

Committee Minutes

The City of Edinburgh Council

Year 2008/2009

Meeting 12 – Thursday 12 March 2009

Edinburgh, 12 March 2009 – At a meeting of The City of Edinburgh Council.

Present:-

LORD PROVOST

The Right Honourable George Grubb

COUNCILLORS

Elaine Aitken
Ewan Aitken
Robert C Aldridge
Jeremy R Balfour
Eric Barry
David Beckett
Angela Blacklock
Mike Bridgman
Deidre Brock
Gordon Buchan
Tom Buchanan
Steve Burgess
Andrew Burns
Ronald Cairns
Steve Cardownie
Maggie Chapman
Maureen M Child
Joanna Coleman
Jennifer A Dawe
Charles Dundas
Cammy Day
Paul G Edie
Nick Elliott-Cannon
Paul Godzik
Norma Hart
Stephen Hawkins
Ricky Henderson
Lesley Hinds
Allan G Jackson

Alison Johnstone
Colin Keir
Louise Lang
Jim Lowrie
Gordon Mackenzie
Kate MacKenzie
Marilyne A MacLaren
Mark McInnes
Stuart Roy McIvor
Tim McKay
Eric Milligan
Elaine Morris
Joanna Mowat
Rob Munn
Gordon J Munro
Ian Murray
Alastair Paisley
Gary Peacock
Ian Perry
Cameron Rose
Jason G Rust
Conor Snowden
Marjorie Thomas
Stefan Tymkewycz
Phil Wheeler
Iain Whyte
Donald Wilson
Norrie Work

1 Nelson Mandela 90th Birthday – School Poetry Competition

As part of Edinburgh's celebrations to mark the occasion of Nelson Mandela's 90th birthday, the Children and Families Department had organised a poetry and prose competition based on themes inspired by his life. The Lord Provost commented on the high standard of entries and the passionate and thought-provoking poems by the winners. The Lord Provost then invited the winners in each theme to recite their poems:

Lucy Hogg, Lorne Primary School	Peace theme
Eithne Fitzgerald, James Gillespie's High School	Compassion theme
Jack Dorward, James Gillespie's High School	Freedom theme
Farooq Javed, Craigmount High School	Reconciliation theme.

The Lord Provost congratulated the winners and presented them with a gift.

2 Deputations

(a) UNITE-TGWU Edinburgh Voluntary Sector Branch – Homelessness Strategy Review (see item 3 below)

The deputation referred to the Council's recent tendering exercise for services to homeless people (non-accommodation). Members in the voluntary sector organisations affected by this exercise had not been consulted on the tendering of the service and were sceptical about the process and concerned at the effect on provision. They were also concerned about the effect on their conditions of service. They asked the Council to actively manage the transition period to ensure that TUPE applied and to carry out a more detailed impact assessment on service provision than was currently planned.

(Reference – e-mail dated 5 March 2009, submitted.)

(b) Citizens Advice Edinburgh – Grant Aid to Third Parties (see item 4 below)

The deputation expressed their concern at the Council's grant proposals for advice services for 2009/10 and how it would affect Citizens Advice Edinburgh. The deputation asked that the Council award them a further £60,000 to enable them to continue with their services for the next six months whilst they tried to find other sources of funding. If this was not possible they would have to consider closing some of the five bureaux in the city.

(Reference – e-mail dated 11 March 2009, submitted.)

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(c) Trade Unions Joint Staff Side – Modernising Pay and Equal Pay Claims (see item 5 below)

The deputation referred to the report to be considered later on the agenda on modernising pay and equal pay claims and made the following comments:

- the proposed starting point for the pay and grading structure was low; Glasgow had recently announced a minimum wage of £7 an hour;
- a full impact assessment of the proposals was required;
- the Staff Side estimated that some 40% of staff would lose out by these proposals, not the 10% suggested by the report;
- the Staff Side was not in favour of the proposal to offer compensation by means of compromise agreements.
- the Staff Side would continue to pursue claims by APT&C staff.
- if it was not possible to reach agreement on the final package, the issue should be brought back to the full Council;
- the proposal to conclude negotiations by March 2009 was unrealistic and should be extended;
- the provision for the additional costs of the new pay structure was not enough; other Councils had budgeted for significantly more.

(Reference – e-mail dated 11 March 2009, submitted.)

3 Homelessness Strategy Review

The Health, Social Care and Housing Committee had referred recommendations, in terms of Standing Order 53, following consideration of the Homelessness Strategy Review.

The Council had heard a deputation on the matter from UNITE-TGWU Edinburgh Voluntary Sector Branch (see item 2(a) above).

Motion

- 1) To note the consultation work undertaken to review the Homelessness Strategy.
- 2) To agree the annual position statement for the homelessness strategy for 2009-10.
- 3) To note the outcome of the tendering process for homelessness (non-accommodation) services.

- moved by Councillor Edie, seconded by Councillor Work (on behalf of the Administration).

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Amendment

- 1) To note the decision of the Finance and Resources Committee of 27 January 2009 to award contracts for the provision of services to homeless people (non-accommodation).
- 2) To note the request by the Finance and Resources Committee for further information on the bids received and that this information was also provided to the Health, Social Care and Housing Committee to enable scrutiny of the bid process.
- 3) To agree that:
 - (a) the transition process be actively managed by Council officers to ensure that TUPE applied as part of the transition process.
 - (b) an Impact Assessment be conducted to enable the Health, Social Care and Housing Committee to scrutinise the impact on service provision of the new contract arrangements.

- moved by Councillor Munro, seconded by Councillor Hinds (on behalf of the Labour Group).

Voting

The voting was as follows:

For the motion	-	40 votes
For the amendment	-	18 votes

Decision

To approve the motion by Councillor Edie.

(Reference – report no CEC/155/08-09/CSEC by the Council Secretary, submitted.)

Declaration of Interests

Councillor Balfour declared a non-financial interest in the above item as a Director of the Bethany Trust.

4 Grant Aid to Third Parties: Performance and Outcomes 2007/2008 and Funding Proposals 2009/10

The Council considered the following:

- performance outcomes for 2007/08 of third party organisations receiving grant aid from the Council;
- results of the application and assessment process for grant aid to third party organisations in 2009/10;
- recommendations for the disbursement of the Council's grant aid to third parties in 2009/10.

The Council had heard a deputation on the matter from Citizens Advice Edinburgh (see item 2(b) above).

Motion

- 1) To note the performance data and general improvement in results against targets identified in Appendix 1 to report no CEC/157/08-09/CS by the Director of Corporate Services.
- 2) To approve the introduction of the new Quality Assurance Framework and future emphasis on Single Outcome Agreement (SOA) outcomes in grant monitoring for the future.
- 3) To approve the grant recommendations detailed in Appendices 1, 2 and 3 to the Director's report no CEC/158/08-09/CS.
- 4) To note the decisions made under delegated authority as detailed in Appendix 4 to the Director's report no CEC/158/08-09/CS.
- 5) To note the influencing factors for the grants programme and the ongoing Compact action on strategic issues for the third sector.
- 6) To welcome the sustained support for third sector organisations in the city represented in the £21m of grant aid approved and the development of greater linkage of this activity with the SOA.
- 7) To request further and more rapid re-alignment of grant aid with changing service needs in communities and with Council priorities.
- 8) Therefore, to instruct the Chief Executive to develop proposals which implemented the Council's previously approved recommendations in the Review of Third Party Funding in October of 2008 and in particular to undertake the following:

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- a redistribution of grant budgets between Departments, to reflect more closely the service responsibilities of Directors, and to establish a single Council contact and management relationship with each funded organisation;
 - a rationalisation of funding streams, grant management and monitoring arrangements to ensure greater corporate efficiency;
 - to prepare options for a new system of commissioning services from organisations currently in receipt of grants above £25,000 so that efficiencies would be delivered and the volume of funding directed to particular themes in grant aid would be altered to reflect more closely Council priorities, the continuing financial pressures and the desire to invest in new and innovative services and disinvest from others;
 - to explore the concept of committing to longer term funding arrangements to third sector organisations.
- 9) To request that the report addressing the elements described in paragraph 8 above be submitted to the Council meeting on 15 October 2009, following consultation with third party interests through the Compact Partnership, in order that revisions in funding, including planning for any disinvestment, were carried out in time for grant decisions to be made from 2010/11.
- 10) To advise unsuccessful grant applicants on potential alternative sources of funding.

- moved by Councillor Gordon Mackenzie, seconded by Councillor Elliott-Cannon (on behalf of the Administration).

Amendment 1

- 1) To note the content of the suite of reports no CEC/156/08-09/CS, no CEC/157/08-09/CS and no CEC/158/08-09/CS by the Director of Corporate Services relating to Grants to Third Parties.
- 2) To acknowledge the invaluable contribution the third sector plays in the delivery of services in the city.
- 3) To place on record this Council's robust commitment to both funding and developing the sector.
- 4) To reject the recommendation that grants to third parties should "be streamlined and developed" to reflect the national outcomes in the Council's Single Outcome Agreement.

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- 5) To note that the best outcomes were achieved when services were designed with the needs of local communities at the heart.
- 6) To highlight the current Administration's refusal last year to provide the SAGE group with £8,000 of funding to allow for the continuation of the project and that redundancy notices were issued at the end of 2008 with a view to closing the project.
- 7) To acknowledge that the Labour Group budget of last month contained an extra £265,000 for third party grants and this could have been utilised to meet the needs of many of the organisations contained in the appendices who will receive a cut in funding or no funding this year.
- 8) To acknowledge that the Labour Group budget of last month contained an extra £120,000 for grants to Scottish Ballet, Scottish Opera and the Scots Music Group and the money allocated to the Into the Arts project would be insufficient to meet their previous commitments.
- 9) To ask that any grants that were conditional be brought back to the Council in the event that the Director determines they were not to be fully funded, e.g. North Edinburgh Trust and the Broomhouse Centre.
- 10) To ask the Director of Services for Communities to report on the funding issues raised by Citizens Advice Edinburgh in their deputation (see item 2(b) above) and how the Council could better support this service both financially and otherwise.
- 11) To advise unsuccessful grant applicants on potential alternative sources of funding.

- moved by Councillor Murray, seconded by Councillor Burns (on behalf of the Labour Group).

Amendment 2

- 1) To note the performance data and general improvement in results against targets identified in Appendix 1 to report no CEC/157/08-09/CS by the Director of Corporate Services but to acknowledge that measuring volunteer and employee numbers and hours did not properly account for the social contribution made by capacity building organisations in the community.
- 2) To approve the introduction of the new Quality Assurance Framework and future emphasis on SOA outcomes in grant monitoring for the future, subject to the inclusion of the following:

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- the request for evidence of specific outcomes for all grant funded organisations, rather than simply statements outlining what structures existed to produce the outcomes;
 - a section on social capacity building, requiring details of how this was created and developed, not just that structures were in place for its creation and development;
 - a section about the sustainability of the organisations, including social, environmental and economic factors.
- 3) To note that most of the grant recommendations detailed in Appendices 1, 2, 3 and 4 to report no CEC/158/08-09/CS by the Director of Corporate Services were standstill allocations, representing funding cuts in real terms for the organisations involved and this would mean loss of services and/or poorer conditions for third sector employees.
- 4) To note the influencing factors for the grants programme and the ongoing Compact action on strategic issues for the third sector.
- 5) To agree that, from the awarding of three-year contracts in 2010/11, all grant awards would include at least inflation-based increases for all salaries.

- moved by Councillor Chapman, seconded by Councillor Johnstone (on behalf of the Green Group).

The mover of the motion, with the consent of his seconder and the mover and seconder of amendment 1, accepted paragraph (10) of amendment 1 as an addendum to the motion.

Voting

For the motion (as adjusted)	-	39 votes
For amendment 1	-	14 votes
For amendment 2	-	3 votes

Decision

To approve the motion (as adjusted) by Councillor Gordon Mackenzie.

(References – Act of Council No 13 of 16 October 2008; reports no CEC/156/08-09/CS, no CEC/157/08-09/CS and no CEC158/08-09/CS by the Director of Corporate Services, submitted.)

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Declaration of Interests

Financial Interests

The following members declared a financial interest in the above item and left the Chamber during the debate on the matter:

Councillor Aldridge	Chief Executive of the Scottish Council for Single Homeless
Councillor Day	Employee of North Edinburgh Trust

Non-financial Interests

The following members declared a non-financial interest in the item because of connections with a grant applicant:

Councillors Elaine Aitken, Ewan Aitken, Aldridge, Barry, Burgess, Cairns, Chapman, Coleman, Dawe, Edie, Hawkins, Hinds, Lang, Lowrie, Kate MacKenzie, McInnes, Munn, Perry, Rust, Snowden, Thomas, Wheeler, Whyte and Wilson.

5 Modernising Pay and Equal Pay Claims

Details were given of the current position on Modernising Pay and of the current and future position on equal pay claims and associated risks, including a resolution of issues around pay protection raised by the Bainbridge judgement.

Approval was sought for a way forward to bring the Modernising Pay process to a conclusion and for the further payment of compensation to female manual workers.

The Council had heard a deputation on the matter from the Joint Trade Union Staff Side (see item 2(c) above).

Motion

- 1) To note the overall position regarding Modernising Pay and equal pay claims.
- 2) To authorise a compensation offer to female manual workers as outlined in paragraph 10 of the report by the Director of Corporate Services.
- 3) To receive a further report on the overall financial implications once these became known.

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- 4) To note the completion of Job Evaluation, progress in finalising the pay structure and to approve this approach for negotiation with the Trade Unions with a view to the early introduction of the new pay arrangements.
- 5) To note that should agreement not be reached with the Trade Unions the only alternative available to the Council would be to follow statutory procedures for contractual change.
- 6) To agree that the project team and implementation costs be met from existing provision and that they should be included in the report referred to in paragraph 3 above.
- 7) To receive further reports once the situation regarding other areas of risk was clarified.
- 8) To regret the time taken to develop this position but to acknowledge this as a step on the way to fair and equitable pay conditions.
- 9) To distribute and publicise the Gender Equality Impact Assessment and to undertake a full Equalities Impact Assessment of the proposals to ensure that other equalities issues were scrutinised.
- 10) To ensure clarity and accessibility in all communications to employees to ensure any changes in employment conditions were well understood.

- moved by Councillor Gordon Mackenzie, seconded by Councillor Elliott-Cannon (on behalf of the Administration).

Amendment

- 1) To commend the aspiration in paragraph 3 of the report by the Director of Corporate Services to “establish fair and equitable pay arrangements for all staff in the future”.
- 2) To call for a report on the implications of:
 - the introduction of a “Living Wage” for the staff of the City of Edinburgh Council; and
 - the Equality Impact Assessment on the Modernising Pay agenda.

- moved by Councillor Hart, seconded by Councillor Ewan Aitken (on behalf of the Labour Group).

Voting

The voting was as follows:

For the motion - 43 votes
For the amendment - 15 votes

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Decision

To approve the motion by Councillor Gordon Mackenzie.

(References – Act of Council No 9 of 7 February 2008; report no CEC/162/08-09/CS by the Director of Corporate Services, submitted.)

6 Questions

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

7 Minutes**Decision**

To approve the minutes of meetings of the Council of 5 and 12 February 2009, as submitted, as correct records.

8 City of Edinburgh Licensing Board

An increase in the membership of the Licensing Board from nine to ten was proposed because of a considerable increase in the volume of the Board's business as a result of the requirements of the Licensing (Scotland) Act 2005.

Decision

- 1) To increase the size of The City of Edinburgh Licensing Board from nine to ten.
- 2) To appoint Councillor Morris to the extra place.

(References – Act of Council No 6 of 1 May 2008; report no CEC/154/08-09/CS by the Director of Corporate Services, submitted.)

9 Leader's Report

The Leader presented her report to the Council. The Leader commented on:

- the Edinburgh Tram Project status report to be considered later on the agenda
- Scottish Ministers' approval for the Edinburgh skatepark at Saughton Park

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- Scottish Government funding allocation for affordable housing
- the National Planning Framework
- child protection

The following issues were raised on the report:

Councillor Burns	<ul style="list-style-type: none"> - Sandy Wallace – retirement - Edinburgh Tram – elected member representation at public meetings - Residents’ annual surveys – level of satisfaction with the Council
Councillor Munn	<ul style="list-style-type: none"> - The Harbour, Leith Docks – preservation of ‘Leith’ name
Councillor Rose	<ul style="list-style-type: none"> - Edinburgh Tram – comments by Administration members
Councillor Hinds	<ul style="list-style-type: none"> - Fairer Scotland Fund - Home Care Modernisation – Retendering
Councillor Edie	<ul style="list-style-type: none"> - Re-ablement project – Evening News article
Councillor Mowat	<ul style="list-style-type: none"> - The Harbour, Leith Docks – name of overall development
Councillor Buchan	<ul style="list-style-type: none"> - Gorgie War Memorial Hall – future plans
Councillor Hart	<ul style="list-style-type: none"> - Edinburgh Tram works – retail footfall figures
Councillor Johnstone	<ul style="list-style-type: none"> - Cancellation of Thursday evening school lets
Councillor Burgess	<ul style="list-style-type: none"> - Waterfront development – discussion with Forth Ports on zero carbon development proposals
Councillor Ewan Aitken	<ul style="list-style-type: none"> - Home care standards – quality control – BBC website report
Councillor McIvor	<ul style="list-style-type: none"> - Polish cultural festival/direct air links with Poland

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- Councillor Whyte - Edinburgh Tram – communications strategy
- Councillor Cardownie - onecity Trust – expenditure on charity calendar

(Reference – report no CEC/164/08-09/L by the Leader, submitted.)

10 Wave 3 Schools

An update on the Wave 3 Schools project was provided.

A letter had been received from the Portobello Park Action Group commenting on the Portobello Park Conditions of Approval.

Motion

- 1) To note the content of the report by the Director of Children and Families and the further progress made on the Wave 3 project.
- 2) To note that a response to the original Council question regarding whether the new Portobello High School should be built for 1,200 or 1,400 places would be the subject of a report to the Education, Children and Families Committee on 17 March 2009.
- 3) To note the outcome of the review of the funding position across the entire Wave 3 project and the considerable funding gap which remained.
- 4) To note that the position regarding the other schools within the Wave 3 programme would be kept under regular review and that efforts to secure additional funding would continue.

- moved by Councillor MacLaren, seconded by Councillor Beckett (on behalf of the Administration).

Amendment

To approve the motion and:

- 5) To place on record the Council's thanks to departmental officers for progressing the Wave 3 project to this stage.
- 6) To note with concern the significant capital commitment that might be required until 2024/25 and that this commitment would be to the exclusion of any other significant Children and Families capital project over the same period.

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- 7) To express disappointment at the continued lack of progress with the Scottish Futures Trust but to commit to continuing to work with the Scottish Government to explore all possible funding options.
- 8) To call for a further report within two cycles detailing the investment needed over the next five years in schools that were not part of the Wave 3 programme.
- 9) To note that points (ii), (iii) and (iv) at Appendix 2 to the report by the Director of Children and Families regarding Portobello Park Conditions of Approval remained unmet.
- 10) To note that any changes to these Conditions of Approval were a matter for this Council.

- moved by Councillor Henderson, seconded by Councillor Ewan Aitken (on behalf of the Labour Group).

Voting

For the motion - 29 votes
For the amendment - 29 votes

There being an equal number of votes for the motion and the amendment, the Lord Provost used his casting vote in favour of the motion.

Decision

To approve the motion by Councillor MacLaren.

(References – Act of Council No 3 of 18 December 2008; report no CEC/159/08-09/C&F by the Director of Children and Families; letter from the Portobello Park Action Group 11 March 2009, submitted.)

11 Edinburgh Transport: Integration of Bus and Tram

Proposals were detailed for the integration of bus and tram operations within the context of a future corporate structure for **tie**, TEL and Lothian Buses. Delegated authority was sought for the Chief Executive and officers to take the necessary steps to implement the phased structural changes.

A brief update on the contractual dispute between **tie** and the tram infrastructure consortium was also provided. An urgent report on this matter would be considered later on the agenda (see item 22 below).

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Decision

- 1) To note the two stage approach to restructuring the family of companies.
- 2) To delegate authority to the Chief Executive to put in place the interim structure as described in Appendix 1 to the report by the Director of Corporate Services.
- 3) To instruct the Chief to Executive to report back to Council in autumn 2010, prior to the implementation of the proposed second phase of the proposals contained within the report; the next report to include:
 - an evaluation of the first phase of the proposals within the report of 12 March 2009;
 - the different options that would be available for the delivery and operational aspects of public transport in the city, including results of further investigations into the second phase together with appropriate recommendations;
 - a detailed risk register.
- 4) To note that a further report would be submitted on the outcome of the Dispute Resolution Procedure between **tie** and BSC and the implications for the Tram project budget and completion date (see also item 22 below)

(References – Act of Council No 10 of 18 December 2008; report no CEC/160/08-09/CS by the Director of Corporate Services, submitted.)

Declaration of Interests

Councillors Jackson, Gordon Mackenzie, Perry and Wheeler declared a non-financial interest in the above item as non-Executive Directors of **tie** and TEL.

Councillor Chapman declared a non-financial interest in the item as non-Executive Directors of TEL.

Councillor Buchan declared a financial interest in the item as an associate of a firm acting as a technical adviser to **tie** and left the Chamber during its consideration.

Councillor Keir declared a financial interest in the item as a casual employee of Lothian Buses and left the Chamber during its consideration.

(References – Act of Council No 10 of 18 December 2008; report no CEC/160/08-09/CS by the Director of Corporate Services, submitted.)

12 Review of Legal Services and Council Secretary

Following an assessment of the functions, inter-dependencies and synergies of Legal Services and the Council Secretary's Divisions, recommendations were made on their assimilation into a single new division which would combine responsibility for all Council governance matters in one division of the Corporate Services Department.

Comments on the matter had been received from UNISON.

Decision

- 1) To note the contents of the report by the Director of Corporate Services.
- 2) To note with disappointment that the review of the Legal Services Division, originally called for in February 2007, had been so extensively delayed.
- 3) To approve the creation of a Legal and Democratic Services Division.
- 4) To delegate powers to the Director of Corporate Services to further develop the new structure in accordance with the Council's Procedure for the Conduct of Reviews.
- 5) To enter into discussion with the Trade Unions to ensure that the terms of the Organisational Review were upheld and to allow for transparent discussions about recruitment processes to take place before the new structure was developed and presented to Council.
- 6) To note that more detailed organisational proposals, describing the structure of the new Division, would be reported to the Council meeting in October 2009.
- 7) To instruct the Director of Corporate Services, as part of the further report described in paragraph 6 above, to provide a progress update on the on-going improvement actions within Legal Services.
- 8) To discharge the Council remits of 16 October 2008 and 12 February 2009.

(References – Acts of Council No 3 of 12 February 2009 and No 19 of 16 October 2008; report no CEC/161/08-09/CS by the Director of Corporate Services; e-mail from UNISON 11 March 2009, submitted.)

13 Community Planning in Edinburgh: Final Framework

Final amendments to the city community planning framework were presented, following deliberations by the Edinburgh Partnership Board and the Council's Cross Party Working Group. It was recommended that the amended scheme be referred to the Edinburgh Partnership for adoption.

Motion

- 1) To approve the community planning framework at Appendix 3 to the report by the Director of Corporate Services subject to the following two key amendments:
 - (a) At paragraph 3.10 'Recommended EP Board Members' – the Convener of the Neighbourhood Partnership Conveners' Forum replaces the annual rotation of two Neighbourhood Partnership Conveners.
 - (b) At paragraph 3.11 'Recommended EP Executive' – the Chief Fire and Rescue Officer is included on the Edinburgh Partnership Executive.
- 2) To refer the final amended scheme to the Edinburgh Partnership for adoption and to agree to an operational review after 12 months.

- moved by Councillor Dawe, seconded by Councillor Buchanan (on behalf of the Administration).

Amendment 1

- 1) To note the community planning framework at Appendix 3 to the report by the Director of Corporate Services with the key amendment at paragraph 3.11 'Recommended EP Executive' that the Chief Fire and Rescue Officer is included on the Edinburgh Partnership Executive.
- 2) To reject the proposed amendment to paragraph 3.10 'Recommended EP Board Members' in favour of the Neighbourhood Partnership representation on the Edinburgh Partnership specified in Appendix 3 to the Director's report.
- 3) To recognise that Neighbourhood Partnerships were central players in this new structure and to note that they had not yet had sufficient time to digest and comment on the amended scheme. Therefore Neighbourhood Partnership comments should be actively sought and arrangements should not be finalised until feedback was received.

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- 4) To refer the final amended scheme to the Edinburgh Partnership for adoption and to agree to an operational review after 12 months.
- 5) In addition, whilst agreeing the structure and processes detailed in Appendix 3 to the Director's report, to recognise the Labour Group's continuing opposition to the method of selection of priorities by the Edinburgh Partnership for the disbursement of the Fairer Scotland Fund from the broader set of outcomes allowed by the Single Outcome Agreement.

- moved by Councillor Wilson, seconded by Councillor Hart (on behalf of the Labour Group).

Amendment 2

- 1) To express regret that community planning was a duty rather than a power.
- 2) To agree that Edinburgh's approach to community planning had resulted in an overly complex structure which had reduced the transparency of decision making rather than increased it and had weakened democratic accountability rather than strengthened it.
- 3) To accept the motion as a much needed slimming down of one small part of the community planning structure.
- 4) To call on the Chief Executive to bring forward a report setting out ways in which other parts of the community planning structure could be similarly rationalised.

- moved by Councillor Mowat, seconded by Councillor Balfour (on behalf of the Conservative Group).

Amendment 3

- 1) To accept the Community Planning Framework at Appendix 3 to the report by the Director of Corporate Services recommending Neighbourhood Partnership representation on the Edinburgh Partnership Board consisting of two NP conveners rotated annually, with the amendment to paragraph 3.11 of Appendix 3 to include the Chief Fire and Rescue Officer in the membership of the Edinburgh Partnership Executive.
- 2) To receive feedback on the Community Planning Framework from Neighbourhood Partnerships by the next full Council meeting on 30 April 2009.

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- 3) To refer the final amended scheme to the Edinburgh Partnership for adoption and to agree to an operational review after 12 months.

- moved by Councillor Chapman, seconded by Councillor Johnstone (on behalf of the Green Group).

Voting

In a first vote between the motion and the amendments, the voting was as follows:

For the motion	-	29 votes
For amendment 1	-	15 votes
For amendment 2	-	11 votes
For amendment 3	-	3 votes

As there was no overall majority, amendment 3 which had received the fewest votes fell and, in a second vote, the voting between the motion and amendments 1 and 2 was as follows:

For the motion	-	29 votes
For amendment 1	-	15 votes
For amendment 2	-	11 votes.

Decision

To approve the motion by Councillor Dawe.

(References – Act of Council No 11 of 18 December 2009; CEC/163/08-09/CS by the Director of Corporate Services, submitted.)

14 Radio Forth Cash for Kids – Motion by Councillor Buchan

The following motion by Councillor Buchan was submitted in terms of Standing Order 28:

“Council:

- notes that Radio Forth's Cash for Kids fundraising last year raised £90,000 for children with special needs in Edinburgh, Fife and the Lothians;
- notes the success of their Secret Santa scheme which collected over £32,500 worth of toys, helping over 1,300 children;
- notes that an Easter Egg Appeal is being arranged; and

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- agrees to support the Easter Egg Appeal by providing a link on the Council's website, publicising the appeal to staff via the Council intranet and allowing collection boxes for Easter eggs to be provided at the City Chambers and Local Office receptions.”

Decision

To approve the motion by Councillor Buchan.

15 Corporate Energy Strategy – Motion by Councillor Chapman

The following motion by Councillor Chapman was submitted in terms of Standing Order 28:

“Council

Notes the response submitted by the Council to the Scottish Government Consultation on ‘Proposals for Improving the Energy Performance of Existing Non-domestic Buildings’; the work on energy efficiency currently underway in both the Housing and Regeneration division and the Sustainable Development Unit of the Council; the forthcoming mandatory Carbon Reduction Commitment and the Council’s objective to reduce carbon emissions from its own activities by 25% by 2013

Agrees that the Council should have a Corporate Energy Strategy that crosses departmental divisions and clearly sets out designated officer responsibilities

Agrees that such a strategy should include schemes to improve energy efficiency across the Council’s estate, reduce energy use by Council transport, access alternative energy sources where possible, and implement coherent energy auditing and monitoring systems

Agrees that a Corporate Energy Working Group of officers from all relevant departments be set up to draw up and implement the energy strategy ensuring that it encompasses all of the Council’s activities

Calls for a draft Corporate Energy Strategy to be presented to full Council or the most appropriate committee within six months.”

The Lord Provost remitted the motion to the Finance and Resources Committee in terms of Standing Order 28(3), subject to competency.

16 Mental Health Issues – Employee Training – Motion by Councillor Chapman

The following motion by Councillor Chapman was submitted in terms of Standing Order 28:

“Council

Notes our commitment to the ‘Investor in People’ standard and our position as an equal opportunities employer; and believes that we should follow best practice and be leading employers with regards to providing all our employees with appropriate support and benefits, and should not discriminate against employees on the basis of physical or mental ability.

Notes that there is no particular mention of mental health issues in Human Resources Policy, other than what is covered by the Disability Discrimination Act.

Notes that many employees, as line managers or team leaders, may have to deal with colleagues who experience a range of mental health issues, but that these managers and leaders may not have training in how best to deal with these issues.

Calls for a report, within two cycles, from the Head of Human Resources indicating how such training gaps might be addressed.”

The Lord Provost remitted the motion to the Finance and Resources Committee in terms of Standing Order 28(3), subject to competency.

17 Safe Cycling in Edinburgh – Motion by Councillor Burgess

The following motion by Councillor Burgess was submitted in terms of Standing Order 28:

“That the Council:

Welcomes the recent increase in cycling in Edinburgh but regrets the frequency of accidents involving cyclists;

Recognises that various agencies and organisations promote cycling and safe cycling in Edinburgh, including the Council, Lothian and Borders Police, schools, Spokes and The Bike Station, and particularly congratulates Spokes on their ‘Bike Polite’ initiative;

Believes that there is a need for a city-wide, co-ordinated cycling safety campaign involving all parties,

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Proposes that such an initiative could include;

- a safe cycling campaign team made up of representatives from all concerned parties
- the production of safe cycling material to be widely distributed
- an accompanying website and AV presentation for schools
- outreach work to disseminate material
- identifying good practice from other countries such as Denmark;

Supports the proposal for a safe cycling in Edinburgh campaign and calls for a report on how the Council could co-ordinate and support such an initiative.”

The Lord Provost remitted the motion to the Transport, Infrastructure and Environment Committee in terms of Standing Order 28(3), subject to competency.

18 Priority Gritting for Cycle Routes – Motion by Councillor Burgess

The following motion by Councillor Burgess was submitted in terms of Standing Order 28:

“That the Council:

Notes the aim to make Edinburgh a model cycle-friendly city and recognises that the City’s traffic-free cycle routes are well used by hundreds of cyclists every day;

However understands that during recent cold weather, these cycle routes have become treacherous due to ice, resulting in accidents and forcing cyclists onto treated roads;

Understands that cycle routes, such as along the Innocent Railway, have remained iced-up for as much as a week;

Notes that these routes are dual-use and that pedestrians are also affected;

Notes that the Council operates a priority system for gritting the city’s roads and pavements;

Believes that the main traffic-free cycle routes could be incorporated into the system for priority treatment and therefore calls for a report on this to the Transport, Infrastructure and Environment Committee.”

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Decision

- 1) To note that action was already planned to review gritting treatment routes and priority levels, in preparation for next winter, which would also include cycle tracks in the city.
- 2) To ask the Director of Services for Communities to submit the results of the review to the Transport, Infrastructure and Environment Committee.
- 3) Otherwise to take no further action on the terms of the motion.

19 Recycling for Schools – Motion by Councillor Johnstone

The following motion by Councillor Johnstone was submitted in terms of Standing Order 28:

“That the Council:

Notes the enthusiasm for promoting the other three R’s – Reduce, Reuse and Recycle - at many schools in Edinburgh, especially Eco-schools.

Recognises that school is where positive attitudes towards waste and recycling can be encouraged for life.

Recognises that waste from schools contributes to the amount of material going to landfill and that increasing recycling by schools could help meet the City’s recycling targets.

Welcomes the Council’s provision of paper recycling bins for schools however notes the lack of recycling bins for other materials, particularly for packaging materials (food and drink cartons, plastic bottles, cans, cardboard) and believes that this should be addressed.

Therefore calls for a report on improving recycling facilities for the city’s schools.”

Decision

- 1) To note that all this work was in hand and that this would be reflected in a report to a future meeting of the Transport, Infrastructure and Environment Committee.
- 2) Otherwise to take no further action on the terms of the motion.

20 School Estate Rationalisation – for remit to the Education, Children and Families Committee – Motion by Councillor Blacklock

The following motion by Councillor Blacklock was submitted in terms of Standing Order 29:

“Committee recognises that there have been some issues with the re-allocation of resources following the closure of Bonnington and Lismore Primary Schools. Committee therefore calls for a report on how these issues could be better managed and what additional resources are required for neighbouring schools at the time of the closure of Westburn. The report should also produce recommendations for how this should be handled in the event of future school estate rationalisation.”

Decision

To remit the motion to the Education, Children and Families Committee, subject to competency.

21 Stockbridge Library – for remit to the Culture and Leisure Committee – Motion by Councillor Hinds

The following motion by Councillor Hinds was submitted in terms of Standing Order 29:

“Committee welcomes the recent refurbishment of Stockbridge Library and congratulates all the staff involved with this project. Committee further welcomes the increased usage of the Library since its reopening and asks the Director of Services for Communities to report back on the possibility of extending the opening hours of Stockbridge Library to make it full time, including weekend opening.”

Decision

To remit the motion to the Culture and Leisure Committee, subject to competency.

22 Roseburn Cycle Path – for remit to the Transport, Infrastructure and Environment Committee – Motion by Councillor Henderson

The following motion by Councillor Henderson was submitted in terms of Standing Order 29:

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“Committee acknowledges that the Roseburn Cycle Path provides a safe and efficient route for cyclists and pedestrians who wish to walk or cycle between the areas of Telford, Blackhall, Craigleith, Ravelston Dykes, Coltbridge and Roseburn. Committee agrees that to encourage further use of this route and to justify the confidence of existing users standards of cleanliness and safety have to be maintained. Committee is concerned that poor maintenance and cleansing could present a risk to users and therefore requests a report detailing how the current cleansing arrangements are managed and monitored. The report to be provided within one cycle.”

Decision

To remit the motion to the Transport, Infrastructure and Environment Committee, subject to competency.

23 Edinburgh Tram Project: Status Report

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

The current position of the Edinburgh tram project in the light of the contractual difficulties between **tie** and BSC, the tram infrastructure consortium, was detailed.

Decision

- 1) To note the report by the Chief Executive.
- 2) To continue to strongly support the **tie** Board in its efforts to reach a satisfactory outcome to the current dispute with BSC, the tram infrastructure consortium.
- 3) To reaffirm to **tie** the Council's support for their insistence on the terms of the current contract being adhered to.

(References – Policy and Strategy Committee 24 February 2009 (item 1); report no CEC/165/08-09/CE by the Chief Executive, submitted.)

Declaration of Interests

Councillors Jackson, Gordon Mackenzie, Perry and Wheeler declared a non-financial interest in the above item as non-Executive Directors of **tie**.

Councillor Buchan declared a financial interest in the item as an associate of a firm acting as a technical adviser to **tie** and left the Chamber during its consideration.

Appendix
(As referred to in Act of Council No 6 of 12 March 2009)

QUESTION NO 1

**By Councillor Buchan answered by
the Convener of the Finance and
Resources Committee**

Question **(1)** During the budget debate reply of 12 February, you indicated that discussions were ongoing on the future of the Edinburgh International Climbing Centre at Ratho (EICA). Could you please provide a synopsis of these discussions and what future steps you intend to take to improve the financial performance of this facility?

Question **(2)** Will the Administration consider mothballing or closing the facility in the medium to long term if the current level of financial support continues at its present or higher rate?

Answer There have been a number of meetings attended by representatives of Edinburgh Leisure, Council officers and on occasion members of the Administration over the past year looking at current and future issues for the EICA.

Edinburgh Leisure is responsible for the operation of the facility and has made significant progress in improving financial performance. Edinburgh Leisure has also delivered some positive results increasing the use of the facility. Council officers are, however, working with Edinburgh Leisure to review the service.

The review process is exploring: performance trends; maximising service opportunities; and, managing ongoing risks. The review is predicated upon the need to reduce the level of subsidy in the medium to longer term. The review findings will be reported to the Culture and Leisure Committee in June 2009. It would be inappropriate to pre-empt the outcome at this time.

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**Supplementary
Question**

Could the Convener confirm if the report that is coming back to the Culture and Leisure Committee will include proposed expenditure at the Centre, in particular the roof and the water treatment works?

**Supplementary
Answer**

I will get back to you in writing but it seems to me clear that it should include that information. I will need to confirm that after the meeting.

QUESTION NO 2

**By Councillor Buchan answered by
the Convener of the Regulatory
Committee**

Question

Following the recent sexual assault of a young woman in the City, can the Convener confirm:

- (a) what steps are being taken to improve public safety for residents and visitors when using private hire cars and taxis;
- (b) whether he considers that by having more 'black cab' taxi licences, the instances of such attacks would reduce; and
- (c) whether he will consider bringing forward proposals to lift restrictions on the number of 'black cab' licences issued.

Answer

- (a) I have raised with the Cab Inspector improvements in signage on private hire cars. This stems from a change of condition request from the Police and will therefore be considered by the Regulatory Committee. I intend to bring forward a condition requiring all private hire car drivers to keep a personal log of their pre-booked hires. I am also actively discussing with the Cab Inspector enforcement issues on the street. These measures will support the implementation of the Scottish Government's new proposals on the licensing of hire car booking offices.
- (b) I do not agree that more black taxis would have any effect on the instances of such attacks.
- (c) No. I firmly believe that it is in the best interest of the public and the trade to retain the right to limit the number of taxi licences.

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**Supplementary
Question**

I was wondering if, in relation to in his answer in section (c), the Convener could explain to me his understanding of how the public's best interests are served by his comment.

**Supplementary
Answer**

I believe that was all covered in the debate in October 2007 but we feel, and this Council felt by a vote of 37 to 17, that it was in the best interest. I could go through it if you wish a more detailed discussion on it and I am more than happy to speak to you.

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QUESTION NO 3

**By Councillor Buchan answered by
the Convener of the Transport,
Infrastructure and Environment
Committee**

Question

What action is the Council considering to deal with overspill parking from the Craiglockhart and Craighouse Campus sites?

Answer

Additional double yellow lines have already been introduced into the areas to ensure that sightlines for both pedestrians and motorists are maintained and to discourage parking.

There is also a proposal to introduce double yellow lines on every corner in the Craighouse area for road safety reasons. The traffic regulation order relating to these restrictions should be completed within six months.

Parking in both areas will be monitored and additional measures will be introduced as and when required.

**Supplementary
Question**

Could the Convener confirm exactly where these additional double yellow lines have been installed because I am not aware of them in my ward? I was also wondering if he could perhaps confirm if this is his Administration's only attempt at dealing with the problem of overspill parking at the Craiglockhart Campus and if, perhaps in consultation with his colleague Councillor Lowrie, the Convener of the Planning Committee, he could shed some light on the promised review of parking standards that has been alluded to for universities within the city.

As you may be aware, the Craiglockhart Campus has very much restricted parking as a result of the Council's parking policies and there was a suggestion at Craiglockhart Community Council that the review of parking standards could be relaxed which would remove this policy objection to more on site parking.

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**Supplementary
Answer**

I don't have the actual detail to where the double yellow lines are at my fingertips but I will get back to you on that, if I may, in writing. On the other point, obviously, I will continue discussion with the Planning Convener but I wonder if Councillor Buchan is aware of whether or not Napier University has a travel plan to obviate the need for so many of its students to use cars.

QUESTION NO 4

**By Councillor Child answered by
the Convener of the Transport,
Infrastructure and Environment
Committee**

Question

To ask what progress has been made in generating renewable energy in public buildings? To ask what further discussions have been had with regard to the provision of biomass boilers in Edinburgh's schools?

Answer

In new building projects, renewable energy sources are always considered as a priority and are implemented if shown to be cost effective.

To date a wind turbine and solar panels have been installed at Currie High School and solar panels employed at Waverley Court. There are also plans to include solar panels at Glenogle Swim Centre as part of the refurbishment programme.

Where existing buildings are concerned, the emphasis is on making the buildings energy efficient in the first instance. 'Spend to save' projects including insulation work, low energy lighting schemes, thermostatic valves and heating controls etc are included.

Discussions on the use of Biomass are currently ongoing and Senior Officers have a further meeting scheduled for 12 March 2009. This will discuss the Scottish Government guidance issued last month. The Council's Director of Services for Communities, who has responsibility for Environmental Health issues in Edinburgh, has recommended that, pending a final decision, in the meantime, a precautionary approach should continue to be adopted.

**Supplementary
Question**

I do commend the approach which prioritises energy efficiency, that is great, and I note in his final paragraph that there is a meeting today of senior officers on this issue. Can you tell me when and where the outcome of these discussions will be reported?

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**Supplementary
Answer by
Councillor
Aldridge**

I do not know when the final outcome of the discussions will happen. Clearly there are discussions ongoing but once we have determined whether the biomass can be used, as soon as that happens, we will make sure it is reported to the nearest appropriate Committee so it may be Policy and Strategy. I am not sure precisely which would be the appropriate Committee but it will certainly come to the appropriate Committee of the Council as quickly as possible.

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QUESTION NO 5

**By Councillor Blacklock answered
by the Convener of the Education,
Children and Families Committee**

Question

Can the Convener advise me what action has been taken following Council's decision on 26 June 2008 that the Children and Families Department would meet with Pilmeny Youth Project at which the continuation of the Monday Leith outdoor spaces project Drop-In Club would be discussed?

Answer

A report in response to your Council motion will be discussed at the Education, Children and Families Committee on 17 March 2009.

QUESTION NO 6

**By Councillor Day answered by the
Convener of the Education,
Children and Families Committee**

- Question** (1) What information was provided, prior to the Council meeting on 12 February 2009, to the Management Committee of the Royston Wardieburn Community Education Centre (RWCEC), regarding the proposal to remove £1.7 million from their integrated service facility due to be built this year?
- Answer** (1) This officer proposal was not discussed with the Community Centre Management Committee ahead of consideration by elected members.
- A formal letter has been sent to the Management Committee and other stakeholders to arrange a meeting in April, after completion of the feasibility study, to discuss the way forward.
- Question** (2) What information was provided, prior to the Council meeting on 12 February 2009, to the Management Board of the Stepping Stones for Young Parents Project, regarding the proposal to remove £1.7 million from their integrated service facility due to be built this year?
- Answer** (2) See answer above.
- Question** (3) What discussions were held, prior to the Council meeting on 12 February 2009, with local ward members regarding the removal of £1.7 million from their integrated service facility due to be built this year?
- Answer** (3) Local ward members will have considered this issue as part of their group's deliberations on the budget. Councillor Day was briefed by officers from Children and Families on 11 February 2009.

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Question (4) What budget is available for making the following wind and watertight:

Royston Wardieburn Community Education Centre
Granton Children's Centre
Stepping Stones for Young Parents?

Question (5) What resources are available to make the following DDA compliant:

Royston Wardieburn Community Education Centre
Granton Children's Centre
Stepping Stones for Young Parents?

Answer (4) A survey of the Granton children and families centre
& (which includes Stepping Stones) and the Community
(5) Centre is required to identify any essential improvements while the design for Royston Wardieburn CEC is re-scoped.

A re-evaluation of the need for investment in the remaining buildings will be undertaken in the light of the Council decision to remove the early years centre from the Royston Wardieburn project. This will consider DDA compliance.

Question (6) What discussions have taken place with senior officers, and RWCEC Management Committee regarding Councillor MacLaren's announcement of the proposal to rebuild on the current site?

Answer (6) The proposal to examine the feasibility of rebuild on the current site followed Council's decision of 12 February 2009 to remove the Early Years Centre from the wider project. The Director and Convener have written to update the Management Committee and other community representatives.

Full consultation with community representatives will be an essential part of the feasibility study. In addition, the Director and Convener have invited the Management Committee and community representatives to a meeting once the feasibility study has concluded. No discussions have taken place as yet between senior Council officers and the RWCEC.

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- Question** (7) Can the Convener confirm that her agreement made at the November 2008 Council meeting that she will 'keep me informed, as local elected member, of any further developments with the RWCEC' was honoured?
- Answer** (7) Yes. Councillor Day was briefed by officers on 11 February 2009.
- Supplementary Question** (1) I am pleased that at long last a letter of clarification has now gone out to all the stakeholders and I thank the Convener for that.
- Can you advise if the survey will only make the projects wind and watertight or will this also be a plan to refurbish them to an acceptable standard? Finally, just for clarification, the meeting I had on 11 February was at my request and was to look at alternative solutions; it was not a briefing from officers.
- Supplementary Answer** (1) I think you are asking about the feasibility study. Is that correct? And is that the feasibility study looking at the rebuild or new build for the community centre?
- Supplementary Question** (2) Your reply says that there will be a survey done. Will that survey include wind and watertight or refurbishment?
- Supplementary Answer** (2) Of course it will. I cannot quite see a feasibility study without looking at roofs and windows and watertight. It is either a rebuild or refurbishment of the existing Community Centre.
- Councillor Day** Just to clarify, officers told me this morning it will not include refurbishment costs.
- Councillor MacLaren** It is absolutely clear the feasibility study as you, the Management Committee and this Council have been told is looking at two options. The first option is refurbishment of the present Community Centre on site and the second option is looking at rebuild of the Community Centre on site.
- Councillor Day** That is not my question. My question links to questions (4) and (5). Will Granton Children's Centre and Stepping Stones for Young Parents be refurbished or will they be made wind and watertight as part of your study?

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**Councillor
MacLaren**

In order not to prolong this agony perhaps you would like to write it down and I will give you an answer by e-mail.

Councillor Day

It is in your own answer; read your own answers.

QUESTION NO 7

**By Councillor Day answered by the
Convener of the Culture and
Leisure Committee**

- Question** **(1)** What discussions, if any, have taken place between the Convener of Culture and Leisure and the Scottish Government regarding the development proposals for Granton Waterfront with the Royal Commission on the Ancient and Historic Monuments of Scotland (RCHAMS) for a prominent waterfront venue being built?
- Answer** **(1)** The Chief Planner is preparing a masterplan for the overall development of a National Collections Centre. This process has Ministerial approval and follows close discussion between The Scottish Government, RCHAMS, Waterfront Edinburgh Limited (WEL) and the Council. As plans progress, it is anticipated that there will be further engagement with the Museums Service.
- Question** **(2)** Please supply me with copies of minutes/notes of discussions so that, as a local elected member, I can support the progression of this development.
- Answer** **(2)** Notes of the relevant meetings should be sought from WEL.

QUESTION NO 8

**By Councillor Ewan Aitken
answered by the Convener of the
Health, Social Care and Housing
Committee**

Question

With reference to the consultations on the home care reablement project, please provide the following details regarding consultations:

- (a) A list of all groups and individuals consulted in writing, along with copies of their submission.
- (b) A list of all groups and individuals consulted face-to-face or at formal meetings, along with the number of attendees (indicating if possible which were users, which carers, which other stakeholders and which representatives).
- (c) Minutes or notes of all consultation meetings.
- (d) Documentation showing how this led to the assessment in the budget pack that there was "some risk of service reduction".
- (e) The Equalities Impact Assessment resulting from the assessment that there would be "some risk of service reduction" or, if no such assessment was conducted, the documentary evidence that shows why it was decided that no such assessment was needed.

Answer

The information requested cannot be collated within this timeframe and will be forwarded once available.

I also wish to refer you to the minute of the Council meeting on 5 February 2009 as the majority of these questions have already been responded to, in whole or part, in the answer to Question 5.

**Supplementary
Question**

See Question 9

QUESTION NO 9

**By Councillor Ewan Aitken
answered by the Convener of the
Health, Social Care and Housing
Committee**

Question **(1)** The specification and evaluation criteria for the Health and Social Care tender for Non Core Care at Home and Housing Support Services will have a significant effect on some key equalities groups. Please provide details, including minutes of consultation meetings and written submissions, of all consultations undertaken with users and their representatives. Please include the details of all groups and the number of individual service users who took part.

Question **(2)** Please provide the Equalities Impact Assessment resulting from the consultation on the specification and evaluation criteria for the Health and Social Care tender for Non Core Care at Home and Housing Support Services or, if no such assessment was conducted, the documentary evidence that shows why it was decided that no such assessment was needed.

Question **(3)** Please provide full details of the consultations undertaken as part of the Equalities Impact Assessment on the proposal to tender Health and Social Care Non Core Care at Home and Housing Support Services including the number of individual service users and the details of any organisations that were consulted. Please include all written submissions and the minutes of all consultation meetings. Please also provide details of how the consultation was publicised.

Answer This information is being collated and will be forwarded to you as soon as possible.

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- Supplementary Question** Given the intimate nature of the care required and the fact that it means that new people may well have to go into their house, would you give each individual a chance to say who provides the care and how they are selected?
- Supplementary Answer** Is that a supplementary to your question on re-ablement or are you not asking a supplementary on that?
- Councillor Ewan Aitken** I have asked you a question and I expect an answer.
- Councillor Edie** You have asked me two questions; the first of which is on re-ablement. Is this the supplementary question to that or is it to the next one which is on tendering? Have you waived your right to a supplementary question on re-ablement?
- Councillor Ewan Aitken** I have asked a question and I expect an answer.
- Councillor Edie** This is a nonsense. I am simply asking for clarification.
- Councillor Ewan Aitken** Has he not got the answer in the right order written for him?
- Councillor Edie** Councillor Ewan Aitken has asked a question about re-ablement. He has got a written answer to that. We have arrived at question 8 and he has now asked a question on tendering. It is not unreasonable for me to ask if he has waived his right to a supplementary question on re-ablement and are we at that question?
- Councillor Ewan Aitken** I was going to ask for the next one simply because I did not get an answer but Councillor Edie never told me that he was not going to answer because they did not have time. I was going to ask if he would agree with me that as a courtesy when an answer is not going to be given in writing, you would expect the person asking the question to be told in advance. Now I have asked the question here and he does not want to answer it either.
- Lord Provost, will you give a ruling that he has to answer the question and that it should be a courtesy when answers are not given in written form people should be told in advance?

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Councillor Edie

You have put down two written questions today which are the equivalent of two very meaty Freedom of Information requests which you are expecting to get responded to in six days. That is not acceptable. It is not possible for my officers to turn that around in that amount of time. I can tell you that it is an abuse of the questioning system and I will not consent to do that again. We will give you the written information in retrospect because there is no other way we can do that but in future if you want information Council officers, I would suggest you go through that route and if you put up a question like this again that is the response you will get from me.

QUESTION NO 10**By Councillor Ewan Aitken
answered by the Convener of the
Education, Children and Families
Committee**

Can you tell the Council:

Question (1) Who decided that after school clubs were to be charged cleaning costs for holiday clubs?

Answer (1) The Regulations for Letting of Children and Families Premises (point 23) state that any additional cleaning required will be charged to the lessee. Until this year that has not been the case.

During term time, the costs of the cleaning are absorbed in the existing cleaning contract. Cleaning contracts do not cover holiday periods. The additional cleaning costs therefore have to be passed on to the users.

Question (2) To which committee was this decision reported?

Answer (2) The regulations and charges are approved at Council each year in February as part of the budget consideration.

Question (3) Which clubs were consulted before the decision was taken as to the effects of such a decision?

Answer (3) Each club is given details of the regulations as part of the application process in May of each year.

In addition, clubs are notified on their letting permit of the additional charge for cleaning and also contacted by the Community Use of Premises team by letter.

Question (4) What work has been done to assess the potential impact of such a decision on clubs' ability to provide holiday care?

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- (4) The Council values the important contribution that after school clubs make in helping parents manage work commitments whilst encouraging children to learn, play and relax with their friends. Clubs are currently given free use of premises until 6pm (Monday to Friday). During holiday periods, the additional costs of keeping schools open (in terms of janitorial overtime) are funded by the Childcare Partnership. The additional cleaning costs of holiday opening do, however, require to be met by the individual clubs. We are not aware that this arrangement will have any significant impact on clubs' ability to provide holiday care.

Question (5) How much income will be generated for the Council from this decision?

Answer (5) None. The charge applied simply covers the additional cost of cleaning, currently borne by schools

Supplementary Question The answer says that no one has as yet complained to you about this introduction of the charge for cleaners in out of school care in the holidays. Yet Councillor Beckett attended a meeting of care providers last week when they made exactly that point to him. Given that clearly part of the coalition has not told you this, I have got a letter here from them. It says that this policy is unrealistic and has the potential to put most after school clubs out of business. They either substantially raise prices or not operate a holiday club or if they do they may well go out of business. Given the potentially devastating effect and once again complete lack of consultation, will you reconsider this position?

Supplementary Answer I am interested in that rather than protecting schools and their budgets, you are intent on giving further burdens to schools because so far the schools have borne the burden of cleaning during the holidays. I am sure that all schools in the city will be extremely interested if you ask them to pay for something that they are not using themselves. No, I am not going to be reconsidering this decision.

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QUESTION NO 11

**By Councillor Barry answered by
the Leader of the Council**

Question

To ask how many alcohol licences have been withdrawn in 2007-08 and 2008-09 for under-age sales?

Answer

Edinburgh Licensing Board is a separate legal entity to Edinburgh Council. I therefore have no locus to provide the information requested. This can, however, be obtained from the Clerk to the Board.

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QUESTION NO 12

**By Councillor Hart answered by the
Convener of the Economic
Development Committee**

Question

To ask how many small businesses are currently registered in the City of Edinburgh Council area? To ask how many were registered in May 1999, May 2003, and May 2007?

Answer

The relevant Scottish Government data is summarised below for the nearest available dates to those requested

Number of Registered Enterprises (excl Public Sector)				
No of Employees	Nov 00	Nov 03	Mar 07*	Mar 08 Latest Available
0 - 49	13,815	13,735	13,975	14,335
50 – 249	620	605	640	660
250+	900	960	955	980
Total	15,335	15,300	15,570	15,975
<p style="text-align: center;"><small>*The reporting date was changed from November to March during 2004-2005 so that the reporting date would coincide with the normal fiscal year end.</small></p>				

I am particularly delighted to note that between March '07 and March '08 an increase was witnessed across all SME size bands and that this constituted the most significant annual variation over the period 2000-2008.

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QUESTION NO 13

**By Councillor Henderson answered
by the Convener of the Education,
Children and Families Committee**

Question

At the Council meeting of 12 February 2009 the threat to the continuation of seconded posts to the Scouts and LAYC (Lothian Association of Youth Clubs) was raised. Could you please now explain the Administration's plans for the posts in question?

Answer

The proposal to discontinue one seconded post in LAYC and one seconded post in the Scout Association was included in a range of possible measures to balance the department's budget.

Both organisations have been asked to provide a detailed assessment of the impact of discontinuation of these secondments on front line services. The Head of Schools and Community Services will then meet LAYC and the Scout Association to give further consideration to this proposal.

**Supplementary
Question**

I am grateful to the Convener for confirming that the cessation of the two seconded posts would include a range of possible measures to balance the department's budget and that they are still under consideration. Could she please tell us today where, when and by whom any final decision will be made?

**Supplementary
Answer**

Yes. It says in my answer I am waiting for an assessment impact which is being undertaken by the organisations themselves. I have then promised the organisations that I will meet with them to discuss the position. We are going to see what the outcome of those meetings will be and I am sure that will be reported to Committee.

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QUESTION NO 14

**By Councillor Henderson answered
by the Convener of the Education,
Children and Families Committee**

Question

To ask the Convener what percentage of schoolchildren in P1, 2 and 3 are in class sizes of 18 or below, using table form? To ask what discussions the Council have had with the Scottish Government on this matter?

Answer

The Council is committed to working with the Scottish Government to deliver, as quickly as possible, the Concordat commitment to reduce class sizes in P1-P3 to a maximum of 18. The budget motion, agreed on 12 February 2009, reaffirmed Council's commitment to continue to work towards a reduction in class sizes in P1-3, as resources permit, initially in positive action schools. The Council is in regular contact with the Scottish Government and delivering on this shared commitment is one of the issues that has been discussed.

The information requested is as follows:

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Class size of pupils in P1-P3, 2007-2008

Class size	2007			2008		
	Single stage classes	Composite classes Inc P3/4	%	Single stage classes	Composite classes Inc P3/4	%
Total	384	57		379	71	
0 - 18	33	9	6.24	38	15	7.96
19 - 20	60	8	12.38	45	5	6.60
21 - 25	149	40	41.92	158	51	47.00
26 - 30	135		36.93	130		35.82
31 - 33	6		2.19	1		0.29
>33	1		0.33	7		2.31
Of which: Classes over 25 taught by 2 teachers						
26 - 30	2					
>30	7			7		

Supplementary Question

I am grateful for the answer and I now know the item is included on the Children and Families Committee agenda for next Tuesday. I look forward to having that debate. Briefly, would it be fair to summarise the fact that in order to progress this issue and meet the targets to get lower class sizes, we are currently dependent on the use of Scottish Government funded probation teachers in order to supplement teaching staff for P1 to P3?

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**Supplementary
Answer**

As you can see there are a number of ways in which we are endeavouring to make some kind of progress with reducing class sizes. Some of the models we use are composite or team teaching but remember that in this local authority especially we are looking more at ratios than actual physical numbers which is the way in which a number of local authorities across Scotland are going and it is indeed the recommendation from the Directors of Education and Children and Social Work Services.

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QUESTION NO 15

**By Councillor Henderson answered
by the Convener of the Education,
Children and Families Committee**

Question

To ask the Convener how many nursery teachers were employed by the Council in 2005-06; 2006-07; 2007-08? To ask what progress has been made in expanding nursery provision? To ask what discussions the Council has had with the Scottish Government on this matter?

Answer

Figures as requested regarding number of teachers in nursery:

Year	Nursery Schools & Classes
2005/06	120.5 FTE
2006/07	120 FTE
2007/08	119.5 FTE

In addition there are 3 FTE peripatetic teachers to support Child and Family Centres

Progress expanding nursery provision:

Nursery provision matches the demand for pre-school places. All children, who are eligible, are able to access their pre-school education within the city.

Prior to 2007, children were only entitled to 412.5 hours pre-school education. A 475 hour minimum was introduced in 2007 for all eligible children, significantly investing in our children and increasing their ability to benefit from this level of high-quality, universal pre-school education. A working group involving staff and unions will be exploring options for the implementation of the increase to 570 hours in August 2010.

Councillor MacLaren and Gillian Tee (Director of Children and Families) meet regularly with both the Scottish Government and COSLA. Early Years provision forms an important part of these discussions.

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QUESTION NO 16

**By Councillor Henderson answered
by the Convener of the Education,
Children and Families Committee**

Question

To ask the Convener what percentage of schoolchildren are receiving 2 hours of PE per week? To ask what discussions the Council has had with the Scottish Government on this matter?

Answer

The Council's Service Plan target, as agreed by the Education, Children and Families Committee on 15 April 2008, is for 90 minutes core physical education in our schools.

This is being achieved in:
69% of our Primary Schools
69.5% of our Secondary Schools
77% of our Special Schools.

Our schools are working towards providing 2 hours quality PE for each pupil every week with a 2010-11 target of 100 minutes in secondary schools and further moves towards 120 minutes in primary schools.

No direct discussions have taken place with the Scottish Government but discussions have taken place at National Physical Education meetings with HMIE present who are monitoring the move towards providing 2 hours PE per week as part of their school inspections.

**Supplementary
Question**

I am grateful for the detail provided but it does not actually answer the question that was asked. Can you explain to us how do we as a Council reconcile the Council Service Plan target of 90 minutes against the government's stated aim of achieving 2 hours per week of PE for children? How are we going to justify through the use of the SOA the fact that we are setting our targets differently from that which the government has publicly stated as its aim?

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**Supplementary
Answer**

These are the targets which are down in our outcome agreement and which have been approved and accepted by the Scottish Government and we are continuing to work hard to improve these hours. Yes, they are not satisfactory but I am really happy to note that there has been an increase in the number or the amount of PE which is carried out in our schools. We provide now more PE than under the previous Administration.

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QUESTION NO 17

**By Councillor Burns answered by
the Convener of the Regulatory
Committee**

Question (1) Can you outline the current charges that are levied to hold a 'second hand dealers' licence in Edinburgh?

Answer (1) The current fees for such a licence are as follows:-

New (three years)	£432
Renewal (three years)	£306
New (one year)	£144
Renewal (one year)	£101
Exemption	£78
Temporary (up to six weeks)	£78
Antique Fair dealers (one year)	£40
Stamp and book fair dealers (one year)	£20
Record book	£8

At its recent meeting, the Council resolved to increase these fees by 3% from 1 April 2009.

Question (2) Can you outline what businesses get in return, from the Council, for paying any such licence fee?

Answer (2) The lodging of a licence application permits the Council as licensing authority to obtain reports from the Chief Constable, the Environmental Health Officers etc to ensure public safety while in the licensed premises. The Chief Constable is very supportive of this category of licence. Customers of licensed second hand dealers can be comforted in that items being purchased are not stolen goods.

Question (3) Can you outline exemptions (if any) that are available to "Second Hand Furniture and Antiques Dealers", who currently have to pay this 'second hand dealers' licence fee?

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- Answer** (3) The Act indicates certain exemptions to the requirement to obtain such a licence. These are:-
1. a pawnbroker (that is, someone who takes an article in pawn in terms of the Consumer Credit Act 1974);
 2. someone who carries on business as a wholesale dealer purchasing exclusively from second hand dealers licensed under the Act;
 3. a business which is charitable for the purpose of the Income Tax Acts;
 4. a business as a dealer in second hand goods or articles incidental to another business **NOT** being that of a dealer in **SUCH** goods or articles;
 5. a business either of financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189 of the Consumer Credit Act 1974) or of financing the use of goods by means of hiring agreements.
- Question** (4) Are there any Council grants to actually encourage such "Second Hand Furniture and Antiques Dealers" to conduct their business?
- Answer** (4) I am not aware of any grants available. I could not recommend replacing such licensing fees with a discretionary grant; the Council as Licensing Authority is bound by the Act to recover the full cost of the licensing process from the applicants.
- Question** (5) Would you agree that "Second Hand Furniture and Antiques Dealers" are, in essence, simply recycling various goods as we are all constantly implored to do by Government?
- Answer** (5) Whilst I agree that the idea of re-cycling is good, I would not necessarily agree that the selling on of old items is "re-cycling".

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- Question** (6) In light of the answers to the questions above, would you consider re-assessing the suitability of levying a 'second hand dealers' licence fee and consider instead the award of some element of discretionary grant to "Second Hand Furniture and Antiques Dealers"?
- Answer** (6) No, I would not agree. In terms of section 24 of the Civic Government (Scotland) Act 1982, and the Council's subsequent Resolution thereon, a Second Hand dealers' licence is required by anyone carrying on business as a second hand dealer in the city. To trade in second hand goods without the appropriate licence is a criminal offence.

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QUESTION NO 18

**By Councillor Johnstone answered
by the Convener of the Culture and
Leisure Committee**

Question

Can the Convener confirm progress on floodlights at Saughton Enclosure and likely timescale for completion of works?

Answer

Upgrading works and repairs were instructed and funded by Edinburgh Leisure, who manage this facility. The works are due to be completed on 13 March 2009.

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QUESTION NO 19

**By Councillor Johnstone answered
by the Convener of the Culture and
Leisure Committee**

Question (1) Can the Convener advise of plans to enable easier access to the playing fields at Meggetland?

Answer (1) Access to all the pitches at Meggetland is through the main reception area of the Meggetland Changing Pavilion, which is staffed by Edinburgh Leisure. This access is signposted and complies with the Disability Discrimination Act. As the pitches are prioritised for school use, and do not form part of a public park, access to the pitches is managed by Edinburgh Leisure.

Question (2) Can the Convener advise of progress regarding the purchase of neglected land at northern end of Meggetland Playing Fields for recreational use?

Answer (2) The Council made an offer for this land a number of years ago but was outbid by a private developer. That developer recently sold the land to another developer in a private deal.

Supplementary Question The response to question (1) is at odds with my recollection of a discussion regarding access to the playing fields at Culture and Leisure Committee. Does the Convener agree that the Council's stated aim of becoming the most active city in Europe is best served when access to recreation space is widened and local people are not denied access to space they have historically had access to?

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**Supplementary
Answer**

I am not quite clear when we were trying to establish exactly which groups you were talking about and the assumption was that you were perhaps talking about access to pitches, Astroturf and so on for young local people. We have spoken to Edinburgh Leisure about that and they are happy for youngsters to have access to the pitches provided they have appropriate footwear and of course if the pitches are not already booked. They do encourage people to use reception however because of security issues. It is being run as a children and families facility as well as obviously for outsider users and you know security issues are paramount. I think that seems a fairly reasonable solution.

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QUESTION NO 20

**By Councillor Burgess answered by
Leader of the Council**

- Question** (1) Is the Council Leader's support for BAA's planned expansion of Edinburgh airport from 9 million to up to 13 million flights, reported this week, consistent with the national target to reduce carbon dioxide emissions by at least 80% by 2050 and the Liberal Democrat manifesto pledge to reduce the city's carbon footprint to a Zero Carbon economy by 2050?
- Answer** (1) Yes. This Administration is committed to reducing the city's carbon footprint to a Zero Carbon economy by 2050. The expansion of Edinburgh Airport will be good for Edinburgh and good for Scotland. Direct air links improve economic competitiveness and tourism whilst reducing the need for short haul flights to connecting airports.
- This Administration strongly supports the development of more sustainable alternatives to air travel. I stressed this to all members of The Scottish Parliament when briefing them ahead of their debate on the second National Planning Framework (NPF2) on 5 March.
- Question** (2) What will the increase in carbon emissions be if this expansion goes ahead?
- Answer** (2) These calculations have not as yet been established. The Government's air passenger forecasts are also reviewed periodically. These will form a key element of our early discussions with BAA. I will also continue to seek to work with Government to promote more sustainable alternatives to air travel.
- Supplementary Question** (1) I am afraid the Leader's answer to question (1) is completely contradictory. The scientific and political consensus is that it will not be able to achieve the carbon dioxide reductions necessary to prevent runaway climate change if emissions are not reduced starting now. It seems disingenuous to claim to be reducing climate change pollution while supporting expansion of the airport by up to 4 million flights per year. Can I ask the Leader

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how the Administration intends to go about reducing the city's carbon foot print to a zero carbon economy?

- Supplementary Answer (1)** That is not really a supplementary question. That is something that demands that you look at all the information that is being provided in the plans that have been to the Transport, Infrastructure and Environment Committee. As you know, the Council has a whole of range of plans to address this and we have the Sustainability Unit looking at it. On the more specific thing about the airport, it is not the only contributor to carbon in the atmosphere and I think that at this particular time of economic depression it is necessary that we should encourage anything that boosts Edinburgh's tourism and economic vitality and the airport does that. What we are trying to do is ensure that we also have high speed rail links and encourage other forms of transport but for some journeys, air is the right kind of travel to use. There are crucial business hubs, for example, you cannot reach any other way so by improving public transport links to the airport by supporting other forms of transport, we are doing what we can to mitigate the effects but I hold by my answer I do not think it is contradictory.
- Supplementary Question (2)** It is clear from the Leader's answer to me that the Administration does not have a concrete plan and is instead presiding over increasing climate pollution rather than reducing it. Can I ask the Leader how she expects cities and countries like China and India to limit their climate changing pollution when they look at Edinburgh and see an airport increase emissions by 4 million flights as if there was no such thing as climate change?
- Supplementary Answer (2)** I actually do not understand how that is a supplementary to what you are saying was question (2) which is nothing to do with that at all but we do have a carbon reduction plan and I suggest that perhaps you Google it and read it and then come back with specific questions if you have any.