

**Committee Minutes**

**The City of Edinburgh Council**

**Year 2007/2008**

**Meeting 6 – Thursday 20 September 2007**

Edinburgh, 20 September 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

## 1 Budget Issues

The overall financial context for the proposed savings in the Children and Families and Health and Social Care Departments was described and the requirements for members to endorse the necessary action to address the Council's financial position were set out.

### (a) Deputations

The Council agreed to hear the following deputations on the proposals:

#### (i) **Teens+ Project – St Ann's Community Centre**

Jane Ansell, Lindsay Graham and Patricia Layden referred to the proposed disposal of St Ann's Community Centre and the disruption this would cause to the Teens+ Project who occupied the building. The project was an educational programme for young people with complex additional support needs and communication difficulties. It provided education for a group of young people who had left school but for whom college was not an option. It was tailor made for their needs and it was hoped that it would be used as a model for more projects all over Scotland.

The deputation asked the Council to consider the needs of those involved in Teens+ to whom St Ann's was their daily home. If the Council had to close St Ann's then they should only do so once alternative accommodation had been found for the project.

(Reference – e-mail dated 19 September 2007, submitted)

#### (ii) **Childcare Connections (South Edinburgh), Smile Childcare (Wester Hailes) and North Edinburgh Childcare – Revenue Grants**

Georgie Robertson, on behalf of Childcare Connections (South Edinburgh), Christine Richard, on behalf of Smile Childcare (Wester Hailes) and Denise Allison, on behalf of North Edinburgh Childcare, referred to the freeze of the remaining payments of their revenue grants for 2007/08. The organisations they represented delivered childcare in three of the most disadvantaged areas of the city. Each organisation had done all they could to reduce expenditure; a freeze on their grants would have a huge effect on the local communities they served. They asked that the remaining parts of the grants be paid and they be allowed to get on with their valuable work.

(Reference – e-mail dated 12 September 2007, submitted)

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**(iii) Full-Time Nursery Places**

**Grassmarket Nursery Parents** - Natasha Kirby and Shirley Bell described the effect the reduction of 300 free full-time nursery places in the city from January 2008 would have on families who used the Grassmarket Nursery and other nurseries. They expressed particular concern at the criteria to be used and the centralisation of decision making.

**Westfield Court Nursery School** - Elizabeth Anderton said the reduction in free full-time nursery places would hit the most vulnerable children in the community. She also expressed concern at the centralisation of the allocation of full-time places rather than decisions being made by Headteachers. This disruption was cruel and avoidable. She added that these nurseries were educational establishments and this facility was not provided by private nurseries.

The deputation said that the Council and the community should work together. Whilst they understood hard decisions were needed, they needed reassurance on the Council's commitment to educational provision in the city.

**Parents' and Workers' Association of High School Yards Nursery School** - Jacque Swartz expressed the Association's two principal concerns on the reduction in free full-time nursery places, namely the criteria to be used and the centralisation of decisions. The Council was cutting 320 places without an explanation of what would happen to the children involved and of the Council's responsibility for social inclusion. This measure had been introduced from a purely financial perspective. It would lead to an exaggeration of claims in order to get a place. The deputation asked would catchment areas be introduced for early years education.

(References – e-mails dated 15 September 2007, submitted)

**(iv) Parent Council of Craigentiny Primary School – Children and Families Estate Rationalisation**

Stephan Eisenhardt said that, whilst the Children and Families estate rationalisation had been abandoned, the report by the Director of Children and Families stated that the measures identified for reduction in expenditure would only balance the Department's budget for 2007/08 and that further long-term measures were necessary. In light of this, he asked:

- Would the Children and Families estate rationalisation be resurrected and, if so, when?

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- What criteria would be used to choose the schools to be included in any rationalisation programme?
- How would any consultation on the proposals be structured and timed?

The deputation asked that answers to these questions be given by the next meeting of the Council in order to give parents clarity prior to the start of enrolment to Primary 1 in November 2007.

(Reference – e-mail dated 18 September 2007, submitted)

**(v) Grants to Third Parties**

**Edinburgh Community Food Initiative** - Ian Goodbrand described the function of Edinburgh Community Food Initiative (ECFI) which had been cited as a glowing example of best practice for the voluntary sector. The Initiative delivered fresh food and vegetables to food co-operatives in the city at cost price on a sale or return basis. The news that the Initiative's grant was to be reduced had been devastating. Losing its core funding from the Council, which was match funded by NHS Lothian, would mean that ECFI would cease to function as an effective organisation.

The deputation asked the Council not to approve the proposed reduction in grant and to continue supporting ECFI as it had done steadfastly over the last eight years.

(Reference – e-mail dated 18 September 2007, submitted)

**Edinburgh Network of Voluntary Organisations for Children, Young People and Families** – Maureen Martin and Ian Boardman acknowledged that the Council was in a difficult funding position. However, consideration had to be given to the impact the proposed reduction in grants would have on the ability of the voluntary sector to deliver critical services to the most vulnerable people in the community. The deputation was concerned that, despite the Council's partnership with the voluntary sector, this issue was being discussed in this way. The recommendations by the Director of Children and Families on reductions in grants to third parties were unprecedented and breached the Edinburgh Partnership agreement. The organisations involved had met the regulations imposed on them and this proposal was unexpected and a breach of trust.

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The deputation urged the Council to consider these points and that any decision to reduce grants would damage the Council's relationship with the voluntary sector. They asked the Council to reject this recommendation and refer the matter to the Edinburgh Compact for urgent attention.

(Reference – e-mail dated 18 September 2007, submitted)

**(vi) Workers' Educational Association Scotland – Riddles Court**

Joyce Connon and John McCaughie expressed concern at the constantly changing situation on Riddles Court. As well as affecting the Workers' Educational Association, the proposal to dispose of the building would affect the provision of the adult education service in the city. The deputation asked the Council not to put this service at risk by making a hasty decision on Riddles Court and not to close the building until an alternative was found.

(Reference – e-mail dated 19 September 2007, submitted)

**(vii) UNISON – Revenue Budget**

John Ross and John Mulgrew explained that since their last deputation on 23 August 2007, a day on which UNISON members had been on strike against proposed cuts to jobs and services, UNISON's concerns on consultation had been taken on board and the situation had improved. UNISON remained concerned at the proposals, particularly the scale of the cuts falling on one Department. Some of the proposals were of particular concern to the deputation as they would directly impact on members' jobs, including:

- Home care cuts;
- Early years provision – cuts in full-time nursery places;
- Community Education proposals – was this to be an open review or predetermined to achieve a financial figure?

UNISON would continue to take part in the consultation process and then consider its position.

(Reference – e-mail dated 19 September 2007, submitted)

**(b) Reports by the Directors of Finance, Children and Families and Health and Social Care**

**Motion**

- 1) To note the report by the Director of Finance setting out the financial context for the revenue budget in the current year and to endorse the

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fundamental requirement to ensure Council departmental budgets were placed on a sustainable footing.

- 2) To note the report by the Director of Children and Families entitled "Children and Families Department – Revenue Budget Monitoring – Month Four Position" and approve the action plan to balance the revenue budget at month 4 detailed in appendix 1 to the Director's report.
- 3) In respect of the Director's proposals at paragraph 5.2 of her report:
  - a) To approve revisions to Youth Services detailed in paragraph 3.20 and to grants and commissioned services payments as detailed in paragraphs 3.21 to 3.26 of the Director's report.
  - b) To call for a report specifically on St Ann's and Riddles Court Community Education Centres, looking at occupancy, alternative accommodation for present users, physical condition and potential users.
  - c) Within the timescales of the Organisational Review of Community Learning and Development Centres, to consult with the Management Committees of the Centres and other relevant stakeholders.
  - d) To review the Children and Families Capital Investment Programme, to identify projects which could be deferred and any capital receipts which could be advanced.
  - e) To deploy the Capital Fund and Schools Fund to address the remaining forecast revenue budget pressure of £4.6m in the Children and Families revenue budget.
  - f) To negotiate with other Departments of the Council to find appropriate funding sources to cover the shortfall for the Edinburgh Community Food Initiative caused by the reduction in grant from the Children and Families Department.
- 4) To note the report by the Director of Health and Social Care entitled "Health and Social Care 2007-08 Revenue Expenditure Reduction Proposals" and to approve the actions already taken by the Director, as detailed in paragraph 2.3 of his report, to reduce the projected overspend.
- 5) To note the savings proposed by the Director of Health and Social Care as detailed in Annex 1 to the Director's report and in this regard to accept the following savings noted in the annex:

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- (a) Paragraph 1 – Further management actions – £0.853m.
  - (b) Paragraph 8 – Improved Home Care Contact time – £0.064m.
  - (c) Paragraph 11 – Review all purchased care at home packages – £0.140m.
  - (d) Paragraph 13 – Community Safety Funding – £0.2m.
- 6) To instruct the Director of Finance to seek a £1,000,000 dividend from Council Companies in the current financial year and to apply this to defray cost pressures in Health and Social Care.
  - 7) To accept the savings from members' allowances of £130,000 and to apply the saving to defray cost pressures in Health and Social Care.
  - 8) To note that this revised package of measures brought the unfunded pressure in Health and Social Care services to £0.277m and to note the clear expectation that a saving to balance this pressure would be delivered by a combination of additional funding from NHS Lothian and, failing this, a further one-off funding solution.
  - 9) To call for a further update report from the Director of Health and Social Care to be submitted to the Health and Social Care Committee within one cycle detailing the outcome of discussions with NHS Lothian.
  - 10) To note the new pressure of £0.331m arising from the National Sports Facilities project and to instruct the Council Management Team to identify measures to contain this pressure in the half year monitoring report.

- moved by Councillor Gordon Mackenzie, seconded by Councillor Elliott-Cannon.

**Amendment 1**

- 1) To note the report and recommendations by the Director of Finance and that:
  - a) unallocated reserves had actually risen by £3.682m since April 2006; and
  - b) other local authorities throughout Scotland were in a similar position of facing projected overspends, also due to the increased costs of caring for vulnerable children and care of the elderly.

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- 2) Thus, to raise this general issue with the Scottish Government through COSLA.
- 3) To note further the warning by the Director of Finance that the SNP proposals to freeze Council Tax would require a significant reduction in expenditure and to express the belief that such a freeze would not only undermine democracy in Scotland's capital city but the place of local government in Scottish political life.
- 4) Thus, to request an all-party meeting with the Finance Minister to seek assurances that the city would continue to be able to raise the funds to meet its needs. In particular, the existing Cross Party Working Group should seek clarity on the criteria that the Scottish Government would be using to calculate how much each local authority needs, including to help alleviate pressures each would have because of their own local circumstances.
- 5) To acknowledge the continuing difficulties with balancing the budget and to note the recognition in paragraph 2.4 of the report by the Director of Children and Families that "...many of the variances which occurred in 2006/2007 are for the cost of services which are subject to demand led pressure".
- 6) To acknowledge also that the disposal of Council assets was being proposed to help manage the Children and Families budget, as outlined at paragraph 3.34 of the Director's report.
- 7) To acknowledge further that the savings outlined in the reports by the Directors of Children and Families and Health and Social Care fell disproportionately on the vulnerable and the elderly, despite the stated aim of the Coalition to assure that:
  - "its (*Edinburgh's*) disadvantaged groups and vulnerable individuals are supported"
  - "individual citizens have the maximum opportunity to realise their full potential".
- 8) In order to achieve these stated objectives of the current Coalition, to recognise the need to consider the 'whole Council budget' and develop a long-term strategy which would identify the Council's spending priorities over its life time.
- 9) Thus, in order protect services to the vulnerable and the elderly and to deal with the demand led pressures:
  - a) To continue all savings recommendations by the Directors of Children and Families and Health and Social Care for one meeting-cycle.

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- b) To review the way in which future demand for 'demand led services' was calculated.
  - c) To report to the next Council meeting on the spending priorities for the Council in order to avoid a disproportionate amount of savings falling on the vulnerable and the elderly.
  - d) To identify other Council assets that could be realised in order to help manage the Council budget, including a reassessment of the amount of dividend from Council owned companies.
- 10) Finally, to form an all-party group made up of 'finance spokespeople' to meet on a monthly basis, in between Finance and Resources Committee meetings, in order to monitor the ongoing budget situation in detail.

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

**Amendment 2**

- 1) To note with dismay the budget position at months three and four and that this was a direct result of the irresponsible actions of the former Labour Administration in setting a budget in February 2007 which, like previous budgets by that Administration, failed to tackle persistent structural budget problems.

**Revenue Budget – Financial Context**

- 2) To note the projected saving in the current financial year of £130k in the Members' Allowances budget (described in paragraph 2.3 of the report by the Director of Finance) and to set this saving against the Health and Social Care budget to help bring it into balance.
- 3) To note the potential further dividend in the current year of £500k from EDI Ltd and other Council companies (described in paragraph 2.3 of the report by the Director of Finance) and that additional information had since come to light indicating the possibility that further dividend income might become available and to set this income against the Health and Social Care budget to help bring it into balance.
- 4) To note the financial context set out in the report by the Director of Finance.

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- 5) To endorse the need to maximise sustainable savings to address departmental overspends in the context of the paramount need to agree a package of proposals to balance the budget in the current year.

**Children and Families Revenue Budget Monitoring**

- 6) To approve with regret the following recommendations by the Director of Children and Families to bring the Department's budget into balance for the current financial year:
- a) revisions to Youth Services as detailed at paragraph 3.20 and to grants and commissioned services payments as detailed in paragraphs 3.21 to 3.25 of the Director's report.
  - b) the disposal of surplus Community Learning and Development properties detailed in the Director's report.
  - c) a review of the Children and Families Capital Investment Programme, to identify projects which could be deferred and any capital receipts which could be advanced.
  - d) deployment of the Capital Fund and Schools Fund to address the remaining forecast revenue budget pressure of £4.6m in the Children and Families revenue budget.
- 7) Not to approve the reduction in grant funding detailed in paragraph 3.26 and Appendix 3 of the Director's report and instead to meet the proposed saving of £30,605 from dividend income from Council-owned companies.
- 8) To deplore the actions of the previous Labour Administration which had placed the Council in the extraordinary position of being forced to use capital funding to temporarily resolve revenue difficulties – a step which would have been unnecessary had the Council adopted a more prudent approach to budgeting and stricter financial discipline exemplified by the Conservative Group's alternative budgets in recent years - and to note with regret that these measures were of a one-off nature and failed to address structural difficulties in the Department's budget.

**Health and Social Care Revenue Budget Monitoring**

- 9) To note that the Director of Health and Social Care had already taken action to introduce certain savings measures (items 9 to 13 in Annex 3 of his report) and to approve this management action.
- 10) In respect of the recommendations in paragraph 6.1 of the Director's report:

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- a) To approve recommendations 6.1(2), 6.1(5a), 6.1(5c), 6.1(6) and 6.1(7), as follows:
- (i) To note that further work was being undertaken on a charging scheme for equipment and adaptations.
  - (ii) To approve the service reviews and productivity measures for home care services, including:
    - Reviews of all purchased care at home packages
    - Individual reviews of all remaining home care clients, including needs and eligibility, income maximisation and financial assessments
  - (iii) To agree to the consequential offers of voluntary redundancy to home care staff, noting that this was contingent on sufficient funds being available from the Council's Capital Fund.
  - (iv) To transfer unspent Community Safety funds of £200,000 to Health and Social Care for 2007/08 only.
- b) To amend recommendation 6.1 (3) to read:
- “To introduce means-tested charges for day service users at £2.50 per session from 1 November 2007 with a cap on charges of £15 per week.”
- c) To reject recommendations 6.1(1), 6.1(4) and 6.1(5b).
- 11) To approve all of the savings listed in Annex 1 to the Director's report, with the exception of items 3, 6 and 9 (namely, to reject charging the full economic rate for Home Care, removing the cap of £15 per week charges for Day Services and reviewing non-personal Home Care).
- 12) To accept savings measure 17 from Annex 3 to the Director's report, but to achieve this saving by reviewing all advice services provided by Council Departments and by other partner agencies, including the voluntary sector, with a view to securing more provision of welfare rights and other advice by independent external bodies through cost-efficient service level agreements.
- 13) To reject savings measures 14 to 16 inclusive from Annex 3 to the Director's report (namely, Close Older People Home, Restrict Older People Care Home Placements and Restrict Care at Home Placements).

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- 14) To note that the actions outlined in paragraphs 2 and 3 and 9 to 12 above would mean that the Department would require a further £372k to achieve a balanced budget in the current financial year.
- 15) Therefore, to continue negotiations with NHS Lothian in order to achieve an additional resource transfer agreement to give substantial support towards the Council's ongoing costs of care packages which were put in place to achieve delayed discharge performance targets for the 1 April 2007 census and which cost approximately £700k in full year terms.
- 16) Should the negotiations with NHS Lothian fail to secure a substantial sum:
  - a) to seek a further dividend from Council-owned companies in the order of £500k to ensure that the Department of Health and Social Care achieved a balanced budget and the Council met its statutory duty to balance the budget; and
  - b) to hold in reserve any surplus secured over the figure required to balance the budget against the risk of further overspending in demand-led services for vulnerable children and older people.

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

### **Amendment 3**

#### **Children and Families Department**

- 1) To note:
  - a) the increase in forecast budget pressures to £15.855m and the factors which contributed to this.
  - b) the measures identified of £10.522m to address the forecast variance.
  - c) the "Budget Grip" exercise and the target savings of £0.7m identified to be achieved.
  - d) the reliance on one-off funding measures of £8.791m, the consequent impact of deferring investment in the Children and Families property estate and the urgent need to address budget sustainability for 2008/09 and beyond.

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- e) the commissioning of operational reviews in the areas of Community Learning and Development including a full assessment of the key role played by Community Education Workers based at Community Centres.
- 2) To approve revisions to Youth Services as detailed in paragraph 3.20 and to grants and commissioned services payments as detailed in paragraphs 3.21 to 3.26 of the Director's report but only where the withdrawal did not threaten the viability of the organisation.
- 3) To review the Children and Families Capital Investment Programme, to identify projects which could be deferred and any capital receipts, which could be advanced.
- 4) To deploy the Capital Fund and Schools Fund to address the remaining forecast revenue budget pressure of £4.6m in the Children and Families revenue budget.

**Health and Social Care Department**

- 5) To hold urgent discussions with the Scottish Government in order to acquire the funds necessary to fulfil both government and local authority promises to deliver free personal care to the elderly.
- 6) To stress to the Scottish Government its responsibility to make adequate provision for the support of all those requiring home care services.
- 7) Only as a very last resort, after discussions with Government had been exhausted and providing the administrative costs of any saving measures did not exceed the savings incurred, to consider alternatives.
- 8) To approve the programme of service reviews for care at home services.
- 9) To approve the service reviews and productivity measures for home care services, including:
  - a) reviews of all purchased care at home packages;
  - b) ceasing, following individual reviews and notification, to provide shopping, laundry, or cleaning services unless these were provided alongside personal care, or the service user had no other means of meeting these needs (for example through using their Disability Living Allowance or Attendance Allowance to purchase these services); and

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- c) individual reviews of all remaining home care clients, including needs and eligibility, income maximisation, and financial assessments.
- 10) To transfer unspent Community Safety funds of £200,000 to Health and Social Care for 2007/08 only.

- moved by Councillor Johnstone, seconded by Councillor Chapman.

### **Voting**

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

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

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

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

### **Decision**

To approve the motion by Councillor Gordon Mackenzie.

(References – Act of Council No 17(a) of 23 August 2007; reports nos CEC/75/07-08/F by the Director of Finance, CEC/82/07-08/C&F by the Director of Children and Families and CEC/71/07-08/HSC by the Director of Health and Social Care, submitted.)

### **Declaration of Interests**

The following members declared a non-financial interest in the above item as members of organisations affected by the proposals:

Councillor Ewan Aitken – Director of the Ripple Project  
Council Munn – Management Committee member of the Citadel Youth Centre  
Councillor Lang – Board Member of Leith Citizens Advice Bureau  
Councillor Maginnis – Board Member of North Edinburgh Child Care Centre  
Councillor Morris – Board Member of Granton Information Centre.

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**(c) Supporting People Charging**

The possibility of charging an economic rate for Housing Support Services with a view to utilising realisable savings to resolve budget difficulties within Health and Social Care had been investigated.

Scottish Executive guidance required income from charges to be returned to the Supporting People Fund which effectively precluded such income being used to resolve budget difficulties within mainstream service areas. Moreover, any additional income raised from charges would be required to offset the funding reduction in the Supporting People programme.

**Decision**

To note the report by the Director of Services for Communities.

(References – Act of Council No 17(a) of 23 August 2007; report no CEC/72/07-08/SfC by the Director of Services for Communities, submitted.)

**Declaration of Interests**

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

**(d) Management Culture – Maximising Resources – Action Plan**

A specific and measurable action plan for implementing initiatives to ensure that managers properly and rigorously monitored and controlled budgets in accordance with the Council's financial regulations was presented. The plan's key objectives were detailed.

**Decision**

To note the Management Culture – Maximising Resources Action Plan as detailed at Appendix 1 to the report by the Chief Executive.

(References – Act of Council No 17(c) of 23 August 2007; report no CEC/79/07-08/CE by the Chief Executive, submitted.)

**2 Questions**

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

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### Declaration of Interests

Councillor Maginnis declared a non-financial interest in the above item (Question No 10) as an employee of an organisation which received a Community Regeneration Fund grant.

## 3 Minutes

### Decision

To approve the minute of the meeting of the Council of 23 August 2007, as submitted, as a correct record subject to a correction replacing Councillor Buchanan with Councillor Buchan as the proposer of amendment 2 in item 2 (Independent Review of Sports Facilities).

## 4 Leader's Report

The Leader presented her report to the Council. The Leader expressed sadness at the recent death of former Councillor Rev Mrs Wardlaw and paid tribute to her work as a member of the Council and on behalf of her community. Tributes to Mrs Wardlaw were also paid by a number of other elected members.

The following issues were raised on the Leader's report:

- |                          |   |
|--------------------------|---|
| Councillor Ewan Aitken - | - Campaign to base Creative Scotland in Edinburgh   |
| Councillor Burns         | - Children and Families Estate Rationalisation  |
|                          | - St Ann's and Riddles Court – consultation with users and tenants                                  |
| Councillor Maginnis      | - Children and Families Estate Review – protocol for sharing information between coalition partners |
| Councillor Chapman       | - Encouragement of domestic tourism   |
|                          | - Airport expansion   |
| Councillor Munro         | - Leith Festival – Rev Elizabeth Wardlaw Trophy   |
| Councillor Godzik        | - Cities Growth Fund – support from Edinburgh East MSP  |

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- |                      |  |
|----------------------|--|
| Councillor Cardownie | - Council-owned companies                              |
|                      | - changes in membership                                |
|                      | - appointment of former Council official to EDI        |
| Councillor Buchan    | - Review of impact of CPZ extension                    |
| Councillor Balfour   | - Cost of Special Council meeting on 15 September 2007 |

**Decision**

To note the Leader's report.

(Reference – report no CEC/81/07-08/L by the Leader, submitted.)

**5 Treasury Policy Statement - Amendment**

The Finance and Resources Committee had referred to the Council details of action taken under the urgency provisions of the Council's Standing Orders to amend the Council's Treasury Policy Statement.

**Decision**

To note the action taken in terms of Standing Order 84 by the Director of Finance, in consultation with the Convener of the Finance and Resources Committee, to amend the Council's Treasury Policy Statement.

(Reference – report no CEC/73/07-08/FRC by the Finance and Resources Committee, submitted.)

**6 Treasury Management: Annual Report 2006/07 and Update on 2007/08**

The Finance and Resources Committee had referred to the Council for approval details of the performance of the Council's Treasury function.

**Decision**

To approve the annual report on Treasury Management for 2006/07 and the update on 2007/08.

(Reference – report no CEC/74/07-08/FRC by the Finance and Resources Committee, submitted.)

## 7 Political Management Arrangements – Developing the Edinburgh Scrutiny Framework

Progress was detailed on the development of arrangements for the Council's scrutiny and policy review functions.

### Decision

To note that a report setting out the scrutiny framework for Edinburgh would be submitted to the Council meeting on 22 November 2007.

(References – Act of Council No 18(a) of 23 August 2007; report no CEC/76/07-08/CS by the Director of Corporate Services, submitted.)

## 8 Edinburgh Tram: Further Update

Progress on clarifying the governance arrangements for the Edinburgh Tram Project was described. Robust operating agreements for the project, setting out the respective roles of the Council, **tie** and TEL, were in preparation.

### Decision

- 1) To note the contents of the report by the Chief Executive with respect to the revised governance structure for the project and for the relationships between the various companies and agencies promoting it.
- 2) To note that the Council Solicitor was finalising and would shortly conclude Operating Agreements with **tie** and TEL.
- 3) To note that the role of the Executive Chairman of **tie** was being reviewed by the **tie** Board and its remuneration committee and that the contract and responsibilities of the post were being revised.
- 4) To approve the proposed remit for the Tram Sub-Committee, a Sub-Committee of the Transport, Infrastructure and Environment Committee with the proviso that the Sub-Committee was empowered to take the final decision with respect to the settlement of any financial claims that might arise against **tie**/the Council, subject to ratification by the full Council for amounts in excess of £500,000.
- 5) To agree that the Tram Sub-Committee should be chaired by the Convener of the Transport, Infrastructure and Environment Committee and set up on an all-party basis.

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- 6) To note that work on reviewing the relationship between TEL and Lothian Buses and the role of the TEL Chief Executive was continuing and that a further report on these areas would be submitted to a future meeting.
- 7) To instruct the Chief Executive to publish a timetable for the conclusion of the other streams of work outlined in the report.

(References – Act of Council No 22 of 23 August 2007; report no CEC/80/07-08/CE by the Chief Executive, submitted.)

**Declaration of Interests**

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

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

**9 Establishment of Edinburgh's Adult Protection Committee**

The Adult Protection and Support Act 2007 required each local authority area to establish a multi-agency Adult Protection Committee. Information was provided on the establishment of Edinburgh's Committee which would represent best practice in co-ordinating policy, strategy and the monitoring of service delivery.

**Decision**

To note the establishment of Edinburgh's Adult Protection Committee.

(Reference – report no CEC/77/07-08/CE by the Chief Executive, submitted.)

**Declaration of Interest**

Councillor Whyte declared a financial interest on the above item as a Director of NHS Lothian.

**10 Joint Community Care Plan 2007-2010**

The Council and NHS Lothian were obliged to produce a Joint Community Care Plan. Approval was sought for Edinburgh's 2007-2010 plan which had been developed jointly by the Council's Health and Social Care Department, Services for Communities and NHS Lothian.

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**Decision**

- 1) To approve the Joint Community Care Plan for Edinburgh 2007-2010.
- 2) To circulate the Plan in electronic format only, with copies being printed if requested by members of the public.
- 3) To ask the Director of Health and Social Care to report on the implications for the Joint Plan of the revenue expenditure reduction proposals agreed by the Council (see item 1(b) above).

(References – Executive of the Council 1 February 2005 (item 19); report no CEC/70/07-08/HSC by the Director of Health and Social Care, submitted.)

**Declaration of Interests**

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

**11 Tartan Week in the USA 2007/08**

Details of the engagements and an analysis of the activities carried out by all members of the Council party during Tartan Week 2007 in the USA were provided. Information was also provided on the Scottish Government's approach to Tartan Week activity in 2008 which was currently under review.

**Decision**

To note the content of the report by the Director of Corporate Services.

(References – Act of Council No 16 of 1 February 2007; report no CEC/78/07-08/CS by the Director of Corporate Services, submitted.)

**Declaration of Interest**

Councillor Milligan declared a non-financial interest in the above item as a member of the American Scottish Foundation

**13 Remploy - Motion by Councillor Hart**

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

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“That this Council supports the campaign by Remploy to require local authorities to make a commitment to increasing the value of contracts awarded to supported factories to 5p/£100.

This Council will undertake to include Remploy and other similar factories when inviting bids for goods and services which they can supply.”

**Motion**

To approve the motion.

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

**Amendment**

In light of recent well publicised losses and concerns expressed by the GMB Union, to call for a report into Remploy to include details of their current campaigns and to establish the legal and procurement rules that have to be adhered to prior to any action being taken in terms of Councillor Hart’s motion.

- moved by Councillor Rust, seconded by Councillor Paisley (on behalf of the Conservative Group).

**Voting**

The voting was as follows:

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

**Decision**

To approve the amendment by Councillor Rust.

**14 Additional Support Needs - Motion by Councillor Burns**

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

“Council agrees to call for a report by the Director of Children and Families on ‘Additional Support Needs’. The report to include: -

- 1) an audit of current provision for ‘additional support needs’ across the whole school estate.

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- 2) an analysis of how the Additional Support for Learning Act (2004) is being implemented and timescales involved.
- 3) what the implementation of the Additional Support for Learning Act (2004) means for co-location of services, extra resource requirements and the development of integrated service provision.
- 4) details of how parents will be consulted throughout this process.

The above report to be referred to the Education, Children and Families Committee within two cycles.”

**Decision**

To approve the motion by Councillor Burns.

**15 KPMG Pathfinder Project - Motion by Councillor Munro**

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

“Council calls for a report to the next full Council on the work by KPMG on the Pathfinder Project, containing:-

- 1) the full original report and its recommendations;
- 2) details of how these recommendations have been implemented; and
- 3) whether the potential for savings identified in the report can help improve the Council’s financial position.”

**Decision**

- 1) To recognise that the Pathfinder project was a piece of work still in progress and that other local authorities were involved.
- 2) To instruct the Chief Executive to report by December 2007 on the work done on the “Pathfinder” project. The report should:-
  - a) outline the key findings;
  - b) set the findings in the wider context of the Council’s corporate plan and modernisation agenda;
  - c) describe how the opportunities set out could be taken forward; and

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- d) set out how the findings could help address ongoing budget difficulties.

## 16 Ethical Investment - Motion by Councillor Chapman

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

“That the Council:

- 1) Notes that the City of Edinburgh Council has a good track record of positive policies, including being a Fair Trade city and having a corporate social responsibility policy for its investments.
- 2) Notes that the Lothian Pension Fund holds shares in BAE Systems, Lockheed Martin, Boeing, Northrop Grunman and Raytheon, which are the world’s top five arms companies (by military revenue) (*Defence News*, 25/07/05).
- 3) Notes that:
  - a) such companies receive major subsidies from the taxpayer to export their wares and that, if the subsidies were to be withdrawn, share values of (and thus pension investments in) arms companies are likely to drop substantially.
  - b) at the end of 2006, the five largest UK arms producing companies accounted for less than 2% of the FTSE all-share index, even including their civil work.
- 4) Believes that selling military equipment overseas can be detrimental to peace, justice and human rights as well as to development.
- 5) Notes that an increasing number of pension funds are engaging with companies, considering this to be socially responsible investment. However, such engagement is not appropriate where the product is the problem, such as with arms and tobacco.
- 6) Notes that several Scottish Pension Funds, such as those in Dumfries and Galloway Council, Fife Council and Falkirk Council, have ceased investing in all or some of these companies on ethical and financial grounds.
- 7) Notes that there are many ethical investment opportunities available, and the frequently better and more reliable returns provided by these companies, for example, Vestas Wind Systems would provide viable alternatives that have sustainability of communities and the environment at the heart of their agendas.

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- 8) Urges the Lothian Pension Fund to be managed according to ethical principles appropriate to the interests of the beneficiaries and to investigate the means of implementing this within the law."

**Motion**

To approve the motion by Councillor Chapman.

- moved by Councillor Chapman, seconded by Councillor Burgess.

**Amendment 1**

To approve paragraph 1 of the motion by Councillor Chapman and replace paragraphs 2 to 8 with the following:

- 1) To note that members of the Lothian Pension Fund should have greater flexibility in deciding the future of their funds.
- 2) To note with concern recent financial movements which would have an impact on the performance of the Lothian Pension Fund, such as the decline in share prices following the Northern Rock problems.
- 3) To accept that some members may wish their Pension Funds to be invested in "ethical" funds, but that this should be a choice for the individual Lothian Pension Fund member, rather than a blanket change in investment portfolio, i.e. by the Fund providing an "ethical" option;
- 4) To receive a report investigating such an option, while recognising that there may be various legal and organisational impediments to setting up this option; but to note that such a move would improve choice for members, provide diversity in funds and allow members to set up the type of pension fund they wished to have.
- 5) To note with concern the Government's pension's stealth tax, set up by Gordon Brown, which had removed over £100 billion from UK pension funds between 1997 and 2006 and had serious impact upon Edinburgh residents;
- 6) To call upon the MP for Edinburgh South West, the Chancellor of the Exchequer, to remove this unfair tax on city residents' future financial plans.

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

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**Amendment 2**

- 1) To note the City of Edinburgh Council had a good track record of positive policies, including being a Fair Trade city and having a corporate social responsibility policy for its investments.
- 2) To note that an increasing number of pension funds including Lothian Pension Fund, Lothian Buses and Scottish Homes were engaging with companies, considering this to be socially responsible investment.
- 3) To note that there were many environmentally sound investment opportunities available that had sustainability of communities and the environment at the heart of their agendas.
- 4) To call on the Director of Finance to produce a report by the end of December on:-
  - a) the feasibility of investing part of the portfolios managed by the Department on the basis of environmental considerations as part of building a balanced and properly diversified investment portfolio.
  - b) the possibility of amending the Statement of Investment Principles to include reference to investing in environmentally sound companies as part of building a balanced and properly diversified investment portfolio.
- 5) To request that as part of the exercise the Director of Finance consult with the participating employers.

- moved by Councillor McKay, seconded by Councillor Buchanan.

**Voting**

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

For the motion	-	18 votes
For amendment 1	-	11 votes
For amendment 2	-	29 votes

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

For the motion	-	18 votes
For amendment 2	-	29 votes

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**Decision**

To approve the amendment by Councillor McKay.

**17 Air Pollution - Motion by Councillor Burgess**

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

“That the Council:

- 1) Notes with concern that, according to Council monitoring data, air pollution in some areas of Edinburgh currently exceeds air quality standards intended to protect human health and the environment.
- 2) Further notes that in 3 years time the city could be fined for breaking EU law on air pollution.
- 3) Therefore calls for an urgent report on:
  - a) the impacts on human health;
  - b) the financial consequences for the city of failing to meet these air quality standards; and
  - c) an action plan to bring air pollution within safety limits by 2010.”

**Decision**

To call for a further report to be added to the next regular air quality monitoring report to the Transport, Infrastructure and Environment Committee, updating the current action plan on air quality and outlining any potential financial consequences of a failure to meet air quality standards by 2010.

**18 Plastic Bags - Motion by Councillor Johnstone**

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

“That the Council:

- 1) acknowledges that plastic bag production uses increasingly scarce resources and creates pollution from production to disposal and that plastic bags can take up to 500 years to decay in landfill; notes that an estimated 46,000 pieces of plastic can be found in every square mile of

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ocean; notes that plastic bags create significant litter problems for our streets and beaches.

- 2) congratulates Modbury in Devon on becoming Europe's first plastic bag-free town and welcomes plastic bag-free initiatives in the towns of Dunoon and North Berwick.
- 3) notes that this success has been possible without national government legislation.
- 4) agrees to call for a report into how Edinburgh can become the first plastic bag-free city in the United Kingdom and agrees to investigate how best to support retailers and local communities who wish to be part of the "we are what we do" plastic bag-free Christmas campaign."

#### **Decision**

- 1) To acknowledge that plastic bag production used increasingly scarce resources and created pollution from production to disposal and that plastic bags could take up to 500 years to decay in landfill.
- 2) To note that an estimated 46,000 pieces of plastic could be found in every square mile of ocean.
- 3) To note that plastic bags created significant litter problems for our streets and beaches.
- 4) To congratulate Modbury in Devon on becoming Europe's first plastic bag-free town and to welcome plastic bag-free initiatives in the towns of Dunoon and North Berwick.
- 5) To welcome this start in reducing the UK's use of 10 billion plastic bags per year.
- 6) To acknowledge the previous Council's support for the principles of a Plastic Bag Levy; to note that various measures, such as the Environmental Levy on Plastic Bags (Scotland) Bill, introduced in the last Scottish Parliamentary session by Mike Pringle MSP, had encouraged some supermarkets to agree to reduce plastic bag impact by 25% by the end of 2008; however, to recognise that if Scotland is to replicate the 90% overall reduction in plastic bag use achieved by the Republic of Ireland that UK government legislation may be necessary or more powers for the Scottish Parliament.
- 7) To call for a report into how Edinburgh could become the first plastic bag-free city in the United Kingdom and to investigate how best to support retailers and local communities who wished to be part of the "we are what we do" plastic bag-free Christmas campaign.

## **19 Scotsman Steps - Motion by Councillor Hart**

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

“That this Council recognises the iconic status and strategic importance of the Scotsman Steps. It also recognises that their current state is unacceptable and commits to their improvement and upgrading to allow their full, safe and accessible use to the people of Edinburgh and its visitors.”

### **Decision**

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

## **20 Visitors' Parking Permits - Motion by Councillor Hart**

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

“That this Council calls for a report on:

- 1) Extending the facility to buy Visitors' Parking Permits, available to residents in the Extended Controlled Parking Zone (Zones S1-S4 and N1-N5), to residents in the original CPZs; and
- 2) Introducing a daily Visitors Parking Permit for purchase by residents in all CPZs.”

### **Decision**

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

W6/CEC05/CEC200907(Pt2)

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### **Appendix**

**(As referred to in Act of Council No 2 of 20 September 2007)**

#### **QUESTION NO 1**

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

#### **Question**

What action is being taken to improve road safety on Myreside Road and Craighouse Road?

#### **Answer**

The Council is currently engaged in a programme to introduce 20mph speed limits at all Edinburgh schools. As part of this initiative a part-time 20mph speed limit will be introduced on Myreside Road. This proposal is currently undergoing a public consultation and depending on the outcome of this process, could be in place before the new year.

The road safety team maintains a database of personal injury road traffic accidents which is supplied by the Lothian and Borders Police. In the latest available three year period (to the end of May 2007) only two accidents have been reported on Myreside and Craighouse Road. One accident in November 2006 resulted in a slight injury to a bus passenger and the other in December 2005 resulted in a serious injury to a car driver.

On a yearly basis the Council's road safety team carries out an assessment to identify sites on the road network where the accident rate is giving cause for concern and where remedial works may require to be implemented. In March 2005, as a result of this accident reduction programme, cycle lanes were introduced on Craighouse Road and the traffic islands at Meadowspot were adjusted following a number of cycle accidents. As part of the accident reduction program this scheme is being monitored and while there were 8 accidents in the three years before the measures were introduced, there has only been one accident in the two years after.

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**QUESTION NO 2**

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

**Question**

The previous Labour Council administration ensured that a wide ranging number of sustainability criteria were agreed as part of the new schools contract, for construction and operation. What evidence is there that these criteria are being met?

**Answer**

The project is currently in the Design and Construction phase. For this phase, there are key performance indicators (KPIs) within the authority's requirements which have to be delivered. These are embedded within the Sustainability Management Plan for the project.

In total there are 38 KPIs covering the Design and Construction to be monitored. They are broadly summarised below:

- Provision of a Sustainability Management Plan
- Energy
- Water
- Waste Management
- Transport
- Materials
- Land Use and Biodiversity
- Environmental Conditions
- Health and Safety
- Pollution
- Social and Economic Issues

The Sustainability Management Plan by a Sustainable Working Group is used to monitor progress within the overall management arrangements for the project.

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**Supplementary  
Question**

If the monitoring shows there is any lack of progress or any renegeing on any of the 38 KPIs, can I have the Convener's assurance that the Administration will intervene politically? If yes, will she lead that intervention and ensure that the most sustainable school buildings are delivered as promised?

**Supplementary  
Answer**

Yes, you have an assurance that we will make sure that all 38 KPIs are covered and if that is not the case I will let you know.

**QUESTION NO 3**

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

**Question** (1) Was the destruction of Council-owned woodland habitat in Cairntows Park Craigmillar authorised by this Council in any of its functions, including Planning?

**Answer** (1) No permission has been granted by the Council for Aspect to carry out any work on Council owned land within Cairntows Park. Planning permission has been granted to Aspect for work on their own land adjacent to Cairntows Park.

**Question** (2) How is the situation to be resolved and the woodland replaced?

**Answer** (2) Aspect have been instructed to cease work on Council owned land in Cairntows Park and further action is being taken to pursue the question of the restoration of the site. In addition discussions are ongoing on the question of any compensation which Aspect might be liable for.

I have asked the Director of Services for Communities to ensure that Councillor Child is kept informed regarding this matter.

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**QUESTION NO 4**

**By Councillor Ewan Aitken  
answered by the Leader of the  
Council**

**Question**

What plans, if any, are in progress to hold committee meetings in the community in the same way that the Council Executive meetings were last year?

**Answer**

This Administration is committed to promoting local democracy and maximising local involvement and power in local services and decisions. Through the revised governance arrangements and the 12 new Neighbourhood Partnerships we will enhance community involvement in local government and ensure that local residents have a real opportunity to participate in decision-making.

**Supplementary  
Question**

I wondered in what ways does the Leader think the new governance arrangements for Committees will enhance community involvement.

**Supplementary  
Answer**

In several ways. For a start they are cross-party which, although is not community involvement, I think that makes them much more open and transparent. Perhaps that makes it much easier for communities to approach local Councillors and get involved and be told what is happening at Committees. The Committees will all be very welcoming to deputations. Many of them will meet in a kind of scrutiny select panel type of way at which community representatives will be very welcome to make their cases.

The local Neighbourhood Partnerships will obviously play a large part in encouraging a much more localised agenda in a way in which local communities can participate more fully in both a proactive and reactive way to what is happening around them.

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Finally, I would stress that there is going to be a six-month review of our new Committee system and we will certainly be looking at issues like whether deputations have come along and whether communities have felt they can get involved. If at that point we find that it is not delivering what we hope it will deliver, then clearly we'll be open to suggestions as to how to improve the localisation agenda.

**QUESTION NO 5**

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

**Question**

What progress is being made on the preparation of the business case for the South Suburban Railway?

**Answer**

The Council have appointed Halcrow to undertake a study in partnership with Transport Scotland and SEStran. In accordance with Scottish Executive guidance a pre-appraisal STAG assessment is being undertaken as Stage 1 of the study. This work is currently underway including the necessary passenger demand modelling. Stage 1 will conclude with an options appraisal. It is anticipated that Stage 1 of the study will be reported to the first Transport, Infrastructure and Environment Committee at the start of next year. Stage 2 of the study would examine the preferred option and develop the business case.

The Administration has a commitment to produce a business case for the reintroduction of passenger services on the Edinburgh South Suburban Railway.

**Supplementary  
Question**

Was the Convener aware that prior to the cross-party meeting earlier this year no approach had been made by the previous Administration to the Minister and the Scottish Executive for support for the South Suburban Railway? Will he congratulate the Capital Rail Action Group and the E-Rail Consortium for their petition at the Scottish Parliament to re-open the South Suburban Railway and will he support their appearance at the Committee in November?

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**Supplementary  
Answer**

Yes, to both questions. I am assured by the former Minister that no approach was made to him by the previous Labour Administration regarding the South Suburban Railway and I was delighted to be present at Parliament when the petition was handed in. I hope that it will help to keep the Scottish Government, as they call themselves, aware of the project while we are working on the business case.

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**QUESTION NO 6**

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

**Question**

What steps has the Council taken to progress Country Park status for the Liberton to Burdiehouse areas, as agreed in my Council motion of 2004?

**Answer**

Options available to the Council for enhancing public access and benefits in the area were detailed in a report to the Council dated 2 June 2005 (item 8.7).

The decision of the Council was:

1. Not to pursue Country Park status for the Braid Hills wedge.
2. To establish a short life Member/Officer Group, to include the Executive Member for Sport, Culture and Leisure and the Convener of the Planning Committee and representatives of the Culture and Leisure and City Development Departments, to develop a proposal, for inclusion in the new City Plan and action thereafter, for a wider area Regional Park in the green belt, including the Braid Hills Wedge.

An initial meeting of a Member /Officer Group organised by the Director of Culture and Leisure took place on 28 August 2006, attended by Councillors Cairns and Davies.

An inception meeting took place on 23 August 2007 and the likely timescale for completion of the study is 9 months. It would be premature to embark on any land designation before the findings of this study are available.

City Development will continue to work alongside Services for Communities to progress consideration of the issue.

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**Supplementary  
Question**

The answer states that an inception meeting took place on 23 August regarding regional park status for this particular area and the timescale for completion of the study is nine months. Can the Convener of the Transport, Infrastructure and Environment Committee and also perhaps the Convener of the Planning Committee tell me if that completion will converge correctly with the timescales of the development of the new City Local Plan?

**Supplementary  
Answer by the  
Transport,  
Infrastructure  
& Environment  
Committee  
Convener**

I can't deal with the planning application side of it but maybe my colleague, the Planning Convener, could help us on that aspect.

**Supplementary  
Answer by the  
Planning  
Convener**

I will write to Councillor Murray on this matter.