

Committee Minutes

The City of Edinburgh Council

Year 2007/2008

Meeting 7 – Thursday 25 October 2007

Edinburgh, 25 October 2007 - 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
Jennifer A Dawe
Charles Dundas
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
Elizabeth Maginnis
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
Joanna Toomey
Stefan Tymkewycz
Phil Wheeler
Iain Whyte
Donald Wilson
Norrie Work

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1 Burma

(a) Introduction

Wednesday 24 October 2007 had marked the 12th anniversary of the detention of Aung San Suu Kyi, Leader of Burma's National League for Democracy, by the military regime in Burma and coincided with UN Day.

In recognition of the occasion, the Venerable Saworn from Dhammapadipa Temple led the 'Prayer for Burma'. The Council heard from Sheila Laing and Caitlin Forsyth, Headteacher and pupil at Forthview Primary School, Dr Thein Lwin, Director of the Burmese Refugee and Migrant Worker Teaching and Learning Centre in Chiang Mai and Aung Moe Zaw of the National Coalition Government of the Union of Burma (in exile), on the situation in Burma.

Forthview Primary School had become involved when Aung San Suu Kyi had been awarded Freedom of the City in 2005. The Headteacher had visited a school for Burmese refugees and migrant workers in Mae Sot, Northern Thailand, arranged by the Edinburgh based charity Burma Educational Scholarship Trust (BEST Scotland). Dr Thein Lwin was currently visiting Scotland to spend time working with the pupils and teachers at Forthview Primary School.

(b) Motion by Councillor Perry

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

"That this Council totally deplores the action of the military junta in Burma in violently suppressing the legitimate right of the Burmese people to hold peaceful demonstrations in support of the reintroduction of democracy.

Council welcomes the United Nations' intervention and support for Aung San Suu Kyi who was awarded the Freedom of the City in 2005.

In order to show the Council's continued solidarity with the people of Burma the Lord Provost will:

- 1) send a letter of support to the Burmese government in exile in Washington which reiterates this Council's commitment to the struggle to reintroduce democracy to Burma, and
- 2) establish and chair an all-party Working Group to investigate ways in which this Council and the people of Edinburgh can practically assist those individuals, groups and organisations committed to restoration of democracy."

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Decision

- 1) To deplore totally the action of the military junta in Burma in violently suppressing the legitimate right of the Burmese people to hold peaceful demonstrations in support of the reintroduction of democracy.
- 2) To welcome the United Nations' intervention and support for Aung San Suu Kyi who was awarded the Freedom of the City in 2005.
- 3) In order to show the Council's continued solidarity with the people of Burma, the Lord Provost will send a letter of support to the Burmese government in exile in Washington which reiterates this Council's commitment to the struggle to reintroduce democracy to Burma.
- 4) To ask the Director of Corporate Services to investigate and report back to Council on ways in which this Council and the people of Edinburgh can practically assist
 - a) those individuals, groups and organisations committed to restoration of democracy, such as those initiatives taken by Forthview Primary School Global Schools Partnership Link - "Saffron Ribbon and Freedom Badges" and Edinburgh based charity BEST Scotland (Burma Educational Scholarship Trust) development education programmes; and
 - b) Burmese refugees in Edinburgh and those seeking asylum in Edinburgh.
- 5) To congratulate the organisers of the 5km "Run for Relief in Burma" run and walk held on 5 October in The Meadows for raising awareness of the plight of the Burmese people and to note that the 172 runners and walkers raised over £2000 to help internally displaced people in Burma.

2 Deputations

The Council agreed to hear deputations on the following issues to be discussed later on the agenda:

(a) Edinburgh Tram (see item 3 below)

Edinburgh Railway Action Group - Harold Nicolson explained that the Action Group had been formed to lobby for the reopening of the South Suburban Railway. He listed a number of congestion problems which would be caused by the introduction of the trams and queried their cost. He asked why the Council had not carried out a referendum on such a controversial project. The Action Group was currently seeking signatures for a petition against the introduction of the trams, the results of which

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would be announced at a public meeting in 2008 to which elected members would be invited.

Spokes - Iain Maxwell explained that Spokes, the Lothian Cycle Campaign, was a voluntary organisation which had existed for 30 years and had a membership of over 1,000. Its aims were to encourage cycling and press for improvements for cyclists. On the whole, Spokes' dialogue with **tie** and TEL on the tram network had been constructive but there were some shortcomings in the Final Business Case (FBC), including neglect of the implications of increasing cycle traffic and the impact of trams and tram lines on city centre streets in terms of congestion and safety for cyclists.

The Council had a duty to ensure that the FBC met the aspirations of all citizens and was compatible with the Local Transport Strategy. He asked the Council to refer to these omissions in its response to the FBC and to back Spokes' case for a one-year trial of trams carrying bicycles during off-peak hours or at weekends.

(b) Taxi Licences in Edinburgh (see item 4 below)

Anderson Fyfe LLP, Solicitors, on behalf of Central Taxis and City Cabs - Tom McEntegart and representatives of the taxi trade in Edinburgh said that the Council's policy on limiting taxi licences in Edinburgh was in the public interest. It lessened pollution and congestion in the city and ensured that the quality of the taxi fleet was maintained. There was no factual evidence to support a departure from that policy and there were sufficient checks and balances in place, including the further measures now being proposed, to allow the policy to continue. The deputation therefore asked the Council to maintain the current policy and offered to work with the Council to ensure robust monitoring of unmet demand. The deputation also asked that, when issuing new licences, the Council have regard to the "interested parties" list.

(c) Burdiehouse and Southhouse Community Education Centre (see item 25 below)

Burdiehouse and Southhouse Community Education Centre Management Committee - Helen McNeill referred to the tireless work of local residents to plan the new Burdiehouse and Southhouse Community Centre and their disappointment following the withdrawal of the contractor appointed to build it. She asked the Council to support the motion by Councillor Hart later on the agenda and to continue with arrangements for building the centre, money for which had been committed in the capital budget.

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(d) Home-Start (see item 31 below)

Home-Start UK - David Milligan and colleagues explained that Home-Start was a voluntary home visiting service which involved parents supporting other parents and served to strengthen communities. He read a testimony from a mother who had benefited from the service and asked the Council to support the motion by Councillor Ewan Aitken later on the agenda and not to cut the grant to the service.

(e) Redevelopment of Schools in Edinburgh (see item 27 below)

Portobello and James Gillespie's High School Parent Councils - Ken Aitken and Nigel Goddard, Chairs of Portobello High School and James Gillespie's High School Parent Councils, referred to the delay to the redevelopment of the five schools in wave 3 of the Council's redevelopment programme.

The deputation described the condition of these five school buildings while stressing that the teaching was nevertheless of a very high standard. They asked the Council to support the motion by Councillor Burns later on the agenda unanimously which called for a fully costed report on the redevelopment of the schools within 2-3 cycles. They also asked the Council to stress the importance of the issue to the Scottish Government.

3 Edinburgh Tram Final Business and Procurement of Tramco and Infraco

Approval was sought for the Final Business Case (version 1) for the Edinburgh Tram Network. Endorsement was also sought for **tie**'s selection of the preferred bidders for the supply and maintenance of the infrastructure works (Infraco) and tram vehicles (Tramco).

The Council had heard deputations on this issue (see item 2(a) above).

Motion

- 1) To approve the Final Business Case (version 1) for the Edinburgh Tram Network.
- 2) To note that the Auditor General for Scotland had reported that procedures were in place to actively manage risks associated with the Tram Project and that **tie** had implemented a clear procurement strategy aimed at minimising risk and delivering successful project outcomes. As previously stated, this had been endorsed by the Office of Government Commerce reviews.

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- 3) To endorse **tie**'s procurement process and the selection of the preferred bidders for the Tramco (CAF) and Infraco (the Bilfinger Berger and Siemens consortium) contract and note that final Council approval of these contracts would be sought at the December 2007 Council Meeting with the formal award of these contracts in January 2008.
- 4) To note the schedule of milestones presented at Section 4.35 in the joint report by the Directors of Finance and City Development.
- 5) To note that the Directors of Finance and City Development would continue discussions with the Scottish Government with regard to including Edinburgh Tram in the national concessionary travel scheme.
- 6) To congratulate the staff of the Council, **tie** and TEL, and others involved with the tram project, in developing the project and, in particular, the Final Business Case to this stage.
- 7) Further to reiterate the Council's commitment to providing tramline 1b and to request that further progress reports be provided to Council over the coming year to monitor progress with the options and affordability of delivering line 1b.
- 8) To call for an independent review within two cycles of the risks to the Council Tax payer based upon the information contained in the Final Business Case pertaining to the Council's £45m contribution to the Tram Project.
- 9) To reaffirm the commitment in the Local Transport Strategy to maintain or improve conditions for pedestrians and cyclists and investigate ways whereby bicycles can be carried on trams (as suggested by the Council's Tram Design Manual) especially during off-peak operation.

- moved by Councillor Wheeler, seconded by Councillor Dawe.

Amendment

- 1) To reject the Final Business Case (FBC) for trams, agreeing that the expenditure required could not be justified for a single tram line from Newhaven to Edinburgh Airport.
- 2) To note:
 - (a) the absence of a detailed breakdown of costs.
 - (b) that the full risk report for the project would not be made available until after contract close, requiring Councillors to make decisions without access to essential information.

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- (c) the failure to prove the benefits of the scheme, with inadequate detail of what impact the trams would have on the flow of other traffic.
- (d) that the public sector was to bear the risk (in whole or in part) for detailed design, the cost of utilities' diversion over-runs and fare-box revenue.
- (e) the failure to explain how the trams could achieve segregation from other traffic at key points on the proposed route and the consequent negative impact on the projected journey times.
- (f) that the FBC made the 'fundamental assumption' that the trams would be included in the National Concessionary Ticketing scheme but had no evidence that this would be the case.

- moved by Councillor Elliott-Cannon, seconded by Councillor McIvor.

Voting

The voting was as follows:

For the motion - 46 votes
For the amendment - 12 votes

Decision

To approve the motion by Councillor Wheeler.

(References – Act of Council No 8 of 20 September 2007; joint reports nos CEC/96/07-08/CD&F, CEC/07/07-08/CD&F and CEC/101/07-08/CD&F by the Directors of City Development and Finance, submitted).

Declaration of Interests

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

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

4 Implications of Retaining Current Council Policy on Limitation of Taxi Licences in Edinburgh

The implications of the Council retaining its existing policy to restrict taxi licences or of removing the restriction were detailed.

The Council had heard deputations on this issue (see item 2(b) above).

Motion

- 1) In light of the 2005 Survey of Demand and the 2007 update on information and subsequent monitoring, to reaffirm the Council's existing policy to restrict numbers of taxi licences
- 2) To approve the extended monitoring procedures as detailed in paragraph 3.11 (i), (ii) and (iii) of the report by the Director of Corporate Services.
- 3) To instruct the Director of Corporate Services:
 - (a) to commission a comprehensive survey of demand report as detailed in paragraph 3.11(iv) of his report; and
 - (b) to bring forward an early report to the appropriate Committee on the detailed full survey to be undertaken.
- 4) To make representations to the Scottish Government requesting that they issue best practice guidance to taxi and private hire car licensing authorities at the earliest opportunity.

- moved by Councillor Keir, seconded by Councillor Buchanan.

Amendment

- 1) To note:
 - that the 2003 Office of Fair Trading (OFT) market study into the regulation of taxis and private hire cars in the UK found that quantity restrictions had a negative impact on consumers as such quantity restrictions led to a restriction of choice and were questionable on safety grounds;
 - that the Scottish Consumer Council (whose purpose was to make all consumers matter) had supported the three main conclusions in the OFT study supporting the removal of quantity restrictions while supporting the retention of quality and safety controls and the maximum fare controls for taxis;

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- that the “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” issued by Her Majesty’s Government to local authorities in England and Wales noted that most local licensing authorities did not impose quantity restrictions and that the Department for Transport regarded this as best practice. The Department for Transport further urged that each local authority should reconsider whether the restriction should continue at all, suggesting that the matter should be approached in terms of the interests of the travelling public.
- 2) Having considered the available evidence and the views set out above, to agree that the continued restriction of quantity of taxi licences was anachronistic in a modern consumer-led society but that regulation for quality and maximum fare controls should continue in the interests of public safety.
 - 3) Therefore, in light of the previous policy of quantity restriction in Edinburgh and in order to ensure a phased change, to issue ten new taxi licences per month until a market equilibrium was reached and thereafter to agree that no quantity control should be imposed.

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

Voting

The voting was as follows:

For the motion - 37 votes
For the amendment - 17 votes

Decision

To approve the motion by Councillor Keir.

(References – Act of Council No 24 of 23 August 2007; report no CEC/85/07-08/CS by the Director of Corporate Services, submitted).

Declaration of Interests

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

Councillor Cardownie as a private hire car owner
Councillor Bridgman as a licensed private hire car driver
Councillors Barrie and Work as licensed taxi drivers.

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5 Questions

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

6 Minutes

Decision

- 1) To approve the minute of the special meeting of the Council of 15 September 2007, as submitted, as a correct record.
- 2) To approve the minute of the meeting of the Council of 20 September 2007, as submitted, as a correct record.

7 Leader's Report

The Leader presented her report to the Council. The following issues were raised:

- | | |
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| Councillor Whyte | <ul style="list-style-type: none"> - Edinburgh – Best City in Britain Award – congratulations to the Council and its partner organisations - Acting Responsibly – key policy changes of new Administration |
| Councillor Ewan Aitken | <ul style="list-style-type: none"> - Edinburgh – Best City in Britain Award – congratulations to staff - Ageism – resignation of Leader of the Liberal Democrat Party - Proposed Council Tax freeze – local government financial settlement – negotiations on local outcome agreements |
| Councillor Burns | <ul style="list-style-type: none"> - Edinburgh school estate – outcome of meeting with Cabinet Secretary for Education and Lifelong Learning |
| Councillor Maginnis | <ul style="list-style-type: none"> - Edinburgh Zoo expansion – implications of the Planning Committee decision |

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|----------------------|---|
| Councillor Johnstone | <ul style="list-style-type: none"> - Economic growth – possible recruitment of a Head of Sustainable Development - Edinburgh – Best City in Britain Award – deprivation in the city |
| Councillor Chapman | <ul style="list-style-type: none"> - Review of planning guidelines |
| Councillor Godzik | <ul style="list-style-type: none"> - Cities Growth Fund – winter festival programme |
| Councillor Buchan | <ul style="list-style-type: none"> - Value for money – guidance to Council staff on wastage - Review of parking standards for different land uses – inclusion of universities |
| Councillor Cardownie | <ul style="list-style-type: none"> - National Galleries Archives – proposed site at Waterfront |

Decision

To note the Leader's report.

(Reference – report no CEC/99/07-08/L by the Leader, submitted).

8 Scheme of Delegation to Officers – Proposed Amendment

The Policy and Strategy Committee had recommended an amendment to the Scheme of Delegation to Officers in respect of the Council's Taxi Licensing Conditions.

Decision

To amend the Scheme of Delegation to Officers to delegate to the Director of Corporate Services the exercise of discretion in respect of Taxi Licensing Condition 187(a)(i).

(Reference – report no CEC/83/07-08/P&S by the Policy and Strategy Committee, submitted).

9 Sutherland Review of Free Personal Care – City of Edinburgh Council Submission

The Health, Social Care and Housing Committee recommended that the Council endorse a submission to the Independent Funding Review of Free Personal Care. A draft response had been submitted ahead of the Council's endorsement to meet the required deadline of 8 October 2007.

Motion

To endorse the Council's submission to the Sutherland Review Group on Free Personal Care.

- moved by Councillor Edie, seconded by Councillor Work.

Amendment

- 1) To endorse the submission to the Sutherland Review Group.
- 2) To ask the Director of Health and Social Care to report to the next Health, Social Care and Housing Committee on ways the Council could promote direct payments for free personal care to all elderly and their families in Edinburgh.
- 3) To express regret that a report was not at this Council meeting regarding the McPhail Court ruling and to request a report on the financial and service implications of this ruling to the next Policy and Strategy Committee.
- 4) To express regret that the Minister had not attended, or arranged for representation at, the Court when Free Personal Care was being ruled upon as the Scottish Parliament, Local Government and Health Boards all had crucial parts to play in the implementation of Free Personal Care.

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

Voting

The voting was as follows:

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.

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Decision

To approve the motion by Councillor Edie.

(Reference – report no CEC/84/07-08/H,SC&HO by the Health, Social Care and Housing Committee, submitted).

Declaration of Interests

Councillor Edie declared a financial interest in the above item as a Director of NHS Lothian.

10 National and Regional Sports Facilities – Progress Report

An update was provided on proposals for the provision of sports facilities in the city. Further time was required to analyse the findings of recently completed survey work, which had included a full survey of Meadowbank Stadium, before a comprehensive report was brought to Council.

Decision

- 1) To note:
 - (a) the progress as set out in the report by the Chief Executive.
 - (b) that a detailed report would be submitted to the Council in November which would outline options for the way ahead.
- 2) To arrange visits by a cross-party delegation to a modern sports facility and a refurbished stadium as soon as possible in order to help members to make a fully informed decision at the November Council meeting on proposals to replace or revitalise current facilities in Edinburgh.

(References – Act of Council No 2 of 23 August 2007; report no CEC/86/07-08/CE by the Chief Executive, submitted).

Declaration of Interests

Councillors Godzik and Whyte declared a non-financial interest in the above item as Directors of Edinburgh Leisure.

11 Joint Inspection of Services to Protect Children and Young People

The findings of the HM Inspectorate of Education (HMIE) report on its inspection of services to protect children and young people in Edinburgh were presented. The report identified key strengths in child protection in Edinburgh and areas requiring improvement.

Decision

- 1) To welcome the publication of the HMIE report.
- 2) To note that the report repeatedly highlighted serious risk to vulnerable children due to insufficient foster care and residential care placements.
- 3) To note that child protection services in Edinburgh were improving but that much more needed to be done and the rate of improvement had to increase.
- 4) To note that an action plan had been prepared by the Edinburgh Child Protection Committee and that this would shortly be available for elected members.
- 5) To agree that, as corporate parent, the Council had a duty to ensure that the deficit in foster care and residential care placements was targeted as a matter of the greatest urgency and therefore to include in the action plan detailed information on how this could be achieved.
- 6) To note that a monthly performance monitoring regime would be introduced and to provide quarterly briefings on performance monitoring to political group spokespersons.
- 7) To note that progress reports would be submitted twice yearly to the Education, Children and Families Committee.
- 8) To note that HMIE would carry out follow-up inspections in 2008 and 2009.

12 External Audits and Inspections

A summary was provided of the outcome of the Independent Review of Regulation, Audit, Inspection and Complaints' Handling of Public Services in Scotland (the Crerar Review), together with an update on forthcoming potential audits and inspections of Council services.

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Decision

To note:

- 1) the key findings from the Crerar Review of Regulation, Audit and Inspection and Complaints Handling of Public Services in Scotland.
- 2) the current and potential audit and inspection programme.
- 3) that the Council had successfully lobbied HMle to defer the community learning and development inspection.

(References – Act of Council No 9 of 21 December 2006; reports no CEC/87/07-08/CE by the Chief Executive and no CEC/88/07-08/CS by the Director of Corporate Services, submitted).

13 Shared Services Pathfinder Project

Information was provided on the background to the shared services pathfinder project, an overview of the outcome of its first phase and an outline of the next phase of work to be undertaken. The Council had been awarded further funding to carry out the next phase of more detailed work in partnership with Fife and Scottish Borders Councils.

Decision

- 1) To welcome the award of £750,000 from the Scottish Government to develop the output from phase 1 of the pathfinder project into detailed and accurately costed proposals for implementation.
- 2) To ask the Chief Executive to provide all political groups with the original high level business case and to report to the Council in December on progress with the proposals and with estimates of savings that could be achieved, in order to inform budget deliberations.
- 3) To note that engagement with the trade unions was taking place in relation to the pathfinder and other change initiatives within the Council.
- 4) In the interests of transparency and accountability, to present summaries of the discussions with the trade unions to meetings of the Joint Consultative Group at the earliest available opportunity.

(References – Acts of Council No 8 of 24 August 2006 and No 15 of 20 September 2007; report no CEC/89/07-08/CE by the Chief Executive, submitted).

14 Edinburgh International Conference Centre Ltd – Requirement for Additional Function Space

Additional function space (AFS) was required to allow the EICC to retain its competitive position and continue to contribute positively to the Scottish economy. Approval was sought for the proposed procurement process for the AFS and information was provided of the stages and subsequent approval processes for the project.

Decision

- 1) To note:
 - (a) The success of the EICC and its importance to the city and the country.
 - (b) The importance of the provision of the AFS if the EICC was to retain its place in the highly competitive worldwide conference market.
 - (c) The projected economic impact of the AFS to the city and the country.
 - (d) The sudden and unexpected withdrawal of CALA/AWG from the contract to provide the AFS.
 - (e) The risks and benefits associated with each of the two options for the provision of the AFS.
 - (f) That a further report would be submitted in the near future confirming how the estimated gap funding requirements would be met from various sources.
 - (g) The ongoing discussions with Scottish Enterprise Edinburgh and Lothian (SEE&L) to agree a financial contribution to the project.
 - (h) That SEE&L had already confirmed an initial contribution of £50,000 towards the cost of diverting utility services in Morrison Street.
 - (i) That regular reports at key stages in the project would be submitted to the Council to update on progress, confirm the financial position and seek approval to proceed to the next stage.
- 2) To adopt the same procurement model used for the provision of the existing EICC building by way of the Direct Procurement Option using specialist private sector organisations to design and construct the AFS.

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- 3) In relation to paragraph 4.3 of the joint report by the Directors of City Development and Finance, to instruct the Director of City Development to progress with the procurement of the appropriate professional team to progress the project via option 2: Direct Procurement Model.
- 4) To instruct the Director of City Development to procure the utilities diversions in 2007/08, subject to confirmation of grant funding of up to £500,000 from SEE&L.
- 5) To delegate authority to the Director of City Development, in consultation with the Council Solicitor and the Director of Finance, to enter into, amend or terminate legal agreements as appropriate.

(References – Act of Council No 10 of 19 August 2004; joint report no CEC/100/07-08/CD&F by the Directors of City Development and Finance, submitted).

Declaration of Interests

Councillors Aldridge, Buchanan, Dawe, Maginnis and Whyte declared a non-financial interest in the above item as Directors of EICC.

15 Audited Accounts 2006-07

Decision

To note:

- 1) The audited accounts of the Council for the 2006/07 financial year;
- 2) That the surplus on the Housing Revenue Account had been transferred to the General Fund and that this had been matched by a transfer from the General Fund to the Renewal and Repairs Fund;
- 3) That the auditor's report for 2006/07 would be submitted to a future meeting of the Council;
- 4) That the reports would be considered by the Audit Committee as part of its work programme.

(Reference - report no CEC/91/07-08/F by the Director of Finance, submitted).

16 Equal Pay Claims

The position on equal pay claims currently outstanding against the Council was outlined and action to discharge the liabilities was proposed.

Decision

- 1) To authorise the Director of Corporate Services to settle the claims from female manual workers represented by Stefan Cross and other solicitors on the terms outlined in the Director's report and to report back on the final cost.
- 2) To authorise the Director to offer further compromise agreements to those female manual workers who had previously signed compromise agreements and report back on the final cost of settlement.
- 3) To note that this action would mitigate the financial risks to which the Council was exposed.
- 4) To note that other Councils were defending claims by male claimants as described in paragraph 14 of the report by the Director of Corporate Services.
- 5) To acknowledge that, according to the Equal Pay Act, male employees carrying out the same tasks as female employees were not legally entitled to be compensated. However, also to recognise that the Equal Pay Act was designed to protect female employees from unfair treatment and that the Council through its equal opportunities policy had the stated aim of eliminating "unfair or unlawful discrimination in employment within the Council".
- 6) To ask the Director of Corporate Services to consult staff representatives and report back to the Council within two cycles on:
 - Whether the payment of compensation only to female employees was consistent with its "Equal and Diversity in Employment Policy";
 - How best to achieve the Council's objective expressed in its equal opportunities policy;
 - The immediate financial costs of such a move;
 - Legal advice on how such a move would affect the Council's position in respect of other potential claimants.

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- 7) To note that a report would be submitted on further liability to equal pay claims from other employee groups when legal advice had been received and an implementation date for the new pay structure was known.
- 8) To note that the financial risks which remained would require consideration as part of the Revenue Budget process for 2008/09 to 2010/11.

(Reference - Act of Council No 17 of 28 June 2007; report no CEC/90/07-08/CS by the Director of Corporate Services 16 October 2007, submitted).

17 Regulatory Committee - Remit and Management Arrangements

Decision

- 1) To expand the remit of the Regulatory Committee to include (as detailed in Appendix 1 to the report by the Director of Corporate Services):
 - (a) determining policies for the Council's licensing functions under the Civic Government (Scotland) Act 1982 and other statutory provisions which were not within the remit of any other Committee (eg licensing).
 - (b) taking all executive decisions on the above licensing matters which were not reserved to the Council, its officers or delegated to another Committee of the Council.
 - (c) monitoring performance in the delivery of services and financial performance relating to Regulatory Committee matters.
- 2) To note the intention to establish a Licensing Sub-Committee of the Regulatory Committee to deal with non policy items and routine applications, with the remit specified in Appendix 2 to the report by the Director of Corporate Services.
- 3) To instruct the Council Secretary to amend the Council's Standing Order 53(1) to include a reference to the Regulatory Committee.
- 4) To discharge the motion by Councillor McKay.

(Reference - Act of Council No 35 of 23 August 2007; report no CEC/92/07-08/CS by the Director of Corporate Services 16 October 2007, submitted).

18 Personnel Appeals Committee - Action Plan to Address Backlog of Appeals

Approval was sought on a short-term action plan to address the backlog of appeals to be heard by the Personnel Appeals Committee.

Decision

- 1) To support the short-term action plan proposed in paragraphs 9-12 of the report by the Director of Corporate Services, subject to replacing the second sentence in paragraph 11 of the Director's report with:

"The proposal will look at options for the provision of mediation which, if successful, could substantially reduce the number of appeals to be heard by the Appeals Committee."
- 2) To note that a feature of other councils' approach was a stricter application of rules on the timescales and requests for delays and to recommend that the Personnel Appeals Committee consider similar measures.
- 3) To instruct the Director of Corporate Services to report to Council in May of 2008 on: -
 - i) the progress in reducing the backlog;
 - ii) which departments were failing to provide submissions within the timescales required or declining appeal dates and the extent of those problems within each department;
 - iii) what further steps were proposed to eliminate the backlog;
 - iv) the timescale within which it was anticipated the backlog would be eliminated;
- 5) To support the proposal for a longer-term review of the Council's Appeals Procedures; and
- 6) To note that the matter would be referred to the November meeting of the Joint Consultative Group.

(Reference - Act of Council No 16 of 23 August 2007; report no CEC/93/07-08/CS by the Director of Corporate Services, submitted).

19 Review of Lord Provost and Members Service Section

A review of the Lord Provost and Members Service Section had been undertaken. It was proposed that the review be considered by a cross-party working group prior to submission to the Council.

Decision

- 1) To note the report by the Director of Corporate Services.
- 2) To refer the findings of the review to the Cross-Party Working Group on Political Management Structures for consideration prior to the matter being reported to Council in November 2007.

(Reference - Act of Council No 47 of 23 August 2007; report no CEC/94/07-08/CS by the Director of Corporate Services 17 October 2007, submitted).

20 World Cross Country Championships

Decision

- 1) To note the progress being made in organising the 2008 World Cross Country Championships.
- 2) To approve the underwriting of the event.

(Reference - report no CEC/95/07-08/CS by the Director of Corporate Services 16 October 2007, submitted).

21 Recent Legal Judgement on Free Personal Care

Decision

To withdraw the item in the absence of a report.

22 Children and Families Estate - Motion by Councillor Buchan

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

“In light of the recent events surrounding the proposed schools rationalisation programme, this Council instructs the Director of Children and Families to report to the October meeting of full Council, for the benefit of all Councillors, but especially those recently elected, on the criteria which were used to assess the potential closure of nurseries and primary and secondary schools before 3 May 2007.

The report should list all nurseries and schools which were being considered for rationalisation by the last Administration and set out the conclusions, however draft in nature, of the previous Administration’s schools rationalisation plan. Furthermore, the report should analyse the likely impact of draft rationalisation plans discussed before 3 May 2007, had they been implemented, and should detail the nature of any discussions with developers on the likely capital receipts that could have been obtained for the proposed schools rationalisation plans put forward both before and since 3 May 2007.”

Decision

To note that a report on this issue would be submitted to the Education, Children and Families Committee on 19 November 2007.

23 The Welfare Rights Service - Motion by Councillor Blacklock

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

“That this Council congratulates The Welfare Rights Service (The Advice Shop) on its achievement of obtaining £7.3 million in benefits for the citizens of Edinburgh in 2006-7 thus improving financial equality across the city.”

Motion

To approve the motion.

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

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Amendment

To recognise and congratulate all Council staff involved in tackling inequalities and promoting employment and financial inclusion for their efforts in spreading to all residents the prosperity, opportunities and quality of life that Edinburgh offered. The success of their work had helped to ensure that Scotland's capital city was second to none and to secure numerous Best City accolades for Edinburgh including, most recently, being accorded the 'Best Place to Live in the UK' by Channel 4's flagship property programme *Location, Location, Location*.

- moved by Councillor Dawe, seconded by Councillor Cardownie.

Voting

For the motion - 18
For the amendment - 40

Decision

To approve the amendment by Councillor Dawe.

24 Statement of Intent 2007 by the Women's Coalition - Motion by Councillor Ewan Aitken

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

"That this Council agrees to sign the Statement of Intent 2007 drawn up by The Women's Coalition - The Zero Tolerance Charitable Trust, Scottish Women's Aid, Rape Crisis Scotland, Engender and the Women's Support Project - which asks the new Scottish Government:

- i) For the continued provision of funding to violence against women projects to ensure the continuation of essential service provision to women and children experiencing violence.
- ii) For the continued development of strategic work on violence against women, guided by the multi-agency National Group on Violence Against Women and enabled by the Violence Against Women Team within the Equality Unit at the Scottish Government.
- iii) Commit to changing public attitudes and behaviours through education initiatives and public awareness campaigns.

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- iv) For the adoption of a broad definition of violence against women, which makes the links between domestic abuse, rape and commercial sexual exploitation.
- v) Ensure effective legal protection for women and children experiencing violence.”

Decision

To approve the motion by Councillor Ewan Aitken

25 Burdiehouse Community Centre – Motion by Councillor Hart

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

“That this Council:

- 1) regrets the withdrawal of the contractor appointed to build the new Burdiehouse Community Centre; and
- 2) calls for a report on how the Council will seek (a) redress from the contractor and (b) real progress in the provision of the new Centre as agreed by full Council in approving its Capital Budget.”

The Council had heard a deputation on this issue (see item 2(c) above).

Decision

To approve the motion by Councillor Hart.

26 Procurement of Social Services – Motion by Councillor Ewan Aitken

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

“That this Council

- 1) notes that it spends roughly as much purchasing social services for its citizens as it does on in-house delivery;
- 2) acknowledges that if significant changes were proposed for in-house services then councillors would expect to know something of the services, their users and employees, their value to the city and not just their cost;

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- 3) notes that in December 2005 the Council agreed to a corporate joint review of the Council's contracting arrangements, to include third party and private sector representation, and a full audit of contracted services;
- 4) therefore agrees that before any decisions are required concerning the Council's procurement strategy and/or changes to contract management arrangements and/or the City Funding Strategy, the Director of Corporate Services should report to the Policy and Strategy Committee on:
 - (a) progress with the decision of the Executive of the Council on 9 March 2004 "that, in future, reports for other third party agreements be available to the Executive during the first quarter of each calendar year and at a similar level of detail to that of the current grants report"; and
 - (b) the combined effect of all third party payments on the Council's key social inclusion and community planning objectives at both area and thematic levels; and
- 5) agrees that these reports should include:
 - the number of organisations, voluntary and private, providing social services via the purchasing budget
 - the number of citizens receiving a service from each
 - the range of needs met by each
 - the number of employees of each
 - a short history and description of each organisation
 - an assessment of the added-value each brings to the City, monetary or in kind
 - an assessment of their quality of service."

Decision

To note that the Policy and Strategy Committee would be considering a report into the procurement of Social Care Services on 6 November 2007 and to remit the motion to that Committee for discussion at that time.

27 Redevelopment of Schools in Edinburgh – Motion by Councillor Burns

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

“This Council re-affirms previous decisions regarding the need for a new Portobello High School, and the agreed location of Portobello Park, all within the timescale previously proposed of 2011.

This Council believes that any funding package for a new school for Portobello, and the other 4 schools in "wave 3", must include substantial support from the Scottish Government and agrees to urgently submit a formal proposal to the Government seeking the required funding.

Council further agrees:

- to work with the school communities, of all 5 schools in wave 3, to press the Scottish Government for the required support
- to report back in two cycles on what contribution could be made from Council resources, through prudential borrowing and capital receipts, or other methods.”

The Council had heard a deputation on this issue (see item 2(e) above).

Decision

- 1) To reaffirm previous decisions regarding the need for a new Portobello High School.
- 2) To recognise the serious and urgent need for five new or renovated “wave 3” schools and to this end to continue to discuss ways forward with the Scottish Government.
- 3) To agree that any funding package for a new school for Portobello, and the other four schools in “wave 3”, must include substantial support from the Scottish Government and urgently to submit a formal proposal to the Government seeking the required funding.
- 4) Further, to agree:
 - (a) To work with the school communities of all five schools in “wave 3” to press the Scottish Government for the required support.

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- (b) To report back early in the new year on what contribution could be made from Council resources, through prudential borrowing and capital receipts or other methods.
- 5) In this regard, to note the ongoing constructive dialogue between parents, teachers, the Director and Convener of Education, Children and Families and the Director of Finance on the way forward.
- 6) To welcome the proposals made by the above:
 - (a) To undertake initial feasibility studies and option appraisals with an aim of completion by the end of January 2008 and presenting the results to a meeting of the Education, Children and Families Committee thereafter.
 - (b) To explore all possible financial options for funding the necessary work.
 - (c) To meet again in December 2007 to discuss progress.

28 Edinburgh-Born Servicemen and Women – Memorial – Motions by Councillors Perry and Buchan

- (a) The following motion by Councillor Perry was submitted in terms of Standing Order 28:

“This Council recognises the sacrifice that was made by Mark Wright who was killed in action in Afghanistan on 6 September 2006. Mark was awarded the George Cross for bravery in saving the lives of his comrades when they came under fire from Taliban forces. This was the second time Mark was cited for bravery under fire. The Council agrees to acknowledge Mark’s bravery and his contribution to the creation of a free and democratic Afghanistan by creating a suitable memorial.”

- (b) The following motion by Councillor Buchan was submitted in terms of Standing Order 28:

“Council:

- 1) notes the numerous acts of bravery shown by a number of service men and women who were born in Edinburgh and have been awarded bravery medals for their service to their country, such as Corporal Mark Wright GC and Corporal Thomas Hunter VC;
- 2) believes that the city of their birth should recognise their bravery and sacrifices;

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- 3) calls for the Chief Executive to prepare a report investigating a location and suitable form for a memorial to be erected in honour of the bravery of these Edinburgh-born service men and women; the report to include details for the creation of a public subscription to fund this memorial, to be administered by the Council; and
- 4) further, the report to detail how the Council could work with citizens, public, voluntary and private sector bodies to raise sufficient funds to erect the memorial and also provide details of those commemorated on it on the Council's website, so their acts of bravery can be understood and remembered by future generations."

Decision

To approve the motions by Councillors Perry and Buchan.

29 Eco-Schools Initiative – Motion by Councillor Johnstone

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

"That the Council:

- 1) recognises the ground-breaking impact of the Eco-Schools initiative in raising awareness of environmental and sustainable development issues, through activities linked to curriculum subjects and areas;
- 2) congratulates the city's Education Officers for their work with schools across Edinburgh who have achieved bronze and silver awards and, in some instances, prestigious Green Flag status;
- 3) agrees that educating our children in environmental issues is essential for a sustainable society and calls for a report into the appointment of a dedicated Eco-Schools officer, underlining the commitment of the capital city to the highest standards of environmental education and management."

Motion

To approve the motion by Councillor Johnstone.

- moved by Councillor Johnstone, seconded by Councillor Chapman.

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Amendment

- 1) To take no action on the matter on the grounds that:
 - the Education Team (Local Planning and Community Engagement) of Services for Communities and an individual within that team, who ran the Eco-Schools Programme, already provided an exceptionally successful eco-schools programme, with 94% of local authority schools in Edinburgh already registered and involved in the scheme.
 - Strong networks also existed within Edinburgh between Eco Schools, Health Promoting Schools, Enterprise School Travel, Grounds for Awareness and Active Schools, to name but a few.
- 2) To note that the Council's success with Eco Schools was therefore down to a cross-departmental approach between Departments and schools that was a functioning reality and which had been delivering significant successes for some considerable time.

- moved by Councillor Dawe, seconded by Councillor Mrs MacLaren.

Voting

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

Decision

To approve the amendment by Councillor Dawe.

30 Empty Homes Strategy – Motion by Councillor Burgess

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

“That the Council:

- 1) notes that Edinburgh has the highest number of private sector vacant residential premises in Scotland;
- 2) notes that, with significant housing affordability problems in the city and pressure to develop on every available site, any property vacant without good reason represents a waste of resources;

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- 3) notes that local authorities in England have new powers – Empty Dwelling Management Orders – which give them greater leverage in efforts to bring empty homes into use; and calls for dialogue with Scottish Government ministers on the introduction of comparable powers in Scotland;
- 4) calls for a comprehensive empty homes strategy to be put in place, targeting long term empty properties and seeking to bring together a range of incentives and sanctions which will maximise the use of residential dwellings.”

Motion

To approve the motion by Councillor Burgess.

- moved by Councillor Burgess, seconded by Councillor Johnstone.

Amendment

To take no action on the matter.

- moved by Councillor Kate MacKenzie, seconded by Councillor Whyte (on behalf of the Conservative Group).

Voting

For the motion	-	47 votes
For the amendment	-	11 votes

Decision

To approve the motion by Councillor Burgess.

31 Home-Start – Motion by Councillor Ewan Aitken

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

"Council:

- 1) notes the excellent work of Home-Start Leith & North East Edinburgh and that of Home-Start Edinburgh South Central in supporting parents from a wide variety of backgrounds and ethnic origins;
- 2) notes that they have been working with the Council to deliver new work in both areas;

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- 3) expresses concern that recent decisions on grant funding have had a huge effect on these organisations and may put their futures in serious jeopardy;
- 4) agrees that officers should meet immediately with Home-Start UK to devise a strategy to ensure the sustainability of this organisation."

The Council had heard a deputation on this matter (see item 2(d) above).

Decision

To approve the motion by Councillor Ewan Aitken.

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

Amendment

To approve paragraphs 1 and 2 of the motion and replace paragraphs 3 and 4 with:

- 3) To note that no reductions in grants had been made.
- 4) To welcome the fact that meetings between officers and the Home-Start organisations were planned for November and December 2007.

- moved by Councillor Mrs MacLaren, seconded by Councillor Beckett.

Voting

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

Decision

To approve the amendment by Councillor Mrs MacLaren.

32 White Paper “Choosing Scotland’s Future: A National Conversation” – Motion by Councillor Buchan

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

“Council:

- 1) notes that the SNP minority government published a White Paper entitled “Choosing Scotland’s Future: A National Conversation” on 14 August 2007 which is designed to examine Scotland’s constitutional options and to further the SNP’s central objective of breaking up the United Kingdom, despite the fact that there is no mandate to do so;
- 2) believes that the large sums of taxpayers’ money which are involved in publishing and promoting this White Paper would be much better spent on public services and, in particular, calls on the SNP minority government to acknowledge Edinburgh’s capital city status and its contribution to Scotland’s economic growth and prosperity, by a more generous funding allocation that takes account of the burden on the public purse of providing services to promote tourism, employment and investment which Edinburgh attracts on Scotland’s behalf.”

Motion

- 1) To note that the SNP minority government published a White Paper entitled “Choosing Scotland’s Future: A National Conversation” on 14 August 2007 which was designed to examine Scotland’s constitutional options and to further the SNP’s central objective of breaking up the United Kingdom, despite the fact that there was no mandate to do so.
- 2) To agree that central to any national conversation about the future of the nation should include a debate about the role of the capital city in the nation not only as a catalyst for national economic growth but in the many other roles it played on behalf of the nation such as:
 - being the business and tourist gateway of the nation
 - being host to the seat of Government and being the diplomatic focus for the nation
 - being host of ceremonies and events for the nation
 - being host to monuments, institutions and museums that nurture and protect collective memory of the nation
 - being the place where forces of change challenge the status quo through legitimate and democratic protest,
 - being the international face of the nation.

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- 3) To call on the SNP minority Government to include real and serious time within the national conversation for the whole nation to discuss the role of Edinburgh as Scotland's capital city including a robust and honest assessment of the costs to the city and its citizens of being the Nation's capital.

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

Amendment

- 1) To note that the SNP minority government published a White Paper entitled "Choosing Scotland's Future: a National Conversation" on 14 August 2007 which was designed to examine Scotland's constitutional options.
- 2) To support the devolution of further powers to the Scottish Parliament.
- 3) To note that the Administration was already lobbying the Scottish Government hard for proper financial recognition of Edinburgh's position as the capital city for Scotland.

- moved by Councillor Dawe, seconded by Councillor Chapman.

Voting

For the motion - 26 votes
For the amendment - 32 votes

Decision

To approve the amendment by Councillor Dawe.

33 Flying Scotsman Anniversary – Motion by Councillor Buchan

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

"Council:

- 1) notes that 2008 will be the 80-year anniversary of the first non-stop run between Kings Cross and Waverley by locomotive 4472, the "Flying Scotsman";
- 2) notes that 2008 will also be the 70-year anniversary of the world speed record by a steam locomotive, set by locomotive 4468 "Mallard" on the East Coast mainline, a record of 126 mph that still stands today;

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- 3) notes that these achievements heralded the start of modern high speed rail travel and were the brainchild of Sir Nigel Gresley, the Chief Engineer of the LNER, who was born in Edinburgh;
- 4) notes that a special train celebrating both of these achievements is to arrive in Waverley station on 5 July 2008;
- 5) asks the Lord Provost to greet this special train on its arrival in Edinburgh and acknowledge our city's important role in the development of modern intercity rail travel;
- 6) congratulates the volunteers, enthusiasts, Network Rail and the other organisations involved whose efforts will make this special train possible on 5 July 2008."

Decision

To approve the motion by Councillor Buchan.

34 Access and Use of Green Spaces – Motion by Councillor Chapman

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

"That the Council:

- 1) notes the community health and environmental benefits of having good quality green spaces throughout the city;
- 2) requests that the Parks and Greenspace department plants fruiting species of trees and bushes when replacing existing or planting new trees;
- 3) calls for a report into how the Parks and Greenspace department can best support and facilitate the development and upgrade of disused and underused back-greens where agreement is reached between owners and users of individual back-greens."

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Decision

To approve the motion by Councillor Chapman subject to adjusting paragraph 2 to read:

- "2) To call for a report on the benefits and implications of the Parks and Greenspace department planting fruiting species of trees and bushes when replacing existing or planting new trees."

35 "People and Parliament Against Trident" – Motion by Councillor Chapman

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

"That the Council:

- 1) notes the Scottish Government's opposition to Trident replacement;
- 2) notes the campaign, Scotland's for Peace, and its attempt to get elected representatives in Scotland to speak out publicly against the replacement of Trident;
- 3) notes the People and Parliament against Trident march and rally on 3 November and that this will come past the City Chambers;
- 4) supports the campaign and the rally."

Motion

To approve the motion by Councillor Chapman subject to the replacement in paragraph 1 of the words "Scottish Government's" with "Scottish Parliament's".

- moved by Councillor Chapman, seconded by Councillor Burgess.

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Amendment 1

To approve the motion (as adjusted) subject to the replacement of paragraph 4 with:

“4) To recognise that, while this was a reserved issue, the Scottish Parliament, local government and the people of Scotland had every right to express their opinions. In this light, to support the right of Scotland’s for Peace to campaign and in this case hold a rally on this issue.”

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

Amendment 2

To take no action on the matter.

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

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 (as adjusted) by Councillor Chapman:

Lord Provost Grubb; Councillors Aldridge, Beckett, Bridgman, Brock, Buchanan, Burgess, Cairns, Cardownie, Chapman, Dawe, Dundas, Edie, Elliott-Cannon, Hawkins, Johnstone, Keir, Lang, Lowrie, Gordon Mackenzie, Mrs MacLaren, McIvor, McKay, Morris, Munn, Snowden, Thomas, Toomey, Tymkewycz, Wheeler and Work – 31.

For amendment 1 by Councillor Ewan Aitken:

Councillors Ewan Aitken, Barry, Blacklock, Burns, Child, Godzik, Hart, Henderson, Hinds, Maginnis, Milligan, Munro, Murray, Perry and Wilson – 15.

For amendment 2 by Councillor Mowat:

Councillors Elaine Aitken, Balfour, Buchan, Jackson, Kate MacKenzie, McInnes, Mowat, Paisley, Rose, Rust and Whyte – 11.

Not voting:

Councillor Peacock – 1.

Decision

To approve the motion (as adjusted) by Councillor Chapman.

36 “An Inconvenient Truth” – Motion by Councillor Whyte

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

“Council:

- 1) notes that Mr Justice Burton, a High Court judge in England, issued a judgement earlier this month ruling that the Al Gore film “An Inconvenient Truth” contains “errors and omissions” and “while purporting to set out the mainstream view [ie that of the International Panel on Climate Change] does in fact itself depart from that mainstream...” (Dimmock v Secretary of State for Education and Skills (now Secretary of State for Children, Schools and Families), High Court Queen’s Bench Division, 10 October 2007);
- 2) notes that Mr Justice Burton ruled that in any Guidance issued to teachers “any serious apparent errors should be identified, not only so as to encourage informed discussion, but also so that it should not appear that the Defendant [ie the UK Secretary of State for Children, Schools and Families], and ...schools, are promoting partisan views by giving their imprimatur to it.”
- 3) calls for the Scottish Government to take heed of this judgement and to issue guidance to local education authorities to ensure that any showing of this film in schools is accompanied by appropriate guidance, such as the UK Government’s revised guidance which Mr Justice Burton in his judgement endorsed as “necessary and judicious guidance”.
- 4) agrees the principle that Headteachers should be able to make their own decisions about which films should or should not be shown in their schools;
- 5) and, in the interim, in the absence of Scottish Executive guidance, agrees that since many Headteachers may wish to show “An Inconvenient Truth” in their schools the Director of Children and Families should commission appropriate guidance materials. These materials should be in line with the revised UK Government guidance and should be issued to Edinburgh schools as soon as possible in order to reduce the risk of legal action against the Council and to ensure a balanced approach is followed in schools when addressing political issues.”

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Motion

To approve the motion by Councillor Whyte.

- moved by Councillor Whyte, seconded by Councillor Rose (on behalf of the Conservative Group).

Amendment

To take no action on the matter.

- moved by Councillor Dawe, seconded by Councillor Thomas.

Voting

The voting was as follows:

For the motion - 11 votes
For the amendment - 47 votes

Decision

To approve the amendment by Councillor Dawe.

(Reference – Act of Council No 19 of 21 September 2006).

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Appendix

(As referred to in Act of Council No 5 of 25 October 2007)

QUESTION NO 1

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

Question (1) What was the level of Community Regeneration Funding (CRF) granted to this Council in each of the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08?

Answer (1) The Community Regeneration Fund was announced in August 2004 to tackle deprivation across Scotland and in Edinburgh the city wide CRF allocations have been awarded to the Edinburgh Partnership as Community Planning Partnership for the city.

Previously, up to 31 March 2005, SIP funds were allocated to individual Social Inclusion Partnerships in Edinburgh.

The Council has acted as the accountable body in respect of the above funds and administers their release. The allocations administered by the Council are as follows:

SIP and CRF Allocations to Edinburgh

2003/04 (SIP)	£7,166,923
2004/05 (SIP)	£7,166,923
2005/06 (CRF)	£7,176,157
2006/07 (CRF)	£6,676,000
2007/08 (CRF)	£6,176,000

Release of CRF funds has depended upon the approval of the city's Regeneration Outcome Agreement (ROA) by the Minister for Communities. The city ROA incorporates local outcome agreements.

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Question (2) What discussions have taken place with Ministers of the Scottish Government regarding the continuation of CRF?

Answer (2) An announcement on successor arrangements for regeneration funding beyond 31 March 2008, and the likely levels of any funds, is not expected until after the completion of the Scottish Government's Comprehensive Spending Review.

Senior officers of the Council are already in discussion with Communities Scotland concerning successor arrangements for the city's CRF allocation.

Question (3) In the event that CRF funding is not forthcoming will the Convener produce a report for this Council on the impact on services in the communities that receive the funding and what can be done to alleviate any loss of services?

Answer (3) Yes.

Supplementary Question I wonder whether or not Councillor Buchanan would include in that particular report on CRF funding that was to be produced particularly any loss of services that help deliver national and local priorities?

Supplementary Answer I would be happy to do that.

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QUESTION NO 2

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

Question

Due to the imminent establishment of the Scottish Commission for Human Rights, how is the Council planning to explicitly integrate Section 6 of the Human Rights Act 1998 into the delivery of Best Value?

Answer

The Council welcomes the Scottish Commission for Human Rights Act 2006 which establishes an independent Scottish Commission for Human Rights (SCHR). The recent Audit of Best Value and Community Planning of the Council covered many of the new statutory requirements. The primary delivery vehicles for integrating Convention rights further will be:

- 1) The Council's Multi Equalities Scheme. This will be reviewed between January and March 2009 and the new scheme will contain revised references to the Convention rights.
- 2) The Community Safety Partnership Strategy.
- 3) Various Departmental Service Plans, which will contain service improvement actions relating to the above examples.

It should also be noted that the Convention rights are enshrined within the Council's values, in particular, "equity and fairness", and within the City Vision, in particular, the aspiration to "be a safe and tolerant, creative and connected city, promoting the well being of both people and place".

**Supplementary
Question**

I welcome this commitment to Human Rights in the form of an audit at the time of the review of the Multi-Equalities Scheme which is what you say in your answer

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I would like to ask first of all if Council staff will be provided with training on human rights?

When will the Council be able to provide a leaflet to explain what rights people have?

Will the Council have designated staff to deal with human rights issues?

Will the Council incorporate human rights and equalities in every Council report?

**Supplementary
Answer**

I am not in a position to give you an answer to that. I will need to speak to the various departments about how they intend implementing it.

I would imagine it might be possible that we would bring a report back to Council on exactly how we intend carrying out the implementation so that we fulfil not just our obligations but our genuine desire to fulfil the human rights agenda.

QUESTION NO 3

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

Question

What action is being taken to improve upkeep and facilities in the Meadows & Bruntsfield Links?

Answer

The Council maintains the Meadows and Bruntsfield to a very high standard. A number of improvements have been made to the facilities including the replacement of the ornamental fence work at the east end of the park, the opening of the new Magnet Play area and the addition of a large number of naturalised bulbs and trees.

The South Central Neighbourhood Partnership has agreed to re-establish a short life working group for the Meadows area. Membership will be taken from local community councils, Friends of the Meadows group, Edinburgh University Student Association, local Councillors, Police and Council officials. The group will focus on ground maintenance, waste management and recycling, community safety, events and park management.

This group will report their findings and produce an action plan for consideration by the local Neighbourhood Partnership.

**Supplementary
Question**

There are concerns about vandalism and anti-social behaviour in the Meadows and Bruntsfield Links and there is a desire by some sections of the community for CCTV coverage in the area. Whilst I fully recognise that it is not possible to cover the whole area, does the Convener recognise that CCTV does have a role to play in the countering of vandalism and anti-social behaviour in the Meadows and Bruntsfield Links?

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**Supplementary
Answer by
Councillor
Wheeler**
**Supplementary
Answer by
Councillor
Aldridge**

Yes I do agree with the point that Councillor Godzik has raised about CCTV and I will ask my colleague, the Vice-Convener, to deal with it further.

In principle, yes. The group that has been set up is going to be looking at community safety issues and reporting to the Neighbourhood Partnership. I think that when that report comes through we will be able to deal with community safety issues along with the range of other issues that they are looking at in relation to the Meadows.

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QUESTION NO 4

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

Question

In the current climate of efficiency savings, can Council provide information on how much is spent on outside Advocates for industrial tribunals rather than utilising the services of in-house Council Solicitors?

Answer

The amount spent on outside Advocates for Employment Tribunals is as follows:

2004/2005	£18,805	
2005/2006	£9,650	
2006/2007	£20,500	
2007/2008	£9,850	Expenditure to Date
	£20,000	Forecast

Costs are contained by use of the existing in-house legal resource in Legal Services Division, Department of Corporate Services.

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QUESTION NO 5

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

Question (1) Has there been a recent assessment of road safety on Greenbank Lane?

Answer (1) The City Development Department undertakes an annual accident investigation into all streets within the City of Edinburgh Council area. This investigation is carried out using the accident details supplied by Lothian and Borders Police who are responsible for the collection of all personal injury road traffic accident data within their force area.

Every year the Road Safety Accident Reduction team carries out an analysis of the accidents reported to determine locations where the accident rate is giving cause for concern and where remedial works may require to be implemented. In the latest available three year period only one accident has been reported in Greenbank Lane. This accident resulted in a "slight" injury to a 12 year old pedestrian who walked out from behind parked cars and was struck by a passing car's wing mirror. The only other accident reported in Greenbank Lane (since our records began in 1981) happened in 2003 when an elderly driver suffered a "slight" injury when he swerved to avoid an oncoming vehicle and struck a parked car.

The level of accidents reported on Greenbank Lane ie 2 "slight" accidents since 1981, means that the street has never been identified as a "site for concern" through this annual investigation process. This method has been developed to ensure road safety expenditure is targeted towards areas which will have the greatest accident reduction benefits and needs to be seen against a level of almost 1500 accidents in Edinburgh every year.

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Question (2) What action is being taken to improve road safety in the Greenbank area?

Answer (2) The Council through its Local Transport Strategy and the Edinburgh Road Safety Plan is committed to the introduction of 20mph zones throughout the city and a priority list for their implementation has been developed. To achieve the greatest road safety benefits, accidents were chosen as the primary factor in zone assessment. Areas were ranked based on the personal injury accident rate of the zone and account was also taken of accidents involving vulnerable road users such as pedestrians and cyclists and locations such as schools, community centres and local shopping areas.

The Greenbank area was assessed and ranked at No 131 in this priority list of almost 200 sites. This financial year the scheme ranked at No 51 is being constructed therefore given the current level of funding it will be some time before the 20mph zone in Greenbank will be implemented. All the roads in the Greenbank area will however continue to be monitored on an annual basis through the accident reduction investigation process as described above.

Supplementary Question

In spite of the answer provided there are real concerns about the use of Greenbank Lane which is increasingly being used as a rat run at the start and the end of the school day.

Can I ask the Convener what action he intends to take to address the very real concerns of residents on this issue and could the issue be addressed through the Council's Safer Routes to School programme?

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**Supplementary
Answer**

I would refer Councillor Godzik to the final paragraph of the response which confirmed that the roads in that area will continue to be monitored on an annual basis through the accident reduction investigation process as described in the earlier part of the answer. I note his concern about rat runs but I assure him that this is not unlike many other roads across the city (I am sure each of us can think of one in the wards we represent) and we are told where this ranks in the priority list so I am guided by the officials.

QUESTION NO 6

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

Question

Please provide further details concerning the review of Community Learning and Development:

- a) What is the timescale for the review?
- b) Will Centre Management Committees be participating in the review?
- c) Will the relationship between Centre Management Committees and the Council (as Local Authority) be considered as part of the review?
- d) Will the fact that most Centre Management Committees are unincorporated bodies be properly assessed and considered as part of the review?
- e) What are the expected outcomes of the review, as regards strategic objectives not specific detail?

Answer

- a) The review of CLD was agreed by the Council on 20 September 2007. A report setting out broad terms of reference for this review, which will be taken forward as part of a wider departmental review, will be reported to the Education, Children and Families Committee on 30 October. The outcomes of the review will be reported to Council by the end of February 2008 and, if approved, implementation will commence from April 2008.
- b) The process of the review will include consultation with all stakeholders, including Centre Management Committees.
- c) Yes.
- d) Yes.

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- e) The review will recommend changes in levels of activity, staffing and management support in order to reduce forecast budget pressures.

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QUESTION NO 7

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

Question

Please provide further details concerning the progress with "Wave 3" schools:

- a) When will the Business Case for the 5 schools in question be ready?
- b) When will the Business Case for the 5 schools be submitted to the Scottish Government?
- c) What further discussions are planned with the Scottish Government about the development of funding options – in particular the "Scottish Futures Trust"?
- d) What is the planned timescale for the actual completion of the redevelopment for EACH of the 5 schools?

- 1.Portobello High School
- 2.St John's Primary School
- 3.Boroughmuir High School
- 4.James Gillespie's High School
- 5.St Crispin's Special School

Answer

- a) We have allocated funding to carry out detailed feasibility studies in relation to the 5 'Wave 3' schools as preparation for an outline business case. The studies will identify options, costs and timescales for each school.
- b) The Scottish Government has not invited local authorities to submit business cases for a further round of school estate funding. We are awaiting the outcome of the comprehensive spending review.

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- c) We have met with and written to the Scottish Government about the 'Wave 3' proposals and are continuing to look at all possible options for funding.

The Council awaits development of the Scottish Futures Trust model at a national level and will fully engage with the Scottish Government when a detailed proposal is available.

- d) It is not possible to give projected dates for completion given the uncertainty about future funding possibilities.

A commitment has been given to the Schools involved that schools which are already further ahead in the process, such as Portobello, would be allowed to proceed more quickly once funding was agreed.

**Supplementary
Question**

Given her earlier contribution to the debate in response to the Portobello/James Gillespie's High School deputations, is the Convener of the Education, Children and Families Committee now able to commit to a definite timetable for submission of the relevant Business Cases to the Scottish Government as I asked in Question (b)?

**Supplementary
Answer**

It won't be a business case as you know; it will be a feasibility study because a business case would be far too expensive for us to bid into our money which at the moment doesn't exist.

Again, as you know from the discussions that we have had, we are hoping that the feasibility studies will be finished by January 2008 and I then hope we can bring it back here or to the Education, Children and Families Committee and then submit it to the Scottish Government.

QUESTION NO 8

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

Question

Please confirm:

- When any new 'estate rationalisation programme' will be coming before the Council for decision?
- How the 'development' of any such programme will ensure the involvement of all major stakeholders?

Answer

I have asked the Director of Children and Families to develop a more limited set of proposals for rationalisation of the school estate, which would be likely to receive broad support. A motion to this effect will be put to a future meeting of the Education, Children and Families Committee.

I also intend to propose the establishment of a sub-committee of the Education, Children and Families Committee to consider and develop these proposals prior to formal consideration by the Education, Children and Families Committee. The aim will be for the sub-committee to adopt a 'Select Committee' approach and to listen to representation from a wide range of stakeholders in developing the proposals for consideration. All proposals will be subject to a final process of public consultation.

**Supplementary
Question**

Is the Convener able to firmly commit to which meeting of the Education, Children and Families Committee this issue will be taken?

**Supplementary
Answer**

I am hoping that it will be taken to the 19 November meeting.

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QUESTION NO 9

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

Question (1) Will the Administration consider setting up a 'Climate Change Fund' to encourage the use of climate-friendly practices in the city?

Answer (1) There is no current commitment to setting up such a Fund.

Question (2) Will the Administration consider setting up a 'Climate Change Partnership' as has been set up in East Renfrewshire?

Answer (2) The Edinburgh Partnership has already set up a task group on Sustainability and Climate Change with an initial report due back in November 2007.

**Supplementary
Question**

I am fairly disappointed by the seemingly unenthusiastic answers relating to the initiatives to reduce climate change emissions that I have asked about in this question and question 11. There are many promising initiatives to reduce greenhouse gases brought forward by Councils throughout Scotland and the rest of the UK and I would like to seek an assurance from the Convener of the Transport, Infrastructure and Environment Committee that the Administration will ensure that the Council officials will pro-actively investigate and examine best practice from other parts of the UK with a view to incorporating these into Edinburgh's approach to climate change.

**Supplementary
Answer by
Councillor
Aldridge**

Yes our officials are constantly looking at practice across this country, the rest of the United Kingdom and other parts of Europe to ensure that we do move towards best practice.

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QUESTION NO 10

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

- Question** (1) What progress has been made to date and what plans are there for decentralised energy since the publication of the "Powering Edinburgh" report in November 2006; (i) in the Council estate (ii) in the City of Edinburgh?
- Answer** (1) Work is ongoing on the Council's carbon management programme which has been the subject of a previous answer to Councillor Burgess. We will have to wait until that programme is complete. Across the city a key tool for decentralised energy has been the Edinburgh Standards for Sustainable Building which aims to address issues of energy efficiency and renewable energy generation. This is having the effect of developers looking at different ways to generate energy locally. Work will continue in this area.
- Question** (2) Will the Administration consider establishing an energy company to generate the Council's own energy and report on such activity by local authorities in Leicester, Southampton and Woking?
- Answer** (2) There are no plans currently to set up an energy company.
- Question** (3) How much carbon-dioxide is generated by street lighting in Edinburgh each year and what progress has been made to improve the energy efficiency of street lighting?

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Answer

- (3) The Carbon Management Tool has calculated the total amount of carbon emitted by street lighting, stair lighting and traffic lights as 17,321 tonnes of CO₂. Work is ongoing to evaluate energy efficiency in this area through the Carbon Management Programme.

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QUESTION NO 11

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

Question (1) Does the Administration have any plans to introduce plastic recycling for door-to-door collections?

Answer (1) Remade, an independent university based research organisation funded by the Scottish Government, have, with reference to best practice in Scotland, the UK and in Europe, identified the extent to which the Council can further increase its recycling performance. One of the recommendations in their report is to consider the introduction of plastic bottle recycling within the existing kerbside multi material (blue & red box) scheme.

Further detail on the recommendations contained within their report will shortly be submitted to the Transport, Infrastructure and Environment Committee.

Question (2) What is the total volume of trade waste collected from business premises in Edinburgh and what percentage is recycled and what percentage sent to landfill?

Answer (2) The total tonnage of commercial waste collected by the Council from business within the city for year 2006/07 was 31,441 tonnes.

The Council collects waste from 5,200 customers. This equates to around 25% of the market share.

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Private sector waste collectors may choose what type of waste to collect whilst the Council, driven by legislation, must make arrangements to collect all trade waste when asked by the producer of the waste. The bulk of the commercial waste that the Council collects is of poor quality for recycling and is heavily contaminated. However, 22.5% of the material collected through the Council's trade waste service is recycled which equates to 7070 tonnes, with the remainder going to landfill.

Question (3) What is the cost per tonne to businesses for trade waste and what is the cost per tonne for recycling trade waste?

Answer (3) The Council does not charge for trade waste services by tonnage. Charges are levied per container type and frequency of collection.

By law, the trade waste service has to be self-financing and this requirement is reflected in the Council's trade waste charges.

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QUESTION NO 12

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

Question (1) How many children are currently being cared for in independent sector provision?

Answer (1) 80 children are being cared for in voluntary agency placements. 32 are in organisations registered with the Charities Commission (Barnardos and St Andrew's Children's Society) and 48 are in newer voluntary organisations often referred to as the independent sector. The average number of children in voluntary/independent placements so far this year has been approximately 70. Numbers generally rise over the summer and then dip somewhat in the winter. Average numbers in 2006/07 were approximately 57. There has been an overall rise in the total number of children in full time foster and adoptive placements of approximately 35 in the last year.

Question (2) What is the average annual maintenance fee for each child being cared for in independent sector provision?

Answer (2) This varies from approximately £18,000 to approximately £60,000 p.a. The average is around £35,000 - £40,000 p.a. The amount charged depends on the ages and difficulties of children placed and some agencies are more expensive than others. We try to avoid using the most expensive ones but on occasions, when no other placements are available and the child concerned is in severe and urgent need, we have had to do so.

Question (3) How much has the Council spent on independent foster care provision in each of the 12 months from October 2006 to September 2007?

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- Answer** (3) This is almost impossible to calculate as the way in which the payments to these agencies are recorded has changed. Up until April 2007, the payments were recorded in and amongst payments to Edinburgh carers. They are now recorded separately in order to gain a clearer picture of this expenditure. Expenditure for the first half year in 2007 is £1,228,458. It is reasonable to predict that second half year expenditure might be similar, although if we continue our successful efforts to increase our Departmental carers, it is hoped that expenditure will begin to reduce.
- Supplementary Question** Can the Convener offer assurance that resources are targeted to ensure that we establish adequate levels of supported accommodation for looked after young people as a matter of utmost urgency?
- Supplementary Answer** You will know the sort of dubiety over what is the satisfactory level and what isn't and it is dependent on funding and not financing but you have my assurance that within the money available to us we will do everything possible to make sure that there is satisfactory provision.

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QUESTION NO 13

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

Four months ago I asked the Council Leader about the possibility of introducing software which would ensure that the Council's 19,000 computers are automatically switched off overnight to make sustainable cash and energy savings.

Question (1) What progress is being made on this with BT Syntegra?

Answer (1) The software, NightWatchman, which Councillor Child identified, is one of a number of similar products in the marketplace. Technical evaluation is currently being undertaken by BT to assess whether the introduction of this product, a similar product or further configuration of existing tools could allow this functionality to be introduced on the network. The Sustainable Development Unit will support this evaluation by providing an estimate of the potential direct energy and financial savings and savings in terms of annual CO₂ emissions. This analysis is expected to be completed by the end of October and an update report will be submitted to the first meeting of the Smart City & ICT Partnership Elected Member Sounding Board in November.

Question (2) What plans are there for a Green IT programme?

Answer (2) A report identifying the potential opportunities will be submitted to the Smart City & ICT Partnership Elected Member Sounding Board before the end of the financial year.

Question (3) When will a report be coming to Committee for decision?

Answer (3) As outlined above.

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QUESTION NO 14

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

School ICT and Curriculum development

Question (1) What work has been done to ensure the long-term sustainability of our participation in the GLOW programme for schools?

Answer (1) Discussions with GLOW (formerly the Scottish Schools Digital Network) are still ongoing. It is anticipated that a paper will be brought to the Council in the future which will make recommendations with regard to future participation in GLOW.

Question (2) Can you outline what work has been done to develop continuous professional development opportunities to ensure its effective use in curriculum development?

Answer (2) The Department has recruited a cadre of staff whose function is to support Learning and Teaching in schools. The effective use of ICT is part of their remit.

Question (3) What planning has begun for the e-live 2008 events and what role will GLOW have in the events programme?

Answer (3) Given the budgetary constraints within the Department the position in relation to e-Live 08 is under review.

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QUESTION NO 15

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

Question

What progress has been made on the review of the Common Good Fund following agreement of the full Council on 23 August that it should be updated as a matter of urgency?

Answer

Following the original request from Mr A. Wightman seeking detailed information of what properties were held on the Council's Common Good Account, and the subsequent request from the former Executive of the Council for an update on the position, a substantial amount of research by officials in City Development, Legal Services and Finance has gone into a review of the Common Good Land held by the Council.

This review involves financial management and accounting issues as well as very extensive and complex legal and archival research. Detailed research into the historical background of each property identified, from a variety of sources, is required including its history in relation to when and why it was transferred to the Council's Common Good Account, past use and current use at the time of transfer. In addition, research has commenced to identify any Council properties which should be included in this account. Such research commands substantial resources both internal and external. The research is proceeding as quickly as possible. In accordance with the decision of Council on 23 August, once the position has been clarified, a full report will be submitted to Committee at the earliest possible date.

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**Supplementary
Question**

Given that there is likely to be pressure for development on land held in the Common Good, would the Leader agree that it is important that this review is completed fairly rapidly so that informed decisions can be made about the best way to treat Common Good land for the benefit of all citizens?

**Supplementary
Answer**

Yes, I would agree. I know that there are at least two pieces of land which are potentially for development where there are issues about whether it is Common Good land or not. I have to say it has been a long time even getting this amount of work done.

I actually first raised the issue of Common Good land about nine years ago in the Council at what was then the General Purposes Committee. As a result of that, we began to get annual reports on the Common Good Fund but there is still quite a lot of work to be done. There are issues which have involved seeking Senior Counsel advice and there have been at least two Memorials produced by Senior Counsel which are still causing difficulties about the establishment of whether land is actually Common Good land or not and at least one of those pieces of land is a potential area for development. However, I quite agree with you it is important that we try and get this finished as soon as possible.

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QUESTION NO 16

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

Question

Given the decision taken by Full Council on 23 August to include explicit information on each Department's sustainability performance, why is this information not being included in the bi-monthly reports of all the committees, and what steps will be taken to ensure that it is prioritised in the future?

Answer

I am determined that the Council operates in an environmentally sustainable manner. The Council's performance on sustainability will be reported regularly to all Committees. We are awaiting advice on the most appropriate means and regularity of providing meaningful information on sustainable development and I shall keep the Councillor, and other members, informed.

**Supplementary
Question**

You say you are awaiting advice on the most appropriate means. Advice from whom and, by meaningful information, can we maybe hope for details such as climate change emission data or the effect of procurement and other Council equities?

**Supplementary
Answer**

If I could start by saying that of course we have only just started up these Committees and so it would have been impossible, I think, to have had these reports going to the first meetings. I think all of the Committees have now had their first meetings and will be coming on to their second meetings so there was an issue about the timing anyway.

Yes, there is no point in just paying lip service and having a section in a report saying "yes, we have looked at environmental issues and it has no impact" or words to that effect. I think we actually have to find meaningful measurements and it will vary from department to department.

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Within each department I am hoping that there will be an officer who will be the person who will take the lead in establishing exactly what criteria should be used but I think there is no point in having a phrase or a section thrown in at the end which invariably would not be giving us any real detail on what is happening. So I hope you would agree that it is better to have it done well rather than to have it done quickly in a rather meaningless manner.

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QUESTION NO 17

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

At its meeting on 8 February 2007, the Council approved a budget and further actions. Paragraphs 40 to 44 inclusive of the approved budget motion called for contact to be made with the Scottish Executive to address a number of strategic financial matters. (For ease of reference, these paragraphs are copied at the end of this question.)

Question **(1)** Could the Leader provide an update to the Council on progress made in these matters by the new Council Administration?

Question **(2)** Could the Leader indicate whether she continues to support the action proposals (referred to in the preamble and listed below), which were moved by the former Labour Administration, and could she also indicate whether the new Scottish Government has responded positively to these matters?

Extract from minute of Full Council of 8 February 2007:

40) To call upon the Scottish Executive to review the "floor" mechanism within local government grant distribution and to remove the requirement that this be financed by Councils, thereby relieving Edinburgh's council tax payers of a burden in excess of £2m per annum, equivalent to 1% on Edinburgh's Council Tax every year.

41) To call upon the Scottish Executive to recognise Edinburgh's role as Scotland's capital and, with Glasgow, as the engine of the Scottish economy, and increase the funding it makes available to the city. Also to review the Non Domestic Rates system whereby Edinburgh contributes over £111m to the national pool.

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- 42) To call upon the Scottish Executive to increase the level of funding for Free Personal Care to pay for the increased cost to Edinburgh Council Tax payers which result from clarification of the legal position in relation to meals preparation and to urgently review the funding mechanisms for Free Personal Care, which do not adequately reflect the number of older people in the city who are eligible to receive this assistance.
- 43) To call on the Scottish Executive to increase the level of planning fees able to be charged by local authorities, especially for major applications, so as to meet the actual costs of the Planning Service and to provide adequate funding to cover the costs of the Planning Service in conservation areas.
- 44) To call on the Scottish Executive, in the 2007 Spending Review, to recognise that many Council services are subject to levels of inflation far in excess of general price indices, including construction industry inflation and energy costs.

Answer

The new Council Administration has been standing up for Edinburgh by raising these matters directly with the new Scottish Government and in raising awareness generally about the impact of these measures on Scotland's capital city. Councillor Rose may be aware that the Parliamentary Liaison meeting, which I chaired, on 10 September specifically focused on financial issues affecting the city. I have arranged for Councillor Rose to receive a copy of the materials provided to our Lothian Parliamentarians.

The briefing was used as an opportunity to highlight issues such as:

- Investment required to support city growth;
- Importance of a continued Cities Growth Fund;
- Particular costs arising from being the capital city;
- Impact of inflation;
- The need to incentivise growth through business rates retention above a base level;
- Grant distribution which properly reflects need.

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The Administration has also engaged with COSLA in their spending review submission which is seeking support through the forthcoming 3 year finance settlement for realistic inflation levels and a variety of service pressures including free personal care. At the Leadership Board and COSLA Convention on 19 October, I asked COSLA to push local government's case in the ongoing discussions and to stress the need for funding sources such as the Cities Growth Fund and to get detail as soon as possible on the Scottish Futures Trust. The Deputy Leader and I have also, in the last week, written jointly to the Cabinet Secretary for Finance and Sustainable Growth, highlighting specific financial arrangements which have most impact on Edinburgh. A specific report on Free Personal Care was also brought to the Health, Social Care and Housing Committee on 9 October setting out the Council's response to the Independent Funding Review of Free Personal Care to be chaired by Lord Sutherland.

In relation to the matter of planning fees, the Scottish Government has commissioned a research study into planning application fees and the scope of fee-eligible development management activities. The Council has been participating in this study and a planning officer and a finance officer represented the Council at an inter-authority seminar on 12 October.

The Administration has been proactive in emphasising to the Scottish Government the importance of Edinburgh to the economic well-being of the nation as a whole and in highlighting the specific budgetary challenges which inhibit our competitiveness. The Scottish Government has been receptive to the case we have been making. The outcome of these matters will not, however, be known until the outcome of the Scottish Spending Review is announced.

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QUESTION NO 18

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

Question

Could the Leader clarify when Council can expect the following reviews called for under the *Further Actions – Efficiencies and Reviews* section of the budget motion passed on 8 February 2007:

- a) To instruct the Director of Corporate Services to undertake a review of Licensing and Legal Services to include consideration of the charging mechanisms in relation to core support and projects, the review on licensing to report within 3 months. (Para 36).
- b) To call for a report from the Director of Services for Communities to review the provision of libraries city wide. This should take into account previous reports which included the need for new libraries at Drumbrae and Alnwickhill/Kaimes. Various budget options should be brought forward taking into account the financial consequences in both capital and revenue terms (Para 38).

Answer

- a) A report detailing a review of the Licensing service was considered by the Executive of the Council on 27 February 2007 and a revised staffing structure, necessitated by an increasing workload was approved. The wider review of Legal Services and the funding mechanisms employed thereby is complex and is ongoing. It is hoped that a report will be presented to the appropriate committee of the Council towards the end of this calendar year.

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- b) A report was submitted and approved by the Executive of the Council on 19 June 2007. The report made recommendations on the scope and methodology of the called for review. The provision of Libraries city wide will be reviewed in light of a number of key themes, including the need for new libraries at Drumbrae and Alnwickhill/Kaimes. Budget options will be considered, taking into account the financial consequences, in both capital and revenue terms, of improved provision.

It is proposed to report the outcomes of the Review to the Culture & Leisure Committee in February 2008. The report will provide a comprehensive improvement action plan for the future provision of Libraries city wide and present various budget options to realise the plan.

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QUESTION NO 19

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

Question (1) What action has been taken to progress Council motions passed on 28 June and 23 August on Edinburgh's Housing crisis?

Answer (1) The Council Secretary wrote to the Office of the Minister for Communities and Sport on 4 July 2007, referring to the Executive decision of 28 June and requesting a meeting with the Minister.

The response to this letter was received and indicated that it may be some time before the Minister's diary could accommodate this.

It is worth noting however that the Convener and Vice Convener of Health, Social Care and Housing attended, with officials, a meeting with the Minister on 1 August 2007. The Minister was accompanied by officials from the Scottish Government and Communities Scotland.

This meeting was at the request of the Minister's office and the concerns expressed at the Executive were fully relayed to the Minister.

It is also worth noting that the Scottish Government have established a Housing Supply Task Force which will consider the Edinburgh and Lothians Structure Plan on 23 October. The stated intention is that some time in November there will be a further seminar involving the Lothian authorities to consider wider issues around the delivery of affordable housing.

Question (2) When will the all party group of these motions be convened?

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Answer (2) The decision of 28 August referred to an all party delegation to meet the Minister, not to the establishment of an all party group.

It will only be appropriate to convene a meeting prior to any meeting with the Minister.

Supplementary Question

Firstly, can the Convener inform the Council of the difference between the Affordable Housing vehicle of the previous Scottish Executive and the Housing Supply Task Force set up by the Scottish Government and why does he set such store in the Task Force?

Secondly, is he aware that the Task Force will reach its conclusions after the Comprehensive Spending Review has allocated funding for 2008-2011 and will produce no report?

Thirdly, does he believe in his strategy of osmosis in relation to Council motions of June and August?

Supplementary Answer

Firstly, to answer your third question regarding osmosis, I am not the Minister's diary secretary. Efforts to get a meeting with the Minister are ongoing.

Secondly, on your question about the Housing Supply Task Force, I am happy to get further information for you about the difference between that.

Thirdly I think we are all looking forward to the report of the Comprehensive Spending Review.

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QUESTION NO 20

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

Question (1) When will the Newhaven Heritage Museum re-open?

Answer (1) As you know the Museum is housed in a part of Newhaven Fish Market, a 'B' listed building owned by Forth Ports PLC. Newhaven Heritage Museum occupied its part of the building under a free sublease from the restaurant, Harry Ramsden's. This sublease became invalid after Harry Ramsden's went out of business in October 2002. Forth Ports PLC have allowed the museum to remain on the premises until a new lease could be renegotiated.

Several meetings have taken place with a representative of Forth Ports to discuss a lease. These negotiations are continuing.

On the basis that a new lease arrangement is agreed, work can begin on fitting out the displays and new facilities. A reopening date can then be determined.

Question (2) What work is being undertaken by Council officers to re-open the museum?

Answer (2) A group of museum staff – curatorial, learning and access, conservation and design staff – have been working on planning the reopening of Newhaven Museum. New facilities – toilet, reception and disabled access – are being planned along with a redisplay and reinterpretation of the collection. £60,000 of capital money has been secured for the upgrading of the displays and new facilities.

Supplementary Question Can the Convener provide me with a date for the re-opening of the Museum?

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**Supplementary
Answer**

Not at this point and I am certainly not going to jeopardise negotiations by discussing outcomes or dates in the public arena at this time. But can I assure you that this is being vigorously pursued by Council officers.

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QUESTION NO 21

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

Question (1) When will the report called for in paragraph 26 of the Budget motion passed by Full Council on 8 February 2007 be presented to Council?

Answer (1) At the Council meeting on 20 September 2007 it was agreed that the Community Learning and Development service would be the subject of an organisational review in order to identify cost reductions. This will be a wide ranging review and it would not be prudent to report on the development of youth cafes until the review is completed.

Question (2) What action will be taken by the current administration to progress Youth Cafés in the city?

Answer (2) Action to be taken to progress youth cafes in the city will be considered further following the completion of the organisational review of CLD and when it is possible to allocate money in the capital and revenue budgets to allow this to happen.

**Supplementary
Question**

I know that the Convener actually has a long-standing interest in the provision of Youth Cafés in the city and I wonder if she will re-consider the reply to my second question. In particular, I can think of an example in my own ward, Leith Community Education Centre, which could actually probably provide this facility at no cost to the Council but would need firm direction from the Convener. Is she willing to provide that firm direction to achieve our aim?

The City of Edinburgh Council
25 October 2007

**Supplementary
Answer**

First of all Youth Cafés are very dear to my heart as they are to yours and if anybody points me in the direction of money or funding for Youth Cafés then I am more than happy to follow that up and so I will follow up your suggestion and have further conversations with you.

I must say that if I were you, I would not have drawn attention to the issue of the funding of Youth Cafés because I can remember at the time of the last budget your Administration trumpeting loud and clear about the establishment of three Youth Cafés across the city and I even have a BBC press release saying that. When I was appointed as Convener I thought that the one bright spark on the horizon was that there was this money for these three Youth Cafés that the Labour Administration had set aside. However, after investigation by Finance and Children and Families officials, it transpired there was no money and it was yet another political con by our friends financing projects with no money attached. So I think this was a mistake to draw attention, yet again, to your political dubiety on this issue.

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