

Committee Minutes

The City of Edinburgh Council

Year 2009/2010

Meeting 5 – Thursday 20 August 2009

Edinburgh, 20 August 2009 - At a meeting of The City of Edinburgh Council.

Present:-

LORD PROVOST

The Right Honourable George Grubb

COUNCILLORS

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

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

Tonga Ferry Disaster and Typhoon Morakot

The Lord Provost advised that he had written to the Government in Tonga and to the Taiwan representative in Edinburgh extending the Council's condolences to the families of those affected by the recent Tonga ferry disaster and by the impact of Typhoon Morakot on China's eastern coast and on Taiwan.

1 Deputations

(a) Edinburgh Parks Events Manifesto: The Meadows and Bruntsfield Links

Three deputation requests had been received on the proposed Edinburgh Parks Events Manifesto for the Meadows and Bruntsfield Links (item 2 below).

(i) Friends of the Meadows and Bruntsfield Links

The deputation spoke on behalf of a range of users of the Meadows and Bruntsfield Links who were concerned about the lasting damage caused by large scale, long term events. They asked the Council to limit the occupancy time to two weeks and raised the following points:

- the proposed Manifesto did not go far enough as it did not adequately control the length of, and interval between, events and did not specify the weight of the equipment to be allowed onto the area.
- the proposed Management Group for the Meadows should be set up as it was important for a management plan to be drawn up in order to implement the Manifesto.
- given the price of the tickets for the Lady Boys of Bangkok and the Circus, an occupancy time of two weeks would be enough to ensure a profit.
- the Meadows had failed the Green Flag assessment which had indicated that the maximum occupancy for events should be two weeks.

The deputation asked the Council to take account of these facts and the views of the local community and to amend the occupancy time accordingly.

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(ii) The Arts Exchange

The deputation explained that as a commercial organisation they accepted they did not have a divine right to use the Meadows for their events, the Lady Boys of Bangkok and the Circus. They had been able to do so for the last 11 years due to their close working relationship with the Council. They stated that:

- they had co-operated fully with the Council on the care of the site and had increased the Bond when requested;
- the land used by these events was less than 5% of the total area of the Meadows and, although a number of other events took place on the Meadows, these events shouldered a lot of the blame for any damage.
- the figures referred to by the first deputation did not take into account the large number of discounted tickets which were issued.

The deputation felt privileged to use this prestigious site and hoped that the Council would support the proposal that occupancy for events should be four weeks.

(iii) Edinburgh Festival Fringe Society and Festivals Edinburgh

The deputation indicated that in order for the Festivals to add to Edinburgh's economy they had to maintain their diversity of venues. The Meadows had hosted shows for the past 17 years and had a unique placing within the city that people could access with ease. It was important to work with residents and the Council and it was not in the city's interest to discourage those who wished to perform within the city. They therefore asked the Council to support the proposal for a four week event period.

(References – e-mails dated 7, 13 and 19 August 2009, submitted.)

(b) Night Time Economy – Castle Wynd South Residents

The Lord Provost remitted the deputation request, together with the motion by Councillor Mowat (see item 25 below), to the Economic Development Committee, in terms of Standing Order 28(3).

(c) Temporary Greening of Development Sites – Save Our Old Town – Edinburgh

The deputation referred to the report later on the agenda (item 3 below) on the temporary greening of development sites. They drew the Council's attention to the findings of the Canongate Project Report, a community

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action research project which sought to assess the real needs and aspirations of the community. The deputation asked the Council to support a temporary landscaping scheme on the New Street site, the temporary use of vacant council owned buildings and initiatives from communities to re-use and redevelop identified publicly owned land and buildings.

(Reference – e-mail dated 18 August 2009, submitted.)

2 Edinburgh Parks Events Manifesto: The Meadows and Bruntsfield Links

The Policy and Strategy Committee had referred consideration of the Parks Events Manifesto for the Meadows and Bruntsfield Links. The Manifesto used eight key principles to determine whether an event should be given permission and to ensure the successful management of events. The maximum occupancy of an event (Principle 1) had originally been recommended as six weeks but, following negotiations with Urban Circus regarding the siting and duration of the Ladyboys of Bangkok and the International Circus in 2010, this had now been amended to four weeks. The South Central Neighbourhood Partnership had recommended that the Manifesto should limit the maximum duration of events to two weeks.

The Council had heard deputations on the matter from Friends of the Meadows and Bruntsfield Links, The Arts Exchange, and the Edinburgh Festival Fringe Society and Festivals Edinburgh (see item 1(a) above).

Motion

- 1) To approve the finalised Parks Events Manifesto for the Meadows and Bruntsfield Links, subject to an amendment to Principle 1 of the Manifesto that the maximum occupancy allowable be reduced from six weeks to four weeks.
- 2) To note that this would form part of the city-wide Parks Events Manifesto to be presented to the Policy and Strategy Committee by October 2009.
- 3) To note that a future report would be presented on improving the surfacing and infrastructure of the Meadows.

- moved by Councillor Aldridge, seconded by Councillor McIvor (on behalf of the Administration).

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Amendment 1

- 1) To agree that the Manifesto should ensure that in relation to the Meadows:
 - events should last for a maximum of 17 days, with additional time to set up and clear the site;
 - that only one large scale event should be allowed per year;
 - that sufficient time should be allocated between each event to allow for repair and maintenance works;
 - that the Manifesto be reviewed after two years.
- 2) To note that a programme of ongoing maintenance and repair work was needed for the Meadows and to call for a report on improving the surfacing and infrastructure of the Meadows to be presented to the Policy and Strategy Committee alongside the city-wide Parks Events Manifesto.

- moved by Councillor Godzik, seconded by Councillor Perry (on behalf of the Labour Group).

Amendment 2

- 1) To note the recommendation from the South Central Neighbourhood Partnership as detailed in report no CEC/36/09-10/SCNP by the Council Secretary:

“That the Council should not accept the Meadows Manifesto in its present form, which recommended a maximum duration of six weeks for events, but should reflect the consultation process which suggested no longer than two weeks.”
- 2) To agree that events should be a maximum of two weeks excluding set up and take down time.
- 3) To agree the immediate formation of a Meadows Management Group (MMG) to uphold the principles and aims of the Council's Parks and Gardens Strategy and make recommendations to Council on sustainable greenspace stewardship.
- 4) To refer the issues of rest periods and total number of events to the MMG for review before the city-wide manifesto was presented in October 2009, with no contracts for 2010 to be signed until the manifesto was finalised.

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

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Voting

The voting was as follows:

For the motion	-	40 votes
For amendment 1	-	15 votes
For amendment 2	-	3 votes

Decision

To approve the motion by Councillor Aldridge.

(References - Policy and Strategy Committee 4 August 2009 (item 3); South Central Neighbourhood Partnership 10 August 2009 (item 6); reports no CEC/35/09-10/PS by the Council Secretary, no CEC/36/09-10/SCNP by the Council Secretary and no CEC/45/09-10/SfC by the Director of Services for Communities, submitted.)

3 Temporary Greening of Development Sites

Details were provided of ways the Council could support developers to maintain sites in as safe and attractive condition as possible until market conditions improved, including the possibility of landscaping the sites, and of any impediments which might restrict this objective.

The Council had heard a deputation on the matter from Save Our Old Town - Edinburgh (see item 1(c) above).

Motion

To note the joint report by the Directors of Services for Communities and City Development and refer it to Neighbourhood Partnerships.

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

Amendment

To welcome the joint report by the Directors of Services for Communities and City Development and to call for a further report on:

- (a) Taking forward and overcoming any barriers to the use of unused development sites as temporary allotments and community gardens, including a communication plan to raise awareness among communities about the proposal.

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- (b) Drawing down any available bond for the Caltongate site in order that the site could be temporarily landscaped and consulting the community in the Old Town regarding how the site should be improved.

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

Voting

For the motion - 55 votes
For the amendment - 3 votes

Decision

To approve the motion by Councillor Buchanan.

(References - Act of Council No 23 of 30 April 2009; joint report no CEC/42/09/10/SfC&CD by the Directors of Services for Communities and City Development, submitted.)

4 Questions

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

5 Minutes

Decision

To approve the minutes of the Special and Ordinary meetings of the Council of 25 June 2009, as submitted, as correct records.

6 Appointment to the Lothian and Borders Police Board

Decision

To appoint Councillor Tymkewycz to the Lothian and Borders Police Board in place of Councillor Munn.

(Reference - report no CEC/33/09/10/CS by the Director of Corporate Services, submitted.)

7 Leader's Report

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

- Edinburgh's recent awards for top UK city to visit and UK city with lowest carbon emissions from commercial businesses
- 46664 Nelson Mandela event at the City Chambers - Annie Lennox and the African Children's Choir

The following issues were raised:

- | | | |
|------------------------|---|---|
| Councillor Bridgman | - | Tribute to firefighter Ewan Williamson - Council's appreciation for the work of the Fire and Rescue Service |
| Councillor Burns | - | Tribute to firefighter Ewan Williamson |
| | - | Modernising Pay dispute in Services for Communities |
| | - | meetings between the Leader and Trade Unions |
| | - | UNITE's recommendation to its members |
| Councillor Child | - | Instep service at Castlebrae High School - MSP's comments in local newspaper |
| Councillor Hart | - | EDI Group Ltd - financial position |
| Councillor Buchan | - | Volleyball and ice hockey events in the city |
| | - | Royal Commonwealth Pool - spectator seating |
| Councillor Paisley | - | Volunteer providers of library services to the housebound - temporary parking concessions |
| Councillor Murray | - | Contalmaison project |
| Councillor Ewan Aitken | - | Modernising Pay dispute - problems in the city |
| Councillor Mowat | - | Edinburgh Trams - "Bluetooth" information scheme |
| Councillor Thomas | - | Record attendances at Edinburgh Festivals |
| Councillor Cardownie | - | Refuse collection dispute |

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Decision.

To note the report.

(Reference - report no CEC/40/09-10/L by the Leader, submitted.)

8 Post of Head of Legal and Administration Services, Department of Corporate Services

Decision

To appoint Alistair Maclean to the post of Head of Legal and Administrative Services in the Department of Corporate Services, subject to any necessary pre-employment checks.

(References - Act of Council No 12 of 12 March 2009; report no CEC/46/09-10/RC by the Recruitment Committee.

9 Appointment of Non-Executive Directors of Lothian Buses plc

The Recruitment Committee had recommended appointments to four vacancies as Non-Executive Directors of Lothian Buses.

Motion

- 1) To appoint the following as Non-Executive Directors of Lothian Buses plc:

Ann Faulds
Ron Hewitt
Donald MacLeod
Marjory Rodger

- 2) To delegate authority to the Chief Executive, in conjunction with the Chairman of Lothian Buses, to make the necessary arrangements to implement the appointments.

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

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Amendment

- 1) To approve the appointment of the four Non-Executive Directors to the Lothian Buses Board.
- 2) To instruct the Chief Executive to report to the next Policy and Strategy Committee on the position of appointments of Non-Executive Board members to Lothian Buses.
- 3) To instruct that the report should give details of when they were first appointed and when they were formally appointed through the process of Lothian Buses AGM, thus clarifying the number of vacancies currently on Lothian Buses Board.

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

Voting

The voting was as follows:

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

Decision

To approve the motion by Councillor Dawe.

(References - Policy and Strategy Committee 12 May 2009 (item 8); report no CEC/48/09-10/RC by the Recruitment Committee, submitted.)

10 23 Niddrie Mains Drive, Craigmillar – Compulsory Purchase Order

Decision

To withdraw the report.

(Reference - report no CEC/34/09-10/PC by the Council Secretary, submitted.)

Declaration of Interests

Councillors Bridgman, Buchanan and Edie declared a non-financial interest in the above item as Directors of PARC.

11 Annual Efficiency Statement – 2008/09

Approval was sought for the 2008/09 Annual Efficiency Statement.

Decision

- 1) To approve the content of the 2008/09 Annual Efficiency Statement.
- 2) To note the heightened need to formulate and deliver substantial service efficiencies in future years in anticipation of the challenges of future financial settlements.
- 3) To refer the report by the Chief Executive to the Audit Committee for further discussion.

(Reference - report no CEC/37/09-10/CE by the Chief Executive, submitted.)

12 Modernising Pay Dispute in Services for Communities – Report 2

An update was provided on the industrial action currently being taken by some staff in Services for Communities in relation to the Council's Modernising Pay Programme.

A motion on the matter had been submitted by Councillor Whyte in terms of Standing Order 28 (see item 19 below).

Motion

- 1) To note the report by the Director of Services for Communities.
- 2) To regret the decision by some staff in Services for Communities to take official action.
- 3) To note the commitment of all political groups on the Council to modernise the Council's refuse collection service, to ensure that the in-house service was competitive.
- 4) To note that the current proposals included pay protection for any staff who might be adversely affected by the Modernising Pay proposals.

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- 5) To welcome the successful contingency plans, including the temporary use of private contractors to ensure that the city remained safe and attractive to residents and visitors.
- 6) To welcome also the ongoing talks and to call for all staff to return to normal working.

- moved by Councillor Aldridge, seconded by Councillor McIvor (on behalf of the Administration).

Amendment 1

- 1) To note the report by the Director of Services for Communities.
- 2) To note that paragraph 7.2 of the Director's report was factually incorrect, and that UNITE **had not** "*recommended to its members that the way forward which the Council has proposed should be accepted, and normal working resumed*".
- 3) To express regret that on Monday 3 August a statement had been released, on behalf of the Administration, stating that "*negotiations have resulted in agreement that the current trade union action will be called off by the end of the week and normal working resumed*".
- 4) To agree that these factual inaccuracies had exacerbated an already difficult negotiating process and had not assisted in the search for an agreed settlement between the Council and workforce.
- 5) Thus, to express no confidence in the Administration being able to successfully bring this dispute to an acceptable conclusion and, therefore, to instruct that the 'collective arbitration' services of ACAS (the Advisory, Conciliation and Arbitration Service) were used to bring this dispute to an agreed resolution.

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

Amendment 2

In similar terms to the motion subject to the deletion of paragraph 3 and the addition of:

- 1) To note the ongoing refuse collection dispute, the disruption it was causing to Edinburgh citizens and the damage it was causing to Edinburgh's reputation.

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- 2) To market test the refuse collection service and instruct the Chief Executive to report within one cycle providing a detailed programme to implement the tender process.

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

Voting

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

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

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

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

Decision

To approve the motion by Councillor Aldridge.

(References - Transport, Infrastructure and Environment Committee 28 July 2009 (item 12); report no CEC/47/09-10/SfC by Director of Services for Communities, submitted.)

13 Edinburgh Tram Project

(a) Status Report

Progress of the Edinburgh Tram Project was detailed and an update was provided on a number of issues, including the budget and construction programme, the Council's funding strategy and a review of the Transport Edinburgh Limited (TEL) Business Plan.

Approval was also sought for the **tie Ltd** Business Plan.

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Decision

- 1) While recognising there were divisions on the principle of Trams, to acknowledge that the Council was united in expressing its ongoing determination and full support for **tie**'s efforts to continue to protect the public purse from the effect of undue programme delay and any unwarranted financial claims not provided for within the agreed contract signed by all parties involved in the trams project.
- 2) To acknowledge fully that **tie Ltd** had put extensive efforts into resolving issues at dispute with the contractor through negotiation and mediation but that this approach had not produced the desired resolution.
- 3) Therefore, to support the utilisation of the clearly documented dispute resolution procedures within the agreed contract as a means of ensuring the most appropriate resolution of the outstanding commercial issues on a formal basis to ensure best value for money for the public purse.
- 4) Further, to reaffirm that Edinburgh Tram Line 1a would run from the Airport to Newhaven.
- 5) To note the updated position as detailed in the joint report by the Directors of City Development and Finance and endorse the contractual processes **tie Ltd** had entered into with the BSC consortium to produce greater cost and programme certainty.
- 6) To approve the additional costs associated with the utility works subject to the necessary detail being provided to the Tram Monitoring Officer by **tie Ltd**.
- 7) To note the position on the external evaluation of the Council's funding strategy and the intention to undertake continual review of the position in light of wider economic uncertainty.
- 8) To note the updated position of the TEL Business Plan and the continuance of the robust case it had put forward for public transport in Edinburgh.
- 9) To approve the **tie Ltd** Business Plan for 2009/10.

(References – Act of Council No 23 of 12 March 2009; joint report no CEC/38/09-10/CD&F by the Directors of City Development and Finance, submitted.)

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(b) Governance Arrangements

An update was given on the changes made to the governance arrangements within **tie Ltd**, TEL and Lothian Buses to provide integrated bus and tram services across Edinburgh and the Lothians by 2011.

Approval was sought for the required amendment to the Articles of Association of **tie Ltd** to increase the maximum number of Directors from nine to ten, the appointment of Richard Jeffrey as a Director of **tie Ltd** and the required changes associated with governance arrangements for the Trams Project.

Decision

- 1) To approve the key changes to corporate governance outlined in the report by the Director of Corporate Services and to ask the Director to report back to Policy and Strategy Committee on the finalised Operating Agreement between the Council and TEL and all related documents, including the Memorandum of Understanding, for its approval.
- 2) To implement the consequential changes that would flow from the revised corporate governance arrangements as quickly as possible and to ask the Chief Executive to report on their implementation no later than December 2009.
- 3) To instruct the Chief Executive to report to Council, for approval, on the finalised agreement for the transfer of Lothian Buses to TEL. The report should:
 - give details, for approval by the Council, of the policy principles on any remuneration matters for TEL; and
 - address any other remuneration matters for policy direction including remuneration package of the Chair of TEL.
- 4) To alter the Articles of Association for **tie Ltd** to allow ten Directors to be appointed to the Board (six Directors and four Council Directors).
- 5) To agree the appointment of Richard Jeffrey to the Board of **tie Ltd**.

(References - Act of Council No 11 of 12 March 2009; report no CEC/44/09-10/CS by the Director of Corporate Services, submitted.)

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Declaration of Interests

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

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

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

14 Modernising Planning – Scheme of Delegation for Local Developments

Decision

To adopt the Scheme of Delegation for Local Developments under Section 43(A) of the Town and Country Planning (Scotland) Act 1997 as detailed at Appendix 1 to the report by the Director of Corporate Services, with effect from 3 August 2009.

(References - Act of Council No 10 of 25 June 2009; report no CEC/39/09-10/CS by the Director of Corporate Services, submitted.)

15 Interim Report on the Restructure of the Arms Length Development Companies

Further progress was detailed on the restructure of the Council's arms length development companies, namely EDI, Promoting and Regenerating Craigmillar (PARC), Waterfront Edinburgh Limited (WEL) and Shawfair Developments Limited (SDL).

Decision

- 1) To note the progress towards the restructuring of the Council's arms length development companies.
- 2) To extend until 31 March 2010 the delegated authority allowing the Directors of City Development and Finance to manage restructuring activity as described in the report by the Director of City Development but with bi-monthly update reports submitted to the Council.

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- 3) To recognise the value of arms length companies in the regeneration of the city and, before any decision was taken to move away from that position, to ask the Director of City Development to report on an analysis of the benefits and disadvantages of both arms length and in-house models. The report should include an analysis of the constraints and freedoms of arms length companies in comparison with local authorities.
- 4) To request a report from the Chief Executive clarifying:
 - the process by which members could resign from positions within arms length organisations;
 - when an appointment or resignation took effect; and
 - the proper governance rules for implementing or reversing such a decision.
- 5) To note that three positions on the Board of EDI Ltd remained vacant and to nominate to the Board:
 - Councillors Child and Hinds in place of Councillors Hart and Wilson
 - Councillor Rust in place of Councillor Balfour.

(References - Act of Council No 17 of 28 May 2009; report no CEC/40/09-10/CD by the Director of City Development, submitted.)

Declaration of Interests

Councillors Bridgman, Buchanan, Edie, Jackson, Keir, Lowrie, Gordon Mackenzie, McKay, Morris, Murray and Rose declared a non-financial interest in the above item as members of the Boards of Council owned arms length companies.

Councillor Buchan declared a financial interest in the item as an employee of a firm which provided technical advice to PARC and EDI Group Ltd and left the Chamber during its consideration.

16 Update Report – Meggetland Section 75 Agreement with Applecross Properties Ltd

The current position on the Council's claim for £200,000 due in relation to the Section 75 agreement with Applecross Properties Ltd, in connection with the Meggetland development, was detailed.

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Decision

- 1) To note the current position in relation to this matter.
- 2) To request a report on the outcome of the claim process or any other developments.
- 3) To refer the report by the Director of City Development to the next meeting of the Pentlands Neighbourhood Partnership.

(References - Act of Council No 2 of 25 June 2009; report no CEC/41/09-10/CD by the Director of City Development, submitted.)

17 Firefighter Ewan Williamson – Motion by the Lord Provost

The following motion by the Lord Provost was submitted in terms of Standing Order 28:

“Council expresses its sympathy to the family of Ewan Williamson who died fighting a fire in the city on the morning of Sunday 12 July 2009.

Council also expresses its sympathy to Lothian and Borders Fire and Rescue Service as they mourn the loss of a dedicated and brave fire fighter.

Council agrees to work with Lothian and Borders Fire and Rescue Service to identify an appropriate form of joint recognition.”

Decision

To approve the motion by the Lord Provost.

18 SAS Radisson Hotel – Thistle Award for Sustainable Tourism – Motion by Councillor Beckett

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

“Council commends the vision, leadership and hard work shown by staff at the SAS Radisson Hotel on the Royal Mile which led them to receive VisitScotland’s Thistle Award for Sustainable Tourism.

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Council also recognises that the positive environmental actions taken by the hotel did not adversely affect them in a financial sense, in fact costs were reduced thereby showing that it is possible to be concurrently financially prudent and environmentally responsible. As a result, Council resolves to share this information with the Edinburgh Tourism Action Group.”

Decision

To approve the motion by Councillor Beckett.

19 Refuse Collection Dispute - Motion by Councillor Whyte

The motion by Councillor Whyte, submitted in terms of Standing Order 28, had been dealt with at item 12 above.

20 Community Volunteers – Motion by Councillor Henderson

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

“Council notes that local, community-spirited organisations have recently had difficulty in volunteering their services to assist with the upgrade of Council owned buildings.

The difficulties reported include health and safety rules and contractual complexities that have led, for example, to parents groups being advised that they are not allowed to paint classrooms.

Therefore, Council agrees to request a report which will examine these issues in more detail and present a framework that would allow some work to be carried out by volunteers in Council owned premises in appropriate circumstances.”

Decision

To approve the motion subject to the replacement of the final paragraph with:

“To instruct the Director of City Development to prepare and promote corporate guidance to which building managers could refer and to submit the ensuing report to the Finance and Resources Committee.”

21 Corstorphine Hill Walled Garden – First Green Pennant in Scotland – Motion by Councillor Edie

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

“Council notes the success of the Friends of Corstorphine Hill in securing the first Green Pennant in Scotland for the Corstorphine Hill Walled Garden.

Council requests the Lord Provost to write to the Chair of the Friends of Corstorphine Hill to convey the Council’s congratulations.”

Decision

To approve the motion by Councillor Edie.

Declaration of Interests

Councillors Edie and Wheeler declared a non-financial interest in the above item as members of Friends of Corstorphine Hill.

22 Allotments – Motion by Councillor Paisley

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

“Council:

- i. notes the increasing popularity of allotments and their associated environmental, social and community benefits;
- ii. notes that demand for allotments in Edinburgh currently outstrips supply;
- iii. calls for a report looking at ways in which the supply of allotments in Edinburgh can be increased.”

Decision

- 1) To approve paragraphs (i) and (ii) of the motion.

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- 2) To note that a revised Allotments Strategy was currently being developed, as agreed by the Council on 1 May 2008, which aimed to improve allotment provision and use in the city and which would focus in part on establishing additional and new sites. It was intended that this would be reported to the Council in Spring 2010.

(Reference - Act of Council No 24 of 1 May 2008)

Declaration of Interests

Councillor Morris declared a non-financial interest in the above item as an allotment holder.

23 Queen's Award for Gallantry – Motion by Councillor Barry

As his request, the Council agreed to the withdrawal of a motion by Councillor Barry submitted in terms of Standing Order 28.

24 Betting Shop Workers – Motion by Councillor Beckett

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

“Council notes the survey from the Community Trade Union that shows that 15% of betting shop workers were assaulted in one year alone and that there were 4,760 incidents of physical and verbal abuse aimed at betting shop workers between 2006 and 2008. Council therefore welcomes the campaign aiming to raise awareness on the working conditions and issues faced by betting shop workers and resolves to join the STUC, the Scottish Government Safer Scotland Campaign and the Health and Safety Executive in supporting the campaign.”

Decision

To approve the motion by Councillor Beckett.

25 Night Time Economy – Motion by Councillor Mowat

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

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“Council:

- i. notes the ambition stated in the Edinburgh City Vision ‘to lead the most successful and sustainable city region in Northern Europe by 2015’;
- ii. notes that for ten years Edinburgh has pursued the development of a day and night time economy to strengthen the city’s position as a tourist destination;
- iii. recognises the benefits to Edinburgh of having a living city centre inhabited by more than 20,000 residents and the valuable role they play in maintaining the heritage which gives Edinburgh its World Heritage status;
- iv. notes unacceptable levels of anti-social behaviour and noise occurring on the streets of the city centre in the early hours of the morning, particularly at weekends, which impact negatively on the quality of life of residents in the affected city centre areas and the routes out of these areas;
- v. notes that anti-social behaviour, if allowed to continue unchecked, will negate efforts to identify Edinburgh as a high quality destination and in turn, compromise the city’s 2015 ambitions;
- vi. accordingly, instructs the Director of City Development to report on the impacts of Edinburgh’s night-time economy drawing on evidence from across the Council and from Council partners, examining in particular:
 - the economic benefits;
 - policing and servicing costs;
 - impact on residential amenity;
 - implications for Edinburgh’s reputation – both positive and negative;
 - ways in which existing legislation and regulation can assist in ensuring Edinburgh’s continued economic development without unacceptable impacts on residents’ quality of life;

this report to be brought back to Council within three cycles.”

The Lord Provost remitted the motion and the related deputation request from the Castle Wynd South Residents to the Economic Development Committee in terms of Standing Order 28(3), subject to competency.

26 Council Travel by Air – Motion by Councillor Burgess

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

“That the Council:

Recognises that it is common practice to send representatives, including the Lord Provost, on Council business by air.

Notes the Council priority to reduce pollution contributing to Climate Change.

Believes that this Council should show leadership by reducing the contribution to Climate Change from travel by Councillors and staff.

Recognises that the Council’s contribution to climate-changing pollution could be reduced by avoiding unnecessary travel, holding meetings using electronic means such as teleconferencing or by travelling overland, rather than flying.

Requests that future reports to Council Committees that make recommendations to approve air travel include a justification; as to why the travel is necessary, why the business cannot be done through electronic means and why travel overland is ruled out.”

The Lord Provost ruled the motion incompetent for the following reasons:

- On 28 July 2009, the Transport, Infrastructure and Environment Committee approved a Sustainable Travel Plan, governing travel by both officers and elected members.
- On 4 August 2009, in relation to a civic visit to Krakow, the Policy and Strategy Committee agreed to investigate the possibility of overland travel arrangements for such visits and provide comparative details of the environmental impact and costs between air and overland travel.

(References - Transport, Infrastructure and Environment Committee 28 July 2009 (item 11); Policy and Strategy Committee 4 August 2009 (item 11))

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Appendix
(As referred to in Act of Council No 4 of 20 August 2009)

QUESTION NO 1

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

Question (1) What sum was provided for garden aid in the Council budget in each of the years 2005/06, 2006/07 and 2007/08?

Question (2) How many received the garden aid service in each of those years?

Question (3) How many were on the waiting list in each of those three years?

Answers

(1) (2) (3)	Year	Council Budget	Customers Receiving Garden Aid	Peak Number on Waiting List (approx)
	2005/2006	£566,388	4,000	230
	2006/2007	£556,000	4,034	530
	2007/2008	£556,000	4,362	490
	2008/2009	£560,000	4,650	330
	2009/2010	£580,000	4,786	TBC

For each of the years above, the waiting list was cleared at the end of the season, prior to the start of the next. All applicants who applied before the deadline of 31 December each year and successfully met the criteria received the service the following year.

Question (4) How many are currently on the waiting list?

Answer (4) There are currently 374 customers on the service waiting list.

Question (5) What budget is projected for garden aid over the current year (2009/10) and the following two years?

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Answer

- (5)** The budget for the current year, 2009/10, is £580,000. There is no budget figure yet available for 2010/11 or 2011/12.

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QUESTION NO 2

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

Question

To ask what plans are in place to improve library services for elderly and disabled users, including the award winning Central Library Resource Centre for Disabled and Elderly Users.

Answer

Edinburgh City Libraries support our elderly and disabled customers in a range of ways, for example through outreach services, IT training, large print and audio books and the loan of equipment to help customers use our resources. Facilities and services for people with disabilities also form some of the proposals from the comprehensive review of Library and Information Services. We also have plans to extend and improve services to our growing elderly and disabled population.

We have launched Adult Social Care Information Points in 6 libraries and are about to deliver improved services to the elderly in Sheltered Housing and Care Homes. We are also actively seeking ways to improve services to the housebound.

As part of our work to improve library services for all users, we are in the preliminary stages of reviewing the services we provide to the visually impaired across the city and at the Central Library Resource Centre. Whilst retaining provision within the Central Library, we are also seeking to extend access to these services to other libraries, thereby opening up access to visually impaired people across the city.

Further information about the range of accessibility services that our libraries offer can be found on our website:

http://www.edinburgh.gov.uk/internet/leisure/libraries/explore_your_library/Accessibility

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**Supplementary
Question**

Can I ask the Convener if she recognises the concern of the service users and does she believe that the expert service provided on a central resource could not be easily replicated in local libraries without additional resources?

**Supplementary
Answer**

Well I am sure you will be pleased to know that the intention, as part of the proposed development of the service, is that current staff and potentially volunteer users will be available to appointments across the city. Software and hardware will be supplied to every neighbourhood to improve accessibility as well. It is early days of course but there have been visits to the Mitchell Library with staff and users to look at the services they offer and I understand that there has been a very productive meeting with staff this week, as well to talk over some of those very real concerns, but I can assure you that they are being listened to and we will take every account of them in the future.

The City of Edinburgh Council
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QUESTION NO 3

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

Question

What is the current state of progress on the Libraries Review?

Answer

The comprehensive review of Library and Information Services has produced a range of proposals for delivering more efficient service which better meets customer needs and preferences across Edinburgh. These include: options for extended library opening hours; self-service technology; improved web-based services; community activities; and, facilities for children and young people, people with disabilities and minority groups.

Discussions on the operational arrangements that will underpin these improvements are taking place.

The Review's transformation of Edinburgh city's library services is also being progressed through our programme of investing in the infrastructure of libraries, with refurbishment of both Portobello and Morningside due to take place this financial year.

A progress report will be presented to the Culture and Leisure Committee in September.

**Supplementary
Question**

My supplementary is that I have been contacted by a constituency worker in the library service who is concerned about potential changes in employment and possible redundancies in the service and I was wondering if the Convener would agree with me that as the City Council is looking at opening new facilities within the library service, particularly in the west of the city, would it not make sense to retain these skills within the service and then redeploy them at the new facilities when they are operational?

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**Supplementary
Answer**

I am not aware of the particular circumstances you are talking of Councillor Buchan so I do not think it is appropriate for me to comment on that at this point but I am happy to speak to you afterwards and we will discuss this with officers.

The City of Edinburgh Council
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QUESTION NO 4

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

Question (1) Please provide details of the offer communicated to UNITE trade union representatives at your meeting with them on 3 August in relation to the current industrial dispute.

Answer (1) Full details of the long-standing proposal communicated to UNITE for discussion at the meeting on 3 August 2009 were provided to all Councillors in the letter that accompanied Members Briefing 120 (30 July 2009).

Question (2) When and how was this offer confirmed in writing to the union?

Answer (2) Please see answer to question (1).

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QUESTION NO 5

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

Question (1) What was the total cost of private cleaning contractors for the Gathering Weekend event and what budget heading was this paid from?

Answer (1) Whilst the dispute is ongoing, this information is commercially sensitive. However costs associated with the Gathering Weekend, which were partly offset by savings in overtime payments, will be contained within the existing Services for Communities' budget.

Question (2) What was the total cost of all contingency measures in relation to the recent industrial dispute in cleansing?

Answer (2) As the situation is ongoing this information is not currently available.

Question (3) What is the projected budget for using private contractors in the future and what budget heading is this to be paid from?

Answer (3) As described above, the situation is ongoing with costs being met from the existing Services for Communities' budget.

Supplementary Question 1 I just wonder if I could unpack, with two supplementary questions if I may, what the nature is between the dispute still ongoing and why the information is commercially sensitive if the event has since passed?

Supplementary Answer 1 My advice is that commercial sensitivity still applies because the dispute is ongoing and obviously the contingency work is still having to be carried out so, as stated in the written answer, that sort of information is not available at this point but it will be made available once the matter is resolved.

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**Supplementary
Question 2**

Thank you for that answer. I just wondered if I could have another go at trying to find out some rough costs of what is going on. It says in the answer to question 1 that the costs associated with the Gathering Weekend, which were partly offset by savings and on overtime payments, will be contained in the existing Services for Communities' budget. Does this mean if it is only partly offset, that the cost of the commercial contracts during the dispute is higher than what would normally be the case if our own staff were doing the work?

**Supplementary
Answer 2**

As I said before Lord Provost it is inappropriate to comment any further on this item. I am sure that Councillor Murray reminds us often that he is a business man and I am sure that he is aware of commercial sensitivities in this area.

**Supplementary
Question 3**

Everyone is saying sit down and don't ask the questions but my constituents are asking me how much all this is costing and I feel that as elected members in this chamber we should at least be given an indication. The Gathering Weekend has passed, the invoice has obviously been issued, so was that invoice higher or less than what we would pay? We are not asking for figures - is it higher or is it lower than what we would normally pay our staff? That is not asking for any commercially confidential figures.

**Supplementary
Answer 3**

Still no comment

**Supplementary
Question 4**

Lord Provost, I do not want to drag this out, and I do appreciate that we are only allowed a couple of supplementary questions, but I do believe that the Convener of Finance and Resources Committee, by saying no comment, is not actually doing anything to try and resolve this question that I have asked. I have asked a series of questions about how much it is costing and I have been told it is commercially sensitive and then I have been told no comment. How can a figure be commercially sensitive when the event has passed?

**Supplementary
Answer 4**

Because the dispute is still in course.

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QUESTION NO 6

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

Question

What progress is being made to roll out the Bus Tracker Services to all bus stops in Edinburgh? Please provide a detailed breakdown of the proposed timetable for the installation of these services across the city, especially those areas directly affected by tram works but not on the tram route (eg Leith, Leith Walk, City Centre, Sighthill/Gorgie, Almond wards).

Answer

This Administration is committed to providing Bustracker real time information at strategic bus stops to help increase bus travel by giving passengers confidence in the reliability of Edinburgh's award-winning bus service. Almost 300 signs have already been installed in the city, located mostly in the city centre and along main bus routes. A further 30 Bustracker signs are scheduled for installation in areas with fewer and less frequent services this financial year. Real time information is also currently available for all bus stops served by Lothian Buses via our website (www.mybustracker.com) and can be accessed by mobile phone.

It has never been proposed to roll-out the Bustracker Signs to all bus stops in Edinburgh as to do so would cost over £20million and would also be dependent on the availability of power connections.

**Supplementary
Question**

Just two points on this. I think we need to be aware that not everybody has access to the mybustracker.com services and so cannot benefit from the additional security and convenience that it provides but I was wondering, could you actually give some indication of where the 30 extra screens are going to be installed over the next year?

**Supplementary
Answer**

I will get back to you with a written reply.

The City of Edinburgh Council
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QUESTION NO 7

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

Question

How many incidents involving pedestrians, cyclists or motorists have been recorded at the junction at the foot of Easter Road in the last 12 months? Are you satisfied with the safety of pedestrians and cyclists at this complex junction?

Answer

The Council has no record of any accident in the last 12 months involving personal injury at the Easter Road/Duke Street/East Hermitage Place/Lochend Road junction.

As a temporary tram diversion route, this location was considered during the design stages by the Tram construction contractors, the Police, Lothian Buses, and Council officers. Additional traffic signage was introduced for motorists, and there were already controlled pedestrian crossing points on the busiest pedestrian routes.

**Supplementary
Question**

Can I thank again the Convener for his answer and for the brief discussion we have had about this earlier. Could I ask for some indication of taking forward the issue of how we deal with the perception of risk versus the actual incidents and maybe report to the Transport Committee sometime in the future that tries to deal with these certain hotspots in the city, where people feel very unsafe even if there has not actually been a serious or not serious incident there.

**Supplementary
Answer**

I believe that there is a paper coming on the criteria by which we decide on various safety measures. Thinking further since our discussion, one of the difficulties that we all have is in terms of how do you weigh perceptions against actual records of accidents. Very difficult to say I perceive this as a dangerous place when there is something else that has a record of accidents and deciding one over the other but it is something that we will look at when we look at that criteria.

The City of Edinburgh Council
20 August 2009

QUESTION NO 8

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

Question

How many people are currently on the city's waiting list for allotments?

Answer

Information as of 13 August 2009 shows that there are 2152 people waiting for an allotment plot on one of our 21 sites.

**Supplementary
Question**

May I just ask, a year from now what size of a waiting list will you regard as progress?

**Supplementary
Answer**

I am not going to speculate on the size of a waiting list. I do not know how many people are going to join the waiting list, how many we are going to lose but I can assure you that a new allotment strategy paper will be forthcoming for discussion at the Transport, Infrastructure and Environment Committee in the Spring of next year which will be looking at a whole range of new ideas.

The City of Edinburgh Council
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QUESTION NO 9

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

- Question** (1) How many "huts" are currently used as classrooms?
- Answer** (1) None. There are 49 classroom spaces located in temporary units.
- Question** (2) How many of these buildings are located in playground space?
- Answer** (2) Units form part of the school establishment and are located on sites adjacent to existing school buildings where possible.
- Question** (3) How many external buildings (ie non Children and Families Department buildings, such as church accommodation, etc) are rented to accommodate primary school pupils?
- Answer** (3) One.
- Question** (4) Please name buildings and annual cost of rental of each building.
- Answer** (4) Cluny Church provides an annexe for two South Morningside P1 classes. Annual rent is £33,500 plus an additional cost for energy of approximately £600 per annum.
- Question** (5) Are there costs involved in transporting pupils to these non-school estate buildings?
- Answer** (5) No.
- Question** (6) Please list these annual costs to each location.

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Answer (6) N/A

**Supplementary
Question**

I use the word huts in my question as that is how these buildings were described in my time as a local authority pupil and this word continues to form part of the Edinburgh vernacular. My school friends and I never said to each other 'oh let's meet behind the temporary units at break'. But that might possibly be because these so-called temporary units were actually part of the building during our entire time at school. Can the Convener confirm how long temporary units have been in situ in what was previously playground space in schools such as Sciennes and South Morningside Primary?

**Supplementary
Answer**

Lord Provost I can get the answer for that. It would mean going through every single school and looking at transportable units and I do not have that information in front of me but I am happy to get that for the Councillor.

The City of Edinburgh Council
20 August 2009

QUESTION NO 10

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

Question

To ask for an update on progress towards receiving the £200,000 developer contribution to allow the tendering process for the Colinton Mains Park pavilion to proceed.

Answer

This is covered in a report by the Director of City Development which is being considered at this meeting.

Sensitive commercial discussions are ongoing. I will advise Council, the appropriate Neighbourhood Partnerships and Community Councils once these talks have concluded.

The City of Edinburgh Council
20 August 2009

QUESTION NO 11

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

Question

Is the Administration aware that the Climate Change (Scotland) Act is now in force and the Act places a duty on local authorities to exercise all their functions in line with the new national targets to reduce climate changing pollution, the first of these being 42% reduction by 2020?

Answer

This Administration is committed to meeting the challenge of climate change. We welcome the Climate Change (Scotland) Act 2009.

Precise details on the range of amendments passed, including the duty on public bodies, are being worked up by the Scottish Government. It is anticipated that this will take up to 18 months to complete. During this time, the Council shall engage with the Scottish Government with a view to informing implementation plans.

A report on the implications of the new Carbon Reduction Commitment is being submitted to the Policy and Strategy Committee on 1 September 2009. This report also addresses issues concerning carbon emissions relevant to the new Climate Change Act once fully implemented.

**Supplementary
Question**

The Leader's answer seems to indicate that the Administration may not be fully aware of the Climate Change (Scotland) Act now in force. It places an immediate statutory requirement on local authorities, and I quote, "to act in the best way calculated to contribute to the delivery of the targets set out in this Act". Does the Leader recognise that, whilst there is further provision in the Act for ministers to place specific additional duties on public bodies, that the general duty to act in line with the targets in the Bill has already started? Does the Leader recognise this immediate duty and how does her Administration intend to respond?

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**Supplementary
Answer**

Yes I have actually got a copy of the Bill and the amendments that were put forward and there is certainly a recognition of what is within that and our Sustainable Development Manager has been very closely involved in discussions with the Scottish Government about how we take this forward. There will, as it says I think in the answer, it mentions there will be a report coming to the Policy and Strategy Committee which will contain the information about how we are going to address matters. The Sustainable Development Manager also suggested to me that there might be potential for some sort of conference in which Edinburgh could take the lead in looking at how local government in general can react to what is in the Climate Change (Scotland) Act.

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QUESTION NO 12

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

Question

What is the Administration's policy regarding installation and upkeep of coloured cycle lanes?

Answer

As noted in the *Local Transport Strategy*, the Council will use colour to mark cycle lanes, particularly in locations where traffic conflict is most likely. Coloured asphalt or setts may be used where appropriate.

Within the World Heritage Site, Edinburgh Standards for Streets guidance will be followed; coloured surfacing will generally only be used on lengths of street where the use of colour is considered particularly important for safety or compliance reasons (to be defined on a map).

There is no specific policy for the repair or renewal of the coloured surfacing of cycle lanes or advanced stop areas. However, as this Administration has invested record amounts of funding into road maintenance, we anticipate that the installation and upkeep of cycle lanes will continue to improve in line with the improvement of the overall network.

I have asked that a separate record of cycle lane installation and upkeep be made for monitoring purposes.

**Supplementary
Question**

Given the Administration recently signed up to the Charter of Brussels, would the Convener agree with me that in order to achieve the target of 15% journeys by cycle by 2020 it is going to need more than just maintaining cycle lanes and advanced stop areas if the road that they are on happens to need repair? Will the Convener investigate the possibility assessing the prioritisation rules used in road maintenance expenditure to ensure that maintenance of red surfacing and white lining used to mark cycle lanes in advanced stop areas receives a higher priority?

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**Supplementary
Answer**

I could advise Councillor Burgess that I have already asked the question about the prioritisation and I am awaiting the answer on that.

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QUESTION NO 13

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

Question

Is the Administration aware that Bilbao's tram system is powered by renewable energy and what progress is it making towards having Edinburgh's trams run on renewables?

Answer

The Council fully supports and endorses the government's position with regard to Scotland's energy future by increasing the use of renewable energy. No decision has yet been made regarding the supply of the electricity power for the Edinburgh Trams.

Various options are available for the supply of the power, including renewable energy sources, and these will be competitively tested in the market place by **tie ltd** and Transport Edinburgh Limited (TEL) prior to the testing and commissioning stage of the Edinburgh Trams project, which is currently programmed for Spring/Summer 2010. Consideration will also be given to using existing power supply agreements that are currently in place with the public sector e.g. Scottish Government, Council and TEL.

tie ltd and TEL will encourage the use of renewable energy sources, where possible, whilst obtaining overall Best Value for the Council.