

## Committee Minutes

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### The City of Edinburgh Council

Year 2010/2011

### Meeting 7 – Thursday, 16 December 2010

Edinburgh, 16 December 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 Deputations

### (a) **The Final Report of the Joint Review of Independent Advocacy Services in Edinburgh** (see item 2)

The Council heard deputations from the following organisations on recommendations by the Health, Social Care and Housing Committee following a joint review with NHS Lothian of Independent Advocacy Services in Edinburgh:

- Partners in Advocacy
- Powerful Partnerships
- The Consultation and Advocacy Service (CAPS)

The deputations welcomed the recommendations by the Health, Social Care and Housing Committee as they would allow time for organisations currently providing advocacy services to work with the Council but felt they did not go far enough. They were concerned at:

- the proposal to retain a default position of competitive tendering which was causing a great deal of anxiety amongst vulnerable service users; and
- the implications of forming consortiums, including their legal status, the legalities of creating partnerships, the cost; the effect on services provided; the competition for funds.

The deputations were in favour of Option 1(b) (Partnership Model) by the Director of Health and Social Care which, they suggested, would maintain the choice for service users and ensure the genuine independence of the service. They urged the Council to rethink its position.

(References – e-mails dated 9 and 10 December 2010, submitted.)

### (b) **Assembly Rooms Refurbishment Update** (see item 3)

The Council heard deputations from the following organisations on plans for the refurbishment of the Assembly Rooms:

**Assembly Theatre** – The deputation welcomed the refurbishment of the Assembly Rooms but said that any refurbishment should ensure a range of rooms and spaces available. They expressed concerns about the current development plans on the grounds that:

- The nature and use of the Assembly Rooms would be changed as the ground floor would be used for shops;
- The proposals would have cultural costs for the city;

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- Without the Assembly Rooms there would not be a major fringe venue in the New Town with the majority of venues in the south of the city.

**The George Street Association/Edinburgh Convention Bureau** – The deputation welcomed the proposals for refurbishment of the Assembly Rooms which would provide the opportunity for the space to be available all year round and would better link George Street and Rose Street. They would also provide an additional venue for large conferences. Currently the Edinburgh International Conference Centre was the only large venue in the city.

(Reference – e-mails dated 6 and 15 December 2010, submitted.)

**(c) Gaelic Medium Education: Consultation on Options for Future Development** (see item 4)

The Council heard deputations from the following organisations on options for the future development of Gaelic education in the city.

- Gaelic Medium Parents' Association (Comann nam Parant (Duhn Eideann agus Lodainn))
- Bord Na Gaidhlig

The deputations welcomed their involvement in discussions on this issue as they had a clear view of what was best for the education of their children and any decision made would affect their future development in the long term. Any option would have to make financial sense, be open to all and be in line with national policy. On this basis, they were of the view that a dedicated Gaelic primary school at Bonnington was the correct way forward and they therefore asked the Council to support Option 1 and not to include Option 2 (maximising capacity on the Tollcross Primary School site). They were concerned that if the Council consulted on both options this could delay a decision which may jeopardise the funding available. They were also of the view that the options for secondary education required more investigation and scrutiny and therefore asked that any decision on this be postponed meantime.

(References – e-mails dated 10 and 12 December 2010, submitted.)

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**(d) Severe Weather Emergency – November/December 2010** (see item 5)

**Bonaly Grove Residents** – The deputation detailed the difficulties for Bonaly Grove residents during the recent severe snow falls. Bonaly Grove was a direct route to an entrance of Bonaly Primary School but the road had not been cleared for 14 days. They asked that Bonaly Grove be recognised as the main route to the Primary School and therefore reprioritised from Category 3 to Category 2 for snow clearance.

(Reference – e-mail dated 14 December 2010, submitted.)

**(e) Modernising Pay – Protected Pay** (see item 6)

**UNISON, City of Edinburgh Branch** – The deputation advised that the workforce felt let down by the Council's implementation of the bonus protection element of pay protection. The calculation being used was not what had originally been agreed; staff had been advised that they would not lose pay. They asked the Council to stand by the original agreement and give protection to staff.

(Reference – e-mail dated 14 December 2010, submitted.)

**(f) Alternative Business Models** (see item 7)

**UNISON, City of Edinburgh Branch** – The deputation felt that superficially the Alternative Business Model programme looked strong; however there were serious issues which needed to be addressed before progressing to the second stage of the process. They expressed concern at serious misrepresentations by two bidders who had failed to disclose information which had been requested as part of the bidding process, some of which could raise safety issues. This raised questions about the transparency and accountability of decision making within the process and the extent to which members were involved. The deputation was of the view that the in-house option compared very favourably with the outline business cases from the private sector. They urged the Council to suspend the process meantime pending a resolution of the issues raised.

(Reference – e-mail dated 14 December 2010, submitted.)

**(g) Revenue Budget 2011-2014 – Risks and Reserves and Budget 2011/12 to 2013/2014 – Update and Implications of the 2010 Spending Review** (see items 8 and 9)

**UNISON, City of Edinburgh Branch** - The deputation said they had appreciated the level of dialogue which had taken place with officials over the past months on the budget. They expressed concern that the role of Local Government was being undermined by the Scottish Government. They asked the Council to be truthful and to consider setting two budgets,

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the one forced upon it by the Scottish Government and a second detailing what the Council would like to do.

(Reference – e-mail dated 14 December 2010, submitted.)

## **2 The Final Report of the Joint Review of Independent Advocacy Services in Edinburgh**

The Health, Social Care and Housing Committee had referred recommendations, in terms of Standing Order 53, following consideration of the final report of the joint review with NHS Lothian of Independent Advocacy Services in Edinburgh.

The Council had heard deputations on the matter from Partners in Advocacy, Powerful Partnerships and the Consultation and Advocacy Promotion Service (CAPS) (see item 1(a) above).

### **Decision**

To continue consideration of the matter to the Council meeting on 3 February 2010.

(References – Health, Social Care and Housing Committee 7 December 2010 (item 4); report no CEC/67/10-11/HSCH by the Head of Legal and Administrative Services, submitted.)

## **3 Assembly Rooms Refurbishment Update**

Approval was sought to appoint a contractor for the refurbishment of the Assembly Rooms and to begin a procurement process in relation to the commercial opportunities in the refurbished building.

The Council had heard deputations on the matter from the Assembly Theatre and the George Street Association (see item 1(b) above). A submission from UNISON had been tabled.

### **Motion**

- 1) To approve the appointment of Balfour Beatty Construction to the project.
- 2) To approve the initiation of the procurement process to let ground floor and upper floor spaces in the building.

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- 3) To note that further updates on progress would be provided at appropriate stages of the project.

- moved by Councillor Brock, seconded by Councillor Thomas (on behalf of the Administration).

### **Amendment 1**

To approve the motion and

- 1) To note, despite the work detailed in paragraph 3.28 and 3.29 of the report by the Directors of City Development and Corporate Services, the alienation of the arts community within Edinburgh and outside Edinburgh and local businesses to these proposals.
- 2) To resolve to work to bridge this gap by:
  - a) instructing the Convener of the Culture and Leisure Committee, along with appropriate director and officer support, to convene a group which would meet on a regular basis with clients of Assembly Rooms, including representatives of Assembly Theatre and neighbouring businesses via the George Street Association, to ensure that they were fully apprised of the work on Assembly Rooms and the plans to utilise the Assembly Rooms once work was completed.
  - b) providing updates on work on the Assembly Rooms as an agenda item at meetings of the Cultural Partnership.
  - c) providing regular briefings on work on the Assembly Rooms to meetings of the Festival Fringe Society.
  - d) working with UNISON to ensure no compulsory redundancies arose from staff redeployment during refurbishment.

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

### **Amendment 2**

- 1) To note that the Assembly Rooms had provided a civic service to the residents of Edinburgh and a wide range of community groups as well as providing a key base for festivals and various public, private and voluntary sector clients all year round.

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- 2) To note that the proposed refurbishment was intended to enhance that civic service whilst improving the building's viability and ensuring that a comprehensive and high quality service could be sustained for all users for decades to come.
- 3) However, to recognise that the proposals had been met with recent, significant public outcry including a petition signed by around 10,000 people.
- 4) To note that there were also concerns from unions about the impact of proposals on staff.
- 5) To recognise the perception that there had been a lack of public consultation with civic society and staff about the proposals.
- 6) Therefore, before approving the proposals, to agree a short period of public consultation, including a public presentation of the proposals, and report back to the next Council meeting.

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

In accordance with Standing Order 30(7), a composite of amendments 1 and 2 was proposed.

### **Voting**

The voting was as follows:

For the motion	-	40 votes
For the composite of amendments 1 and 2	-	18 votes

### **Decision**

To approve the motion by Councillor Brock.

(References – Act of Council No 7 of 14 October 2010; report no CEC/65/10-11/CS&CD by the Directors of Corporate Services and City Development, submitted.)

#### **4 Gaelic Medium Education: Consultation on Options for Future Development**

Progress in developing options for the future development of Gaelic Medium Education in Edinburgh following discussion with Bòrd na Gàidhlig, Comann nam Pàrant (Gaelic Medium Parents' Association) and the Scottish Government, were detailed. Authority was sought to commence consultation on these options at the end of January 2011.

The Council had heard depositions on the matter from the Gaelic Medium Parents' Association (Comann nam Pàrant Duhn Eideann agus Lodainn) and Bòrd na Gàidhlig (see item (1(c) above).

##### **Motion**

- 1) To note the Children and Families Department's intention to address the August 2011 accommodation issues at Tollcross Primary School through the formation of composite classes.
- 2) To carry out statutory consultation based on the following two options for growth of Gaelic Medium Education (GME) primary level provision in Edinburgh:
  - Option (1) – A dedicated primary school with nursery facilities being established at the old Bonnington Primary School premises, and the withdrawal of the current GME unit at Tollcross Primary School.
  - Option (2) – Maximising capacity on the Tollcross Primary School site by extending the building and relocating the nursery to a new facility in the grounds of the existing school.
- 3) To ask the Convener to write to the Scottish Government to seek confirmation that if the consultation exercise resulted in support for a dedicated GME school at Bonnington, the money at present on the table would still be offered to the City of Edinburgh Council.
- 4) Prior to the statutory consultation on the re-location of GME provision from James Gillespie's High School to Tynecastle High School, to set up a short life cross-party working group with representatives from relevant stakeholders including Bòrd na Gàidhlig and Comann nam Pàrant and to report back within three months.
- 5) To delegate authority to the Director of Children and Families to develop detailed consultation papers on the basis of the options outlined in her report.



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- 6) To undertake statutory consultation to commence at the end of January 2011.
- 7) To note that it was the intention to return to the June 2011 meeting of the Council for a decision on the proposals.
- 8) To approve the steps in the consultation process as set out in Appendix 2 to the Director's report.

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

### **Amendment**

To approve the motion subject to:

- the deletion of Option (2) from paragraph 2
- the deletion of paragraph 3.

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

### **Voting**

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	11 votes

### **Decision**

To approve the motion by Councillor MacLaren.

(References – Education, Children and Families Committee 7 September 2010 (item 4); report no CEC/68/10-11/C&F by the Director of Children and Families, submitted.)

### **Declaration of Interests**

Councillors Brock and Gordon Mackenzie declared a non-financial interest in the above item as parents of children attending Gaelic Medium Education at Tollcross Primary School and left the Chamber during the debate on the matter.

Councillor Dundas declared a non-financial interest in the item as the parent of a child attending the Gaelic nursery at Tollcross Primary School and left the Chamber during the debate on the matter.

## **5 Severe Weather Emergency – November/December 2010**

### **(a) Report by the Chief Executive**

The response to the recent severe weather conditions experienced in Edinburgh was detailed.

### **(b) Motion by Councillor Burns**

The following motion on preparation for winter weather had been submitted by Councillor Burns in terms of Standing Order 28:

“Council places on record its appreciation for all the individual efforts of Edinburgh Council – and contractor – staff who have worked tirelessly to try and alleviate the difficulties that many residents have suffered due to the recent winter weather conditions.

Council also extends its appreciation to all staff at Lothian Buses for retaining the maximum bus service throughout the majority of the city.

Council also applauds the many local communities – and individuals – who have shown tremendous community-spirit in dealing with local snow and ice clearance, and also for ensuring that the elderly and vulnerable in their communities have been safe and warm.

Council acknowledges that the recent winter-weather conditions have been unprecedented and have provided significant challenges to all Local Authorities across Scotland.

Council further acknowledges that this is the second year that Edinburgh has been adversely effected by ‘abnormal’ weather conditions and that there is every likelihood these conditions will persist in coming years; and notes that many businesses and residents have maintained their property frontages but that there is no current byelaw which bestows an obligation on householders and businesses to keep the frontage of their premises free from snow in winter.

Council further notes that such unprecedented conditions do require an unprecedented response.

And Council thus believes that lessons can be learned from this Local Authority’s preparations for, and response to, the recent extreme winter weather conditions over the last 3 weeks. Council recognises that any such response has to be coordinated with key organisations in the city.

Council therefore calls for an urgent report, to outline how preparations for, and response to, such winter weather events can be improved for future years.

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Council further agrees to investigate the possibility of reintroducing a byelaw, such as that outlined above, as part of the report. The report to go to the Policy and Strategy Committee within three cycles.”

The Council had heard a deputation on the matter from Bonaly Grove Residents (see item 1(d) above).

**Decision**

- 1) To note the report by the Chief Executive
- 2) To call for a further report to the Policy and Strategy Committee on appropriate measures to enable local authorities, in times of winter or other emergencies, to remove parked cars from streets to ensure access for emergency vehicles, public transport and snow clearing equipment.
- 3) To agree that the report should also consider the implications of introducing appropriate measures to ensure that residents and businesses were responsible for snow clearance of pavements outside their properties.
- 4) To consult Neighbourhood Partnerships in the preparation of the report.
- 5) To accept the terms of the motion by Councillor Burns (see above).
- 6) To note the hard work undertaken by Council staff over the last few weeks of severe winter weather.
- 7) To congratulate the many other people who had helped to lessen the impact of the recent adverse conditions, particularly Lothian Buses and First Bus for the level of service that had been maintained, as well as the Voluntary Sector and local communities for helping to ensure vulnerable people were not isolated.
- 8) To note that despite all of these efforts and the assurances provided that the Council was better prepared this year than ever before, some residents were still waiting for their roads and pavements to be cleared or treated more than ten days since the last snowfall.
- 9) To call on the Leader of the Council to write to the First Minister to ask if further funding could be made available to Scotland’s capital city to help mitigate the financial impact of the recent severe winter conditions.
- 10) To seek community input into the prioritisation for road clearing, eg via Neighbourhood Partnerships and/or Community Councils.

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- 11) To note the serious concern expressed by many constituents to their Councillors about the following issues:
- time taken to attend to lower category roads;
  - quantity, location and re-stocking of grit bins;
  - lines of communication and reporting;
  - co-ordination of resources between neighbourhood management areas;
  - waste collection backlogs;
  - location of skips provided for disrupted refuse collection;
  - brokering of resources from non-Council sources, eg the Army, local farmers, that could be deployed when conditions were particularly severe.
- 12) To instruct the Director of Services for Communities to examine ways in which these elements of the Council's performance could be improved now and for future years.

(Reference – report no CEC/69/10-11/CE by the Chief Executive, submitted.)

## 6 Modernising Pay – Protected Pay

The Policy and Strategy Committee had referred a recommendation, in terms of Standing Order 53, on the calculation of protected pay for weekly paid employees as a result of Modernising Pay. An update on the ongoing discussions with the Trade Unions on the calculation of the bonus element of protected pay was provided.

The Council had heard a deputation on the matter from UNISON (see item 1(e) above).

### Motion

To note:

- 1) the reports by the Policy and Strategy Committee and the Director of Corporate Services.
- 2) that the outcome of ongoing discussions with the trade unions would be reported to the appropriate Committee in due course.

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

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### **Amendment**

- 1) To note the reports by the Policy and Strategy Committee and the Director of Corporate Services.
- 2) To note that some 95% (by ballot) of the affected workforce had rejected the approach the Council had taken with regard to the calculation of bonus protection.
- 3) To note that it was understood that, despite further dialogue, there was still no resolution and the affected workforce would be balloted again with 'no recommendation' from the Trade Union representatives.
- 4) To instruct that every effort was now made to resolve this unnecessary dispute and that 'pay protection' was honoured in the manner it had been consistently portrayed to Council staff during the Modernising Pay negotiation period.

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

### **Voting**

For the motion	-	39 votes
For the amendment	-	18 votes

### **Decision**

To approve the motion by Councillor Wheeler.

(References – Policy and Strategy Committee 30 November 2010 (item 13); report no CEC/55/10-11/PS by the Head of Legal and Administrative Services, submitted.)

## **7 Alternative Business Models Programme**

An update was provided on the Alternative Business Models (ABM) review and recommendations were made on the next phase of the programme.

The Council had heard a deputation on the matter from UNISON (see item 1(f) above).

The Chief Executive recommended that the Council:

- 1) note the progress to date of the Alternative Business Models review programme and the completion of the initial dialogue phase of the review.

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- 2) invite the organisations, as presented in paragraph 3.4 of his report, to participate in the detailed dialogue phase of the programme for each service grouping.
- 3) note the work undertaken internally in the development of a public sector comparator and to progress this work further prior to presentation of a full business case to Council.
- 4) note the assessment and findings of the independent Gateway Review of the programme.
- 5) note the outline plans for the next phase of the review programme and the intention that further reports would be presented to Council as detailed in section 4 of his report.
- 6) note the expenditure to date on the programme and estimated costs for the next phase of the programme as set out in the report and to release a maximum of £1.81m from the Spend-to-Save and Change Management Funds.

### **Motion**

To approve the recommendations by the Chief Executive.

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

### **Amendment**

- 1) To note recommendations 1), 3) and 4) by the Chief Executive.
- 2) To recognise the complexity of the process and to express appreciation for the work of the ABM programme team to date.
- 3) To not accept recommendations 2), 5) and 6) by the Chief Executive.
- 4) To note with concern the likelihood of significant workforce reduction under the ABM programme with the possibility of jobs being lost to the city.
- 5) To note the risk of a reduction in flexibility of the workforce if staff were transferred to organisations under contract to deliver specific services.
- 6) To note the concerns over lack of disclosure of convictions by certain bidders.

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- 7) To note that there were significant risks to services and local accountability and additional costs of £1.81m as outlined in paragraph 5.2 of the report by the Chief Executive.
- 8) To agree that the estimated level of savings was unlikely to outweigh the disbenefits of the ABM approach.
- 9) To note that a public sector comparator had been developed which had the potential to deliver significant improvements to in-house service delivery.
- 10) Therefore, to suspend the ABM programme and the discussions with the private sector companies listed in paragraph 3.5 of the report and instead to focus attention and resources on the further development of the encouraging in-house Public Sector Comparison models to a conclusion and to report back to the Council on the savings and service efficiencies that could be delivered through this method.

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

### **Voting**

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

### **Decision**

To approve the motion by Councillor Wheeler.

(References – Policy and Strategy Committee 31 August 2010 (item 4); report no CEC/56/10-11/CE by the Chief Executive, submitted.)

## **8 Revenue Budget 2011-2014 – Risks and Reserves**

The risks inherent in the budget process and an update on the projected reserves for the period 2010-2014 were detailed.

The Council had heard a deputation on the matter from UNISON (see item 1(g) above).

### **Decision**

- 1) To note the report by the Director of Finance.

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- 2) To agree that, subject to the current year's monitoring remaining positive, or a re-classification of an earmarked reserve, and, subject to the savings to be incorporated in budgets, no provision might be required in 2011/12 in relation to a further contribution to the unallocated General Fund.

(Reference – report no CEC/59/10-11/F by the Director of Finance, submitted.)

## **9 Budget 2011/12 to 2013/14 Update and Implications of 2010 Spending Review**

The Scottish Government 2010 Spending Review, which had been announced on 17 November 2010, presented Councils with a choice between two funding options, one of which required agreement to a set of specific commitments in exchange for a lower reduction in funding. The funding available at Council level for 2011/12 had been announced on 9 December 2010.

Details were provided on:

- the impact of accepting the set of specific commitments announced in the 2010 Spending Review;
- initial comments on the reduction in Edinburgh's funding based on the settlement of 9 December 2010;
- the updated funding gap for three years 2011-14, taking account of the 2010 Spending Review and updated corporate assumptions and savings.

The Council had heard a deputation on the matter from UNISON (see item 1(h) above).

The Director of Finance recommended:

- 1) that the Council note:
  - (i) the impact of accepting the set of specific commitments announced in the 2010 Spending Review;
  - (ii) the initial comments on Edinburgh's funding position based on the recent funding announcement;
  - (iii) the updated funding gap for three years 2011-14; and
  - (iv) that a further report on the financial implications of the Financial Settlement would be reported to the Policy and Strategy Committee in January 2011.



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- 2) that the Council consider whether or not the Leader of the Council should write to the Cabinet Secretary for Finance and Sustainable Growth to accept the set of specific commitments required to confirm the settlement for Edinburgh would be at the lower level of reduction.

### **Motion**

- 1) To agree that the Council Leader should write to the Cabinet Secretary for Finance and Sustainable Growth to accept, in principle, the set of specific commitments required to obtain a reduction of 3.1% in General Fund revenue grant funding for 2011/12 subject to:
  - Resolution of the shortfall in the per capita reimbursement levels for 2010/11 in relation to additional police officers;
  - Changes to conditions of employment for teachers outlined in the Cabinet Secretary's letter of 17 November 2010 being delivered by the end of January 2011; and
  - Change Fund resources being available for spend by 1 April 2011, overseen by genuine local governance arrangements involving the Council, the Health Board and third and independent sector partners.
- 2) To note that a further letter was required by 28 February 2011 which provided assurance that the budget approved by the Council included provision to deliver across all of the specified commitments.
- 3) To note that failure to agree to the specified commitments in full would result in the Council's grant reduction being 7.3% or a further £34million.

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

### **Amendment**

- 1) To note paragraph 1 of the recommendations by the Director of Finance.
- 2) To note:
  - a) That Edinburgh had suffered a funding cut greater than 29 other Scottish Councils and that the city was now a net beneficiary of the "floor adjustment" system and that without the floor would have suffered a budget cut of 4.66%.
  - b) That Councils were required to accept an average budget reduction of 2.6% and agree to implement a specific set of commitments or had to accept a £34m cut in funding from the Scottish Government.

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- c) That a Council Tax freeze combined with a cut in Council grant funding differed from a freeze in return for additional government grant.
- 3) To deplore the Scottish Government's decision to exacerbate the cuts arising from the reduction in the Council's government grant by extending the Council tax freeze.
- 4) To agree that the fundamental democratic principle of Councils setting their own service priorities and budgets in response to local circumstances had been undermined by this year's Local Government Finance Settlement and was tantamount to mass blackmail.
- 5) To express regret:
  - a) that the way the 2010 Spending Review had been framed meant that Councils would have reduced political discretion with regard to setting their budget and that the requirement by the Scottish Government for Councils to provide this funding reduced the discretion of members.
  - a) that CoSLA had agreed with the mechanism for this year's settlement.
- 6) To agree that the punitive consequences of rejecting the SNP Government's conditions meant that the Council had no choice but to accept the Finance Secretary's funding offer.
- 7) To ask the Leader of the Council to write to the Cabinet Secretary for Finance and Sustainable Growth:
  - expressing the Council's opposition to the Scottish Government's policy of removing the option from local Councils of increasing the Council Tax by even the smallest amount to preserve important public services
  - intimating acceptance, under duress, of the Council Tax freeze and other measures in order to avoid the funding cut of £34m
  - advising that agreement was given on condition that the elements of the offer concerning teachers terms and conditions and police numbers, which were outwith the control of this Council, were met by others.

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- 8) To call for a report to be circulated before the Council budget meeting on 10 February 2011 exploring other revenue-raising initiatives open to the Council.

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

### **Voting**

The voting was as follows:

For the motion	-	29 votes
For the amendment	-	29 votes.

There being an equal number of votes for the motion and the amendment, the Lord Provost used his casting vote in favour of the motion.

### **Decision**

To approve the motion by Councillor Dawe.

(Reference – report no CEC/66/10-11/F by the Director of Finance, submitted.)

## **10 Questions**

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

## **11 Minute**

### **Decision**

To approve the minute of meeting of the Council of 18 November 2010, as submitted, as a correct record.

## **12 Leader's Report**

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

- Inward investment in Edinburgh by Tesco Bank, Craneware (US software company), the Mitsubishi Centre for Advanced Technology
- Tram project – mediation

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Tributes were paid to the following officials who were retiring from the Council:

- Tom Aitchison, Chief Executive of the City of Edinburgh Council and the former Lothian Regional Council, after 35 years local government service
- Sue Brace, Head of Strategic Planning and Commissioning, Department of Health and Social Care, after 35 years service with the City of Edinburgh Council and the former Lothian Regional Council
- Isabell Reid, Head of Communications, after 16 years service with the City of Edinburgh Council and the former Lothian Regional Council
- Cathy Fullerton, SNP Group Business Manager, after 35 years' service with the City of Edinburgh Council and Lothian Regional Council.
- Lynn Montgomery, Councillor's Assistant, Conservative Group, after over 10 years with the City of Edinburgh Council.

The following questions/comments were raised:

Councillor Burns	- Edinburgh Tram Project – update
Councillor Balfour	- Edinburgh Tram Project – relationship with consortium
Councillor Milligan	- Westfield Nursery
Councillor McIvor	- Winter homelessness services
Councillor Buchan	- Refuse collections during adverse weather
Councillor Ewan Aitken	- Edinburgh University Settlement - implications of closure

(Reference – report no CEC/61/10-11/L by the Leader, submitted.)

### 13 Edinburgh Tram Project

An update was given on the following tram related issues:

- the refreshed tram business case;
- progress on mediation between **tie** and the BSC consortium;
- the governance arrangements for tram development and tram and bus integration; and
- powers for land acquisition.

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### Motion

- 1) To note the position in respect of the refreshed Tram Business Case.
- 2) To note the steps taken to date to take forward a mediation proposal.
- 3) To note that a report would be submitted (within one year) on the operational and governance arrangements necessary to secure the integration of bus and tram services.
- 4) To request Scottish Ministers to grant an extension of the current land acquisition powers in accordance with the Tram Acts.

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

### Amendment 1

- 1) To note the position in respect of the refreshed business case but to regret that it only provided detailed information on the Airport to St. Andrew Square stage of Phase 1a of the Tram Project and not on the overall 'Airport to Seaport' scope.

Indeed, the 24 June 2010 report (no CEC/17/10-11/CD&F) to Council explicitly referred to five stages of incremental delivery:

- 1 Airport - Haymarket
- 2 Airport - York Place
- 3 Airport - Foot of the Walk
- 4 Airport - Ocean Terminal
- 5 Airport - Newhaven

The subsequent Act of Council agreed that further information would be submitted to Council as:

*"a separate report outlining a refreshed business case detailing the capital and revenue implications of all the options currently being investigated by **tie** and taking into account assumptions contained within the original plan (eg anticipated development) that either no longer apply or whose timescales were now substantially changed."*

Following this June decision, a further report (no CEC/43/10-11/CD&F) was presented to Council on 14 October 2010. That report was simply noted by Council (on a division) and the subsequent Act of Council agreed that:

*"a more detailed account of the updated Business Case, including further options as requested, will be made available to all members for the*

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*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."*

These Acts of Council have clearly not been delivered and consequently Council insists that detailed information on programme, cost and the contractual implications of the remaining three stages of Phase 1a be provided to Council as earlier agreed on two previous occasions:

- 3 Airport - Foot of the Walk
- 4 Airport - Ocean Terminal
- 5 Airport - Newhaven

- 2) To regret the failure of the Lib-Dem/SNP Administration in not bringing forward these earlier agreed Acts of Council.
- 3) To agree to a review of the business case by a specialist public transport consultancy that had no previous involvement with the Edinburgh Tram Project.
- 4) To note the steps taken to date to take forward a mediation proposal.
- 5) To agree now to the principle of the transfer of the management of the trams to Lothian Buses subject to a report on the governance arrangements necessary within the Council - as well as for TEL and **tie** - in order to facilitate that transfer.
- 6) To request Scottish Ministers to grant an extension of the current land acquisition powers in accordance with the Tram Acts.

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

### **Amendment 2**

- 1) To note as a matter of public record that the SNP Group was the only political group which opposed the Edinburgh Tram Final Business Case when it was presented to Council for approval (which was given by virtue of support from the Labour, Liberal Democrat, Conservative and Green Groups).
- 2) To note with regret that the concerns expressed by the SNP Group at that time had now been proven to be correct. In contrast to the Final Business Case of 25 October 2007 which concluded that the line from Newhaven to the Airport (with perhaps sufficient budget leftover to build line 1b from

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Roseburn to Granton) would be completed within the £545m budget envelope, the refreshed Business Case predicted the same, apart from the line from the Airport terminating at St Andrew Square, therefore providing a much reduced line for the same projected cost.

- 3) To agree that the refreshed Business Case was no more than a rehash of the original flawed Final Business Case that the SNP Group had opposed, full of optimistic assumptions regarding budget, projected patronage, profitability and limited effect on Lothian Buses with scant or no information provided in order to determine on what evidence, if any, they were based.
- 4) To note that the SNP Group was also of the view that the case for the creation of TEL was no longer extant and that Lothian Buses was more than adequately prepared to run a modified transport system.
- 5) To note that the SNP Group was deeply concerned about the manner in which the traders along the original proposed route down Leith Walk had been treated and the impact the tram works had had on their business. To call on the Council to make special arrangements in order to fully compensate such traders who could prove that their business had been detrimentally affected due to the tram works. To recognise that the people of Leith had had to endure a prolonged period of disruption to no effect.
- 6) Given the history of this ill-conceived project based on proven false premises, the SNP Group had no confidence in the information provided in the Chief Executive's report.

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

In accordance with Standing Order 30(3), Councillor Gordon Mackenzie withdrew his motion.

### **Voting**

The voting was as follows:

For amendment 1	-	45 votes
For amendment 2	-	12 votes

### **Decision**

To approve amendment 1 by Councillor Perry.

(References – Acts of Council Nos 6 and 23 of 18 November 2010; report no CEC/62/10-11/CE by the Chief Executive, submitted.)

**Declaration of Interests**

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

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

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

**14 Lothian Buses: Appointment of Non-Executive Chairman**

Arrangements were proposed for the appointment of a non-executive Chairman of the Board of Lothian Buses.

**Motion**

To approve the proposals set out in the report by the Chief Executive.

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

**Amendment**

To approve the proposals set out in the report by the Chief Executive subject to the appointment process being managed internally and not awarded to an external consultancy.

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

**Voting**

For the motion	-	39 votes
For the amendment	-	18 votes

**Decision**

To approve the motion by Councillor Gordon Mackenzie.

(References – Act of Council No 6 of 18 November 2010; report no CEC/57/10-11/CE by the Chief Executive, submitted.)



### **Declaration of Interests**

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

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

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

## **15 Transition from Fairer Scotland Funding to Council Funding**

An update was provided on the arrangements to continue funding for anti-poverty work through the Council budget after the end of the Scottish Government's Fairer Scotland Fund in 2010-11.

The Directors of Children and Families, City Development and Corporate Services recommended that the Council:

- 1) agree to the planning arrangements and resource assumptions set out in their report for the mainstreaming of services to tackle poverty as the Fairer Scotland Fund ended.
- 2) note the advice given to current projects to meet the employment obligations in the event of funding not being continued after March 2011.
- 3) make representations to the Scottish Government to continue the separate grant to Capital City Partnership as part of the Council budget in 2011-12.
- 4) delegate decisions on temporary extension of existing funding agreements into 2011-12 to lead Directors to ensure continuity where necessary.
- 5) use their report as a basis for information giving and consultation with Neighbourhood Partnerships, and with the 3<sup>rd</sup> sector under the auspices of the Compact.
- 6) consider recommendations for investment and disinvestment in 2011/12 in services to tackle poverty under the three priorities through a further report before the end of 2010-11.

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**Motion**

To approve the recommendations by the Directors of Children and Families, City Development and Corporate Services.

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

**Amendment 1**

- 1) To delete recommendation 2 by the Directors of Children and Families, City Development and Corporate Services and insert:
  - a) To note with concern the lack of progress and clarity provided to voluntary sector groups in the transition process from receipt of Fairer Scotland Funding throughout the city.
  - b) Further to note that the removal of decision making authority from democratically elected local neighbourhood partnership boards to central officer groups was not in the spirit of local community participation/planning.
  - c) Further to note concerns about misleading timetables provided to funded projects on the timescales for investment/disinvestment.
  - d) To deplore the broken promise to hold proper and detailed briefing and the additional bureaucracy requiring information in triplicate with an unrealistic deadline.
  
- 2) To delete recommendations 5 and 6 and insert:

To instruct that:

  - a) urgent/proper discussions between departments and individual projects be held to look at potential future funding.
  - b) projects highlighted for disinvestment be brought to January's Policy and Strategy Committee.
  - c) areas of multiple deprivation continued to be a priority investment for anti poverty funding.

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

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## Amendment 2

- 1) To note the joint report and recommendations by the Directors of Children and Families, City Development and Corporate Services.
- 2) To express regret at the loss of Fairer Scotland funding and the subsequent centralisation of money and reduction of local fiscal autonomy.
- 3) To note that the Council could improve engagement of local neighbourhood areas, including community representatives, by the devolving of all or some of the monies identified in the report to Neighbourhood Partnerships for distribution, along with the responsibility for consultation with local 3<sup>rd</sup> sector organisations.
- 4) To incorporate this suggestion into the evidence-gathering and assessment stages of the Transition Process, for discussion by elected members, officers, community representatives and organisations.

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

In accordance with Standing Order 30(7), a composite of amendments 1 and 2 was proposed.

## Voting

For the motion	-	40 votes
For the composite of amendments 1 and 2	-	17 votes

## Decision

To approve the motion by Councillor Dawe.

(References – Policy and Strategy Committee 2 November 2010 (item 11); joint report no CEC/63/01-11/C&F,CD&CS by the Directors of Children and Families, City Development and Corporate Services, submitted.)

## Declaration of Interests

Councillors Elaine Aitken and Barry declared a non-financial interest in the above item as Directors of the Oxfams Care Trust.

Councillor Ewan Aitken declared a non-financial interest in the item as a Board member of the Ripple Project, Link up Women Support Centre and the Youth Bus Trust.

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Councillor Wilson declared a non-financial interest in the item as a Board member of Broomhouse Centre Management Committee, Gorgie City Farm and Gorgie War Memorial Hall.

Councillor Hinds declared a non-financial interest in the item as her husband is Chair of the Board of the North Edinburgh News.

Councillor Perry declared a financial interest in the item as a Board member of Access to Industry and left the Chamber during its consideration.

## **16 Annual Performance Report 2009/10**

Approval was sought for the Annual Performance Report which summarised the Council's performance in 2009/10.

### **Decision**

To approve the Council's Annual Performance Report for 2009/10.

(Reference – report no CEC/58/10-11/CS by the Director of Corporate Services, submitted.)

## **17 Marketing Edinburgh – Chair Appointment**

The Council had approved Marketing Edinburgh as the city's new destination promotion body. In accordance with the company's business case, the Council was asked to appoint the Chair who, along with the Council, would then appoint the rest of the Board. Once the company had been established formally a Nominations Committee would be established to manage subsequent appointments.

### **Decision**

To approve Alan Johnston as the Chair of Marketing Edinburgh, as the first stage of appointing Marketing Edinburgh's Board for a period of up to 18 months from the formation of the company.

(References – Act of Council No 10 of 18 November 2010; report no CEC/60/10-11/CD by the Director of City Development, submitted.)

### **Declaration of Interests**

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

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

## **18 Fair Pay in the Public Sector – Motion by Councillor Chapman**

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

“Council

Notes the publication of the Interim Report of the Fair Pay Review by Will Hutton and the suggestion therein that a maximum pay multiple of 20:1 be applied to the differential between the lowest and highest paid in an organisation

Notes the work by Kate Pickett and Richard Wilkinson suggesting that more equal societies are more successful and sustainable in their book ‘The Spirit Level’

Notes that the concept of fair pay will help reassure our citizens that public funds are being used appropriately

Believes that it has a responsibility to lead the way in promoting equality and fairness, and as such comply with the 20:1 ratio suggested by Will Hutton

Agrees to ensure that no new appointments are made that would break this ratio

Further agrees to work towards creating a strategy to reduce this ratio to 10:1.”

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

## **19 Community Benefit Clauses in Council Contracts – Motion by Councillor Chapman**

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

“Council

Notes the importance of strategic procurement in adding value for the communities it serves, and understands this added value as being ‘value for people’ as well as ‘value for money’.

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Notes that the Scottish Social Enterprise Coalition and Will Hutton in the Fair Pay Review, among others, support the use of Community Benefit Clauses by all levels of Government, and that social, environmental and financial benefits will be achieved in the longer term by their use.

Agrees to use Community Benefit Clauses in all its contracting to ensure that organisations bidding for contracts with the Council achieve the best possible value for people and are compliant with the 20:1 pay ratio recommended by Will Hutton in the Review of Fair Pay.”

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

## **20 Funding for Students, Universities and Colleges – Motion by Councillor Chapman**

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

“Council

Notes the substantial contribution Edinburgh’s universities and colleges make to employment and the wider economy in the City of Edinburgh area and the contribution made by Edinburgh’s students to making the city a better, happier and wealthier city.

Notes the proposals by the Westminster Government to reduce the funding available to tertiary education in England and the reduced funding available to Scotland as a result of Barnett consequentials of this reduction

Notes the proposed increase of tuition fees in England to between £6000 and £9000 and the impact this will have on Edinburgh’s universities and colleges.

Notes that Edinburgh students have been active in opposing these regressive measures being imposed by the Westminster Government through the Edinburgh University Students’ Association campaign to “Write to Mike”, an occupation at Edinburgh University and participation in the national demonstrations.

Believes that the proposed move to cut teaching grants to Universities by up to 75% in England will seriously reduce participation in tertiary education by students from non-traditional backgrounds and will have a serious and damaging impact on Scottish tertiary education and consequently on the City of Edinburgh.

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Agrees to oppose the Westminster Government's proposed cuts to tertiary education funding and increased fees.

Further agrees to send a letter of support for Edinburgh's students and their campaign against these cuts to funding and increased fees."

### **Motion**

To approve the motion.

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

### **Amendment**

To recognise the important contribution that Edinburgh's universities, colleges and students made to the city. Whilst sympathetic to the views of Edinburgh students, to acknowledge that the Council had limited locus on this matter and therefore to agree to take no action.

- moved by Councillor MacLaren, seconded by Councillor Beckett (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 MacLaren.

## **21 Intensive Support Service – Motion by Councillor Ewan Aitken**

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

"Council:

Notes that the Intensive Support Service appears to cost £31.20 per hour to provide a service that used to cost £24.90 per hour before the transfer.

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Calls for a report on:

- the costs involved in delivering this service
- the reasons the decision was taken to deliver this in house,
- why the hourly costs differ from those prior to the transfer
- what savings, if any, have been made and what those savings have been invested in

in particular, the report should include

- numbers of staff transferred
- cost of staffing and numbers of hours of service delivered
- the number of clients supported per week within those hours.”

### **Decision**

- 1) To note that Councillor Ewan Aitken had withdrawn his motion.
- 2) To ask the Director of Services for Communities to brief Councillor Ewan Aitken on the Intensive Support Service.

## **22 Long Leases (Scotland) Bill and Edinburgh’s Waverley Market – Motion by Councillor Johnstone**

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

“That the Council:

Notes that The Scottish Parliament’s Justice Committee is seeking views on the general principles of the Long Leases (Scotland) Bill.

Notes that the Bill is designed to convert leases of over 175 years (with at least 100 years left to run) to full ownership.

Notes that the Waverley Market in Edinburgh, worth approximately £50 million forms part of the Common Good Fund of the City of Edinburgh and is currently let on a 206 year lease, at 1p per year.

Notes that if the proposal to convert such leases becomes law then the current leaseholder of Waverley Market will become owner of a multi million pound asset which is part of the City of Edinburgh’s Common Good Fund.

Agrees that it would be wrong that a long leaseholder should assume ownership of Edinburgh’s Common Good Land; and



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Agrees to submit written evidence to the Justice Committee of the Scottish Parliament by Wednesday 12<sup>th</sup> January 2011 as called for, highlighting the case of Waverley Market, pointing out that similar cases may well exist nationwide and proposing exemption of the City's Common Good Land from the provisions of the Bill."

**Decision**

To approve the motion by Councillor Johnstone.

**23 City of Edinburgh Renewable Energy Development Company – Motion by Councillor Burgess**

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

"That the Council:

Notes changes to legislation that could allow the Council to generate renewable energy, including from buildings on its estate, and receive revenue for excess electricity generated through a recently introduced feed-in-tariff.

Notes that generating its own renewable electricity could reduce Council energy bills and carbon emissions as well as providing an additional source of revenue for the Council.

Calls for a report on this opportunity including the feasibility of setting up a City of Edinburgh Renewable Energy Development Company."

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

**24 Action on Climate Change – Motion by Councillor Burgess**

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

"That the Council:

Notes with concern reports to Policy & Strategy Committee and the Cross Party Working Group on Climate Change (CPWGCC) that the Council is failing year-on-year to meet targets to reduce pollution that is contributing to Climate Change.

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Notwithstanding the recent decision by the CPWGCC to revise its remit and establish an officer support group:

Calls for the new Chief Executive once in post to be asked to review and make recommendations on improving the Council's governance and management arrangements for Sustainable Development and Climate Change, including having the Sustainable Development Unit report directly to the Chief Executive."

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

## **25 Tom Aitchison, Chief Executive – Valedictory**

The Lord Provost, the Leader and Councillors Burns, Balfour, Cardownie, Burgess and Jackson paid tribute to Tom Aitchison, Chief Executive, who was retiring after 35 years local government service with the City of Edinburgh Council and the former Lothian Regional Council. They commended his integrity and commitment in fulfilling his role as Chief Executive of the City of Edinburgh Council for the past 16 years and thanked him for his outstanding contribution to the city. On behalf of the Council, they wished him well for an enjoyable retirement.

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## **Appendix**

**(As referred to in Act of Council No 10 of 16 December 2010)**

### **QUESTION NO 1**

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

#### **Question**

Can you detail all voluntary or not for profit groups or organisations who rent premises from the Council? Can you indicate the rent levels or if the rent is 'peppercorn'?

#### **Answer**

Historically, Council Departments and Committees have agreed leases of properties to voluntary and third sector organisations at a "peppercorn rent". This can include either a rent of £1 per annum or a rent "at less than market value".

Officials have identified that there are approximately 124 Council properties which fall into this category and, following a motion from Councillor Child, the Finance and Resources Committee at its meeting on 26 October 2010 instructed a report to be prepared which will be submitted to a future meeting of the Finance and Resources Committee.

**QUESTION NO 2**

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

**Question**

What work is being done to ascertain the availability of space within Council premises which could be shared between staff working during the day and groups who operate services delivered in the evenings?

**Answer**

Officials in Corporate Property have, for a number of years, been involved in a property rationalisation exercise with a view to reducing the number of properties owned or used by the Council, as well as maximising the use of existing properties by Council staff.

Opportunities to improve community access to Council facilities have also been examined. To this end, proposals in respect of enhanced use of school premises by sporting and community groups will be reported to the Education, Children and Families Committee in the new year.

**Supplementary  
Question**

Have you looked at the use of buildings other than schools and community centres, where there is still space in the evenings? Knowing that the estate means there are places where a partnership might be created where an organisation's requirements are only for evenings and just to see whether there are possibilities beyond simply the school estate.

**Supplementary  
Answer**

I am sure the investigation is going on to look at all properties.

**QUESTION NO 3**

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

- Question** (1) What discussions have taken place with the Scottish Government regarding funding for a Gaelic school at Bonnington Primary School?
- Question** (2) Does the Convener believe that Tollcross Primary School will remain 'viable' should Gaelic education provision be moved to Bonnington Primary School?
- Question** (3) What steps will the Convener take to guarantee the future viability of Tollcross Primary School should Gaelic education provision be moved to Bonnington Primary School?
- Answer** Information on discussions with the Scottish Government is referred to in the Report 8.6 'Gaelic Medium Education : Consultation Options for Future Development'. A letter from the Director to Tollcross Primary School parents was sent out this week re-assuring them that the school would remain open regardless of the final decisions on the location of Gaelic Medium Education. The detailed impact on Tollcross Primary school will be fully discussed and considered during the proposed statutory consultation.

**QUESTION NO 4**

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

**Question** (1) Does the Convener consider that the use of external solicitors and advocates at Special Educational Needs Tribunals gives the Council an unfair advantage in representations when many parents are unable to afford the costs of similar professionals?

**Answer** (1) The Authority has a duty to ensure that it is adequately represented in legal proceedings.

To date most cases referred to the Additional Support Needs Tribunal have been resolved without the need for legal representation. The Council has never instructed external solicitors in a case before the Additional Support Needs Tribunal.

**Question** (2) Does the Convener consider the adversarial nature of Special Educational Needs Tribunals to be in keeping with the spirit of the new Act and if so, will a more progressive approach be adopted in the future?

**Answer** (2) The Council has no role in determining the rules and procedures of the Tribunal. The Tribunal President has responsibility to ensure that all matters are conducted in the appropriate manner taking into account the spirit of the Act and the requirement to secure a full and fair hearing of all cases.

**Question** (3) Please advise on why Co-ordinated Support Plans only refer to education needs and exclude provision outside the school day, social care and respite when considering the actual need provisions?

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**Answer** (3) Co-ordinated Support Plans are prepared in line with the requirements of the Act. The Act and associated regulations set out the form and content for a Co-ordinated Support Plan. Plans must contain:

- The education authority's conclusions as to the factor or factors from which the additional support needs of the child or young person arise
- The educational objectives sought to be achieved taking account of those factors
- The additional support required to achieve these objectives
- Details of those who will provide this support.

Any form of support specified in a Co-ordinated Support Plan, whether provided within or outwith the school day, must be required in order to secure educational objectives in school education. The co-ordinated support will therefore include reference to provision outside the school day, social care, and respite care, health care and leisure interests as appropriate.

**Question** (4) Will Co-ordinated Support Plans be modified to co-ordinate the various agencies into one strategic, binding plan that parents can rely on?

**Answer** (4) The Council is committed to the principles of integrated assessment and a single plan for the co-ordination of support and opportunities with families and all relevant services and agencies. As the Co-ordinated Support Plan is governed by regulations and specifications within the Code of Practice, it is not well suited to providing a comprehensive single plan. This is one of the reasons behind the national programme Getting It Right For Every Child which provides an over-arching approach to integrated planning and is capable of incorporating the co-ordinated support plan when required. This is set out in the Code of Practice (Chapter 3 paragraph 5) which states:

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***“Co-ordinated support plans***

*9. A co-ordinated support plan is a statutory plan prepared by the education authority when a child or young person requires significant additional support from the education authority and from at least one other agency from outwith education in order to benefit from school education. .... An individual child or young person may also benefit from more detailed planning in school (typically in the form of an individualised educational programme). Within the context of Getting It Right For Every Child, a child or young person may require wider planning to address other aspects of his/her development. .... Where such planning exists it should incorporate the educational objectives from the co-ordinated support plan. For example, the overall plan of action may describe what is being done to promote the individual's safety or to address health needs, with the educational component of the plan covered by the co-ordinated support plan.”*

- |                 |  |
|-----------------|--|
| <b>Question</b> | <b>(5)</b> Is the Convener aware that the rulings made by Lord Wheatley where education needs were separated from care needs has now been over-ruled by the Scottish Parliament in the new Act to create a less adversarial approach to these complex cases and can she advise on how the Council has adapted its working practices and staff directions to reflect this?  |
| <b>Answer</b>   | <b>(5)</b> The essential elements of the 2004 Act as amended by the 2009 Act in relation to co-ordinated support plans are essentially no different from the original 2004 Act. It is the authority's view that the 2009 Act clarifies the intent of the 2004 Act and this has been confirmed by the Scottish Government : <i>“it clarifies the definition of additional support by specifying that it is not limited to support provided in an educational environment”</i> (Education (Additional Support For Learning) (Scotland) Act 2009 Explanatory Notes) |



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We have always been clear that the definition included any support required to achieve educational objectives in school education. This view concurs with the views of Adam Ingram the Minister for Children and Early Years, who, in a debate on 20 May 2009 is quoted as saying “...*it was never my intention for the bill to alter the ethos or fundamental building blocks of the Education (Additional Support for Learning) (Scotland) Act 2004 .....we did not intend to make any significant differences to the overall ethos of the legislation...*”.

**Supplementary  
Question**

My supplementary actually goes back to the last set of questions I asked on this, when the Convener said she would give me a written reply, which is detailed in page 35 of the Council papers. I was just wondering if I could get that written answer if that would be okay?

**Supplementary  
Answer**

You and I had better talk about it but, yes, I am sorry if I have not done something that I said I would do.

**QUESTION NO 5**

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

**Question**

Is the Convener willing to consider giving additional companies the opportunity to provide car club services in the city?

**Answer**

Yes, I am aware of other companies who operate car clubs in the UK and have noted models in other authorities where multiple providers operate.

The current on street model in Edinburgh is provided by City Car Club but I am happy to consider allowing other companies to provide a similar service and have asked for a report to be brought to Transport, Infrastructure and Environment Committee in February on this.

**QUESTION NO 6**

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

**Question**

Does the Convener consider the Council's membership of Scotland Excel to be value for money given it has thus far failed to generate the level of savings projected?

**Answer**

It has taken longer than anticipated for Scotland Excel to develop fully its contract portfolio. However all 32 Scottish Councils have now signed up to be members and it takes some time for new organisations to reach their full potential. At the Finance and Resources Committee on 1 June 2010 it was reported that a minimum savings figure of £300K could be anticipated for 2010/11. I am pleased to advise that the updated savings projection for 2010/11 has risen to over £500K. The projection for 2011/12 is now expected to be above £550K.

The fee paid for 2010/11 amounted to £262K and will not increase for 2011/12. It is also important to recognise that using Scotland Excel contracts allows the Council's internal procurement resource to focus on more strategic and higher savings opportunity contracts.

On the basis of the up to date information available to me as summarised in the figures above, I consider that membership of Scotland Excel does represent value for money as far as this Council is concerned.

**Supplementary  
Question**

Is the Convener aware that in his answer all the good news that he relays to us is simply projections and not hard figures?

**Supplementary  
Answer**

Yes, we have to start somewhere.

**QUESTION NO 7**

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

**Question**

How much has been spent on clearing roads of snow and ice since 26 November 2010 and how much has been spent on clearing pavements of snow and ice since 26 November 2010?

**Answer**

We do not have these figures available at this time as all our resources are being concentrated on dealing with the snow clearances. The information requested will be available after the severe weather has concluded, but it will not be possible to break it down separately for roads and pavements. These costs are all met from the Winter Maintenance Budget.

**QUESTION NO 8**

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

**Question**

What steps are being taken to properly maintain school facilities to ensure that boiler failure and inadequate toilet facilities are avoided?

**Answer**

A programme of work is in place to ensure that the Council meets its statutory responsibilities with regards to schools and other Council properties. These duties include regular testing and servicing of electrical and mechanical installations such as central heating boilers and control and management of water quality including testing for legionella. Day to day repairs are also undertaken to ensure properties are maintained in a healthy and safe condition.

In addition to the above works schools retain responsibility for a wide range of minor works including decoration, repairs to taps, door locks, sanitary ware, flooring etc.

A programme of improvements is undertaken every year which includes boiler upgrades and replacements and toilet refurbishments.

A major programme of boiler and toilet improvements will be undertaken from 2011–14, in addition to numerous other fabric enhancements, based on condition surveys.