

## Policy and Sustainability Committee

10.00 am, Tuesday 23 February 2021

### Present

Councillors McVey (Convener), Day (Vice-Convener), Aldridge, Kate Campbell, Gloyer, Hutchison, Macinnes, Main, McLellan, Mowat (substituting for Councillor Cook), Munn, Perry, Frank Ross (substituting for Councillor Gardiner items 1-9), Staniforth, Webber, Whyte, Wilson and Work (substituting for Councillor Gardiner (items 10-20)).

### 1. Minutes

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#### Decision

To approve the minute of the Policy and Sustainability Committee of 1 December 2020 as a correct record.

### 2. Policy and Sustainability Committee Work Programme

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The Policy and Sustainability Committee Work Programme for 23 February 2021 was presented.

#### Decision

To note the Work Programme.

(Reference – Work Programme 23 December 2021, submitted.)

### 3. Policy and Sustainability Committee Rolling Actions Log

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Details were provided of the outstanding actions arising from decisions taken by the Committee.

#### Decision

1) To agree to close the following actions:

**Action 3** – City of Edinburgh Council – Motion by Councillor Lang – Use of Schools as Polling Places

**Action 5** – Neighbourhood Alliance – Grant Funding Payment

**Action 8** – Adaptation and Renewal Programme Update

**Action 9** – Public Realm CCTV Update

**Action 10** – Review of Political Management Arrangements

**Action 11** – Adaptation and Renewal Programme Update

**Action 13** - City of Edinburgh Council – Motion by Councillor Webber – Pavements and People

**Action 14** – Adaptation and Renewal Programme Update

**Action 16** – Appointments to Working Groups 2020/21

**Action 17** – Re-opening of Public Conveniences

**Action 20** – Health and Social Care Savings - Motion by Councillor Whyte

**Action 21** – Adaptation and Renewal Programme

2) To otherwise note the Rolling Actions Log.

(Reference – Rolling Actions Log, submitted.)

#### **4. Business Bulletin**

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The Policy and Sustainability Committee Business Bulletin for 23 February 2021 was submitted.

##### **Decision**

To note the Business Bulletin.

(Reference – Business Bulletin 23 February 2021 December 2020, submitted.)

#### **5. Police Scotland**

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Chief Superintendent Scott and Superintendent Rennie provided an update for April to December 2020 on Police Scotland's City of Edinburgh Division city-wide plans, policies and performance.

##### **Decision**

To note the update.

(Reference – report by the Chief Executive, submitted)

#### **6. COVID19 Impact on Care Homes in Edinburgh**

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In response to a motion by Councillor Webber, details were provided on the impact of COVID19 on care homes in Edinburgh which had been developed in collaboration with NHS Lothian and Public Health Scotland (PHS)

##### **Motion**

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

- moved by Councillor McVey, seconded by Councillor Day

##### **Amendment**

- 1) To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.
- 2) To note that despite the information provided, the detail and explanation to explain why Care Homes in Edinburgh had a disproportionately high number of deaths from COVID-19 was not provided, nor was there an explanation of why

Council, NHS and larger care homes were more susceptible to an outbreak or the actions that could have been taken to avoid this in such homes.

- 3) To agree that without this understanding, the Community Health Partnership would not be in a position to prevent such tragic events from being repeated as part of its resilience planning and instruct that a further report be provided giving an explanation and suggested actions to prevent a similar situation recurring.

- moved by Councillor Webber, seconded by Councillor Whyte

### **Voting**

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Lord Provost, Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth and Wilson.

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

### **Decision**

To approve the motion by Councillor McVey.

(References – Policy and Sustainability Committee of 25 June 2020 (item 4); report by the Chief Officer, Edinburgh Health and Social Care Partnership, submitted.)

## **7. Adaptation and Renewal Programme Update**

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An update was provided on the Adaptation and Renewal Programme which covered decisions taken in period 13 September 2020 to 17 February 2021 and the latest Covid-19 Dashboard including progress updates for the Adaptation and Renewal programme and the monitoring of the draft Council Business Plan which was considered by Council on 18 February 2021.

### **Decision**

- 1) To note the Council's latest Covid-19 position following the most recent statement from the First Minister on 16 February 2021 and associated Scottish Government guidance.
- 2) To note the Covid-19 Response Dashboard outlined at Appendix 1 to the report by the Chief Executive.
- 3) To note the decisions taken to date under urgency provisions from 13 September to 17 February 2021 outlined at Appendix 2 of the report.
- 4) To note the working group progress updates from the Adaptation and Renewal programme, including the support of the roll out of the Covid-19 vaccine.

- 5) To note that the draft Council Business Plan was considered by Council on 18 February 2021, and the next steps for the development of a planning and performance framework.

(Reference – Policy and Sustainability Committee of 28 May 2020 (item 4); report by the Chief Executive, submitted.)

## **8. Best Value Assurance Audit Response**

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Elected members had previously considered a report noting the findings of the Best Value Assurance Report, the approach to ensure a comprehensive and holistic response to the audit and provided feedback on priority areas for improvement. It was also noted that the improvement actions arising from the report would be addressed in the refreshed Council's Business Plan with a specific request for further consideration of genuine local community empowerment.

Details were provided on the comprehensive approach being progressed to respond to the Best Value Assurance Audit recommendations

### **Motion**

- 1) To note the progress made to date to respond to the Best Value Assurance Audit Report recommendations.
- 2) To note that a further progress report would be brought to the April meeting of the Policy and Sustainability Committee.
- 3) To agree, following the implementation of the Planning and Performance Framework, the actions to address the Best Value Assurance Report recommendations (as set out at Appendix 1 to the report by the Chief Executive) would be integrated into the Business Plan performance reporting cycle.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

- 1) To note the update in response to the Best Value Assurance Audit Report recommendations and that almost all decisions were deferred until the April reporting cycle of this Committee.
- 2) To note the intention that the Planning and Performance Framework and the actions to address the Best Value Assurance Report recommendations (as set out at Appendix 1 to the report by the Chief Executive) would be integrated into the Business Plan performance reporting cycle but agree to defer this decision until the Planning and performance Framework was considered by Committee.
- 3) To note with regret that no new proposals had been made to address the Committee's specific request to have "further consideration of genuine local community empowerment" and agree that an action plan be drawn up for consideration detailing options based on successful schemes in other cities.

- moved by Councillor Whyte, seconded by Councillor Hutchison

## Voting

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Lord Provost, Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth and Wilson.

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

## Decision

To approve the motion by Councillor McVey.

(References – Policy and Sustainability Committee of 1 December 2020 (item 9); Governance, Risk and Best Value Committee of 8 December 2020 (item 10): Act of Council No 9 of 10 December 2020: report by the Chief Executive, submitted.)

## 9. Petition for Consideration – Introduce Buffer Zones Around Clinics that Provide Abortion Services

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Details were provided on a valid petition entitled 'Introduce buffer zones around clinics that provide abortion services' which had been received. The petition had received 4880 signatures and called on the Council to call on Joe Fitzpatrick MSP, the Minister for Public Health, Sport and Wellbeing, to introduce buffer zone legislation to protect women, transmen and non-binary people in Edinburgh from harassment outside hospitals and clinics.

### Motion

- 1) To note the petition as set out in Appendix 1 to the report by the Chief Executive.
- 2) To further note the work and engagement already carried out on this issue locally, as set out in the report, following approval of a motion by Councillor Miller.
- 3) To note with concern that a majority of women attending the clinic felt uncomfortable when being confronted with protesters when accessing medical care.
- 4) To note that COSLA was aware of the issue and acknowledged that a national and collaborative partnership approach was required to make progress.
- 5) To agree that the Council Leader write to COSLA's Community Wellbeing Spokesperson to seek a COSLA mandate from Councils for the Scottish Government to use any required statutory instruments to implement buffer zones at all clinics across Scotland and mandate the Leader to engage with the Scottish Government and write to Scottish ministers and COSLA as required to support that aim.

- moved by Councillor McVey, seconded by Councillor Day

## Amendment

- 1) To note that the petition called for new legislation which was not a matter within the competence of the Council and was for the Scottish Parliament to determine.
- 2) To note that the Scottish Parliament had a petitions process through the Public Petitions Committee.
- 3) To therefore agree to refer the petitioners to the Scottish Parliament's Public Petition process.

- moved by Councillor Whyte, seconded by Councillor Webber

## Voting

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Lord Provost, Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth and Wilson.)

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

## Decision

To approve the motion by Councillor McVey.

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

## 10. Appointments to Working Groups

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The Committee had previously appointed members to its various Working Groups

The Committee were now asked to formally appoint a Short Term Lets Working Group, a revised membership of the West Edinburgh All Party Oversight Group to reflect the dissolution of Locality Committees, and to confirm the charring arrangements for both the West Edinburgh All Party Oversight Group and the Edinburgh Waterfront All Party Oversight Group.

The Committee were also asked to formally dissolve the Brexit Working Group

### Motion

- 1) To formally establish a Short Term Lets Working Group and agree the proposed membership and remit at Appendix 1 to the report by the Chief Executive.
- 2) To agree the revised membership of the West Edinburgh All Party Oversight Group at Appendix 2 to the report and the Edinburgh Waterfront All Party Oversight Group at Appendix 3 to the report and note that the membership of the Edinburgh Waterfront All Party Oversight Group should no longer refer to members of Locality Committees and as such that Councillor Child be removed as a member of this Group.
- 3) To agree the dissolution of the Brexit Working Group (Appendix 4 of the report).

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment 1**

- 1) To reject the establishment of a Short Term Lets Working Group given the Scottish Government's decision to withdraw legislation on this matter until after the Scottish Parliament elections and agree that any discussion or decisions on this matter, post engagement work by officers should be discussed in public at Committee.
- 2) To agree a revised membership of the West Edinburgh All Party Oversight Group and Edinburgh Waterfront All Party Oversight Group that mirrored the proportionality of both the Full Council and the included Wards, to ensure ALL local ward Councillors felt they were in a position to empower, represent and reflect the views of the residents.
- 3) To agree the dissolution of the Brexit Working Group (Appendix 4 of the report by the Chief Executive).

- moved by Councillor Webber, seconded by Councillor McLellan

### **Amendment 2**

To add to the motion by Councillor McVey:

- 4) To note that the remit of the Brexit Working Group would be covered by the Policy and Sustainability Committee and that reports on Brexit would still come to the committee if and when required.

- moved by Councillor Staniforth, seconded by Councillor Main

### **Amendment 3**

- 1) To reject the establishment of a Short Term Lets Working Group given the Scottish Government's decision to withdraw legislation on this matter until after the Scottish Parliament elections and agree that any discussion or decisions on this matter, post engagement work by officers should be discussed in public at Committee.
- 2) To agree the dissolution of the Brexit Working Group (Appendix 4 of the report by the Chief Executive).

- moved by Councillor Aldridge, seconded by Councillor Gloyer

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

### **Voting**

For the Motion (as adjusted)	-	10 votes
For Amendment 1	-	5 votes
For Amendment 3	-	2 votes

(For the Motion (as adjusted): Councillors Kate Campbell, Day, Macinnes, Main, McVey, Munn, Perry, Staniforth, Wilson and Work.

For Amendment 1: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.

For Amendment 3: Councillors Aldridge and Gloyer.)

### **Decision**

To approve the following adjusted motion by Councillor McVey:

- 1) To formally establish a Short Term Lets Working Group and agree the proposed membership and remit at Appendix 1 to the report by the Chief Executive.
- 2) To agree the revised membership of the West Edinburgh All Party Oversight Group at Appendix 2 to the report and the Edinburgh Waterfront All Party Oversight Group at Appendix 3 to the report and note that the membership of the Edinburgh Waterfront All Party Oversight Group should no longer refer to members of Locality Committees and as such that Councillor Child be removed as a member of this Group.
- 3) To agree the dissolution of the Brexit Working Group (Appendix 4 of the report).
- 4) To note that the remit of the Brexit Working Group would be covered by the Policy and Sustainability Committee and that reports on Brexit would still come to the committee if and when required.

(References: Policy and Sustainability Committee of 6 October 2020 (item 13); report by the Chief Executive, submitted.)

## **11. Update on the Re-opening of Public Conveniences**

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Details were provided on the current position on Edinburgh's public conveniences and proposed arrangements going forward together with an update on the impact of the COVID19 pandemic on the current Community Toilet Scheme.

### **Motion**

- 1) To note the guidance for public conveniences published in June 2020 recognised the risk of transmission of COVID-19 was high in public conveniences and therefore required enhanced cleaning, over and above what was normally in place was required, alongside measures to protect customers and staff to minimise the risk to public health in facilities which were open.
- 2) To approve the continued opening of seven public conveniences in the city, as those set out in paragraph 3.1 in the report by the Executive Director of Place.
- 3) To refer the report by the Executive Director of Place to full Council for approval of continued funding from Council reserves to keep these seven public conveniences open.
- 4) To note that the strategy on public conveniences would be reported to the Transport and Environment Committee in April 2021.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

- 1) To note the guidance for public conveniences published in June 2020 recognised the risk of transmission of COVID-19 was high in public

conveniences and therefore required enhanced cleaning, over and above what was normally in place was required, alongside measures to protect customers and staff to minimise the risk to public health in facilities which were open.

- 2) To approve the continued opening of seven public conveniences in the city, as those set out in paragraph 3.1 to the report by the Executive Director of Place.
- 3) To refer the report by the Executive Director of Place to Full Council for approval of continued funding from Council reserves to keep these seven public conveniences open.
- 4) To note that the strategy on public conveniences would be reported to the Transport and Environment Committee in April 2021.
- 5) To note that any easing of Lockdown was likely to be gradual and that outdoor recreation and meetings would remain a key part of social interaction during Summer 2021 at a minimum therefore to agree that an action plan be presented to the next meeting of the Policy and Sustainability Committee listing the available public convenience premises in the City that could be reinstated along with capital and revenue costings for each one.
- 6) To note that the alternative budget position presented by the Conservatives permitted additional public convenience locations to be opened and did not rely on the use of reserves.
- 7) To note that whilst Edinburgh remained in any degree of Covid 19 Lockdown, the Community Toilet Scheme should not be presented as an alternative to the City of Edinburgh Council providing safe public conveniences across the city.

- moved by Councillor Webber, seconded by Councillor Whyte

### **Voting**

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth, Wilson and Work.

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

### **Decision**

To approve the motion by Councillor McVey.

(References – Act of Council No 12 of 15 October 2020; Policy and Sustainability Committee of 9 July 2020 (item 11); report by the Executive Director of Place, submitted.)

## **12. City Strategic Investment Fund Allocations**

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An update was provided on the Strategic Programme element of the City Strategic Investment Fund (CSIF) and approval sought for new allocation proposals to take

forward the development of a strategic business case in relation to the findings of the second Edinburgh Sustainable Strategic Transport Study (ESSTS2) and a Heat and Energy Study.

### **Motion**

To agree that the City Strategic Investment Fund (CSIF):

- a) make new allocations to take forward the development of a strategic business case for the second Edinburgh Sustainable Strategic Transport Study (ESSTS2) and to carry out a Heat and Energy Study; and
- b) adjust the Edinburgh City Centre Transformation (ECCT) and West Edinburgh allocations as set out in the report by the Executive Director of Place and in Appendix 1 to that report.

- moved by Councillor McVey, seconded by Councillor Day

### **Amendment**

To agree that the City Strategic Investment Fund (CSIF):

- a) make a new allocation to carry out a Heat and Energy Study;
- b) defer a decision on funding to take forward the development of a strategic business case for the second Edinburgh Sustainable Strategic Transport Study (ESSTS2) while an application was made to Scottish Government/Transport Scotland to fund this study given that Transport Scotland had listed this as a key project in its second Strategic Transport Projects Review (STPR2) and it was not yet clear what commuting and travel needs would be evident as the economy moved to a new normal post the Covid-19 Pandemic; and
- c) adjust the Edinburgh City Centre Transformation (ECCT) and West Edinburgh allocations as set out in the report by the Executive Director of Place and in Appendix 1 to that report.

- moved by Councillor Whyte, seconded by Councillor Hutchison

### **Voting**

The voting was as follows:

For the motion	-	10 votes
For the amendment	-	7 votes

(For the motion: Councillors Kate Campbell, Day, Macinnes, Main, McVey, Munn, Perry, Staniforth, Wilson and Work.

For the amendment: Councillors Aldridge, Gloyer, Hutchison, McLellan, Mowat, Webber and Whyte.)

### **Decision**

To approve the motion by Councillor McVey.

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

### **13. Edinburgh Integration Joint Board Savings and Recovery Programme 2020/21 Update**

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An update was provided on the Edinburgh Integration Joint Board (EIJB) 2020/21 Savings and Recovery Programme up to the end November 2020 (Period 8), focusing on the City of Edinburgh Council's (CEC) elements of the programme.

#### **Motion**

To note the current position of the Edinburgh Integration Joint Board's Savings and Recovery Programme 2020/21 and request an update on savings programmes relevant to the Council's responsibilities come back to this Committee by the end of year.

- moved by Councillor McVey, seconded by Councillor Day

#### **Amendment**

- 1) To note the current position of the Edinburgh Integration Joint Board's Savings and Recovery Programme 2020/21.
- 2) To agree to receive a further report as soon as possible after the Performance and Delivery Committee meeting in April detailing the year end position and providing an update on actions being taken to deliver the Amber and Red rated programmes that had failed to deliver savings OR to providing alternatives to these.

- moved by Councillor Whyte, seconded by Councillor Hutchison

#### **Voting**

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth, Wilson and Work.

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

#### **Decision**

To approve the motion by Councillor McVey.

(Reference – report by the Chief Officer, Edinburgh Integration Joint Board, submitted.)

### **14. Internal Audit: Overdue Findings and Key Performance Indicators at 30 October 2020 – referral from the Governance, Risk and Best Value Committee**

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The Governance, Risk and Best Value Committee had referred a report on Internal Audit Overdue Findings and Key Performance Indicators at 30 October 2020, which provided an overview of the status of the overdue Internal Audit (IA) findings as at 30 October 2020 to the Policy and Sustainability Committee for information.

## **Motion**

To note the report.

- moved by Councillor McVey, seconded by Councillor Day

## **Amendment**

- 1) To note with concern that the report by the Chief internal Auditor showed an increasing number of overdue actions amongst an increasing number of outstanding actions despite the assurances given to Committee in the past that management were placing new focus on actioning audit findings.
- 2) To further note the ongoing number of high and medium rated overdue actions in Place, resources and health and Social Care Directorates.
- 3) To agree that it was not good enough simply to ask the Policy and Sustainability Committee to “note” this report and instruct the Chief Executive to report in one cycle with an update on actions taken and a time-bound action plan to resolve outstanding issues and a set of performance and appraisal measures for Executive Directors that ensured that audit actions were taken seriously and implemented as agreed.

- moved by Councillor Whyte, seconded by Councillor Day

## **Voting**

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Councillors Aldridge, Kate Campbell, Day, Gloyer, Macinnes, Main, McVey, Munn, Perry, Staniforth, Wilson and Work.

For the amendment: Councillors Hutchison, McLellan, Mowat, Webber and Whyte.)

## **Decision**

To approve the motion by Councillor McVey.

(References – Governance, Risk and Best Value Committee of 8 December 2020 (item 5); referral from the Governance, Risk and Best Value Committee, submitted.)

## **15. Drumbrae Care Home Notice Update**

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Details were provided on an Improvement Order by the Care Inspectorate which had been issued to the Edinburgh Health and Social Care Partnership in relation to Drumbrae Care Home. The Improvement Order required that the Partnership put in place immediate measures to improve significantly, aspects of care and support provided in the home.

In July 2020, the Care Inspectorate had notified the Partnership that significant improvement had been made in all areas inspected in December 2019 and that the Improvement Order was lifted.

## **Decision**

To take assurance from the actions undertaken to achieve the requirements set out in the Care Inspectorate's Improvement Order and implement sustainable improvement.

(Reference – report by the Chief Officer, Edinburgh Health and Social Care Partnership, submitted.)

## **16. Energy in Schools Annual Report – referral from the Education, Children and Families Committee**

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The Education, Children and Families Committee had referred the Energy in Schools Annual Report to the Policy and Sustainability Committee for information.

### **Decision**

To note the report.

(References – Education, Children and Families Committee of 15 December 2020 (item 4); referral from the Education, Children and Families Committee, submitted.)

## **17. Motion by Councillor Laidlaw – Funding of Flu Vaccine by Headteachers for Staff – referral from the Education, Children and Families Committee**

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In response to a motion by Councillor Laidlaw, the Education, Children and Families Committee had referred details of the motion to the Policy and Sustainability Committee for information.

### **Decision**

- 1) To note the terms of the motion by Councillor Laidlaw.
- 2) To note that the Education, Children and Families accepted Councillor Laidlaw's motion and that schools would continue to arrange flu vaccination facilities where they considered it to be a priority.

(References – Act of Council No 17 of 10 December 2020; Education, Children and Families Committee of 15 December 2020 (item 19); referral from the Education, Children and Families Committee, submitted.)

## **18. Policies Update – Strategy and Communications**

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To ensure that Council policies reflected current legislative requirements, best practice and remained fit for purpose, all Council directorates were required to review policies on an annual basis. Updated policies for the Strategy and Communications Division were submitted for approval.

### **Decision**

- 1) To approve the policies appended to the report by the Chief Executive.

- 2) To note that the appended Information Governance Policy replaced the existing suite of Information Governance policies as indicated at 4.2 of the report.

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

### **Declaration of Interests**

Councillor McLellan declared a non-financial interest in the above item as a Director of the Scottish Newspaper Society, as a member of the Advertising Standards Authority Board of Finance and a member of the Advertising Standards Authority Non-Broadcast Code of Practice.

## **19. Contact Centre Performance – October to December 2020**

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The Contact Centre performance for the period October to December 2020 was presented together with information on associated service improvement activities, as well as changes to service delivery resulting from COVID-19 restrictions.

### **Decision**

- 1) To note the current performance trends within the Contact Centre.
- 2) To note the ongoing improvement activities to ensure that Council services were accessible and citizen queries and complaints were dealt with effectively.
- 3) To note the service delivery changes that had been implemented in response to COVID-19 restrictions.

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

## **20. Welfare Reform Update**

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An update was provided on the Council's ongoing welfare reform activities which included the implementation of Universal Credit (UC).

### **Decision**

- 1) To note the ongoing work to support Universal Credit (UC) and Welfare Reform, in Edinburgh.
- 2) To note the current spend projections for Discretionary Housing Payments, Council Tax Reduction Scheme and the Scottish Welfare Fund.

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