

# Minutes

## The City of Edinburgh Council

Edinburgh, Thursday 23 September 2021

Present:-

### LORD PROVOST

The Right Honourable Frank Ross

### COUNCILLORS

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

Andrew Johnston  
David Key  
Callum Laidlaw  
Kevin Lang  
Lesley Macinnes  
Melanie Main  
John McLellan  
Amy McNeese-Mechan  
Adam McVey  
Claire Miller  
Max Mitchell  
Joanna Mowat  
Rob Munn  
Gordon J Munro  
Hal Osler  
Ian Perry  
Susan Rae  
Alasdair Rankin  
Cameron Rose  
Neil Ross  
Jason Rust  
Stephanie Smith  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Louise Young

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

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

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

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

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

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

Council considers that, as the case has been lost, as the Court has ordered release of the document to the Whistleblower and as this has been complied with, there is no further value in protecting the legal argument outlined in the report and no reason why the remainder of the report, with a redaction of Paragraph 4.9, should not be made public.

Council therefore agrees to publish the remainder of the report on the ‘A agenda’ and to consider the matter in public.”

### **Motion**

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

- moved by The Lord Provost, seconded by Councillor Griffiths

## **Amendment**

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

- moved by Councillor Whyte, seconded by Councillor Jim Campbell

## **Voting**

The voting was as follows:

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

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

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

## **Decision**

To approve the motion by the Lord Provost.

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

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

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

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

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

**b) Deputation – Unison**

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

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

**c) Motion by Councillor McVey**

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

- “1) Council acknowledges the EIJB board has asked for additional information and will undertake a consultation of the future of Care Homes in Edinburgh.
- 2) Council requests the consultation should be as comprehensive as possible and include the Trade Unions as well as care home residents, their families and/or their support workers or carers, current care home staff and the wider public.
- 3) Agrees the Council will maintain the present number of care homes until the consultation outlined in Paragraph 1 is completed and as a partner is committed through the implementation of the Feeley review, as outlined by the Scottish Government, to look to expand publicly owned and operated residential care provision.
- 4) The Council calls on the EIJB to develop a comprehensive care plan, which include future residential care that is based on the ongoing and future needs of the elderly population in Edinburgh and put the delivery of high-quality care at the very top of all considerations.

- 5) The Council calls for the Chief Officer of EIJB and Health and Social Care Partnership and Council Officers to discuss and report findings of the Care Inspectorate in order to establish what actions need to occur to fully meet the findings and recommendations.
- 6) Requests an update report from the Chief Officer of the EIJB within two cycles to the Policy and Sustainability Committee updating Council on these plans.”

### **Motion**

To approve the motion by Councillor McVey.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 1**

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

- moved by Councillor Doggart, seconded by Councillor Whyte

### **Amendment 2**

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

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

- moved by Councillor Main, seconded by Councillor Corbett

### **Amendment 3**

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

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

- moved by Councillor Aldridge, seconded by Councillor Neil Ross

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

### **Voting**

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

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

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

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

### **Decision**

To approve the following adjusted motion by Councillor McVey:

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

- 2) To request the consultation should be as comprehensive as possible covering all aspects of the bed-based review and include the Trade Unions as well as care home residents, their families and/or their support workers or carers, current care home staff and the wider public.
- 3) To agree the Council would work with the EIJB to maintain the present publicly-owned assets until the consultation outlined in Paragraph 1 was completed and as a partner was committed through the implementation of the Feeley review, as outlined by the Scottish Government, to look to expand publicly owned and operated residential care provision.
- 4) To agree to work with the IJB to develop options for Council managed care homes to address the needs of Edinburgh residents, and as a partner was committed to expanding publicly owned and operated care provision.
- 5) To call on the EIJB to develop a comprehensive care plan, which included future residential care that was based on the ongoing and future needs of the elderly population in Edinburgh and put the delivery of high-quality care at the very top of all considerations.
- 6) To call for the Chief Officer of EIJB and Health and Social Care Partnership and Council Officers to discuss and report findings of the Care Inspectorate in order to establish what actions needed to occur to fully meet the findings and recommendations.
- 7) To request an update report from the Chief Officer of the EIJB within one cycle to the Policy and Sustainability Committee updating Council on these plans.

### **Declaration of Interests**

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

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

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

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

They raised the following points:

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

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

**b) Deputation – Keep Edinburgh Moving**

The deputation expressed concern that a letter which had been signed by health professionals had suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh. The deputation indicated that 32% of the population of Edinburgh had some form of disability and nearly 70% of Spaces for People active travel schemes had a negative impact on many disabled people in that group, including 6,500 blue badge holders.

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

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

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

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

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

**Motion 1 - By Councillor Macinnes**

“Council:

Welcomes the recent open letter to councillors from a group of 140 health professionals from a wide variety of disciplines including, but not limited to, children’s health, emergency medicine, orthopaedics, those working in health academia, oncologists and cardiac specialists, as well as those in the front line of general practice: [active-travel-letter-060921-3.pdf \(wordpress.com\)](https://www.wordpress.com/active-travel-letter-060921-3.pdf)

Further welcomes their call to retain and extend as much of the recent improvements to active travel infrastructure as possible.

Recognises the succinct description in the letter of why active travel and actions to combat air pollution are so important and the health inequalities and outcomes they can help to address and to meet climate obligations.

Notes that this well-researched and evidenced call reflects the Council’s approach towards increased active travel options within and supports the Council’s ongoing work with the Scottish Government to make the Traffic Regulation Order process more efficient as well as wider efforts to help deliver high-quality active travel infrastructure as quickly as possible.

Requests that officers bring forward a report to the Transport and Environment Committee by March 2022 which examines the issues raised in this letter, describes the likely effect of not making significant progress towards improved sustainable transport (i.e. public transport and active travel) within Edinburgh and its connections with neighbouring authorities) and outlines the transport-related actions the Council is taking towards achieving a more equitable, healthier future for all those living, working and visiting Edinburgh.”

**Motion 2 - By Councillor Miller**

“This Council:

- 1) Welcomes the open letter to the Council signed by over 140 Edinburgh doctors, surgeons, professors of medicine and other medical professionals in support of measures to support active travel in Edinburgh.

- 2) Notes that the letter sets out evidence with references and the following key points;
- As health professionals, we have a responsibility to protect and promote the health of the population. We have a responsibility to address inequalities and to advocate for the needs of the most deprived and disadvantaged members of the population we serve;
  - We are concerned about the impact of the climate crisis on health, globally and locally;
  - We are concerned about harms to health caused by air pollution in Edinburgh;
  - Regular physical activity is associated with improved health outcomes at all ages;
  - We support the retention, and further development and integration of infrastructures designed to support active travel and clean air for the whole population of Edinburgh, to mitigate inequalities in health, local mobility, and air quality;
  - This includes quiet routes in the vicinity of schools to allow safe active travel for families, an integrated network of segregated safe paths for cycling, city-wide subsidised cycle hire programmes, and low-emission zones;
  - We are concerned that suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh’.
- 3) Requests that the Council Leader and the Transport Convener responds to the letter on behalf of the Council.
- 4) Welcomes the considered professional opinion of the signatories and requests that council officers and Transport and Environment Committee takes account of these opinions when making any future relevant decisions about active travel measure.”

### **Motion**

To approve the motion by Councillor Macinnes.

- moved by Councillor Macinnes, seconded by Councillor Doran

## **Amendment 1**

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

Council:

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

- moved by Councillor Rust seconded by Councillor Hutchison

## **Amendment 2**

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

“Council:

- 1) Welcomes the recent open letter to councillors from a group of 140 health professionals from a wide variety of disciplines including, but not limited to, children's health, emergency medicine, orthopaedics, those working in health academia, oncologists and cardiac specialists, as well as those in the front line of general practice: [active-travel-letter-060921-3.pdf \(wordpress.com\)](#).

- 2) Notes that the letter sets out evidence with references and the following key points;
- As health professionals, we have a responsibility to protect and promote the health of the population. We have a responsibility to address inequalities and to advocate for the needs of the most deprived and disadvantaged members of the population we serve
  - We are concerned about the impact of the climate crisis on health, globally and locally
  - We are concerned about harms to health caused by air pollution in Edinburgh
  - Regular physical activity is associated with improved health outcomes at all ages
  - We support the retention, and further development and integration of infrastructures designed to support active travel and clean air for the whole population of Edinburgh, to mitigate inequalities in health, local mobility, and air quality
  - This includes quiet routes in the vicinity of schools to allow safe active travel for families, an integrated network of segregated safe paths for cycling, city-wide subsidised cycle hire programmes, and low-emission zones
  - We are concerned that suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh.
- 3) Further welcomes their call to retain and extend as much of the recent improvements to active travel infrastructure as possible. Recognises the succinct description in the letter of why active travel and actions to combat air pollution are so important and the health inequalities and outcomes they can help to address and to meet climate obligations.
- 4) Notes that this well-researched and evidenced call reflects the Council's approach towards increased active travel options within and supports the Council's ongoing work with the Scottish Government to make the Traffic Regulation Order process more efficient as well as wider efforts to help deliver high-quality active travel infrastructure as quickly as possible.
- 5) Requests that the Council Leader and the Transport Convenor responds to the letter on behalf of the Council.

- 6) Welcomes the considered professional opinion of the signatories and requests that council officers and Transport and Environment Committee takes account of these opinions when making any future relevant decisions about active travel measures.
- 7) Requests that officers bring forward a report to the Transport and Environment Committee by March 2022 which examines the issues raised in this letter, describes the likely effect of not making significant progress towards improved sustainable transport (i.e. public transport and active travel) within Edinburgh and its connections with neighbouring authorities) and outlines the transport-related actions the Council is taking towards achieving a more equitable, healthier future for all those living, working and visiting Edinburgh.”

- moved by Councillor Miller, seconded by Councillor Corbett

### **Amendment 3**

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

This Council:

- 1) Welcomes the open letter to the Council signed by over 140 Edinburgh doctors, surgeons, professors of medicine and other medical professionals in support of measures to support active travel in Edinburgh.
- 2) Notes that the letter sets out evidence with references and the following key points;
  - As health professionals, we have a responsibility to protect and promote the health of the population. We have a responsibility to address inequalities and to advocate for the needs of the most deprived and disadvantaged members of the population we serve;
  - We are concerned about the impact of the climate crisis on health, globally and locally;
  - We are concerned about harms to health caused by air pollution in Edinburgh;
  - Regular physical activity is associated with improved health outcomes at all ages;
  - We support the retention, and further development and integration of infrastructures designed to support active travel and clean air for the whole population of Edinburgh, to mitigate inequalities in health, local mobility, and air quality;

- This includes quiet routes in the vicinity of schools to allow safe active travel for families, an integrated network of segregated safe paths for cycling, city-wide subsidised cycle hire programmes, and low-emission zones;
  - We are concerned that suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh’.
- 3) Requests that the Council Leader and the Transport Convener responds to the letter on behalf of the Council.
  - 4) Welcomes the considered professional opinion of the signatories and requests that council officers and Transport and Environment Committee takes account of these opinions when making any future relevant decisions about active travel measure.”

- moved by Councillor Lang, seconded by Councillor Osler

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

## **Voting**

The voting was as follows:

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

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

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

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

## Decision

To approve the following adjusted motion by Councillor Macinnes:

- 1) To welcome the recent open letter to councillors from a group of 140 health professionals from a wide variety of disciplines including, but not limited to, children's health, emergency medicine, orthopaedics, those working in health academia, oncologists and cardiac specialists, as well as those in the front line of general practice: [active-travel-letter-060921-3.pdf \(wordpress.com\)](#).
- 2) To note that the letter set out evidence with references and the following key points;
  - As health professionals, we have a responsibility to protect and promote the health of the population. We have a responsibility to address inequalities and to advocate for the needs of the most deprived and disadvantaged members of the population we serve
  - We are concerned about the impact of the climate crisis on health, globally and locally
  - We are concerned about harms to health caused by air pollution in Edinburgh
  - Regular physical activity is associated with improved health outcomes at all ages
  - We support the retention, and further development and integration of infrastructures designed to support active travel and clean air for the whole population of Edinburgh, to mitigate inequalities in health, local mobility, and air quality
  - This includes quiet routes in the vicinity of schools to allow safe active travel for families, an integrated network of segregated safe paths for cycling, city-wide subsidised cycle hire programmes, and low-emission zones
  - We are concerned that suggested steps to reverse active travel measures introduced during the COVID-19 pandemic would be a retrograde and harmful step for the health of the population of Edinburgh.
- 3) To further welcome their call to retain and extend as much of the recent improvements to active travel infrastructure as possible. To recognise the succinct description in the letter of why active travel and actions to combat air pollution were so important and the health inequalities and outcomes they could help to address and to meet climate obligations.

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

## 4 Minutes

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### Decision

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

## 5 Leader's Report

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

- Resettlement scheme
- Update on current Covid positions

The following questions/comments were made:

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

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

## **6 Appointment to Outside Organisations**

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

## **Motion**

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

- moved by Councillor Fullerton, seconded by Councillor Doran

## **Amendment**

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

- moved by Councillor Whyte, seconded by Councillor Rust

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

## **Decision**

To approve the following adjusted motion by Councillor Fullerton:

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

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

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

## **7 Chief Officer Appointments**

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

### **Decision**

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

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

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

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

### **Decision**

- 1) To note the proposal for one additional day's leave following the UK Government's announcement to mark Her Majesty The Queen's 70th anniversary as monarch in summer 2022.
- 2) To agree that the spring holiday initially scheduled for Monday 18 April 2022 would be moved to Thursday 2 June 2022 for all non-school employees.

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

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

## 9 St James Quarter GAM: Interim Payment

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Details were provided the current position for the ongoing management of the GAM agreement between the Council and Nuveen with particular regard to the request by Nuveen for payment in relation to the Growth Asset.

### Motion

To agree an interim payment being made to Nuveen in relation to the Growth Accelerator Model Agreement (GAM) to the value of £56.4 million for the growth assets and £1,321,415 for the Picardy Place works, subject to the terms set out in the report by the Executive Director of Place

- moved by Councillor McVey, seconded by Councillor Day

### Amendment

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

- moved by Councillor Corbett, seconded by Councillor Miller

### Voting

The voting was as follows:

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

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

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

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

## **Decision**

To approve the motion by Councillor McVey.

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

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

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

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

## **Motion**

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

- moved by Councillor McVey, seconded by Councillor Day

## **Amendment**

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

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

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

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

- moved by Councillor Rose, seconded by Councillor Johnston

### **Voting**

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

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

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

### **Decision**

To approve the motion by Councillor McVey.

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

## 11 Climate Charter - Motion by Councillor Macinnes

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

“Council:

Notes the ongoing work of Scotland’s Climate Assembly, bringing a representative group of people from across Scotland to propose ideas and solutions to tackle climate change, Convened by Ruth Harvey and Josh Littlejohn.

Notes that many organisations, including Living Streets Scotland, Changeworks and the Edinburgh Climate Change Institute have signed up to the Civic Charter to support Scotland’s Climate Assembly and the recommendations for action.

Agrees that Edinburgh Council sign the [Civic Charter | Climate Assembly](#) and express our support for Scotland’s Climate Assembly and the recommendations for action it has submitted to the Scottish Government and Scottish Parliament as relevant to Edinburgh’s delivery of net-zero by 2030.

Notes actions and obligations on Council’s to meet the recommendations require additional resource as they are adopted by the Scottish Government and endorses the Council Leader in raising this at COSLA and directly with Scottish Ministers.”

### **Motion**

To approve the motion by Councillor Macinnes.

- moved by Councillor Macinnes seconded by Councillor Doran

### **Amendment**

To add to the motion by Councillor Macinnes:

Council

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

- moved by Councillor Whyte, seconded by Councillor Jim Campbell

## Voting

The voting was as follows:

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

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

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

## Decision

To approve the motion by Councillor Macinnes.

## Declaration of Interests

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

## 12 Better School Milk - Motion by Councillor Burgess

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

“This Council;

- 1) Notes the recent introduction of organic school milk along with a reduction in single-use plastic containers in East Ayrshire schools.
- 2) Recognises that organic milk can be healthier for children and that reducing single-use plastic and packaging can create less waste and is better for the environment.
- 3) Notes that pupils from Edinburgh schools, including James Gillespie’s Primary School, have requested organic milk and reduced plastic packaging as long ago as 2019.
- 4) Therefore requests a report into the introduction of organic school milk with reduced use of single-use plastic in Edinburgh Council-run schools to the Policy and Sustainability Committee within two cycles.

- 5) Further notes that the Council's Single-Use Plastic Working Group has not met recently and requests that the group convenor schedules a meeting at the earliest opportunity in order to recommence this work."

### **Motion**

To approve the motion by Councillor Burgess.

- moved by Councillor Burgess seconded by Councillor Mary Campbell

### **Amendment**

- 1) To amend paragraph 2 of the motion to read:
  - 2) Recognises that some believe organic milk can be healthier for children and that reducing single-use plastic and packaging can create less waste and is better for the environment.
- 2) To add a new paragraph 3 of the motion and renumber accordingly
  - 3) Notes that organic milk is considerably more expensive to produce and purchase and asks the report to provide clear costs and possible funding sources, along with evidence of the health benefits of switching from non-organic milk.

- moved by Councillor Laidlaw, seconded by Councillor Douglas

### **Voting**

The voting was as follows:

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

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

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

### **Decision**

To approve the motion by Councillor Burgess.

## 13 Equal Pavements Pledge - Motion by Councillor Miller

---

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

“This Council:

- 1) Welcomes the ‘Equal Pavements Pledge’ aimed at improving the accessibility of footways by Transport for All the disability group focusing on transport.
- 2) Notes that the seven-point pledge is to;

### **1. Listen, and act:**

Engage with and listen to the perspectives of disabled people, across the impairment groups, who have been significantly erased from the conversation. By doing this, we can move forward with accessible, inclusive, panimpairment solutions which benefit everyone, and the environment.

### **2. Keep it clear:**

Maintain a minimum of 1.5m clearance on all pavements, by enforcing the terms of your licenses with businesses. Issue written warnings and follow up with on-site visits to premises to enforce the terms. Use roaming 'inspectors' to ensure pavements aren't blocked.

### **3. Cut the clutter:**

Operate a zero-tolerance approach to street clutter. Issue warnings to businesses that obstruct pavements with A-boards, and follow up with fines. Consider temporarily removing permanent fixtures, for example bollards and lamp posts, while outdoor furniture is on pavements to maintain a clear path. Electric Vehicle charging points should only be situated on a pavement as a last resort if there are no other options, and must be placed in a way that will not cause obstruction or trip hazard from trailing cables.

### **4. Mind the trash:**

Schedule waste removal at times that will be the least disruptive, reducing the issue of bags of rubbish being left on pavements during periods of high footfall.

### **5. Drop the kerbs:**

Undertake a professional accessibility audit of your streetspace and install immediate short-term measures (e.g: asphalt ramps) at problem areas to ensure step-free access. This is a short term and immediate solution while

more long-term solutions, including proper dropped kerbs and correct tactile paving where appropriate, are devised and installed.

#### **6. Protect Blue Badge Bays:**

Do not remove parking spaces for Blue Badge holders except where supported by robust data and in consultation with disabled residents. In rare occasions where this is unavoidable, the bays must be relocated close to the original location and any plans should be consulted on with disabled residents to avoid impeding access.

#### **7. Work with disabled experts:**

We want to see local authorities and transport providers commit to a co-production model built on the views and expertise of a wide range of disabled voices. Work with representatives from a pan-impairment organisation who can train your team and work with you to embed the Social Model of Disability to ensure all future streetspace schemes are delivered with accessibility at their core.

- 3) Notes that the pledge is supported by RNIB, Living Streets and Sustrans and has already been taken by the London Assembly and the City of Westminster.
- 4) Recognises that as lockdown restrictions gradually begin to lift there is an opportunity to improve accessibility for disabled people.

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

#### **Motion**

To approve the motion by Councillor Miller.

- moved by Councillor Miller, seconded by Councillor Corbett

#### **Amendment 1**

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

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

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

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

- moved by Councillor Mowat, seconded by Councillor Whyte

## **Amendment 2**

To add to the motion by Councillor Miller:

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

- moved by Councillor Lang, seconded by Councillor Osler

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

## **Decision**

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

- 1) To welcome the 'Equal Pavements Pledge' aimed at improving the accessibility of footways by Transport for All the disability group focusing on transport.
- 2) To note that the seven-point pledge was to;

### **1. Listen, and act:**

Engage with and listen to the perspectives of disabled people, across the impairment groups, who have been significantly erased from the conversation. By doing this, we can move forward with accessible, inclusive, panimpairment solutions which benefit everyone, and the environment.

### **2. Keep it clear:**

Maintain a minimum of 1.5m clearance on all pavements, by enforcing the terms of your licenses with businesses. Issue written warnings and follow up with on-site visits to premises to enforce the terms. Use roaming 'inspectors' to ensure pavements aren't blocked.

### **3. Cut the clutter:**

Operate a zero-tolerance approach to street clutter. Issue warnings to businesses that obstruct pavements with A-boards, and follow up with fines. Consider temporarily removing permanent fixtures, for example bollards and lamp posts, while outdoor furniture is on pavements to maintain a clear path. Electric Vehicle charging points should only be situated on a pavement as a last resort if there are no other options, and must be placed in a way that will not cause obstruction or trip hazard from trailing cables.

### **4. Mind the trash:**

Schedule waste removal at times that will be the least disruptive, reducing the issue of bags of rubbish being left on pavements during periods of high footfall.

### **5. Drop the kerbs:**

Undertake a professional accessibility audit of your streetspace and install immediate short-term measures (e.g: asphalt ramps) at problem areas to ensure step-free access. This is a short term and immediate solution while more long-term solutions, including proper dropped kerbs and correct tactile paving where appropriate, are devised and installed.

### **6. Protect Blue Badge Bays:**

Do not remove parking spaces for Blue Badge holders except where supported by robust data and in consultation with disabled residents. In rare occasions where this is unavoidable, the bays must be relocated close to the original location and any plans should be consulted on with disabled residents to avoid impeding access.

### **7. Work with disabled experts:**

We want to see local authorities and transport providers commit to a co-production model built on the views and expertise of a wide range of disabled voices. Work with representatives from a pan-impairment organisation who can train your team and work with you to embed the Social Model of Disability to ensure all future streetspace schemes are delivered with accessibility at their core.

- 3) To note that the pledge was supported by RNIB, Living Streets and Sustrans and had already been taken by the London Assembly and the City of Westminster.

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

### **Declaration of Interests**

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

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

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

“Council:

- 1) Notes the Edinburgh Integration Joint Board (EIJB) has still not received a clear and detailed proposal regarding the potential closure of City of Edinburgh Council care homes.
- 2) Regrets the uncertainty caused by this delay to residents, their families and to council employees in the three months since the proposal was first put to the EIJB.
- 3) Regrets public statements by councillors setting out their conclusions without fully understanding what will be contained in the final Bed Based Review.
- 4) Instructs the Chief Officer to report to the Policy and Sustainability Committee within one cycle explaining the current situation and including an explanation for any departure from existing Council policies in relation to consultation with employees, residents’ families and the wider population of the city.”

### **Decision**

To note that Councillor Doggart had withdrawn his motion.

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

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

““Council:

Congratulates the Foundation of Hearts on becoming the majority shareholder of Heart of Midlothian PLC as of 30 August 2021, making Hearts the largest fan-owned club in the UK; recognises that Edinburgh’s major football clubs enjoy a vigorous rivalry but have a common interest in maintaining a long and proud history at the centre of the communities in which they were first formed; notes the previous “Fans First” campaign by Lothian MSP Alison Johnstone to provide football fans with greater say in the running and ownership of their clubs; and welcomes the Foundation of Hearts’ success as an important step in giving supporters that primary voice.”

- moved by the Lord Provost seconded by Councillor Griffiths

### **Decision**

To approve the motion by Councillor Corbett.

### **Declaration of Interests**

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

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

## **16 Questions**

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

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

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

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

### **Decision**

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

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

## Appendix 1

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

### QUESTION NO 1

**By Councillor Neil Ross for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 September 2021**

Many residents across the city are actively looking to purchase an electric car. One factor in their decision relates to the availability of existing and proposed EV charging infrastructure.

**Question** (1) How many working EV charging points are there currently in Edinburgh on council land and where are they located

**Answer** (1) There are 77 EV charging points on Council land across the city. The table below provides further details on the locations.

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

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

**Question** (3) When the council permits charging operators to run charging points on its land, does it specify a proportion of the time that charge points should be available for use and, if so, what is that standard?

**Answer** (3) The placing of any equipment or apparatus on the public road network by members of the public, including charging operators not appointed by the Council, is not permitted at this time.

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

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

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

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

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

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

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

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

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

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

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

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

**Total No. of Charge Points**

77

**QUESTION NO 2**

**By Councillor Neil Ross for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 September 2021**

The Convener will be familiar with reports of waste collection service issues, in particular, over-flowing communal street bins of all descriptions.

**Question** (1) With many people now working from home and intending to continue with at least part-time working from home, what changes have been made to gear up the waste collection service to meet the increased demands placed upon it as a result in areas served by communal street bins?

**Answer** (1) As reported to Transport and Environment Committee in [April 2021](#) as part of the communal bin review update, the increased prevalence of home working and the increase in home deliveries and associated packaging is being kept under review to identify the ongoing trends and is feeding into the Council's planning for future communal bin services.

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

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

Fly tipping and mis-use of communal street bins by some businesses and landlords happens too often. In some cases, evidence, including names, of perpetrators has been provided to the Council by residents.

**Question** (2) Has the Council increased its enforcement action to deter fly tipping and mis-use of bins by some businesses and landlords?

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

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

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

**Question** (3) How many businesses and landlords have had enforcement action taken against them in the past twelve months and how many fixed £200 fines have been issued over the same period, with comparator figures for the preceding 12 months?

**Answer** (3) The table below shows a summary of the fixed penalty notices issued from September 2019 and again from September 2020, including those issued to businesses

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

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

**QUESTION NO 3**

**By Councillor Neil Ross for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 23 September 2021**

**Question**

Administrative support is provided to councillors in the form of assistance with constituent casework and assistance with political and committee work, such as research and preparation for questions, answers, motions, amendments and addenda for full Council and Council committees, including work done by departmental assistants. What were the numbers of administrative and departmental support staff working for each political group, excluding independent councillors, and their total costs per group for 2020/21?

**Answer**

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

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

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

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

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

**Supplementary  
Question**

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

**Supplementary  
Answer**

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

**QUESTION NO 4**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

At the 26 August 2021 meeting of the Council and during the debate on reform of transport arms-length organisations, the Vice-Convener of Housing, Homelessness and Fair Work said:

*“One councillor mentioned park and ride and, integrating (sic) park and ride would be great if we had big bits of land on the outskirts of our city for parking cars on, but I would kind of prefer that we look at it first whether we can build houses and new businesses and other things that the city probably needs more than park and ride. So I would just set that aside”.*

**Question** (1) Does the Convener agree with this statement?

**Answer** (1) The Vice Convener, Housing, Homelessness and Fair Work was, I understand, referencing the difficulties in securing land for Park and Rides – a situation I fully recognise. Park and Ride sites are an important tool in the transportation toolbox – as a means of reducing the high number of often single occupancy cars which come into our city. Their success in absorbing some of that car traffic is evident. I would argue that more Park and Rides are a desirable aspect of the transport network, alongside integrated public and active travel networks to the relevant site. The economic, health and quality of life issues caused by excessive congestion in this city are significant and must be acted upon in a number of ways, including the expansion of Park and Rides, wherever possible

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

**Answer** (2) Yes

**Question** (3) Can the Convener confirm whether the failure to deliver expansions of park and ride sites in Edinburgh over the last four years is as a result of any successful internal lobbying by the vice-convener of Housing, Homelessness and Fair Work?

**Answer**

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

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

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

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

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

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

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

**QUESTION NO 5**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

**Question**

What is the status of the traffic regulation order(s), implementing the February 2020 decision of the Transport & Environment Committee to reduce the speed limit of 22 streets from 40mph to 30mph?

**Answer**

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

**Supplementary Question**

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

**Supplementary Answer**

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

**QUESTION NO 6**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

**Question**

At the meeting of 14 May 2020, the Policy & Sustainability Committee agreed that a consultation should be initiated by the end of 2020 with regards to speed limits on rural roads. When will this consultation commence?

**Answer**

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

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

**Supplementary Question**

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

**Supplementary Answer**

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

## QUESTION NO 7

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

On 6 August 2020, the Policy & Sustainability Committee approved an updated prioritisation list for new pedestrian crossings to be installed in 2020/21.

**Question** (1) Which of the 17 crossings listed in appendix 1 of the August 2020 report were installed in the 2020/21 operating year as scheduled?

**Answer** (1) An update on the delivery of the pedestrian crossing programme was provided to the Transport and Environment Committee on [22 April 2021](#), as part of a report on the delivery of the wider Road Safety Improvements Programme. The report included information on various factors that had impacted on the delivery of improvements scheduled to be constructed during 2020/21 and 2021/22.

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

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

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

**Question** (3) When will the Transport & Environment Committee next be asked to approve an updated priority list for the current and future years?

**Answer** (3) An updated programme will be presented to the Committee for approval in early 2022. This will include the outcomes of crossing assessments undertaken in the spring and autumn 2021 batches.

**QUESTION NO 8**

**By Councillor Osler for answer by the Convener of the Regulatory Committee at a meeting of the Council on 23 September 2021**

Section 188 of Edinburgh Corporation Order Confirmation Act 1967 (Control of loudspeakers) stated:

“(1)(a) A person shall not, **without the consent of the Corporation**, operate any loudspeaker in any street.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.”

And

Section 461 (Street musicians):

“A person shall not, in any public place, for or in expectation of personal reward, continue to sound or play any musical instrument, or to sing or perform, after being required to desist **by any person resident or occupying premises in the neighbourhood**, or by any constable. ”

These are obviously no longer in force.

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

**Answer**

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

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

**Supplementary Question**

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

**Supplementary Answer**

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

**QUESTION NO 9**

**By Councillor Osler for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 September 2021**

**Question**

What consideration has been given to extending the current temporary provision of toilet facilities in Inverleith Park, Leith Links and the Meadows?

**Answer**

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

**Supplementary  
Question**

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

**Supplementary  
Answer**

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

**QUESTION NO 10**

**By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

With reference to Qu 15.4 relating to *Spaces for People* market research, for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 24 June 2021, the response was: "*Questions have been asked about a small number of responses to the market research (13 out of 583 (2% of the sample). These questions are being investigated. However, even if all 13 were to be discounted, there is no material impact on the outcome of the research.*".

**Question**

What was the outcome of that investigation and how were the anomalies explained?

**Answer**

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

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

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

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

**QUESTION NO 11**

**By Councillor Mowat for answer by  
the Convener of the Education,  
Children and Families Committee at a  
meeting of the Council on 23  
September 2021**

**Question**

To ask the Convener of Education, Children and Families how many spaces are available for pupils in each year group of High School across the City?

**Answer**

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

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

**Supplementary  
Question**

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

**Supplementary  
Answer**

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

**QUESTION NO 12**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

**Question** (1) What discussions have been held with Historic Environment Scotland regarding the proposed extended closure times of Queen's Drive between Holyrood Park Road and Holyrood Gait?

**Answer** (1) Council officers are having ongoing discussions with Historic Environment Scotland (HES) on the current consultation on vehicle access to the road networks in Holyrood Park and on balancing the needs of all park users. Officers will seek further discussion with HES once the outcome of the consultation is known (the consultation closes on 30 September and is available [here](#)).

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

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

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

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

**QUESTION NO 13**

**By Councillor Webber for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

Can the Convener please provide details of:

**Question** (1) The City of Edinburgh Council's bid to the UK Office for Zero Emission Vehicles (OZEV) through the "On-Street Residential Chargepoint Scheme."

**Answer** (1) The Council intends to submit a bid by February 2022 to the UK Office for Zero Emission Vehicles (OZEV) seeking funding to extend on-street residential charging opportunities in the city.

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

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

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

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

**QUESTION NO 14**

**By Councillor Johnston for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 September 2021**

**Question**

Can the Convener confirm what budget has been set aside for the potential removal of the Spaces for People projects and how said budget compares to the initial provision, which was in excess of £800k?

**Answer**

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

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

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

**Supplementary  
Question**

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

**Supplementary  
Answer**

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

**QUESTION NO 15**

**By Councillor Johnston for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 23 September 2021**

In QUESTION NO 15 on 11 March 2021, the Convener of the Transport and Environment Committee was asked what pre-testing of the public consultation survey was carried out and what was the scale and profile of the test sample? the response was: "Given the timescale for development and delivery of the engagement, it was not possible to pre-test the survey..."

**Question** (1) Given, there was more time to prepare for the Lanark Road engagement, what pre-testing, quality control and approval process was undertaken for the Local Engagement Survey for Lanark Road?

**Answer** (1) The timeline and arrangements put in place to engage with local residents recognised that it would be challenging to complete all of the actions from Council in time to report to Transport and Environment Committee in September. The change of date for Committee has not provided more time to prepare but has ensured that responses from residents through the survey will be available in advance of Committee.

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

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

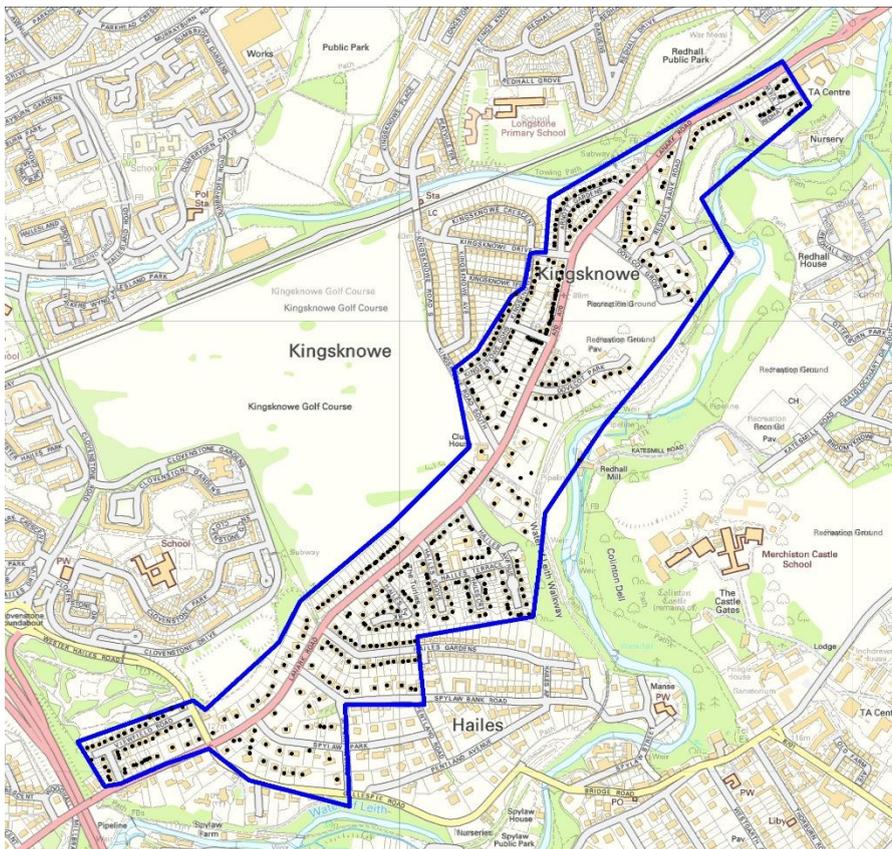
**Answer** (2) A distribution company was engaged to deliver the letters and non-deliveries were reported back to the Council. Four properties within one block did not receive the letter on the 1<sup>st</sup> attempt as entry could not be gained. However, letters were delivered on the 2<sup>nd</sup>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

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

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

**Question** (4) Did council officers consult any elected councillors when setting the boundary of the area designated to receive letters, to ensure local knowledge was incorporated?

**Answer** (4) Following a request from a Councillor, the boundary information was shared with local ward Councillors (from the four affected wards) and Transport and Environment members. There was no feedback received on the proposed boundaries.



**QUESTION NO 16**

**By Councillor Webber for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

**Question** (1) Following a response received to similar question in April 2021 can the Convener provide the latest data (*previously provided is indicated in italics*)

**Question (1) Since the installation of the various temporary Spaces for People schemes across the city intended to aid with social distancing during the Covid 19 Pandemic how many personal injury or accident claims have been made against the Council?**

*Previous Answer (1) a) There have been five claims in total  
b) There has been one each from the following schemes: Dalry Road, Buckstone Terrace, Princes Street, Morningside Road and Pennywell Road.*

**a) In total.**

**b) By scheme.**

**Answer** (1) a) In total, there have been 14 claims made.

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

**Question** (2) **Question (2) What has been the outcome of these claims?**

*Previous Answer (2) All of the claims are still open at present.*

**a) Number of successful claims.**

**b) Total Payments / Compensation if applicable.**

**Answer**

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

**QUESTION NO 17****By Councillor Doggart for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 23 September 2021**

**Question** (1) How much will Council expenditure reduce annually (in current year terms) for each of the 5 affected care homes if they are to close, as initially proposed to the EIJB in June 2021?

**Answer** (1) The current Health and Social Care annual budgets for the relevant care homes are as follows:

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

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

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

**Question** (2) How much debt remains outstanding for each of the 5 affected care homes if they are to close, as initially proposed to the EIJB in June 2021?

**Answer** (2) Debt outstanding for the relevant care homes at 31<sup>st</sup> March 2021 was as follows:

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

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

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

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

**QUESTION NO 18**

**By Councillor Whyte for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 23 September 2021**

**Question**

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

**Answer**

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

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

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

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

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

**Supplementary Question**

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

**Supplementary Answer**

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

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