

## Committee Minutes

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### The City of Edinburgh Council

Year 2006/2007

### Meeting 8 – Thursday 21 December 2006

Edinburgh, 21 December 2006 - At a meeting of The City of Edinburgh Council.

#### Present:-

#### LORD PROVOST

The Right Honourable Lesley Hinds

#### COUNCILLORS

Elaine Aitken  
Ewan Aitken  
Robert C Aldridge  
Donald Anderson  
Phil Attridge  
Jeremy R Balfour  
Ian J Berry  
Andrew Burns  
Robert Cairns  
Stephen Cardownie  
Maureen M Child  
Bill Cunningham  
Trevor Davies  
Jennifer A Dawe  
Michael P Dixon  
Paul G Edie  
Edward B Fallon  
William Fitzpatrick  
Sheila Gilmore  
George Grubb  
The Hon David Guest  
Kenneth Harrold  
Ricky Henderson  
George A Hunter  
Allan G Jackson  
Shami Khan  
Douglas J Kerr  
Allan Laing  
John Longstaff

Jim Lowrie  
Gordon Mackenzie  
Kate MacKenzie  
Fred Mackintosh  
Marilyne A MacLaren  
Elizabeth Maginnis  
Lawrence Marshall  
Mark McInnes  
Eric Milligan  
Gordon J Munro  
Ian Murray  
Jack O'Donnell  
Liz O'Malley  
Alastair Paisley  
Ian Perry  
Thomas V Ponton  
Frank K Russell  
Jason G Rust  
Andrew A Scobbie  
Lorna Shiels  
Kingsley E F Thomas  
Marjorie Thomas  
Susan B Tritton  
David J Walker  
Phil Wheeler  
Iain Whyte  
Chris Wigglesworth  
Donald Wilson

## **1 Consultation on Site Options for the Replacement of Portobello High School and St John's Primary School**

Public consultation had been carried out on site options for the replacement of Portobello High School and St John's Primary School. The consultation exercise had considered three options, namely the existing school site, Portobello Golf Course and Portobello Park. The outcome of the consultation was detailed and recommendations were made on how to proceed.

### **(a) Deputations**

The following deputations were heard:

#### **(i) Portobello High School Board**

Dr Andrew Fraser from Portobello High School Board attended along with Colum Fraser, Craig McDonald, Rowan Bell and Jack Wyke, pupils at Portobello High School. They raised concerns over the deteriorating condition and the unsuitability of the existing school building, including the need to bus pupils to sports facilities.

The deputation urged the Council to support the recommendations in the report and provide future students of Portobello High School with a fit for purpose school building.

#### **(ii) Portobello For A New School (PFANS)**

Richard Butt and Sean Watters represented PFANS, an organisation set up to campaign for proposals to be brought forward for a new school in Portobello.

The deputation emphasised the need to replace the existing school and the unsuitability of the current site. They urged the Council to support Option C (Portobello Park) as the preferred location for a new school.

#### **(iii) Portobello Park Action Group**

Ros Sutherland and Steven Hawkins represented the Portobello Park Action Group which had been formed to allow the community to keep Portobello Park.

They supported the building of a new school but not on Portobello Park, were against the loss of public green space, and highlighted the uncertainty over whether the Council could build on the Park which they considered was common good land.

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The deputation asked that the Council defer a decision until the uncertainty over funding and the legality of building on the Park site was resolved.

**(iv) St John's Primary School Board**

Susan Scotland and Alison Connolly from St John's Primary School Board considered that the conclusions reached in the report were unacceptable. The potential re-build of the primary school was coming second to the proposed new Portobello High School.

St John's Primary School was badly in need of refurbishment and the proposals would mean an unacceptable level of uncertainty and delay in the provision of a new school.

They asked the Council as a matter of urgency to reconsider the upgrading of the existing building to deliver acceptable facilities to St John's within funding constraints.

Following questions from members, the Lord Provost thanked the deputations for their presentations.

(References – e-mails from Portobello High School Board 11 December 2006, PFANS 19 December 2006, Portobello Park Action Group 20 December 2006 and St John's Primary School 20 December 2006, submitted).

**(b) Joint Report by the Directors of Children and Families and City Development**

A consultation process had been undertaken on the options to replace Portobello High School and St John's Primary School. Evaluation of the benefits, timescales, cost and deliverability supported building a new Portobello High School in Portobello Park, with a site for St John's being reserved at the current High School site.

**Decision**

- 1) To acknowledge the high level of considered and measured debate that this consultation had generated, with nearly 800 people attending 3 public meetings, in addition to the individual and group submissions detailed in the joint report by the Directors of City Development and Children and Families.
- 2) To approve the selection of Option C (Portobello Park) as the preferred location for a new Portobello High School, subject to:

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- (a) confirmation, through the courts if necessary, of the land being useable for this purpose;
  - (b) an audit of usage of the current park being undertaken to inform the re-provisioning of adequate facilities to meet that need;
  - (c) the identification of local available land for open space provision in compensation for the loss of part of Portobello Park;
  - (d) this land (which may include the current St John's Primary School site) being identified and secured prior to the commencement of construction of any new Portobello High School; and
  - (e) assurances that no housing would be built on the remaining green space of Portobello Park/golf course.
- 3) To approve the selection of Option A (rebuild within the Portobello High School site) as the preferred location for a new St John's Primary School with a commitment to ongoing dialogue about possible further improvements to be made to the current school site.
- 4) To delegate authority to the Directors of Children and Families and Finance to:
- (a) develop a funding strategy for the delivery of these schools;
  - (b) submit an initial case to the Scottish Executive in January 2007 in advance of submission of a full business case; and
  - (c) explore, with the Scottish Executive, possible delivery mechanisms for the Portobello High School and St John's Primary School rebuild programmes.
- 5) To call for a report on the consequences of increasing the size of the new Portobello High School to 1400 places in line with demand, the report to include setting an intake limit for the 2007/2008 start of session which would be appropriate for a school of 1400 places and to consider the possible need to review the catchment area for the school at a suitable time prior to the opening of the new school building.
- 6) To call for a further report on new build versus refurbishment of St John's Primary School.
- 7) To thank the many individuals and groups who had taken time to contribute to the consultation and to repeat the Council's commitment

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to continue dialogue with the whole of the community as these proposals develop over the coming years.

(References – Act of Council No 2 of 4 May 2006; joint report no CEC/144/06-07/CD+C&F by the Directors of City Development and Children and Families, submitted).

## 2 **Edinburgh Tram Draft Final Business Case**

The draft final business case for the tram network set out a strong case in favour of trams and concluded that the proposed scheme was both economically and financially viable and potentially affordable on the basis of phased implementation.

### **(a) Deputations**

The following deputations were heard:

#### **(i) Blackhall Community Association**

Tina Woolnough from the Blackhall Community Association highlighted concerns over the financial and economic viability of introducing the proposed tram network in Edinburgh and the impact on the Roseburn 'wildlife' corridor.

She urged the Council not to support the business case and to look at providing suitable transport alternatives for the city such as streetcars.

#### **(ii) University of Edinburgh and the University of Edinburgh Student's Association (EUSA)**

Professor Timothy O'Shea (from the University of Edinburgh) and Tim Goodwin from EUSA conveyed the University's strong support for a Tram network. The tram network would benefit students and allow them to live in more affordable areas of the city serviced by the tram lines. The addition of Tramline 3 would bring further benefit to the City's universities and their students.

They urged the Council to support the draft business case and provide an improved environmentally friendly transport system.

#### **(iii) Light Rail Scotland**

Alastair Gunn represented Light Rail Scotland, a group campaigning for improved public transport. He stated that the proposed Tram system would benefit the city by reducing congestion; electrically powered trams

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would contribute to enhancing the environment and would improve accessibility for those with mobility difficulties.

He urged the Council to support the tram business plan.

**(iv) TRANSform Scotland**

Paul Tetlaw from TRANSform Scotland explained that approval of the Tram business case would send out important signals about how Edinburgh and Scotland were planning for long term future development.

TRANSform believed that it was essential to proceed with the Edinburgh Tram scheme to improve the quality of life and provide a high quality public transport system, reduce congestion and emission levels in the city and improve accessibility.

He urged the Council to support the Tram scheme in Edinburgh.

(References – e-mails from Blackhall Community Association 11 December 2006, the University of Edinburgh and the University of Edinburgh Students' Association 15 December 2006, Light Rail Scotland 18 December 2006 and TRANSform Scotland 19 December 2006, submitted).

**(b) Joint Report by the Directors of City Development and Finance**

Approval was sought for the draft final business case for the Edinburgh Tram Network.

**Motion**

- 1) To approve the Draft Final Business Case.
- 2) To note that the Council had given approval, in principle, to a Council contribution of £45m toward funding Trams, subject to a satisfactory final business case.
- 3) To approve the continuation of contract negotiation for Infraco and Tramco, subject to there being no significant adverse changes to the figures upon which the business case was based.
- 4) To note that final Council approval for the award of the Infraco and Tramco contracts would be sought in September 2007.
- 5) To note that the contractual right was maintained to defer the construction or restrict the construction of components of (of the Roseburn/Granton corridor line or to restrict construction to the

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Airport to Leith line) the Tram in the event that capital costs did not lie within a comfortable funding headroom.

- 6) To note the schedule of milestones presented at Section 4.43 in the report.
- 7) To approve progress towards the commencement of utility diversions in April 2007 subject to the tender evaluations for Tramco and Infraco confirming the affordability of an appropriately phased Tram network.
- 8) To instruct the Directors of City Development and Finance to apply for grant support for the commencement of advance utility diversions under MUDFA.
- 9) To note that the Directors of City Development and Finance would continue discussions with the Scottish Executive to extend the national concessionary travel scheme to include Edinburgh Tram.
- 10) To instruct the Directors of City Development and Finance to continue discussions with Transport Scotland for additional funding for Phase 1b, should such funding be required.
- 11) To note that agreement with Transport Scotland was required before approval to commence MUDFA works could be issued.
- 12) To approve the budget for interim funding of £61m up to final closure of the Infraco and Tramco contracts in October 2007, pending receipt of a full **tie** business plan for 2007/08 and to note that the approval of Transport Scotland was also required for this sum.

- moved by Councillor Henderson, on behalf of the Labour Group, and seconded by Councillor Wheeler.

**Amendment**

- 1) To agree that the 'Business Case' for the Edinburgh Tram Network had not been made.
- 2) To agree that the financial risks coupled with the planned route and technical difficulties dictated that work on this project should cease as soon as possible.
- 3) To agree that approaches should be made to the Scottish Executive to secure the appropriate funding to improve and enhance the bus service currently enjoyed by the citizens of Edinburgh.

- moved by Councillor Cardownie, seconded by Councillor Shiels.

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### **Voting**

The requisite number of members having so required in terms of Standing Order 31(1), the vote was taken by calling the roll.

The voting was as follows: -

For the motion by Councillor Henderson:

Lord Provost Hinds, Councillors Elaine Aitken, Ewan Aitken, Aldridge, Anderson, Attridge, Balfour, Berry, Burns, Cairns, Child, Cunningham, Davies, Dawe, Dixon, Edie, Fallon, Fitzpatrick, Gilmore, Grubb, Guest, Harrold, Henderson, Hunter, Jackson, Shami Khan, Kerr, Laing, Longstaff, Lowrie, Gordon MacKenzie, Mackintosh, Mrs MacLaren, Maginnis, Marshall, McInnes, Milligan, Munro, Murray, O'Donnell, O'Malley, Paisley, Perry, Ponton, Russell, Rust, Scobbie, Shiels, Kingsley Thomas, Marjorie Thomas, Tritton, Walker, Wheeler, Whyte, Wigglesworth and Wilson – 56.

For the amendment by Councillor Cardownie:

Councillor Cardownie – 1.

### **Decision**

To approve the motion by Councillor Henderson.

(References – Act of Council No 3 of 26 January 2006; joint report no CEC/151/06-07/CD & F by the Directors of City Development and Finance; submitted).

### **Declaration of Interests**

Councillors Balfour, Henderson and Mackintosh declared a non-financial interest in the above item as non-Executive Directors of TEL. Councillors Child, Henderson, Jackson and Wheeler declared a non-financial interest in the item as non-Executive Directors of tie.

## **3 Questions**

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

#### **4 Minutes**

To approve the minute of the meeting of the Council of 23 November 2006 as a correct record.

#### **5 Placing in Schools Appeal Committee**

##### **Decision**

To re-appoint Adrian Croll to Panel 2 of the Placing in Schools Appeal Committee.

(References – Act of Council No 4 of 22 January 2004; report no CEC/140/06-07/CS by the Director of Corporate Services, submitted).

#### **6 Edinburgh Prison Visiting Committee – Appointment**

The Council was invited to fill a vacancy on the Edinburgh Prison Visiting Committee following the resignation of a member nominated by Scottish Borders Council.

##### **Decision**

To appoint Councillor W O Herd of Scottish Borders Council as a member of the Edinburgh Prison Visiting Committee until the next review of appointments to outside bodies in 2007.

(References – Act of Council No 4 of 27 January 2005; report no CEC/143/06-07/CS by the Director of Corporate Services, submitted).

#### **7 Leader's Report**

The Leader presented his report to the Council.

##### **Decision**

To note the Leader's report.

(Reference – report no CEC/153/06-07/L by the Leader, submitted).

## 8 Smart Schools Initiative

Significant commitments had been made towards improving the school estate over recent years under the Council's Smart Schools Initiative.

### (a) Proposals for Further Investment in the School Estate

It was anticipated that 28% of the school estate would be renewed and upgraded by 2010. There was, however, a need to address the outstanding condition, suitability and demand requirements of the remaining school estate.

The level of award from the Scottish Executive in response to the PPP2 outline business case had required prioritisation of the project. It was intended therefore to submit a bid to the Scottish Executive for additional capital funding for further investment to progress projects for a number of schools no longer included under PPP2.

### Decision

- 1) To delegate authority to the Directors of Children and Families and Finance to –
  - i) develop a funding strategy for the delivery of these schools;
  - ii) submit an initial case to the Scottish Executive in January 2007 in advance of submission of a full business case; and
  - iii) explore with the Scottish Executive possible delivery mechanisms for the schools' rebuild programmes.
- 2) To lobby the Scottish Executive with renewed vigour, on an all-party basis, to relax the existing conditions of sale of land held by NHS Lothian with particular reference to the condition that requires acceptance of the highest bid for land at the Royal Hospital for Sick Children, the Astley Ainslie and the Royal Edinburgh which was a serious obstacle to improving the school estate.
- 3) To ask the Director of Children and Families to hasten the full detailed report on James Gillespie's High School.

(References – Act of Council No 4 of 19 February 2004; report no CEC/145/06-07/C&F by the Director of Children and Families, submitted).

### Declaration of Interests

Councillors Kingsley Thomas and Whyte declared a financial interest in the above item as members of the Board of NHS Lothian.

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**(b) Schools PPP 2 Project**

Progress on the Schools PPP2 project since the appointment of Axiom as the preferred bidder, together with the likely future timetable, was detailed. The project would provide eight new build schools across the city.

The financial implications resulting from the considerable delay to the project were also detailed.

**Decision**

- 1) To note the progress made in moving towards financial close.
- 2) To note the intention to develop the replacement for Craigroyston Community High School in two phases and for further consultation to continue with the school and the wider community regarding the final plans for Phase 1.
- 3) To note the requirement to achieve planning consent for all the schools, including a resolution to the issue of legal agreements for off site works, before financial close.
- 4) To note that a further report will be made to Council in February which would also address the development of the requirement for advance works.

(References – Act of Council No 11 of 26 January 2006; report no CEC/154/06-07/C&F by the Director of Children and Families, submitted).

## **9 External Audits and Inspections**

Council services were subject to audit and inspection by a number of external agencies, including Audit Scotland, the Care Commission, Communities Scotland, HM Inspectorate of Education (HMIe) and the Social Work Inspectorate Agency (SWIA).

**(a) External Audit and Inspections**

An overview was given of the demand on the Council from external audit, review and inspection bodies over the period 2006-08, together with an indicative timetable for the overall audit and inspection programme.

Reference was also made to the inquiry by Professor Lorne Crerar into the range of audit and inspection programmes relating to local government and details were provided of a pilot of the Public Sector Improvement Framework within Services for Communities.

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**Decision**

- 1) To note the considerable burden that was being placed on the Council from the programme of external audits and inspections of the Council and its services during 2006-2008.
- 2) To note the proposed comments in relation to the Crerar Inquiry and agree that these, together with the report by the Director of Corporate Services, form the basis of the Council's response should it be invited to provide evidence.
- 3) To note that the Public Sector Improvement Framework was being piloted in the Department of Services for Communities.

(Reference – report no CEC/146/06-07/CS by the Director of Corporate Services, submitted).

**(b) Inspections: Services to Protect Children (HMle) and Social Work Services (SWIA)**

Information was provided on two major inspections of child protection and social work services which would be carried out in 2007 by HMle and the Social Work Inspection Agency (SWIA). These inspections would provide a new rigorous assessment of the performance of the Council's Departments of Children and Families and Health and Social Care and their agency partners.

**Decision**

To note the contents of the report by the Chief Executive.

(Reference – report no CEC/147/06-07/CE by the Chief Executive, submitted).

**(c) Review of the Audit of Best Value and Community Planning – Consultation Response**

The Accounts Commission was consulting on a review of the Audit of Best Value and Community Planning to assess the effectiveness of the audit process and to consider changes to the next round of audits. Approval was sought for the Council's response to the consultation.

**Decision**

- 1) To note the contents of the report by the Chief Executive.

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- 2) To approve the submission of the paper at Appendix 1 to the report as the Council's response to the consultation on the Review of the Audit of Best Value and Community Planning.
- 3) To prepare a further report for submission as a late addendum to the Accounts Commission review process when Edinburgh's Best Value audit report was published.

(Reference – report no CEC/148/06-07/CE by the Chief Executive, submitted).

## **10 Auditor's Report 2005/06**

### **Decision**

- 1) To note the Auditor's unqualified opinion of the financial statements in the audit certificate.
- 2) To note the Auditor's report for 2005/06 and the action which had been agreed to address the areas requiring further improvements.
- 3) To note the report by the Resource Management and Audit Scrutiny Panel.

(References – Act of Council No 11 of 26 October 2006; reports no CEC/152/06-07/F by the Director of Finance and no CEC/155/06-07/RMA by the Resource Management and Audit Scrutiny Panel, submitted).

## **11 Service Charges in Temporary Accommodation**

Approval was sought for an increase in temporary accommodation service charges from 1 January 2007.

### **Decision**

To increase temporary accommodation service charges from 1 January 2007 as detailed in Appendix 1 to the report by the Director of Services for Communities.

(Reference – report no CEC/149/06-07/SfC by the Director of Services for Communities, submitted).

## 12 Health and Social Care – Chief Officer Appointments

The Council had approved recruitment arrangements for the joint appointment with NHS Lothian to Chief Officer posts in the Health and Social Care Department. The joint Selection Panel had interviewed a number of candidates and recommended appointments to the posts of Head of Quality and Standards and Head of Sector Services.

### Decision

To appoint Michelle Miller as Head of Quality and Standards and Bryan Chatham as Head of Sector Services.

(References – Act of Council No 14 of 21 September 2006; report no CEC/156/06-07/CE by the Chief Executive, submitted).

## 13 Extension to tie Executive Chairman Interim Arrangements

### Decision

To extend the existing interim Executive Chairman arrangement for **tie** for a further period to Autumn 2007.

(References – Act of Council No 21 of 24 August 2006; report no CEC/142/06-07/CE by the Chief Executive, submitted).

### Declaration of Interests

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

## 14 Contingency Planning and Business Continuity Management: Annual Report

The fifth annual report outlining the work carried out in the past year on contingency planning and business continuity management was presented. A summary was given of the main developments and activities on contingency planning and emergency planning both within the Council and on a wider inter-agency basis.

**Decision**

To note the report by the Chief Executive.

(References – Act of Council No 15 of 13 October 2005; report no CEC/141/06-07/CE by the Chief Executive, submitted).

**15 Tartan Week in the USA 2007**

Approval was sought for a Council delegation, led by the Lord Provost, to visit Tartan Week in New York, USA in April 2007.

**Decision**

- 1) To approve the attendance of the Lord Provost and her Consort at the 2007 Tartan Week in the USA celebrations.
- 2) To approve expenditure on travelling and accommodation and marketing/promotional activity.
- 3) To remit to the Chief Executive arrangements for the attendance of appropriate officers.
- 4) To note that such costs would be contained within existing budgets.
- 5) To note that a further full report on the 2006 Tartan Week programme would be provided in January 2007 along with details of the proposed programme for the 2007 event.

(Reference – report no CEC/150/06-07/CE by the Chief Executive, submitted).

**Declaration of Interests**

Councillor Milligan declared a non-financial interest in the above item as an officer of the agency responsible for organising Tartan Week.

**16 Trident Missile System – Motion by Councillor Cardownie**

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

“The City of Edinburgh Council condemns the recent statements made by Prime Minister Tony Blair and First Minister Jack McConnell regarding the renewal of the Trident Missile System.

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This Council agrees with the views expressed by Council Leader, Councillor Ewan Aitken on his internet blog dated Friday 8 December where he states that "I cannot see any moral, ethical or legal argument why we would want to spend billions of pounds on a weapon of mass destruction which not only do we not want to use in anger, but we then use to bring about a type of peace which is actually merely an absence of war, which is no peace at all".

Council agrees to write to the Prime Minister and First Minister on behalf of the people of Edinburgh in similar terms."

In the absence of Councillor Cardownie, the motion fell.

### **17 STV Malawi Christmas Appeal – Motion by Councillor Russell**

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 following motion by Councillor Russell was submitted in terms of Standing Order 27:

"Council congratulates staff who volunteered their time to help with the STV Malawi Christmas Appeal. Council agrees to hold a civic reception to recognise their efforts."

#### **Decision**

To approve the motion by Councillor Russell.

### **18 Post Office Closures – Motion by Councillor Dawe**

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 following motion by Councillor Dawe was submitted in terms of Standing Order 27:

"Noting the disturbing announcement on 14 December 2006 of the planned further closure of about 2,500 Post Offices in the UK by 2009, and that this decision is largely a result of financial losses in the Post Office Network, Council calls for an urgent report from the Director of Corporate Services on what steps the Council can take to limit the impact on Edinburgh citizens and whether the Council could transfer any business to Post Offices to help ensure the vitality of the Post Office network.

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Council further calls on the MPs for Edinburgh to lobby Ministers to end the branch closure programme and protect the vital services of the Post Office for their constituents.”

**Decision**

To call for an urgent report by the Director of Corporate Services in terms of the first paragraph of the motion.

**Declaration of Interests**

Councillor Fallon declared a non-financial interest in the above item as an employee of Royal Mail. Councillor Longstaff declared a financial interest in the item as the owner of a Post Office and left the meeting during its discussion.

## Appendix

(As referred to in Act of Council No 3 of 21 December 2006)

### QUESTION NO 1

**By Councillor Lowrie  
answered by the Executive  
Member for Children and  
Families**

The site for the New St Augustine's and Forrester High Schools is very tight and makes it difficult to satisfy the wishes of **sportscotland** and meet the aspirations of the Development Quality Sub-Committee to provide a high quality sustainable urban drainage system.

**Question** (1) Who decided the boundaries of the land north of this site which was declared surplus to requirements?

**Answer** (1) The information below describes the process that was undertaken by the PPP Project Team, reported to the PPP Project Board, and ultimately ratified by the Council to determine the quantity of land that should be retained for school use and the quantity that could be declared surplus.

Consideration of the site size required for Forrester and St Augustine's High Schools was given early in the project, in 2002. There is a considerable area of land presently occupied by the schools which is far in excess of the School Premises Regulations for these schools.

The Regulations require a site of 5.6 hectares for a school building and all its associated playing fields for a school of up to 1000 pupils. Given there are two schools of 900 pupils proposed here, this would amount to 11.2 hectares which allows the schools to have their individual playing fields.

The designated site for the two schools, excluding the surplus land, amounts to 15.4 hectares. This remains considerably larger than required under the School Premises Regulations.

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A feasibility study undertaken at that stage demonstrated that there was sufficient room within the 15.4 hectare site to provide new school buildings and community facilities alongside the required pitch provision for both schools.

The approach of releasing land for an alternative use was then discussed with **sportscotland** to obtain their view as to whether this would compromise the remaining site for the schools. The meeting with **sportscotland** concluded that there was sufficient room for the schools and an alternative use.

The decision to reduce the overall site for the schools after considering land requirements was taken in the context of the overall PPP2 project and the complexities of site delivery for other schools within the project. In order to deliver a new school for Tynecastle High School, an alternative site had to be found for the Roads Depot in McLeod Street. At that stage the opportunity presented by the excess size of the Forrester St Augustine's site was the only available solution. Since an alternative solution has been found for the Roads Depot, the surplus site has remained surplus in status in order to address the affordability of the project. The loss of this surplus site would result in the loss of school from the current project. This was ratified by the Executive of the Council on 9 August 2005 when it approved a recommendation: "To confirm that the land at Forrester and St Augustine's High School site was not required for a centre of excellence sports facility and to note the requirement for capital receipts to assist funding the total project".

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|-----------------|--|
| <b>Question</b> | (2) What criteria were used to determine the area of this land?  |
| <b>Answer</b>   | (2) The following information sets out how the detailed boundaries were set which determined the exact area of land to be declared surplus. This should be read in the context of the process outlined for Question 1 above. |

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The extent of the surplus area was dependant on the size required for the joint site for the two new schools. The actual common boundary between the surplus site and the new schools site was not fixed at this time but an approximate boundary was shown in the documents provided to the PPP2 tenderers in December 2004. This boundary was aligned following a separate feasibility study in connection with the proposal to use the surplus area for the relocated roads depot. The boundary has been redefined now that the planning application for the two new schools has been approved. It is assessed that the surplus area is now 3.32 Ha.

It should be noted that the areas of the surplus area have changed since the proposal to use the site for the roads depot. The area was 3.336 Ha (8.24 acres) but following the gaining of planning permission for the two new schools the area is now 3.32 Ha (8.204 acres ). The area mentioned in the text of the Development Quality Sub-Committee report of 29 November 2006 is 3.6 Ha.

**QUESTION NO 2****By Councillor Mackintosh  
answered by the Executive  
Member for Transport and  
Development**

In answers to written parliamentary questions on 28th April 2004 (Reference S2W-7205) and 9th June 2004 (Reference S2W-8304) then Minister for Health and Community Care, Malcolm Chisholm MSP told the Scottish Parliament that it was his understanding the surplus generated from car parking charges at the Royal Infirmary of Edinburgh is shared between Consort, the City of Edinburgh Council and NHS Lothian.

**Question** (1) How much surplus has been paid to the Council in each financial year since 2003?

**Answer** (1) Zero.

**Question** (2) How has any surplus received been spent by the Council in each financial year since 2003?

**Answer** (2) There has been none to spend.

The Royal Infirmary of Edinburgh Section 69 Agreement states that if (a) planning consent is granted for more than the original 980 car parking spaces and (b) the Gross Revenue attributable to the 980 spaces exceeds £370,000, then 50% of the net revenue of the spaces in excess of the 980 spaces shall be used to fund measures agreed by the Royal Infirmary of Edinburgh Transport Working Party.

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Hence, it is not quite correct to say that the surplus generated from car parking charges is shared between Consort, the Council and NHS Lothian. It is the case that any net surplus from the additional spaces would go into a ring-fenced account and be allocated specifically to measures agreed by the Royal Infirmary of Edinburgh Transport Working Party, which is comprised of representatives from the Council, Consort, NHS Lothian and the University of Edinburgh.

It is the case, following allowances for providing additional parking, operating charges, depreciation, management fees, maintenance works and administration fees, the additional parking spaces have yet to generate any net revenue.

Consort's parking income and expenditure are examined by their auditors, as part of the general annual accounts. Thereafter, Consort's accounts are then passed to NHS Lothian, who arrange for them to be examined by their own auditors, prior to acceptance. The subject has been discussed previously by the Royal Infirmary of Edinburgh Transport Working Party.

W2/CC/CEC211206/CE