

Committee Minutes

The City of Edinburgh Council

Year 2010/2011

Meeting 6 – Thursday, 18 November 2010

Edinburgh, 18 November 2010 - 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
Bill Cook
Jennifer A Dawe
Cammy Day
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
Mark McInnes
Stuart Roy McIvor
Tim McKay
Eric Milligan
Elaine Morris
Joanna Mowat
Rob Munn
Gordon J Munro
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

Aung San Suu Kyi

The Lord Provost announced that he had written to the appropriate authorities in Burma following the release from house arrest of Aung San Suu Kyi and that he hoped to invite her to visit Edinburgh.

1 BlindCraft

Various options for the future of Blindcraft had been considered to achieve the budget saving of £700,000 required for 2011/2012. Two options had been highlighted - a re-focus to become a more training oriented business or full closure. As both options required extensive redundancies, employment law required the Council to formally consult with its staff. The outcome of that consultation was detailed. During the consultation, two further options had been considered, a move to a four day week and a move to a three day week.

(a) **Deputations** – The Council heard the following deputations:

- (i) **Moira Park Sheltered Housing Tenants' Association** – The deputation said that the proposal to close BlindCraft had made many people very angry. The savings made by moving to a three day week would meet the majority of savings required by the Council and the deputation therefore urged members to use their vote to keep BlindCraft open for three days a week and to come up with better and longer term solutions.
- (ii) **UNISON, Unite and the Community Union** – The deputation said that they understood there had to be changes to BlindCraft but to close the workshop would be detrimental to the image of Edinburgh and Scotland as a whole. They understood that discussions had moved on from the proposal in the Director's report to close Blindcraft. The new proposal for a three day working week would deliver savings but would not come without pain for staff. They asked the Council to hold detailed discussions on redundancy, pensions, etc and for a commitment that there would be no compulsory redundancies. They also recognised that more synergies were needed between Blindcraft and the other five workshops in Scotland.

(b) **Report by the Director of Health and Social Care**

The Director of Health and Social Care recommended that the Council:

- 1) note the contents of his report and the comprehensive consultation that had been undertaken in seeking to deliver financial viability at BlindCraft.

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- 2) note that the only option that delivered the required level of ongoing saving of £700,000 was the closure of the organisation.
- 3) agree to the closure of BlindCraft.
- 4) agree to giving every support to employees to seek redeployment and to support them through the transition period.
- 5) agree to retain £365,000 for ongoing investment in support for disabled people in employment.

Decision

- 1) To note the report and recommendations by the Director of Health and Social Care.
- 2) To note the extensive consultation that had taken place over the last 18 months with Trade Unions and employees on options to reduce the deficit funding.
- 3) To recognise that the option to operate a shorter working week (previously rejected by the trade unions) was again revisited during the period of statutory consultation.
- 4) To note that the majority of savings sought could be achieved through operating Blindcraft on a three day working week together with a reduction of staff numbers.
- 5) To recognise that the strong preference of the Community Union (which represented the majority of members employed at Blindcraft) was to now implement a three day working week.
- 6) To recognise that the Equalities Impact Assessment (EQIA) already undertaken related only to a proposal for the closure of Blindcraft.
- 7) To note that the Council favoured a three day working week as opposed to closure.
- 8) To note that a report on the outcome of the consultation with the Trade Unions and the Equalities Impact Assessment would be reported back to the Policy and Strategy Committee.
- 9) To encourage BlindCraft to do all that it could to protect its financial self-sufficiency through securing additional contracts, particularly from the public sector through the EU public procurement directive Article 19 reservation which permitted public contracts to be retained for supported employment, social enterprise and economic development.

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- 10) To further recognise the merits of a streamlined and sustainable delivery mechanism for supported employability and to therefore agree that Blindcraft should move from the Health and Social Care to City Development given their responsibility for supported businesses.

(References – Act of Council No 2 of 16 September 2010; report no CEC/53/10-11/HSC by the Director of Health and Social Care, submitted.)

Declaration of Interests

Councillor Paisley declared a non-financial interest in the above item as a members of the BlindCraft Advisory Committee.

2 Questions

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

3 Minutes

Decision

To approve the minute of meeting of the Council of 14 October 2010, as submitted, as a correct record.

4 Placing in Schools Appeal Committee

Decision

- 1) To re-appoint Norma Devlin to Panel 2 of the Placing in Schools Appeal Committee.
- 2) To appoint Carol Fisher, Katherine Taylor, Donna Anderson, Carol Swan and Jennifer Walton to Panel 2 of the Committee.

(Reference – report no CEC/44/10-11/CS by the Director of Corporate Services, submitted.)

5 Leader's Report

The Leader presented her report to the Council. The Leader commented on the Scottish budget announcement by the Cabinet Secretary for Finance.

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The following questions were raised:

- | | |
|------------------------|---|
| Councillor Burns | <ul style="list-style-type: none"> - Scottish budget announcement – update on CoSLA leader’s meeting - Tram project – mediation |
| Councillor Hinds | <ul style="list-style-type: none"> - BlindCraft - inclusion of Trade Unions in ministerial meeting - Council lead in promoting Scotland-wide solution for supported businesses |
| Councillor Ewan Aitken | <ul style="list-style-type: none"> - Equalities Impact Assessment process – training for elected members and staff |
| Councillor Munro | <ul style="list-style-type: none"> - Roseburn Depot – press report on workplace bullying |
| Councillor Barry | <ul style="list-style-type: none"> - Winter Wonderland – costs |
| Councillor Buchan | <ul style="list-style-type: none"> - ‘Big screen’ in Festival Square |
| Councillor Cardownie | <ul style="list-style-type: none"> - Hibernian FC supporters club - support for orphanages in Ukraine |
| Councillor Buchanan | <ul style="list-style-type: none"> - Edinburgh Airport – first time in top five UK airports |

Reference – report no CEC/51/10-11/L by the Leader, submitted.)

6 Lothian, Buses, TEL and tie – Board Appointments

Actions and appointments required in the light of the resignation of David Mackay from the Boards of Lothian Buses, Transport Edinburgh Limited (TEL) and Transport Initiatives Edinburgh (**tie**) were detailed. The Chief Executive recommended that the Council:

- (i) thanks David Mackay for his commitment to the delivery of public transport services in the city and his work on paving the way for the integration of tram and bus operations;
- (ii) ensures, as a matter of urgency, that "interim" appointments should be made to the positions of Chairman in Lothian Buses, TEL and **tie**;
- (iii) agrees that the "interim" appointment of Chairman of Lothian Buses should be reviewed no later than August 2011;

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- (iv) considers, if possible at this meeting, who should be recommended to fill the position of "interim" Chairman of Lothian Buses;
- (v) supports Brian Cox as "interim" Chairman of TEL and **tie**;
- (vi) commences immediately the recruitment process, by public advertising, to appoint a new Chairman of TEL and **tie**;
- (vii) considers whether to make any additional appointments to the Board of Lothian Buses at this time and, if so, how many and appointed by what means; and
- (viii) notes that a commentary on the management and governance arrangements necessary to integrate buses and trams will be included in the report to Council in December 2010.

(a) Proposals

Motion

- 1) To note the report and recommendations by the Chief Executive.
- 2) To thank David Mackay for his commitment to the delivery of public transport services in the city and his work on paving the way for the integration of tram and bus operations.
- 3) To ensure, as a matter of urgency, that interim appointments should be made to the positions of Chairman in Lothian Buses, TEL and **tie**.
- 4) To support Brian Cox as interim Chairman of TEL and **tie**.
- 5) To commence immediately the recruitment process, by public advertising, to appoint a new permanent Chairman of TEL and **tie**.
- 6) To recommend Ron Hewitt to fill the position of interim Chairman of Lothian Buses.
- 7) To appoint Ian Mackay and John Martin to the Board of Lothian Buses as non-Executive Directors for an initial period of one year.
- 8) To ask the Chief Executive to report, within one cycle, on further steps necessary to fill the remaining places on the Board of Lothian Buses including (and with a timetable for so doing) the appointment of a new Chairman.

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- 9) To note that a commentary on the management and governance arrangements necessary to integrate buses and trams would be included in the report to Council in December 2010.

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

Amendment 1

- 1) To agree recommendations (i) and (ii) by the Chief Executive.
- 2) To amend recommendation (iii) to read:
"To commence immediately the recruitment process, by public advertising, to appoint a 'permanent' Chair of Lothian Buses."
- 3) To note recommendation (iv) and to agree that the position of "interim" Chair of Lothian Buses should be delegated to the Board of Lothian Buses.
- 4) To agree recommendations (v) and (vi).
- 5) To note recommendation (vii) and to agree that Ian McKay and John Martin (from the short list of candidates for the vacancies which were recruited to in 2009) be appointed as Non-Executive Directors of Lothian Buses on an initial one-year basis.
- 6) To note recommendation (viii) confirming that further information on overall management and governance arrangements will definitely be included in a report to the next Council Meeting of 16 December 2010.
- 7) To further agree that an additional report would separately come back to the next Policy and Strategy Committee Meeting, of 30 November 2010, providing full details on the terms and conditions for the appointment of the Chairs of Lothian Buses and TEL/tie.

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

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Amendment 2

- 1) To amend recommendation (ii) by the Chief Executive by deleting the reference to the Chairman of Lothian Buses such that the recommendation read:
 - (ii) agrees to ensure, as a matter of urgency, that “interim” appointments should be made to the positions of Chair of TEL and **tie**;
- 2) To insert new recommendations (iii) and (iv), as follows:
 - (iii) agrees that the process of recruiting a new Chair of Lothian Buses should commence immediately;
 - (iv) agrees to recommend that in the interim, the Board of Lothian Buses elect one of its members to chair each Board meeting until a new Chair of Lothian Buses is recruited.

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

Amendments 1 and 2 - Composite

In accordance with Standing Order 30(7), with the approval of the movers and seconders, reference to recommendation (ii) was deleted from paragraph 1) of amendment 1 and a composite of the adjusted amendment 1 and amendment 2 was proposed

(b) Voting

Prior to the motion being considered the Lord Provost ruled, in terms of Standing Orders 16 and 33, that separate votes be taken on the proposals in the motion and composite amendment relating to

- the Board of **tie**;
- the Board of TEL;
- the Board of Lothian Buses.

Vote 1 - Board of tie

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

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For the proposals in the motion by Councillor Dawe relating to the Board of **tie**:

Lord Provost Grubb, Councillors Aldridge, Coleman, Dawe, Dundas, Edie, Hawkins, Lang, Lowrie, Gordon Mackenzie, MacLaren, McKay, Morris, Peacock, Snowden, Thomas and Wheeler – 17.

For the proposals in the composite amendment relating to the Board of **tie** – 0.

Not voting – Councillors, Beckett, Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Munn, Tymkewycz and Work – 12.

Decision

To approve the proposals in the motion by Councillor Dawe in relation to the Board of **tie**.

Vote 2 - Board of TEL

For the proposals in the motion relating to the Board of TEL – 17 votes.

For the proposals in the composite amendment relating to the Board of TEL – 0 votes.

Decision

To approve the proposals in the motion by Councillor Dawe in relation to the Board of TEL.

Vote 3 - Board of Lothian Buses

For the proposals in the motion relating to appointments to the Board of Lothian Buses – 29 votes.

For the proposals in the composite of amendment relating to appointments to the Board of Lothian Buses – 0 votes.

Decision

To approve the proposals in the motion by Councillor Dawe in relation to the Board of Lothian Buses.

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(c) Council Decision

- 1) To note the report and recommendations by the Chief Executive.
- 2) To thank David Mackay for his commitment to the delivery of public transport services in the city and his work on paving the way for the integration of tram and bus operations.
- 3) To ensure, as a matter of urgency, that interim appointments should be made to the positions of Chairman in Lothian Buses, TEL and **tie**.
- 4) To support Brian Cox as interim Chairman of TEL and **tie**.
- 5) To commence immediately the recruitment process, by public advertising, to appoint a new permanent Chairman of TEL and **tie**.
- 6) To recommend Ron Hewitt to fill the position of interim Chairman of Lothian Buses.
- 7) To appoint Ian Mackay and John Martin to the Board of Lothian Buses as non-Executive Directors for an initial period of one year.
- 8) To ask the Chief Executive to report, within one cycle, on further steps necessary to fill the remaining places on the Board of Lothian Buses including (and with a timetable for so doing) the appointment of a new Chairman.
- 9) To note that a commentary on the management and governance arrangements necessary to integrate buses and trams would be included in the report to Council in December 2010.

(References – Act of Council No 1 of 14 October 2010; report no CEC/52/10-11/CE by the Chief Executive, submitted.)

Declaration of Interests

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

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

Councillor Buchan declared a financial interest in the above item as his firm was a technical adviser to **tie** and TEL and left the Chamber during its consideration.

7 21st Century Homes – Proposed Compulsory Purchase Order

Decision

To make the Edinburgh 49/17 Muirhouse Parkway and 55 Muirhouse Parkway Compulsory Purchase Order in terms of the draft annexed to the report by the Director of Services for Communities to allow the 21st Century Homes Development at Pennywell and Muirhouse to proceed.

(References – Health, Social Care and Housing Committee 5 October 2010 (item 7); report no CEC/45/10-11/SfC by the Director of Services for Communities, submitted.)

Declaration of Interests

Councillor Buchan declared a financial interest in the above item as his firm was a bidder for contracts for the development and left the Chamber during its consideration.

8 2010 Statutory Review of Polling Districts and Places

The outcome from the statutory review of polling districts and polling places within the boundary of the City of Edinburgh Council was presented together with proposals to reduce the cost of elections.

Motion

- 1) To approve the amended scheme of polling districts to take account of the boundary changes resulting from the statutory revision of Scottish Parliamentary Constituencies.
- 2) To approve changes to Polling Places as set out in the report by the Director of Corporate Services.
- 3) To designate a staff in service training day in all City of Edinburgh primary schools on polling day for fixed term elections, where the dates were known well in advance, subject to further discussion with the Director of Children and Families.

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

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Amendment

To approve the motion subject to the deletion of the final clause "... subject to further discussion with the Director of Children and Families." from paragraph 3.

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

Voting

The voting was as follows:

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

Decision

To approve the motion by Councillor Dawe.

(Reference – report no CEC/46/10-11/CS by the Director of Corporate Services, submitted.)

9 Edinburgh Airport – Access and Infrastructure Issues

Aspects of public transport access and infrastructure funding at Edinburgh Airport were detailed.

Decision

- 1) To note the position regarding planning, roads management and land ownership at Edinburgh Airport.
- 2) To note the steps the Council was taking with West Edinburgh partners, including BAA, to implement the area's development strategy and deliver an integrated infrastructure package.
- 3) To urge Scottish Ministers to deliver on their commitment in the Modernising the Planning System White Paper 2005 and move quickly to review airport permitted development rights generally.

(References – Act of Council No 17 of 19 August 2010; report no CEC/47/10-11/CD by the Director of City Development, submitted.)

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Declaration of Interests

Councillor Buchan declared a financial interest in the above item as his firm was the author of a transport study mentioned in the report and left the Chamber during its consideration.

10 Marketing Edinburgh

The Economic Development Committee recommended that a new organisation "Marketing Edinburgh" be established as the Council's destination promotion body for the city. A business case setting out plans for the proposed integration of Destination Edinburgh Marketing Alliance (DEMA), Edinburgh Convention Bureau and Edinburgh Film Focus into the new body was presented and details were given on the rationale, return on investment and anticipated risks of the proposal.

Decision

- 1) To note the points of clarification detailed in the report by the Director of City Development.
- 2) To establish a new organisation "Marketing Edinburgh" as the Council's destination promotion body for the city and to give it the mandate to be the official promotion body for the city.
- 3) To approve the business case for "Marketing Edinburgh".

(References – Economic Development Committee 12 October 2010 (item 10); reports no CEC/48/10-11/ED by the Head of Legal and Administrative Services and no CEC/49/10-11/CD by the Director of City Development, submitted.)

Declaration of Interests

Councillors Brock, Edie and Munro declared a non-financial interest in the above item as Board members of Edinburgh Film Focus.

Councillor Elaine Aitken declared a non-financial interest in the above item as a member of the Project Board which developed the Business Case for Marketing Edinburgh and as a member of Edinburgh Film Focus.

Councillor Buchanan declared a non-financial interest in the item as a Board member of DEMA and Edinburgh Convention Bureau.

11 Completion of the Usher Hall Refurbishment

An update was given on the completion of the Usher Hall refurbishment project.

Decision

To note the contents of the joint report by the Directors of Corporate Services and City Development.

(References – Acts of Council No 11 of 18 September 2008 and No 3 of 12 February 2009; report no CEC/50/10-11/CS&CD by the Director of Corporate Services and City Development, submitted.)

12 Council Services – Motion by Councillor Balfour

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

“Council instructs the Chief Executive to bring forward a report within two cycles identifying:

- i) those services the Council is obliged to deliver as a matter of statutory duty together with the relevant statutory reference;
- ii) those services the Council currently delivers which are not a statutory duty.”

Decision

To approve the motion by Councillor Balfour.

13 Talking Buses – Motion by Councillor Whyte

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

“Council:

- i) acknowledges the role of accessible local bus services in the mobility of disabled people;
- ii) recognises that the lack of audio visual information systems on buses makes these services difficult to use for many people;

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- iii) supports the Talking Buses campaign promoted by Guide Dogs and supported by 20 other national organisations; and
- iv) agrees, where possible, within its development of strategy and policy and in discussions with bus service providers to promote the use of audible and visual information systems which announce next stop and final destination information.”

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

14 Royal Mail Postal Services, Brunswick Road – Motion by Councillor Chapman

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

“Council notes that, from the end of November, there will no longer be posting facilities at the former Brunswick Road sorting office, and that this means the latest uplift of mail for Leith Walk businesses and residents will be at 7:15pm in Frederick Street (currently 7:30pm at Brunswick Road). For franked mail with a meter users are directed to Constitution Street with last uplift at 6:30pm instead of the existing 7:00pm at Brunswick Road.

Council believes that this loss of service to businesses and residents is unacceptable.

Council therefore instructs the Leader and the Chief Executive to request that Royal Mail retain late posting facilities for businesses and citizens in the Leith Walk area, for example by providing a box for franked mail on Elm Row, or at the very least, by extending the collection times in the city centre to match the current service at Brunswick Road.”

Decision

To approve the motion by Councillor Chapman.

15 Citizens' Advice Edinburgh Services in the Royal Edinburgh Hospital and Edinburgh Royal Infirmary – Motion by Councillor Ewan Aitken

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

“Council

- notes the decision by NHS Lothian to terminate funding of Citizens' Advice Edinburgh services in the Royal Edinburgh Hospital and the Edinburgh Royal Infirmary.
- further notes the increased demand for these services in the context of the credit crunch, public service cuts and significant job losses in the private sector.
- calls for a report in two cycles on how Citizens' Advice Edinburgh can be supported in providing advice and support services across the city, especially for the most vulnerable citizens.”

The Lord Provost remitted the motion to the Health, Social Care and Housing Committee in terms of Standing Order 28(3), subject to competency.

Declaration of Interests

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

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

16 Edinburgh University Settlement – Motion by Councillor Ewan Aitken

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

“Council notes with disappointment the closure of Edinburgh University Settlement after over 100 years of service to the city

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Council further notes that funding had been allocated through EUS in 2010/11 to:

Stepping Stones (arts-based mental health project for young people aged 18-25)
Community Learning Centre Project
Early Years Sure Start Project
City Literacy and Numeracy Project (CLAN)
English as a Second Language (ESOL)

Council expresses deep concern about the devastating effect this loss of service will have on significant numbers of residents.

Council agrees to call for a report, in one cycle, detailing the action plan to be undertaken by relevant departments to ensure that those in receipt of a Council funded service through an EUS project get a new service as quickly as possible. The report to indicate what efforts have been made to find alternative providers within the 3rd sector.”

The Lord Provost ruled the motion irrelevant as a similar motion by Councillor Burgess had been approved by the Policy and Strategy Committee on 2 November 2010 and the issues raised in Councillor Ewan Aitken’s motion would be dealt with in the report which would be submitted to the Policy and Strategy Committee.

(Reference – Policy and Strategy Committee 2 November 2010 (item 13))

17 Public Sector Procurement – Motion by Councillor Hinds

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

“This Council notes that in Scotland the public sector spends around £9 billion each year purchasing goods and services. It is crucial that all public sector procurement provides the best possible value for money.

Council further notes that:

- under Article 19 of the EU public procurement directive, any public sector body may reserve public contracts for supported businesses. This is enacted in Scotland by Regulation 7 of the Public Contracts (Scotland) Regulations 2006.

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- the Scottish Government's policy is that every public body should reserve at least one contract for supported businesses. In this way, public bodies can fulfil their social objectives in helping more disabled people into work.
- there are over 24 supported businesses across Scotland which employ over 800 staff.

Council therefore calls for a report from the Chief Executive:

- Identifying at least one contract which could be used under the Article 19 public directive.
- Asking the Edinburgh Partnership to consider how public bodies in the Partnership could identify contracts which could use the Article 19 public directive."

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

18 Learning Disability Alliance Scotland – Winner of the Herald Society Awards 2010 Campaign of the Year Award – Motion by Councillor Hinds

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

"Council notes that Learning Disability Alliance Scotland (LDAS) recently won the Herald Society Awards 2010 Campaign of the Year award.

Council regards the award as a fitting tribute to the hard work, dedication and tenacity of LDAS and the many service users and carers who have helped to put right an injustice.

Council agrees to congratulate all those involved in the campaign and ask the Lord Provost to mark the award in an appropriate way."

Decision

To approve paragraphs 1 and 3 of the motion by Councillor Hinds.

19 Neighbour Notification Process – Motion by Councillor Johnstone

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

“Council:

Agrees that this Council has a duty to ensure that neighbours are notified of planning applications in accordance with the Planning (Scotland) Act 2006;

Recognises that most neighbours who should receive notification do so but that, on occasion, non-notification has been reported to the Council;

Regrets that in cases where non-notification occurs neighbours have been unable to take part in the planning process as deadlines have been missed;

Notes that in such cases neighbours are unaware of an application until building work commences; and

Calls for a report into how best to improve neighbour notification regarding planning applications to ensure that all neighbours entitled to notification receive it.”

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

20 Cruelty Free Purchasing Policy – Motion by Councillor Burgess

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

“Council:

Notes that Councils, including Sheffield and Enfield, have adopted a Cruelty Free Purchasing Policy which requires the use of cleaning products which are not tested on animals.

Agrees to adopt a Cruelty Free Purchasing Policy which only uses cleaning products which are not tested on animals and have been approved under British Union for the Abolition of Vivisection (BUAV)'s Humane Household Products Standard.”

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

21 Financing Investment Energy Efficiency and Renewable Energy – Motion by Councillor Burgess

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

“Council:

Recognises that investment in energy efficiency measures and renewable energy generation for Council buildings could reduce energy bills, generate income and at the same time reduce pollution contributing to climate change.

Further recognises that a barrier to this win-win outcome is a lack of upfront capital for such investment, however understands that there may be other mechanisms available to the Council for funding such investment.

Therefore requests a report on the mechanisms available to the Council for financing investment in energy efficiency measures and renewable energy generation for the Council estate.”

Decision

To approve the motion by Councillor Burgess and that the report be submitted to the Finance and Resources Committee.

22 East Social Work Office – Staff Accommodation – For Remit to the Health, Social Care and Housing Committee – Motion by Councillor Child

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

“To call for a report within one cycle on the desirability of the staff of the East Social Work Office remaining in their current accommodation at 171 Duddingston Park until they are able to move to the new Craigmillar Town Centre East Area Office, which has recently been awarded planning consent.”

Decision

To remit the motion to the Health, Social Care and Housing Committee, subject to competency.

23 Tram Project – Mediation – Motion by Councillor Dawe

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it was considered prior the Council's consideration of the report on the Tram project at its meeting in December.

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

“Council notes that:

- (i) the Chief Executive wrote to the Managing Director of Bilfinger Berger Civil UK Limited on 16 November to offer a meeting with Council officers;
- (ii) the Council Leader and Chief Executive later that day met the Cabinet Secretary for Finance and Sustainable Growth at which they discussed the possibility of mediation as a means of progressing the tram project;
- (iii) the Council Leader will take all appropriate steps to facilitate mediation and asked the Chief Executive to take forward a mediation proposal;
- (iv) the Chief Executive subsequently discussed with the Chief Executive of **tie** the potential for using mediation or any other form of dispute resolution; and
- (v) the Tram Project Board on 17 November agreed to support an independent mediation process.

Council instructs the Chief Executive to continue to make preparations with **tie** and BSC for mediation or other dispute resolution processes.

Council requests that the Chief Executive report back on progress in these matters.”

Motion

To approve the motion.

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

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Amendment

To approve the motion subject to:

- 1) the addition of "to December full Council." to the last paragraph.
- 2) the addition of a further paragraph, as follows:

"Council instructs the Chief Executive to report the broad terms of any final agreement back to the Council as shareholder prior to sign-up by **tie** and to ensure that any such agreement is publicly accessible."

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

Voting

The voting was as follows:

For the motion	-	29 votes
For the amendment	-	28 votes

Decision

To approve the motion by Councillor Dawe.

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**.

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

Councillor Buchan declared a financial interest in the above item as his firm was a technical adviser to **tie** and TEL and left the Chamber during consideration of the item.

24 Edinburgh Prison Visiting Committee – Membership

The Council, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7(A) of the Act.

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Decision

Given the failure of a member of the Edinburgh Prison Visiting Committee to undertake visits since October 2008 and to satisfactorily complete the key handling training required by the Visiting Committee:

- 1) To terminate the individual's membership of the Edinburgh Prison Visiting Committee with immediate effect.
- 2) To appoint Mr W Ferguson from the reserve list to fill the vacancy, subject to receipt of a satisfactory enhanced disclosure certificate from Disclosure Scotland.

(Reference – report no CEC/54/10-11/CS by the Director of Corporate Services, submitted.)

Declaration of Interests

Councillor Balfour declared a non-financial interest in the above item as his wife was a prison visitor.

Appendix
(As referred to in Act of Council No 2 of 18 November 2010)

QUESTION NO 1

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

Question

Will the Administration release full details for its proposed budget for 2011/12 ahead of the February budget meeting in sufficient time that the opposition groups have the choice whether or not to produce their own full budget or table amendments to the Administration's proposals?

Answer

Given the severity of the financial situation confronting this Council, I am attracted to the idea of releasing the Administration's proposed Budget to opposition groups to reduce the costs of duplicated finance officer activity across the political groups. I am happy to have further discussions with Group Leaders in due course. However, at this stage, I am not in a position to give a definitive answer.

**Supplementary
Question**

Can I thank the Convener for his very helpful answer. I just wonder, if I can push him slightly in regard to some kind of timescale, we are obviously now only two and a half months away from budget day. Would he be able to say, maybe by the end of the year, whether this would be a possibility or not?

**Supplementary
Answer**

Yes, I am sure we can have that discussion between now and then. In the interests or in the spirit of consensus that we have just seen in the chamber here on another issue, I am very happy to have a dialogue with the other parties to see how we can simplify the budget process in the current time and if we can work constructively together so much the better.

QUESTION NO 2

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

Question

Please advise how many Special Educational Needs Tribunal decisions the Council has contested versus those it has accepted without qualification in the following years:

2005, 2006, 2007, 2008, 2009 and 2010 (to present)

How many of the above cases has the Council won for the following years?

2005, 2006, 2007, 2008, 2009 and 2010 (to present)

Please explain why the Council lodges appeals at the very end of the appeal deadlines in these cases?

Answer

It is important to note that between 200 and 300 referrals for specialist provision are made each year; in 2010 it was 283 and, of these, less than 1% (2 cases) were appealed to the Tribunal.

(The detailed figures for 2005 – 2010 appear in the accompanying table in the appendix to this answer.)

It is not Council policy to lodge appeals to the Court of Session at the very end of the deadline. The Council makes decisions on whether or not to appeal as quickly as possible whilst taking the necessary time to consider all of the circumstances and obtain legal advice. The decision whether or not to appeal has to be taken with great care, having regard, amongst other things, to the cost of appealing and to the possible stress to the parents involved and the disruption to the work of school staff and other practitioners. Once a decision is made there is the delay that arises whilst the formal court procedures are engaged. The period allowed in the regulations applies equally to both parties and recognises that this is a complex and time consuming undertaking.

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The authority can only appeal where there are grounds to suggest that the Tribunal has erred in law. Of the cases heard by the Court following appeal by the Council, to date all have been found in the Council's favour. This suggests that the Council is receiving sound advice and that we are making decisions prudently.

**Supplementary
Question**

Could I perhaps ask the Convener a follow-up question. She is no doubt aware, or at least the department will be aware, of the amendments to the 2004 Additional Support for Learning Act that were made in 2009. Could I perhaps ask, and a written reply would probably be easier as I do not want to put you on the spot too much on the technicalities. Could I perhaps get some details of how the amendments to the 2004 Act have been noted by the Council and how they are to be implemented. As you may not be aware they were passed in 2009 and they have just been put on the statute now and if I can get details of how the Council is monitoring that process and how it intends to implement those amendments I would be very grateful?

**Supplementary
Answer**

Yes, I am very happy to get that information to you, especially with relevance to appeals.

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Appendix

	2005	2006	2007	2008	2009	2010
Total Cases brought to the Additional Support Needs Tribunal	0	3	7	6	3	2
Decisions of the Additional Support Needs Tribunal which went for the Council/against the appellant (numbers)	0	2	4	5	1	1
Decisions of the Additional Support Needs Tribunal which went against the Council/for the appellant (numbers)	0	1	3	1	2	1
Decisions of the Additional Support Needs Tribunal which the Council has contested/ appealed to the Court of Session (numbers)	0	1	1	1	1	1
Decisions contested which the Council has won at the Court of Session (numbers)	0	1	1	1	1	1 pending

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QUESTION NO 3

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

Question

Please provide a full update on actual savings made compared to potential savings listed in the reports to full Council on school closures since May 2007.

Answer

The closure of Bonnington, Lismore and Westburn primary schools has delivered recurrent revenue savings of £0.909m per annum as noted in the Council report of 20 November 2008.

The closure of Burdiehouse, Fort, Royston and Drumbrae has delivered revenue savings of £1.089m against the required part year gross target of £0.845m set out in the committee report of 17 December 2009. In a full year net recurrent revenue savings of £1.10m per annum, as approved by Council, are on track to be delivered.

The additional savings delivered in 2010/11 have been used, in part, to fund additional support to receiving schools to assist in the transition.

**Supplementary
Question**

The reports that the Council voted on indicated capital receipts of over £9m following the school closures. I wonder if the Convener can advise the total receipts generated since the closure of these schools?

**Supplementary
Answer**

Councillor Johnstone will know, I would hope, that with the property market being as it is there are certain buildings at the moment that City Development is keeping aside until the property market picks up. So, we have not, as she knows very well, realised all the capital receipts that we would hope to do because we are certainly not going to sell any buildings cheap.

QUESTION NO 4

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

Question

Please provide an update on progress in the city towards meeting the target set by the Brussels Charter.

Answer

The Active Travel Action Plan (ATAP) has set ambitious targets for increasing cycle use in the city. The targets are that, by 2020, 15% of all trips to work by Edinburgh residents, and 10% of all their journeys, will be made by bike. The plan also sets out a range of actions aimed at moving the city towards the target.

At present the most up-to-date information on cycle use remains as set out on the introduction to the ATAP. This is that in the period 2005 to 2008, 4.9% of journeys to work and 1.8% of all trips made by Edinburgh residents were by bike.

Updates on the level of usage will be available every two years. However it is intended to improve monitoring of cycle flows in the city using automatic cycle counters. This will enable more regular updates on changes in the level of cycling across the city and in specific areas.

There are several projects that have either been completed or will be implemented in the current financial year that will help to achieve the target. The Union Canal towpath has now been surfaced as far as Heriot-Watt University. The junction at Fountainbridge/Gardner's Crescent will be signalised, which will greatly enhance the connection for cyclists at the Union Canal. The A90 cycle route at the B924 is to be upgraded by widening the footpath. A section of the Seafield to Lochend cycle/pedestrian path and also the final unsurfaced section of the path from 5-ways junction at Trinity are both to be surfaced with street lighting provided.

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Longer term projects include the George IV Bridge to King's Buildings Quality Bike Corridor and the South Central Edinburgh 20mph pilot scheme. These are currently out to consultation.

**Supplementary
Question**

Given that the updates are to be made available every two years, will we receive an update on progress percentage wise this year?

**Supplementary
Answer**

The update, the figures have actually come from the Scottish Household Survey, that is why the last figures we have are 2008, it is done bi-annually. We will not have the figures for 2010 until next year. I personally think that it would be better to have more regular figures. We have to have a very good sampling mechanism because the figures are quite small. I am following it up with Services for Communities to see if we can get it into the Edinburgh People's Survey which is an annual survey. So, we will get an update next year but I think every two years is probably too long.

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QUESTION NO 5

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

- Question** **(1)** In the six months since 1 April 2010, compared to the same six month period the previous year, what have been the number of reports of:
- (a) fly tipping; and
- (b) fire brigade call outs to 'rubbish fires'
- in each of the local Neighbourhood Partnership areas?

- Answer** **(1)** (a) This information is only available for each neighbourhood area, rather than broken down into Neighbourhood Partnerships:

	April-Sept 09	April-Sept 10
City Centre	479	310
East	402	297
North	885	697
South	769	486
South West	1074	694
West	228	172
Total	3837	2656

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- (b) Information about the number of rubbish fires for the period you specify is not held by the Council. Lothian and Borders Fire and Rescue Service (LBFRS) has been asked to provide further information and officers will share this with you when it becomes available.

The Edinburgh Community Safety Partnership receives regular reports from LBFRS. At its last meeting (10 November 2010), LBFRS reported that deliberate secondary fires within the city, which would include rubbish fires, dropped 9% to 1,908 in 2009/10 compared to 2008/09. This trend continued into the 1st quarter of 2010/11 where there were 503 deliberate secondary fires reported compared to 564 for the same quarter in 2009/10, a drop of 10%. Figures for the 2nd quarter have yet to be published.

- Question** (2) What are the arrangements for householders arranging a special uplift in each of the local neighbourhood areas?
- Answer** (2) Householders can book a Special Uplift by telephoning the Contact Centre on 0131 529 3030. Payment for the uplift by credit or debit card will be taken; a date for uplift and guidelines on presentation will be given.
- Alternatively, householders can go into their local Neighbourhood Office where cash payments can be taken; the same booking process as the Contact Centre takes place.
- Question** (3) What are the arrangements for special uplift payments for those without bank accounts in each of the local neighbourhood areas?
- Answer** (3) Cash payments can be made at local Neighbourhood Offices.

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QUESTION NO 6

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

Question (1) Can you clarify the current status of the Edinburgh Stair Partnership?

Answer (1) The Edinburgh Stair Partnership (ESP) is operating normally at present. However, the officers' savings proposals for Service Prioritisation Package 2 include a proposal to close the service.

Question (2) How many Stair Partnerships have registered an interest but not been processed?

Answer (2) No complete Stair Partnerships have registered but not been processed.

We are continuing to work with tenements where the majority of owners have returned contracts to achieve the unanimity required.

Question (3) Has a decision been taken to close the Partnership or to discontinue registering any new Stair Partnerships?

Answer (3) No decision has been taken in either respect. However, ending ESP was proposed under Package 2 Officer savings. People enquiring about the service have been advised it is under review and may not continue or the price may increase. To enter into contracts would involve a commitment of 2 years and it is considered reasonable to advise potential customers of possible changes to the scheme.

Question (4) If the Council is not registering any new partnerships who took that decision?

Answer (4) See above.

QUESTION NO 7

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

Question

As the Convener will be aware the impending Scottish Government cuts will mean that Women's Aid services risk losing two key funding streams namely the Violence Against Women Fund and the Children's Services Fund and also the Rape Crisis Specific Fund.

What measures has the Convener taken to address these gaps and can he please provide information on the perceived increased burden on the Council?

Answer

The value of services provided to violence against women projects by the Scottish Government is unquestionable. These funds are due to expire in March 2011. The Scottish Government intend to announce their future plans for this funding in December.

In response to your question, I have written to Fergus Ewing, MSP and Minister of Community Safety to ensure he is aware of the importance of giving this area of work special consideration.

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QUESTION NO 8

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

Question

The racist English and Scottish Defence Leagues are developing a new 'flash mob' strategy for continuing their campaign of hatred against the Muslim Community, as was seen in Glasgow near the beginning of October. Can you tell me what steps have been taken in Edinburgh to deal with this type of protest should it occur?

Answer

The Council is committed to tackling discrimination, prejudice and harassment in all its forms. Much of this work takes place with Lothian and Borders Police and there are excellent working relationships between the two organisations to promote concerted efforts to tackle any threats to good community relations.

This was exemplified by the recent approach to the SDL demonstration on 20 February 2010 in Edinburgh. Robust information sharing, strategic planning and joint operational activity took place in the run up to this event through a GOLD Command Group. These efforts successfully managed to avert any major negative impact on community relations or disorder in the city. Similar arrangements would be deployed if the SDL were to plan to demonstrate in Edinburgh again. In addition, the Council's partnership work with Scotland Unite was very well received by anti racist organisations involved in the counter demonstration on this date.

In respect of the broader matters of engagement within the Muslim community, the Council, again in partnership with the Police, will continue to strengthen its relationship with these communities, often the target of SDL activities, to offer support and advice.

In addition, through its wide range of internal and external equalities and diversity work, particularly in the arena of education, community and youth work, the Council remains committed to promoting an anti racist culture and fostering good relations between all communities in the city.

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**Supplementary
Question**

It is a very detailed answer but it does not really explain to me what new changes are being brought in to try and tackle the new flash mobs. I understand if you cannot give that sort of detail in the answer but I have been approached by the UAF and other organisations regarding this issue and I do not really understand what changes have been made. Would it be possible to perhaps have a meeting or some other way that I could have some satisfaction that changes have been made to procedure?

**Supplementary
Answer**

I think we take every step in this Council to try and have harmonious relations with all communities. I have every confidence in the officers that are dealing with that and certainly at a political level we take every step to try and ensure that we do have harmonious relationships. Your question asks about what steps would be taken in Edinburgh if something occurred in the future. Obviously, depending on the precise circumstances of that situation, that would dictate exactly what steps we would take. I have to say that this Council was highly commended for the way that we dealt some months back with the protest, the anti Muslim protest, that we had in the city and I have certainly not had fed back into me any unease about the way that this Council tackles these issues absolutely face on.

**Supplementary
Question**

I would just like to follow on, I do not think you heard the first part of my question, which is about actual flash mob demonstrations which is different to the previous demonstration. There was a lot of success there.

**Supplementary
Answer**

If I were to stand here and tell you how we are dealing with it then don't you think the flash mob people might have some great interest in that? There are certain things that you do not divulge in public.

QUESTION NO 9

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

Question

What recycling rates will be achieved in Edinburgh?

Answer

2010/11 YTD (Sep 10 - Period 6) - 35.3%
2010/11 Forecast - 32.3%

This issue is the subject of a report on the Waste and Recycling Strategy to Transport, Infrastructure and Environment Committee on 23 November 2010.

**Supplementary
Question**

At the last full Council meeting there was a decision to go forward with facilities for residual waste treatment and that the upfront recycling rates from collections would be decided through negotiations with bidders under a possible alternative business models programme for environmental services. I am wondering if the Convener can say what rate of upfront recycling from collection services will the Administration be pursuing should the ABM programme for environmental services go forward?

**Supplementary
Answer**

Well, right I am quite interested in that response because the question that was originally posed was so vague that we did not know where it was coming from or where it was going. There is a detailed recycling strategy report which will be discussed at the Transport, Infrastructure and Environment Committee on Tuesday. The report is now available and I think that then is the time for a full and detailed discussion of just how the recycling rates are going to be achieved.