

## Committee Minutes

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### The City of Edinburgh Council

Year 2010/2011

### Meeting 5 – Thursday, 14 October 2010

Edinburgh, 14 October 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

## 1 Edinburgh Tram Update Report

An update on a refreshed Tram Business Case was provided together with details of the recent contractual negotiations on the project and the governance arrangements for bus and tram integration.

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

- (i) **Moray Feu Residents' Association** – The deputation expressed concern over the environmental impact of the tram project. They were of the view that the claim by the Council that the tram would have a positive impact on current pollution levels was based on evidence which was questionable and not provable. Data they had considered suggested that if the tram displaced traffic into residential streets it would prove to be a pollution time bomb. They asked members to look at the evidence now emerging and think carefully before making a decision.
- (ii) **Lothian Buses Joint Trade Union Committee** – The deputation said that staff at Lothian Buses were opposed to the proposed integration of **tie**, TEL and Lothian Buses as they felt that this would result in Lothian Buses subsidising tram operating costs. They asked the Council not to gamble with the future of Lothian Buses and to allow it to continue to provide the best bus service in the United Kingdom. The deputation was concerned that **tie** had not released the full refreshed Business Case and asked that the Council instruct them to do so in order to allow full scrutiny.

(b) **Joint Report by the Directors of City Development and Finance**

### Motion

- 1) To note the position regarding the Business Case and discharge the motion of 24 June 2010.
- 2) To note the disappointing lack of progress in relation to the negotiations and progress of physical works.
- 3) To endorse rigorous application of the contract by **tie**.
- 4) To note that, in the absence of robust remediation plans from the consortium and a change of behaviour in relation to progressing the works, serious consideration would need to be given to termination of the contract and re-procurement.
- 5) To note the recent governance developments and future work streams.



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- 2) To note the disappointing lack of progress in relation to the negotiations and progress of physical works.
- 3) To endorse rigorous application of the contract by **tie**.
- 4) To note that, in the absence of robust remediation plans from the consortium and a change of behaviour in relation to progressing the works, serious consideration would need to be given to termination of the contract and re-procurement.
- 5) To note the recent governance developments and future work streams but to agree this within the context of an explicit understanding that:
  - (i) the earlier Council instruction of 29 September 2009 for a report on "remuneration matters for TEL and all arms-length Council owned companies" was still outstanding.
  - (ii) this status was re-confirmed as a further Council instruction on 17 December 2009.
  - (iii) which thus further agreed that the Chief Executive would report on the "remuneration matters for TEL and all arms-length Council owned companies" to the Policy and Strategy Committee before any of these matters were finalised by the TEL Board.
  - (iv) this report was now many months overdue and, until the report was presented to the Policy and Strategy Committee, the Council could not endorse the decision taken by the TEL Board on its new structure, including the 'Designate' roles (as per paragraph 2.58 of the report by the Directors of City Development and Finance).
  - (v) thus the endorsement of any new TEL Board structure would ultimately be taken by the Council, following the report above to the Policy and Strategy Committee, and the Boards of Lothian Buses, **tie** and TEL informed of the Council's decision
- 6) To finally note that a report would be prepared for the December Council (or possibly an earlier special meeting) on the next steps.

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



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**Amendment 2**

- 1) To note that a motion on the proposed Tram Project moved by Councillor Ricky Henderson on behalf of the Labour Group at the Council meeting of 21 December 2006 stated amongst other matters “to approve the Draft Business Case”.
- 2) To also note:
  - (i) that the four Councillor Directors on the Board of ~~tie~~, Ian Perry (Labour), Allan Jackson (Conservative), Phil Wheeler (Liberal Democrat) and Gordon Mackenzie (Liberal Democrat) had not raised any matters at full Council expressing disquiet or criticism of the management of the Project.
  - (ii) that despite the projection of patronage detailed in the Draft Business Case referred to above no such figures had been provided in the “Refreshed Business Case”.
  - (iii) that the “Refreshed Business Case” stated that “Further borrowing should it be necessary, can potentially be financed from the future profits of TEL”. Given the current public sector financial situation this could represent a significant “opportunity cost” to the City of Edinburgh Council as well as potentially threatening the viability of the current bus operation in Edinburgh. This could also weaken Lothian Buses to the extent that it could be under threat to a takeover by a predatory competitor.
  - (iv) that no definitive costings had been included in the Refreshed Business Case (for whatever reason) which would inform Members of the projected capital costs for termination at St Andrew’s Square.
- 3) To agree therefore that:
  - (i) given the current situation and the proposed truncated line which cannot be described as a “network” the recent governance developments be reversed.
  - (ii) the Council should, taking into account the recent actions of the consortium and the above, consider ways in which the Council could legitimately exit from the project in a manner which secured the best interests of the citizens of the city.

- moved by Councillor Cardownie, seconded by Councillor Elliott-Cannon (on behalf of the SNP Group).

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**Amendment 3**

- 1) To note that protracted negotiation between **tie** and the Infraco consortium had failed to broker a solution to the contractual disputes currently delaying completion of the Edinburgh Tram Project.
- 2) To resolve, in the interests of the city, to adopt a more robust approach.
- 3) Accordingly, to instruct the Chief Executive to prepare for consideration at the November Council meeting a full report in relation to all practical options available to **tie** and/or the Council including termination with or without cause together with, in relation to each option, a best estimate of the likely costs and an analysis of the likely prospects of legal and commercial success.
- 4) To agree not to discharge the motion of 24 June 2010 and to call for a further report on the Business Case for the tram to be delivered to November full Council.

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

**Amendment 4**

To add as an addendum to the motion:

- 12) To agree that the updated Business Case and the report on governance issues would also include detailed information not considered to be commercially sensitive about the impacts, specifically on Lothian Buses, of the different options for moving forward with the Tram Project.

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

The mover of the motion, with the consent of his seconder and the mover and seconder of Amendment 4, accepted Amendment 4 as an addendum to the motion.

**Voting**

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

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For the composite of the motion and amendment 4	-	20 votes
For amendment 1	-	15 votes
For amendment 2	-	12 votes
For amendment 3	-	10 votes

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

For the composite of the motion and amendment 4	-	20 votes
For amendment 1	-	15 votes
For amendment 2	-	12 votes

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

For the composite of the motion and amendment 4	-	20 votes
For amendment 1	-	15 votes

### Decision

- 1) To note the position regarding the Business Case and discharge the motion of 24 June 2010.
- 2) To note the disappointing lack of progress in relation to the negotiations and progress of physical works.
- 3) To endorse rigorous application of the contract by **tie**.
- 4) To note that, in the absence of robust remediation plans from the consortium and a change of behaviour in relation to progressing the works, serious consideration would need to be given to termination of the contract and re-procurement.
- 5) To note the recent governance developments and future work streams.
- 6) To note that a report would be prepared for the December Council (or possibly an earlier special meeting) on the next steps.
- 7) To agree that the provision of commercially sensitive information on the current and future patronage and profits of Lothian Buses would represent an unnecessary risk to the company irrespective of whether or not there was a combined bus and tram operation in future.

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- 8) To agree that a more detailed account of the updated Business Case, including further options as requested, will be made available to all members for the Council meeting in December (or earlier if there is a Special Meeting) while protecting the commercial interests of Lothian Buses but that members of each political group would be provided with access to the full update for scrutiny, subject to written undertakings by those individuals that they would not disclose commercially sensitive detail to any other individual or organisation.
- 9) To note that the report(s) to Council on 17 December 2009 referred specifically (Item 7.3a - para 2.20) to 'remuneration matters for TEL and all other arms-length Council owned companies' and that the decision that day (8) was to report '(on the remuneration matters for TEL and all arms-length Council owned companies)'.
- 10) To further note that the report before the Council today did not recommend any changes in remuneration.
- 11) To reaffirm the undertaking given in the report, detailed above, that a report would be provided on remuneration matters for Council owned arms-length companies and to instruct the Chief Executive to ensure that a report was provided to Council on remuneration matters at TEL before there was any change to remuneration for the Chief Executive or Chief Operating Officer positions at TEL.
- 12) To agree that the updated Business Case and the report on governance issues would also include detailed information not considered to be commercially sensitive about the impacts, specifically on Lothian Buses, of the different options for moving forward with the Tram Project.

(References – Acts of Council No 7 of 17 December 2009 and No 2 of 24 June 2010; joint report no CEC/43/10-11/CD&F by the Directors of City Development and Finance, submitted.)

#### **Declaration of Interests**

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

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

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

## 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 16 September 2010, as submitted, as a correct record.

## 4 Leader's Report

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

- Letter of thanks from Cardinal Keith O'Brien for the work of Council staff during the Papal visit
- Edinburgh named best British city for tourists in the Guardian/Observer awards.

The following questions were raised:

- |                      |   |
|----------------------|---|
| Councillor Burns     | - Lord Provost's banquet                          |
|                      | - Council budget consultation                     |
| Councillor Hinds     | - BlindCraft – meeting with Scottish Minister     |
| Councillor Blacklock | - Rescue of Chilean miners                        |
| Councillor Munro     | - Tax Incremental Finance Scheme                  |
| Councillor Barry     | - 20 mph pilot scheme                             |
| Councillor Buchan    | - Caring for Children                             |
| Councillor Chapman   | - Council budget consultation – report on outcome |
| Councillor Burgess   | - Craggs Sports Centre – proposed closure         |
| Councillor Cardownie | - Council redundancy policy                       |

(Reference – report no CEC/42/10-11/L by the Leader, submitted.)

## **5 Zero Waste: Edinburgh and Midlothian – Commencement of Procurement**

The Transport, Infrastructure and Environment Committee had referred to the Council, in terms of Standing Order 35, joint working arrangements to commence procurement of both food waste and residual waste treatment facilities.

### **Motion**

- 1) To approve the revised scope of Zero Waste: Edinburgh and Midlothian to include treatment of food waste.
- 2) To advance two separate procurements commencing with Food Waste Treatment in October 2010 and Residual Waste Treatment in Spring 2011 (with the Project Board considering a final review of costings and affordability carried out immediately prior to commencing procurement of Residual Waste Facilities).
- 3) To approve a Lead Authority approach to contract management.
- 4) To note that a report would be submitted to a future meeting on the Lead Authority and on the funding of the site access works at Millerhill.

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

### **Amendment 1**

To approve the motion and:

- 1) To recognise that the delays to implementation were caused by the Scottish Government's review of the Councils' Area Waste Plans in place in 2007.
- 2) To approach Scottish Government to seek their assistance to mitigate the risk of the £5 million funding gap impacting on the Council's Budget in future years.

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

### **Amendment 2**

- 1) To approve the revised scope of Zero Waste: Edinburgh and Midlothian to include treatment of food waste.

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- 2) To recognise the work by officials in bringing forward the Council's residual waste project.
- 3) To express regret that the Scottish Government's so called 'Zero Waste Plan' still allowed for 25% incineration of household waste.
- 4) To agree that burning waste to generate energy was not a truly renewable energy source and was therefore not sustainable.
- 5) To recognise that very high rates of recycling had been achieved in Europe and that this Council should at least equal these.
- 6) To recognise that the report by the Director of Services for Communities stated that the outcome of the Alternative Business Model (ABM) programme for Environmental Services would inform future recycling rates, however to express concern that, because of this, the Residual Waste Procurement did not set firm targets for recycling and therefore that it should not be commenced at this stage
- 7) To request that the full Council, not just the waste Project Board, should oversee final review of recycling rates, costings and affordability prior to commencing any procurement of Residual Waste Facilities.
- 8) Therefore, to continue consideration of the decision on the commencement of procurement for Residual Waste Treatment until the result of the ABM programme for Environmental Services was known.

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

The mover of the motion, with the consent of his seconder and the mover and seconder of amendment 1, accepted paragraph 2) of amendment 1 as an addendum to the motion.

### **Voting**

The voting was as follows:

For the motion (as adjusted)	-	55 votes
For amendment 2	-	3 votes

### **Decision**

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

(References – Transport, Infrastructure and Environment Committee 21 September 2010 (item 13); report no CEC/35/10-11/TIE by the Head of Legal and Administrative Services, submitted.)

## **6 Report of Pre-determination Hearing by Development Management Sub-Committee – Application for Planning Permission in Principle for Residential Development at 49 Burdiehouse Road, Edinburgh ((Ref 10/01185/PPP))**

The Development Management Sub-Committee had referred the recommendation of a pre-determination hearing on an application for planning permission, in principle, for a residential development at 49 Burdiehouse Road for final determination.

### **Motion**

To refuse planning permission for the following reasons:

That the proposal was contrary to Green Belt policy and was not supported in terms of housing policies within the development plan. It did not adequately protect the open setting and identity of the Green Belt land and failed to fully establish a defensible boundary. It would also result in the loss of prime agricultural land and have a detrimental impact upon the setting of the 'listed' lime kilns. There were no material circumstances to outweigh this conclusion.

- moved by Councillor Lowrie, seconded by Councillor Snowden.

### **Amendment**

To grant planning permission, on grounds that the site would contribute to meeting the shortfall in the supply of effective housing sites and that an exception to greenbelt policy was justified in the circumstances, with the Head of Planning to report on conditions.

- moved by Councillor Mowat, seconded by Councillor Balfour.

### **Voting**

The voting was as follows:

For the motion	-	42 votes
For the amendment	-	3 votes

### **Decision**

To approve the motion by Councillor Lowrie.

(References – Development Management Sub-Committee 22 September 2010 (item 1); report no CEC/36/10-11/DM by the Head of Legal and Administrative Services, submitted.)



### **Declaration of Interests**

Councillors Buchanan, Gordon Mackenzie, McKay and Rose declared a non-financial interest in the above item as Directors of CEC Holdings and left the Chamber during the debate on the matter.

Councillors Blacklock, Buchanan, Hinds, Keir, Gordon Mackenzie, McKay and Rust declared a non-financial interest in the item as Directors of EDI Group Limited and left the Chamber during the debate on the matter.

Councillor Hart declared a non-financial interest in the item as a representative of constituents who had lodged objections to the application and left the Chamber during the debate on the matter.

Councillor Buchan declared a financial interest in the item as a technical adviser to Hallam Land Management and left the Chamber during the debate on the matter.

## **7 Assembly Rooms Refurbishment Update**

The significant progress which had been made on the Assembly Rooms refurbishment project was detailed.

### **Decision**

- 1) To note the ground floor promotional preparation work being undertaken with CBRE (CB Richard Ellis).
- 2) To note the need to establish project construction cost certainty.
- 3) To note that a further update would be presented to Council in December 2010.

(References – Act of Council No 12 of 11 March 2010; joint report no CEC/37/10-11/CS&CD by the Directors of Corporate Services and City Development, submitted.)

## **8 Audited Financial Statements 2009/10**

### **Decision**

- 1) To note the audited accounts of the Council for the 2009/10 financial year.
- 2) To note that the Auditor's report for 2009/10 would be submitted to a future meeting of the Council.

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- 3) To refer the audited accounts to a future meeting of the Audit Committee to consider in conjunction with the Auditor's report.

(Reference – report no CEC/41/10-11/F by the Director of Finance, submitted.)

## 9 Fairer Scotland Fund

### (a) Report by the Liberton/Gilmerton Neighbourhood Partnership

The Liberton/Gilmerton Neighbourhood Partnership had referred to the Council a request that a report be submitted to its next meeting on proposals for former Fairer Scotland funded projects.

#### **Motion**

To submit a report to the next meeting of the Liberton/Gilmerton Neighbourhood Partnership on the following:

- 1) the Neighbourhood Partnership's concern that the indicated reduction of 30% in core funding for ex-Fairer Scotland funded projects within the Council settlement from the Scottish Government was higher than the likely overall Council budget reduction for 2011/12; and
- 2) the criteria to be used to allow Neighbourhood Partnerships to influence decisions on mainstream Council budgets within the three lead departments taking responsibility for tackling poverty.

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

#### **Amendment**

- 1) To note the concern expressed by the Neighbourhood Partnership regarding the Scottish Government's indicative 30% reduction in the Fairer Scotland Fund (FSF) budget. As previously reported, this was only an indicative figure and the Council would only fully understand the financial implications once the local government settlement was announced.
- 2) To note that:
  - (a) budget information would be reported to Neighbourhood Partnerships when it was available;
  - (b) the Council was undertaking its widest ever budget consultation, to which members of Neighbourhood Partnerships were

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encouraged to respond and thus to influence decisions on mainstream Council budgets;

- (c) the Edinburgh Partnership on 23 September 2010 agreed that Neighbourhood Partnerships would have a role, through Neighbourhood Teams, in the budget setting processes of the lead departments who would have future responsibility for the key priorities of previous FSF monies; and
- (d) the Edinburgh Partnership report of 23 September 2010 had been referred to Neighbourhood and Strategic Partnerships.

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

### **Voting**

The voting was as follows:

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

### **Decision**

To approve the amendment by Councillor Dawe.

(References – Liberton/Gilmerton Neighbourhood Partnership (item 3); report no CEC/38/10-11/LGNP by the Head of Legal and Administrative Services, submitted.)

### **(b) Report by the Pentlands Neighbourhood Partnership**

The Pentlands Neighbourhood Partnership had advised the Council of its views on future arrangements for the Fairer Scotland Fund.

### **Decision**

To note the concerns of the Pentlands Neighbourhood Partnership on the possible reduction of Fairer Scotland funding and the importance of devolution to take into account local needs and priorities.

(References – Pentlands Neighbourhood Partnership 28 September 2010 (item 4); report no CEC/39/10-11/PNP by the Head of Legal and Administrative Services, submitted.)

## **10 Pentland Hills Regional Park – Green Flag Award**

### **Decision**

To congratulate the Pentland Hills Regional Park team on achieving the Green Flag Award for the third consecutive year.

(References – Pentlands Neighbourhood Partnership 28 September 2010 (item 6); report no CEC/40/10-11/PNP by the Head of Legal and Administrative Services, submitted.)

### **Declaration of Interests**

Councillor Paisley declared a non-financial interest in the above item as a member of Pentland Hills Regional Park Joint Committee.

## **11 Firrhill High School – Motion by Councillor Elaine Aitken**

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

“Council

- i. notes that Firrhill High School is celebrating its 50<sup>th</sup> birthday this year;
- ii. wishes the school every success for the various events being organised to mark this anniversary and requests that the Lord Provost marks this in an appropriate way.”

### **Decision**

To approve the motion by Councillor Elaine Aitken.

## **12 Houses for Heroes – Motion by Councillor Paisley**

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

“Council

- i. recognises the growing need for ‘Houses for Heroes’ returning from active duty;

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- ii. calls for a report examining ways in which Council policy can contribute to the provision of affordable housing for disabled and non-disabled ex-service personnel in Edinburgh.”

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

### **13 First UK Anti-Slavery Day – Motion by Councillor Hinds**

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

“Council notes that the Government has announced that 18 October 2010 will be the first ever UK anti-slavery day to help raise awareness of modern-day slavery, including human trafficking and exploitation.

Council further notes that ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children) UK will be using the day to draw attention to the plight of child victims of trafficking in the UK.

Council agrees to:

- Send a letter of support to ECPAT.
- Consider how it can mark the occasion of the second anti-slavery day in 2011.”

#### **Decision**

To approve the motion by Councillor Hinds.

### **14 Council Budget Proposals – Effect on Employees – Motion by Councillor Hart**

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

“Council notes with concern the large number of employees whose posts may be affected by budget proposals.

Council further acknowledges that the current period of uncertainty may cause stress in all parts of the workforce.

Council reaffirms its belief that its staff are its greatest asset and that every effort should be made to ensure as successful an outcome as possible for those staff who may be affected by budget cuts.

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Council therefore calls for a report detailing plans to support Council employees during the period of uncertainty and stress as budget cuts take effect.”

**Motion**

To approve the motion.

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

**Amendment**

To note that a revised Policy for the Management of Work-Related Stress would be submitted for adoption at the Finance and Resources Committee on 26 October 2010 and therefore to take no action on this motion.

- moved by Councillor Wheeler, seconded by Councillor Elliott-Cannon (on behalf of the Administration).

**Voting**

The voting was as follows:

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

**Decision**

To approve the amendment by Councillor Wheeler.

**15 Gracemount Youth and Community Centre – Motion by Councillor Hart**

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

“Council notes:

That the protracted negotiations between the Gracemount Youth and Community Centre (the Mansion) Management Committee and the Education, Children and Families Department in relation to a Service Level Agreement and lease are putting the future of the Mansion at risk.

That increasing levels of anti-social behaviour make the work of the Mansion with vulnerable young people an important priority.

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Council therefore instructs Legal Services to finalise negotiations within one cycle.”

**Decision**

To note that Councillor Hart had withdrawn the motion.

**Declaration of Interests**

Councillor Hart declared a non-financial interest in the above item as a member of Gracemount Youth and Community Centre Management Committee.

**16 Closure of the Craggs Sports Centre – Motion by Councillor Burgess**

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

“That the Council

Regrets the decision by Edinburgh Leisure to close the Craggs Sports Centre in the Southside of the city by Christmas.

Notes that the closure is in response to recent cuts to Council funding of Edinburgh Leisure.

Recognises that the Craggs was opened only seven years ago, following many years of campaigning and fundraising by local people, and boasts a large sports hall with a well-equipped gym and an all weather pitch.

Recognises that the Craggs is a well-used centre beside one of the most deprived areas of the city and that as well as serving local people, the Active Schools programme of neighbouring schools and the locally-based Canongate Youth Project depend heavily on the centre.

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Calls for a report within one cycle on:

- a) the reasons for the proposed closure,
- b) the impact of closure on the local community,
- c) how the Council can help to ensure the Craggs Sports Centre is kept open.”

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



**Appendix**  
**(As referred to in Act of Council No 2 of 14 October 2010)**

**QUESTION NO 1**

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

**Question**

What payments have been made by Edinburgh Council to the Association of Scottish Community Councils Ltd over the past 5 years? Please include payments to associated or predecessor bodies.

Detail the nature of the service for which these payments have been made and, where they have been made on behalf of community councils, specify which community councils have authorised payment on their behalf.

**Answer**

The City of Edinburgh Council has been making payments to the Association of Scottish Community Councils (ASCC) since the 2008/09 financial year on behalf of community councils in relation to insurance and membership fees. No payments were made to ASCC prior to this date or for any other purpose.

In financial years 2006 – 2008 insurance premiums were paid by the Council directly to the insurer.

The ASCC organises block public liability insurance for community councils on a national basis. Participation in the policy is contingent upon the community council being a member of the ASCC which incurs a membership fee that is paid by the Council.

A total of 41 community councils in the city have opted in to this policy. The cost of the premium is deducted from the Council's grant to the community council and paid on their behalf to the ASCC. To allow the community councils to participate the Council meets the cost of the annual membership fee charged by the ASCC.

The payments and Community Councils opting in/out are listed in the attached appendix.

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**Supplementary  
Question**

A number of Community Councils have expressed concerns to me about the governance and conduct of the affairs of the Association of Scottish Community Councils and so the question was intended to ensure that the financial relationship of the Council was clearly in the public domain. So I thank you for that. Have you been made aware of any similar concerns from Community Councils?

**Supplementary  
Answer**

No I can't say I have. I attend two Community Councils which may well be fewer than the number that are within your ward but I have certainly not had any concerns expressed to me by either of those Community Councils.

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## Appendix

Year	Block Insurance Payment	ASCC Membership	Total
2006/07	N/A	N/A	Nil
2007/08	N/A	N/A	Nil
2008/09	£2,028	£526.50	£2,554.50
2009/10	£2,055	£526.50	£2,581.50
2010/11	£2,132	£553.50	£2,685.50

### Community Councils opting into Insurance arrangements:

Balerno Community Council  
 Craigentinny/Meadowbank  
 Craiglockhart  
 Cramond & Barnton  
 Drum Brae  
 Fairmilehead  
 Gorgie/Dalry  
 Granton and district  
 Juniper Green  
 Leith/Harbour and Newhaven  
 Leith Links  
 Merchiston  
 New Town/Broughton  
 Old Town  
 Queensferry and district  
 Sighthill/Broomhouse and Parkhead  
 Stenhouse, Saughton Mains and Whitson  
 Tollcross  
 Corstorphine  
 Craigleith/Blackhall  
 Craigmillar  
 Currie  
 Drylaw/Telford  
 Firrhill  
 Grange/Prestonfield  
 Hutchison/Chesser  
 Kirkliston  
 Leith Central  
 Liberton and District  
 Marchmont and Sciennes  
 Morningside  
 Murrayfield  
 Northfield/Willowbrae  
 Portobello  
 Ratho  
 Southside  
 Stockbridge/Inverleith  
 Trinity

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**Community Councils Opting Out**  
Longstone  
Muirhouse Salvesen

**QUESTION NO 2****By Councillor Rust answered by the  
Convener of the Transport,  
Infrastructure and Environment  
Committee**

- Question** (1) How much money was collected by City of Edinburgh Council in on-street parking during the last financial year? Please show the amounts per zone or if possible per street.
- Question** (2) How much money was collected by way of Penalty Charge Notice or other fines in the last financial year, again per zone or if possible per street?
- Question** (3) What is the total cost of administering the collection of money?
- Answer** Edinburgh has the highest gross capital spend on roads and transport (excluding Trams) in Scotland. This spend is, in part, supported by the surplus Edinburgh achieves from the operation of decriminalised parking enforcement. All monies received from that operation (parking and fines), less the administration costs, is 'ringfenced' and spent entirely on roads and transport in the city.
- (1) £12,037,763.08 including mPark (mobile phone payment) transactions. We are unable to show the amount per zone or per street.
- (2) £6,327,929.55. We are unable to show the amount per zone or per street.
- (3) £7,652,070.00. This amount includes the cost of the parking enforcement contract (responsible for the collection of the ticket machine income), Cobalt (phone and web payments), Parking Services and front counter staff.

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**QUESTION NO 3**

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

**Question** (1) As part of the Council's efforts to reduce expenditure how many employees have been offered Voluntary Early Release Arrangements (VERA) terms?

**Answer** (1) 71 employees have been approved to leave the Council under VERA as at 7 October 2010.

**Question** (2) How many have applied for VERA but been refused?

**Answer** (2) 245 applications have been refused as at 7 October 2010.

**Question** (3) What sections/activities and how many FTE have been excluded from applying for VERA?

**Answer** (3) Corporate Services, Finance, City Development and Services for Communities invited all employees to express an interest in VERA on the basis that budget proposals were potentially affecting the whole department.

Health and Social Care adopted a more targeted approach based on their budget proposals and 500 employees were invited to apply. This included Managers and Central Support functions such as Administration.

Children and Families also adopted a more targeted approach based on budget proposals and 165 employees were invited to apply. This included surplus staff and staff in the four closing Primary Schools. Managers and employees in Central Support functions such as Administration were also invited to apply.

However, it should be noted that the Council Management Team (CMT) have now agreed to invite ALL Council employees to express an interest in VERA and that a communication to this effect has been issued by the Chief Executive.

**QUESTION NO 4**

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

**Question** (1) What proportion of people attending the budget consultation meetings abstained from voting?

**Answer** (1) It is disappointing that some of those attending the local summits declined to respond to every question. The proportion of "abstentions" varied by question and by meeting. The highest proportion of abstentions to a question being 69% and the lowest 9%.

To date around 1,400 individuals or groups have directly contributed to the budget debate. This is the largest public response to a Council budget discussion.

**Question** (2) When and how will the results of the budget consultation be made known to those who contributed to the process?

**Answer** (2) The results from the budget consultation programme will be collated into a single report. This will be published on the Council website in late October/early November. Copies of this report will be made available to all the party groups on the Council.

A summary of the findings will also be included in an "Outlook Budget Special" due for distribution on 22-29 November 2010.

**Question** (3) How will the responses from the consultations be used?

**Answer** (3) The Budget Group will give sustained and proper consideration to the collated responses. It is assumed that all political groups will do the same.

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- Question** (4) What methodology was used to analyse the responses received to the online, postal and meetings-based budget consultations before any extrapolation was made from the results?
- Answer** (4) The responses have been collated on a spreadsheet identifying the method of responding and if appropriate the local meeting. The proportion of respondees indicating support or opposition to each question is expressed as a percentage. The number of participants who declined to vote at the local meetings has been recorded.
- Supplementary Question** Will there be any analysis of demographic weighting, socio-economic data, etc to be added to the information, as this would be the norm of statistical research, especially when the respondents are self selecting?
- Supplementary Answer** As far as I am aware individuals who have responded either to Outlook or questionnaires or who have written in or who have attended the local budget summit meetings have not been asked to give their age, socio economic status or anything else. All we have is the name of the person; if they represent an organisation then we have that. So it would not be possible to give the kind of information that you are seeking.



**QUESTION NO 5**

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

**Question**

The Citizens Advice Bureau Website says:

“You buy insurance in order to protect, or 'cover' yourself against unexpected financial loss which can result, for example, from personal injury, illness, or damage to your property or personal possessions.”

The Council Insurance company refuses to pay for events that "the council could not have reasonably foreseen".

Why is the Council's view on the role of insurance so radically different to that of organisations like the Citizens Advice Bureau?

**Answer**

The Council's view on the role of insurance is in line with the above extract from the Citizens' Advice Bureau website. The Council's liability policy will pay claims where the Council can be shown to have been legally liable for an act of negligence.

Not all damage results from negligence and so it may be prudent for individuals to “protect, or 'cover' themselves against unexpected financial loss” as on occasion accidents do occur.

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**Supplementary  
Question**

I understand why they have given the answer they have but I need to try and give you an example of why I am concerned about this. I have a situation in my ward where a Council tenant found water dripping into his house, realised that it was from the flat upstairs, went and told the Council about this. They said oh that is very good we will get it sorted and they got it sorted. He said can I claim on the insurance for the damage because it is a Council flat upstairs as well. They said no and he said why not. They said because we could not have foreseen this. He said what do you mean and they said well of course we could not have foreseen it we only found out about it when you told us. There is something not right in the application of this policy. I am concerned that it is a way of avoiding paying out and I would ask that you investigate the cases that I have come across that seem to suggest that this is being done inappropriately.

**Supplementary  
Answer**

I am not familiar with the particular case. If you wish to give me further particulars I will investigate that. But I would make the general point that a householder is responsible for their own insurance.

**QUESTION NO 6**

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

**Question** (1) Can you tell the Council the names of the contractors who were accepted onto the Property Conservation Contractor Panel Framework Agreements (2004-2007) and extended, for both Minor and Major Contracts?

**Answer** (1) The contractors appointed to the term contract in 2004 were:

**Minor Works:**

Cull & Hogg Ltd;  
G Grigg & Sons Ltd;  
James Breck Ltd;  
Pollock Masonry Ltd; and  
Stonetec Ltd

**Major Works:**

A Thorburn Ltd;  
Campbell & Smith Ltd;  
Cornhill Building Services Ltd;  
Cull & Hogg Ltd;  
Forbes Davidson Ltd;  
G Grigg & Sons Ltd;  
James Breck Ltd;  
Stonetec Ltd; and  
Watson & Lyall Ltd

**Question** (2) What statutory notice work has been awarded to contractors not on the Framework Agreements for both Minor and Major Contracts, please do so by naming the addresses at which the work occurred and the names of the companies allocated the works, along with the statutory notice references, during the period of the Framework Agreements 2004 to present? This is not to include any works outwith the Term Framework Agreements.

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**Answer** (2) Appointment of contractors by Property Conservation has been undertaken through a competitive tendering process that complies with the Public Contracts (Scotland) Regulations 2006, following either the restricted or negotiated procedures. A framework agreement forms part of this arrangement however work under this agreement can only be given to contractors who form part of the appointed group.

Several thousand projects under statutory notice have been carried out by Property Conservation staff since 2004 and around twenty contractors not on the major/minor framework agreement have been used in this period. The detailed information requested, however, can only be provided at disproportionate time and cost. As previously intimated to Council, the Property Conservation service is currently being reviewed by Internal Audit with the findings considered, in the first instance, by the Audit Committee on 11 November 2010. In the interim, if Councillor Aitken would like details of any specific works, I should be happy to have the matters explored.

**Question** (3) For each job, can you please state your reasons why it was given to contractors NOT on the Property Conservation Contractors Panel Framework Agreements (2004-2007) and extended, for both Minor and Major contracts?

**Answer** (3) Please see answer (2) above.

Additionally, many of these other contracts were covered by separate agreements to provide services in the areas of emergency scaffolding, dry rot eradication, above- and below-ground drainage systems and door entry systems.

**Question** (4) Can you explain to the Council, why the Property Conservation Contractor Panel Framework Agreements (2004-2007) and extended for both Minor and Major contracts, continues and what measures were put in place in the 3 year interim to ensure that the issues of price, quality and award criteria were maintained on statutory notice works?

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**Answer** (4) The extension of the term contracts was under the same terms and conditions to ensure continued probity in their award. Pricing remained in line with the national indices which reflect changes in national costs; this includes both increases and decreases in costs. Quality of work remained to the existing standards as set out in the contracts. The criteria for the awarding of work under the term contract also remained unchanged.

**Question** (5) In particular, with reference to whether there were any changes made to the indices of award criteria which I understand are in place to obtain the "Most Economically Advantageous Tender"

Skills/experience	weighting 30
Technical merit	weighting 30
Cost	weighting 40

- (a) Were there marks given to contractors by aggregate to form an overall ranking in the framework agreements in 2004? If yes, please provide the basis of that aggregation.
- (b) If yes to the above, did the marks by aggregate alter the overall ranking for the period 2007 to present?

**Answer** (5) (a) Indices are used within the term contract to account for price variations over time, the yearly update of rates which is applied unilaterally across all contractors.

When tenders are submitted by the contractors they not only lodge a priced schedule of rates but also questionnaires to assess their competence under the two headings noted above. The answers to the questionnaires are scored along with consideration of the prices submitted.

The final selection is made by virtue of the contractors having been ranked according to the criteria and a cut-off point being made. The level of selection, the number of contractors selected, is set at the time the tenders are advertised in the European journal.

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The weightings noted only relate to the selection of contractors onto the term contract and have no relevance to the award of work within the contract which is handled separately under different criteria.

(b) No.

- |                 |            |  |
|-----------------|------------|--|
| <b>Question</b> | <b>(6)</b> | Was the same award criteria applied when considering the allocation of works to firms not on the Property Conservation Contractor Panel Framework Agreements (2004-2007) and extended, for both Minor and Major contracts?   |
| <b>Answer</b>   | <b>(6)</b> | Awarding of work is determined by price and availability of the contractor.  |
| <b>Question</b> | <b>(7)</b> | Please quantify how many times between 2004 to present the Property Conservation Department has required to rectify cases of overcharging in relation to works carried out under statutory notices, discovered by the Department or notified by others to the Department.  |
| <b>Answer</b>   | <b>(7)</b> | Against an average of 2,500 contracts issued per year, there have been 39 such cases since 2004. This equates to 0.2% of the total.  |
| <b>Question</b> | <b>(8)</b> | Accordingly, if a quantity has been applied to the previous question: <ul style="list-style-type: none"><li>• What action was taken by the Property Conservation Department?</li><li>• How did these instances of overcharging occur and under what circumstances?</li><li>• What preventative measures has the Property Conservation Department implemented to prevent a repeat of the above?</li></ul> |
| <b>Answer</b>   | <b>(8)</b> | The sums were fully recovered by Property Conservation.  |

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Overpayment can be caused by wrong measurements, disagreements, or sub standard work coming to light at a later stage during the defects liability period. There can be numerous reasons for this occurrence but as can be seen from above it is a rare event. As there are contractual situations where this can also occur, the terms and conditions of contract allow for this fact.

While all the relevant information can only be provided at disproportionate time and cost, I will investigate any specific instances Councillor Aitken may wish to raise.

Each case of overpayment is reviewed at the time to ensure the overpayment was a genuine error and not malicious. Lessons learned are cascaded to staff through normal training. These actions will be supplemented by any further steps the Internal Audit review may recommend in this area.

**Supplementary  
Question**

I am deeply concerned about the content of the answers, particularly in terms of other information I have about these issues that are too complex and lengthy to go for questions. I wondered therefore if you would agree to meet with myself and with the Director where I can discuss some of the detail that I think is behind these issues that are outwith the scope of the review that is presently going.

**Supplementary  
Answer**

Can we maybe await the outcome of the Internal Audit Review first then I would be happy to meet you at that stage.

**Supplementary  
Comment**

I would like to meet you before if that was at all possible.

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**QUESTION NO 7**

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

**Question** (1) Jenny Gilmour stated during a meeting of the Scottish Parliament Public Audit Committee on 15 September 2010 that the City of Edinburgh Council agreed to allow the directors of the Gathering 2009 Limited to send a weekly e-mail to their creditors to inform them of how discussions were progressing. Further to this, it emerged that the City of Edinburgh Council had sight of those e-mails. Did the Deputy Leader of the City of Edinburgh Council influence the content of the emails? If he did not, who did?

**Answer** (1) Until I read the transcript of the Scottish Parliament's Public Audit Committee I was unaware of this interaction.

I cannot see why the Directors of the Gathering 2009 Ltd would require the permission of the City of Edinburgh Council to communicate with their creditors. However I have now been informed that the Gathering Directors did seek advice from both the Council and the Scottish Government on what they should report to their creditors. This advice was provided from the Council by the Director of Corporate Services and the Head of Economic Development.

**Question** (2) At the end of October 2009 the directors of the Gathering were called in to a meeting at St Andrew's House to read an approved tripartite news release by the Scottish Government, the City of Edinburgh Council and DEMA which detailed the purchase of the Gathering 2009 Ltd. Which elected members of the Council attended this meeting?

**Answer** (2) Until I read Jenny Gilmour's evidence to the Scottish Parliament Public Audit Committee I was unaware of this meeting. I did not attend such a meeting and am not aware of any other elected member of the Council attending.



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**Supplementary  
Question**

In respect of Question 1, has the Convener asked if the officers were acting on political instruction and if not, why not? In respect of the answer to Question 2, was the Convener unaware of this meeting, how certain is she that no other elected members were there and under whose instructions were the Council present at this meeting?

**Supplementary  
Answer**

Sorry, I completely fail to see the point of your first question; I don't understand it at all. And your second one I am none the wiser about it either. The answers I have given are in response to the questions you have asked and I actually quite genuinely did not understand what either of your questions were about.

**QUESTION NO 8****By Councillor Child answered by  
the Convener of the Transport,  
Infrastructure and Environment  
Committee**

- Question** (1) Are any private sector companies currently carrying out day-to-day domestic waste collection within the City?
- Answer** (1) Yes – there is one private sector waste collection company assisting with the day-to-day domestic waste collections in the city. The contractor is being used to supplement our in-house contingency arrangements (2 crews working a back shift).
- Question** (2) If the answer to 1 above is yes, can you list the:
- (a) Days of the week
  - (b) Specific routes
  - (c) Financial value
- of each of the current private sector contracts?
- Answer** (2) Only one contractor has currently been employed under the contingency framework arrangements. The number of routes and the locations vary according to the requirement for the resource. The arrangements generally operate on the back shift between Monday and Friday of each week but can be deployed at weekends if required.
- To date the contractor has covered routes in the following locations:
- Logie Green/Bangholm
  - Mountcastle/Willowbrae
  - Bughtlin
  - Boswall/Wardie
  - Broomhouse
  - Pilrig/Bellevue
  - NiddrieHouse/Greendykes
  - Craigmount
  - Laverockbank
  - Spylaw/Hailes

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Broughton/Brunswick  
Royston/Wardieburn  
Corstorphine/Hillview  
Granton  
Parkhead/Longstone  
Northfield/Duddingston  
Bonaly/Woodhall

Cost ranges are outlined within the contract framework and they vary dependant on the volume of the resource deployed and the duration of the deployment. The costs so far this year total £290k. This has been contained within existing budgets and is less than that which would have traditionally been incurred using overtime.

**Question**

(3) Can you also provide details of how each of the current private sector contracts was authorised by this Council?

**Answer**

(3) The Council advertised a framework agreement for the emergency cover of waste and recycling collections in April 2010. This was advertised on the Public Contracts Scotland website and satisfied all required procurement criteria. The contract became effective from July 2010 and was reported on to Finance and Resources Committee on 24 August 2010.

**QUESTION NO 9**

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

**Question** (1) What action has the Convener taken to investigate the “peculiar” unemployment figures for Edinburgh reported in the Evening News on 29 September?

**Answer** (1) I instructed the Economic Development Unit to investigate these figures as soon as the Evening News brought them to my attention. The figures reported were not unemployment statistics. The “hidden jobless” referred to are those “Economically Inactive” as determined by the Office for National Statistics Annual Population Survey.

A detailed breakdown of Edinburgh’s inactive population is provided in the attached appendix.

The traditional method of recording unemployment – those who are out of work and in receipt of welfare benefit – demonstrates that unemployment in Edinburgh is significantly below the Scottish and UK averages. A detailed breakdown is also provided in the appendix.

**Question** (2) What action does the Convener propose to take to address the fact that unemployment in Edinburgh appears to be higher than both the Scottish and the UK average?

**Answer** (2) The employability services of the Jobs Strategy Partners are open to all those seeking work.

The Economic Development Unit (EDU) monitors changes in the labour market, responding as appropriate to help those most in need. For example, following the start of the downturn the Unit established the Economic Action Resilience Network (EARN) to better co-ordinate the effort of partners, which include JobCentre Plus, NHS Lothian and Edinburgh’s Colleges and Universities, amongst others. An additional 300 paid placements were created to assist long term unemployed young people in gaining a foothold in a highly competitive jobs market. This initiative has helped 80% of the trainees secure employment in the

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open job market.

Additionally, since April 2009, the EDU's Employability and Skills team have helped 2050 people experiencing difficulties in finding employment into a job, further education or work-focused training.

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## Appendix

### DETAILED STATISTICAL BREAKDOWN

#### Population Survey

	Apr 2008-Mar 2009		Apr 2009-Mar 2010	
<b>Edinburgh, Economically Inactive (Aged 16-64)</b>	number	percent	number	percent
Economically inactive who want a job	13,500	19.5	22,700	27.6
Economically inactive who do not want a job	55,900	80.5	59,400	72.4
	<b>69,400</b>	<b>100</b>	<b>82,100</b>	<b>100</b>
<b><u>Who want a job</u></b>				
Who are seeking work, but unavailable to start work	2,300	3.3	2,800	3.4
Who want job, but not looking - discouraged worker	!	!	!	!
Who want job, but not looking - long term sick	6,200	9.0	9,500	11.5
Who want job reason not looking - looking after family/home	2,400	3.4	4,600	5.7
Who want job reason not looking - student	!	!	2,900	3.6
Who want job reason not looking - other	1,900	2.8	2,600	3.2
	<b>12,800</b>	<b>19</b>	<b>22,400</b>	<b>27</b>

NOTE: "!" Estimate and confidence interval not available since the group sample size is zero or disclosive.

	Apr 2008-Mar 2009		Apr 2009-Mar 2010	
<b>% Economically Inactive (Aged 16-64)</b>	Great Britain	Scotland	Great Britain	Scotland
Economically inactive who want a job	23.7	25.1	23.9	25.5
Economically inactive who do not want a job	76.3	74.9	76.1	74.5
<b><u>Of those who want a job</u></b>				
Who are seeking work, but unavailable to start work	2.8	2.9	3.1	2.4
Who want job, but not looking - discouraged worker	0.4	0.3	0.7	0.5
Who want job, but not looking - long term sick	7.1	9.6	6.8	9.1
Who want job reason not looking - looking after family/home	5.8	5.4	5.7	5.6
Who want job reason not looking - student	3.7	3.1	3.6	4.0
Who want job reason not looking - other	4.0	3.8	4.0	3.9

#### **Definition of "Economically Inactive"**

"Economically inactive people are not in employment, but do not satisfy all the criteria for unemployment. This group comprises those who want a job but who have not been seeking work in the last 4 weeks, those who want a job and are seeking work but not available to start and those who do not want a job. For example, students not working or seeking work and those in retirement are classed as economically inactive."

Source: Office of National Statistics

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**Welfare Benefit Count**

	<b>Edinburgh, City of (numbers)</b>	<b>Edinburgh, City of (%)</b>	<b>Scotland (%)</b>	<b>Great Britain (%)</b>
Total Claimants	<b>43,000</b>	12.7	17.1	15.1
<b>By statistical group</b>				
Job seekers	11,120	3.3	4.2	3.9
ESA and incapacity benefits	20,810	6.2	8.3	6.7
Lone parents	4,270	1.3	1.6	1.8
Carers	2,250	0.7	1.1	1.1
Others on income- related benefits	1,270	0.4	0.5	0.5
Disabled	2,720	0.8	1.1	1.0
Bereaved	570	0.2	0.3	0.2

***Source: DWP benefit claimants – working age client group***

Note: % is a proportion of resident population of area aged 16-64

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**QUESTION NO 10****By Councillor Godzik answered by  
the Leader of the Council**

- Question** (1) Did the Deputy Leader of the City of Edinburgh Council confirm to the Scottish Government that Destination Edinburgh Marketing Alliance (DEMA) would take on the private sector liabilities of Gathering 2009 Ltd?
- Answer** (1) Not as far as I am aware. I suggest that you write to seek a response from the Deputy Leader.
- Question** (2) Did the Deputy Leader of the City of Edinburgh Council confirm to the Scottish Government that Destination Edinburgh Marketing Alliance would definitely take on the Gathering 2009 Ltd?
- Answer** (2) Not as far as I am aware. I suggest that you write to seek a response from the Deputy Leader.
- Question** (3) Did the Deputy Leader of the City of Edinburgh Council have any discussions or meetings regarding the content of the press release with the First Minister prior to it being issued on 15 October 2009?
- Answer** (3) Not as far as I am aware. I suggest that you write to seek a response from the Deputy Leader.
- Question** (4) Did the Deputy Leader of the City of Edinburgh Council have any discussions or meetings regarding the content of the press release with the Council officials who were involved in drafting the press release?
- Answer** (4) The Deputy Leader, Councillor Buchanan and I participated in a general meeting with council officials on 14 October 2009 at which I expressed my concern about how matters were unfolding. Presentational aspects were touched on at this meeting.



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- Question** (5) Why did Council officials involved in drafting the press release not show the full press release to Norman Springford, the Chair of DEMA, prior to its release?
- Answer** (5) I cannot confirm or deny whether or not the press release was shown to Norman Springford.
- Question** (6) When did the Council Leader first see a full copy of the release?
- Answer** (6) I did not see a full copy of the final press release until after it had been issued.

**Supplementary Question**

I am delighted that the Council Leader has given what is a partial response for these questions. It is unfortunate perhaps the Council Leader and the Deputy Council Leader have not got the communication right on this issue and that is why she could not answer all of these questions.

I am aware the Council Leader, the Deputy Council Leader and other Council officials have been asked to appear before the Scottish Parliament Audit Committee. I am sure in preparation for that appearance she will have looked at the evidence of Sir John Elvidge who was at the Public Audit Committee on 6 October. In his evidence to the Committee he repeatedly states that there was an understanding, an implicit understanding, a clear understanding, that the Council would bale out The Gathering.

We know that this is a position that Councillor Dawe has never taken, so can I ask how, why and on whose authority this was communicated to the Scottish Government and, given the press release was issued on this matter containing misleading information, can I ask if that was just incompetence or it was a deliberate concealment of the facts to her?

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**Supplementary  
Answer**

In amongst all that I think I found a question that I am probably in a position to answer. I would refer you to the same document that you are referring to, the evidence that was given at Committee. You will find within that document comments about that press release. I think that you will find your answer within that. It is not for me to answer. If you look at the documentation carefully you will find the answer.

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**QUESTION NO 11**

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

**Question**

How many Edinburgh residents are members of the Stair Partnership?

**Answer**

Edinburgh Stair Partnership currently provides a service to 945 customers in 105 tenements.

**QUESTION NO 12**

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

**Question**

What percentage of repairs of which Statutory Notices are served, are carried out by contractors appointed by City of Edinburgh Council?

**Answer**

In terms of the City Of Edinburgh Council Order Confirmation Act 1991, where statutory notices are served by the Property Conservation section of City Development to enforce the repairs of buildings in default of private property owners, an average of 65% of these currently require actions to be taken under Council direction using contractors who have been appointed in terms of the Public Contracts (Scotland) Regulations 2006.

Further detail concerning the profile of the section's work will be included in the report currently being finalised by Internal Audit for consideration, in the first instance, by the Audit Committee on 11 November 2010.

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**QUESTION NO 13****By Councillor Chapman answered  
by the Leader of the Council**

This question was submitted in terms of Standing Order 25(2) and answered orally by the Leader at the Council meeting.

**Question** (1) Does the Leader agree that the devolution of budgets is integral to the decentralisation of power and the engagement of communities, and that Neighbourhood Partnerships have a role to play in such localised budget decision making?

**Answer** (1) Yes. This Administration continues to be committed to promoting local democracy and I believe has significantly empowered residents and communities to determine priorities and to guide resources in their area through our approach both to neighbourhood management at governance level and through the actual operational side through the neighbourhood teams. Neighbourhood Partnerships are a key forum for this Council, its partners and the community to participate in identifying and agreeing how to tackle issues of local concern and how to hold mainstream services to account.

**Question** (2) If so, how does the recentralisation of Fairer Scotland Fund (FSF) monies enhance community empowerment, and what alternative strategies will be implemented to enable this empowerment that goes well beyond consultation by centralised Council structures?

**Answer** (2) I am sure I don't need to remind you that the Fairer Scotland Fund was a time limited Scottish Government grant that concludes on 31 March next year. The responsibility for each of the three priorities that FSF was targeted at is being transferred to three lead departments. At this moment we do not know and probably won't know until the middle of December what level of resources will be available to continue to support activities that help address those key priorities.

Part of the transition from the Fairer Scotland Fund to mainstream budgets is, as you know, that Neighbourhood Partnerships will no longer directly commission services but will focus on influencing the much larger group of

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mainstream services which deliver against anti-poverty outcomes by holding them to account and by ensuring that they address locally identified need. This can be planned and implemented through such means as the development of local community plans. Local accountability will be ensured by monitoring progress through regular performance reporting at the neighbourhood level.

I would also refer you to the amendment that has been tabled in relation to item 9.1a on today's agenda which gives some more detail on the issue and refers to a report which has been referred to all Neighbourhood Partnerships which gives a lot of detail about how the transition is going to work, bearing in mind that it is an unknown quantity of money that we are actually talking about.

I had indeed wondered why Councillor Chapman had sent in this late question. I guess it was to deflect attention from Councillor Hart's motion which was asking for the same information that she is asking for and which she must have seen because she used Standing 25(2) to submit her question yesterday.

W2/CC/CEC141010/CE