

## Committee Minutes

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# The City of Edinburgh Council

Year 2010/2011

## Meeting 2 – Thursday 24 June 2010

Edinburgh, 24 June 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  
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  
Ian Murray  
Alastair Paisley  
Gary Peacock  
Ian Perry  
Cameron Rose  
Jason G Rust  
Conor Snowden  
Marjorie Thomas  
Stefan Tymkewycz  
Phil Wheeler  
Iain Whyte  
Donald Wilson  
Norrie Work

## 1 Deputations

### (a) **Edinburgh Tram Project – Update Report – Edinburgh Railway Action Group** (see item 2 below)

The deputation expressed concern at the future of the Edinburgh Tram Project and asked that the Council take into consideration the following 3 action points:

- In future there should be total transparency on all aspects of the project.
- An independent audit should be made available to members of the public detailing what had been spent on the project so far, including bonuses, and the accuracy of any projections.
- In view of the current economic climate, a public referendum should be called on the future of the project.

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

### (b) **Alternative Business Models Programme – UNISON, City of Edinburgh Branch** (see item 3 below)

The deputation said that it was essential that the Council identify saving mechanisms to deliver a balanced and sustainable budget; however any savings made by switching to Alternative Business Models would be outwith the Council's control. They expressed concern:

- that there was no public mandate for Alternative Business Models
- about some of the bidders involved in the programme;
- that, although meetings had been held with the unions, no agreement had been reached and information requested had not been received.

UNISON asked the Council to suspend the ABM programme pending a review of the process and to continue consideration of the matter to the August meeting.

(Reference – e-mail dated 21 June 2010, submitted.)

### (c) **Holy Rood High School Parent Council** (see item 4 below)

The deputation expressed concern that the recent decision to change the Council's home to school transport entitlement from 2 miles to 3 miles had been taken without any consultation with parents. Holy Rood High School had a geographically difficult catchment area with many pupils having to take two buses to the school. This change would have an immediate impact on the school with many parents already expressing their intention to move their children to alternative schools. The deputation asked the

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Council to reconsider their decision on home to school travel in respect of Holy Rood High School.

(Reference – e-mail dated 22 June 2010, submitted.)

## 2 Edinburgh Tram Project – Update

An update was given on the progress of the Edinburgh Tram Project and related issues including:

- the current contractual difficulties with the Contractor, the Bilfinger Siemens CAF Consortium (“BSC”) (in particular regarding agreed scope and progress of the civil engineering and infrastructure installation works);
- the approach adopted by **tie Limited (“tie”)** to achieve acceptable resolution of the matters in dispute;
- budget, scope and programme implications;
- the Council’s funding strategy (including contingency planning);
- communications with stakeholders; and,
- a summary of the status of on-street utilities diversion works.

The Council had heard a deputation on the matter from the Edinburgh Railway Action Group (see item 1(a) above).

### Motion

- 1) While recognising the SNP group had opposed the principle of the tram on three separate occasions, all five political parties on the Council had agreed to the final sign-off of the current Tram Contracts on 1 May 2008. Council was therefore united in expressing its ongoing determination and full support for **tie**'s efforts to continue to protect the public purse from the effect of undue programme delay and any unwarranted financial claims not provided for within the agreed contract.
- 2) To agree the recommendations in the joint report by the Directors of City Development and Finance, as follows:
  - (a) To note the current status of the Project and to request **tie** to continue to seek an acceptable resolution with BSC if at all possible.
  - (b) To note that whilst no clear estimate of the cost of Phase 1a was available at this time due to uncertainty, Council officers and **tie** were examining all possible options for contingency funding and the possibility of incremental delivery.

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- (c) To note that, in the event that an acceptable agreement could not be reached, **tie** had carried out the necessary preparation should termination of the contract be the most appropriate option.
  - (d) To note that any changes to cost, programme or scope which might emerge from the negotiations with BSC would be reported to Council prior to any further funding commitment being made or changes to the project scope or timetable being agreed.
- 3) To agree that the further report to Council referred to in paragraph 2(d) above would be accompanied by an updated business plan.
  - 4) To agree that a decision on the options referred to in the Directors' joint report would only be taken by Full Council and that a special meeting of Full Council would be convened for this purpose, if required.
  - 5) To support a decision by **tie** to initiate 'Remedial Breach' notice procedures should this prove necessary.

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

#### **Amendment 1**

- 1) To note the recommendations in the joint report by the Directors of City Development and Finance as follows:
  - (a) To note the current status of the Project and to request **tie** to continue to seek an acceptable resolution with BSC if at all possible.
  - (b) To note that, whilst no clear estimate of the cost of Phase 1a was available at this time due to uncertainty, Council officers and **tie** were examining all possible options for contingency funding and the possibility of incremental delivery.
  - (c) To note that, in the event that an acceptable agreement could not be reached, **tie** had carried out the necessary preparation should termination of the contract be the most appropriate option.
  - (d) To note that any changes to cost, programme or scope which might emerge from the negotiations with BSC would be reported to Council prior to any further funding commitment being made or changes to the project scope or timetable being agreed.
- 2) To note that all political parties had originally supported the principle of developing the Tram Project; and at the Council Meeting of 1 May 2008 all five political parties on the Council had agreed to the final sign-off of the current Tram Contracts.

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- 3) To note that those original plans, and the contract sign-off, were predicated on the tram connecting Edinburgh's Airport with Edinburgh's Seaport/s.
- 4) To note that, as at June 2007, Audit Scotland had investigated the Edinburgh Tram Project and had concluded that:
  - "arrangements in place to manage the project appear sound with:
    - a clear corporate governance structure for the project which involves all key stakeholders
    - clearly defined project management and organisation
    - sound financial management and reporting
    - procedures in place to actively manage risks associated with the project
    - a clear procurement strategy aimed at minimising risk and delivering successful project outcomes.
  - the project is approaching a critical phase leading up to early 2008 when Cabinet Secretaries and CEC are expected to be asked to approve **tie**'s final business case. This will allow infrastructure construction to commence. A range of key tasks needs to be completed before the final business case can be signed off and unless work progresses to plan, the cost and time targets may not be met."
- 5) To welcome recent announcements that Audit Scotland would re-investigate the Edinburgh Tram Project in order hopefully to learn lessons about the advice provided to **tie**, the City of Edinburgh Council and Transport Scotland as well as about the way the project had been politically managed.
- 6) To agree that current contractual negotiations between **tie** and Bilfinger Berger needed to be concluded as a matter of urgency and any outcome reported back to the Council at the earliest possible opportunity.
- 7) To agree that any report on the outcome of the contractual negotiations (as above) should include a refreshed 'Tram Business Case' based on the options now being explored by **tie**.

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

### **Amendment 2**

- 1) To regret carrying the motion of 21 December 2006 on behalf of the Labour Group which amongst other matters agreed "To approve the Draft Final Business Case" for the Edinburgh Tram Network.
- 2) Further, to regret not taking one of the three opportunities presented to the Council by the SNP Group on 21 December 2006, 28 June 2007 and 30

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April 2009 that the scheme be terminated. Roll call votes having been taken in all three cases bore testimony to the fact that the only Group in favour of abandoning the tram scheme was the SNP.

- 3) To note that the Edinburgh Tram Project – Update Report had now given further cause for concern, namely that it stated within it:
  - (a) **Page 70 para 2.5** – A formal review of alternative delivery options for the project was also undertaken, including the option of terminating the agreement.
  - (b) **Page 70, para 2.7** – It now appears that the full Phase 1a tram system cannot be delivered within the available funding envelope of £545m and the overall outcome will remain uncertain for so long as the dispute persists.
  - (c) **Page 71 para 2.7** – However while BSC remains in dispute with **tie** and progress on infrastructure construction remains unsatisfactory, it is not possible to offer certainty on the cost or programme outcomes.
  - (d) **Page 77 para 3.40** – Given the problems with BSC, it is prudent to plan for a contingency of 10% above the approved funding of £545m because of the current lack of clarity on programme and cost.
  - (e) **Page 79 para 3.55** – As detailed in the report, it is now envisaged that the full scope of Phase 1a cannot be delivered within the approved funding envelope and within the originally envisaged timescales.
  - (f) **Para 79 para 3.58** – Whilst there remains significant commercial uncertainty, it is clearly not possible to provide a robust estimate for the full cost of Phase 1a.
- 4) To note that any borrowing of up to a level of circa £600m based on the full scope of Phase 1a, as per TEL's forecast cumulative net profit from 2013-2031, detailed in page 80, paragraph 3.61 of the joint report by the Directors of City Development and Finance, would represent a massive opportunity cost as this sum could be invested elsewhere within the City of Edinburgh Council's remit.
- 5) To agree that, in the interests of residents within the boundaries of the City of Edinburgh Council, the commercial position needed to be brought to a very speedy conclusion and to call for an early report back to a special meeting of the Council solely devoted to Tram related issues.
- 6) To issue an apology to residents for the extremely serious consequences of embarking upon this ill-conceived project and to pledge that the Council would do all that it could to redress those issues that had affected those residents most.

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

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**Amendment 3**

- 1) To note the recommendations in the joint report by the Directors of City Development and Finance as follows:
  - (a) To note the current status of the Project and to request **tie** to continue to seek an acceptable resolution with BSC if at all possible.
  - (b) To note that, whilst no clear estimate of the cost of Phase 1a was available at this time due to uncertainty, Council officers and **tie** were examining all possible options for contingency funding and the possibility of incremental delivery.
  - (c) To note that, in the event that an acceptable agreement could not be reached, **tie** had carried out the necessary preparation should termination of the contract be the most appropriate option.
  - (d) To note that any changes to cost, programme or scope which might emerge from the negotiations with BSC would be reported to Council prior to any further funding commitment being made or changes to the project scope or timetable being agreed.
- 2) To call for the following to be delivered to the Full Council meeting on 16 September 2010:
  - (a) a report on the current contractual negotiations; and
  - (b) 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 applied or whose timescales were now substantially changed.

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

The mover of the motion, with the consent of his seconder and the movers and seconders of amendments 1 and 3, agreed to adjust his motion and composite it with amendments 1 and 3, as follows:

- Remove all up to the first comma in paragraph 1 of the motion.
- Remove paragraph 3 of the motion and replace it with amendment 3.
- Add amendment 1 as an addendum to the motion.

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## Voting

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

The voting was as follows:

For the composite of the adjusted motion by Councillor Gordon Mackenzie and amendment 1 by Councillor Burns and amendment 3 by Councillor Balfour:

Lord Provost Grubb; Councillors Elaine Aitken, Ewan Aitken, Aldridge, Balfour, Barry, Blacklock, Burgess, Burns, Chapman, Child, Coleman, Dawe, Day, Dundas, Edie, Godzik, Hart, Hawkins, Henderson, Hinds, Jackson, Johnstone, Lang, Lowrie, Gordon Mackenzie, Kate MacKenzie, MacLaren, McInnes, McKay, Milligan, Morris, Mowat, Munro, Murray, Paisley, Peacock, Perry, Rose, Rust, Snowden, Thomas, Wheeler, Whyte and Wilson – 45.

For amendment 2 by Councillor Cardownie:

Councillors Beckett, Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Munn, Tymkewycz and Work – 12.

## Decision

- 1) All five political parties on the Council had agreed to the final sign-off of the current Tram Contracts on 1 May 2008. Council was therefore united in expressing its ongoing determination and full support for **tie's** efforts to continue to protect the public purse from the effect of undue programme delay and any unwarranted financial claims not provided for within the agreed contract
- 2) To note that those original plans, and the contract sign-off, were predicated on the tram connecting Edinburgh's Airport with Edinburgh's Seaport/s.
- 3) To note that, as at June 2007, Audit Scotland had investigated the Edinburgh Tram Project and had concluded that:
  - "arrangements in place to manage the project appear sound with:
    - a clear corporate governance structure for the project which involves all key stakeholders
    - clearly defined project management and organisation
    - sound financial management and reporting
    - procedures in place to actively manage risks associated with the project
    - a clear procurement strategy aimed at minimising risk and delivering successful project outcomes.



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- the project is approaching a critical phase leading up to early 2008 when Cabinet Secretaries and CEC are expected to be asked to approve tie's final business case. This will allow infrastructure construction to commence. A range of key tasks needs to be completed before the final business case can be signed off and unless work progresses to plan, the cost and time targets may not be met."
- 4) To welcome recent announcements that Audit Scotland would re-investigate the Edinburgh Tram Project; in order to hopefully learn lessons about the advice provided to **tie**, the City of Edinburgh Council, and Transport Scotland; as well as about the way the project had been politically managed.
  - 5) To agree the recommendations in the joint report by the Directors of City Development and Finance, as follows:
    - a) To note the current status of the Project and to request **tie** to continue to seek an acceptable resolution with Bilfinger Siemens CAF Consortium (BSC) if at all possible;
    - b) To note that whilst no clear estimate of the cost of Phase 1a was available at this time due to uncertainty, Council officers and **tie** were examining all possible options for contingency funding and the possibility of incremental delivery;
    - c) To note that, in the event that an acceptable agreement could not be reached, **tie** had carried out the necessary preparation should termination of the contract be the most appropriate option; and,
    - d) To note that any changes to cost, programme or scope which may emerge from the negotiations with BSC would be reported to Council prior to any further funding commitment being made or changes to the project scope or timetable being agreed.
  - 6) To agree that current contractual negotiations between **tie** and Bilfinger Berger needed to be concluded as a matter of urgency and that any outcome was reported back to the Council at the earliest possible opportunity.
  - 7) To support a decision by **tie** to initiate 'Remedial Breach' notice procedures should this prove necessary.
  - 8) To call for the following to be delivered to Full Council of 16 September 2010:
    - a) a report on the current contractual negotiations;

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- b) 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.
- 9) To agree that a decision on the options referred to in the report would only be taken by Full Council and that a special meeting of Full Council would be convened for this purpose, if required.

(References – Act of Council No 13(a) of 20 August 2009; joint report no CEC/17/10-11/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** and TEL.

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

## **3 Alternative Business Models Programme**

An update was given on the Alternative Business Models review and recommendations were made on the selection of potential partners to participate in the initial phase of the competitive dialogue process.

The Council had heard a deputation on the matter from UNISON, City of Edinburgh Branch (see item 1(b) above).

### **Motion**

- 1) To note the progress to date of the Alternative Business Models review, including the positive health check by the external advisers and the planned completion of the pre-dialogue phase of the programme by the end of July 2010.
- 2) To invite the organisations, as presented in paragraph 3.5 of the report by the Chief Executive, to participate in the initial phase of the dialogue process for each service grouping.

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- 3) To note that it was the current intention, subject to receipt of a satisfactory Gateway Review, to commence the initial phase of dialogue process at the beginning of August 2010.
- 4) To note that the Chief Executive would present an update report on the programme and the outcome of the Gateway Review to the Policy and Strategy Committee on 31 August 2010.
- 5) To note the plan for the initial phase of the dialogue process and that a further report at the end of this stage would be considered by the Council at its meeting on 18 November 2010.
- 6) To note the expenditure to date on the programme and estimated costs as set out in section 4 of the report by the Chief Executive to complete the initial phase of dialogue and to approve the release of a maximum of £1.54m from the Spend-to-Save Fund.

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

#### **Amendment**

- 1) To note the work carried out so far on the Alternative Business Models Programme but not to agree the recommendations in the Chief Executive's report.
- 2) To note that there was no mention in the report by the Chief Executive of the 9 June 2009 Policy and Strategy Committee's instruction to identify: "*possible benefits from retaining services in-house and disadvantages to adopting alternative business models*". This work was reported to the Committee on 29 September 2009 and indicated clear benefits of in-house retention:
  - *Council retains control over service delivery and can better react to changing needs and circumstances*
  - *Skills, experience and benefits retained within Council*
  - *Minimal impact on related services that are part of the Council's core activity*
  - *Some improvement plans already in place, potentially lower project costs and faster timescales*
- 3) To note that there was a powerful body of evidence, including awards sponsored by the local government press and best practice case studies by the IDeA (Improvement and Development Agency for local government) and APSE (Association for Public Service Excellence), of the quality and cost effectiveness of providing in-house services to citizens.

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- 4) To note that both today's report and earlier work on Alternative Business Models contained no detailed analysis of how staff terms and conditions could be affected by the 'competitive dialogue process'.
- 5) To note that £150k had been allocated to developing in-house service alternatives while a potential £1.17m contract had been awarded to a private company that incentivised a drive towards the privatisation of Council services.
- 6) To note that some of the companies short listed for the competitive dialogue process had previously been fined by the Office of Fair Trading for price fixing.
- 7) To note that the appropriate engagement of and discussion with the unions, as in Section 52 guidance, might not have been implemented adequately.
- 8) Instead, to instruct that a thorough report be prepared that provided a full analysis of the points raised in paragraphs 2, 3, 4, 5, 6 and 7 above to be brought back to the Council meeting on 19 August 2010. This report to include a more detailed comparison of the financial costs associated with any 'competitive dialogue process' as opposed to the retention of services in-house.

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

### **Voting**

The voting was as follows:

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

### **Decision**

To approve the motion by Councillor Dawe.

(References – Act of Council No 11 of 17 December 2009; report no CEC/09/10-11/CE by the Chief Executive, submitted.)

#### **4 Home to School Transport – Motion by Councillor Ewan Aitken**

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

“Council notes that, as a result of the decision in the recent budget to change the home to school transport entitlement from 2 miles to 3 miles:

- this has caused significant concern amongst parents at Holy Rood RC High School as well as in other schools across the city, namely Boroughmuir, Craigmount, Currie, Firrhill, St Thomas of Aquin’s and Tynecastle;
- in Holy Rood RC High school this has affected over 20% of pupils;
- there was no consultation with parent councils on this issue;
- there was no equalities impact assessment on issues of poverty or religion made before this decision was brought to the Council;
- many Holy Rood parents are seriously considering sending their children elsewhere because of concerns about safer routes to school especially as the safer routes to schools unit did not know about this decision before it was implemented;
- the school is not well served by public transport and there is likely to be increased traffic congestion in an area that already struggles with traffic congestion during rush hours;
- many pupils now face a journey involving 2 or more buses on infrequent services as well as a 10 or 15 minute walk each way;
- the bus carrying pupils from more than three miles away will pass the door of affected pupils who will be unable to access it and instead have to catch two service buses, resulting in significantly extended travel times.

Council instructs the Director of Children and Families to arrange an urgent meeting between the Holy Rood RC High School parent body, the parent bodies of other affected schools who wish to be included and senior education and transport officers to explore ways in which the consequences of this decision can be mitigated by for example:

- exploring ways in which parents and the authority can collaborate to provide a school service by working with not for profit providers like Edinburgh Community Transport Service;

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- exploring ways in which pupils within the 3 miles exclusion zone could access the bus which will be passing their door, even if that means paying a fee;
- conducting an equalities impact assessment on this issue;
- being as creative and imaginative as possible.”

The Council had heard a deputation on the matter from Holy Rood High School Parent Council (see item 1(c) above).

### **Decision**

To note that the Convener of Education, Children and Families:

- 1) had initiated work to identify options, within the approved policy for home to school transport, to consider the concerns of parents at Holy Rood High School and at other schools in the city with catchment areas extending in excess of two miles from the school.
- 2) would, upon receipt of the results of this piece of work, share the results with the relevant Group Spokespersons on the Council.
- 3) would meet with the Parent Council of Holy Rood High School and other affected schools in the week following the Council meeting.

(Reference – Act of Council No 2 of 11 February 2010.)

## **5 Questions**

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

## **6 Edinburgh International Conference Centre Limited – Requirement for Additional Function Space**

The outcome of the procurement of the Principal Construction Contractor and the funding strategy to be adopted for the additional function space and office project at the Edinburgh International Conference Centre (EICC Ltd) were detailed. Approval was sought to authorise EICC Ltd to enter into a formal contract with the selected contractor.

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**Decision**

- 1) To note the need for the EICC to expand to remain competitive and the significant additional economic impact to Edinburgh and Scotland which this would bring.
- 2) To note that a viable project business case and funding strategy were now in place.
- 3) To approve the investment decision to proceed and to authorise EICC Ltd to enter into a formal contract with Sir Robert McAlpine in the sum of £60,971,495 (exclusive of VAT).
- 4) To approve the total development budget of £78,899,000 required to take the project to completion and the project funding strategy as outlined in the report by the Chief Executive.
- 5) To delegate authority to the Director of City Development, in consultation with the Director of Finance and the Head of Legal and Administrative Services, to enter into, amend or terminate legal agreements as required to achieve project delivery.

(References – Act of Council No 9 of 28 January 2010; report no CEC/11/10-11/CE by the Directors of City Development and Finance, submitted.)

**Declaration of Interests**

Councillor Buchan declared a financial interest in the above item as his firm was a member of the design team for the EICC project and left the Chamber during its consideration.

Councillor Aldridge as Chair and Councillors Buchanan, Dawe, Hinds and Whyte declared a non-financial interest in the item as Directors of EICC Limited.

Councillors Gordon Mackenzie and Rose declared a non-financial interest in the item as Directors of CEC Holdings Limited.

**7 Minutes****Decision**

To approve the minute of meeting of the Council of 27 May 2010, as submitted, as a correct record.

## 8 Appointments to Outside Bodies

### Decision

- 1) To nominate Councillors Wheeler and Balfour to the Convention of Scottish Local Authorities (COSLA) in place of Councillors Aldridge and Whyte.
- 2) To nominate Councillor Munro to the following outside bodies in place of Councillor Godzik:
  - Edinburgh Leisure
  - Edinburgh International Festival Council
  - Festival City Theatres Trust
  - Royal Lyceum Theatre Company
  - Edinburgh Film Focus

(References – reports nos CEC/08/10-11/CS and CEC/18/10-11/CS by the Director of Corporate Services, submitted.)

## 9 Leader's Report

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

- Edinburgh named best housing service provider in Scotland by the Scottish Housing Regulator
- The Gathering 2009 – implications of Audit Scotland report
- condolences – deaths of former Edinburgh District Councillor Dickie Alexander and John Crichton, former leader of Lothian Regional Council
- retirement of Alex Thomson, Committee and Election Services Manager, after 38 years of local government service and appreciation for his contribution to the work of the Council and the administration of elections.

Questions on the following issues were raised:

Councillor Burns	-	Budget consultation programme
	-	Refuse collection dispute – cost
Councillor Godzik	-	The Gathering 2009 – Audit Scotland report – payment to creditor
Councillor Ewan Aitken	-	Edinburgh University Settlement – Community Learning Centre – premises



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- |                    |   |  |
|--------------------|---|--|
| Councillor Perry   | - | Restructuring of <b>tie</b> and TEL – final report |
| Councillor Balfour | - | Festival fringe date                               |
| Councillor Rose    | - | Emissions trading scheme                           |
| Councillor Buchan  | - | Refuse collection dispute                          |
|                    | - | Aegon – possible redundancies                      |

(Reference – report no CEC/16/10-11/L by the Leader, submitted.)

## 10 Integration of Public Transport – Company Structures

An update was given on Edinburgh Trams Limited, a subsidiary of Transport Edinburgh Limited (TEL).

### Decision

To note that the transfer of Edinburgh Trams Limited from Lothian Buses to TEL had been completed and to note the terms of the Memorandum of Understanding among the Council, TEL and Edinburgh Trams Limited.

(References – Act of Council No 7 of 17 December 2009; report no CEC/10/10-11/CS by the Director of Corporate Services, 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 organisations referred to in the report and left the Chamber during its consideration.

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

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

## 11 Budget Communications and Engagement 2011-12

A communications and engagement plan for the Council Budget 2011-12 was proposed. The plan outlined the key aspects of a comprehensive programme of communication and engagement with stakeholders on the budget choices facing the Council

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**Decision**

- 1) To carry out a major budget communication and engagement programme.
- 2) To note that the Chief Executive would keep members informed of the progress of the programme.

(References – Act of Council No 6 of 27 May 2010; report no CEC/12/10-11/CE by the Chief Executive, submitted.)

**12 Hub South East Territory: Council Participation**

Progress on the development of the Hub South East Territory Board and the selection of the development partner was detailed.

**Decision**

- 1) To note:
  - (a) the good progress that had been made to progress the South East Territory Board.
  - (b) the intention to appoint a public sector Director to the Board of hubco and other representatives, as explained in the hub South East Territory governance arrangements.
  - (c) the Scottish Government's letter of commitment to award £6.5 million Capital Enabling funding to the hub South East Territory and the Territory Board's proposed uses for investment of the equity and the provision of working capital to hubco on behalf of the territory participants.
  - (d) the Territory Programme Board's agreed Capital Enabling allocation of £3,202,100 to projects identified in Edinburgh for development by hubco.
- 2) To agree:
  - (a) the Territory Programme Board's selection of SPACE (Scottish Partnership and Community Enterprise) as the preferred bidder to be appointed the Territory's Private Sector Development Partner.

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- (b) the Council's entry into the Territory Partnering Agreement and the Territory Shareholders Agreement, as described in Appendix 1 to the joint report by the Directors of Corporate Services and City Development, following the resolution of final clarifications and subject to final agreement by the Head of Legal and Administrative Services.
- (c) the establishment of hubco and the Territory Programme Board's proposed use of its capital enabling resources for investment purposes on behalf of the Council, including hubco shareholding equity of £3.33 and working capital of £33,333.
- (d) to delegate to the Council's Representative on the Territory Partnering Board the approval of the 'B' Shareholders' Director on the Board of hubco and other representatives all as detailed in the Directors' joint report.
- (e) to delegate authority to the Head of Legal and Administrative Services to sign the Territory Partnering Agreement, Participants Agreement and the Territory Shareholder's Agreement on behalf of the Council, subject to the Head of Corporate Property and Contingency Planning and the Head of Legal and Administrative Services being satisfied with the content.

(References – Policy and Strategy Committee 1 December 2009 (item 4); joint report no CEC/13/10-11/CS&CD by the Directors of Corporate Services and City Development, submitted.)

#### **Declaration of Interests**

Councillor Buchan declared a financial interest in the above item as an employee of a firm who might bid for projects mentioned in the report and left the Chamber during its consideration.

### **13 Unaudited Financial Statements 2009/10**

The Council's unaudited financial statements for the 2009/10 financial year were presented.

#### **Decision**

To note:

- 1) the unaudited financial statements for 2009/10.
- 2) that a detailed report on the outturn position would be reported to the Finance and Resources Committee in August 2010.

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- 3) that the financial statements would be resubmitted to Council after conclusion of the audit.
- 4) that the financial statements would be considered by the Audit Committee as part of its work plan.

(Reference – report no CEC/14/10-11/F by the Director of Finance, submitted.)

#### **14 Youth Services Advisory Committee – Replacement by Edinburgh Youth Issues Forum**

Following a review and consultation on the role of the Youth Services Advisory Committee, it was proposed that it be replaced with an Edinburgh Youth Issues Forum.

##### **Decision**

- 1) To replace the Youth Services Advisory Committee with an Edinburgh Youth Issues Forum, constituted as an advisory committee, on the basis of the remit contained in Appendix 1 to the report by the Director of Children and Families.
- 2) To appoint 6 members to the Forum, composed of 3 Administration and 3 opposition members, and in addition to appoint the Convener of the Education, Children and Families Committee as Joint Convener.
- 3) To review the working of the Edinburgh Youth Issues Forum in 18 months time.

(References – Act of Council No 1 of 2 May 2002; report no CEC/16/10-11/C&F by the Director of Children and Families, submitted.)

#### **15 Modernising Planning – Scheme of Delegation**

Approval was sought to amend the Scheme of Delegation in respect of the functions delegated to the Head of Planning.

##### **Decision**

To amend the Scheme of Delegation to Officers in respect of the Head of Planning as set out in Appendix 1 to the report by the Director of Corporate Services.

(References – Act of Council No 14 of 28 August 2009; report no CEC/15/10-11/CS by the Director of Corporate Services, submitted.)

## 16 Charter of Rights for People with Dementia and their Carers in Scotland – Motion by Councillor Cardownie

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

“Council notes the recent publication of the ***Charter of Rights for People with Dementia and their Carers in Scotland*** and congratulates Alzheimer’s Scotland for their work relating to the publication of the charter.

Council fully supports the aims of the charter to empower people with dementia and their carers to assert their rights in every part of their daily lives; to ensure that those who provide health, social care and other services understand and respect the rights of people with dementia and their carers; and to ensure the highest quality of service provision to people with dementia and their carers.”

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

## 17 Retail Outlets in the City Centre – Motion by Councillor Beckett

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

“Council recognises the requirement for a balance in retail use in the Old Town in order that the long term needs of city centre residents are considered while also providing for those visiting the city.

Council also notes the proliferation of retail units selling tourist memorabilia on the Royal Mile and recognises the concerns expressed over the variety and quality of the retailing environment along with the resulting drop in amenity for local residents.

Council therefore resolves to consult with local residents and the local business community, along with other stakeholders such as Visit Scotland and DEMA, to seek their views on the future of the retail offering on the Royal Mile.

Council also calls for a report which details the legal constraints that would limit any action that could be proposed and further seeks clarification on which by-laws could be implemented and any planning or legal restrictions that would assist in addressing any problems identified.”

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### **Decision**

- 1) To recognise the requirement for a balance in retail use in the Old Town in order that the long term needs of city centre residents were considered while also providing for those visiting the City so as to ensure retention of a living City centre.
- 2) To note also the proliferation of retail units selling tourist memorabilia on the Royal Mile and to recognise the concerns expressed over the variety and quality of the retailing environment along with the resulting drop in amenity for local residents.
- 3) Therefore, to consult with local residents and the local business community, along with other stakeholders such as Visit Scotland and DEMA to seek their views on the future of the retail offering in the city centre, with special reference to the Royal Mile and Princes Street, in order to develop ways in which the retail offer could be improved.
- 4) To call also for a report which detailed the legal constraints that would limit any action that could be proposed and further to seek clarification on which bye-laws could be implemented and any planning or legal restrictions that would assist in addressing any problems identified.

### **18 Reductions in Public Spending – Motion by Councillor Whyte**

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

“Council:

- i) notes that the UK Budget Deficit for 2009/10 was £156 bn;
- ii) notes that the Westminster Government has identified reduction of this deficit as a key priority;
- iii) notes that £6.2bn of reductions in public spending are proposed for this financial year with further savings projected for future financial years;
- iv) further notes that the Scottish Government has signalled its intention to defer making its share of these savings, amounting to £332m, until next financial year;
- v) accordingly, instructs the Director of Finance to bring forward proposals for building a financial contingency within this financial year that can be used to facilitate a smoother transition to the more challenging financial environment anticipated from next financial year.”

**Decision**

To approve the motion by Councillor Whyte.

**19 Heart of Midlothian Amateur Swimming Club – 125<sup>th</sup> Anniversary – Motion by Councillor Hinds**

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

“Council recognises the 125<sup>th</sup> anniversary of the Heart of Midlothian Amateur Swimming Club and the Club’s contribution to the development of competitive swimming at all levels from local to Olympic.

Council requests that the Lord Provost recognise this unique club’s outstanding and long service to swimming in an appropriate manner.”

**Decision**

To approve the motion by Councillor Hinds.

**20 Drylaw Rainbow Club Day Care Centre – Motion by Councillor Day**

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

“Council acknowledges the important and valuable service provided by Drylaw Rainbow Club Day Care Centre and its team of committed volunteers, and congratulates them on 25 years of day care provision to older people in North Edinburgh. The project serves more than 75 vulnerable elderly people every week, providing essential care and support.

Council requests that the Lord Provost recognise this occasion in an appropriate manner.”

**Decision**

To approve the motion by Councillor Day.

## **21 Edinburgh Tenants Federation – Motion by Councillor Day**

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

“Council congratulates Edinburgh Tenants Federation on 20 years of participation and support to tenants in Edinburgh. Council particularly recognises the support given by ETF to tenants with mental health issues, work which was recently recognised by being awarded the Frances Nelson award.

Council requests that the Lord Provost recognise this occasion in an appropriate manner.”

### **Decision**

To approve the motion by Councillor Day.

## **22 Statutory Notices – Motion by Councillor Ewan Aitken**

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

“Council notes:

Edinburgh’s particular powers regarding statutory notices;

that the Council is at present managing a rolling project with a total of 800 contracts instigated by statutory notices;

that this work is worth approximately £28m and includes a minimum of £17m of work for next year;

that the other 31 Scottish local authorities collectively processed only £1.3m of works under statutory notices;

that this level of operation is putting significant pressures on the teams involved, in particular in the area of communications with residents;

that this is particularly acute in the initial serving of statutory notices where limited access to up to date registers, lack of information about the options available to residents and the need for clarity of the potential scope of such notices make the whole process fraught with difficulties.



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Council agrees:

to instruct the Director of City Development to conduct a full review of the statutory notice process, including lessons learnt from recent large projects and a focus on how to involve residents in decisions about progressing works at an earlier stage.”

### **Decision**

- 1) To note that, on 16 March 2010, the Finance and Resources Committee had considered a report on the work of Property Conservation in maintaining the City’s built environment and had agreed that a further report be provided “in six months” on the actions being taken to reduce outstanding monies due to the Council.
- 2) To instruct the Director of City Development to extend the above-mentioned report to address:
  - concerns about the tendering process and communications with property owners regarding variations from original estimates in cost and scope of projects; and
  - how to include residents’ participation in decisions about works at an earlier stage.

### **Declaration of Interests**

Councillor Tymkewycz declared a non-financial interest in the above item as the owner of a property portfolio regularly receiving statutory notices.

## **23 The Sheep Heid Inn, Duddingston – 650 Years of Trading – Motion by Councillor Ewan Aitken**

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

“Council Congratulates the Sheep Heid Inn in Duddingston Village on the celebration this year of 650 years of continuous trading.

Council notes that helpful discussions have been taking place between Council officers and those planning the anniversary celebrations.

Council requests that the Lord Provost liaise with the management of the Sheep Heid Inn with a view to agreeing an appropriate acknowledgement of this exceptional anniversary.”

**Decision**

To approve the motion by Councillor Ewan Aitken.

**24 Co-operative and Mutual Business Models – Motion by Councillor Hinds**

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

“Council notes that mutually owned businesses and social enterprises can have an important part to play in national and local economies. They can not only generate wealth and employment but their profits are retained in the community to the benefit of other local businesses or, often, used directly for the benefit of those communities.

Council therefore calls for a report on how the City of Edinburgh Council could potentially promote, encourage and set up co-operative and mutual models.”

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

**Appendix**  
**(As referred to in Act of Council No 5 of 24 June 2010)**

**QUESTION NO 1**

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

The Council has declared its commitment to bringing forward 20 mph zones in residential areas in its 2030 Transport Strategy.

**Question**

**(1)** How are residential areas defined for this purpose?

**Answer**

**(1)** The definition of 'residential areas' in respect of 20mph zones was agreed by the Transport Infrastructure and Environment Committee on 24 November 2009 as "housing areas enclosed by one or more main traffic/public transport routes." Guidance on what constitutes main traffic/public transport routes is contained in the Lothian Transport Strategy 2007.

**Question**

**(2)** What measures can be taken to enforce 20 mph zones in the World Heritage Site?

**Answer**

**(2)** Schemes which are located within the World Heritage Site must be designed in accordance with the Edinburgh Standards for Streets manual. They are submitted to the Streetscape Working Group for their approval to ensure that the scheme is in keeping with the existing fabric and layout of the streets.

**QUESTION NO 2****By Councillor Mowat answered by  
the Leader of the Council**

**Question** (1) What stage has the European Commission's investigation into the Council's sale of land at Caltongate to Mountgrange reached?

**Answer** (1) In March the European Commission sought observations from the UK Government on the contract entered into by the Council with Mountgrange. The UK Government has responded to the European Commission and the Council has requested a copy of that correspondence. The response of the European Commission is awaited by the UK Government.

**Question** (2) Given that the transfer of land is exempt from the Procurement Regulations of the European Commission, on what grounds has this matter been referred to the Commission?

**Answer** (2) The matter was referred to the European Commission to investigate whether the deal agreed with Mountgrange satisfied State Aid Regulations. While the sale of land is ordinarily exempt from the ambit of the Procurement Regulations, recent European case law has clarified that such land sales may be caught by those Regulations, where the terms of the contract are such that the contract could be said to be a procurement of works by the selling authority.

**Question** (3) What further action does the Council expect to be taken?

**Answer** (3) The European Commission's response is still awaited and the Council will respond as appropriate. The Council anticipates the European Commission's investigation will be concluded amicably without necessitating further action.

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**QUESTION NO 3**

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

**Question** (1) How much is currently spent on space and water heating on the school estate? (If possible break into two separate costs.)

**Answer** (1) In 2009/10 the Council spent £5,494,338 on total energy usage across the primary and secondary school estate.

Gas accounted for £2,324,496  
Electricity £2,819,842  
Oil £350,000

The majority of these schools are heated using gas but there are currently 4 oil sites and 3 sites with complete electric heating and hot water.

As the majority of supplies are fed through a single meter in order to minimise standing charges, it is difficult to attribute an exact figure to the consumption for each individual element. However, an industry rule of thumb is normally used, heating 65%, hot water 25%, other 10%.

**Question** (2) What steps are currently taken to monitor temperatures in individual classrooms?

**Answer** (2) The Council has automated heating controls in most establishments. These controls are used to inform the electronic local control device in schools which controls the temperature of buildings. Monitoring of individual classrooms does not take place on a systematic basis unless problems with over or under heating occur.

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**Supplementary  
Question**

Following on from the response to Question 2, Tollcross Primary School for example have real difficulty controlling their heating which does not have automated heating control but one of the main issues for them and many other older buildings is that unfortunately they are unable to open the windows and they do not have the budget to proceed with repairing the old sash and case windows so often they are working in extremely hot classrooms in weather like this. Will the Convener ensure that all schools have operational windows?

**Supplementary  
Answer**

Councillor Johnstone, on the issue of Tollcross I understand that officers are looking and working with the Head Teacher at that particular school to see what can be done to be of assistance. I take your point but I cannot give a complete assurance that every school in this city will have windows that open and that there is a cost implied. So we do have a rolling programme and we will do our best but I cannot certainly guarantee that we can get through it in say the summer.

**QUESTION NO 4****By Councillor Henderson answered  
by the Convener of the Transport,  
Infrastructure and Environment  
Committee**

- Question** (1) What consultation took place prior to the decision to introduce a £20 charge for Blue Badges?
- Answer** (1) The introduction of the charge was included in the budget which was agreed at the Council meeting on 11 February 2010. There was a pre-budget meeting on 29 January to which key stakeholders from equality, diversity, human rights and poverty groups were invited.
- Midlothian Council was also consulted, as it had introduced the charge the previous April. The Scottish Government consulted with PAMIS, DPTAC (Disabled Persons Transport Advisory Committee), Blue Badge Network, Mobility and Access Committee for Scotland and others, prior to making changes to the Blue Badge legislation, which included making provision for local authorities to increase the issuing charge to £20.
- Question** (2) How many Blue Badge holders are registered in Edinburgh and how much income will be raised from the new charge?
- Answer** (2) There are approximately 21,000 Blue Badge holders registered in Edinburgh. There will be approximately £140k of income raised per annum from the new charge.
- Question** (3) What concerns have been raised by any external authorities, such as the European Human Rights Commission?
- Answer** (3) The Equality and Human Rights Commission have raised a number of concerns principally relating to the EQIA (Equality Impact Assessment) screening tool and training/support for Officers and Councillors.

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**Question** (4) What consideration has been given to means testing in order to protect Blue Badge holders who may be in receipt of benefits?

**Answer** (4) Given that the charge applies to a Badge that has a life of up to three years, the financial impact of the charge on individuals was not considered to warrant means testing. Any means testing would also add to the administration cost of Blue Badge issue.

**Question** (5) What intentions does the Administration have for consulting the Equality Transport Advisory Group (ETAG) on relevant future budgets?

**Answer** (5) It was agreed at the last ETAG meeting on 22 April 2010 that a meeting would be arranged for November 2010 when budget options could be discussed allowing an input to the formal budget decisions that will take place in February 2011.



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**QUESTION NO 5**

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

**Question**

In reply to my question regarding academic research on the relative attainment of composite classes of 36 and classes of 18 with a single teacher, you quoted research into team teaching. From the evidence you quoted, can you tell me which outcomes relating to class sizes of 36 are replicated from class sizes of 18?

**Answer**

The circumstances that Councillor Ewan Aitken describes could not arise. Team teaching is applied only to single year groups. Composite classes cross two or more years but are limited to a class size of 25. A composite class of 36 is therefore not possible. Accordingly, there is no research based evidence available within the Scottish education setting which relates to the specific class sizes raised.

**QUESTION NO 6****By Councillor Munro answered by  
the Convener of the Culture and  
Leisure Committee**

- Question** (1) What revenue budget has been set for Drumbrae Library?
- Answer** (1) Drumbrae library will be part of a new £5.7m Community Hub which will also include adult day care services, a neighbourhood office and a community safety unit. Non-staffing revenue costs associated with the Community Hub will be split between all building users. The exact amount will be determined as part of the 2011/12 budget setting exercise. The anticipated staffing costs for the library are approximately £150k.
- Question** (2) How will Drumbrae Library be stocked and what will the impact of this be on other city libraries?
- Answer** (2) A capital sum of £200k has been included in the building costs for stock and fit out. Thereafter Drumbrae will be included in the new additions and stock rotation plans along with the rest of the city libraries. The £200k referred to will increase the materials available in our libraries and the offer available to all residents.
- Question** (3) How will Drumbrae Library be staffed and what will the impact of this be on other city libraries?
- Answer** (3) Approximately 6 FTEs will be required to staff the library. This will have no impact on other city libraries. The costs will be met from within the existing Library Service resources.
- Supplementary Question** (1) I would like to draw attention to Question 3 and ask if she can square the circle for me. What will be the impact on the service as a whole if it is going to be absorbed by existing resources?

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- Supplementary Answer** (1) I am unclear. Are you suggesting that you do not want the Drumbrae Library to proceed?
- Supplementary Question** (2) No that was not my question. With respect Convener, my question is with regard to the six time full-time equivalents which will be required, your answer there, and I ask what will be the impact on the service as a whole for the city if absorbed by existing resources?
- Supplementary Answer** (2) Just to draw your attention, I realise that you have only just joined the Culture and Leisure Committee and you may not have got a chance to catch up with everything yet. In the update on the libraries review paper, if you have had a chance to read that, it does mention this. You will note from point 10 of that report on libraries it mentions for instance the extension of self service to some of the libraries that went through I think all of Culture and Leisure on that date in April and it is anticipated that that will free-up extra staff for example. I can assure you that officers have taken these things fully into account.

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**QUESTION NO 7**

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

**Question** (1) In what ways have the conditions of service for staff in libraries been changed and how will this impact on the service? If such changes have not been implemented, is consideration being given to making changes and what is the nature of the changes?

**Answer** (1) The conditions of service have not been changed. However, we are currently in consultation with Unison about the working patterns and extending weekend openings, as recently reported to Culture and Leisure Committee on 27 April 2010.

**Question** (2) Why has public approval for libraries in the city declined dramatically, as indicated in the most recent Annual Neighbourhood Survey (ANS)?

**Answer** (2) The most comprehensive gauge of customer satisfaction with libraries is the CIPFA surveys which specifically target actual library users. Of the 6,794 adult respondents in Edinburgh in 2009, 90% were satisfied or very satisfied with their library, 97% said that the library was easy to get to and 92% rated customer care as good or very good.

The decrease in satisfaction recorded in the ANS is thought largely to relate to a change in interview locations, with significantly fewer surveys being completed near libraries in the second survey.

The ANS results between 2008/09 and 2009/10 are under review and a report on the Library Performance Improvement Plan is to be taken to the Culture and Leisure Committee in September.

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**Supplementary  
Question**

I would like to thank the Convener for her answer and also for the early advance warning for that yesterday at Leith Neighbourhood Partnership business meeting. Would she agree with me that the impression of the service from the previous practice for asking questions is a bit like asking regulars in a pub their impression of the pub and does she accept that the annual neighbourhood survey provides an early warning of a need to how we can tackle the decline in popularity of this service?

**Supplementary  
Answer**

I take issue with the declining popularity of this service Councillor Munro. Just to be clear, and forgive me for those people who are not particularly interested in the ins and outs of neighbourhood surveys regarding libraries, but the neighbourhood surveys between 08/09 and 09/10 showed the amounts of "very satisfied" stayed exactly the same and indeed the very small numbers of "dissatisfied" and "very dissatisfied" had actually decreased. The area that showed a drop if you like was "satisfied" which had fallen from 51% to 43%. However at the same time the "don't knows" had risen by 11% which I think seems to bear out the point being made about a change in location having affected the results. You will note that CIPFA surveys specifically target nearly 7,000 respondents who are users of libraries as opposed to the neighbourhood survey which is obviously rather more general than that. However this is as it says here being addressed, looked at in a report. I know working groups have already been set up and the report is coming to us in September.

**QUESTION NO 8****By Councillor Munro answered by  
the Convener of the Education,  
Children and Families Committee**

**Question** (1) What income is received annually from Stevenson College in respect of their use of Duncan Place Resource Centre?

**Answer** (1) Annual income is £13,089.

**Question** (2) When will the full property condition report on Duncan Place Resource Centre promised by the Convener be made available to the public?

**Answer** (2) It is anticipated that the full property condition report for Duncan Place Resource Centre will be available for public scrutiny by 30 September 2010.

**QUESTION NO 9**

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

**Question**

What progress is being made towards the collection and recycling of Edinburgh's food waste?

**Answer**

The intention to introduce a food waste recycling scheme in Edinburgh has been approved as part of the Council's Recycling Strategy. This is being progressed through a review of schemes in comparable authorities and by development of an indicative cost and performance model. Recycling of food waste will also be discussed with bidders as part of the Alternative Business Models tendering process. It is anticipated that trial collections will be followed with a full service being provided by 2013.

**QUESTION NO 10**

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

**Question**

To ask the Convener when she last met with the Scottish Government to discuss funding for the redevelopment of Boroughmuir High School, St Crispin's Special School and St John's Primary School.

**Answer**

I highlighted the urgent need for the redevelopment of the remaining three schools within the Wave 3 programme directly to Michael Russell MSP, the Cabinet Secretary for Education and Lifelong Learning, at the Education, Children and Families meeting on 18 May 2010.

**Supplementary  
Question**

**(1)** I am sure that the Convener approached the minister in the robust style that we have known and loved. Can I ask the Convener what the minister's response was?

**Supplementary  
Answer**

**(1)** Interested.

**Supplementary  
Question**

**(2)** Can I ask how interested?



**QUESTION NO 11**

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

**Question** (1) To ask what Edinburgh schools were considered to be in poor condition in the School Estate Survey 2009.

**Answer** (1) The information below relates to a Council estate wide condition survey undertaken during 2009/10 which is reported in the Children and Families Asset Management Plan 2010. This also incorporates separate condition surveys undertaken for the Council's Wave 3 schools at the end of 2008. Surveys were not conducted for PPP establishments and these schools are expected to be in good condition. The surveys were undertaken in line with the guidance issued by the Scottish Government on measuring condition in the school estate. The guidance uses the following categories:

- A Performing well and operating efficiently
- B Performing adequately but showing minor deterioration
- C Showing major defects and/or not operating adequately
- D Life expired and/or serious risk of imminent failure

Category 'C' is considered poor condition. No schools in Edinburgh have been graded 'D'.

The Asset Management Plan is based on data received by 2 June 2010 and highlighted that there were four properties considered poor. These are:

- Portobello High School
- James Gillespie's High School
- Boroughmuir High School
- St John's Primary School

**Question** (2) To ask what action has been taken to improve the condition of each of these schools.

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**Answer** (2) The Council has approved these schools as priorities for replacement under its Wave 3 Programme. Plans to progress the replacement of Portobello and James Gillespie's High Schools – the top two priorities – are underway. The Council has also approved £11.7m over the next four years for Essential Improvement Works at these schools (plus St Crispin's, the fifth Wave 3 project) to maintain the existing buildings in an operational state for the period they require to be retained before replacement.

**Question** (3) To ask for the total expenditure for improvements in local primary schools, broken down by their condition rating as laid out in the School Estate Survey 2009.

**Answer** (3) See table below.

**Question** (4) To ask for the total expenditure for improvements in local secondary schools, broken down by their condition rating as laid out in the School Estate Survey 2009.

**Answer** (4) See table below.

**Question** (5) To ask for the total expenditure for improvements in local special schools, broken down by their condition rating as laid out in the School Estate Survey 2009.

**Answer** (5) See table below.

The table below indicates the spend on school buildings for the financial year 2009/10. It incorporates spend on fabric renewal and devolved and non-devolved repairs and maintenance. It is understood that this information is requested to illustrate the potential differences between the survey position last year and the current position. It should however be noted that the estate survey spanned a period of around 18 months. Some of the work undertaken in 2009/10 will have been undertaken before the survey and thus reflected in the school's condition rating. It is assumed that all PPP schools are condition A.

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Fabric Renewal and Repairs and Maintenance Spend on the School Estate 2009/10

	Condition Rating							
	A		B		C		Survey Awaited	
	Schools	£ ('000)	Schools	£ ('000)	Schools	£ ('000)	Schools	£ ('000)
Primary Schools	14	111	54	2,510	1	16	22	903
Secondary Schools	11	211	7	690	3	323	2	154
Special Schools	3	9	3	69	0	-	8	159

\*Represents fabric renewal (capital) and maintenance (revenue) expenditure 2009/10  
No Edinburgh schools have condition rating D

**QUESTION NO 12**

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

**Question** (1) To ask the Convener if she will outline the receiving schools and number of pupils received from all school closures since May 2007.

**Answer** (1) Please see Appendix 1 attached.

**Question** (2) What funding has been provided to these receiving schools to assist this process?

**Answer** (2) Please see Appendix 2 attached. In the original round of closures the audit provision for individual children followed the children to the receiving schools. Where there was additional need arising when the children were in their schools the department responded to need, as in the case of Murrayburn. Provision for the new session has been based on pupil numbers, vulnerability, audit provision and school contexts.

## Appendix 1

**Schools Closed Session 2008/2009****Lismore**

<b>School Transferred To</b>	<b>Total</b>
Brunstane Primary School	13
Craigour Park Primary	1
Duddingston Primary	13
Moffat Early Years	4
Newcraighall Primary	3
Niddrie Mill Primary	8
Parson's Green Primary	1
Prestonfield Primary	1
St Francis' Roman Catholic Primary	3
St John's Roman Catholic Primary	8
The Royal High Primary	1
<b>Grand Total</b>	<b>56</b>

**Bonnington**

<b>School Transferred To</b>	<b>Total</b>
Broughton Primary School	7
Fort Primary	2
Forthview Primary	1
Kelty Primary	1
Leith Primary	4
Lorne Primary	3
Tollcross Primary	2
Trinity Primary	10
Victoria Primary	3
Moved Abroad	1
<b>Grand Total</b>	<b>34</b>

**Westburn**

<b>School Transferred To</b>	<b>Total</b>
Canal View Primary	22
Clovenstone Primary	2
Juniper Green Primary	1
Murrayburn Primary	40
Sighthill Primary	9
Stenhouse Primary	4
England	1
Fife	1
<b>Grand Total</b>	<b>80</b>

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### Schools Closing Session 2009/2010

#### Burdiehouse

<b>School Transferred To</b>	<b>Total</b>
Gracemount Primary	71
Paradykes Primary	2
St Catherine's Roman Catholic Primary	26
Abroad	2
<b>Grand Total</b>	<b>101</b>

#### Fort

<b>School Transferred To</b>	<b>Total</b>
Prospect Bank	1
Towerbank Primary	1
Trinity Primary	61
<b>Grand Total</b>	<b>63</b>

#### Drumrae

<b>School Transferred To</b>	<b>Total</b>
Clermiston Primary	9
East Craigs Primary	25
Fox Covert ND Primary	11
Fox Covert Roman Catholic Primary	1
Prospect Bank	1
<b>Grand Total</b>	<b>47</b>

#### Royston

<b>School Transferred To</b>	<b>Total</b>
Granton Primary	62
Forthview Primary	17
Pirniehall Primary	13
St Davids Primary	6
Victoria Primary	4
Wardie Primary	2
St Francis Primary	1
Flora Stevenson Primary	10
Ferryhill Primary	3
Broughton Primary	2
	<b>120</b>

## Appendix 2

**Additional Support to Receiving Schools****Drumrae**

Schools	Numbers of Children
East Craigs	25+5[P1]
Clermiston	9+4[P1]
Fox Covert	11+4[P1]

**Burdiehouse**

Schools	Numbers of Children
Gracemount	71+10[P1]
St Catherines	26+5[P1]

**Royston**

Schools	Numbers of Children
Granton	62+20[P1]
Forthview	17+2[P1]
Pirniehall	13

**Fort**

Schools	Numbers of Children
Trinity	61+30

All receiving schools have been allocated a fully funded probationer teacher from August 2010. Negotiations are nearing completion regarding additional support for learning teachers and learning assistants and will be confirmed as soon as possible.

**QUESTION NO 13**

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

**Question** (1) How many Temporary Learning Assistants are currently employed and what is the average number of years' service?

**Answer** (1) **382** (Figures compiled manually from Trent e-hr staff in post report 30 October 2009)

**Length of Council service:**

0-1yrs	148
1-2 yrs	60
2-4 yrs	97
4-6 yrs	52
6-8 yrs	11
8-10 yrs	4
10 yrs+	<u>10</u>
	<u>382</u>

**Note:** Temporary learning assistants may have multiple temporary and / or permanent posts e.g. playground supervisor; dining room supervisor.

**Question** (2) What arrangements are in place to ensure that, when pupils are making the transition to a new school, Learning Assistants, where desirable, follow children to their receiving schools?

**Answer** (2) Assessments are made on a case by case basis. If there is sufficient support already in the new school, then there will be no requirement for Learning Assistants to follow the children. However if the numbers and needs of the children going to the new school are unable to be met by the present staffing, additional staff will be required and Learning Assistants from the former school may be matched to any additional posts in line with the agreed protocol.



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**Question** (3) What redeployment opportunities are made available to Learning Assistants whose posts are declared surplus and what arrangements are in place for redundancy pay?

**Answer** (3) Where Learning Assistants are at risk of redundancy, the Department of Children and Families will seek other posts for individuals. In conjunction with this, the Council's Redeployment Procedure sets out the arrangements to support the Council's legal obligation to avoid or limit potential redundancies.

Revised Redeployment and Redundancy Policies were approved by the Council on 28 January 2010 and the Finance and Resources Committee on 4 February 2010.

**Supplementary Question** Can I ask the Convener does she share my concern with regards to the numbers of Learning Assistants and does she agree that certainly if Learning Assistants were to reduce there would be a direct impact on pupils support and that is to be very much regretted?

**Supplementary Answer** Yes

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**QUESTION NO 14**

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

**Question**

Having signed up to the '10:10 campaign' pledge to reduce the Council's own climate changing pollution by 10% this year, what progress is being made towards achieving this target?

**Answer**

The Administration is committed to developing a realistic and ambitious carbon reduction programme. The Council signed up to the Campaign on 1 April 2010 to lend support and bring focus to our emissions reduction activity.

Work is underway on programmes to reduce energy usage in Council buildings, including smart meters and the setting up of a web based facility that will provide property managers with accurate consumption information. There will also be further investment through the Central Energy Efficiency Fund (CEEF) in energy efficiency measures. Work to achieve reductions in carbon emissions from air travel and other transport modes is also ongoing.

A progress report will be considered by the Policy and Strategy Committee in April 2011.

**Supplementary  
Question**

I thank the Leader for her answer about the 10:10 Campaign pledge to reduce climate change and pollution. I wonder if the Leader would accept a progress report that is given after the year's initiative is over next April will not allow us to review the progress and instigate any remedial action whilst the initiative is going on and I wonder if the Leader would agree to an interim progress report halfway through the year so we can actually assess the progress for example with installing the SMART metering which was an absolutely essential step if the Council is to reduce its energy use and energy bills?

**Supplementary  
Answer**

This often seems to be a bit of a problem with motions and questions that come from yourself Councillor Burgess that you want the progress report almost before the ink is dry on the motion that you have put forward and I think in this case to be perfectly honest a progress report in a year's time is probably the right way forward. Absolutely nothing to stop you in the interim if you have good ideas that you want to suggest then by all means suggest them and I am sure they will be taken on board but I think to expect officers to produce progress reports sort of every month or so is actually spending time on things that would be better spent on actually ensuring that we do indeed manage to fulfil our pledge.

**QUESTION NO 15**

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

**Question**

What progress has been made towards introducing 20mph speed limits (as opposed to 20mph zones) in residential areas?

**Answer**

Work is ongoing on proposals for a pilot 20mph speed limit area to the south of the city. Discussions on the proposal are underway with both Lothian and Borders Police and the Scottish Government. A report will be provided to the September meeting of the Transport, Infrastructure and Environment Committee on this matter ahead of which there will be a member/officer workshop.

**Supplementary  
Question**

I would just very quickly ask, given that there is Cross-Party interest in the 20 mph limits, can he say whether the workshop will include Councillors of all parties.

**Supplementary  
Answer**

Yes

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**QUESTION NO 16**

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

**Question**

How many Council tax payers have taken up the Council's discount scheme for installing loft insulation?

**Answer**

The loft insulation rebate, being led by British Gas, was introduced in April 2010. Promotion of the scheme has just begun with a feature included in the latest Outlook and publicity on the Council website. Flyers will soon be placed in libraries etc to raise awareness. The Finance Department has not, as yet, been notified of any loft insulation discount being claimed. This is not unusual given the lead-in times for such works.

**Supplementary  
Question**

I appreciate the Scheme has only been going for three months for loft insulation and Council Tax discounts but is the Convener aware that the discount scheme for loft insulation in Edinburgh may actually be less generous than the subsidies which can be got under existing schemes and I wonder if the Convener would be prepared to look into that?

**Supplementary  
Answer**

Yes

**QUESTION NO 17**

**By Councillor Burgess answered by  
the Convener of the Planning  
Committee**

**Question**

What are the implications of the recent EU opinion on the Caltongate development?

**Answer**

I refer Councillor Burgess to the answer provided for question 2.