Minutes

The City of Edinburgh Council

Edinburgh, Thursday, 13 December 2012

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
Jeremy R Balfour
Gavin Barrie
Angela Blacklock
Chas Booth
Mike Bridgman
Deidre Brock
Steve Burgess
Andrew Burns

Andrew Burns Ronald Cairns Steve Cardownie Maggie Chapman Maureen M Child

Bill Cook
Nick Cook
Gavin Corbett
Cammy Day
Denis C Dixon
Karen Doran
Paul G Edie
Nick Gardner
Joan Griffiths
Bill Henderson

Dominic R C Heslop Lesley Hinds

Sandy Howat
Allan G Jackson
Karen Keil
David Key
Richard Lewis
Alex Lunn
Melanie Main
Mark McInnes
Adam McVey
Eric Milligan

Jim Orr

Lindsay Paterson

Joanna Mowat

Gordon J Munro

Ian Perry

Alasdair Rankin Vicki Redpath Cameron Rose Frank Ross Jason G Rust Alastair Shields Stefan Tymkewycz David Walker Jain Whyte

lain Whyte Norman Work



1. Capital Coalition Commitment – Introduction of the Living Wage

(a) Deputation – UNISON and Unite

The deputation welcomed the Council's proposal for the introduction of a living wage which would benefit over 2,000 Council employees and urged the Council to encourage public sector contractors to do the same.

The deputation urged the implementation of the £7.50 per hour living wage with no strings attached. They asked that any incremental or national pay award be made on the £7.50 as otherwise it might become unfit for purpose. They urged the Council to establish joint officer/trade union working group/forum to discuss and address this issue.

(b) Report by the Director of Corporate Governance

Approval was sought for the introduction of the Edinburgh Living Wage at a rate of £7.50 per hour from 1 January 2013. The introduction of the Living Wage would positively affect approximately 2000 Council Staff and agency workers at an estimated cost of £2.06 million for a full year.

Motion

- 1) That in line with the Capital Coalition's commitment, to approve the implementation of an Edinburgh Living Wage of £7.50 from 1 January 2013 by substituting an hourly rate of £7.50 for anyone earning an hourly rate below this.
- 2) To implement the Edinburgh Living Wage by substituting a fixed hourly rate of £7.50 for Council staff earning an hourly rate below this level.
- 3) To approve the proposal for the review and consideration of future Living Wage increases.
- 4) To note that whilst the Joint Trade Union side had welcomed the introduction of the Living Wage, they clearly remained concerned at the effect of the removal of pay protection in October 2013 on low paid Council workers.
- To agree to the creation of a Joint Officer/Trade Union 'Working Group/Forum' to discuss the detailed effects of the implementation of this earlier agreement; which would then report progress to the next meeting of the Council's Joint Consultative Group – as now arranged to meet at 2pm on Tuesday 5 March 2013 – or an earlier special meeting if required.
- moved by Councillor Rankin, seconded by Councillor Day

Amendment 1

To agree not to introduce the Living Wage at this stage and instruct the Director of Corporate Governance to provide a further report detailing the long term financial and

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other implications of the Living Wage as part of budget discussions; this report to include the projected impact on pension uptake, the impact on future funding requirements for salaries, pensions and other costs, the results of discussion and details on the implications for differentials in the pay scales, and the impact, including the equality impact, on private and third sector companies that provided services as the Council.

- moved by Councillor Whyte, seconded by Councillor Mowat

Amendment 2

- 1) That in line with the Capital Coalition's commitment, to approve the implementation of an Edinburgh Living Wage of £7.50 from 1 January 2013 by substituting an hourly rate of £7.50 for anyone earning an hourly rate below this.
- 2) To implement the Edinburgh Living Wage by substituting a fixed hourly rate of £7.50 for Council staff earning an hourly rate below this level.
- 3) To approve the proposal for the review and consideration of future Living Wage increases.
- 4) To note that whilst the Joint Trade Union side had welcomed the introduction of the Living Wage, they clearly remained concerned at the effect of the removal of pay protection in October 2013 on low paid Council workers.
- To agree to the creation of a Joint Officer/Trade Union 'Working Group/Forum' to discuss the detailed effects of the implementation of this earlier agreement; which would then report progress to the next meeting of the Council's Joint Consultative Group – as now arranged to meet at 2pm on Tuesday 5 March 2013 – or an earlier special meeting if required.
- To further agree to explore possibilities, through the budget process and other avenues over the next 12 months, that would legally enable the Council to specify the Edinburgh Living Wage as the minimum hourly rate in a community benefit clause in all contracts offered to external organisations, including Arms Length Companies and to ensure that all agency staff, however temporary, benefit from this.
- moved by Councillor Chapman, seconded by Councillor Burgess

Voting

The voting was as follows:

For the Motion - 33 votes
For Amendment 1 - 11 votes
For Amendment 2 - 9 votes

Decision

To approve the motion by Councillor Rankin.

(Reference – report by the Director of Corporate Governance, submitted.)

2. Minutes

Decision

To approve the minute of the Council of 22 November 2012 as a correct record.

3. Questions

The question put by a member to this meeting and the written answer is contained in appendix 1 to this minute.

4. Leader's Report

The Leader presented his report to the Council. The Leader:

- Apologised for the practices which had occurred at Mortonhall Crematorium
- Provided details of the refuse collections over the Festive Period

The following questions/comments were made;

Councillor Rose	 Information on Mortonhall Cremat 	orium

Council response to the weather conditions in the

forthcoming weeks

Use of i-pads in Council meetings

Councillor Balfour - Credit to Councillor Hinds regarding the situation

at Mortonhall Crematorium

Councillor Burgess - Sustainable Development Unit – Future Plans

Petitions Committee - Congratulations

Councillor Cardownie - Use of Meadowbank Stadium and sports facilities

across the City

Councillor Tymkewycz - Scottish Government Budget allocation

Councillor Jackson - Lower Granton Road - refuse collection

Councillor Edie Welcomed Councillor Burns comments on

Mortonhall Crematorium

Castlebrae Community High School

Homelssness – category of intentionally homeless

Councillor Booth Fortnightly Waste Collection - problems

5. Operational Governance – Scheme of Delegation to Officers

The Council had continued consideration of a report summarising the main changes proposed to the draft Scheme of Delegated Functions to Officers and detailing a list of options for inclusion in the draft Scheme to be considered.

Approval was sought for the draft Scheme.

Motion

- To repeal the existing Scheme of Delegation to Officers and approve in its place the draft Scheme as set out in the report by the Director of Corporate Governance, such approval to take effect from the date of the Council decision.
- 2) To delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the draft Scheme as set out in Appendix 1 to the Director's report as may be necessary in order to implement the decision of Council in relation to the report.
- 3) To note that there would be a six month review of the new Scheme of Delegation to Officers.
- moved by Councillor Cardownie, seconded by Councillor Burns

Amendment

- To repeal the existing Scheme of Delegation to Officers and approve in its place the draft Scheme as set out in the report, such approval to take effect from the date of the Council decision.
- 2) To delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the draft Scheme as set out in Appendix 1 to the Director's report as may be necessary in order to implement the decision of Council in relation to the report.
- 3) To note that there would be a six month review of the new Scheme of Delegation to Officers.

4) To amend in Appendix 1 to the report:

2. CONSULTATION WITH ELECTED MEMBERS

2.1 Politically controversial matters and material decisions

After 'the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.'

Insert 'and the relevant spokesperson of other political parties'

5) To amend in Paragraph 3.16 Major projects

'The following projects ("Major Projects") shall be dealt with as set out in paragraph 3.17 of this Scheme:

- (a) any project which has an estimated value of £5 million or more; or
- (b) any other corporate project the Chief Executive shall, in consultation with the CMT and **Delete [the Convener or vice-Convener of]** the Finance and Budget Committee, so designate.'
- 6) To amend in Appendix 6 to the report:

Parks and Greenspace

After 283. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:

- (a) the Convener or vice-Convener of the Transport and Environment Committee; (b) the Festival and Events Champion; (c) local ward Councillors; (d) as appropriate, other Council service areas; and/or (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;
- 7) To add a new part '(f) in the case of large events as defined in the Edinburgh Parks Events Manifesto, Local Community Councils"
- moved by Councillor Burgess, seconded by Councillor Main

Voting

The voting was as follows:

For the motion - 43 votes
For the amendment - 8 votes

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Decision

To approve the motion by Councillor Cardownie

(References – Act of Council No 8 of 22 November 2012; report by the Director of Corporate Governance, submitted.)

6. Managing Work Performance Procedure

Details were provided on the review which had been carried out on the Council's employment policies which covered grievance, discipline, appeals, disputes and absence. The Managing Work Performance Procedure which had been agreed as a Local Collective Agreement with the Trade Unions was presented.

Decision

- To note that the Managing Performance Procedure had been confirmed as a Local Collective Agreement.
- To approve the procedure as detailed in the report by the Director of Corporate Governance.
- 3) To note that a joint implementation plan had been agreed with the trade unions.

(Reference – report by the Director of Corporate Governance, submitted.)

7. Council Companies

Details were provided on the officer recommendations following a review which had taken place of Council companies, together with proposals from an elected members working group which had been set up to consider the officer recommendations.

Motion

- 1) To note the report by the Director of Corporate Governance.
- 2) To instruct the Director of Services for Communities to take the actions assigned to him in the report and report back to Council on implementation within six months.
- 3) To instruct the Director of Corporate Governance to take the actions assigned to him in the report and report back to Council in implementation within six months.
- 4) To instruct the Head of Economic Development to take the actions assigned to him in the report and report back to Council on implementation within six months.
- moved by Councillor Ross, seconded by Councillor Munro

Amendment 1

- 1) To instruct the Director of Services for Communities to take the actions assigned to him in the report by the Director of Corporate Governance and report back to Council on implementation within six months.
- 2) To instruct the Head of Economic Development to take the actions assigned to him in the report and report back to Council on implementation within six months.
- 3) To instruct the Director of Corporate Governance to carry out the instructions detailed in the report regarding Edinburgh Leisure and to further review the structure of culture companies with a view to streamlining the management of the Theatres and other Council owned venues into one arms length company with Councillor representation on the Board in the proportion of one opposition and two administration members with a similar model to Edinburgh Leisure.
- moved by Councillor Balfour, seconded by Councillor Aitken

Amendment 2

- To note the report by the Director of Corporate Governance and the recommendations and thank all those involved in the work undertaken on this project.
- 2) To agree that, wherever possible, the Council should seek to bring the activities of arms length companies in house, to ensure better scrutiny of the use of Council resources, and improved accountability and transparency in the operation and functioning of these activities.
- To agree that, where it was necessary to retain external organisations, Elected Members should continue to have direct oversight of ALEOs, and should therefore retain seats on company boards, and thus agree with the Governance arrangements outlined in section 2.1 of the report.
- 4) To agree that ALEOs should be obliged by their governing bodies to conform to the arrangements of the Freedom of Information (Scotland) Act 2002, as they were effectively delivering Council services.
- 5) To agree the consolidation of the main existing property companies (EDI Group Limited, Waterfront Edinburgh Limited and Parc Craigmillar Limited), into one legal entity, as per paragraph 2.2.1(b) in the report, and bring the other existing property and development functions in house.
- 6) To agree the arrangements outlined in section 2.2.2 of the report for the Transport companies.
- 7) To agree the proposals in section 2.2.3 of the report in relation to Edinburgh Leisure.

- 8) To agree the proposals in section 2.2.3 of the report in relation to the other Culture companies, but that further consideration, after 12 months of the revised funding and governance arrangements, be given to bringing some, if not all of these activities in house.
- 9) To agree to initiate the process for bringing the activities of EICC in house following the implementation of the suggested governance changes outlined in section 2.2.4 of the report.
- 10) To agree that the activities of Marketing Edinburgh Limited should be brought in house, under the responsibility of the Head of Economic Development.
- 11) To agree that, after the current Service Level Agreement with Capital City Partnership expires, the employability services should be brought in house.
- moved by Councillor Chapman, seconded by Councillor Burgess

Voting

The voting was as follows:

For the motion - 36 votes
For amendment 1 - 11 votes
For amendment 2 - 6 votes

Decision

To approve the motion by Councillor Ross.

(Reference – report by the Director of Corporate Governance, submitted.)

Declaration of Interests

Members declared a non-financial interest in the above item because of a connection to Council Companies as follows:

Councillor Aitken Festival City Theatres Trust

Councillor Aldridge EICC

Councillor Austin Hart Edinburgh International Festival Council

Edinburgh International Science Festival Ltd

Edinburgh Leisure

Festival City Theatres Trust

Imaginate

Queens Hall (Edinburgh) Ltd Royal Lyceum Theatre Company

Councillor Balfour Edinburgh Leisure

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Councillor Blacklock EDI

Councillor Booth Edinburgh Leisure

Councillor Brock Edinburgh International Festival Council

Councillor Cardownie Edinburgh International Jazz and Blues Festival

Edinburgh Mela

Councillor Cairns Edinburgh Leisure

Councillor Chapman EDI

Edinburgh International Festival Council

Councillor Day Waterfront Edinburgh Limited

Councillor Hinds CEC Holdings Ltd

EDI

Councillor Lewis Edinburgh International Festival Council

Edinburgh Leisure

Festival City Theatres Trust
Royal Lyceum Theatre Company

Traverse Theatre

Councillor Main Festival City Theatres Trust

Councillor Mowat Edinburgh International Festival Council

Councillor Munro CEC Holdings Ltd

EDI EICC

Edinburgh International Festival Council

Parc Craigmillar

Councillor Redpath Waterfront Edinburgh Ltd

Councillor Rose CEC Holdings Ltd

Councillor Ross CEC Holdings Ltd

EDI EICC

Parc Craigmillar

Waterfront Edinburgh Ltd

8. ICT Update

An update was provided on the changes which had taken place and the projects initiated/underway to improve ICT service provision across the Council.

Decision

- 1) To note that work was underway to address Audit Scotland's findings and others from their ICT Service Review in May 2012.
- 2) To note the changes which had taken place, such as the appointment of the Council's new Chief Information Officer, and projects initiated to ensure that ICT service provision was improving rapidly.
- To note that investment was needed in ICT to deliver these changes and the need for significant additional resources in the ICT solutions team. Details of the investment would be provided in future reports.

(Reference – report by the Director of Corporate Governance, submitted.)

9. Edinburgh Tram – Award of Ticket Vending Contract

Details were provided on the procurement process for the Ticket Vending Machine (TVM) infrastructure as part of the integrated ticketing criteria for the Edinburgh Tram system. Approval was sought for the award of the contract for the provision of the Ticket Vending Machine (TVM) infrastructure.

Decision

- 1) To agree that tie Ltd award the TVM contract to Parkeon.
- To agree that the City of Edinburgh Council accept the immediate assignation of the TVM contract from tie Ltd.

(Reference – report by the Chief Executive, submitted.)

10. British Proposal to Host Parts of the Tour de France

Details were provided on the British proposal to host the Tour de France's Grand Depart and three further road stages of the race in 2014 or a following year, and in particular on Edinburgh's bid to host the presentation of the riders two days before the official start of the Tour.

Motion

 To approve up to £1.03m of one-off additional revenue funding for Edinburgh to host the Grand Depart and other related activities if the British proposal was successful, subject to a detailed budget for the event being finalised.

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- 2) To note that services provided directly by the Council eg road closures, cleansing, event safety, etc would be absorbed by the relevant Council service area reducing the additional revenue sum required to deliver the event.
- 3) To delegate authority to the Director of Corporate Governance to work with EventScotland and other key partners to reach a contractual agreement with Amaury Sport Organisation and agree a preferred delivery mechanism, which may take the form of a new Special Purpose Vehicle (SPV).
- moved by Councillor Cardownie, seconded by Councillor Burns

Amendment

- To approve up to £1.03m of one-off additional revenue funding for Edinburgh to host the Grand Depart and other related activities if the British proposal was successful, subject to a detailed budget for the event being finalised.
- 2) To note that services provided directly by the Council eg road closures, cleansing, event safety, etc would be absorbed by the relevant Council service area reducing the additional revenue sum required to deliver the event.
- 3) To delegate authority to the Director of Corporate Governance to work with EventScotland and other key partners to reach a contractual agreement with Amaury Sport Organisation and agree a preferred delivery mechanism, which may take the form of a new Special Purpose Vehicle (SPV).
- 4) To agree that, for every pound spent on bringing the Tour de France Grand Depart to Edinburgh in 2014 the same amount be set aside in a "Tour de France legacy fund" to be allocated in 2014-15, over and above existing budget commitments, to improve basic cycle infrastructure, safety and education, for the benefit of ordinary cyclists in Edinburgh.
- moved by Councillor Corbett, seconded by Councillor Bagshaw

Voting

The voting was as follows:

For the motion - 47 votes For the amendment - 6 votes

Decision

To approve the motion by Councillor Cardownie.

(Reference – report by the Director of Corporate Services, submitted.)

11. Zero Waste: Edinburgh and Midlothian – Award of Food Waste Treatment Contract

The Council had approved the Project Initiation Document for the Zero Waste Project, including the governance arrangements, procurement budget and the joint purchase of the Millerhill site in Midlothian.

Midlothian Council had agreed to appoint the City of Edinburgh Council as lead authority for the Zero Waste Project for both food waste and residual waste contracts. Details were provided on Alauna Renewable Energy Limited's (ARE) final tender.

Decision

- 1) To note the decision of Midlothian Council of 6 November 2012 formally to appoint the City of Edinburgh Council as lead authority for the Zero Waste Project.
- 2) To agree that the City of Edinburgh Council should act as "Lead Authority" for the Zero Waste Project between Edinburgh and Midlothian, for both the food waste and residual waste contracts, in terms of Section 56 of the Local Government (Scotland) Act 1973.
- 3) To approve the award of the food waste contract to ARE.
- 4) To authorise the Director of Services for Communities to enter into the following documents ("Documents") on behalf of the Council, and designate the Director of Services for Communities (or an alternative officer designated by him in writing) as the proper officer to execute the Documents, in each case subject to such amendments as the proper officer deems appropriate:-
 - the Project Agreement;
 - ii) the inter-authority agreement with Midlothian Council dealing with the contract management regime between the two Councils for the food waste treatment ("Inter-Authority Agreement"); and
 - iii) all other ancillary documentation relative to the Zero Waste Project.

(References – Act of Council No 5 of 15 October 2009; report by the Director of Services for Communities, submitted.)

12 Prudential Borrowing – Spend to Save Proposal – Street Lighting Lanterns

The Finance and Budget Committee had considered a spend to save scheme submitted by the Services for Communities Directorate which aimed to reduce the overall energy and carbon footprint for 3,000 street lighting lanterns in the city centre and the main arterial routes.

Approval was sought for the spend to save project.

Decision

To approve the spend to save project outlined in the report by the Director of Corporate Governance, the cost of the scheme being £1.225m

(Reference – report by the Head of Legal, Risk and Compliance, submitted.)

13. New School for Craigmillar – Motion by Councillor Burgess

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

The following motion by Councillor Burgess was submitted in terms of Standing Order 16.2:

"This Council:

Notes that following the UK Autumn Budget statement last Wednesday 5th December there is additional funding of £394m available for capital projects in Scotland;

Notes the Scottish Government's interest in 'shovel ready' projects, but that Council Finance and Budget Committee members expressed misgivings about the illustrative list of Council capital projects presented at its last meeting;

Notes that the Scottish Government will publish its Budget bill on 20 January and that Stage 1 of the Scottish Parliament budget process will take place at the end of January;

Therefore instructs the Council Leader to make urgent representations to Scottish Ministers requesting provision of appropriate capital funding for a new secondary school for Craigmillar as an immediate priority;

Notes that approval of this emergency motion by the Council today, rather than at its next meeting on 31 January, would;

- (I) Provide early indication to the Scottish Government of the need for a new school in Craigmillar before it publishes its budget on 20 January which will include capital spend on Education
- (II) Allow any Government response to inform to Council budget decisions on 7 February
- (III) Allow any Government response to inform the consultation decision in March over whether Castlebrae school should be closed or remain open."

Motion

To approve the motion and add:

Council also recognises that there are a number of factors beyond the building of a new school, including attainment and the educational delivery framework in which the school operates which require to be considered in ensuring a long-term improved education for young people in Craigmillar, as part of the wider social regeneration of this area.

- moved by Councillor Burgess, seconded by Councillor Chapman

Amendment

- To note that a list of 'shovel-ready' projects was agreed without division for forwarding to the Scottish Government at Finance and Budget Committee on 29 November 2012.
- 2) To note that in July this year, the Scottish Government was formally made aware of the need for a new school in Craigmillar.
- To note that the Council remained committed to building a new school in Craigmillar as part of the regeneration process.
- 4) To agree to prioritise this project in the five year capital plan to be agreed in February 2013 as part of the budget process;
- 5) To agree that the Leader and Depute Leader make representations to the Scottish Government to press the case for additional funding for capital projects in Edinburgh in light of the Chancellor's Autumn Statement.
- To recognises that there were a number of factors beyond the building of a new school, including attainment and the educational delivery framework in which the school operated which required to be considered in ensuring a long-term improved education for young people in Craigmillar, as part of the wider social regeneration of this area.
- moved by Councillor Key, seconded by Councillor Burns

Voting

The voting was as follows:

For the motion 6 votes
For the amendment - 47 votes

Decision

To approve the amendment by Councillor Key.

(Reference – report by the Director of Corporate Governance, submitted.)

14. Water of Leith Flood Prevention Scheme – Funding Gap – Motion by Councillor Edie

The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

The following motion by Councillor Edie was submitted in terms of Standing Order 16.2:

"Council notes the additional funding for Capital expenditure allocated to the Scottish Government by the Westminster Government. Council also notes the shortfall to fund phase 2 of the Water of Leith Flood Prevention Scheme and agrees to make representations to the Cabinet Secretary for Finance, Employment and Sustainable Growth to bridge the funding gap for the scheme."

Decision

- 1) To notes that at the Transport, Infrastructure and Environment Committee on 13 September 2012, Committee agreed to make representations to the Minister for Environment and Climate Change on this issue;
- 2) To propose that future phases of the Water of Leith Flood Prevention Scheme should be considered for the additional funding for capital expenditure allocated to the Scottish Government by the Westminster Government.

Appendix 1

(As referred to in Act of Council No 3 of 13 December 2012)

QUESTION NO 1

By Councillor Rose for answer by the Convener of the Health, Wellbeing and Housing Committee at a meeting of the Council on 13 December 2012

Question

(1) How much funding has the Edinburgh Tenants Federation received from the Council over the last 3 years?

Answer

(1) The Council has provided funding through a Service Level Agreement to Edinburgh Tenants Federation in line with the objectives of the Tenant Participation Strategy:

2009/10 £217,791 2010/11 £226, 813 2011/12 £241,083

Question

(2) What is the value "in kind" of support Edinburgh Tenants Federation has received from the Council?

Answer

(2) No in kind support is provided to Edinburgh Tenants
Federation. Council Officer's time however, will be involved in setting up and administering joint meetings and conferences.

Question

(3) How much other public funding has the Edinburgh Tenants Federation received?

Answer

(3) Information regarding other funding sources for ETF can be found in their annual accounts. These are available from Edinburgh Tenants Federation, Norton Park, 57 Albion Road, Edinburgh, EH7 5QY. www.edinburghtenants.org.uk/