

Minutes

The City of Edinburgh Council

Edinburgh, Thursday 16 March 2023

Present:

LORD PROVOST

The Right Honourable Robert Aldridge

COUNCILLORS

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

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

1. Deputation - UNISON

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

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

2 Minutes

Decision

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

3 Leader's Report

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

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

The following questions/comments were made:

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

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

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

4 Appointment to Working Groups

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

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

Motion

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

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

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

- moved by Councillor Day, seconded by Councillor Meagher

Amendment 1

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

- moved by Councillor Dobbin, seconded by Councillor Kumar

Amendment 2

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

Edinburgh Waterfront All Party Oversight Group – Councillor Dijkstra-Downie

Equalities Working Group – Councillor Bennett

Short Term Lets Working Group – Councillors Ross and Beal

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

West Edinburgh All Party Oversight Group – Councillor Younie

Transport Forum – Councillor Lang

- moved by Councillor Lang, seconded by Councillor Young

Amendment 3

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

- 2) To agree to combine the following Working Groups into a single group, and appoint members:
 - Transport Forum
 - Local Access Forum
 - Active Travel Forum

- 3) To agree to establish and appoint the following members to the Tram All Party Oversight Group (this group has been meeting informally):
 - Councillors Day (Convener), Arthur, McVey, McFarlane, Lang, Dijkstra-Downie, Staniforth, Miller, Bandel, Munro, and Whyte.

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

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

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

- moved by Councillor Mumford, seconded by Councillor Parker

Amendment 4

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

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

- moved by Councillor Mowat, seconded by Councillor Rust

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

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

Voting

The voting was as follows:

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

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

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

Decision

To approve the following adjusted Motion by Councillor Day:

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

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

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

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

- Transport Forum
- Local Access Forum
- Active Travel Forum

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

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

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

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

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

5) To agree to close the following Working Groups:

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

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

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

5 By-election – No 6 Corstorphine/Murrayfield Ward

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

Decision

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

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

6 Appointment to Chief Officer Posts

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

Decision

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

(Reference: report by the Chief Executive, submitted)

7 Council Business Plan 2023-27

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

Motion

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

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

- moved by Councillor Day, seconded by Councillor Watt

Amendment 1

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

- moved by Councillor McVey, seconded by Councillor Macinnes

Amendment 2

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

- moved by Councillor Parker, seconded by Councillor Mumford

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

Voting

The voting was as follows:

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

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

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

Decision

To approve the Motion by Councillor Day.

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

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

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

Decision

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

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

9 Charging for Visitor Access to St Giles' Cathedral

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

Motion

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

- moved by Councillor Graham, seconded by Councillor Meagher

Amendment 1

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

- moved by Councillor McFarlane, seconded by Councillor Nicolson

Amendment 2

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

- moved by Councillor Heap, seconded by Councillor Mumford

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

Decision

To approve the following adjusted motion by Councillor Graham:

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

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

Declaration of Interests

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

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

10 Motion by Councillor Nicolson – Self Directed Support

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

Motion

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

- moved by Councillor Pogson, seconded by Councillor Griffiths

Amendment 1

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

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

Therefore:

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

- moved by Councillor Nicolson, seconded by Councillor Glasgow

Amendment 2

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

- moved by Councillor Davidson, seconded by Councillor Younie

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

Decision

To approve the following adjusted motion by Councillor Graham:

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

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

Therefore:

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

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

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

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

11 Drumbrae Care Home – Status Report

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

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

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

Motion

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

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

- moved by Councillor Pogson, seconded by Councillor Graham

Amendment 1

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

- moved by Councillor Davidson, seconded by Councillor Younie

Amendment 2

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

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

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

- moved by Councillor Miller, seconded by Councillor Mumford

Amendment 3

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

- moved by Councillor Mitchell, seconded by Councillor Doggart

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

Decision

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

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

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

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

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

12 Edinburgh Tram Funding Inquiry – Funding Update

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

Decision

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

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

13 Revenue Budget 2023/24 Update

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

Motion

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

- moved by Councillor Watt, seconded by Councillor Griffiths

Amendment

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

- moved by Councillor McVey, seconded by Councillor Mumford

Voting

The voting was as follows:

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

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

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

Decision

To approve the motion by Councillor Watt.

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

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

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

Decision

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

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

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

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

Decision

To approve the Capital Strategy 2023-33.

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

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

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

Decision

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

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

Declaration of Interests

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

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

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

“Council:

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

Motion

Council:

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

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

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

- moved by Councillor Heap, seconded by Councillor Dixon

Decision

To approve the adjusted motion by Councillor Heap..

18 Flooding - Motion by Councillor Osler

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

“Council

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

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

Motion

To approve the motion by Councillor Osler.

- moved by Councillor Osler, seconded by Councillor Ross

Amendment 1

To add to the motion by Councillor Osler:

“Further notes that:

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

- moved by Councillor Parker, seconded by Councillor Miller

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

Decision

To approve the following adjusted motion by Councillor Osler:

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

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

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

19 Improving the Budget Process - Motion by Councillor Staniforth

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

“1) Notes:

- a) Councillor Kate Campbell's motion to GRBV calling for an audit into the budget process and correctly noting that the budget process for 23/24 was not a good model.
- b) That the budget process was originally created for a council with a majority controlling coalition or single party and that this is in fact a rarity in Edinburgh following the introduction of STV.
- c) That the budget process varies widely from council to council across Scotland.

2) Therefore:

- a) Instructs officers to hold a workshop of all councillors to explore how the budget process can be improved.
- b) Instructs officers to report - either as part of an audit or independently - on the budget process undertaken by other council across Scotland in order to inform our own potential budget process reforms.”

- moved by Councillor Staniforth, seconded by Councillor Mumford

Decision

To approve the following adjusted motion by Councillor Staniforth:

1) To note:

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

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

20 Communal Bin Review Locations Framework - Motion by Councillor Mitchell

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

“Council:

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

Motion

To approve the motion by Councillor Mitchell.

- moved by Councillor Mitchell, seconded by Councillor Mowat

Amendment 1

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

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

- moved by Councillor McFarlane, seconded by Councillor Dobbin

Amendment 2

To adjust the motion by Councillor Mitchell as follows:

- 1) In paragraph 3)

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

2) After paragraph 3)

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

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

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

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

Renumber accordingly.

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

Amendment 3

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

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

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

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

- moved by Councillor Bandel, seconded by Councillor Parker

Amendment 4

In the motion by Councillor Mitchell:

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

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

- moved by Councillor Whyte, seconded by Councillor Cowdy

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

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

Voting

The voting was as follows:

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

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

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

Decision

To approve the following adjusted Amendment 1 by Councillor McVey:

- 1) To note the ongoing work in the communal bin review.
- 2) To thank, officials, for the ongoing work across the communal bin review including the additional work in the World Heritage Site.
- 3) To regret that many residents both within and outwith the World Heritage Site were dissatisfied with aspects of the proposals for a variety of reasons including, but not limited to, impact on residential amenity based on the location of the bin hubs.
- 4) To regret that before, during and after implementation of bin hubs, residents had raised concerns about safety and accessibility of the new hub locations and the operation of new bins. Where bin hubs were placed alongside narrow footways that did not meet Edinburgh's Street Design Guidance of a minimum 1.5m width, this caused access challenges for residents, especially those with disabilities
- 5) To acknowledge that not all streets were alike.
- 6) To recognise the importance of providing a waste and recycling service that was accessible to all present and future residents, and note that the criteria to determine locations of communal bin hubs approved by Transport and Environment Committee were designed to achieve this objective.
- 7) To acknowledge that in individual cases, engagement with residents and ward councillors could lead to mutually agreeable alternative positionings of communal bin hubs that were accessible to everyone, and which still met the original policy objectives of the Communal Bin Review to improve waste and recycling services.

- 8) To note the addendum passed at Transport and Environment Committee in October 2022 calling for a short report that “outlines a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”, and that a response was scheduled to be published as part of the Communal Bin Enhancement Update in May.
- 9) To agree that such a mechanism outlined in this report would provide sufficient flexibility in the positioning of communal bin hubs without infringing on the accessibility of the waste and recycling service, and to take no further action.
- 10) To recognise one of the aims of the project was to reduce the number of bin locations while at the same time ensuring that the full range of waste and recycling services were provided at each location. Reducing the number of locations in this way would unfortunately mean that many people would need to walk further to dispose of waste and recycle.
- 11) To acknowledge a balance therefore needed to be struck between these risks and the enhancement which the project offered and that the guidance sought “as far as possible” to site bins in accordance with the “Mobility Component of the Personal Independence Payment” which was used by the Government to assess Mobility e.g. for Blue Badge access. This applied where a person could not walk more than 50m and should therefore be the target to ensure good accessibility for those with accessibility requirements but this did not represent a blanket ban on considering exceptional circumstances.
- 12) To note that Transport and Environment Committee on October 6, 2022, the SNP successfully moved an amendment requesting a short report for approval “outlining a mechanism to resolve outstanding local conflict on bin hub positioning, including ward members in attempting to identify suitable alternatives and allowing these to be progressed”.
- 13) To acknowledge that this report was currently scheduled on the Transport and Environment Committee Rolling Actions Log for committee consideration on 18 May 2023 and that this should establish a framework for reviewing decisions on individual cases (up to and including advertising a new TRO) where the residents preferred location may not totally comply with all aspects of the decision framework as agreed by committee on February 27 2020. This should also acknowledge where officers were introducing CPZ and making other changes in tandem with the rollout and build in responsiveness where this was the case.

21 Commercial Property Undeveloped Land - Motion by Councillor Ross

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

“Council:

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

Motion

To approve the motion by Councillor Ross.

- moved by Councillor Ross, seconded by Councillor Younie

Amendment

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

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

- moved by Councillor Mumford, seconded by Councillor Heap

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

Decision

To approve the following adjusted motion by Councillor Ross:

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

22 Cost Recovery from Commercial Events - Motion by Councillor Ross

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

“Council:

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

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

Motion

To approve the motion by Councillor Ross.

- moved by Councillor Ross, seconded by Councillor Younie

Amendment 1

To add to the motion by Councillor Ross:

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

- moved by Councillor Staniforth, seconded by Councillor Parker

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

Decision

To approve the following adjusted motion by Councillor Ross:

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

23 Conservatives Voter ID Disenfranchisement Legislation - Motion by Councillor Dobbin

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

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

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

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

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

Motion

To approve the motion by Councillor Dobbin.

- moved by Councillor Dobbin seconded by Councillor Mattos Coelho

Amendment 1

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

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

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

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

2) To add at the end of the motion:

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

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

- moved by Councillor Lang, seconded by Councillor Beal

Amendment 2

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

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

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

“This should include:

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

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

Amendment 3

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

“Council

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

- moved by Councillor Rust, seconded by Councillor Jones

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

Voting

The voting was as follows:

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

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

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

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

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

Decision

To approve the following adjusted motion by Councillor Dobbin:

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

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

This should include:

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

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

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

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

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

“Council:

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

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

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

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

Decision

To approve the motion by Councillor O’Neill.

31 School Leaver Destination Statistics - Motion by Councillor Griffiths

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

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

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

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

Further, to continue to build on this success:

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

Motion

To approve the motion by Councillor Griffiths.

- moved by Councillor Griffiths, seconded by Councillor Walker

Amendment 1

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

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

- moved by Councillor Kumar, seconded by Councillor Mattos Coelho

Amendment 2

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

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

- moved by Councillor Davidson, seconded by Councillor Young

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

Voting

The voting was as follows:

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

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

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

Decision

To approve the following adjusted motion by Councillor Griffiths:

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

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

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

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

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

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

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

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

Decision

To approve the motion by Councillor Lezley Marion Cameron.

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

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

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

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

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

Decision

To approve the motion by Councillor Lesley Marion Cameron.

34 Questions

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

35 Edinburgh Tram Inquiry – Funding Update

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

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

Decision

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

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

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

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

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

Decision

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

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

Appendix 1

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

QUESTION NO 1

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

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

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

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

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

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

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

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

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

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

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

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

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

QUESTION NO 2

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

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

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

**Supplementary
Answer**

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

QUESTION NO 3

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

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

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

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

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

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

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

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

QUESTION NO 4

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

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

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

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

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

Answer (2) See answer 1.

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

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

Proposals have still to be developed for Victoria Street.

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

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

QUESTION NO 5

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

Question

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

Answer

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

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

Supplementary Question

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

**Supplementary
Answer**

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

QUESTION NO 6

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

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

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

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

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

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

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

Question (2) Why were all tenders non compliant?

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

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

**Supplementary
Answer**

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

QUESTION NO 7

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

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

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

Can he confirm:

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

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

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

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

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

Answer

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

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

QUESTION NO 8

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

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

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

QUESTION NO 9

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

Question

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

Answer

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

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

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

Supplementary Question

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

Supplementary Answer

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

QUESTION NO 10

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

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

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

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

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

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

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

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

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

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

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

QUESTION NO 11

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

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

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

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

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

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

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

28th February 2023 and 1st March 2023

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

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

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

**Supplementary
Question**

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

**Supplementary
Answer**

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

QUESTION NO 12

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

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

QUESTION NO 13

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

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

**Supplementary
Answer**

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

QUESTION NO 14

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

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

Question

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

Answer

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

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

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

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

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

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

**Supplementary
Question**

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

**Supplementary
Answer**

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

QUESTION NO 15

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

Question

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

Answer

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

Supplementary Question

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

Supplementary Answer

Happy to have that circulated.

QUESTION NO 16

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

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

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

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

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

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

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

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

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

QUESTION NO 17

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

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

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

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

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

QUESTION NO 18

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

Question

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

Answer

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

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

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

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

Supplementary Question

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

**Supplementary
Answer**

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

QUESTION NO 19

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

Question

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

Answer

The accurate answer is provided below.

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

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

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

Supplementary Question

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

**Supplementary
Answer**

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

QUESTION NO 20

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

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

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

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

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

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

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

**Supplementary
Answer**

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

QUESTION NO 21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Answer (6) See answer 5.

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

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

QUESTION NO 22

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

Question

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

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

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

Answer

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

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

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

**Supplementary
Question**

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

**Supplementary
Answer**

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

QUESTION NO 23

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

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

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

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

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

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

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

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

Answer

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

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

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

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

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

Supplementary Question

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

**Supplementary
Answer**

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

QUESTION NO 24

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

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

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

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

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

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

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

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

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

Health and Wellbeing Census 2021 – 22 – Additional analysis report

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

Secondary Health and Wellbeing Network presentation

Primary Health and Wellbeing Network presentation

Quality Improvement Team presentation

Education Leadership Team presentation

Health and Wellbeing Strategic Board presentation

**Supplementary
Question**

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

**Supplementary
Answer**

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

QUESTION NO 25

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

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

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

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

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

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

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

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

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

QUESTION NO 26

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

Question

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

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

Answer

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

QUESTION NO 27

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

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

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

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

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

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

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

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

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

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

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

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

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

**Supplementary
Question**

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

**Supplementary
Answer**

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

QUESTION NO 28

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

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

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

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

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

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

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

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

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

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

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

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

QUESTION NO 29

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

- Question** **(1)** For the 12 months to 31 May 2022 and 12 months to 31 May 2021, could we please be advised –
- a) The total number of meals provided in Edinburgh,
 - b) The number of meals broken down by council, Partner Providers, and by childminders.
- Answer** **(1)** Information from our catering service.
- a) May 20 to May 21 = 398,319 meals to LA settings
 May 21 to May 22 = 641,258 meals to LA settings
- Meals to partners and childminders are calculated by academic year.
- b) August 20 – August 21 = funding for 532,377 meals to partners and childminders
 August 21 – August 22 = funding for 578,115 meals to partner and childminders.
- Question** **(2)** Confirm the total amount of funding provided by the Scottish Government to City of Edinburgh Council for the provision of childcare for the 2021 and 2022 years.
- Answer** **(2)** City of Edinburgh Council received funding of £46,433,668 in 2021/22 and £41,313,984 in 2022/23
- Question** **(3)** Confirm any additional funding provided to City of Edinburgh Council for the provision of childcare for the 2021 and 2022 years.
- Answer** **(3)** City of Edinburgh Council received no additional funding over and above the funding detailed in question 2

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

**The Lord
Provost**

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

QUESTION NO 30

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

Question

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

Answer

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

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

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

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

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

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

QUESTION NO 31

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

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

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

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

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

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

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

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

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

Answer (4) Wednesday 15 March.

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

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

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

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