - 6.2.1 The detail and justification of quality/cost split
 - 6.2.2 Pricing or pricing range whether possible.
 - 6.2.3 Additional information as detailed in the report guidance document.

~~7. Stakeholder/Community Impact~~

- ~~7.1 Have you consulted or engaged with the community in creating this report/proposal? What is the impact on the community and does it meet any of the Council's priorities?~~
- ~~7.2 This section should provide any equalities, health and safety, governance, compliance or regulatory implications that elected members need to take into account when reaching their decision.~~
- ~~7.3 You should clearly identify any impacts relating to carbon impacts, adaptation to climate change and sustainable development, as well as the steps taken (or planned) to mitigate any adverse impacts.~~

~~8. Equality and Poverty Impact~~

- ~~8.1 This section should provide any equality, human rights (including children's rights) and socio-economic disadvantage implications as identified in the Integrated Impact Assessment, that elected members need to take into account when reaching their decision, as well as the steps taken (or planned) to mitigate any adverse impacts.~~
- ~~8.2 This section should detail relevance to any of the following: public sector equality duty, specific equality duties, the Equality and Diversity Framework, the End Poverty Edinburgh Plan, and any broader intention to shift the culture of the organisation to better embed equality.~~

~~9. Climate and Nature Emergency Implications~~

- ~~9.1 As a public body, the Council "must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets" (Climate Change (Emissions Reductions Targets) (Scotland) Act 2019).~~

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9.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions, and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

9.3 This section should identify any positive or negative environmental impacts, as well as the steps taken (or planned) to mitigate any adverse impacts. This includes impacts on greenhouse gas emissions, air quality, biodiversity, and adaptation to climate change.

9.4 More detailed information on the different types of impacts and how to assess them can be found in the supporting guidance document.

10. Risk, policy, compliance, governance and community impact

10.1 Have you consulted or engaged with the community in creating this report/proposal? What is the impact on the community and does it meet any of the Council's priorities?

10.2 In accordance with the Council's approach to risk management, you should highlight the key risks to the Council when either agreeing or rejecting the recommendations. Outline actions to mitigate the risk to an acceptable level including if the risk will be monitored on a divisional, directorate or on the corporate risk register, where applicable.

10.3 This section should include whether the recommendations in the report impact on an existing policy of the Council.

10.4 This section should also provide any health and safety, governance, compliance or regulatory implications that elected members need to take into account when reaching their decision.

10.5 The head of service signing off the report should ensure:

- these risks are identified, assessed and are managed through the appropriate risk register, and
- these risks will now be assessed and managed appropriately through a risk register or other appropriate actions.

8.11. Background reading/external references

8.11.1 A background paper is a document relating to the subject matter of the report that either contained information on which the report was based on or was relied upon by the author in preparing the report. Private documents should not be listed in this section. Documents listed are required by the Local Government (Scotland) Act 1973 to be made available to the public on request. If possible this should be a link to a copy of the document online.

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~~8.211.2~~ You should also reference relevant previous Council reports and minutes by linking to ~~Council Papers Online~~ the papers online.

9.12. Appendices

Appendix 2

Reports

Council and committee report writing and committee template information pack

Information, guidelines and procedures for report authors

February-May 2023/4



Contents

1. The Council and its committees – why do we need to write committee reports?
2. Planning and scheduling reports
3. Writing good reports – key considerations
4. Report template
5. Title
6. Council Commitments
7. Recommendations
8. Executive Summary
- ~~9. Background~~
- ~~10.9.~~ Main Report
- ~~11.10.~~ Next Steps
- ~~12.11.~~ Financial Impact
- ~~13. Stakeholder/Community Impact~~
- ~~12. Equality and Poverty Impact~~
- ~~13. Climate and Nature Emergency Implications~~
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- ~~14.15.~~ Background Reading/External References
- ~~15.16.~~ Submitting a report
- ~~16.17.~~ Business bulletin
- ~~17.18.~~ House writing style

Reports

1. The Council and its committees – why do we need to write committee reports?

Reports are vital to the efficient and democratic running of the Council. They provide directors and elected members with the information they need to take informed and legal decisions.

Decision making authority lies with the full Council which meets every four weeks. Some of this authority is delegated to committees, sub-committees and officers where appropriate. Committee reports provide the information that the Council and its committees need to enable them to take decisions relating to the business of the Council.

(Further information on the remits of the Council and its committees as well as the scheme of delegated authority to officers can be found in the Council's constitutional documents. These are available on the Council's [website](#).)

When officials need authority from the Council or committees to take action on any issues, they have to submit committee reports setting out the relevant information and making recommendations.

Reports are read by elected members who may not have a detailed understanding of the subject matter. They need to be clear, concise and written in plain language. You should also remember that reports are public documents and will also be read by members of the public and press.

Good governance is now more important than ever. It is essential that elected members can scrutinise officials on areas such as the financial position and service performance and reports are the key method of providing this information.

This pack aims to provide information, supplementary to the e-learning module, giving guidance on writing good reports using the Council's report template.

2. Planning and scheduling reports

Council and committee reports play an important role in the efficient and effective running of the Council. It is very important that the scheduling of reports to the Corporate Leadership Team (CLT), the Council and its committees is as well planned as possible.

~~The Corporate Policy and Strategy Committee and e~~Each of the ~~seven~~ executive committees have a ~~Key Decisions Forward Plan~~Work Programme. This identifies upcoming 'executive' decisions and is available on the Council's website for members of the public to consult. It is very important to ensure the accuracy of the information and that there is appropriate forward planning in the writing and approval of reports to meet the various deadlines.

The Council and its main committees meet on a four, six or eight week cycle as follows:

Four week cycle:

- Council
- Transport and Environment Committee

Six week cycle:

- Governance, Risk and Best Value

Eight week cycle

- Culture and Communities Committee
- ~~Corporate~~ Policy and ~~Strategy~~ Sustainability Committee
- ~~Transport and Environment~~ Committee
- Education, Children and Families Committee
- Finance and Resources Committee
- Planning Committee
- Regulatory Committee
- Housing, Homelessness and ~~Economy~~ Fair Work Committee

3. Writing good reports – key considerations

There are a number of key considerations that need to be taken into account when drafting committee reports:

- think about why you are writing the report. Reports go to committee or the Council to get decisions to enable action to be taken. Be clear about what decision you are asking the committee to take before you start writing
- if you have not been given a clear remit for your report you should ask your line manager to clarify this. Similarly if you ask someone to write a report on your behalf you should be as clear as possible in setting out the remit
- remember who your audience is and the number of reports they have to read. Reports need to be concise and clear. Try to put yourself in the reader's position when writing the report and ask whether or not your report is unclear or unnecessary
- even if you have previously written a report on the same subject, do not assume that the reader has any prior knowledge of the issues in the report. Set out any relevant background information in as concise a way as possible to bring them up to speed quickly
- set out your points clearly and concisely. Sentences should be short and to the point. Don't use flowery language and limit jargon. Try to take the reader through the report logically covering all the key points. Do not give too much or unnecessary information
- directors, heads of service and senior managers do not have time to check reports for spelling, grammar, layout etc. You must check your reports for this.

4. Report template

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The report template must be used for all reports to be submitted to CLT, the Council, committees and sub-committees. The template must be followed and all sections should be completed. These sections provide an opportunity to disclose pertinent and sometimes statutory information to elected members in a visible and accessible manner. The headings are:

- Recommendations
- Executive Summary
- ~~Background~~
- Main Report
- Next Steps
- Financial impact
- Equality and Poverty Impact
- Climate and Nature Emergency Implications
- Risk, policy, compliance, governance and community impact
- ~~Stakeholder/Community Impact~~
- Background reading / external references
- Appendices

Sub-headings can be added to the main report heading if necessary. The use of graphs and pictures is encouraged to illustrate points in the report. The reports are generally viewed by committee members and officers on iPads, resulting in no financial cost to providing colour.

There is no separate report template for private B-agenda reports. Instead the word “private” should be marked on the front cover and a justification as to why it needs to be private should be provided upon submission. A final decision will be taken by Committee Services as to whether the report will be considered in private.

5. Title

The title of a report should accurately reflect the information that it contains or the type of decision that is required. Ambiguous titles that will have little meaning to the casual observer will not be accepted.

Where a report is in response to an earlier motion by a councillor this should be reflected in the title (i.e XXXXXX – Response to Motion by Councillor Blogs).

6. Council Commitments

It has been agreed that all reports should indicate how the proposals support the Council Commitments.

Report authors are required to indicate at the beginning (front cover) of the report which of the Council Commitments the report supports. The Commitments are structured around six themes. Authors are asked to hyperlink to the [relevant page](#) for each commitment when listing on the front cover.

7. Recommendations

Recommendations usually form the basis of Council or committee decisions, although they can be added or amended politically. The recommendations in a report cover everything that you need the Council or committee to agree. They need to be clear, concise and focussed. Recommendations and ultimately decisions should be transparent and easy to understand. Recommendations should wherever possible be self-contained. They should avoid instances of for example ‘agree paragraphs 3.3 and

3.4 of the report'. If the Council or committee approves the recommendations in a report it does not mean every statement in the whole report is approved.

Most Council or committee reports require a decision. Occasionally a report may be submitted for information but this should be limited to instances of a request by the Council or committee or the submission of, for example, an Audit Scotland report. A recommendation that requests the Council or committee to 'note the report' is often used in these cases. It does not mean the Council or committee have agreed or approved any aspect of the report. Where possible "for noting" information should be included in Business Bulletins (see section 16).

8. Executive Summary

The Executive Summary should summarise the contents of the report and reason for submission in one paragraph.

9. Background

~~The background section should contain the essential information needed to understand the reason for the report. Keep the information succinct. If detailed background is required, this should be listed in appendices.~~

10. Main Report

The main report provides detail of the issue and advice to elected members. This section should be no longer than two pages. Any additional detail should be included as appendices. Elected members have to read a large volume of reports in a short amount of time. Include only the information requested or required to support the recommendations or options. This section should also contain essential background information needed to understand the reason for the report. Keep the information succinct. If detailed background is required, this should be listed in appendices.

11. Next Steps

This section should outline the next steps that will be taken following the Committee report. It will also identify how the proposed actions in the report will be measured or assessed if required. This ensures that an outcome or performance improvement is identified at the outset and can be effectively scrutinised. This can include the following:

- proposed outcome eg reduce homelessness by 10%
- performance measures – current and target. Contrast with the current service performance if anticipated to improve.
- Customer satisfaction – Will this improve customer satisfaction with the Council, what evidence is there to suggest this (eg. customer or employee survey information and proposed improvement). Are we addressing complaints.
- financial savings – eg investment of £100 will save £300 per annum by year five.

12. Financial Impact

Elected members source important information on the Council's statutory duties from the report and there is a requirement to include a section setting out the financial impact arising from the recommendations.

Report authors should consider whether it is necessary for the relevant Principal Accountant to have seen the report and agreed the financial implications. It is a requirement that the Head of Finance or nominee signs off on the financial impact section for all significant reports.

This section should generally include:

- Business Case
- Budget Provision – whether the cost of the proposals in the report is budgeted for or, if not, how it can be contained within the Council’s overall budget and the impact of so doing on outcomes or Council policy, if applicable;
- refer to any revenue and capital costs associated with the report, including detailing costs for each option if there are any and any potential costs if the recommendations are not agreed;
- state what these costs are and give the financial year(s) in which the costs will be incurred;
- Income/Savings – details of any additional income or savings arising from the proposals and a clear indication of whether these are sustainable in future years or one off;
- External funding – details of any external funding or contributions from other sources and the timing of the receipt of these funds;
- A comparison of the financing options that have been considered, for example, acquisition, finance lease, operating lease etc; and
- Any risks associated with the financial impact that has been detailed.

Not all of these considerations will be relevant for every report but they provide guidelines on what report authors should be considering to ensure a report has the required information included.

Procurement/Contract Reports

For Procurement reports the following should be taken into consideration within the financial impact section.

- reports must include the detail and justification around quality/cost split. This should be included in the Main Report section.
- The scoring information should include pricing or the pricing range where possible. This will usually be on the basis of the winning bidder being named and the others listed as “Bidder B” etc. If the scoring or pricing element is likely to cause concern (eg where there were only two close bids or there are concerns about confidentiality etc prior to award) then the report should be submitted as a B Agenda item with an explanation as to why.
- The table below which contains procurement information should be appended to the report where possible.

Appendix 1 - Summary of Tendering and Tender Evaluation Processes

Contract	
Contract period (including any extensions)	
Estimated contract value	£ (Total including extensions)
Procurement Route chosen	Open/Restricted etc
Tenders returned	
Name of Recommended supplier/s	
Price / Quality ratio	'
Evaluation criteria and weightings	
Evaluation Team	

The following sentence should be amended accordingly and included under **'Financial Implications'**:-

- o *"The costs associated with procuring this contract are estimated at up to £## or from £# - £#".*

The bandings are as follows:

	Estimated Staff Cost
--	-----------------------------

ROUTE ONE Relatively low value, risk and a non repetitive nature	Up to £10,000
ROUTE TWO Moderate value and risk	£10,001 - £20,000
ROUTE THREE High value/high risk/strategic procurements	£20,001 - £35,000

For significant projects which do not easily lend themselves to the banding model or those which exceed £35k, an estimate should be provided. This will be calculated based on an average rate of cost per employee (£50) per hour multiplied by the number of days or part days spent directly working on it. It should include time spent by both the service areas and Commercial and Procurement Services.

Specific sustainability or community benefit commitments should be detailed where possible in the Stakeholder/Community Impact section. Any savings or other expected benefits should be highlighted in the Next Steps section together with any action required to implement or achieve success in the Financial Impact section.

13. Stakeholder/Community Impact

~~This section should provide any equalities, health and safety, governance, compliance or regulatory implications that elected members need to take into account when reaching their decision. Details of consultation and engagement with the community in creating this report/proposal will be detailed in the next section but may be referenced here because of the relationship between such engagement and assessment of impact. You should set out the impact of the recommendations on all sections of the community and if the impacts meet any of the Council's priorities.~~

~~The Integrated Impact Assessment (IIA) facilitates compliance with The Equality Act 2010 and other legislation. The information in this section regarding the results of the IIA should enable Elected Members to give due regard to this in making decisions. You should clearly identify any impacts relating to equality, human rights, poverty, health, carbon impacts, adaptation to climate change and sustainable development, as well as the steps taken (or planned) to mitigate any adverse impacts. All reports to Council Committees and Corporate Leadership Team must contain summary information (from the IIA template) on the relationship of the contents, analysis or recommendations of the report against the three general Public Sector Equality Duties (PSED).~~

~~The IIA replaces the ERIA template used previously. Please ensure you read the [IIA Guidance](#) on the Orb and undertake the IIA training.~~

~~Elected Members' should be provided with a link in the report to the published IIA. Relevant detail should also be included in order for due regard to be given when making decisions. If it has been decided that an IIA is not required, a justifying statement should be included in the report.~~

~~The key principle is to alert decision makers to the top line equality and rights information. The Fairer Scotland Duty also now requires information on socio-economic impact to be shared wherever proposals are considered strategic.~~

Further support may be provided by your relevant Equality, Diversity and Rights Advisor – please refer to your Head of Service to find out who this is.

If you would like further information or advice regarding completion of this section of your report please contact strategyandbusinessplanning@edinburgh.gov.uk.

Sustainability impact

The Council has a legal duty under the Climate Change (Scotland) Act 2009 to ensure that its policies, plans and strategies take account of:

- carbon impacts
- adaptation to climate change, and
- Sustainable development.

The legislation applies to everything the Council does and requires the Council to integrate consideration of carbon, climate change adaptation and sustainability into business practice through existing processes and procedures, including embedding it in decision-making processes. The Stakeholder/Community Impact section of our committee reports is our key means of evidencing compliance with this requirement.

You should clearly identify any carbon impacts, adaptation to climate change and sustainable development, as well as the steps taken (or planned) to mitigate any adverse impacts. You are not expected to provide an in-depth expert assessment of the subject of your report, but you must demonstrate that you have given some thought to these statutory duties.

To help you to prepare this information, it is recommended that you

1. Complete the [CECiL](#) course on sustainable development, which provides a basis for considering all impacts.
2. Work your way through the [Sustainability Worksheet](#) which can be downloaded from the [Orb](#). The worksheet contains links to further information and worked examples, and helps you to produce appropriate text in a standard format to use in your report. The standard format and a good practice example of appropriate text are shown in the boxes below.

STANDARD FORMAT	GOOD PRACTICE EXAMPLE
<p>The impacts of this report have been considered in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.</p> <p>The proposals in this report will...</p> <ul style="list-style-type: none"> • EITHER reduce carbon emissions because... OR increase carbon emissions and this impact will be addressed by... • EITHER increase the city's resilience to climate change impacts because... 	<p>The impacts of this report have been considered in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account and are noted under Background Reading later in this report.</p> <p>The proposals in this report will reduce carbon emissions because the Strategy's principal aims include both reducing the need to travel and achieving a shift to more sustainable modes of transport that will bring reduced carbon dioxide and nitrogen oxide emissions.</p>

<p><i>OR</i> The need to build resilience to climate change impacts is not relevant to the proposals in this report because ...</p> <ul style="list-style-type: none"> • <i>EITHER</i> help achieve a sustainable Edinburgh because... <ul style="list-style-type: none"> <i>OR</i> Social justice is not considered to impact on the proposals in this report because ... Economic wellbeing is not considered to impact on the proposals in this report because ... Environmental good stewardship is not considered to impact on the proposals in this report because... 	<p>The proposals in this report will increase the city's resilience to climate change impacts because the Strategy's principal aims include both reducing the need to travel and achieving a more integrated public transport network that offers an attractive alternative to car travel.</p> <p>The proposals in this report will help achieve a sustainable Edinburgh because the Strategy's actions include improving the extent of the public transport offering in Edinburgh, thus enhancing social inclusion and equality of opportunity. It also aims to improve facilities for cyclists and pedestrians, thus promoting personal wellbeing.</p> <p>The Strategy underwent a full Strategic Environmental Assessment, which was made available for public review and comment between 28 August and 18 October 2013.</p> <p>The revised independent SEA Environmental Report, following a period of consultation with relevant authorities and the general public, is available at www.edinburgh.gov.uk/localtransportstrategy.</p> <p><i>Report to Transport & Environment Committee, 14/01/14 - "Local Transport Strategy 2014-2019"</i></p>
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Further guidance on taking account of carbon impacts, adapting to a changing climate and acting sustainably, and worked examples are available on the Orb. If you require further advice you can contact the Strategy and Communications Team . Briefing sessions for your team can be provided on request.

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12. Equality and Poverty Impact

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This section should provide any equality, human rights, (including children's rights) and socio-economic disadvantage implications, as identified in the Integrated Impact Assessment (IIA), that elected members need to take into account when reaching their decision, as well as the steps taken (or planned) to mitigate any adverse impacts.

This section should also detail relevance to any of the following: public sector equality duty, specific equality duties, the Equality and Diversity Framework, the End Poverty Edinburgh Plan, and any broader intention to shift the culture of the organisation to better embed equality.

The IIA is the Council's toolkit to ensure we meet our legal responsibilities in relation to the Equality Act 2010 and other legislation when developing policies, strategies and decision-making processes. This section should provide evidence of our compliance with these requirements and relevant detail should be included to enable Elected Members to give due regard to this in making decisions. Elected Members should also be provided with a link to the published IIA or the IIA should be attached as an appendix. This section should be completed for all committee reports, even you have considered an IIA is not required, in which case you should provide a brief statement explaining why.

Details of consultation and engagement with the community in creating this report/proposal will be detailed in the next section but may be referenced here because of the relationship between such engagement and assessment of impact. You should set out the impact of the recommendations on all sections of the community and if the impacts meet any of the Council's priorities.

You should provide details of carbon impacts, adaptation to climate change and sustainable development in the Climate and Nature Emergency Implications section. The IIA also prompts consideration if a Strategic Environmental Assessment (SEA) is required.

Please ensure you read the IIA Guidance on the Orb and undertake the IIA training. Further support is available from your service area Equality, Diversity and Rights Advisor.

13. Climate & Nature Emergency Implications

Why do we need to evidence environmental impacts?

The Council has a statutory duty under the Climate Change (Scotland) Act 2009 ("the Act") to ensure that its policies, plans and strategies take account of:

- **Climate change mitigation:** As a public body, the Council must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets;
- **Adaptation to climate change:** In exercising their functions, public bodies must act in the way best calculated to deliver any statutory adaptation programme;
- **Sustainability:** public bodies must act in a way considered most sustainable.

The legislation applies to everything the Council does and requires the Council to integrate consideration of carbon, climate change adaptation and sustainability into business practice through existing processes and procedures, including embedding it in decision-making processes. The Climate & Nature Emergency Implications section of our committee reports is our key means of evidencing compliance with this requirement.

The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions, and embedded this as one of the three core priorities of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

What should this section include?

This section should identify any positive or negative environmental impacts, as well as the steps taken (or planned) to mitigate or reduce any adverse impacts.

You are not expected to provide an in-depth expert assessment, but you must demonstrate that you have given some thought to these statutory duties.

This section should be completed for all committee reports, even if it is estimated that there are no impacts (in the latter case you should briefly explain why). If you are reporting progress on a strategy or action plan, you can use this section to remind the overall impacts of the strategy itself.

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Note: If you have already undertaken an Integrated Impact Assessment (IIA)

Once you have carried out your IIA scoping meeting and completed the IIA summary report, you should use any information and identified environmental impacts to complete this section. To find out whether you need to do an IIA, read the IIA guidance.

If you haven't undertaken an IIA, you should still complete the Climate & Nature Emergency section.

1. How to assess carbon impacts?

The factors you need to take into account are listed below.

➤ Will this option (Strategy/Project), if implemented, result in an increase / a decrease / no change in carbon emissions?

1. BUILDINGS energy usage and embodied carbon	
<ul style="list-style-type: none"> ○ <u>Operational Council office premises, libraries, community centres, museums, etc</u> ○ <u>Edinburgh Leisure properties – swimming pools, leisure centres, sport centres, gyms etc</u> ○ <u>Schools</u> ○ <u>Any other building</u> ○ <u>Note: Embodied carbon means all the CO2 emitted in producing materials. It is estimated from the energy used to extract and transport raw materials as well as emissions from manufacturing processes. The embodied carbon of a building can include all the emissions from the construction materials, the building process, all the fixtures and fittings inside as well as from deconstructing and disposing of it at the end of its lifetime. Source: UCL Engineering. (Just three materials – concrete, steel and aluminium – are responsible for 23% of total global emissions, most of this used in the built environment) (Architecture 2030)</u> 	<p><u>Will energy usage be reduced by minimising energy demand, improving energy efficiency, better monitoring, using renewable energy sources or using a low-carbon energy supplier as part of this option?</u></p> <p><u>Will the proposal represent additional emissions for the city or the Council (e.g. new build project which will increase overall energy consumption in the city)?</u></p> <p><u>Will the proposal "lock-in" future emissions due to infrastructure, investment or decisions made today? (e.g. investing in new gas boilers)</u></p> <p><u>Will the project require new construction?</u></p> <p><u>If yes, will the project minimize embodied carbon by using low-carbon construction materials or goods manufactured from recycled materials?</u></p> <p><u>Will the proposal favour low maintenance and durable products/materials?</u></p> <p><u>Will the project minimise material use through e.g. more compact design?</u></p>

2. INFRASTRUCTURE energy usage	
<ul style="list-style-type: none"> ○ <u>street lighting</u> ○ <u>stair lighting</u> ○ <u>street furniture</u> ○ <u>electric vehicle chargers</u> ○ <u>traffic signals etc.</u> 	<p><u>Will energy usage be reduced by minimising energy demand, improving energy efficiency, using renewable energy sources or using a low-carbon energy supplier as part of this option?</u></p>

3. TRANSPORT	
<ul style="list-style-type: none"> ○ <u>fuel consumption by Council fleet vehicles</u> 	<p><u>Will fuel consumption and/or business mileage be reduced by minimising travel demand, modal shift (eg</u></p>

<ul style="list-style-type: none"> o <u>business mileage incurred by officers</u> o <u>fuel consumption by cars, vans and HGV in the city</u> 	<u>changing to walking, cycling, bus, tram or train instead of cars or taxis), or using alternative fuels (eg electric vehicles) as part of this option?</u>
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4. RESOURCE USE/ WASTE	
<ul style="list-style-type: none"> o <u>municipal waste (ie produced by households)</u> o <u>internal waste (ie produced by Council activities)</u> o <u>construction and demolition waste produced by Council projects</u> 	<u>Will the proposal promote material reuse?</u> <u>Will the proposal minimise waste and dispose of it in accordance with current good practice?</u> <u>Has waste prevention, re-use or recycling been incorporated into this project?</u> <u>Will the proposal reduce reliance on single-use plastics?</u>

2. How to assess climate change resilience impacts?

- Will this option, if implemented, result in a decrease / an increase / no change in vulnerability for Edinburgh’s people, places and biodiversity?
- Will this option, if implemented, result in a lessening of / an intensification of / no change in the effects of climate change on Edinburgh’s people, places and biodiversity?
- Is action to improve resilience to the effects of climate change included in this proposal?

1. COMMUNITIES	
<ul style="list-style-type: none"> o <u>residents, especially high-risk groups (including the elderly, individuals with pre-existing illnesses or conditions, children and the economically and socially vulnerable)</u> o <u>community services</u> o <u>Care at Home and other community services</u> 	<u>Will implementing this option decrease residents’ and communities’ vulnerability to the impacts of climate change (eg storms, high winds, flooding, high temperatures) which could result in damage to property, homes and gardens, transport disruption and service delivery?</u> <u>Will the implementation of this option lessen the effect climate change could have on residents and communities, including those associated with mental/physical health, isolation, and disruption to local service delivery?</u> <u>Will action to improve residents’ and communities’ resilience to climate change be considered for this option?</u>

2. INFRASTRUCTURE / SERVICE DELIVERY	
<ul style="list-style-type: none"> o <u>property repairs and maintenance of Council buildings</u> o <u>Edinburgh Leisure properties – swimming pools, leisure centres, sport centres, gyms etc</u> o <u>schools</u> o <u>transport infrastructure including roads and pavements, tunnels,</u> 	<u>Has consideration been given to future climate changes and measures put in place to adapt to them?</u> <u>Will implementing this option decrease the vulnerability of the Council and city premises and infrastructure to the impacts of climate change (eg damage to buildings, roads and pavements and transport disruption) caused by extreme weather events such as storms, high winds, flooding and high temperatures?</u>

<p><u>bridges, tram tracks, cycle lanes, public paths etc</u></p> <ul style="list-style-type: none"> ○ <u>coastal infrastructure and defences</u> ○ <u>Services such as waste collection, road repairs, home care, events etc.</u> 	<p><u>Will implementing this option decrease or increase the vulnerability of the Council and city services to the impacts of climate change?</u></p> <p><u>Will the implementation of this option lessen the effect climate change could have on Council premises and city infrastructure? These effects include road deterioration, failure of drainage infrastructure, significant increases in maintenance costs and replacement infrastructure, storm surge inundation, and the economic and reputational ramifications of major transport and event disruption.</u></p>
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3. BIODIVERSITY / LAND USE	
<ul style="list-style-type: none"> ○ <u>parks</u> ○ <u>ecosystems and biodiversity</u> ○ <u>other greenspaces including community gardens, pavements, cycle paths etc</u> 	<p><u>Will implementing this option decrease the vulnerability of the city's parks, ecosystems and biodiversity to extreme weather events such as storms, high winds, flooding, high temperatures?</u></p> <p><u>Has action to improve the resilience of the city's parks, ecosystems and biodiversity to climate change been considered for this option?</u></p> <p><u>Will the project damage, remove or partially remove wildlife habitats? Will the proposal enhance or damage greenspaces?</u></p> <p><u>Will the project use pesticides?</u></p> <p><u>Will the proposal affect existing species through changes in the levels of noise, pollution, proximity to people or other factors such as night light pollution?</u></p> <p><u>Will this project increase the risk of invasive species proliferation?</u></p> <p><u>In case of biodiversity losses, will this project compensate them by e.g. restoring or creating new wildlife habitats?</u></p> <p><u>Will the project interfere with the green/blue network identified in Edinburgh's Local Development Plan?¹</u></p> <p><u>Will the project avoid converting wildland or greenfield to developed land, by reusing redundant buildings or repurposing brownfield sites or derelict urban land?</u></p>

4. How to assess sustainable development impacts?

- Will this option, if implemented, result in an improvement to / a decline in / no change in social justice / economic wellbeing / environmental good stewardship?
- Will implementation of this option contribute to the delivery of the 2030 Climate Strategy?

1. SOCIAL JUSTICE

¹ <https://www.edinburgh.gov.uk/cityplan2030>

<ul style="list-style-type: none"> ○ <u>Inclusion</u> ○ <u>Connectivity</u> ○ <u>Culture and Education</u> ○ <u>Justice & human rights</u> ○ <u>community safety</u> ○ <u>poverty</u> ○ <u>health inequality</u> ○ <u>Food security</u> ○ <u>Housing</u> 	<p><u>Will the quality of people's lives be improved by implementing this option?</u></p>
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<u>2. SOCIAL JUSTICE</u>	
<ul style="list-style-type: none"> ○ <u>employment</u> ○ <u>innovation</u> ○ <u>prosperity</u> ○ <u>regeneration</u> ○ <u>training</u> 	<p><u>Will the local economy and citizens' economic participation be strengthened by implementing this option?</u></p> <p><u>Will the proposal address the cost of living including food and fuel?</u></p> <p><u>Will the proposal support local businesses?</u></p> <p><u>Will the proposal improve local employment opportunities and help young people into positive destinations?</u></p> <p><u>Will the proposal improve working conditions, maximise income and/or reduce income inequality?</u></p> <p><u>Will the proposal improve literacy and numeracy?</u></p>

<u>3. ENVIRONMENTAL GOOD STEWARDSHIP</u>	
<ul style="list-style-type: none"> ○ <u>air quality</u> ○ <u>water and soil quality</u> ○ <u>materials / natural resources</u> ○ <u>noise</u> 	<p><u>Will the proposal cause or minimise water, soil or noise pollution?</u></p> <p><u>Will the proposal create cleaner, safer and greener neighbourhoods (e.g. by reducing litter and graffiti, and maintaining pleasant public spaces)?</u></p> <p><u>Will this project lead to an increase in industrial activity producing potentially harmful pollutants?</u></p> <p><u>Will the proposal improve air quality by reducing the number of cars on the road; reducing congestion and cars idling; or by replacing fossil fuel vehicles by low carbon alternatives?</u></p> <p><u>Will the project minimise material use through e.g. more compact design? Will the proposal promote material reuse?</u></p> <p><u>Will the proposal use goods manufactures from recycled materials?</u></p> <p><u>Will the proposal make efficient use of natural resources?</u></p> <p><u>Will the project minimise water use?</u></p>

Worked example

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The standard format and a good practice example of appropriate text are shown in the boxes below.

<u>STANDARD FORMAT</u>	<u>GOOD PRACTICE EXAMPLE</u>
<u>The impacts of this report have been considered in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties and the outcomes are summarised below.</u>	<u>The impacts of this report have been considered in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties and the outcomes are summarised below.</u>

<p><u>Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.</u></p> <p><u>The proposals in this report...</u></p> <ul style="list-style-type: none"> • <u>EITHER are in line with the Council's Climate Emergency declaration and climate objectives because...</u> <u>OR will increase carbon emissions and this impact will be addressed by...</u> • <u>EITHER will increase the city's resilience to climate change impacts because...</u> <u>OR The need to build resilience to climate change impacts is not relevant to the proposals in this report because ...</u> • <u>EITHER are in line with the Council's Nature Emergency declaration because...</u> <u>OR The proposals in this report are not expected to have any adverse impacts on nature because ...</u> • <u>EITHER help achieve a sustainable Edinburgh because...</u> <u>OR Social justice is not considered to impact on the proposals in this report because ...</u> <u>Economic wellbeing is not considered to impact on the proposals in this report because ...</u> <u>Environmental good stewardship is not considered to impact on the proposals in this report because...</u> 	<p><u>Relevant Council sustainable development policies have been taken into account and are noted under Background Reading later in this report.</u></p> <p><u>The proposals in this report are in line with the Council's Climate Emergency declaration and climate objectives because energy efficiency retrofits will reduce energy costs for residents while improving thermal comfort and health. Reducing energy consumption means reducing greenhouse gas emissions, as well as reducing vulnerability to future energy costs fluctuations.</u></p> <p><u>The proposals in this report will increase the city's resilience to climate change impacts because the retrofitted building will reduce energy demand for cooling of buildings as temperatures rise and the frequency of summer heatwaves increase.</u></p> <p><u>The proposals in this report are in line with the Council's Nature Emergency declaration because there are plans to install a green roof. A food growing allotment will be installed in front of the building for residents to use which may attract wildlife.</u></p> <p><u>The proposals in this report will help achieve a sustainable Edinburgh because the retrofit works will generate short term green local employment opportunities. The retrofit will reduce energy demand which will reduce fuel costs for tenants. Indoor air quality may be worsened due to a ticker insulation of the building but this will be closely studied and mitigation measures will be implemented. Works are going to involve the use of new materials (such as windows, doors, insulation...) and the generation of waste but this is estimated to be largely compensated by the above-mentioned benefits.</u></p> <p><u>The project underwent a full Strategic Environmental Assessment (SEA), which was made available for public review and comment between XX and XX. The revised independent SEA Environmental Report is available at www.edinburgh.gov.uk/xxx</u></p>
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Further support

- To help you to prepare this information, it is recommended that you:
1. Complete the "Sustainability at the City of Edinburgh Council" module on myLearninghub, which provides a basis for considering all impacts.
 2. Attend an in-depth 3 hours Climate training session, open to all employees. You can sign up on myLearninghub.

If you require further advice you can contact the Corporate sustainability team at sustainabilitynetwork@edinburgh.gov.uk.

14. Risk, Policy, Compliance, and Governance and Community Impact

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This section should include details of relevant consultation or engagement with the community that has taken place. Officers should consider the impact on the community and whether it meets any of the Council's priorities. If a public consultation or engagement exercise with citizens or other stakeholders is necessary, it should be undertaken to adhere with the Council's Consultation and Engagement Policy. Further guidance on following the policy and framework can also be found [here](#). Where consultation or engagement activities have gone through the Consultation Advisory Panel this should be noted.

Field Code Changed

Field Code Changed

In accordance with the Council's approach to risk management, you should highlight the key risks to the Council when either agreeing or rejecting the recommendations. Outline actions to mitigate the risk to an acceptable level include if the risk will be monitored on a divisional, directorate or on the corporate risk register, where applicable.

This section should include whether the recommendations in the report impact on an existing policy of the Council.

This section should also provide any health and safety, governance, compliance or regulatory implications that elected members need to take into account when reaching their decision.

The head of service signing off the report should ensure:

- these risks are identified, assessed and are managed through the appropriate risk register, and
- these risks will now be assessed and managed appropriately through a risk register or other appropriate actions.

Consultation and Engagement

~~This section should highlight who you have consulted or engaged with on the subject of the report. This may involve referring to any consultation period or that specific partners have been consulted with. If a formal consultation exercise with citizens or partners is necessary it should be undertaken to adhere with the Council's Consultation Framework (Consulting Edinburgh). This can be found at <https://orb.edinburgh.gov.uk/site/custom-scripts/consultation-framework/>. An e-learning tool is also available. Where the framework has been used to guide the consultation exercise this should be noted.~~

~~This section should also detail if there has been any co-production with service users, providers and other stakeholders to jointly assess service requirements, plan and deliver service interventions and monitor and evaluate their effectiveness. Detailed guidance for staff on coproduction is available on the Orb.~~

14.15. Background Reading/External References

A background paper is a document relating to the subject matter of the report that either contained information on which the report was based on or was relied upon by the author in preparing the report. Private documents should not be listed in this section. Documents listed are required by the Local Government (Scotland) Act 1973 to be made available to the public on request. If possible this should be a link to a copy of the document online.

You should also reference relevant previous Council reports and minutes by linking to [the papers online](#). ~~Council Papers Online.~~

4516. Submitting a report

Once you have completed your report you must proof read it and check it for accuracy. This should include checking the numbering, spelling, grammar, layout and any statistics included in the report. Appendices should be included, and where appropriate links inserted. It is the report author's responsibility to do this.

When you have checked the report you should pass it to your manager or head of service for approval, prior to passing to the key contact in your directorate for committee business.

All reports must be submitted in accordance with the arrangements in your directorate. For further information and guidance, please get in touch with your key contact above. Where considered appropriate reports should also be sent to Legal Services.

4617. Business bulletin

Committee Business bulletins replace reports that were previously passed to a committee for 'noting'. The purpose of the bulletin is to provide to the committee and the public a concise, informative overview of what the services within each committee's remit have been involved in.

Remember that bulletins are designed to be read on a screen and should be clear, concise and written in an informal manner that conveys the information to as wide an audience as possible.

- Bulletins contain a section titled background information. This could include the Council pledges that the information is addressing or it may give a link to further information on the subject or a related website.
- There is also a section titled forthcoming activities. This should include headline events that you think elected members and the public would wish advance notice of and may be included in future bulletins.
- Referral reports from one committee to another that are simply for information will be referred via the business bulletin rather than simply resubmitting the report in its entirety.
- Bulletins should highlight factual information in two to three paragraphs per topic.
- The information to be included in a bulletin should not be long, technical or complex.

18. House writing style

Please follow the [house writing style](#) which helps to ensure that language and style are used consistently and in a modern way throughout all Council communications. The following highlights some of these styles.

Layout

We have developed the suite of templates so that they are more modern and meet our house writing style. It is important that you complete the documents using the following guidelines so that the content is more easily read, accessible, and looks consistent with other reports.

Colour

The committee documents have been designed using the Council's brand colours. Please do not change the colour of the document or text or move the tab/logo in the footer.

Tables

To insert a new table into the document use the table function of the insert tab. When pasting an existing table into the template you must use the 'paste special' function under the home tab drop down and select 'paste Microsoft Office object'. Note that the template will change the table to the default report style.

Numbering

The report template has been designed not to allow authors to use bullet points. It is requested that report authors use 1.1, 1.2 or .1.2.1, 1, 2.2 etc, for each paragraph of text, rather than bullet points. This makes it easier for Elected Members to reference specific parts of reports during debate and decision making, it also ensures that there is a consistent style is used across all reports. The exception to this rule is when typing the executive summary and the information about the committee/Council at the end of the notice document where no numbering is used.

Type style

Use the 'Styles' function in Word to make sure that that the content is set out correctly. The 'Styles' box displays at the top right. It provides a menu of type styles. When inputting body text, the default option should be the "1.1" option. The styles can be used for the following:

Style	For	Further info
1.1.1	<ul style="list-style-type: none">To indent the text.	
1.1.1.1	<ul style="list-style-type: none">To further indent text.	
Executive Summary	<ul style="list-style-type: none">For the Executive Summary	
Highlight	<ul style="list-style-type: none">To highlight text during the editing process.	<ul style="list-style-type: none">Highlighting of text is only for the editing process and reports should not be presented to

		Committee/Council with highlighted text.
Sub title	<ul style="list-style-type: none"> To create a sub title. This style will remove numbering, make text bold and size 12. 	If a further subtitle is required beneath the existing subtitle this can be created by indenting an existing sub title (Ctrl + tab)
Dash	<ul style="list-style-type: none"> To create a dash. 	
Remove Highlight	<ul style="list-style-type: none"> To remove highlighting style 	
Footer Style Committee Name	<ul style="list-style-type: none"> To type text in footer. 	

Spacing

- there should be one carriage return of 'normal' type between the end of one section and the next.

Alignment

- in the Executive summary all text is left aligned. Numbering should not be used in the Executive Summary.
- in all other copy the titles and copy should be numbered and the text all begin at 1¼ cm.

Referring to the Council

The proper name for our organisation is 'the City of Edinburgh Council' referred to in the singular. For example: The City of Edinburgh Council *has* launched ...

Remember, the name of the Council starts with 'the' and is not 'City of Edinburgh'. You should only use a capital T for 'The' if it is at the beginning of a sentence or stands alone. If you are using it in mid sentence, it should start with a lower case 't'. You can also use 'the Council' if it is clear that it relates to the City of Edinburgh Council.

Abbreviations and acronyms

When using abbreviations or acronyms to refer to names of projects, organisations or bodies etc, you should type out the name in full the first time it is referred to, putting the initials in brackets after it. Thereafter you can just use the initials.

Examples

- The Corporate Leadership Team (CLT) agreed to commission a review
- Scottish Enterprise Edinburgh and Lothian (SEEL) sent a representative to the meeting

Apostrophes

Apostrophes are used to denote:

- a missing letter or letters eg can't instead of cannot or it's instead of it is. While it is appropriate to use words with apostrophes like this in some written communications,

it is not appropriate in official documents such as Council reports. You should therefore avoid the use of apostrophes in this way when writing reports.

- possession eg the Council's report. An exception to this is the possessive form of it which has no apostrophe eg in its mouth. When writing plural possessives the apostrophe comes after the 's' eg the pupils' books.

Apostrophes are never used to denote plurals

Ampersands (&)

You should not use ampersands (&) in normal text in reports. They can sometimes be used in tables etc but should never be used in headings or in the text.

Capitals

You should use capitals at the beginning of sentences and proper names according to normal grammatical rules.

Collective nouns

Collective nouns such as 'the committee' or 'the board' are singular.

Dates

Dates should be typed in full eg 1 April 2012. The month should not be abbreviated and you should not use "th", "rd" or "st" in dates. When referring to financial years you should use the format, 2011/12 or 2008/09 etc.

Time

You can use either 12 Hour or 24 Hour clock format but you should choose one style and use it consistently through a document. Do not mix styles. If the 24 hour clock is used it should appear in four figures with no spacing or punctuation between figures. You can add "hours" if you wish.

Numbers

In text, the numbers one to nine should be typed in full. Number 10 and above should be in figures. In numbers with four digits or more, a comma should be used after the thousands. A number at the beginning of a sentence should always be typed as a word

E-mail, intranet, internet and world wide web

These should be typed with lower case initials except at the start of a sentence and e-mail should have a hyphen.

The City of Edinburgh Council

10.00am, Thursday 4 May, 2023

City Strategic Investment Fund - referral from the Policy and Sustainability Committee

Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The Policy and Sustainability Committee has referred a report on the allocation of monies from the City Strategic Investment Fund (Strategic Programme Fund) and the City Strategic Investment Fund (Loan Fund) to the City of Edinburgh Council for final approval.

Dr Deborah Smart
Executive Director of Corporate Services

Contact: Louise Williamson, Assistant Committee Officer
Legal and Assurance Division, Corporate Services Directorate
E-mail: louise.p.williamson@edinburgh.gov.uk | Tel: 0131 529 4264

Referral Report

City Strategic Investment Fund - referral from the Policy and Sustainability Committee

2. Terms of Referral

- 2.1 On 21 March 2023 the Policy and Sustainability Committee considered a report by the Executive Director of Corporate Services which provided an update on the City Strategic Investment Fund (CSIF) and sought approval to adjust the allocations in the CSIF Strategic Programme to further advance the business case for the North/South Tram Line (ESSTS2), and allocate CSIF Loan Fund money to the Powderhall Stables block project.
- 2.2 The Policy and Sustainability Committee agreed:
- 2.2.1 To allocate monies from the City Strategic Investment Fund (Strategic Programme Fund) as set out in the report by the Executive Director of Place.
 - 2.2.2 To allocate monies from the City Strategy Investment Fund (Loan Fund) as set out in the report.
 - 2.2.3 To refer the report to the City of Edinburgh Council for final approval.

3. Background Reading/ External References

Minute of the Policy and Sustainability Committee of 21 March 2023.

4. Appendices

Appendix 1 – Report by the Executive Director of Place

Policy and Sustainability Committee

10.00am, Tuesday 21 March 2023

City Strategic Investment Fund – allocations

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Agrees to allocate monies from the City Strategic Investment Fund (Strategic Programme Fund) as set out in this report;
 - 1.1.2 Agrees to allocate monies from the City Strategy Investment Fund (Loan Fund) as set out in this report; and
 - 1.1.3 Refers this report to the City of Edinburgh Council for final approval.

Paul Lawrence

Executive Director of Place

Contact: David Cooper, Head of Development and Regeneration

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

City Strategic Investment Fund – allocations

2. Executive Summary

- 2.1 This report provides an update on the City Strategic Investment Fund (CSIF) and seeks approval to: adjust the allocations in the CSIF Strategic Programme to further advance the business case for the North/South Tram Line (ESSTS2); and allocate CSIF Loan Fund money to the Powderhall Stables block project.

3. Background

- 3.1 On [7 February 2013](#), the Council approved the creation of the CSIF to “create new development opportunities, support business innovation, deliver jobs and promote economic growth in Edinburgh”. It was established as an evergreen fund which provides debt and equity finance for projects delivering a return on investment. The Council agreed to capitalise the CSIF with £7.5m. An investment strategy for the fund was agreed by the Economy Committee on [29 April 2014](#). On [7 June 2018](#), updated repayment terms for the CSIF were agreed by the Housing and Economy Committee.
- 3.2 At the Policy and Sustainability Committee meeting, on [25 October 2019](#), a new strategy for the use of the CSIF was agreed, which was endorsed by Council on 21 November 2019. This strategy entailed separating the CSIF into a non-repayable “Strategic Programme” element; a non-repayable match funding element; and a loan fund element. The Council also agreed to move £902,084 of the CSIF into unallocated reserves.
- 3.3 At the Policy and Sustainability Committee meeting, on [22 February 2022](#), the following latest allocations for the Strategic Programme element were agreed:

Programme	Allocation
Edinburgh Waterfront	£604,658
Edinburgh BioQuarter	£500,000
West Edinburgh	£345,000
Edinburgh Strategic Sustainable Transport Study Phase 2 (ESSTS2)	£320,000
Data Driven Innovation	£200,000

Seafield	£130,000
Heat and Energy Study	£50,000
Unallocated	£342
Total	£2,150,000

4. Main report

Strategic Programme

- 4.1 The current balance of each programme within the Strategic Programme element is summarised in the table below:

Programme	Allocation	Drawdowns	Balance
Edinburgh Waterfront	£604,658	£604,658	£0
Edinburgh BioQuarter	£500,000	£326,467	£173,533
West Edinburgh	£345,000	£0	£345,000
ESSTS2	£320,000	£320,000	£0
Data Driven Innovation	£200,000	£0	£200,000
Seafield	£130,000	£0	£130,000
Heat and Energy Study	£50,000	£0	£50,000
Unallocated	£342	£0	£342
Total	£2,150,000	£1,251,125	£898,875

- 4.2 The following sections provide a short update on each of these programmes with proposed revisions regarding the use of the CSIF Strategic Programme money.

Edinburgh Waterfront

- 4.3 £604,658 was allocated to the Granton Waterfront regeneration project to fund project management costs during the planning stage of the project, leading to the finalisation of an outline business case. This work is now well underway, and £600,000 of this allocation has been drawn down to support this work.
- 4.4 The remaining £4,658 has been drawn down in support of the strategic business case for Edinburgh Strategic Sustainable Transport Study 2 (ESSTS2) given the importance of strategic public transport solutions for the future of the Granton Waterfront, as set out in the report to Policy and Sustainability Committee of [23 February 2021](#).

Edinburgh BioQuarter

- 4.5 £500,000 was allocated from the CSIF for Edinburgh BioQuarter. £220,395 of this has been drawn down to date to support the procurement of a private sector partner for the future mixed-use development of Edinburgh BioQuarter.
- 4.6 A further £106,072 has been drawn down in support of the strategic business case for ESSTS2 given the importance of strategic public transport solutions for the future of Edinburgh BioQuarter, as set out in the report to Policy and Sustainability Committee of 23 February 2021.
- 4.7 The current balance of the Edinburgh BioQuarter allocation is £173,533. It is estimated that the remaining costs to the Council associated with the

procurement of the private sector partner are £216,000. Given this, it is recommended that the Edinburgh BioQuarter allocation be increased by £42,467 to £542,467.

West Edinburgh

- 4.8 £345,000 was allocated to West Edinburgh for the development of a business case for future infrastructure provision in this area. None of this money has been drawn down to date.
- 4.9 The Council has worked with the Scottish Government, Scottish Futures Trust, and Scottish Enterprise to prepare a spatial strategy for the future development of West Edinburgh. Further work to build upon this strategy will be required to help bring forward the delivery of the infrastructure required for the future development of West Edinburgh. Given this, it is recommended that the allocation to West Edinburgh be held at £345,000 at this time.

ESSTS2 (Tram North/South)

- 4.10 £320,000 was allocated for EESTS2. This has been fully drawn down, supplemented by £110,730 drawn down from the Edinburgh Waterfront and Edinburgh BioQuarter budgets as set out at paragraphs 4.4 and 4.6. This funding has been utilised to prepare key stages of a draft strategic business case (SBC) for ESSTS2.
- 4.11 A cost has now been provided for the completion of the SBC and an additional £350,000 is sought for this purpose.

Data Driven Innovation (DDI)

- 4.12 £200,000 was allocated for Data Driven Innovation. None of this has been drawn down to date.
- 4.13 Work on Data-Driven Innovation has progressed in recent years via the Edinburgh and South East Scotland City Region Deal with the Council working with the University of Edinburgh.
- 4.14 The programme is now well established and funding streams for the continuation of this work have been put in place by the University of Edinburgh. The £200,000 is no longer needed and as such can be released back to the fund.

Seafield

- 4.15 £130,000 was allocated for the production of a Development Framework for the regeneration of the Seafield area.
- 4.16 Subsequent to the above allocation being made, the Council has secured funding from the Scottish Government for this workstream, while the Finance and Resources Committee (on [26 January 2023](#)) agreed to the utilisation of Scottish Crown Estate net revenue allocations towards this workstream. This leaves a relatively small residual cost which it is anticipated can be met from existing revenue budgets. Given this, it is considered that the £130,000 is not required as this time and can be released back to the CSIF.

Heat and Energy Study

- 4.17 £50,000 was allocated for the production of a heat and energy study. None of this has been drawn down to date.
- 4.18 It is now considered that this work can be incorporated into the ongoing work to prepare a Local Heat and Energy Efficiency Strategy (LHEES) for Edinburgh, for which ring-fenced funding is available. Given this, it is considered that the £50,000 is not required as this time and can be released back to the CSIF.

Updated allocations

- 4.19 Based on the above considerations, the below revised allocations from the CSIF are proposed. These leave the unallocated balance at £2,875.

Programme	Allocation	Change	Drawdowns	Balance
Edinburgh Waterfront	£604,658	n/a	£604,658	£0
Edinburgh BioQuarter	£542,467	TBC	£326,467	£216,000
West Edinburgh	£345,000	n/a	£0	£345,000
ESSTS2	£655,000	+£335,000	£320,000	£335,000
Data Driven Innovation (DDI)	£0	-£200,000	£0	£0
Seafield	£0	-£130,000	£0	£0
Heat and Energy Study	£0	-£50,000	£0	£0
<i>Unallocated</i>	<i>£2,875</i>	<i>n/a</i>	<i>n/a</i>	<i>£2,875</i>
Total	£2,150,000		£1,251,125	£898,875

Loan funding element

- 4.20 The CSIF Loan Fund currently has two outstanding loans: £2,141,488 to fund the development of the East Hermiston Business Park (of which £1,367,913 is outstanding) and £290,000 to fund the refurbishment of Powderhall Stables (all of which is outstanding). The cash balance of the Loan Fund as of 1 April 2023 will stand at £435,342.
- 4.21 The East Hermiston Business Park development was completed in 2017 and repayment of the loan is now underway at a rate of £145,000 per annum.
- 4.22 The Powderhall Stables refurbishment commenced in 2021 and is now largely complete. On [10 November 2022](#), the Finance and Resources Committee agreed to lease Powderhall Stables to the charity Out of the Blue.
- 4.23 Final completion of the project and handover to the tenant has been delayed due to challenges in making the various utility connections. Due to the overrun of the project and other financial pressures, the project cost has risen. While the Council has been successful in securing additional financial contributions towards the project from various external bodies, it is forecast that there will be a residual budget pressure for the Council.
- 4.24 It is therefore proposed that the finance available to the Powderhall Stables project be increased from £290,000 to a maximum of £725,342, utilising the funds available in the CSIF Loan Fund. This loan would be repaid utilising the rental income from Powderhall Stables upon its completion.

5. Next Steps

- 5.1 The Committee will continue to receive information on development proposals, match funding applications and proposed resource allocation to strategic development priorities as these emerge, for approval.

6. Financial impact

- 6.1 Proposed revised allocations of the Strategic Programme element of the CSIF are set out at 4.19. The overall total remains unchanged.
- 6.2 The loan facility available to the Powderhall Stables project is proposed to be increased from £290,000 to a maximum of £725,342, utilising recycled funds. This loan will be repaid using rental income from Powderhall Stables once it is completed and occupied by the tenant.

7. Stakeholder/Community Impact

- 7.1 None.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.

The City of Edinburgh Council

10:00am, Thursday, 4 May 2023

Stonewall Diversity Champions Programme

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Further to Policy and Sustainability Committee on 21 March 2023 to agree to sign up to the Stonewall Diversity Champions Programme and participate in the UK Workplace Equality Index immediately.
- 1.2 To approve the associated recurring costs of £61,040, met on a one-off basis from the Council's unallocated reserves in 2023/24, with these reserves to be reinstated and funding identified on a sustainable basis as part of the 2024/25 budget process.

Dr Deborah Smart

Executive Director of Corporate Services

Contact: Margaret-Ann Love, Acting Service Director, Human Resources

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Stonewall Diversity Champion Programme

2. Executive Summary

- 2.1 Further to the motion passed at Policy and Sustainability Committee on 21 March 2023 to join the Stonewall Diversity Champion's programme and participate in the UK Workplace Equality Index, officers were requested to provide a report to May 2023 full council with a recommendation for these costs to be taken from unallocated reserves or any other appropriate available sources officers identify.
- 2.2 This report provides information on the estimated additional resources required to cover the membership fee and any associated implementation costs.

3. Background

- 3.1 Becoming a Stonewall Diversity Champion involves an annual cost of £2,500. No additional cost is charged for participating in the UK Workplace Equality Index. Associated annual recurring costs over and above the annual membership fall into 3 areas of activity: -
- Collation of evidence for submission to the Stonewall UK Workplace Equality Index and conducting annual survey between June and November each year.
 - Effective implementation of the action plan following assessment of evidence submitted.
 - Attendance at conference and training events to support our work.

4. Main report

- 4.1 Our current resources aligned to Equalities, Diversity and Inclusion for colleagues is as follows:-
- Dedicated D&I Lead Grade 8 - 0.7 FTE
 - Strategic oversight Grade 10 – 0.3 FTE
 - Support Grade 6 – 0.3 FTE

Fluctuations in workload are met by adjusting other work priorities at grade 10 and grade 6 to meet demand.

- 4.2 Research undertaken, including the experience of other public sector organisations, including Glasgow City Council, who are currently or have previously participated in the Stonewall UK Workplace Equality Index has informed our estimate of the resource required to participate in the UK Workplace Equality Index.
- 4.3 The main requirement for additional resource comes from implementing the actions identified annually from the Stonewall UK Workplace Equality Index assessment.
- 4.4 Advice indicates that gathering and submitting evidence for the Stonewall UK Workplace Equality Index can take several weeks. The main resource requirement is to ensure that Council will deliver positive progress against the actions coming out of the assessment.
- 4.9 In order to ensure the Council has sufficient resources to gather data, conduct surveys and respond effectively to the resultant action planning each year (this being key to successful progress), the estimated additional resource would be equivalent to 1 FTE at Grade 8. This estimated resource will support us to do this well. We will report back to the Policy and Sustainability Committee after 12 months on progress and an evaluation as to how well the resource has enabled this.

5. Next Steps

- 5.1 If the recommendations are approved the Council will approach Stonewall to sign up to the Diversity Champions Programme with immediate effect and begin submitting annual information to the UK Workplace Equality Index.

6. Financial impact

- 6.1 Total annual costs of £61,040 are comprised as follows:
 - (i) annual cost of membership is £2,500;
 - (ii) annual costs of activities to support participation in the Stonewall UK Workplace Equality Index and implement effective resulting action plan are estimated to be equivalent to 1 FTE at Grade 8, i.e. £57,540 (salary and oncosts); and
 - (iii) attendance at Stonewall training and conference to support our work in creating an inclusive culture for all and enabling LGBTQ+ employees to thrive in our workplace is estimated at £1,000 (including travel).
- 6.2 These costs will be met on a one-off basis from the Council's unallocated reserves in 2023/24, with these reserves to be reinstated and funding identified on a sustainable basis as part of the 2024/25 budget process.

7. Stakeholder/Community Impact

- 7.1 In the event of the Council joining Stonewall, there would be engagement with the Council's Colleague Networks to update on the decision and reinforce our ongoing commitment to all colleague networks.

8. Background reading/external references

- 8.1 Links to <https://www.stonewall.org.uk/stonewall-champions> and <https://democracy.edinburgh.gov.uk/documents/s55899/Item%207.3%20-%20Stonewall%20Diversity%20Champions%20Programme.pdf>

9. Appendices

N/A

The City of Edinburgh Council

10.00am, Thursday 4 May 2023

Drug and Alcohol Recovery Services in Niddrie and Craigmillar

Executive/routine
Wards
Council Commitments

1. Recommendations

It is recommended that Full Council:

- 1.1 Notes the plan for resuming and expanding Drug and Alcohol services in Craigmillar.

Judith Proctor

Chief Officer, Edinburgh Health and Social Care Partnership

Contact: David Williams

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Drug and Alcohol Recovery Services in Niddrie and Craigmillar

2. Executive Summary

- 2.1 This paper responds to the motion passed by Full Council on 9 February 2023 which:
- 2.1.1 Notes that there are currently no drug and alcohol recovery drop-in services in Niddrie and Craigmillar since provision that was in place was stopped during the pandemic and has not been resumed.
 - 2.1.2 Notes that this means that service users are expected to travel to Leith to access Medically Assisted Treatment and drop-in services, which is a lengthy bus journey away and not suitable for people with anxiety, physical and other issues brought about by addictions.
 - 2.1.3 Instructs officers to work with the Health and Social Care Partnership and the Edinburgh Alcohol and Drug Partnership to reinstate services as a matter of urgency.
 - 2.1.4 Agrees that an update will be reported back to Council within one cycle.
- 2.2 It describes the plan for re-establishing a local base for services and the ongoing work on implementing it.

3. Background

- 3.1 Like many parts of the city, Niddrie and Craigmillar has a significant need for drug and alcohol services. Prior to the re-drawing of locality boundaries in 2016, it was the location of the South East Recovery hub. Much of the treatment in the area is provided by local primary care practices and outreach is available for those at the highest risk, but, as noted in the council motion, the travel to Leith is a significant barrier to treatment and it is recognised that a distinct point of access is needed in that area.
- 3.2 Prior to COVID19, the commissioned voluntary sector drug and alcohol service, Turning Point Scotland (TPS) had an ongoing presence at the East Neighbourhood Centre at 101 Niddrie Mains Road (ENC) in Craigmillar. They offered drop in, 1:1 appointments and group work. They were able to make initial assessments and support access to NHS services based in Leith.

- 3.3 The decision to remove the TPS workers was beyond their control – it was driven by COVID19 when the East Neighbourhood Centre (ENC) closed and staff had to return to the main NE hub base in Leith. Regaining space and facilities in ENC has been challenging and has been the main barrier to returning to at least the former level of service. TPS have had the facility to use the public meeting space from June 2022 alongside other council services scaling up use of space safely with covid health and safety considerations but have been unable to access desk space within the building and therefore have been unable to base workers there. TPS, the ADP and the Edinburgh Health and Social Care Partnership have been working to resolve this and to resume a local service in Craigmillar.

4. Main report

- 4.1 At the time of the motion, the following service was available in the area:

Initial access:

- 4.2 TPS offered a weekly drop in for advice, information and assessment on Thursday 1-4pm at ENC. TPS are reviewing an increase in drop in to twice a week (as pre-COVID) subject to need and demand.
- 4.3 For anyone seeking to access assessment, information and advice in Craigmillar outwith the Thursday drop in, TPS could offer a pre-arranged appt at ENC for the following week, (they have had to book rooms a week in advance). Home visits were also offered for assessment and ongoing support where individual issues mean that ENC is not an appropriate meeting place. From there, direct referrals to the NHS team are with risk assessment to accelerate access to treatment where particularly urgent.
- 4.4 TPS and NHS have a team of Assertive Outreach workers who provide outreach to the homes of people at especially high risk (for instance, people who have had recent non -fatal overdose, hospital discharges or those identified through regular Multi Agency Vulnerable Adults Group meetings).

Ongoing support

- 4.5 TPS's assessment tool specifically asks an individual where they prefer to be seen (at Leith or Craigmillar) for ongoing support. TPS now have an allocated room (Dunsapie) in the ENC two days a week on a Monday and Thursday where they see patients and access to other rooms which they can book in advance.
- 4.6 TPS also have some room access in both Craigmillar and Niddrie Medical Practice where staff see patients of those practices only. These are both large local GP practices in the area which are located just a few minutes' walk from The Bothy on Niddrie Mains Road opposite the ENC and who have significant number of patients who use alcohol or other drugs. TPS have been meeting with local recovery community at Bothy and have started a SMART recovery Group and a weekly peer drop in at the Bothy on Tuesday and Wednesdays.

NHS services

- 4.7 The NHS specialist team have been less able to deliver in Craigmillar. They were seeing people (throughout their treatment) in Leith. For those at the highest risk, assertive outreach is offered and might include transport to the Leith for treatment. Many people on Opiate Replacement Treatment are seen in the local GP practice. However, for those who are neither in the highest level of crisis nor able to get their clinical care from primary care, they have had to go to Leith for treatment, which is acknowledged to have been a significant barrier.

5. Next Steps

- 5.1 Since this matter was raised through independent community advocacy, new lease agreements have been drawn up for both TPS and NHS partners to have a base at ENC. 2-4 desks are now allocated to TPS workers and 2 allocated for nursing staff; a dedicated room (the Dunsapie room) is available to see people (as well as being able to book other rooms in building for 1:1 and groups when needed). The local service is now comprised of:
- 5.1.1 TPS drop weekly (with referral on to NHS as needed).
 - 5.1.2 Planned appointments 5 days of the week with TPS workers.
 - 5.1.3 More regular planned appointments with nursing staff – two nurses are being allocated to focus on the needs of patients in the Craigmillar area and they will have a base at ENC.
 - 5.1.4 Continued assertive outreach.
 - 5.1.5 Ongoing group work programme at the Bothy and ENC.
- 5.2 All patients will be given the option of continuing to be seen in Leith if they prefer. Levels of need and demand for both TPS and NHS services will be monitored and the level of service reviewed on a continuous basis.
- 5.3 For those seeking rapid access to Opiate Replacement Therapy, the plan in the near future is for the city to have a single, central service open five days a week an offering drop in and same day treatment start (where clinically appropriate) at the Spittal Street Centre. Travel to this from across the city (including Craigmillar) will be facilitated by outreach workers where needed to enable people to access treatment there. Again, when those people no longer need that intensive initial treatment, it is expected that they would be able to return to local care either at ENC or in the GP surgery.

6. Financial impact

- 6.1 There are no financial implications arising from this report.

7. Stakeholder/Community Impact

- 7.1 The local community has been helpfully vocal in highlighting the needs in the area through organised groups and via collective advocacy. The substance of this report has been shared with those groups in response to their welcome petition. The Edinburgh Alcohol and Drug Partnership (EADP) and operational services have committed to continuing engagement with those groups.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.

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City of Edinburgh Council

10.00am, Thursday, 4 May 2023

Proposed Compulsory Purchase Order - Granton Waterfront (Phase 1) Regeneration Site

Executive/routine Ward Council Commitments	Executive 4 - Forth
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1. Recommendations

- 1.1 It is recommended that Council notes the decision of the Planning Committee on [24 March 2023](#) regarding this matter and accordingly:
- 1.1.1 Agrees to proceed with a Compulsory Purchase Order (CPO) for seven plots of land (as shown on the map in appendix 1 of this report) within the Granton Waterfront (phase 1) regeneration site and instructs the Head of Legal Services to commence the CPO process;
 - 1.1.2 Approves the draft CPO at appendix 3 of this report; and
 - 1.1.3 Notes that the Council will continue to seek a negotiated acquisition of the seven parcels of land in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

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E-mail: satyam.patel@edinburgh.gov.uk | Tel: 07599 102056

Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

2. Executive Summary

- 2.1 This report seeks approval to use the Council's compulsory purchase powers to promote a CPO for seven small parcels of land extending to 3,452 sqm within the Granton Waterfront (phase 1) regeneration site. The CPO will be progressed using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 2.2 This is in accordance with the Planning Committee decision of 24 March 2023 that a CPO should be progressed and that this should be referred to Council for authority to proceed. The report to Planning Committee is contained as an appendix to this report.
- 2.3 The Ownership and control of this land is required for the development of Phase 1 'Heart of Granton' within the wider Granton Waterfront regeneration area in accordance with the consented Granton Waterfront [Development Framework](#) and agreed delivery strategy as set out in the [Granton Waterfront Outline Business Case](#).

3. Background

- 3.1 The full background is set out in the report to the Planning Committee as appendix 2 to this report.
- 3.2 Granton Waterfront is included as a National Development within NPF4 which supports the regeneration of strategic sites along the Edinburgh Waterfront.
- 3.3 Granton Waterfront sits as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh's Waterfront. The area was identified for housing-led, mixed-use development.
- 3.4 Granton Waterfront is one of seven strategic sites prioritised for delivery as part of the Edinburgh and South East Scotland City Region Deal.

- 3.5 On [26 February 2020](#) the Planning Committee approved the Development Framework for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development.
- 3.6 On [5 October 2021](#), the Policy and Sustainability Committee approved the Granton Waterfront Regeneration Outline Business Case (OBC) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 'Heart of Granton', which includes procurement of a development partner.
- 3.7 In June 2022, following a competitive procurement process, the Council announced Cruden Homes East Ltd as the preferred bidder to take forward Phase 1 of the regeneration. A Pre-Development Agreement has now been signed, and over the next 12-18 months, the Council will work in partnership with Cruden Homes East Ltd to take forward the pre-development works to include the detailed design for around 750 net zero homes for sale and rent, commercial space, new and enhanced sustainable transport infrastructure and high-quality public realm which will connect the surrounding communities with their waterfront.
- 3.8 Gateways have been built into the pre-development period. At the end of stage 1 of the pre-development period (up to the submission of Planning), a report will be brought to Committee seeking approval of the FBC and the authority to enter into the delivery stage of Phase 1. This would be on the basis of the final price at the end of stage 2 of the pre-development period (statutory consents and tendered package of works) being in line with the affordability envelope set out in the FBC. It is anticipated that at the end of the pre-development period, the Council will enter into the delivery phase and a development agreement with Cruden Homes East Ltd, with site start commencing around summer 2024.
- 3.9 In addition to the Council's Phase 1 works, the National Galleries of Scotland has plans to deliver 'The Art Works' as part of the 'Heart of Granton'. This facility will care for, research, and share Scotland's art collection. As a key part of the regeneration of Granton Waterfront, the building and land will be a cultural focal point for the local community, offering new space for all to share and enjoy. A detailed Planning application for this facility was submitted mid-March 2023. A key active travel route as set out in the Granton Waterfront Development Framework and also identified as a key transport action for the north west of the city highlighted in LDP Action Programme (Dec 2021, Action Reference no. TR-SA-NWLOC-6), will run through this site connecting West Granton Road with Waterfront Avenue and then on to West Shore Road through future developments. 'The Art Works' with supporting infrastructure is anticipated to start on site early 2024.

- 3.10 Following title searches and investigation, it is now understood that the Council does not have ownership of seven parcels of land to be included as part of the development and regeneration of the site.

4. Main report

- 4.1 This report recommends that steps are taken to compulsorily acquire seven plots of land (as described and shown in the Schedule to the draft CPO at appendix 3 of this report) using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 4.2 The seven plots form part of the proposed Granton Waterfront (phase 1) regeneration site.
- 4.3 The Council has been in dialogue with the various landowners with a view to reaching agreement for the voluntary acquisition of all seven plots. However, in some cases, where the commercial properties have tenants in place, tenancy information from the landowners has not been forthcoming which is hindering the process. Whilst discussions will continue in an attempt to reach agreement, it is important that the Council acquires title to the land within a reasonable timeframe to allow the developer(s) to start on site within their current programme during 2024.
- 4.4 The Council needs to commence the compulsory purchase process in line with the 1997 Act to ensure that title to the land can be acquired timeously. The CPO is a safeguard and will only be implemented if the land has not been acquired by agreement before the Development Agreement is awarded for Phase 1, which is expected to be mid-2024. In addition, 'The Art Works' which will be delivered by the National Galleries of Scotland, is due to commence on site early 2024.
- 4.5 The seven plots of land, form part of the Granton Waterfront (phase 1) regeneration site. The land is required in order to undertake the development in accordance with the approved Granton Waterfront Development Framework and for delivery of new homes, commercial units and associated public realm and active travel links.
- 4.6 The full justification for the use of the compulsory purchase powers and the requirements of section 189 of the Town and Country Planning (Scotland) Act 1997 are set out in the report to the Planning Committee, which includes the Statement of Reasons.

5. Next Steps

- 5.1 If authority to exercise the compulsory purchase powers is confirmed, the Council will make the CPO and carry out the statutory advertising and notification before submitting the CPO and Statement of Reasons to the Scottish Ministers for confirmation.

- 5.2 If the CPO is confirmed, it can be implemented where necessary, and compensation agreed with the landowner.
- 5.3 In parallel the Council will progress the negotiated purchase of the land with the landowners.

6. Financial impact

- 6.1 An allowance has been made in the project budget based on available valuations, to calculate the purchase price of the land.
- 6.2 The costs relating to the CPO process itself, such as preparation and promotion of the orders, will be met from existing capital budgets.

7. Stakeholder/Community Impact

- 7.1 The stakeholder and community impact are set out in the Planning Committee report.

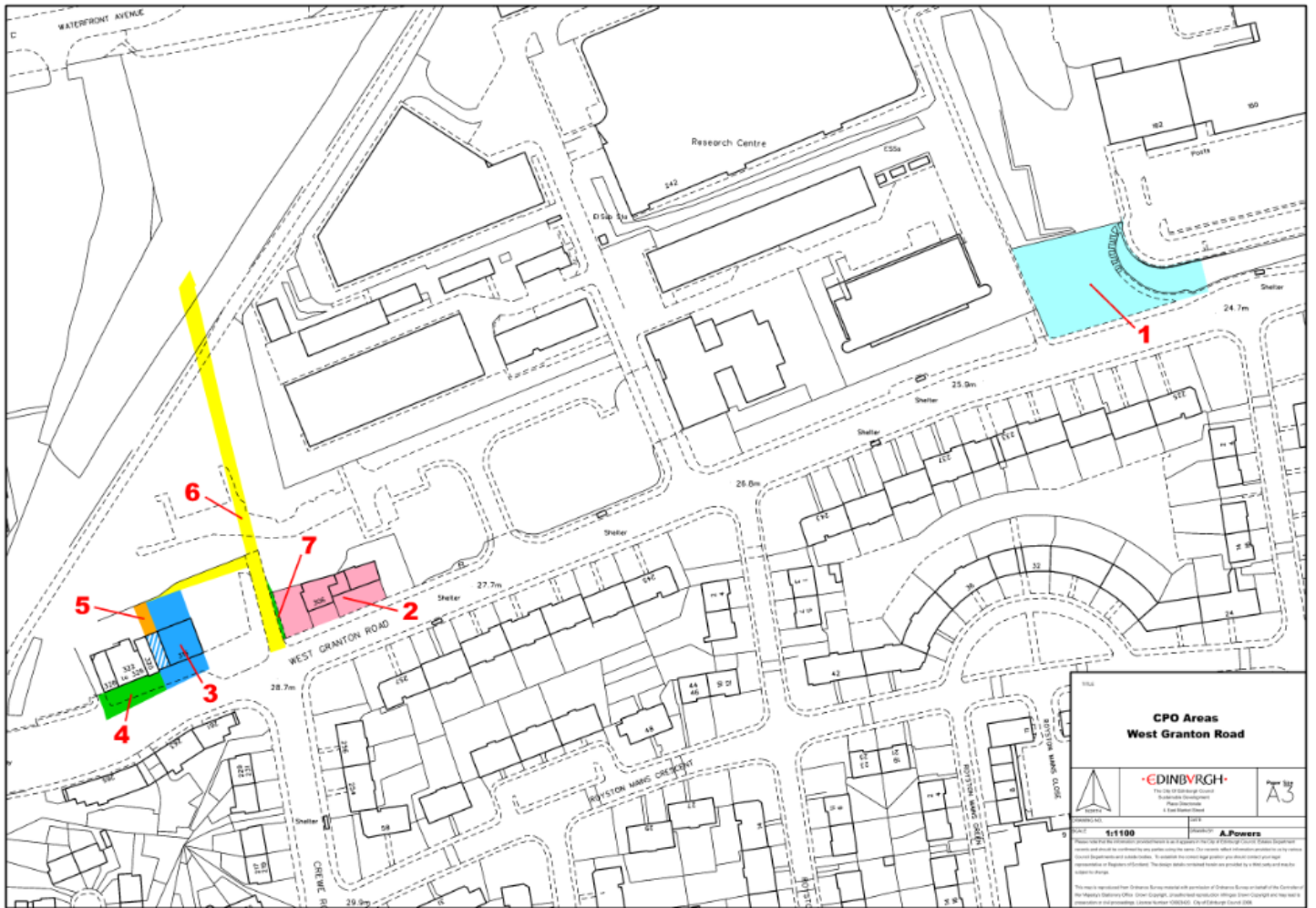
8. Background reading/external references

- 8.1 Granton Waterfront Development Framework - Planning Committee - [26 February 2020](#).

9. Appendices

- 9.1 Appendix 1 - Plan showing location of land parcels 1-7.
- 9.2 Appendix 2 – [Proposed Compulsory Purchase Order – Granton Waterfront \(phase 1\) regeneration Site](#) Planning Committee, 24 March 2023.
- 9.2 Appendix 3 – Draft CPO and Schedule.

Appendix 1 – Plan showing location of land parcels 1-7



Planning Committee

10.00am, Friday, 24 March 2023

Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

Executive/routine
Ward
Council Commitments

Executive
4 - Forth

1. Recommendations

- 1.1 It is recommended that Committee:
- 1.1.1 Agrees to pursue a Compulsory Purchase Order (CPO) for seven parcels of land within the Granton Waterfront (phase 1) regeneration site and instructs the Council Solicitor to commence proceedings;
 - 1.1.2 Notes that it is intended to submit a draft CPO to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers; and
 - 1.1.3 Notes that the Council will continue to seek a negotiated acquisition of the parcels of land in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

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Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

2. Executive Summary

- 2.1 This report seeks approval to use the Council's compulsory purchase powers to promote a Compulsory Purchase Order (CPO) for seven small parcels of land extending to around 3,452 sqm within the Granton Waterfront (Phase 1) regeneration site. The Order will be progressed using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 2.2 Ownership and control of this land is required for the development of Phase 1 'Heart of Granton' within the wider Granton Waterfront regeneration area in accordance with the consented Granton Waterfront [Development Framework](#) and agreed delivery strategy as set out in the [Granton Waterfront Outline Business Case](#).

3. Background

- 3.1 Granton Waterfront is included as a National Development within NPF4 which supports the regeneration of strategic sites along the Edinburgh Waterfront.
- 3.2 Granton Waterfront sits as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh's Waterfront. The area was identified for housing-led, mixed-use development.
- 3.3 Granton Waterfront is one of seven strategic sites prioritised for delivery as part of the Edinburgh and South East Scotland City Region Deal.
- 3.4 On [26 February 2020](#) the Planning Committee approved the Development Framework for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development (See Appendix 1 for the development framework area).
- 3.5 On [5 October 2021](#), the Policy and Sustainability Committee approved the Granton Waterfront Regeneration Outline Business Case (OBC) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial

and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 'Heart of Granton', which includes procurement of a development partner (see Appendix 2 for boundary of Phase 1 'Heart of Granton').

- 3.6 In June 2022, following a competitive procurement process, the Council announced Cruden Homes East Ltd as the preferred bidder to take forward Phase 1 of the regeneration. A Pre-Development Agreement has now been signed, and over the next 12-18 months, the Council will work in partnership with Cruden Homes East Ltd to take forward the pre-development works to include the detailed design for around 750 net zero homes for sale and rent, commercial space, new and enhanced sustainable transport infrastructure and high-quality public realm which will connect the surrounding communities with their waterfront.
- 3.7 Gateways have been built into the pre-development period. At the end of stage 1 of the pre-development period (up to the submission of Planning), a report will be brought to Committee seeking approval of the FBC and the authority to enter into the delivery stage of Phase 1. This would be on the basis of the final price at the end of stage 2 of the pre-development period (statutory consents and tendered package of works) being in line with the affordability envelope set out in the FBC. It is anticipated that at the end of the pre-development period, the Council will enter into the delivery phase and a development agreement with Cruden Homes East Ltd, with site start commencing around summer 2024.
- 3.8 Alongside this, the Council is progressing the business case stages for a low carbon heat network in Granton. Procurement and delivery timescales for this will be aligned with the development master programme to ensure that this is operational in time to allow connection to the new homes being delivered through Phase 1.
- 3.9 In addition to the Council's Phase 1 works, the National Galleries of Scotland has plans to deliver 'The Art Works' as part of the 'Heart of Granton'. This facility will care for, research, and share Scotland's art collection. As a key part of the regeneration of Granton Waterfront, the building and land will be a cultural focal point for the local community, offering new space for all to share and enjoy. A detailed Planning application for this facility was submitted mid-March 2023. A key active travel route as set out in the Granton Waterfront Development Framework and also identified as a key transport action for the north west of the city highlighted in LDP Action Programme (Dec 2021, Action Reference no. TR-SA-NWLOC-6), will run through this site connecting West Granton Road with Waterfront Avenue and then on to West Shore Road through future developments. 'The Art Works' with supporting infrastructure is anticipated to start on site early 2024.
- 3.10 Within the wider Granton Waterfront area, the Council has accelerated the regeneration through a number of 'early action projects'. These projects to deliver 519 net zero homes for sale and rent and three commercial units within Granton Waterfront are well underway with first homes due for completion late 2023. In addition, works to bring back to life dilapidated heritage assets at Granton Station

are now complete with Wasps, a registered charity, providing affordable studios to support artists, makers and creative industries due to take over the building later this year. Works to restore the Granton Gasholder and create a new city park within its frame commenced on 9 January 2023 with completion due summer 2024.

4. Main report

- 4.1 This report recommends that steps are taken to use a CPO to acquire seven plots of land as shown in Appendix 3 using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997 to enable delivery of the Phase 1 'Heart of Granton'.
- 4.2 Following title searches and investigation, it is understood that the seven plots of land are held in various ownership with their current uses set out below. Further detail on each of these sites and how they relate to the proposed phase 1 'Heart of Granton' development is provided in Appendix 4.
- Area 1 is 1,522.87 sqm and is an area of land directly off West Granton Road. This area consists of shrubs and a pedestrian footpath to the southwest of Lidl. It will form the entrance to a north-south active travel route from West Granton Road to Waterfront Avenue and eventually onto West Shore Road as identified in the LDP action plan;
 - Area 2 is 546.70 sqm consisting of operational commercial units identified as 306 West Granton Road. This site also includes four advertising boards;
 - Area 3 is 398.34 sqm and includes an operational commercial unit identified as 316 -318 (basement) West Granton Road alongside an area of footpath and carriageway to the front and shrubland to the rear;
 - Area 4 is 184.42 sqm and is an area of land identified as forming part of an adopted footpath and located at the junction of West Granton Road and Waterfront Broadway;
 - Area 5 is 49.30 sqm and is an area of overgrown shrubland to the rear of no 318 West Granton Road;
 - Area 6 is 729.30 sqm and is an area of land running east-west and north-south forming part of an overgrown access road servicing former commercial units that have been vacant and derelict (318 -328) for a period of time and operational commercial unit (316 – 318 basement) which is part of this CPO. The north-south strip continues into vacant shrubland and crosses over a diagonal active travel route; and
 - Area 7 is 21.99 sqm and forms part of a grass verge adjoining the access road servicing a commercial unit, No 316 West Granton Road.
- 4.3 The Council has undertaken constructive dialogue with all the landowners. Negotiations to date have been positive and it is hoped that an agreement can be reached for the voluntary acquisition of all seven plots. However, it is important that

the Council acquires title to the land within a reasonable timeframe to allow the developer(s) to start on site within their current programme during 2024.

- 4.4 The Council needs to commence the compulsory purchase process in line with the 1997 Act to ensure that title to the land can be acquired timeously. The CPO is a safeguard and will only be implemented if the land has not been acquired by agreement before the Development Agreement is awarded for Phase 1, which is expected to be mid-2024. In addition, 'The Art Works' which will be delivered by the National Galleries of Scotland, is due to commence on site early 2024.
- 4.5 Section 189 states:
- (1) A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which:
 - (a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and
 - (b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
 - (2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to:
 - (a) the provisions of the development plan, so far as material,
 - (b) whether planning permission for any development on the land is in force, and
 - (c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.
- 4.6 It is considered that the requirements of s189 (1) and (2) are met. The justification for making the CPO will be set out in a Statement of Reasons which will be submitted to the Scottish Ministers when seeking confirmation of the CPO. This is attached at Appendix 5.
- 4.7 In relation to Section 189 (1)(a), the land, combined with adjacent land, is suitable for development. The Granton Waterfront Development Framework was approved by Planning Committee on [26 February 2020](#) as non-statutory planning guidance to inform future planning applications within the area.
- 4.8 In relation to section 189 (1)(b), the parcels of land are located on the Granton Waterfront Regeneration Site as shown in the Granton Waterfront Development Framework as currently approved. Areas 2 - 7 are located in positions which straddles proposed buildings or associated public realm shown in the Development Framework. It would not be possible to construct these buildings and associated public realm if the land is not acquired. Area 1 forms part of the proposed active travel network as set out in the Development Framework and LDP which continues through the site of the National Galleries of Scotland's proposed new facility 'The Art Works', connecting West Granton Road with West Shore Road. If it is not

acquired, it will not be possible to create this active travel link at this location and the ability to deliver a route through to the shore from West Granton Road will be severely compromised.

- 4.9 In relation to Section 189 (2)(a), Granton Waterfront sits within 'Edinburgh Waterfront' which is defined as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh's Waterfront. The area is identified for housing-led, mixed use development. National Planning Framework 4 identifies Edinburgh Waterfront as a National Development under the Hierarchy of Development legislation contained in The Planning etc. (Scotland) Act 2006.
- 4.10 In relation to Section 189 (2)(b), a detailed planning application will be submitted for Phase 1 of Granton Waterfront regeneration in winter 2023.
- 4.11 The proposal to compulsorily purchase the land is in accordance with the provisions of Section 189 of the Town and Country Planning (Scotland) Act.

5. Next Steps

- 5.1 On receipt of approval of this report, a draft CPO will be submitted to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers.
- 5.2 If authority to exercise the powers is confirmed, the Council will make the CPO, issue the Statement of Reasons attached in Appendix 5 and carry out the statutory advertising and notification before submitting the CPO to the Scottish Ministers for confirmation.
- 5.3 If the CPO is confirmed, it can be implemented where necessary, and compensation agreed with the landowner.
- 5.4 In parallel, the Council will continue to seek a negotiated acquisition of the land parcels.

6. Financial impact

- 6.1 An allowance has been made in the project budget based on available valuations, to calculate the purchase price of the land.
- 6.2 The costs relating to the CPO process itself, such as preparation and promotion of the orders, will be met from existing capital budgets.

7. Stakeholder/Community Impact

- 7.1 The Granton Waterfront Development Framework was developed with significant community and other stakeholder engagement.

- 7.2 The Council has entered discussions with all the landowners with a view to acquire these assets through negotiation.
- 7.3 There are no adverse equalities, health and safety, governance, compliance or regulatory implications arising from this report. The purchase of the land will allow the completion of Phase 1 of a major regeneration project.
- 7.4 The CPO process is designed to ensure that individuals' rights are protected, and the Council are fully engaging with the process.
- 7.5 The construction of the new homes will improve the housing opportunities in the area for those on low to moderate incomes as there will be a minimum of 35% affordable homes. The homes will include 10% wheelchair accessible flats to meet tenants' changing needs.
- 7.8 The houses will be highly insulated and energy efficient meaning they require less energy to heat and therefore reducing living costs for tenants.
- 7.9 The construction of the new public realm and active travel routes is expected to deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area.

8. Background reading/external references

8. Granton Waterfront Development Framework - Planning Committee - [26 February 2020](#).

9. Appendices

- 9.1 Appendix 1 – Development Framework Red Line.
- 9.2 Appendix 2 – Granton Waterfront Regeneration Phase 1 'Heart of Granton'.
- 9.3 Appendix 3 -.Land areas 1-7.
- 9.4 Appendix 4 – Land areas 1-7 ownership and Ordinance Survey Co-ordinates.
- 9.5 Appendix 5 - Statement of Reasons.

Appendix 1 - Development Framework Area

1.1

The Site



Fig. 1.8: Aerial Map showing Development Framework area, previous development and areas of potentially developable land

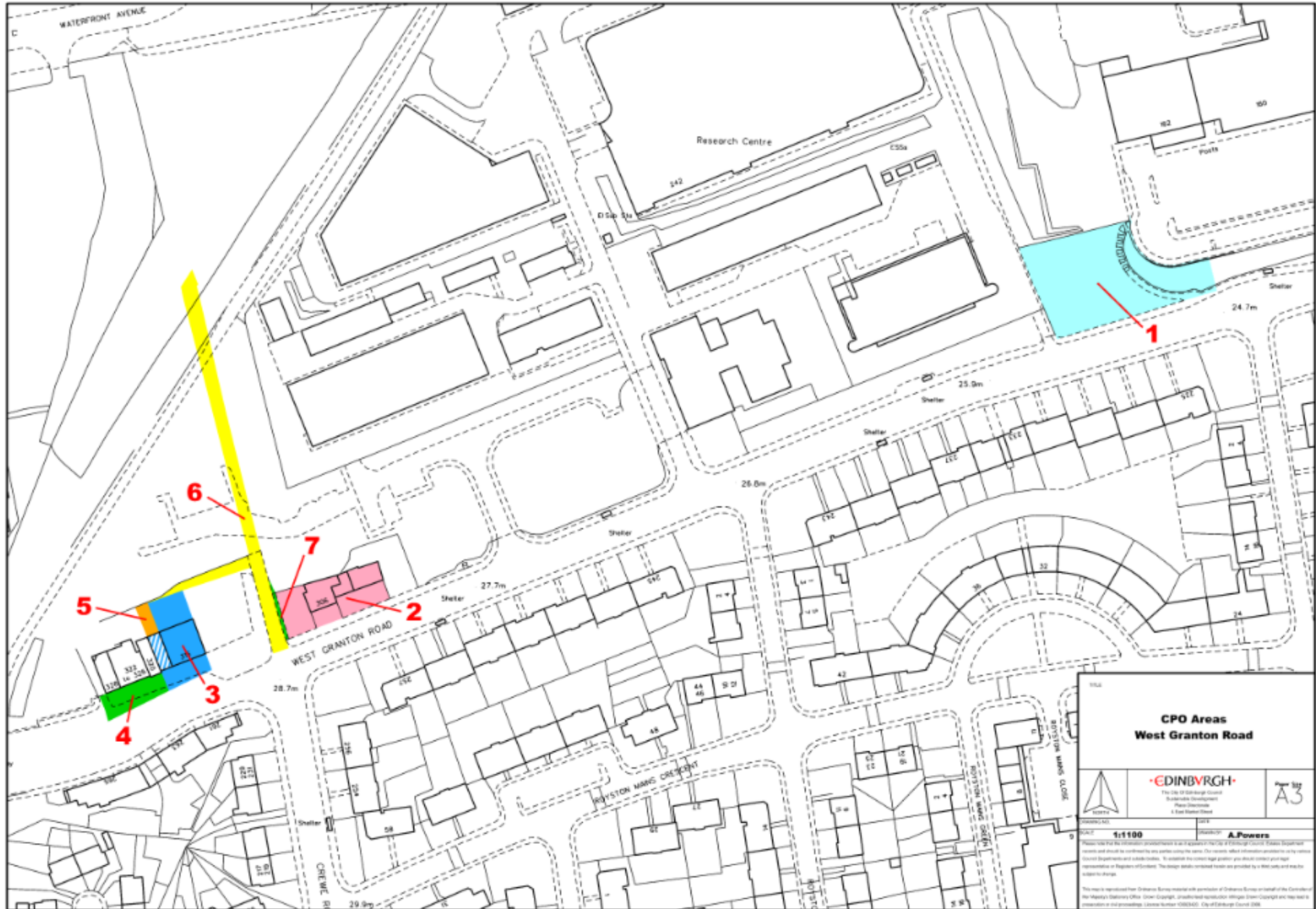
Appendix 2 – 'Heart of Granton'



Indicative CEC Phase 1 Site Boundary

Indicative NGS Site Boundary

Appendix 3 – Land Areas 1 – 7



Appendix 4 - Areas 1- 7 with Ordnance Survey co-ordinates

Land Area	Current Use	Location	Co-ordinates	Sq m	Owner
1	Shrubs and pedestrian path	West Granton Road to the south- west of Lidl	Eastings: 323033, Northings: 676840	1522.87	LIDL Great Britain Ltd
2	Commercial	306 West Granton Road	Eastings: 322770, Northings: 676731	546.7	G and L D'Inverno Limited
3	Commercial alongside an area of footpath and carriageway to the front and shrubland to the rear	316-318(basement) West Granton Road	Eastings: 322719, Northings: 676717	398.34	Mark Anthony Delicato
4	Adopted footpath	West Granton Road at junction with Waterfront Broadway	Eastings: 322703, Northings: 676699	184.42	Executors of Sir James Miller
5	Shrub land	To the rear of the basement of the vacant and derelict commercial unit 318 West Granton Road	Eastings:322708, Northings: 676724	49.3	Susan Yvonne Delicato
6	Access Road and overgrown shrubland	Forming part of an access road servicing former commercial units that have been vacant and derelict (316 -328 West Granton Road) for a period of time and also serving commercial unit (316 and the basement of 318 West Granton Road) which is part of this CPO process.	Eastings: 322741, Northings: 676758	729.30	Miller Development Limited

7	Grass verge	Adjoining the access road serving 316-328 West Granton Road	Eastings: 322754 Northings: 676725	21.99	Executors of Sir James Miller
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Appendix 5 – Statement of Reasons

STATEMENT OF REASONS: LAND FOR DEVELOPMENT AT GRANTON WATERFRONT (PHASE1) THE CITY OF EDINBURGH COUNCIL

THE CITY OF EDINBURGH COUNCIL (GRANTON WATERFRONT PHASE 1) COMPULSORY PURCHASE ORDER [2023]

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons (“**SoR**”) by the City of Edinburgh Council (“**the Council**”) for the making of a compulsory purchase order entitled “The City of Edinburgh Council (Granton Waterfront Phase 1) Compulsory Purchase Order [2023]” (“**the CPO**”).
- 1.2 This SoR has been prepared in accordance with the Scottish Government Guidance contained in Planning Circular 6/2011: Compulsory Purchase Orders. The use of compulsory purchase powers will only be justified where the public benefit in the proposed scheme clearly outweighs the private rights of affected parties. This SoR sets out the background to, the purpose of, and the justification for making the CPO.
- 1.3 The CPO relates to the acquisition of areas of land required to complete the mixed-use regeneration of Phase 1 of the Granton Waterfront site which is located to the north of Edinburgh city centre (“**the Development Site**”) in accordance with the Granton Waterfront Development Framework (“**the Development Framework**”). The regeneration of Phase 1 includes the development of new Council owned and private homes with associated heat network and energy centre, commercial units integrated into flatted housing block, a school, medical centre, culture facilities, active travel, mobility hub and public realm (“**the Scheme**”).
- 1.4 This SoR sets out the reasons the Council believes the powers of compulsory purchase contained in the CPO are justified and why this is in the public interest. The Council considers that the public benefits set out below clearly demonstrate that there is a compelling case in the public interest for the making of the CPO.

2. LAND TO BE ACQUIRED

- 2.1 The Development Site (the ‘Heart of Granton’) comprises around 17 ha of land in majority Council ownership and around 4 ha of land in Scottish Government (SG) Ownership (this land was purchased by SG and will be used to deliver the National Galleries of Scotland’s (NGS) new facility ‘The Art Works’). The land sits within the wider 140 ha Granton Waterfront regeneration area. The Council owns around 50 ha of developable land, some of which is being taken forward as early action projects with the remaining development coming forward in four distinct phases. The Development Site for Phase 1 is shown on the plan appended at Appendix A to this SoR.

- 2.2 The Development Framework provides for an urban, mixed-use development to be delivered on around 50 ha of developable land held in majority Council ownership. This CPO relates to development of Phase 1. The Development Site lies to the north of West Granton Road and is bounded to the south by West Shore Road. The Development Framework was approved as non-statutory planning guidance by the Council’s Planning Committee on 26 February 2020.
- 2.3 The site has a varied history. Until the 1800s, much of the site was rural and undeveloped in character, with the exception of Granton Castle (dating from the 1500s) and its policies in the north-eastern corner of the site. The Castle itself was largely demolished in the 1920s, but its Walled Garden remains largely extant. In the 1840s, the Edinburgh, Leith and Granton Railway was developed, running across the south-eastern part of the site; today, the route of the railway remains as a cycle path. From 1898 to 1902, the main part of the site was developed into the Granton Gasworks. The buildings and structures within the Gasworks have largely since been demolished, with the notable exceptions of Gasholder No. 1 and the Station building. Around this time, the Granton Ice Works (now demolished) was developed in the northern part of the site; this site was subsequently used for a variety of industrial activities before being cleared. The site did not change significantly over the first half of the 20th century but in the latter part of the 20th century, a small parade of retail units was developed in the south-eastern corner of the site. Demolition of buildings and structures in the Gasworks was carried out in phases in the 1990s and 2000s, following which the site took on what is largely its present character. Plans showing the use of the Development Site over time are included at Appendix B to this SoR.
- 2.4 The Development Site and the land required for the delivery of the Scheme is predominantly within the Council’s ownership. To complete the assembly of the Development Site and deliver the Scheme, seven further plots of land must be acquired. Plots 1-7 are shown on the plan appended at Appendix C to this SoR.
- 2.5 The table below describes the details and characteristics of the seven plots to be acquired in terms of the CPO:

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
1	Grid References: NT 23033 76840 Eastings: 323033 Northings: 676840 ALL and WHOLE that area of ground at West Granton Road, Edinburgh shown labelled “1” and	LIDL Great Britain Limited	Plot 1 forms part of the shrubbery and landscape and a pedestrian footpath to the southwest of Lidl commercial unit at 160 West	Plot 1 will form part of the active travel route and associated public realm. This route will start at West Granton Road Lidl site and continue through the proposed site of the new facility by National Galleries of Scotland ‘The Art Works’. The	Plot 1 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>shaded light blue on the plan at Appendix C forming PART and PORTION of the subjects known as LIDL UK GMBH, 160 West Granton Road, Edinburgh EH5 1PE registered in the Land Register of Scotland under Title Number MID167987.</p> <p>The following burdens or servitudes affect Plot 1:-</p> <p>(1) a servitude right of wayleave over the adjoining property for pipes, cables, wires and other service media required for the laying of services of gas, electricity, water, sewerage and telecomms to Plot 1 (but only where such Service Media cannot reasonably practicably and at reasonable cost be laid along a route or routes which</p>		Granton Road.	route will lead to Waterfront Avenue and then on to West Shore Road.	<p>adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>avoid/avoids and Adjoining Property);</p> <p>(2) a right to connect into and/or use such of the service media servicing Plot 1</p> <p>presently situated or which in the future is situated in the adjoining property with a right of access for renewing, repairing and maintaining the same.</p> <p>(3) there are corresponding cross rights in the same terms as above over Plot 1 in favour of the adjoining property.</p>				
2	<p>Grid References NT 22770, 76731</p> <p>Eastings: 322770</p> <p>Northings: 676731</p>	G and L D'Inverno Limited	Plot 2 consists of an operational commercial units	Plot 2 forms part of site D6 within the approved Development Framework. Forming part of	Plot 2 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>ALL and WHOLE that area of ground at West Granton Road, Edinburgh shown labelled "2" and shaded pink on the plan at Appendix C forming PART and PORTION of that area or piece of ground at Granton extending to one hundred and forty decimal or one-thousandth parts of an acre Imperial Measure or thereby described in and disposed by and as delineated and coloured pink on the plan or sketch annexed and subscribed as relative to Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees, with consent of Mrs. Elizabeth Macpherson or</p>		<p>identified as 306 West Granton Road. This site also includes four advertising boards</p>	<p>the Scheme, Site D6 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A large proportion of Plot 2 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development and as an alternative some of the land may be outside the building footprint and located within proposed garden spaces and areas of public realm.</p>	<p>which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>Taylor and others of Huddersfield Building Society recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on the 29 November 1934.</p> <p>The following burdens or servitudes affect Plot 2:-</p> <p>(1) Plot 2 is subject to a reservation to the former superior of all existing sewers, gas, water and drainage pipes in the whole lands and others disposed and the right to use same and to lead other pipes through any part of the said lands and others with free access thereto for the purpose of repair or renewal and for other necessary purposes subject to payment of</p>				

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>surface damage caused thereby.</p> <p>The following burdens or servitudes were imposed on Plot 2 by a Disposition by CEC in favour of the current owner, so CEC would be the party entitled to enforce these burdens:-</p> <p>(1) the owner is bound to enclose Plot 2 within a period of six months after the date of entry with suitable walls and a gate;</p> <p>(2) Plot 2 is to be used as a yard for storage and parking ancillary to the adjacent subjects on the east; and</p> <p>(3) no permanent buildings will be erected on Plot 2.</p>				

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
3	<p>Grid References NT 22719, 76717</p> <p>Eastings: 322719</p> <p>Northings: 676717</p> <p>ALL and WHOLE those subjects at 316 West Granton Road labelled "3" and shaded dark blue on the plan at Appendix C together with the basement premises at 318 West Granton Road forming PART and PORTION of the subjects described in and disposed by Feu Charter by James Miller in favour of Egidio Delicato recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on 17 July 1951.</p> <p>The following burdens or servitudes affect Plot 3:-</p> <p>(1) there is a reservation of all</p>	Mark Anthony Delicato	Plot 3 consists of an operational commercial unit identified as 316 and the basement of 318 West Granton Road. It also includes an area of adopted footpath and carriageway to the front of the unit and shrubland to the rear.	Plot 3 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes and commercial in a flatted block with associated open space, active travel and public realm. A large proportion of Plot 3 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development and as an alternative some of the land may be outside the building footprints and located within proposed garden spaces and areas of public realm.	<p>Plot 3 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>mines, metals, minerals, fossils, coal, shale, limestone, marls, ironstone,</p> <p>clay, freestone, slates, marble and other stone within and under Plot 3;</p> <p>(2) the owner is bound to erect suitable walls or fences of a style on the north and east boundaries of Plot 3;</p> <p>(3) Plot 3 is liable to pay a share corresponding to the proportion of the rateable value of Plot 3 bears to the combined rateable values of said subjects and adjoining subjects of the expense of maintaining all walls, drains, pipes and all others common or mutual to Plot 3 and said adjoining subjects; and</p> <p>(4) Plot 3 is subject to a</p>				

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>servitude right of access (in favour of 318 West Granton Road) over the ground situated to the rear of Plot 3 for the purpose of executing repairs and carrying out maintenance work.</p>				
4	<p>Grid References NT 22703, 76699 Eastings: 322703 Northings: 676699</p> <p>ALL and WHOLE the subjects at West Granton Road labelled "4" and shaded yellow on the plan at Appendix C comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James</p>	Executors of Sir James Miller	Plot 4 consists of adopted footway.	Plot 4 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A small proportion of Plot 4 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development, and it may be that all of Plot 4 falls out with the building footprints and is	<p>Plot 4 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.</p> <p>There are no subsisting or relevant burdens or servitudes.</p>			located under proposed garden spaces and adopted footway.	
5	<p>Grid References NT 22708, 76724</p> <p>Eastings: 322708</p> <p>Northings: 676724</p> <p>ALL and WHOLE the subjects labelled "5" and shaded orange on the plan at Appendix C comprising area of ground lying to the rear of 318 West Granton Road, Edinburgh registered in the Land Register of Scotland under Title Number MID82518.</p> <p>Plot 5 is subject to corresponding burdens and servitudes in the</p>	Susan Yvonne Delicato	Plot 5 consists of overgrown land to the rear of the basement of 318 West Granton Road.	Plot 5 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A small proportion of Plot 5 may fall directly under the proposed footprints of the new flatted block. However, this footprint is still within design development, and it may be that all of Plot 5 falls out with the building footprints and is located under proposed garden	<p>Plot 5 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	same terms as are applicable to Plot 3.			amenity spaces for the new homes.	
6	<p>Grid References NT 22741, 76758</p> <p>Eastings: 322741,</p> <p>Northings: 676758</p> <p>ALL and WHOLE the area of ground labelled "6" and shaded yellow on the plan at Appendix C comprising</p> <p>(1) ALL and WHOLE the subjects on the east side of Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of Scotland under Title Number MID46601; (2) ALL and WHOLE the subjects at Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of</p>	Miller Development Limited	Plot 6 forms part of an overgrown access road servicing former commercial units that have been vacant and derelict (318-328) for a period of time and operational commercial unit (316 and the basement of 318) which is part of this CPO. The north-south strip continues into vacant shrubland and crosses over a diagonal active travel route.	Plot 6 forms part of site D3, D4 and D6 within the approved Development Framework. Forming part of the Scheme, Site D3, D4 and D6 are proposed as the location for new homes in a flatted block with associated open space, active travel, and public realm. A small proportion of Plot 6 may fall directly under the proposed footprint of the new flatted blocks. However, this footprint is still within design development, and it may be that the majority of Plot 6 falls out with the building footprints and is located under proposed garden amenity spaces for the new homes and active travel route.	<p>Plot 6 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>Scotland under Title Number MID46602; and (3) PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.</p> <p>The following burdens or servitudes affect Plot 6:-</p> <p>(1) Plot 6 is subject to a reservation to the former superior of all existing sewers, gas, water and drainage pipes in the whole lands and others disposed and the right to use same and to lead other pipes through any part of the said lands and</p>				

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	<p>others with free access thereto for the purpose of repair or renewal and for other necessary purposes subject to payment of surface damage caused thereby.</p>				
<p>7</p>	<p>Grid References NT 22754, 76725 Eastings: 322754 Northings; 676725</p> <p>ALL and WHOLE the subjects at West Granton Road labelled "7" and shaded green on the plan at Appendix C comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded</p>	<p>Executors of Sir James Miller</p>	<p>Plot 7 forms part of a grass verge adjoining the access road servicing a commercial unit No 316 West Granton Road.</p>	<p>Plot 7 forms part of site D6 within the approved Development Framework. Forming part of the Scheme, Site D6 is proposed as the location for new homes in a flatted block with associated open space, active travel, and public realm. A small proportion of Plot 7 may fall directly under the proposed footprint of the new flatted blocks. However, this footprint is still within design development, and it may be that the majority of Plot 7 falls out with the building footprints</p>	<p>Plot 7 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
	in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.			and is located under proposed garden amenity spaces for the new homes and active travel route.	

3. PLANNING STATUS AND PURPOSE OF ACQUISITION

- 3.1 The compulsory acquisition of Plots 1-7 will enable the delivery of the Scheme. The Scheme will deliver new Council owned and private homes with an associated heat network and energy centre, commercial units integrated into flatted housing block, alongside a school, medical centre, culture facilities, active travel, mobility hub and public realm. Plots 1-7 are required to complete the site assembly to secure the land required for the Scheme to proceed. The acquisition of land at the Granton Waterfront by the Council and its predecessors for housing and recreational purposes has been ongoing for circa 15 years. The most recent purchase, for the purposes of land assembly, was the acquisition of the Forthquarter land from Port Greenwich Limited in 2018. While undertaking a review of the site requirements for the regeneration project, it became apparent that Plots 1 - 7 have not formed part of previous transfers and acquisitions of land.
- 3.2 Without acquiring Plots 1 - 7, the Council will not be able to complete the site assembly and ensure that it has a satisfactory and secure basis for delivering the Scheme. It is essential that the Council has heritable title to all the land required for the Scheme in order to progress with delivery of the project.
- 3.3 Granton Waterfront has been the subject of numerous masterplans from different landowners since early 2000 with masterplans prepared by landowners including National Grid (Forthquarter site), Waterfront Edinburgh Ltd (Central Development Area and North Shore) and Forth Ports (Granton Harbour). Development stalled around 2007 with the downturn in the economy.
- 3.4 In May 2016, the Council's Planning Committee approved a [Place Brief for the National Collections Facility](#) at Granton Waterfront as non-statutory planning guidance. The intention was to deliver a visitor destination and create a facility that is the primary means of caring for their art collections, centralising Historic Environment Scotland's archives and housing the National Galleries of Scotland's collections. It was envisaged that this would contribute to the regeneration of Granton. See Appendix D for link to Place Brief.
- 3.5 [In March 2018, the Council's Housing and Economy Committee](#) agreed the high-level objectives for the regeneration of Granton Waterfront including the intention to work collaboratively with the public-sector partners and the local community to develop a vision for

Granton. This included agreement to undertake work to update masterplans and studies to support future development. See Appendix D for a link to Strategy.

- 3.6 In March 2018 the Council's Finance and Resources Committee (B agenda) agreed to note the purchase of the Forthquarter site in Granton Waterfront.
- 3.7 In May 2018, land in Granton Waterfront held formerly in WEL/ EDI ownership officially transferred over to the Council.
- 3.8 In [Feb 2020](#), the Council's Planning Committee approved the Development Framework for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development. A link to the Development Framework is provided in Appendix D. Details of the Council's 2020 decision by the Planning Committee are included in Appendix E.
- 3.9 On [5 October 2021](#), the Council's Policy and Sustainability Committee approved the Granton Waterfront Regeneration Outline Business Case (OBC) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. The Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 'Heart of Granton', which includes procurement of a development partner. A link to the OBC is provided in Appendix D. Details of the Council's 2021 decision by the Policy and Sustainability Committee are included in Appendix E to this SoR.
- 3.10 The key elements of Phase 1 'Heart of Granton' are as follows:
 - 3.10.1 Capacity for around 785 net zero homes in a mix of housing types and tenure;
 - 3.10.2 Capacity for a new school, medical centre and other community uses, including around 3000 sq. m of commercial space;
 - 3.10.3 Pedestrian priority streets with a restricted parking policy in line with carbon reduction objectives;
 - 3.10.4 A whole development approach to net zero carbon – zero carbon homes, SUDs and rain gardens;
 - 3.10.5 Placemaking to create a vibrant new development of safe and active streets to nurture community life and to improve connections through and into the surrounding area;
 - 3.10.6 Sustainable transport infrastructure including a mobility hub;
 - 3.10.7 Low carbon energy solution identified by the Council following the outcome of ongoing options appraisal and Business Case development stages; and
 - 3.10.8 High quality landscaping and public realm to encourage life and activity with green routes and urban parks.

4. ENABLING ACT AND COMPULSORY PURCHASE POWERS

- 4.1 The Council intends to use the provisions contained in section 189 of the Town and Country Planning (Scotland) Act 1997 ("**the 1997 Act**") to acquire Plots 1 - 7 by means of compulsory purchase. Section 189 (1) provides as follows:

"A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which—

(a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.”

4.2 Section 189 (2) further provides:

“A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to—

(a) the provisions of the development plan, so far as material,

(b) whether planning permission for any development on the land is in force, and

(c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

The Council considers that the requirements set out in section 189(1) are met in this case and the Council has had regard to the factors outlined in section 189(2).

4.3 In relation to section 189 (1) (a), the land, combined with adjacent land, is suitable for development. This has been established by the approval of the Granton Waterfront Development Framework. In relation to section 189 (1) (b), the parcels of land are located such that if they cannot be acquired, it will not be possible to deliver the Development Framework as currently approved. Plots 1-7 are located in positions which either straddle a proposed building shown in the Development Framework or associated public realm and active travel routes through. If these plots are not acquired, it will not be possible to build homes on these sites and achieve active travel through routes from the surrounding community to the shore, which will be severely compromised.

4.4 In relation to Section 189 (2)(a), Granton Waterfront sits within ‘Edinburgh Waterfront’ which is defined as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh’s Waterfront. The area is identified for housing-led, mixed use development where some development has been approved in accordance with approved master plans. The LDP sets out Development Principles, which include:

- Complete the approved street layout and perimeter block urban form;
- Provide housing-led development on sites formerly identified for major business-led development;
- Provide an appropriate housing mix;
- Deliver school provision;
- Provide a strategic flood risk assessment;
- Encourage the enhancement of employment and a ‘destination’ through existing and new commercial, cultural, tourist and retail opportunities; and
- Complete the relevant section of the waterside Edinburgh Promenade.

- 4.5 The development plan now includes the National Planning Framework 4 following its adoption by the Scottish Ministers on 13 February 2023. NPF4 has designated Edinburgh Waterfront as a National Development with an aim to create a mixed-use development of the highest quality.

National developments were designated by the Scottish Government on the basis of the following criteria:

- **Climate Change:** The development will help to reduce emissions, contributing to Scotland's target of net zero emissions by 2045, will be emissions neutral or emissions negative.
- **People:** The development will support the health, wellbeing, sustainability and quality of life of our current and future population.
- **Inclusive growth:** The development will contribute to sustainable economic growth that helps to reduce poverty and inequality across Scotland.
- **Place:** The development will protect or enhance the quality of a place or improve biodiversity.

These criteria, together with the NPF4 designation, further support the progression and delivery of the Scheme in line with the provisions of the development plan.

- 4.6 Within the Edinburgh Waterfront Strategic Development Area, the site forms part of three designated sub-areas: EW 2a: Forth Quarter; EW 2b: Central Development Area; and EW 2d: North Shore
- 4.7 In relation to Section 189 (2)(b), a planning application will be submitted for Phase 1 in Winter 2023. The National Galleries of Scotland submitted a Planning application for 'The Art Works' in March 2023.
- 4.8 The Council is therefore content that the proposal to compulsorily purchase Plots 1-7 is in line with the provisions of section 189 of the 1997 Act.

5. OWNERSHIP AND ENGAGEMENT

- 5.1 As set out in section 3 above, the Council and its predecessors have been assembling land at Granton Waterfront for a prolonged period for housing led mixed use purposes. The previous acquisitions did not include Plots 4,5,6 and 7. Plots 2 and 3 form part of operational commercial units, with the Council's intention to operate as is until required for re-development purpose. Plots 1 is identified within the Development Framework as a proposed active travel route.
- 5.2 The Council has carried out extensive title investigation and research to establish the ownership of Plots 1-7 and these are set out in section 2.5. On that basis the Council has engaged with and commenced negotiations with the owners/representatives of the relevant plots. Negotiations are ongoing but given the desire to progress with the delivery of the Scheme, the Council considers that there is a reasonable likelihood that some of the plots may have to be compulsorily acquired.
- 5.3 Given the size of Plots 1-7, the current use of the plots, and the necessity for all plots to be within the Council's ownership to enable the delivery of the Scheme, the Council does not consider that it would be in the public interest for the plots to become areas of 'ransom' by the landowner. It is therefore considered that the use of compulsory powers of acquisition can be justified in the event that the voluntary acquisition of the plots cannot be secured.
- 5.4 The Development Framework and the proposals for the Scheme were prepared after an extensive public consultation was undertaken with the local communities, stakeholders, Elected

Members, and public sector partners comprising The National Galleries of Scotland, National Museums Scotland and Edinburgh College, Architecture and Design Scotland, Scottish Futures Trust and Scottish Government. A series of public consultations and stakeholder events was held between October 2018 and May 2019 to ensure that the Framework was developed in association with, and informed by, the ideas, insight and experiences of stakeholders, local interest groups and the local community.

5.4.1 The key public consultations were:

- October 2018 – Stakeholders surgeries part 1;
- November 2018 – ‘Tell us more about Granton’ public consultation and survey;
- December 2018 – Community stakeholders’ drop-in session;
- January 2019 – Stakeholders’ surgeries part 2;
- January 2019 – ‘Granton could be’ mobile ‘roadshow consultation event; and
- May 2019 – ‘Granton will be’ consultation event.

Details of this engagement and consultation are included at Appendix F of this SoR.

5.5 The engagement process also included a series of regular meetings and presentations with political members and project partners via the following forum:

- Edinburgh Waterfront All Party Oversight Group
- Strategic Partners Meeting
- Northwest Waterfront Working Group (Community Councils)

6. DELIVERING THE SCHEME

6.1 This section of the SoR will set out the details of how the Council intends to deliver the Scheme.

A Development Partner

6.2 In order to deliver the homes, the Council has secured a development partner for the pre-development period of the programme. The Council does not have an in-house construction or commercial undertaking suitable for delivering the Scheme or achieving the full potential of the Granton Waterfront.

6.3 On 5 October 2021, the Council’s Policy and Sustainability Committee agreed to undertake stage 3 activities to produce a Final Business Case (FBC) for Phase 1 ‘Heart of Granton’, which included procurement of a development partner and progression of the business case stages for a low carbon district heat network. Stage 3 activities were agreed at an estimated cost of £4.6 million.

6.4 Cruden Homes (East) Ltd was identified as the development partner in June 2022 following the relevant public procurement legislation and competitive process to take forward the Scheme. The award process allowed for shortlisting, negotiation, interviews, and full and final bids. This ensured that the bids were received and evaluated in a transparent manner and all parties received the same information.

6.5 The contract with Cruden Homes (East) Ltd is for the pre-development work and will take the Scheme up to the point of final detailed design. Once the pre-development period is concluded and costs are agreed, the Scheme will proceed to the construction phase. The Council will continue to own all design and survey output from the pre-development period. Costs for construction cannot be finalised until after detailed design is complete.

6.6 The development partner will be required to deliver enabling and infrastructure associated with the housing – including the affordable housing – and the ground-floor uses. Such ground-floor uses could include commercial space and space for a medical centre. The proposed

accommodation and tenure mix will be agreed as part of the final design. The delivery of a mobility hub and active travel infrastructure alongside public realm will also fall within this delivery agreement.

- 6.7 The delivery of the heat network and energy centre is currently being finalised through the conclusion of an Outline Business Case. The current strategy proposes delivering this through a concession agreement with an operator who will be procured to design, build, manage, maintain and operate the heat network.
- 6.8 The seven plots of land straddle three development plots within The Development Site - D3, D4, D6 and land adjacent to NGS 'The Art Works' site. **Site D3** includes plots 3,4,5 and part of 6. **Site D6** includes plot 2, part of 6 and plot 7. **Site D4** includes a small part of plot 6. **NGS site** sits adjacent to Plot 1.
- 6.9 It is intended that the development partner will progress the detailed design work for the Council's Phase 1 development. The development partner will also be responsible for obtaining any further statutory consents required for the delivery of the Scheme. Upon the expiry of the pre-development period, a fixed price design and build contract will be agreed with the Council for the delivery of the affordable housing, associated commercial, mobility hub and active travel infrastructure. A Development Agreement will be finalised and signed for the delivery of enabling works and associated infrastructure of the Scheme. This will also agree a capital receipt value for the transfer of serviced sites for the delivery of private housing by the development partner.
- 6.10 It is anticipated that NGS will appoint a contractor to take forward their proposed facility 'The Art Works' project in early 2024.

Other orders or approvals required to deliver the Scheme

- 6.11 It is anticipated that in addition to the planning consents required, there will also be a requirement to secure building warrants, road construction consent and a traffic regulation order to deliver the completed Scheme.
- 6.12 The Council or NGS does not consider that there are any likely barriers or impediments to securing these additional approvals.

Funding

- 6.13 The Council has been awarded £13.7 million of Scottish Government affordable housing grant for the development of 200 affordable social and Mid-Market rented properties as part of the Scheme.
- 6.14 The remainder of the development costs for the Council homes will be funded through the Housing Revenue Account capital programme as set out in the Housing Revenue Account Budget Strategy (2023-33) which was approved by the Council on 24 February 2023.
- 6.15 A pre-development contract was awarded to Cruden Homes East Ltd and the associated works for this stage are being funded by the Council. As noted above, this contract covers the pre-construction and design services for both the affordable and private homes with associated sustainable transport and public realm. This will be funded from the Housing Revenue Account and forms part of the 2022/2023 HRA Budget Strategy approved by Committee on 3 February 2022. Costs relating to the private homes element will be repaid by Cruden Homes East Ltd as part of the capital receipt and as a deduction from the building contract when they enter into the Development Agreement.

- 6.16 A minimum capital receipt of £10 million will be provided to the Council by Cruden Homes East Ltd when it enters into a Development Agreement at the end of the pre-development period. In addition, overage provisions will be put in place to ensure that any additional profit is shared with the Council
- 6.17 The Council has secured £479,000 funding from Sustrans for design work for the active travel routes serving the site and its connections with the wider network. There is scope for additional funding to be secured for the eventual construction costs for these routes.
- 6.18 As the regeneration of Granton Waterfront is identified as one of seven strategic sites within the Edinburgh and South East Scotland City Region Deal, and is identified as a National Development in NPF4, the Council is discussing the potential of securing further funding towards the heat network, the remediation works and place-making costs with both the Scottish Government and UK Government.
- 6.19 These commitments give a strong position and indication that Plots 1-7 can be acquired within the statutory timescales and that the Scheme overall is capable of being delivered within a reasonable period following the acquisition of the land.

Timing

- 6.20 The programme for the delivery of the Scheme can be summarised as follows:
 - 6.20.1 The pre-development contract was awarded to Cruden Homes East Ltd in Q1 2023.
 - 6.20.2 The pre-development period during which all statutory approvals will be acquired will run until Q2 2024.
 - 6.20.3 Construction will commence on site during Q3 2024, once the development contract has been agreed.
 - 6.20.4 Delivery of the Scheme is proposed by 2029.

7. ASSESSING ALTERNATIVE WAYS OF REALISING THE AUTHORITY’S PURPOSE

- 7.1 The use of compulsory purchase powers to acquire land is a serious interference with an individual’s private rights. The Council acknowledges that the use of the CPO is not a step to be taken without full consideration of all other alternatives.

The Edinburgh LDP (2016) identified Granton Waterfront, which is part of Edinburgh Waterfront, as a strategic priority area. As defined by the LDP, Strategic Development Areas are “the biggest areas of change over the next 5-10 years, providing a focus for new housing development, investment opportunities and job creation in locations with good accessibility to existing or planned public transport services”. The Council received Planning Committee approval of the Granton Waterfront Development Framework as non-statutory planning guidance in February 2020. As part of the preparations for the delivery of the Scheme, the Council is seeking to acquire the heritable title to plots 1-7 which are included within or crucial to the development of plots D3, D4, D6, and the active travel network which will go through the NGS ‘The Art Works’ site.

As shown within the Development Framework, D3, D4, D6 and NGS ‘The Art Works’ site will be for the development of homes, commercial, associated public realm and active travel. The Council does not consider that those aspects of the Scheme could be located on other parts of the Granton Waterfront Phase 1 Site or that the Scheme could be developed in such a way as to avoid using these Plots. Within the Development Framework

- 7.4 As Plots D3, D4 and D6 are located in the areas of the Granton Waterfront Site where the residential accommodation will be built, it is not considered that there are any rights short of ownership which could be used to secure the delivery of the Scheme. The NGS 'The Art Works' site will link to the adjoining Lidl land to establish a through active travel route which is essential to the development of the Scheme and connecting the existing communities and onto the shore.
- 7.5 The Council has therefore concluded that there is no alternative means of delivering the Scheme without acquiring Plots 1 -7.

8. BARRIERS TO DELIVERING THE SCHEME

- 8.1 Based on the ongoing work with its development partner and positive discussions with both the Scottish Government and UK Government around securing additional funding, the Council does not consider that there are any significant barriers to completing and delivering the Scheme within the timescales set out at 6.20 above.
- 8.2 NPF4 and the LDP have established the planning position, the approved Development Framework has set out the vision, high level strategies and design principles to guide future development and the Council does not consider that future applications will deviate significantly from these parameters.
- 8.3 Similarly, the funding for the pre-development activities of the Scheme has been agreed as part of the Council's commitment to the Scheme and the process for securing a development partner.
- 8.4 The Council acknowledges the risks associated with the CPO process, in particular the implications for timing if there are objections to the CPO. The Council has already factored in the uncertainties associated with the CPO process as part of the overall programme and therefore considers that the process will not necessarily present a significant risk to the delivery of the Scheme.

9. JUSTIFICATION AND PUBLIC BENEFITS

- 9.1 The principle of the Scheme and the requirement for it to be delivered have been established by the decisions of the Council set out above and included as Appendices E to this SoR.
- 9.2 The Scheme will deliver much needed housing for the city. There is a limited supply of social rented housing in Scotland. Edinburgh has recorded the highest market rents and sale prices in Scotland, and with high land values, the Council's affordable housing pressures are substantial. Social rented homes account for 14% of Edinburgh's housing stock, but the Council receive at least 190 households bidding for every Council home that becomes available for let. The Council is committed to tackling the supply issues by building affordable housing in the city.
- 9.3 The Council has committed to increase the supply of social rented Council homes by 5,000 homes by 2034 supporting the Council's ambition to reach 25,000 new affordable homes;
- 9.4 To date 1,317 affordable homes have been delivered through the Council's housebuilding programme, with 394 of these completed in the past 12 months. There are currently 616 affordable homes under construction, with a further 3262 in design or pre-construction stage.
- 9.5 The Council seeks to avoid the unnecessary use of greenfield land for development and aims to build new communities on brownfield land, at a better density, reducing the need to travel, supported by active and public transport. The Scheme supports these policies as it is a brownfield site and it is ready to deliver a high quantity of affordable homes.

- 9.6 There is significant public benefit in the delivery of the Scheme. The Development Framework has been informed by, and responds to, the feedback received from an extensive programme of community and other stakeholder engagement. It balances the challenges of bringing new homes, commercial and cultural facilities to the area, protecting and enhancing the environment and supporting the delivery of active travel infrastructure.
- 9.7 The compulsory acquisition of land can be justified in this CPO. Without the acquisition of Plots 1-7, the Council cannot confirm the heritable title to the Development Site and progress the delivery of the Scheme.
- 9.8 The Council considers that the public benefit of delivering the Scheme outweighs the interference with private rights. The Scheme will deliver affordable housing, commercial, culture and active travel connections for the city and contribute towards the regeneration of the Granton Waterfront area and the north of the city. On the basis that Plots 1-7 have formed part of the established Granton Waterfront Site for circa 15 years, it is considered that the adverse impact on, and interference with private rights in this CPO is very limited.
- 9.9 The Council considers that the public benefits outlined present a compelling case in the public interest for the making of the CPO and considers that the tests in Circular 6/2011 have been met.

10. HUMAN RIGHTS

- 10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the CPO, including those under Articles 6, 8 and Article 1 of the First Protocol.
- 10.2 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e., compulsory purchase must be proportionate in that in pursuing the public interest the objective to be achieved in making the CPO must outweigh the interference with any private rights. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate. The Council is of the view that in pursuing this CPO, it has carefully considered the balance to be struck between individual rights and the wider public interest. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the regeneration of the Granton Waterfront and public benefits which the Scheme will bring and to secure compliance with local planning policy. The Council believes that the greater good is in the promoting the Scheme for the benefit of the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 10.3 In progressing the CPO, the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the CPO and have their representations considered. The public benefit can only be delivered by acquisition of this land and such acquisition would not place a disproportionate burden on affected landowner.

11. PUBLIC DEPOSIT

[DETAILS TO BE INCLUDED HERE ON SUBMISSION TO THE SCOTTISH GOVERNMENT]

12. CONCLUSION

12.1 The Council considers that:

12.1.1 The public benefit of the Scheme outweighs the private rights of ownership of Plots 1 - 7.

12.1.2 The Scheme is deliverable, and the Council has a realistic plan, source of funding and programme for delivering it.

12.1.3 The acquisition of Plots 1 - 7 is wholly necessary for the delivery of the Scheme and the land forms an integral part of the development proposed.

12.1.4 There are no significant barriers to the delivery of the Scheme.

APPENDIX A – Heart of Granton

Plan: Granton Waterfront 'Heart of Granton'



Indicative CEC Phase 1 Site Boundary

Indicative NGS Site Boundary

APPENDIX B – Site History

■ ■ The Site



Fig. 1.3: Pre-industrial Granton was home to very few people, instead the land was mainly open green fields used for farming or grazing animals. Unlike other coastal towns on the waterfront there was no historic settlements other than some large country houses such as Caroline Park.



Fig. 1.5: At the beginning of the 20th century much of Granton was still used to grow food to supply Edinburgh and Leith. Alongside this, the gas works opened in 1903. After WWI the boundaries of Edinburgh were expanded to take in the whole of Granton.

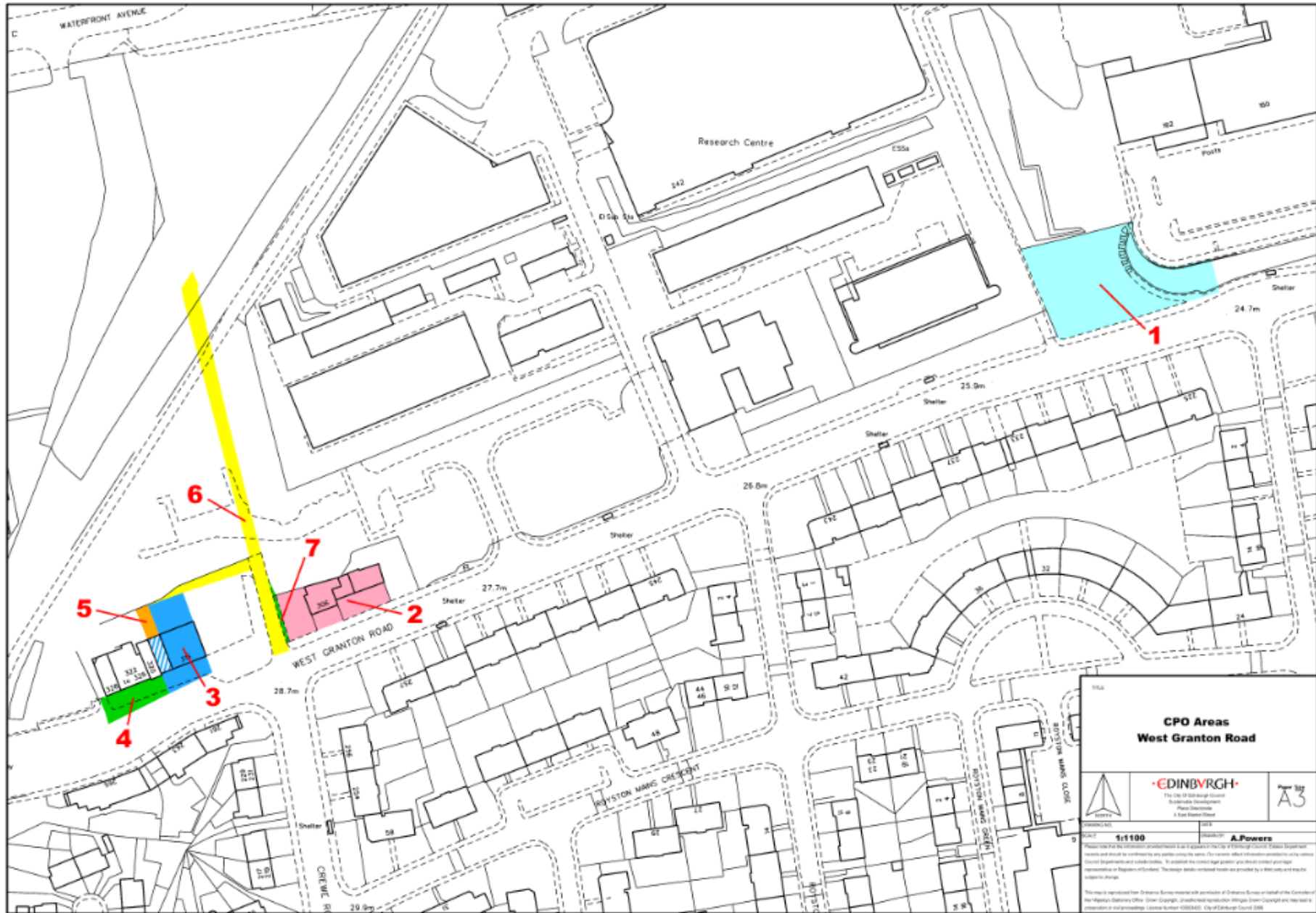


Fig. 1.4: The structure of industrial Granton was now emerging; the harbour had been constructed in 1838; the railway had arrived; housing for workers along Lower Granton Road had been constructed; and Granton Square and Granton Road were constructed.



Fig. 1.6: The amalgamation of Granton with Edinburgh coincided with new legislation which made the construction of local authority housing easier. By the post-war period Granton had developed to include dense housing, industry, shopping and transport links.

APPENDIX C - Areas 1-7



Appendix D – Links

1. In May 2016, the Council’s Planning Committee approved a [Place Brief for the National Collections Facility](#) at Granton Waterfront as non-statutory planning guidance.
2. In March 2018, the Council’s Housing and Economy Committee agreed the high-level objectives for the regeneration of [Granton Waterfront Regeneration Strategy](#) including the intention to work collaboratively with the public-sector partners and the local community to develop a vision for Granton. This included agreement to undertake work to update masterplans and studies to support future development
3. In Feb 2020, the Council’s Planning Committee approved the [Development Framework](#) for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development.
4. On 5 October 2021, the Council’s Policy and Sustainability Committee approved the [Granton Waterfront Regeneration Outline Business Case \(OBC\)](#) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. The Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 ‘Heart of Granton’, which includes procurement of a development partner

APPENDIX E - Committee Decisions

Granton Waterfront Development Framework

On 26 February 2020, the Planning Committee agreed to approve the Development Framework for Granton Waterfront as non-statutory planning guidance.

Granton Waterfront Regeneration – Outline Business Case

On 5 October 2021, the Policy and Sustainability Committee agreed:

- 1) To approve the findings and recommendations set out within the Outline Business Case.
- 2) To agree to undertake stage 3 activities, as outlined in section 5 of the report by the Executive Director of Place, to provide a Final Business Case for Phase 1 'Heart of Granton', which would include procurement of a development partner and progression of the business case stages for a low carbon district heat network
- 3) To note progress with delivering Early Action Projects within the Programme.

APPENDIX F - Engagement

The engagement process formed and shaped the approach, response and design of Future Granton. The project team carried out an intensive consultation process with local residents, stakeholders, elected members and partners. A series of open, public consultations and invited stakeholder events took place between October 2018 and May 2019 to ensure the Granton Waterfront framework was developed in association with and informed by the ideas, insight and experiences of stakeholders, local interest groups and the local community.

The engagement process also included a series of regular meetings and presentations with elected members and project partners via the following forums:

- All Party Oversight Group (APOG)
- Granton Waterfront Partners Group
- North West Waterfront Working Group (consisting of surrounding community councils)

The process of consultation utilised a range of methods and techniques in order to engage the affected communities and any stakeholders as effectively and fully as possible and ensure their input at each significant stage of the programme as a means of guiding the development process. The information presented at the events was available for the community to view online and at various 'info stations' across the area before and after each event.

The team has prepared a Record of Engagement report, which fully documents the stakeholder and consultation process undertaken during the development of the framework. It records the range and breadth of discussion that took place. The consultation process and feedback from residents and stakeholders informed and shaped the approach, response and design of the Development Framework.

Key Public Consultations

1. Stakeholder Surgeries Part 1, October 2018 'Surgery' style drop in where stakeholders were invited to discuss with design team members aspects of the project, focused on themes to identify key constraints and opportunities for the site and brief.
2. 'Tell us more about Granton', Public consultation, Nov. 2018 Community consultation event focused on a site model, maps and photographs to garner local ideas and explore opportunities surrounding the existing site, building on previous engagement responses.
3. Community Stakeholders drop-in, December 2018 A more in-depth discussion with community groups and local stakeholders.
4. Stakeholder Surgeries Part 2, January 2019 Second 'surgery' style drop-in event led by design team with key invited stakeholders. Focus on initial site options and visions, which are to be put forward as 'what ifs' and possible concepts.
5. 'Granton Could Be', Mobile 'Roadshow' consultation, Jan. 2018 One day 'road show' using model and trailer bike to present a limited number of vision options and overall ideas to the local community and stakeholders. Comments and views to be collected via notes/flags on model/drawings
6. 'Granton Should Be' Consultation, May 2019 One day consultation event at Edinburgh College to present the Vision and Framework with associated images and models. The consultant team also presented the

proposals to the surrounding community council representatives, answered questions, and gathered opinions which fed back into the vision and framework

Draft CPO and Schedule

THE CITY OF EDINBURGH COUNCIL

THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

AND

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)
ACT
1947

THE CITY OF EDINBURGH COUNCIL (hereinafter referred to as "the acquiring authority") in exercise of the powers conferred on them by Section 189(1)(a) and (b) of the Town & Country Planning (Scotland) Act 1997 and The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 hereby make the following compulsory purchase order: -

- (1) This Order may be cited as The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 202[3].
- (2) Subject to the provisions of this Order, the acquiring authority in the interests of achieving the proper planning of the area are hereby authorised to purchase compulsorily, for the purpose of completing the mixed-use regeneration of the Granton Waterfront (phase 1) regeneration site and for the construction of a mixed-use building, housing and areas of public realm, the land which is described in the Schedule hereto and which is marked Plot 1 – 7 on the plan signed and sealed with reference to this Order and marked "This is the Map referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 202[3]".

Given under the seal of the said The City of Edinburgh Council and signed for them and on their behalf by
and duly authorised Proper Officer at
on the

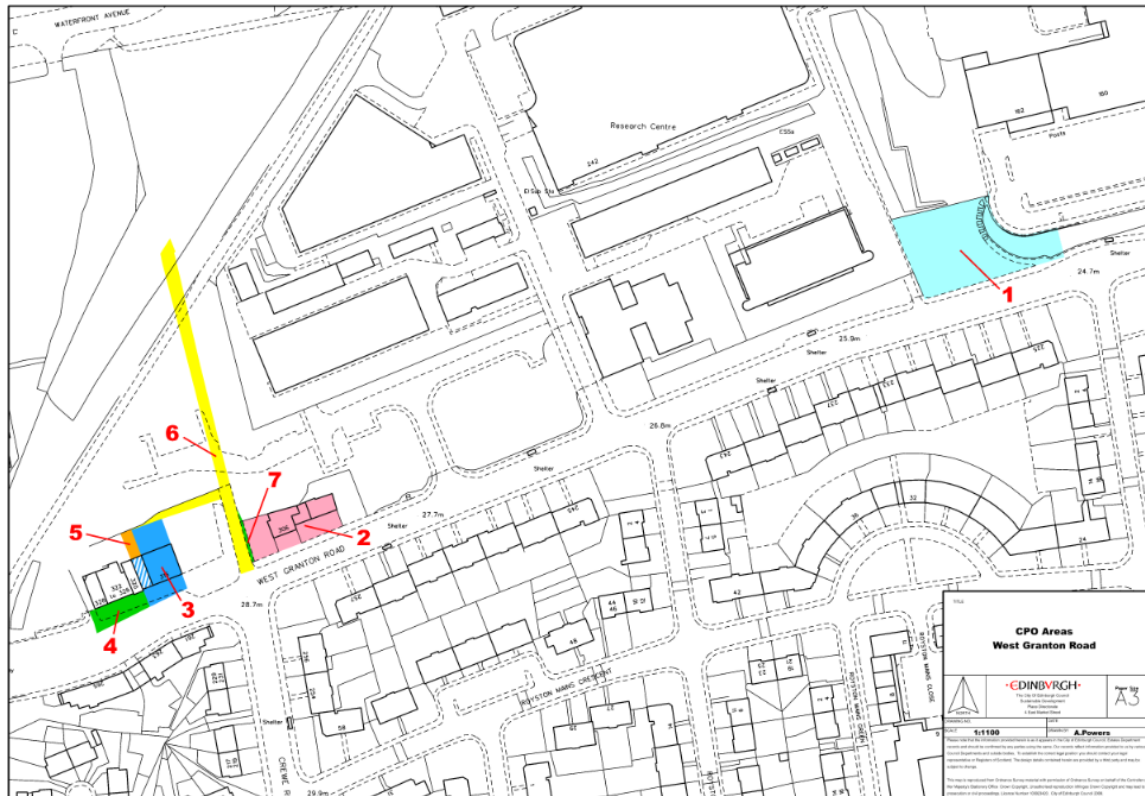
CPO Schedule

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	LESSEES OR REPUTED LESSEES OR OCCUPIERS (OTHER THAN FOR 1 MONTH OR A PERIOD OF LESS THAN ONE MONTH)
1	ALL and WHOLE that area of ground at West Granton Road, Edinburgh being the subjects shown shaded light blue and identified as Plot 1 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and forming part and portion of the subjects known as LIDL UK GMBH, 160 West Granton Road, Edinburgh EH5 1PE registered in the Land Register of Scotland under Title Number MID167987.	LIDL Great Britain Limited	N/A
2	ALL and WHOLE that area of ground at West Granton Road, Edinburgh being the subjects shaded pink and identified as Plot 2 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and forming PART and PORTION of that area or piece of ground at Granton extending to one hundred and forty decimal or one-thousandth parts of an acre Imperial Measure or thereby described in and disposed by and as delineated and coloured pink on the plan or sketch annexed and subscribed as relative to Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees, with consent of Mrs Elizabeth Macpherson or Taylor and others of Huddersfield Building Society recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on the 29 November 1934.	G and L D'Inverno Limited	Premises appear to be tenanted but no leases registered to the address and owner has not provided any details of any leases in place
3	ALL and WHOLE those subjects at 316 West Granton Road, Edinburgh being the subjects shaded in dark blue and identified as Plot 3 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and together with the basement premises at 318 West Granton Road forming PART and PORTION of the subjects	Mark Anthony Delicato	Premises appear to be tenanted but no leases registered to the address and owner has not provided any details of any leases in place.

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	LESSEES OR REPUTED LESSEES OR OCCUPIERS (OTHER THAN FOR 1 MONTH OR A PERIOD OF LESS THAN ONE MONTH)
	described in and disposed by Feu Charter by James Miller in favour of Egidio Delicato recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on 17 July 1951.		
4	ALL and WHOLE those subjects at West Granton Road, Edinburgh being the subjects shaded in green and identified as plot 4 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.	Executors of Sir James Miller	N/A
5	ALL and WHOLE those subjects at West Granton Road, Edinburgh being the subjects shaded in orange and identified as plot 5 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and comprising area of ground lying to the rear of 318 West Granton Road, Edinburgh registered in the Land Register of Scotland under Title Number MID82518.	Susan Yvonne Delicato	N/A
6	ALL and WHOLE the area of ground shaded yellow and shown as plot 6 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and comprising (1) ALL and WHOLE the subjects on the east side of Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of Scotland under Title Number MID46601; (2) ALL and WHOLE the subjects at Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of Scotland under Title Number MID46602; and (3) PART and PORTION of the subjects described in the	Miller Development Limited	N/A

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	LESSEES OR REPUTED LESSEES OR OCCUPIERS (OTHER THAN FOR 1 MONTH OR A PERIOD OF LESS THAN ONE MONTH)
	Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.		
7	ALL and WHOLE the subjects at West Granton Road shaded green and identified as plot 7 on the map signed with reference to this Order and marked "This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023" and comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.	Executors of Sir James Miller	N/A

This is Map 1 referred to in The City of Edinburgh Council (Granton Waterfront, phase 1) Compulsory Purchase Order 2023



QUESTION NO 1

**By Councillor Campbell for answer
by the Convener of the Housing,
Homelessness and Fair Work
Committee at a meeting of the
Council on 4 May 2023**

Question (1) Can the convener provide a breakdown of HRA revenue payments to the General fund over the last 3 years, and the services that were paid for?

Answer (1)

Question (2) Can this please be broken down into the service that was being purchased, and the number of units purchase i.e. hours of work or whatever unit of measurement is used?

Answer (2)

Question (3) Can this please be presented in a way that allows a comparison between different years?

Answer (3)

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QUESTION NO 2

**By Councillor Campbell for answer
by the Convener of the Housing,
Homelessness and Fair Work
Committee at a meeting of the
Council on 4 May 2023**

Question (1) Can the convener please provide a timeline for development of the hospital site including:

- Any investigative works
- Design and development
- Planning permission
- Expected dates of onsite development
- Expected dates of completion

Answer (1)

Question (2) Can the convener confirm if there have been discussions with H&SC colleagues about the scope for delays, and any cost/benefit analysis of delaying development to enable continued use of beds including the reduction in costs to H&SC of not extending the PFI contract for Ferryfield House?

Answer (2)

Question (3) Has this been provided to H&SC colleagues in order for them to assess whether delaying services coming off Liberton Hospital might be more financially viable than extending private finance contracts to provide continuity of care.

Answer (3)

QUESTION NO 3

**By Councillor Campbell for answer
by the Convener of the Housing,
Homelessness and Fair Work
Committee at a meeting of the
Council on 4 May 2023**

Question (1) Can the convener please provide details of any discussions that have taken place regarding the potential for a sinking fund for private owners on low incomes in mixed tenure blocks where the council is taking forward improvements?

Answer (1)

Question (2) Does the convener believe this is an area where we should consider whether the general fund should make contributions as happens in other council areas?

Answer (2)

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QUESTION NO 4

By Councillor McNeese-Mechan for answer by the Leader of the Council at a meeting of the Council on 4 May 2023

Question (1) Why was the Council Leader or no member of the Labour Group at the Tram All Party Oversight Group on 18/04/23?

Answer (1)

Question (2) What is the Council Leader actually doing about meaningfully addressing ongoing issues?

Answer (2)

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QUESTION NO 5

By Councillor McNeese-Mechan for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Question **(1)** Why was the Convener or no member of the Labour Group at the Tram All Party Oversight Group on 18/04/23?

Answer **(1)**

Question **(2)** What is the Convener actually doing about meaningfully addressing ongoing issues?

Answer **(2)**

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QUESTION NO 6

By Councillor Thornley for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Capital Delivery Priorities

Given the Capital Delivery Priorities approved by TEC on 20th April, and the Convener's praise for the 'Pothole Killer' the Council has acquired on trial:

Question (1) By what measure is it determined where the 'Pothole Killer' will be deployed across the city?

Answer (1)

Question (2) Is there a long-term plan for its use outwith the agreed Delivery Priorities?

Answer (2)

Question (3) If so, would he share this below?

Answer (3)

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QUESTION NO 7

By Councillor Caldwell for answer by the Convener of the Planning Committee at a meeting of the Council on 4 May 2023

In February, the Scottish Government's Planning Minister announced planning deregulation as part of NPF4 as well as additional funding to allow more playparks and greenspaces to be developed and upgraded.

Question (1) What physical impact will this new policy have on very high-density, urban wards such as Leith Walk and Sighthill/Gorgie which currently have an inequitable level of provision compared to other areas of the city?

Answer (1)

Question (2) Can the Convener please list any new, additional public greenspaces that are in the Council's pipeline, particularly for high-density areas where there is less access to gardens and private greenspace?

Answer (2)

Question (3) Can the Convener please list any new, additional public playparks that are in the Council's pipeline, particularly for high density areas with limited outdoor play access?

Answer (3)

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QUESTION NO 8

By Councillor Caldwell for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Leith Walk and Elm Row Pavements Post-Completion of Trams to Newhaven

I understand that there will be a Service Level Agreement period after the completion of the Trams to Newhaven project. Can the Convener please confirm:

Question **(1)** What Council departments will be involved directly in this programme and how will existing knowledge and guidance from officers who worked on the Project be retained?

Answer **(1)**

Question **(2)** How often will officers under this SLA programme seek to formally meet with relevant ward councillors, community councils and relevant public stakeholders?

Answer **(2)**

Question **(3)** Will part of the programme's remit include identifying elements of the design that do not meet current Edinburgh Street Design Guidance and exploring solutions at those locations post-completion?

Answer **(3)**

QUESTION NO 9

By Councillor Caldwell for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Can the Convener please confirm if (and how) population density and number of residents being impacted by surface water is factored when Council officers respond to;

Question (1) Blocked drains and gully reports, and

Answer (1)

Question (2) Active, ongoing flood and water-based emergencies, and

Answer (2)

Question (3) New SuDS (Sustainable Urban Drainage Systems) project requests / ideas

Answer (3)

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QUESTION NO 10

By Councillor Younie for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Further to the answer provided question 10.3 (4) at the 30 June 2022 meeting of the Council,

Question (1) Was a decision taken in August 2022 on whether to retain, remove or modify the existing measures?

Answer (1)

Question (2) If so, what decisions were taken?

Answer (2)

Question (3) What is the timetable for implementing these decisions?

Answer (3)

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QUESTION NO 11

**By Councillor Lang for answer by the
Convener of the Culture and
Communities Committee at a
meeting of the Council on 4 May 2023**

4.8 of the Council's 'Management Rules for Public Parks and Greenspace' states that "*metal detecting in any park without the written permission of the Scottish Detector Club, subject to an agreement between the Council and the Scottish Detector Club being valid*" is prohibited:

Question (1) Does the Council have any valid agreement in place with the Scottish Detector Club?

Answer (1)

Question (2) How many requests for metal detecting on council land have been received in the last 5 years?

Answer (2)

Question (3) Of these, how many have been granted?

Answer (3)

Question (4) What guidance or criteria exists for council officers to use when considering whether to grant permission for metal detecting on council owned land?

Answer (4)

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QUESTION NO 12

**By Councillor Lang for answer by the
Convener of the Development
Management Sub Committee at a
meeting of the Council on 4 May 2023**

Question **(1)** What is the total Healthcare Infrastructure Contribution expected from the legal agreement associated with planning permission 16/01797/PPP?

Answer **(1)**

Question **(2)** How much, if any, of this money is expected to be spent by the Council directly and how much is expected to be transferred to NHS Lothian?

Answer **(2)**

Question **(3)** What discussions have taken place with NHS Lothian on how any monies transferred would be spent to improve healthcare provision in Queensferry?

Answer **(3)**

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QUESTION NO 13

By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Question

Further to my supplementary to question 10.9 at the 16 March 2023 meeting of the Council and given we are approaching the sixth anniversary of the tragic death at the Davidson's Mains roundabout, has the Convener managed to get an explanation as to why this project is taking so long?

Answer

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QUESTION NO 14

**By Councillor McFarlane for answer
by the Convener of the Culture and
Communities Committee at a
meeting of the Council on 4 May 2023**

Question **(1)** Can the Convener of the Culture and Communities Committee share the correspondence sent to the Administrators of 88 Lothian Road as mandated by the Policy and Sustainability Committee on 21 March 2023 regarding the City of Edinburgh's agreed position to retain the site for cultural use.

Answer **(1)**

Question **(2)** Can the Convener of the Culture and Communities Committee further share what efforts were made subsequent to the Emergency Motion passing to engage or support cultural bids to purchase 88 Lothian Road.

Answer **(2)**

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QUESTION NO 15

**By Councillor Lang for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 4 May 2023**

Low Traffic Neighbourhood

Question (1) What criteria is used to determine whether an area should be considered for a low traffic neighbourhood?

Answer (1)

Question (2) What formal traffic monitoring is required to be undertaken before an area is considered for a low traffic neighbourhood?

Answer (2)

Question (3) Which areas are currently being considered for possible low traffic neighbourhoods in the future?

Answer (3)

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QUESTION NO 16

By Councillor O'Neill for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 4 May 2023

Question (1) What does the council do centrally with data from Scottish National Standardised Assessments (SNSA) and Measaichean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig (MCNG)?

Answer (1)

Question (2) What do teachers do with data from SNSA and MCNG?

Answer (2)

Question (3) What improvements have been made in the past year (since May 2022) at an individual, classroom, school and local level off the back of SNSA and MCNG data?

Answer (3)

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QUESTION NO 17

**By Councillor O'Neill for answer by
the Convener of the Education,
Children and Families Committee at a
meeting of the Council on 4 May 2023**

Question (1) How has the Council deployed the capital funding from the Scottish Government to support the expansion of free school meals?

Answer (1)

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QUESTION NO 18

By Councillor O'Neill for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Question

(1)

To ask for an update on actions the Council has taken following the signing of Transport for All's Equal Pavements Pledge to improve the accessibility of the city, which was agreed in 2021.

With specific reference to:

1. How have clear pavements been encouraged?
2. How has business clutter such as A-boards and street furniture been reduced?
3. How has waste removal scheduling been changed?
4. How many dropped kerbs have been installed?
5. How many broken kerbs or kerbs that need to be dropped have been identified?
6. How many Blue Badge Bays have been removed?
7. How many meetings has the convener had with Disabled People's Organisations (DPOs)?
8. How has the Social Model of Disability been embedded into future streetspace schemes?

Answer

(1)

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QUESTION NO 19

By Councillor Bruce for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

A71 Dalmahoy Junction

The installation of a fully signalised junction at Dalmahoy was agreed at the December TEC Committee. The Ratho Community Council and local residents are concerned that no works have started.

Question (1) Please could you explain what is holding up the works?

Answer (1)

Question (2) If there are blockers to works starting, what are they?

Answer (2)

Question (3) How and when will these blockers be resolved?

Answer (3)

Question (4) When do you expect the actual works to start?

Answer (4)

Question (5) How long do you expect the works to take to complete?

Answer (5)

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QUESTION NO 20

By Councillor Bruce for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 4 May 2023

Ratho Bus Service

Question (1) When do you expect the residents of Ratho and surrounding area to have a direct bus service to the centre of Edinburgh that is reliable and frequent?

Answer (1)

Question (2) If such a direct bus service to the city centre is not proposed, then when do you expect to have a reliable frequent shuttle bus service for Ratho that picks up transport hubs at Ingliston P&R/Gyle and Hermiston Gait?

Answer (2)

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QUESTION NO 21

By Councillor Doggart for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 4 May 2023

Cost of Replacing Swift IT System

In light of the admission at the previous Policy & Sustainability Committee that, as part of the 2019 Budget preparation, officers did not bring a proposal to members for the replacement of the Swift IT system, could the Convener confirm:

- | | |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Question | (1) What was the estimated replacement cost for the system in 2019? |
| Answer | (1) |
| Question | (2) Given the flaws discovered in the Swift system, why was the proposal for a replacement not brought to members in subsequent Budget proposals? |
| Answer | (2) |
| Question | (3) What are the overpayments for the last five financial years as discussed in report 7.3 to the emergency F&R meeting on 30 March 2023? |
| Answer | (3) |

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QUESTION NO 22

By Councillor Doggart for answer by the Convener of the Governance, Risk and Best Value Committee at a meeting of the Council on 4 May 2023

Swift IT System

- Question** (1) When did officers become aware that social work information was held outside the Swift system?
- Answer** (1)
- Question** (2) When did officers become aware that storing social work information outside the Swift IT system was not compliant with GDPR?
- Answer** (2)
- Question** (3) On discovering Swift was not GDPR compliant, what actions did officers take to mitigate the data security risks?
- Answer** (3)
- Question** (4) On discovering Swift was not GDPR compliant, what actions did officers take to mitigate the data security risks?
- Answer** (4)
- Question** (5) Does the current Swift usage remain non-compliant with GDPR and do the data security risks remain live?
- Answer** (5)
- Question** (6) Did individuals referenced in the Tanner report have unrestricted access to sensitive personal data held outside Swift?
- Answer** (6)

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QUESTION NO 23

**By Councillor Mitchell for answer by
the Chair of the Edinburgh
Integration Joint Board at a meeting
of the Council on 4 May 2023**

Care Homes Procurement

Please could the Chair confirm:

Question (1) How many formal procurement exercises were conducted in relation to the North Merchiston and Castlegreen care homes?

Answer (1)

Question (2) If any "informal" procurement exercises were conducted?

Answer (2)

Question (3) How much was spent in total in relation to procurement exercises associated with the two care homes?

Answer (3)

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QUESTION NO 24

By Councillor Rust for answer by the Convener of the Planning Committee at a meeting of the Council on 4 May 2023

5 Winton Drive, Planning Appeal

Question **(1)** “Interested parties” who made comments on the original planning application did not receive notification by the Council of the above appeal being submitted:

- a. How many were notified and on what date?
- b. How many were not notified?
- c. What was the reason for the ‘non-notification’?

Answer **(1)**

Question **(2)** Following representations to the Council by interested parties regarding the absence of notification that a planning appeal had been lodged:

- d. What steps were then taken by the Council to notify those who the Council had initially failed to contact?
- e. On what date was the delayed notification to interested parties issued by the Council?

Answer **(2)**

QUESTION NO 25

**By Councillor Whyte for answer by
the Leader of the Council at a
meeting of the Council on 4 May 2023**

Smart Bins

The Leader recently issued a press release about his visit to Taiwan to promote Edinburgh as a 'Smart City'. It is important for the City's reputation that when we tell the world we are doing something it is actually happening. In the press release [How hi-tech is helping us plan the city's future – The City of Edinburgh Council](#) He said:

*“For instance, we’ve been busy installing Scotland’s first cloud-connected smart sensors in on-street bins so that we can better coordinate collections.
In recent months we’ve placed over 4000 sensors within street litter and communal waste bins across the city, putting us **on target** to hit an impressive 11,000 sensors as part of our citywide trial. They will proactively monitor and manage fluctuations in how full bins can get – think a hot summer’s day in the Meadows versus a rainy Monday in March.”*

As the Leader knows the initiative to install 11,000 sensors in bins across the City commenced in July 2022 and is planned to be completed by **June 2023**. I welcome the progress with installations of sensors which has increased from 2,800 in February (as reported by the Convenor of TEC in answer to my Council question on 9 February 2023) to the Leader's report of 4,000 by 5 April 2023. However more than half (7,000 or 63%) of the sensor installations still need to be undertaken in the next eight weeks for this project to complete 'on target' and this compares with actual delivery of only 1,200 being installed in the eight weeks between my question and the press release.

- Question** (1) Could the Leader provide us and the public with assurance that this project is indeed 'on track' to complete all 11,000 installations **by** June 2023 by providing the following:
- a. Confirmation of the total number of sensors installed at 4 April 2023
 - b. The number of sensors that have now been installed as at early May.
 - c. The number of installations of sensors that are scheduled to be completed in each week between 4 April 2023 and 30 June 2023.

Answer (1)

- Question** (2) Given that this project is part of a £6.4m of taxpayers' money (£2.5m coming from the European Regional Development Fund) can he please outline
- d. the project's full cost within that £6.4m funding
 - e. the success criteria for the project
 - f. What he expects to be delivered from the scheme given that previous attempts to use smart bin sensors in the City have produced no measurable impact and are no non-operational and the only justification the Convener of TEC could give for the spend in his answer on 9 February was that it "could contribute to street cleanliness".

Answer (2)

QUESTION NO 26

By Councillor Booth for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 4 May 2023

In relation to the Gaelic Medium Education Secondary School Site Review recently circulated to councillors, please can the Convener confirm:

Question (1) What consultation took place with the GME community on the terms of reference to this review before it was tendered?

Answer (1)

Question (2) Why were the size criteria set as a minimum of 2 hectares?

Answer (2)

Question (3) Why the location criteria were set using distance from the foot of the mound, as opposed to some other criteria such as accessibility by public transport?

Answer (3)

Question (4) Was any consideration given to smaller sites in close proximity to existing or planned CEC schools, with the ability to share sports facilities?

Answer (4)

Question (5) What assumptions were made about the likely future school roll?

Answer (5)

Question (6) How many new GME primary schools would be needed to achieve the likely secondary school roll in question 5)?

Answer (6)

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QUESTION NO 27

By Councillor Booth for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 4 May 2023

Question (1) Please will the Convener list the size (in acres/hectares) of each of the City of Edinburgh Council's secondary schools and in each case list whether the size complies with school premises regulations?

Answer (1)

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QUESTION NO 28

**By Councillor Booth for answer by
the Leader of the Council at a
meeting of the Council on 4 May 2023**

Question (1) Further to his answer to my question on 16 March 2023, please can the Council Leader outline whether he considered there to be a risk of inquorate meetings of the Licensing Board if he reduced the size of the Board from 10 members to 9?

Answer (1)

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