

# Minutes

## The City of Edinburgh Council

Edinburgh, Thursday 10 February 2022

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  
Maureen M Child  
Nick Cook  
Cammy Day  
Alison Dickie  
Denis C Dixon  
Phil Duggart  
Karen Doran  
Scott Douglas  
Catherine Fullerton  
Neil Gardiner  
Gillian Gloyer  
George Gordon  
Ashley Graczyk  
Joan Griffiths  
Ricky Henderson  
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  
Hal Osler  
Ian Perry  
Susan Rae  
Alasdair Rankin  
Cameron Rose  
Neil Ross  
Jason Rust  
Alex Staniforth  
Mandy Watt  
Susan Webber  
Iain Whyte  
Donald Wilson  
Norman J Work  
Ethan Young  
Louise Young

# 1 Independent Review into Whistleblowing and Organisational Culture

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## a) Deputation – Whistleblowers Group

The deputation welcomed the redress scheme the Council was setting up for the victims in the Sean Bell case, but suggest that the scheme be extended to all victims in cases of abuse identified. They felt that the Council did not adhere to Public Interest Disclosure legislation whilst investigating the whistleblowing claims, that the whistle-blowers were not protected, they experienced traumatic workplace situations to cope with, without support, they feared for their continued employment, their mental and physical health and their financial health and in some cases, the victims and the whistle-blowers were required to sign NDA's

The deputation had expressed concern that the final report was be a whitewash and that the perpetrators including the Senior Managers who helped cover up the alleged malpractice would not be held to account and they felt that their concerns appeared to be correct.

The deputation urged the Council to call for a Public Enquiry and indicated that the citizens of Edinburgh deserved to know that their Council tax was being spent on services that benefitted all sectors and not supporting alleged perpetrators of criminal acts, fraud, corruption, cover ups and perverting the course of justice. They felt strongly that significant parts or a vast range of evidence available to these two reports, had been ignored or overlooked by the investigation and review legal teams which had resulted in a failed opportunity for the victims to receive justice and for the whistle-blowers to achieve vindication.

## b) Report by the Chief Executive

The Council had commissioned an independent Inquiry (“the Inquiry”) into complaints about the conduct of the late Sean Bell, a former senior manager in its Communities and Families directorate, who passed away in August 2020. The outcome of that Inquiry was reported to Council in October 2021.

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

On 16 December 2021, the Council had considered the report which had been produced by the Review team which had identified key issues, findings and recommendations and officers had been working through the implications

of the recommendations from both the Inquiry and Review which when taken together formed a considerable programme of work.

Details were provided on progress in implementing the recommendations which had been grouped together into five themes, together with associated progress with recommendations and actions.

### **Point of Order**

Councillor Jim Campbell raised a point of order in terms of Standing Order 10.1(b), that Standing Order 22.15, the 40 minute rule, not apply to this item.

The Lord Provost ruled that this matter should have been raised under Order of Business at the start of the meeting and that Standing Order 22.15 would apply to this item.

### **Motion**

- 1) To note that the Council recognised that the Independent Inquiry into the conduct of the late Sean Bell (the “Inquiry”) had been a very difficult process for the survivors, as well as for colleagues and others affected. The Council wished to repeat its sincere thanks to those who came forward in these challenging circumstances.
- 2) To note that, whilst the Cultural Review (the “Review”) provided a welcome opportunity for individuals to come forward, this too had been challenging for individuals who approached the Review. Again, the Council wished to thank all of those who came forward.
- 3) The Council had given serious consideration to the findings of both the Inquiry and the Review and reaffirmed its commitment to addressing all recommendations and observations in each.
- 4) To note that, in respect of the Inquiry, formal letters had been sent by the Council to those survivors it was aware of who suffered abuse by Mr Bell offering the Council’s deepest sympathies. The Chief Executive had also met with survivors identified in the report in person.
- 5) To note that the proposed plan and progress to date for the Review also incorporated the recommendations from the Inquiry (the “Inquiry”) in relation to the conduct of the late Sean Bell as reported to Council in October 2021.
- 6) To note that future ability to meaningfully progress the plan would require adequate resource being allocated.
- 7) To note and approve the financial and resourcing implications of the recommendations and observations which were likely to span recurring

budget cycles and would be subject to approval by Council as part of the annual budget setting process.

To note as well as additional resourcing, this would require continued focus of senior management, including but not limited to, the Chief Executive, Executive Director of Corporate Services, Heads of Legal and HR and others tasked with delivery of the recommendations and outcomes as set out in Appendix 1 to the report by the Chief Executive.

- 8) To agree to a proposed six-month reporting cycle with the first update report on progress being reported to Full Council, followed by update reports to an appropriate committee to be agreed in that first report.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

- 1) To note that the Council recognised that the Independent Inquiry into the conduct of the late Sean Bell (the "Inquiry") had been a very difficult process for the survivors, as well as for colleagues and others affected. The Council wished to repeat its sincere thanks to those who came forward in these challenging circumstances.
- 2) To note that, whilst the Cultural Review (the "Review") provided a welcome opportunity for individuals to come forward, this too had been challenging for individuals who approached the Review. Again, the Council wished to thank all of those who came forward.
- 3) The Council had given serious consideration to the findings of both the Inquiry and the Review and reaffirmed its commitment to addressing all recommendations and observations in each.
- 4) To note that, in respect of the Inquiry, formal letters had been sent by the Council to those survivors it was aware of who suffered abuse by Mr Bell offering the Council's deepest sympathies. The Chief Executive had also met with survivors identified in the report in person.
- 5) To note that the proposed plan and progress to date for the Review also incorporated the recommendations from the Inquiry (the "Inquiry") in relation to the conduct of the late Sean Bell as reported to Council in October 2021.
- 6) To note that future ability to meaningfully progress the plan would require adequate resource being allocated.
- 7) To consider that inadequate progress had been made at this stage to address the recommendations of the Tanner Inquiry and Review, such that assurance

could be provided to councillors, Council staff, and the public that the issues identified were being resolved swiftly and effectively. The following issues required to be addressed:

## **1. Policy and Policy Communication**

Council expresses disappointment that:

1. No draft revised Whistleblowing Policy has been provided for initial consideration, despite ample time since the last Council meeting to adapt the current policy to comply with Ms Tanner's Recommendations, at the very least as an initial proposal for consultation.
2. No draft or substantive communications plan has been provided for consideration, despite the urgent need to communicate the current Whistleblowing Policy, including its statutory expectations and commitments to staff as a first step, and adaptable to promote any revised Policy once available as a forward action.
3. There is no plan to reassure staff about confidentiality, given that more than half of respondents to Ms Tanner's survey doubted their anonymity would be protected or their rights not to suffer detriment would be maintained should they make a whistleblowing disclosure.

## **2. Resources**

Outwith the investigations section, Council considers the request for additional resource to implement the recommendations is excessive because:

1. Policy review and development is an ongoing process and is part of Business as Usual.
2. Training resources should, at least in part, be retargeted to these issues as a priority.
3. Existing culture change and leadership training can and must be reviewed for effectiveness, and retargeted in part to the themes in the Review
4. That many of the recommendations represent developmental good practice and should be absorbed within current business through practice change rather than additional work.
5. An external investigations unit should free up internal management time and resource for other purposes.

### **3. Staff Communication**

Council notes the difficulties identified by Ms Tanner in providing information to what the Council describes as “Hard to Reach Colleagues” and is disappointed that:

1. This problem, which has been recognised within the Council for many years, was fully identified in the 2018 Colleague Survey and both the follow up Interim Update and Action Plan, and actions supposed to have been taken to resolve it have not been fully addressed
2. Giving such staff greater access to email and the Orb has not been fully actioned as these communication methods were regarded as two of the top four effective methods of communication by staff in the Survey.
3. The Council is now being told that considerable additional resource will have to be deployed to address this issue, despite the 2019 Action Plan indicating resource was available and was being deployed.

### **4. Recording of allegations/findings**

Council regrets that:

1. No action has been put in place to use manual or bespoke IT arrangements for the urgent tracking of allegations of alleged abuse as recommended in the Inquiry and the Review. This would be an interim step with a view to migrating these to a future compliant HR system.
2. The report fails to provide an initial business case for a fully functioning HR system to be developed either through upgrade or replacement, despite Council’s expressed wish to see these issues addressed by acceptance of the recommendations.

### **5. Redress**

Council expresses disappointment that:

1. Despite the recommendations of the Inquiry being available since September along with specialist legal advice from Pinsent Masons and coordination with the Council’s insurers, no proposal for a redress scheme has yet been put to Council for approval.
2. The report anticipates a further three to six months delay to set this up.
3. Although formal letters have been sent to survivors of Sean Bell’s abuse expressing the Council’s deepest sympathies, some who consider

themselves to have been at the receiving end of abuse have received no such contact and the delay is causing distress.

## **6. Addressing remaining concerns**

Council regrets:

1. The lack of any progress in considering how to reach out to whistle-blowers who contributed to the review but remain dissatisfied.
2. That no action has been proposed to address the issues identified by some participants to the Review that the CLT could be “an intimidating environment” for outsiders.

## **7. Addressing remaining concerns**

Council:

1. Rejects the proposed actions at recommendations 1.7 and 1.8 of the Report as an inadequate response to the recommendations made by the Tanner Inquiry and Review.
2. Considers there is a lack of the necessary urgency and priority to deliver essential administrative and cultural change quickly, efficiently and effectively within the organisation.
3. Calls for a further report within one cycle to resolve the deficiencies identified above, provide assurance that the recommendations can be implemented in full and therefore give Council confidence in the Corporate Leadership Team’s ability to deliver.
4. Instructs that the report should also set out actions to implement any stand-alone recommendations that can be implemented immediately within existing resources.
5. Instructs that the report include a draft redress scheme with clarity about the criteria for inclusion, particularly for those who have made known they consider themselves to have been abused by Sean Bell.
6. Agrees that the Policy and Sustainability and Finance and Resources Committees should meet jointly, in a workshop format to be chaired by the Lord Provost, to review the proposed response to the recommendations in regard to resourcing and integration with Business as Usual in order to
  - a) reduce additional cost pressures

- b) prioritise the resolution of the issues identified in the Inquiry and Review against other work of the Council and implement the Recommendations in full.
  - c) Determine how future monitoring and scrutiny of delivery of the recommendations should be undertaken.
7. Agrees that funding should be set aside in Reserves as part of the Budget Process so that necessary resource can be provided for future delivery once this is fully clarified.

## **8. Monitoring officer role**

In addition to the matters addressed in the Report Council recognises that there have been a number of serious incidents spanning the last 20 years where whistleblowing has not been dealt with satisfactorily, that these point to a structural flaw in the process, and that external supervision is required.

Council accordingly, calls for representation to be made on behalf of the Council to the Scottish Government to consider empowering an external entity to assume such functions of the Monitoring Officer as are necessary to provide an independent and objective view of events as included within the current scope of the monitoring officer duties.

- moved by Councillor Whyte seconded by Councillor Mowat

In accordance with Standing Order 22(12), Paragraphs 7.4 and 7.5 of the amendment were accepted as an addendum to the motion.

## **Voting**

The voting was as follows:

For the motion (as adjusted)	-	39 votes
For the amendment	-	19 votes

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

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



## Decision

To approve the following adjusted motion by Councillor McVey:

- 1) To note that the Council recognised that the Independent Inquiry into the conduct of the late Sean Bell (the “Inquiry”) had been a very difficult process for the survivors, as well as for colleagues and others affected. The Council wished to repeat its sincere thanks to those who came forward in these challenging circumstances.
- 2) To note that, whilst the Cultural Review (the “Review”) provided a welcome opportunity for individuals to come forward, this too had been challenging for individuals who approached the Review. Again, the Council wished to thank all of those who came forward.
- 3) The Council had given serious consideration to the findings of both the Inquiry and the Review and reaffirmed its commitment to addressing all recommendations and observations in each.
- 4) To note that, in respect of the Inquiry, formal letters had been sent by the Council to those survivors it was aware of who suffered abuse by Mr Bell offering the Council’s deepest sympathies. The Chief Executive had also met with survivors identified in the report in person.
- 5) To note that the proposed plan and progress to date for the Review also incorporated the recommendations from the Inquiry (the “Inquiry”) in relation to the conduct of the late Sean Bell as reported to Council in October 2021.
- 6) To note that future ability to meaningfully progress the plan would require adequate resource being allocated.
- 7) To note and approve the financial and resourcing implications of the recommendations and observations which were likely to span recurring budget cycles and would be subject to approval by Council as part of the annual budget setting process.

To note as well as additional resourcing, this would require continued focus of senior management, including but not limited to, the Chief Executive, Executive Director of Corporate Services, Heads of Legal and HR and others tasked with delivery of the recommendations and outcomes as set out in Appendix 1 to the report by the Chief Executive.

- 8) To agree to a proposed six-month reporting cycle with the first update report on progress being reported to Full Council, followed by update reports to an appropriate committee to be agreed in that first report.

- 9) To instruct that the report should also set out actions to implement any stand-alone recommendations that could be implemented immediately within existing resources.
- 10) To instruct that the report include a draft redress scheme with clarity about the criteria for inclusion, particularly for those who have made known they consider themselves to have been abused by Sean Bell.

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

## 2 Minutes

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### Decision

To approve the minute of the Council of 16 December 2022 as a correct record.

## 3 Leader's Report

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

- I-pad roll out in Edinburgh schools
- Meadowbank Sports Centre
- Covid19 update – reshaping of Council services

The following questions/comments were made:

- |                     |   |   |
|---------------------|---|---|
| Councillor Whyte    | - | Charging levy for paying to park at work                      |
| Councillor Miller   | - | City centre west-east link cycle project                      |
| Councillor Aldridge | - | Leadership – resignation of Group members                     |
| Councillor Day      | - | New Victoria Primary School                                   |
|                     | - | Scottish Government funding – Council services                |
| Councillor Bird     | - | Children's Mental Health Week – UK Government policies        |
| Councillor Johnston | - | Pressure on homelessness – update on funding                  |
| Councillor Burgess  | - | Impact on Edinburgh residents of the increase in energy costs |
| Councillor Lang     | - | Outstanding road safety improvements in Davidsons Mains       |

- Councillor Cameron - Transition to incoming Council – planned discussions on the approach for the whistleblowing and organisational culture going forward
- Councillor Macinnes - Free public transport for under 22 year olds
- Councillor Bruce - Future Headquarters for Great British Railways – Council bid
- Councillor Cook - Councillor Day’s previous comments - apologies
- Councillor Gardiner - Cost of living crisis
- Councillor Rae - Leith Chooses Team - congratulations
- Councillor Jim Campbell - Service are Whistleblowing Champions
- Councillor Kate Campbell - Continuation of Council house build programme and small sites programme - thanks to Council officers for their work

#### **4 Appointments to Committees and Outside Organisations etc.**

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Appointments to Outside Bodies for 2017–22 were approved by Council on 29 June 2017 and appointments to the Council’s committees were made at the Council meeting on 27 May 2021.

Councillor Alison Dickie had resigned as a member of the SNP Group, and this had resulted in a replacement requiring to be appointed to the Education Children and Families Committee and the Committee on Pupil Student Support.

##### **Motion**

- 1) To appoint Councillor Bird in place of Councillor Dickie as Vice-Convener of Education, Children and Families Committee and all working groups appointed by the Education, Children and Families Committee with the accompanying Senior Responsibility Allowance of £27,908.
- 2) To replace Councillor Dickie with Councillor Frank Ross as a Member of Education, Children and Families Committee.
- 3) To replace Councillor Dickie with Councillor Frank Ross on the Committee on Pupil Student Support.

- 4) To replace Councillor Bird with Councillor Frank Ross on the Personnel Appeals Committee.
- 5) To replace Councillor Dickie with Councillor Macinnes as Gaelic Champion.
- 6) To replace Councillor Dickie with Councillor Bird as a member of the Edinburgh Area Support Team.
- 7) To replace Councillor Dickie with Councillor Bird as a member of the John Watson's Trust.

- moved by Councillor Fullerton, seconded by Councillor Doran.

### **Amendment**

To note that the appointed role on the Gaelic Implementation Group was covered by the Gaelic Champion.

- moved by Councillor Louise Young, seconded by Councillor Osler

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

### **Decision**

To approve the following adjusted motion by Councillor Fullerton:

- 1) To appoint Councillor Bird in place of Councillor Dickie as Vice-Convenor of Education, Children and Families Committee and all working groups appointed by the Education, Children and Families Committee with the accompanying Senior Responsibility Allowance of £27,908.
- 2) To appoint Councillor Frank Ross in place of Councillor Dickie as a Member of Education, Children and Families Committee.
- 3) To appoint Councillor Frank Ross in place of Councillor Dickie on the Committee on Pupil Student Support.
- 4) To appoint Councillor Frank Ross in place of Councillor Bird on the Personnel Appeals Committee.
- 5) To appoint Councillor Macinnes in place of Councillor Dickie as Gaelic Champion.
- 6) To note that the appointed role on the Gaelic Implementation Group was covered by the Gaelic Champion.

- 7) To appoint Councillor Bird in place of Councillor Dickie as a member of the Edinburgh Area Support Team.
- 8) To appoint Councillor Bird in place of Councillor Dickie as a member of the John Watson's Trust

(References – Act of Council No 7 of 27 May 2021; Act of Council No 9 of 28 October 2021; Act of Council No 4 of 25 November 2021; report by the Executive Director of Corporate Services, submitted.)

## 5 Council Diary 2022/23

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The draft Council diary for 2022-2023 was presented together with proposed dates for recess periods and Council meetings from August 2023 to August 2024.

### **Motion**

- 1) To agree the Council Diary for August 2022 to August 2023 as set out in appendix 1 to the report by the Executive Director of Corporate Services, and to authorise the Chief Executive to make minor adjustments, as necessary.
- 2) To note the findings of the Review of Political Management Arrangements, part of the Council's preparations for the May 2022 Local Government elections, would likely impact on the Council diary and a revised version of the diary would be presented to the new Council.
- 3) To agree the recess and Council meeting dates for August 2023 to August 2024 as set out in appendix 2 to the report.
- 4) To agree to cancel the Council meeting on 28 April 2022.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

Council considers that as a number of changes were made to the Council Diary to suit Conveners at the beginning of the 2017 – 2022 Council Term that we should defer consideration of the dates for Executive Committees until after the elections in May 2022 and draft the diary once the new Council Administration has been put in place; only detailing dates for the Full Council meetings at this stage.

- moved by Councillor Mowat, seconded by Councillor Jim Campbell

## Voting

The voting was as follows:

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

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

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

## Decision

To approve the motion by Councillor McVey.

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

## 6 Operational Governance Review of Grant Standing Orders

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Details were provided on proposed changes to the Council's Grant Standing Orders which provided guidance, controls and regulated the grant application and award process throughout the Council and on behalf of the Edinburgh Integration Joint Board.

## Decision

- 1) To approve the proposed revisions to the existing Grant Standing Orders, as summarised in Appendix 1 to the report by the Executive Director of Corporate Services.
- 2) To agree to adopt the Grant Standing Orders included in Appendix 2 to the report.
- 3) To note that there would continue to be an annual review of the Grant Standing Orders to ensure that they worked effectively in providing guidance, controls and regulation of the grant application and award process throughout the Council and on behalf of the Edinburgh Integration Joint Board (EIJB).

(References – Act of Council No 5 of 13 December 2018; report by the Executive Director of Corporate Services, submitted.)

## 7 Rolling Actions Log

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Details were provided on the outstanding actions arising from decisions taken by the Council from May 2015 to December 2021.

### Decision

- 1) To agree to close the following Actions:

**Action 3 – Public Holidays 2021-2027**

**Action 4 - Platinum Jubilee Holiday – June 2022 – Motion by Councillor Laidlaw**

**Action 5 (1), (2) and (3) - Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the late Sean Bell**

**Action 6 - Independent Review into Whistleblowing and Organisational Culture**

- 2) To otherwise note the Rolling Actions Log.

(Reference – Rolling Actions Log, submitted)

## 8 Revised Polling Places for the City of Edinburgh Council Election on 5 May 2022 to eliminate the use of schools

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Approval was sought for proposed changes to UK Parliamentary polling places within the City of Edinburgh local government area to eliminate, where possible, the use of primary schools to minimise disruption to education.

### Decision

- 1) To agree to the amendments to current polling arrangements as outlined in Appendix 1 to the report by the Chief Executive, to cease the use of primary schools where possible.
- 2) To note that there were no changes to current polling district boundaries.
- 3) To delegate authority to the Chief Executive to make minor amendments to the polling arrangements for the 2022 City of Edinburgh Council Election should the availability of venues be impacted at short notice by Coronavirus or other issues.

- 4) To note that the Electoral Registration Officer (ERO) would make any necessary amendments to the Register of Electors.

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

## **9 Lord Provost's Commission: The Strategy for Our Ex Forces Personnel – Summary Report**

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Details were provided on the work of the Lord Provost's Commission "The Strategy for Our Ex Services Personnel" which met from 10 April 2019 to 27 September 2021, together with summary findings from the evidence presented to the Commissioners at a series of workshops, with exemplars of action taken.

### **Decision**

- 1) To recognise the key role of the Lord Provost as Armed Forces and Veterans' Champion for the city.
- 2) To commend the initiative taken in establishing the Lord Provost's Commission: The Strategy for Our Ex Forces Personnel.
- 3) To note the summary findings and exemplar actions as set out in paragraphs 4.14 to 4.41 of the report by the Executive Director of Corporate Services.
- 4) To note the potential body of work for the Lord Provost in the next administration as set out in paragraphs 5.5 and 5.6 of the report.
- 5) To thank the Commissioners and evidence providers for their sterling contribution to this piece of work.
- 6) To agree that this report be shared and disseminated to the relevant bodies, including the Scottish Government.
- 7) To refer the report to Edinburgh Napier University for joint research with Edinburgh University on Service Leavers' aspirations, concerns and support needs.

(References – Corporate Policy and Strategy Committee of 26 February 2019 (item 9); report by the Executive Director of Corporate Services, submitted.)

## **10 Edinburgh Child Protection Committee – Annual Report 2020-21**

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Details were provided on the Edinburgh Child Protection Committee Annual Report 2020-21 (Appendix 1 to the report by the Chief Social Work Officer), which summarised the work of this multi-agency strategic partnership within the past year



and highlighted the core business of the Child Protection Committee as well as areas of strength and good practice, alongside identified priority areas for the coming year.

### **Decision**

- 1) To note that the report by the Chief Social Work Officer had been submitted to the Education, Children and Families Committee on 7 December 2021.
- 2) To note the content of the Edinburgh Child Protection Committee Annual Report 2020-21.
- 3) To note the positive contribution made by services and partners across the City in keeping children safe.

(References - Education, Children and Families Committee, 7 December 2021 (item 13); report by the Chief Social Work Officer, submitted.)

## **11 People's Network and Open Plus – referral from the Culture and Communities Committee**

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The Culture and Communities Committee had referred a report on the People's Network and Open Plus to the Council for approval of the reallocation of £350,000 of capital funding (from Open Plus) to the People's Network, in order to update the hardware for the existing free public access to computing and internet service across the city.

### **Decision**

To approve the reallocation of £350,000 of capital funding (from Open Plus) to the People's Network, in order to update the hardware for the existing free public access to computing and internet service across the city.

(References – Culture and Communities Committee of 1 February 2022; referral from the Culture and Communities Committee, submitted.)

## **12 Edinburgh Slavery and Colonialism Legacy Review - Motion by Councillor Cook**

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

“Council:

Thanks Professor Sir Geoff Palmer and other members of the Council's Edinburgh Slavery and Colonialism Legacy Review, even though their identities remain unknown to the residents of Edinburgh, for their work thus far.

Notes some concerns that have been raised relating to the conduct of the review, not least by Professor Peter Mathieson, Principle and Vice-Chancellor of the University of Edinburgh in relation to the parallel review of the University's role in the same matter.

Accepts there are many aspects of history about which reasonable people can disagree. Affirms that conducting such debate in a respectful way in the public domain is the foundation of good scholarship and the way to promote a better-balanced collective understanding about events that took place in our past.

Instructs the Chief Executive to write to Sir Geoff and other members of the Council's Review to draw their attention to the Standards Commission of Scotland's Code of Conduct for Councillors and Members of Devolved Public Bodies, in the hope that this might provide helpful guidance as to the behaviour that is expected of and by Councillors and other public servants."

### **Motion**

To approve the motion by Councillor Cook.

- moved by Councillor Cook, seconded by Councillor Jim Campbell

### **Amendment**

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

Council:

Thanks Sir Geoff Palmer and the review team, which includes input from Edinburgh world heritage and Edinburgh university, for their work in shaping a public consultation which thousands of people responded to.

Notes these responses will be analysed by the independent review team and they will then make recommendations to Councillors later this year.

Reaffirms the Council's position that we need to understand the honest history of our Capital if we're to understand the impacts on our culture today.

Notes the importance of this understanding specifically in tackling racism.

Notes the Council has a duty of care to Sir Geoff and the review team, as the commissioning body of this independent work.

Condemns in the strongest possible terms the appalling abuse Sir Geoff Palmer has been subjected to by groups who have tried to disrupt this work, unsuccessfully.

Finally notes that historians will continue to disagree with one another on some aspects of history. While welcoming academic debate and input, Council encourages those who wish to contribute to the public debate in Edinburgh to consider whether their comments are based on opinion or established facts and also whether the way they express those viewpoints actively contribute to an anti-racist culture in Edinburgh

- moved by Councillor McVey, seconded by Councillor Day

### **Voting**

The voting was as follows:

For the motion	-	15 votes
For the amendment	-	32 votes
Abstentions	-	8

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

For the amendment: The Lord Provost, Councillors Bird, Booth, Burgess, Cameron, Kate Campbell, Child, Day, Dickie, Dixon, Doran, Fullerton, Gardiner, Gordon, Graczyk, Griffiths, Henderson, Key, Macinnes, Main, McNeese-Mechan, McVey, Miller, Munn, Perry, Rae, Rankin, Staniforth, Watt, Wilson, Work, and Ethan Young.

Abstentions: Councillors Aldridge, Barrie, Bridgman, Gloyer, Lang, Osler, Neil Ross and Louise Young.)

### **Decision**

To approve the amendment by Councillor McVey

### **Declaration of Interests**

Councillor Arthur declared a non-financial interest as as a staff member and trustee at Heriot Watt University and left the meeting during the Council's consideration of the above item.

## **13 1000 Cities - Motion by Councillor Munro**

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

“Council:

Notes Edinburgh's ongoing commitment to reaching net-zero by 2030.

Notes the Council has signed up to UK100 (with a goal of 100% clean energy by 2050), the Fossil Fuel Non-Proliferation Treaty and the Race to Zero Campaign amongst other national and international initiatives.

Notes the 1,000 Cities campaigning aiming to sign up 1,000 cities to reject fossil fuels and commit to 100% renewable energy by 2040 (onethousandcities.com).

Notes this initiative is consistent with existing Council and City policy and notes that we will work with the UK and Scottish Governments to ensure the rapid decarbonisation of heat, electricity and transport.

Council therefore agrees to join the 1000 Cities Initiative for Carbon Freedom.”

### **Motion**

To approve the motion by Councillor Munro.

- moved by Councillor Doran, seconded by Councillor McVey

### **Amendment**

To delete the last paragraph of the motion by Councillor Munro, and replace with:

Council accepts that joining the 1000 Cities Initiative may be in line with previous decisions of Council.

Council also understands that previous decisions of Council have led to a very large unfunded liability in our capital budget. Council is also aware that the most recent reports from Officers confirm that achieving net carbon neutral buildings is not, as first suggested, likely to be self-funding.

In line with legislation, Council re-affirms that it shall not take decisions regarding resources without Officer reports quantifying and budgeting for any explicit or implicant expenditure, and therefore request the Chief Executive prepares a report on the revenue and capital budget implications of meeting the obligations of the 1000 Cities Initiative that have not already been covered as part of an approved budget before taking a final decision on joining.

- moved by Councillor Jim Campbell, seconded by Councillor McLellan

### **Voting**

The voting was as follows:

For the motion	-	41 votes
For the amendment	-	14 votes

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

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

## **Decision**

To approve the motion by Councillor Munro.

## **14 Diversity Champions and UK Workplace Equality Index - Motion by Councillor Staniforth**

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

“Council notes:

The recent shocking rise in reports of transphobia and homophobia in the UK, Scotland and Edinburgh.

That Stonewall have consistently championed LGBTQ+ rights and have been under increasing attack for doing so over the last three years.

That STRIDE, the CEC’s internal LGBT+ colleague network, believe that for CEC to fully support its LGBT+ staff it is necessary for CEC to both join Stonewall Scotland’s Diversity Champions program and submit information annually to the UK Workplace Equality Index.

Council therefore:

Agrees to approach Stonewall Scotland with the intention of joining their Diversity Champions program.

Agrees to begin submitting annual information to the UK Workplace Equality Index.”

## **Motion**

To approve the motion by Councillor Staniforth.

- moved by Councillor Staniforth, seconded by Councillor Rae

## Amendment

- 1) In paragraph 3 of the motion by Councillor Staniforth to replace the word 'program' with 'programme'
- 2) To replace paragraphs 4 and 5 of the motion to read:

Agrees that the Executive Director of Corporate Services will prepare a report to the Policy and Sustainability Committee within three cycles detailing the criteria, requirements, benefits, implications, and financial commitments of joining the Stonewall Diversity Champions programme and submitting an annual update to the UK Workplace Equality Index. This report will include an assessment of how these would both align to integrate with or replace the Council's existing frameworks and/or action plans relating to diversity, inclusion, and workplace rights.

Further agrees that officers will organise a meeting during this period to engage with the Diversity and Inclusion working group, with invitations extended to STRIDE and relevant Union representatives, to discuss the previous and existing Diversity and Inclusion Action Plans and the forthcoming report.

- moved by Councillor Mitchell, seconded by Councillor Mowat

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

## Voting

The voting was as follows:

For the motion (as adjusted)	-	39 votes
For the amendment	-	18 votes

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

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

## Decision

To approve the following adjusted motion by Councillor Staniforth:

- 1) To note the recent shocking rise in reports of transphobia and homophobia in the UK, Scotland and Edinburgh.
- 2) To note that Stonewall had consistently championed LGBTQ+ rights and had been under increasing attack for doing so over the last three years.
- 3) To note that STRIDE, the CEC's internal LGBTQ+ colleague network, believed that for CEC to fully support its LGBTQ+ staff it was necessary for CEC to both join Stonewall Scotland's Diversity Champions programme and submit information annually to the UK Workplace Equality Index.
- 4) To therefore agree to approach Stonewall Scotland with the intention of joining their Diversity Champions program.
- 5) To agree to begin submitting annual information to the UK Workplace Equality Index.

## 15 Capital Credit Union - Motion by Councillor Day

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

“Council notes the financial pressure on many of our citizens, particularly during Covid -19 Pandemic, and that many people have suffered.

Council also notes the important role that credit unions and community banking schemes offer to help many in our city.

Council notes that Capital Credit Union was voted Best Credit Union (North) in the 2021 Consumer Credit Awards run by independent review group, Smart Money People. The awards are decided solely on customer feedback.

Council ask the Lord Provost celebrates this achievement in an appropriate manner.”

- moved by the Lord Provost, seconded by Councillor Griffiths

## Decision

To approve the motion by Councillor Day.

## 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 Valedictory – Stephen Moir

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The Lord Provost paid tribute to Dr Stephen Moir, Executive Director of Corporate Services who was leaving the City of Edinburgh Council to take up the position of Chief Executive Officer of Cambridgeshire County Council. He thanked him for his significant contribution to the City of Edinburgh Council and in particular to his input to enhance and improve the Council's relationship with CGI including the widespread distribution and deployment of over 40 thousand devices to children and young people in schools and his work to improve the quality, diversity and inclusion within the council as an employer enabling the establishment of a range of staff networks.

On behalf of the Council the Lord Provost wished him success in the future and again thanked him for the service he had given to the Council.



## Appendix 1

(As referred to in Act of Council No 16 of 10 February 2022)

### QUESTION NO 1

**By Councillor Osler for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

With recent changes to the Highway Code giving pedestrians and cyclists a higher priority at junctions:

**Question** (1) What has the Council done to advertise these changes and inform residents about their effects for the road network?

**Answer** (1) The UK Government (Department for Transport) is responsible for the changes to the Highway Code and has advised the Council that they will be running a campaign to promote the changes widely.

However, the Council has also undertaken the following:

- Scheduled a series social media posts on Twitter, Facebook and LinkedIn, as well as sharing Police Scotland, Which? and Road Safety Scotland social media posts, and linked to UK Government online news items;
- Circulated a Managers' news article, asking them raise awareness of the changes in team meetings, particularly with colleagues who drive as part of their role;
- Prepared an Internal news article outlining the main changes;
- Placed 'adverts' on main council website e.g. on the roads, walking/cycling etc page
- Provided an Edinburgh-wide post on Nextdoor.co.uk (62,000 members across 135 neighbourhoods).

The changes have also been widely reported in UK-wide newspapers and TV news broadcasts.

In the future, the Council will also:

- Continue to share the UK Government's campaign as it is rolled out on our communication channels; and
- Ensure relevant messages are embedded active travel campaigns and communications activity e.g. changes which make it safer for people to cycle, wheel, etc.

**Question** (2) Will signage and road markings be introduced to inform all road users?

**Answer** (2) If there is a legal requirement to reflect the Highway Code changes on signage and road markings, then this will be undertaken.

**If yes:**

**Question** (3) What measures are proposed?

**Answer** (3) There are no measures currently proposed.

**Question** (4) Where across the City's road network will they be introduced?

**Answer** (4) N/A

**Question** (5) When will implementation of such measures be completed?

**Answer** (5) N/A

## QUESTION NO 2

**By Councillor Johnston for answer  
by the Leader of the Council at a  
meeting of the Council on 10  
February 2022**

**Question** (1) The Council Leader may remember making a statement in the May 2019 Corporate Policy & Strategy Committee that 2037 was a hard limit (not a target) to achieve net zero carbon, adding that 2037 would be the year “by which time everyone in the City should be fully compliant.”

In light of his hard limit, how disappointed was the Leader to see that the Officer recommendation 1.1.2 in the Housing Revenue Account (HRA) Budget Strategy (2022-32) noted the outcome of the annual review of the Business Plan and based on a 1.8% rent increase in 2022/23 (2% per annum thereafter) that, amongst other things, net zero carbon could only be achieved by 2038 (eight years later than originally planned) for HRA housing estate?

**Answer** (1) Unfortunately, because of the callous incompetence of the Conservative UK Government, Edinburgh residents, particularly those on low incomes are experiencing a cost of living crisis- the worst in decades. On top of the mismanagement of the economy which has pushed inflation to 7.25% by April (according the UK Central Bank). This is driven in part by the disgraceful mismanagement of the energy market which is seeing crippling increases and in part driven by Brexit (according to the IMF).

While these figures would be bad enough, champions like Jack Munro has outlined that the real inflation felt by those on lower incomes is considerably higher than the CPI rate. It is in this context, and acknowledging the disgraceful withdrawal of the Universal Credit uplift which by the Conservative UK Government, that we are acting to help tackle the “Tory cost of living crisis” as best as we can and this is why we are proposing a rent freeze this year.

The 2030 Climate Strategy lays a clear strategic path for the city to reach net zero however, the Council has always

recognised that funding the transition will be challenging and requires organisations to align public spending and to seek new and innovative approaches to resourcing.

The HRA Strategy agreed by the Council provides a strong financial foundation for investing in affordable net-zero homes across the city and work is underway to pilot approaches to retrofitting Council houses. The report referred to in the question noted that officers will continue to work with Scottish Government to maximise grant funding for both the new build programme and the transition to net zero carbon to support delivery of Council's commitments and to keep rents affordable. The Council is also working with Scottish Government to develop innovative business cases that may offer more sustainable financial models for investing in the net zero transition. We will also have to discuss with Council tenants and other stakeholders how any income and investment shortfalls are made up in future years due to the action we have had to take this year to try and deal with the consequences of the Conservatives pushing thousands more of our tenants into poverty.

**Question**                    **(2)** Will the Leader be hoping to present a budget to Council later this month with both a rent freeze for 2022/23 and a costed net zero target for our HRA estate to be implemented before 31 December 2037?

**Answer**                    **(2)** As explained above, we feel we have to support our tenants in the face of brutal mismanagement, incompetence and callous decisions made by the Conservative UK Government.

As also explained, in answer 1, we will continue to work with the Scottish Government and others to secure as much investment in the programme as possible to improve our housing stock and drive towards a net-zero Edinburgh by 2030.

**QUESTION NO 3**

**By Councillor Hutchison for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 10 February 2022**

The introduction of a Workplace Parking Levy (WPL) is included in the City Mobility Plan 2021 – 2030.

**Question** (1) Can the Convener confirm if this proposed levy will apply to all Workplace Parking within the City of Edinburgh?

**Answer** (1) Progressing the local decision to implement workplace parking licensing in Edinburgh can only take place upon parliamentary approval of the regulations that will need to be followed locally.

This regulation was laid before the Scottish Parliament in January 2022 and will come into force in March 2022.

There are no plans to progress the WPL business case this side of the election and timelines for further consideration of the WPL will need to be agreed with the new administration.

As such, an answer cannot yet be provided in respect of a potential scope of application.

**Question** (2) Can the Convener list all exceptions she would support being excluded from a WPL, should there be any?

**Answer** (2) Any exceptions would have to be decided upon during the building of the business case for a WPL, as outlined above, and agreed by committee. It would be inappropriate and premature for me to comment at this stage.

It is however worth pointing out that any proposed WPL would be imposed on employers, not employees.

It is also worth noting that the revenue from any WPL would be used to support further transport infrastructure and a general movement towards increased sustainability and greater options for the individual as we progress towards net zero carbon in Edinburgh.

Scottish Government, “A WPL would see employers pay an annual levy to the council for every parking space they provide for employees, with the revenue raised supporting the local transport strategy, for example to encourage walking, cycling and public transport.” June 2021

Transport Minister, Graeme Day, “It has never been more important to take decisive action to tackle climate change - and Scotland is leading the way by committing to reduce the number of kilometres travelled by car by 20% by 2030.”

“Workplace parking licensing has the potential to be a key tool for local authorities to help us reach this ambitious goal, by encouraging the use of more sustainable travel modes, reducing congestion and tackling harmful emissions.

“As the net revenue generated must be committed to support policies in local transport strategies, this policy is also intended to finance improvements in public or active transport, making it more attractive and thus encouraging individuals to leave their cars at home.

“Providing local authorities with discretionary powers to implement a WPL scheme supports the vision and priorities set out in our National Transport Strategy, to create a fairer, greener transport system for everyone in Scotland to share and benefit from.” June 2021.

NB: City of Edinburgh Council has voted in committee for an augmented target of 30% reduction in car kms, reflecting the greater opportunity that a city like ours can make to an overall national target.

**QUESTION NO 4**

**By Councillor Hutchison for answer  
by the Depute Leader at a meeting of  
the Council on 10 February 2022**

The introduction of a Workplace Parking Levy (WPL) is included in the City Mobility Plan 2021 – 2030 and has been publicly supported by the Depute Leader.

- Question**           **(1)** Given the announcement by his party nationally that Scottish Labour is opposed to a WPL, does the Depute Leader remain supportive of the introduction of a WPL in Edinburgh during the next Council term in contradiction to his party's stance?
- Answer**             **(1)** I remain supportive of the WPL as agreed in our Manifesto.
- Question**           **(2)** For transparency, is this the stance of the Labour Group on the Council?
- Answer**             **(2)** WPL was in our last manifesto and will be considered for inclusion in the manifesto for the forthcoming council elections.

**QUESTION NO 5**

**By Councillor Rust for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

In the "Potential retention of Spaces for People measures" report to Transport and Environment Committee on 24 June 2021, it stated the following:

*4.64 The Road Traffic Regulation Act 1984 provides that the roads authority can make temporary orders (TTROs) to introduce restrictions or prohibitions on a road if the roads authority is satisfied that there is a likelihood of danger to the public. The SfP TTROs were made on the basis that the incidence and transmission of COVID-19 presented a likelihood of danger to the public; this was in line with the Transport Scotland guidance; Coronavirus (COVID-19) Guidance on Temporary Traffic Regulation Orders and Notices (April 2020).*

The justification of the Lanark Road and Longstone scheme when it was installed a year ago was *"to provide a safe, protected cycling route as an alternative to the canal towpath and Water of Leith shared use path."*

**Question** (1) Please can the Convener confirm the "likelihood of danger to the public" this scheme is currently addressing?

**Answer** (1) The advice issued by the Scottish Government in April 2020 is still in place. This advice currently justifies the use of TTROs to introduce restrictions or prohibitions associated with current measures.

In the Lanark Road and Longstone scheme, council data on dates chosen by the council, has shown declines in cycling both actual and real terms when seasonality is taken into account, combined with simultaneous increase in cycling on the Water of Leith of 65%. No signage was ever placed on the Water of Leith or Canal towpath asking cyclists to divert to the on-road scheme to facilitate social distancing in these locations.



Road cycling levels hit a daily maximum in peak summer working weekdays of 137 journeys at the bottom of Lanark Road, 114 at the top and only 86 on Longstone. In comparison, there are around 12,000 bus seats on each route every day.

It is clear the Spaces for People scheme is not being used as an alternative to off-road paths or buses.

Also, a number of collisions have occurred, some clearly not related to driver behaviour. Some may have "poor driver behaviour" as a contributing factor, but these are types of collision that have never been seen on this road before Spaces for People, when statistically, there will have been poor drivers on this road every day. Three of the collisions did cause injury or had the potential to cause serious injury to pedestrians on pavements or traffic islands, or cyclists in "protected" cycle lanes.

Therefore, the scheme seems to be increasing the number and potential severity of the impacts for cyclists and pedestrians that have been caused by "poor driver behaviour".

**Question** (2) Please can the Convener confirm the legal basis and justification for this scheme currently being in place under a TTRO when the council's own data shows the scheme has had the opposite of its intended effect to provide a safer alternative to buses and off-road paths during the pandemic?

**Answer** (2) The legal basis for the TTRO is noted in the opening statement above, which is to mitigate the "likelihood of danger to the public" during the pandemic.

As noted in the answer to question 1 the advice from the Scottish Government remains in place. The justification of this TTRO is *"to provide a safe, protected cycling route as an alternative to the canal towpath and Water of Leith shared use path"*.

This clearly shows that the justification for the TTRO was to provide an alternative route for people cycling in this area, as opposed to a replacement for the canal towpath and

Water of Leith shared use path. The data included in question 2 shows that there is usage of this cycleway. Looking forward the provision of safe segregated cycle infrastructure on arterial routes has been included in the City Mobility Plan, approved by Members on 19 February 2021.

**Question** (3) Could the council be facing avoidable legal risk, either in relation to this use of a TTRO, or personal injury claims relating to any accidents which may happen while the scheme is in place under this TTRO?

**Answer** (3) A TTRO is a mechanism to introduce restrictions or prohibitions, it is not required to alter the road layout. The Roads Authority has the power to “alter” roads under the context of the Road (Scotland) Act 1984. The Lanark Road scheme has been independently checked and the materials used meet the necessary standards.

**Question** (4) As the council failed to signpost the Spaces for People scheme as an alternative to the Water of Leith walkway or Canal Towpath, is the council at risk of a compensation claim from anyone who believes they caught Covid from lack of social distancing in these locations?

**Answer** (4) I would question the basis of this question. The duty of care in terms of maintaining physical distancing in an external public environment lies with the individual. The Council is not responsible for the actions of individuals on a public path.

Notwithstanding that, the Spaces for People schemes were well publicised nationally and locally around the time of installation, including details about the Lanark Road scheme.

**Supplementary Question** I thank the Convener for her answer. In relation to answer (3) of Question 5, can the Convener clarify which specific necessary standards which she refers are met by materials to which she refers in that answer.

**Supplementary  
Answer**

Thank you for the supplementary question Councillor Rust. As you can imagine that's a technical issue so I would bow to the technical knowledge of our officers, I will ask them to provide a response to you around that particular question thank you.

**QUESTION NO 6**

**By Councillor by the Rust for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 10 February 2022**

Please could the Convener clarify the following:

**Question** (1) Is there any limit on the complexity and length of a scheme under a single ETRO?

**Answer** (1) There is no limit on the complexity or area covered by a single Experimental Traffic Regulation Order (ETRO).

**Question** (2) In point 4.72 in the Spaces for People report brought to Transport and Environment committee on 24 June 2021, it stated that for ETRO schemes "*which, following monitoring, are proposed for retention on a permanent basis, a **report on permanent TROs will need to be brought forward at the same time as the six month review of the ETRO to allow time for this to be considered, the appropriate Orders advertised and any objections dealt with, before the time limitation on the ETRO is reached.***

Therefore, can an ETRO be a genuine experiment if a scheme has already been in situ for a year under a TTRO (more than double the length of time it would have been in under an ETRO before a recommendation to retain is made) and data on effectiveness has already been gathered?

**Answer** (2) The rationale for each ETRO was set out in the report approved by the Council on 24 June 2021.

**Question** (3) If a scheme has already been in situ for a year and no data/insufficient data has been gathered on effectiveness in spite of the opportunities to do so, how could an ETRO be justified?

**Answer** (3) The existing schemes are in place under a TTRO which does not require any monitoring to take place, however there has been some monitoring carried out on some schemes.

While the measures were initially introduced in order to mitigate and reduce the risks associated with COVID-19, the purpose of introducing ETROs is to consider the contribution of these measures towards the Councils longer term strategic objectives and also to understand their impact as travel patterns stabilise and evolve towards a 'new normal'.

**Question** (4) If it is clear at the beginning of a proposed ETRO that changes to roads could have a negative impact on certain groups (including those covered by the Equality Act 2010) what will ensure the ETRO is legally proportionate?

**Answer** (4) Impacts on all relevant groups will be considered as part of the ETRO process. As noted in reports to Transport and Environment Committee there has been and will continue to be consultation with affected groups with the aim of minimising adverse effects.

**Question** (5) Can an ETRO be lawfully implemented as a genuine experiment if there are no funds ringfenced /set aside to remove it?

**Answer** (5) As part of the ETRO process, a decision will be required to be taken by Elected Members as to which schemes remain in place permanently and which schemes have not achieved their aims and objectives. Where schemes are not retained permanently, they will be removed by the Council.

**Supplementary Question** Thank you Lord Provost and thanks again to the Convener for her answer. In relation to answer (5) of Question Number 6, could she provide a good example of what under what circumstances an ETRO would be considered not achieve its aims and objectives?

**Supplementary Answer** I'm very sorry Councillor Rust but I actually couldn't hear your question, you were breaking up slightly, could I ask you to repeat it.

**Councillor Rust** Yes, sorry, sorry Convener, in relation to answer (5) can the Convener give an example of under what circumstances an ETRO would be considered to not achieve its aims and objectives?

**Councillor  
Macinnes**

There are a number of factors that are taken into account when we'll be assessing ETROs that have been applied under this particular system or, sorry not system, this project and any others and those are technical in nature, thank you.

**QUESTION NO 7**

**By Councillor by the Rust for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 10 February 2022**

In a press article on Fri 21 January the Convener was indirectly quoted: "*She said she sympathised with anyone injured as a result of incidents and she understood it could [take] time for people to adjust to new infrastructure.*"

Link:

<https://www.edinburghnews.scotsman.com/news/politics/council/edinburghs-spaces-for-people-roads-generate-more-personal-injury-claims-than-average-3535885>

- |                 |  |
|-----------------|--|
| <b>Question</b> | <b>(1)</b> How long does it take for people to get used to new infrastructure to overcome any new safety issues that are created?  |
| <b>Answer</b>   | <b>(1)</b> This will, of course, differ for each road user, depending on the frequency on which they use a particular road.  |
| <b>Question</b> | <b>(2)</b> Is the Convener informed by any research on this and if so, what?   |
| <b>Answer</b>   | <b>(2)</b> No, as this is a operational matter that I know is considered by officers.  |
| <b>Question</b> | <b>(3)</b> Should we expect personal injury claims relating to Spaces for People infrastructure to drop in the coming months, and if so why?   |
| <b>Answer</b>   | <b>(3)</b> It can be reasonably assumed that the more familiar that road users become with the new infrastructure, the less likelihood there is for personal injuries to occur. I hope that we will also see continued modification of driver behaviour to the conditions in order to reduce the greatest source of risk on our roads. |

## QUESTION NO 8

**By Councillor by the Rust for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 10 February 2022**

**Question** (1) Given that traffic speeds on Lanark Road exceed the threshold needed to justify a safety camera installation, does the Convener consider the speed of traffic on Lanark Road to be acceptable and safe?\*

\*N.B. To justify a safety camera the 85<sup>th</sup> percentile traffic speeds must exceed the speed limit by 10% +2mph, so for 30mph this must be  $30 + 3 + 2 = 35$ mph. Lanark Road was 37mph in the Council's data (14<sup>th</sup> October report)

<https://www.transport.gov.scot/media/44548/scottish-safety-camera-programme-handbook-march-2019.pdf>

**Answer** (1) On an annual basis, Area Safety Camera Managers must lead a two-stage collaborative process on camera site identification, assessment and prioritisation, with involvement from Roads Authorities and Police Scotland. This will include monitoring performance at identified, existing camera sites; based on the last three years performance, if a site is no longer assessed as a priority for enforcement on the short-list of sites, it must be made dormant.

Education and engineering solutions must be considered prior to proposing camera enforcement at any site; therefore, revisions to the road infrastructure at an existing location will also inform the continuing operation of a Safety Camera.

With the reduction in collisions on Lanark Road and the revision to its infrastructure, the collaborative process directed that Safety Cameras located on Lanark Road should be placed into dormancy, pending their annual review over a three year period.

**Question** (2) Will the Convener agree to write to Safety Camera Scotland in support of the reactivation of the decommissioned speed cameras on Lanark Road?



**Answer**

- (2)** No, as this would be contrary to the established national policy (led by Scottish Government) under which the Council actively contributed to the decision to place these Safety Cameras into dormancy, based upon low casualty numbers.

However, the Council will continue to actively contribute to the Annual Review of Safety Cameras, which will encompass the dormant safety cameras in Lanark Road.

**QUESTION NO 9**

**By Councillor by the Jim Campbell  
for answer by the Convener of the  
Transport and Environment  
Committee at a meeting of the  
Council on 10 February 2022**

I thank the Convener for copying me into the answer from Scotrail regarding the emissions profile of their Inter7City fleet.

I have used the reply, and other public sources of data, to construct the table "*Emissions in the Waverley Valley, a Comparison Between Train and Bus between Waverley Station and Haymarket Station*" below.

**Question** (1) Would the convener be surprised to learn that my estimates suggest a single Inter7City train travelling along the Waverley Valley from Waverley Station to Haymarket Station emits up to:

- 200 time more oxides of nitrogen (NOx) & Particulate Matter (PM)
- 50 times more high Hydrocarbons (HC)
- 17 time more Carbon monoxide (CO)

than a Lothian Buses Enviro 400XLB bus making the same journey?

Similarly, on a per seat per hour comparison with a Lothian Enviro 400XLB bus, a Inter7City train emits up to:

- 12 time more CO
- 36 time more HC
- 146 times more NOx
- 147 times more PM.

**Answer** (1) No, I would not be surprised but I am also unclear on the purpose and usefulness of the comparison.

**Question** (2) Would the Convener accept that advances in design, both of legal standards and engine technology, are the most important elements in reducing emissions, as illustrated by the comparison of train design dating back to the 1970's (and an engine standard back to the 2000s) with modern buses from the 2020s?

**Answer** (2) Both the tightening of emission standards and improving engine technology are important elements to reducing emissions.

The Rail Safety and Standards Board (RSSB) Air Quality Strategic Framework 2020\* vision for the rail industry is: "a rail network with a minimal impact on local air quality." It is understood that through the collective effort of the RSSB, train operating companies and Network Rail taking actions that encompass modelling, retrofitting, idling, monitoring and collaboration, this vision can be achieved.

However, measures to ensure uptake of the cleanest emission standards vehicles are also important, where necessary. For example, the implementation of the proposed Low Emission Zone will encourage a faster uptake of cleaner road vehicles, to realise improvements in local air quality.

**Supplementary Question** Thank you Lord Provost and I thank the Convener for her answer. Will the Convener seek to continue the dialogue with Scotrail with regard to pollution along the Waverley valley?

**Supplementary Answer** Thank you for the supplementary Councillor Campbell. Where it's appropriate, yes I would. Clearly this is part of a much bigger picture within Edinburgh, rail we have less locus as a council in that particular discussion but it's clearly one where our continuing relationship with rail operators is important to us, thank you.

NB Table below is supplied by Councillor Jim Campbell and does not form part of the response to questions.

**Emissions in the Waverly Valley, a Comparison Between Train and Bus between Waverley Station and Haymarket Station**

	Inter7City Train				Enviro400XLB Bus			
transit time (minutes) <sup>1</sup>	5				10			
passengers (average seats)	286 <sup>2</sup>				100			
power unit	2 x MTU 16V4000R41				Volvo D8K 350			
total power output (Kw)	4,400 <sup>3</sup>				261			
emission standard & date	UIC II; 01/01/2003				EURO VI heavy-duty; 01/01/2013			
	CO	HC	NOx	PM	CO	HC	NOx	PM

permitted emissions (g/kWh)	3	0.8	9.9 <sup>4</sup>	0.25	1.5	0.13	0.4	0.01
emissions per transit (g) <sup>5</sup>	1,100	293	3630	92	65.3	5.7	17.4	0.4
emissions per seat per hour (g) <sup>5</sup>	46	12.3	152	3.8	3.92	0.34	1.04	0.03

Notes: 1 LRT & Scotrail timetables; 2 weighted average 4 and 5 car trains; 3 combined power of both engines; 4 running at or under 1,000 rpm; 5 estimated from data above in table

**QUESTION NO 10**

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

The Convener may be aware of the story published 30<sup>th</sup> December by the Edinburgh Evening News covering the flooding of Newhaven Road.

**Question** (1) Would she agree this was an extremely stressful incident for residents fearful that their homes be flooded, while also making walking along the pavement a damp affair, cycling along the road impossible and driving a challenge?

**Answer** (1) Yes, of course. Fear of, and experience of, flooding is very distressing for all involved and flooding is clearly a very disruptive event for anybody trying to move around the city, however they choose to travel.

**Question** (2) The story quotes Scottish Water in these terms: "*Our inspector checked the road gullies which appeared to be choked and not allowing any surface water to drain away.*" Can the Convener confirm if the Place Directorate dispute the analysis of Scottish Water?

**Answer** (2) Yes, Council officers dispute this analysis by Scottish Water. Our records show two gullies in the location of the flooding which is referred to in the article (gullies 42755 and 46202). Both of these gullies were attended and logged as Clean and Working on the 18/11/2021 (1 month before the event in question). Further, these gullies get cleansed twice a year as we have identified them as sensitive gullies.

The designation of these gullies as sensitive would indicate that there is a potential capacity issue with the sewer/system. Subsequent CCTV investigation has shown that the gully tails (while starting to show signs of aging) are clean and working back to what we believe to be the main sewer (which is maintained by Scottish Water). However, our investigation indicates that there appears to be a build up of silt in the sewer. Council officers have brought this to the attention of Scottish Water.

**Question** (3) At the time of this flood, there were outstanding cases of flooding gullies within the flooded area dating back to 4 July 2021. Can the Convener explain why no action would seem to have been recorded to clear the “*gullies which appeared to be choked*” between the beginning of July and the end of December 2021, almost 6 months later?

**Answer** (3) The Roads Operations team have confirmed that the gullies either side of the affected area were inspected in November 2021, as part of their schedule of work. These gullies were confirmed as being clear and working at that time.

**Question** (4) Can the Convener confirm how many other cases relating to gully issues remain open as of 21 January 2022?

**Answer** (4) It is not possible to provide details of the number of open gully cases on 21 January 2022. However, on 2 February 2022, there were 2,719 open enquiries (which would equate to 4.8% of the city’s gullies).

Within this, there will be a number of duplicate enquires (where the same location has been reported in more than one enquiry). The service are currently developing an amended webform which allows all reports for the same gully to be combined. This will reduce the number of enquiries outstanding and will improve responsiveness.

**Question** (5) Can the Convener indicate how long it will take to institute a recovery plan to clear any backlog of gully issues, with the resulting increased risk of flooding, as identified by Scottish Water?

**Answer** (5) As requested by Transport and Environment Committee on 27 January 2022 in an amendment to the Progress Report on the ‘Vision for Water Management’ and Operational Management of Roads Drainage Infrastructure, officers are now working on a recovery programme for gullies.  
<https://democracy.edinburgh.gov.uk/documents/s41886/8.1%20-%20Vision%20for%20Water%20Management.pdf>

**Supplementary  
Question**

Thank you Lord Provost and thank you for your answer Convener. At question (2) we say that the inspector checked road gullies which appeared to be choked and that gullies were checked either side of the flooding locus. Now the flooding unsurprisingly sits at the bottom at the lowest point between, and the land rises on either side gently on one side and quite significantly up over the hill that goes over the Water of Leith yesterday. Now yesterday I did inspect the gullies to have a look but all the gullies at the top of the hill are still choked and have been reported as choked since and are full with filth, they're not just little bit of choked with vegetation, and they were reported as choked in July last year, so do you consider that a significant enough investigation of what would be contributing to this flooding was carried out and will you be asking officers to perhaps investigate those at the top of the hill because obviously water falling on the top of the hill will flow down to that lowest point.

**Supplementary  
Answer**

Thank you for the supplementary Councillor Mowat. It's always disappointing when you hear about choked gullies and on the surface choked gullies because inevitably it sets people on a path of concern that they're not being protected around the use of gullies. I do however have considerable faith in our officers water vision strategy that's been brought forward as you may know through Transport and Environment Committee, it's looking at an entirely new focus around all of this issue, I also have faith in how the officers are going about their current approach to gullies but as has been evidenced many times on these Council questions and in other parts of council business, there are many reasons why a gully might remain choked, for example, where there are issues attached to gaining access, where despite notices going up to the public where cars are still parked and therefore we can't get into them, so there are a number of operational reasons why those specific gullies that you are talking about remain choked on the surface. The issue about choked gullies versus sewer capacity is something which I think bears much greater discussion in the public arena and I do regret the fact that we keep coming back to choked gullies choked gullies choked gullies when in actual fact this is about a partnership working with Scottish Water and it's about each part of us taking the load where we

should, in terms of reducing the flood risk and preserving a sense of security for Edinburgh residents. So what I will say is I will go back and ask about those specific gullies now that you've raised them here, I trust you've already raised them with officers anyway, but I will go back and ask specifically what the reasons were for those specific gullies that you're talking about and whether or not they actually fitted within the prioritisation that we have for certain gullies where there's a known risk of flooding, thank you.



**QUESTION NO 11**

**By Councillor Mitchell for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

**Question** (1) Please could the Convener confirm the policy position and actions that ought to be taken should road markings be found to not match an existing Road Order?

**Answer** (1) Any situation where on street restrictions, indicated by road markings and signage, do not match the existing Traffic Regulation Order (TRO) would be investigated. After investigation and if an issue is identified, either the road markings and signage would be changed on-site or a TRO process would be initiated to introduce enforceable restrictions.

**Supplementary Question**

Thank you Lord Provost. I do hope this isn't going to be overreaching in terms of a supplementary but do intervene. My question for the Convener, Lord Provost, in the latter part of the paragraph in the answer it says "*After investigation and if an issue is identified, either the road markings and signage would be changed on-site or a TRO process would be initiated to introduce enforceable restrictions*", it's because the road markings, if the road markings do not match, what is in the Order, and that is therefore creating issues, what is the process thereafter if where a TRO is also being raised, so there's already restrictions that are not in place but, the TRO is potentially in 14/15/16 months is going to change that again, in the meantime should that existing Order be implemented.?

Excuse my ramble Lord Provost but hopefully there's a question in there.

**Supplementary Answer**

I have to confess that since I could not be expected to have a detailed in-depth knowledge of the TRO process which as you know is something of a black box, I'm going to refer this back to officers to give you a more detailed answer directly Councillor Mitchell. My own feeling is that if the TRO process has been put in place and an order has been

initiated then clearly of course we should be taking action as a council to make sure that what's on the road matches that TRO process but I will ask officers to come back to you the more detailed in response to the question you've just asked, thank you.

**Comments by  
the Lord  
Provost**

Thank you Councillor Macinnes, I think that's something that we may all benefit from receiving, communication on Councillor Macinnes because I think we've all probably come across the same problem.

**Comments by  
Councillor  
Macinnes**

Yes Lord Provost I did intend as usual that it would go to everybody including the Councillor who asked, thank you.

**QUESTION NO 12**

**By Councillor Cook for answer by the  
Depute Leader of the Council at a  
meeting of the Council on 10  
February 2022**

**Question** (1) Has the Depute Leader issued an apology for his comments at Council on 23 September 2021?

**Answer** (1) No member was named.

**Question** (2) If so, to whom was the apology issued?

**Answer** (2) See above.

**Question** (3) If no apology has been issued, will the Depute Leader now take this opportunity to do so?

**Answer** (3) See above.

**Question** (4) Would the Depute Leader accept the impact his comment could have in helping to create an intimidating environment?

**Answer** (4) No, Councillor Cook should look a little closer to home in his own group about intimidating environments with members currently reported to Standards Commission.

**QUESTION NO 13**

**By Councillor Douglas for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

**Question** (1) Can the Convener confirm when work is due to commence to reinstate the setts at St. John's Cross on the Royal Mile?

**Answer** (1) The original Setted St. John's Cross was removed in June 2020 due to significant deterioration of the setts. A temporary solution was developed, in agreement with St John's, and this was built into the carriageway in June 2020.

Officers are currently looking at the design and positioning on the High Street of a new St John's Cross, with St John Scotland and Edinburgh World Heritage. It is expected that the new St. John's Cross will be completed in 2022, to coincide with the 75<sup>th</sup> anniversary of St. John Scotland.

**Supplementary Question** Thank you Lord Provost and thank you to the Convener for the answer. It was just to ask if we could find out when in 2022 we could expect work to commence. I simply ask because in August 2020 we were told the work would take place to fix it as soon as possible and we are nearly two years down the line and nothing's happened, so just to see if there is a more accurate timescale we could get?

**Supplementary Answer** Thank you Councillor Douglas for your supplementary. I'll ask officers to come back to you or indeed to come back to everybody with a more detailed response on it, however, I would point out that in those timescales that you're referring to between August 2020 and now we have of course had the backdrop of Covid, it has caused some redirection of resources, it's also caused some staff shortages and it certainly caused some procurement issues as well, so I will leave it to officers to explain to you, both the gap in that time and when we might reasonably expect it, thank you.

**QUESTION NO 14**

**By Councillor Webber for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 10 February 2022**

**Question**

Delivery of KEY critical services have been impacted by the guidance for individuals with possible coronavirus infection. Can the Convener provide information on the weekly number of absences related to Covid since the emergence of the Omicron variant on 29<sup>th</sup> November 2021.

By department and job category (ie Team Member operational / Team Leader / Manager / Senior Manager) by each week.

A separate table can be provided for each department.

**Answer**

Due to the complexities of the information requested, and after discussion with Councillor Webber it has been agreed that a fuller response to this question will be available for the next meeting of Full Council.

w/c	Department / Service	Job Role	Covid +ve (PCR or LFT)	Close Contact imposed Isolation	1st Absence due to Covid +
29 <sup>th</sup> November 21		TMO			
		TL			
		Man			
		Senior Man			
6 <sup>th</sup> December 21		TMO			
		TL			
		Man			
		Senior Man			
13 <sup>th</sup> December 21		TMO			
		TL			
		Man			
		Senior Man			
20 <sup>th</sup> December 21		TMO			
		TL			
		Man			
		Senior Man			
27 <sup>th</sup> December 21		TMO			
		TL			
		Man			
		Senior Man			
3 <sup>rd</sup> January 22		TMO			
		TL			

		Man			
		Senior Man			
10 <sup>th</sup> January 22		TMO			
		TL			
		Man			
		Senior Man			
17 <sup>th</sup> January 22		TMO			
		TL			
		Man			
		Senior Man			
24 <sup>th</sup> January 22		TMO			
		TL			
		Man			
		Senior Man			
31 <sup>st</sup> January 22		TMO			
		TL			
		Man			
		Senior Man			
7 <sup>th</sup> February 22		TMO			
		TL			
		Man			
		Senior Man			

**QUESTION NO 15**

**By Councillor Lang for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

Further to the answers provided to question 13.2 on 28 October 2021;

**Question** (1) Can the Convener list the 11 schools where travel surveys were undertaken?

**Answer** (1) The schools where travel surveys have been undertaken are:

- St Francis/ Niddrie Mill Primary School (PS)
- Murrayburn PS
- Bruntsfield PS
- Sciennes PS
- Brunstane PS
- Corstorphine PS
- Parsons Green PS
- Prestonfield PS
- Carrick Knowe PS
- Juniper Green PS
- Gylemuir PS

**Question** (2) Is the data analysis of the school travel surveys complete?

**Answer** (2) No, analysis is still ongoing.

**Question** (3) Which schools have now had draft travel plans published for consultation?

**Answer** (3) The process of preparing school travel plans involves working closely and collaboratively with schools and school communities but the plans are not published for public consultation. At the moment, engagement is ongoing with school communities on collating additional information and preparing the plans and, in finalising the plans, officers work in collaboration with the school and school communities. While the plans are not published for consultation, the finalised plans will be published on the [Streets Ahead Edinburgh](#) website.

**Question** (4) When does she expect the remaining draft school travel plans to be published for consultation?

**Answer** (4) The process of completing the review of school travel plans for every school cluster in the city is expected to take approximately 24 months.

The process to review the travel plan for a single cluster is expected to take around 13 weeks. However, this could take longer for some clusters, depending on how quickly the engagement process progresses. For example, officers have agreed to requests from several schools for the period for parents to respond to their travel survey to be extended by several weeks.

As set out in Answer 3, preparation of the plans is progressed in collaboration with the school and school community and the final plans are published online, although not for consultation.

**Supplementary Question** Thank you Lord Provost and thank you Convener for what is a very helpful set of answers. In answer (3) she says that draft school travel plans were not published for consultation and I get that but the answers do talk about engagement with school communities and I'm just keen to understand, I appreciate she might want to write separately on this but I am just keen to understand how it is that parents, all parents at a school get the opportunity to comment on a draft school travel plan because I presume that all parents would be considered part of the school community.



**Supplementary  
Answer**

Thank you for the supplementary Councillor Lang. Clearly there is a real need for school communities to comment on those and that's what is the basis of a good quality school travel plan that will emerge from that. I'm not sure if there are differences between schools but I do know that parent councils in certain schools are being approached, clearly the school community itself through the school that school leadership team may have different views on how to reach the school community but I certainly would welcome any views coming in via that route to help us develop the most appropriate and the highest quality of school travel plans. It might be of interest to you to know that beyond the content of this question and the set of the answers, that since October we've undertaken surveys in a further 17 schools and that's testament to the hard work of the Road Safety Team to try to move as quickly as possible through our schools to try and ensure that those school travel plans go in as quickly as we possibly can, thank you.

**QUESTION NO 16**

**By Councillor Webber for answer by the Convener of the Housing, Homelessness and Fair Work Committee at a meeting of the Council on 10 February 2022**

The aim of housing standards is to improve houses, not to criminalise homeowners. It is right that the new standard for fire alarms should be built into the tolerable standard as improvement to fire safety should be part of the basic requirements on all tenures to improve fire safety. Most homeowners want to make their homes as safe as possible, and compliance will in time form part of any Home Report when they come to sell their home. As this will be a minimum standard for safe houses, local authorities will be able to use their statutory powers to require owners to carry out work on substandard housing. However, as is the case for other elements of the Tolerable Standard, any intervention must be proportionate, rational and reasonable and where owners are unable to meet the standard, it is not a criminal offence. Local authorities have broad statutory responsibility for tackling substandard housing in their area, and for major defects can require homeowners to carry out work, but any intervention will be proportionate, and we do not expect them to go beyond advising homeowners about fire alarms.

**Question** (1) What resource provisions have the Council made in relation to private home enforcement of the new Legislation on interlinked heat and smoke alarms?

**Answer** (1) The Council has responsibility for ensuring that Houses of Multiple Occupation (HMOs) and private landlords comply with the appropriate legislation in relation to fire safety within their properties.

For HMOs, compliance is assessed in conjunction with the Scottish Fire and Rescue Service (SFRS). SFRS also lead on any enforcement action required.

For private landlords, the standards for fire safety have been superseded to match those required in the revised tolerable standard. Where concerns are raised, either as part of the registration process or by tenants), these are investigated by Council officers.

For owner occupiers, the Council will provide advice if requested. However, there are no plans for the Council to undertake any other activities except in the most extreme cases and in line with the powers which have been provided to the Council.

**Question** (2) Can the Convener confirm what proportion of Council homes are now compliant with the new legislation?

**Answer** (2) As of 8 February 2022, LD2 smoke detection systems have been installed in 13,035 Council homes. This equates to around 65% of the Council's total housing stock (which currently stands at 20,146 homes).

**Supplementary Question** Thank you Lord Provost and I thank the Convener for her answer. Given some of the updates that we were given to Committee, was the Convener surprised that not all Council houses were compliant and ready by the deadline?

**Supplementary  
Answer**

I think I understood the point you were making Councillor Webber and I thank the Councillor for her question. I suppose I am obviously pleased that we're raising standards of safety in council homes, I think that's a good thing, I am very mindful that we have 20,000 council homes so that's probably one of the largest organisations of council homes in one group and I know that there is a lot of work, the contract is very procured, we've had a higher degree of inability to access properties than was anticipated at the start of the programme, there's some work going on to look at how we can deal with that so there's additional communications strategy letters going out to tenants to really emphasised the importance of this, also looking at existing legal and enforcement powers we have how we can link it into where we have gas safety enforcements so if a home hasn't had the interlinked fire alarms that when we go for gas safety that we're making sure that we enforce that too, quite a lot of work happening in the background and I am reassured we're undertaking around 1,200 a month, so we will get there and I am confident there is a lot of work going on also with the locality housing teams as well to ensure that we are reaching as many tenant as possible and installing this very important system.

**QUESTION NO 17**

**By Councillor Bruce for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 10 February 2022**

**Question** (1) Please list the number of potholes recorded per ward for the last 12 months.

**Answer** (1) Table 1 shows the number of potholes recorded per ward in the last 12 months.

**Question** (2) Please list 10 streets with the most potholes along with the total number of potholes for each of those streets in ascending order.

**Answer** (2) Table 2 shows the 10 streets with the most recorded potholes in ascending order

**Table 1**

<b>Ward</b>	<b>Number of Potholes</b>
1 - ALMOND	3,528
2 - PENTLAND HILLS	3,882
3 - DRUM BRAE/GYLE	1,988
4 - FORTH	1,619
5 - INVERLEITH	1,563
6 - CORSTORPHINE/MURRAYFIELD	1,651
7 - SIGHTHILL/GORGIE	2,071
8 - COLINTON/FAIRMILEHEAD	1,343
9 - FOUNTAINBRIDGE/CRAIGLOCKHART	869
10 - MEADOWS/MORNINGSIDE	1,719
11 - CITY CENTRE	1,360
12 - LEITH WALK	276
13 - LEITH	511
14 - CRAIGENTINNY/DUDDINGSTON	995
15 - SOUTHSIDE/NEWINGTON	1,497
16 - LIBERTON/GILMERTON	1,708
17 - PORTOBELLO/CRAIGMILLAR	1,495

**Table 2:**

<b>Road Name</b>	<b>Number of Potholes</b>	<b>Commentary</b>
Deanpark Avenue	158	Resurfaced late 2021
Glasgow Road	175	Large Length Road
Cockburn Crescent	177	Scheme Planned March 2022
Lanark Road West	186	Large Length Road
Maybury Road	189	Scheme Planned March 2022
Ferry Road	204	Large Length Road
Blinkbonny Road - Currie	211	Currently being reviewed for carriageway re-tread in 22/23
Queensferry Road	215	Large Length Road Section between Clermiston Road North to Davidson's Mains Junction - Planned April 2022.
Ravelrig Road	281	Scheme commencing 14 February 2022
Long Dalmahoy Road	416	Scheme in development for 2022/23

As contextual information, the following repairs were carried out in the same period requested in the question:

<b>WARD NAME</b>	<b>POTHOLES REPAIRED</b>
1 - ALMOND	3,515
2 - PENTLAND HILLS	3,854
3 - DRUM BRAE/GYLE	2,021
4 - FORTH	1,612
5 - INVERLEITH	1,573
6 - CORSTORPHINE/MURRAYFIELD	1,651
7 - SIGHTHILL/GORGIE	2,065
8 - COLINTON/FAIRMILEHEAD	1,343
9 - FOUNTAINBRIDGE/CRAIGLOCKHART	868

10 - MEADOWS/MORNINGSIDE	1,711
11 - CITY CENTRE	1,356
12 - LEITH WALK	276
13 - LEITH	511
14 - CRAIGENTINNY/DUDDINGSTON	992
15 - SOUTHSIDE/NEWINGTON	1,507
16 - LIBERTON/GILMERTON	1,708
17 - PORTOBELLO/CRAIGMILLAR	1,495

The repairs are undertaken according to an agreed prioritisation, details of which are below:

Defects are categorised in accordance with CEC's inspection guidance and managed by adopting a risk based approach. Each defect is assessed for likelihood and consequence and the resulting matrix will categorise the defect as Category 1/2/3/4 priority defect (Category 1 being the most serious). Each defect is prioritised based on its response category and there are target times to make safe associated with each category. The approach is based on national guidance issued by Society of Chief Officers of Transportation in Scotland (SCOTS) and agreed by Committee.

Target Response times:

Cat 1 – 24hrs

Cat 2 – 5 working days

Cat 3 – 60 working days

Cat 4 – Programme works (repair or reinspect within 12months)

**QUESTION NO 18**

**By Councillor Neil Ross for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 10 February 2022**

At the meeting of the full Council on 28 October 2021, my motion on Engine Idling was passed unamended. This asked the Council to engage with NSL to discuss the potential for vehicle emission enforcement by parking attendants including, in particular:

- i) the issue of appropriately worded leaflets to remind drivers whose engines are idling of their legal obligation to switch off the engine when parked; and
- ii) where a driver refuses to co-operate, the issue a Fixed Penalty Notice of £20; and
- iii) to report on the result of the discussions within two cycles to the Transport and Environment Committee.

**Question (1)** Have any discussions taken place and, if so, when?

**Answer (1)** Discussions on this have formed part of the discussion at contract meetings with NSL in November and December 2021.

**Question (2)** What were the results?

**Answer (2)** NSL will investigate the potential for vehicle emission enforcement and will provide a report on their findings and possible options.

In addition, the report will also set out any associated cost implications (e.g. for updating our existing software and hardware to accommodate a new debt type and to configure our current systems to comply with the relevant statutory requirements).

Any change to the work which the Council asks NSL to do will require a variation to the existing contract and any change to the role of Parking Attendants' will require engagement with staff and trade unions

**Question (3)** When will a report be made to the Transport and Environment Committee?



**Answer**

- (3)** A short update will be added to the Business Bulletin for March Committee.

Once NSL have concluded their investigations and officers have considered its conclusions, including associated financial impacts, a report will be submitted to a future meeting of the Committee. It is currently expected that this report will come to Committee in August 2022.

**QUESTION NO 19**

**By Councillor Johnston for answer  
by the Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 10 February 2022**

The Convener will be aware of the recommendation 14 included in the Report into the Review of the Whistleblowing and Organisational Culture of the City of Edinburgh Council by Susanne Tanner QC.

**Question** (1) Can the Convener confirm if an exit interview was offered to Dr Stephen Moir, the departing Executive Director of Corporate Services?

**Answer** (1) An exit interview is arranged for 4pm on 9<sup>th</sup> February and will be conducted by the Chief Executive

**Question** (2) If the offer was made and accepted, can the Convener:  
a) confirm who conducted the Exit Interview?  
b) share the content of that interview with Council?

**Answer** (2) The contents will not be shared with Council as these are management meetings conducted by the Chief Executive and are conducted in trusted environment to maximise the benefit to the Council, our services and the Executive Director departing.

**Supplementary Question** Thank you and I am aware that Councillor Munn may not have had that much to do with this answer, but the message from this is that they've caught the content of the exit interview which took place yesterday, had to take place in a trusted environment but also goes on to say that the reason that it won't be shared with councillors is that it's to maximise the benefit to the Council. I wonder if he can clarify how it maximises the benefit to the Council by not telling the Councillors anything about what that exit interview had to say, we are the ones that set the policy agenda

**Supplementary  
Answer**

I thank Councillor Johnston for his question. The exit interview's necessarily a confidential process that's offered to members of staff as they leave the Council and that's the basis on which it's undertaken. As I said they are confidential although where appropriate any matters raised that are of concern will be escalated through, and obviously in this case it was carried out by the Chief Executive but they will be escalated through the recourse of the senior leadership team of the Council but I think in terms of your original question by making them, by my reading of it was making it public and I can understand why in order to get the best benefit in terms of feedback from somebody leaving the council then it's best left confidential that at that stage.

**QUESTION NO 20**

**By Councillor Jim Campbell for  
answer by the Leader of the Council  
at a meeting of the Council on 10  
February 2022**

The Leader will be aware of the recommendation 14 included in the Report into the Review of the Whistleblowing and Organisational Culture of the City of Edinburgh Council by Susanne Tanner QC.

**Question** (1) Would the Leader agree that offering an Exit Interview to any Councillor who demits a Senior Responsibility would set the right example within Council?

**Answer** (1) Group Leaders have a degree of responsibility for and duty towards Councillors in their groups. As Council Leader my door is also open to any Councillor and I note opposition Councillors have taken advantage of this offer throughout my term- even in instances where they felt uncomfortable raising issues with their own groups or Group Leaders.

**Question** (2) Has the Leader offered Councillor Dickie an Exit Interview?

**Answer** (2) See answer 1.

**Question** (3) If so, can the Leader share with Council the content of this interview in so far as it related to the issues covered in Ms Tanner's Review?

**Answer** (3) See answer 1.