

Committee Minutes

The City of Edinburgh Council

Year 2011/2012

Meeting 3 – Thursday, 25 August 2011

Edinburgh, 25 August 2011 – 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
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
Alasdair Rankin
Cameron Rose
Jason G Rust
Conor Snowden
Marjorie Thomas
Stefan Tymkewycz
Phil Wheeler
Iain Whyte
Donald Wilson
Norrie Work

Councillor Alasdair Rankin

The Lord Provost welcomed Alasdair Rankin, newly elected Councillor for City Centre Ward, to the Council.

1 Deputations

The Council agreed to hear the following deputations on future options to progress the Edinburgh Tram Project:

(a) Essential Edinburgh

The deputation said that the funding allocated to the 'Open for Business' initiative as described in the Director of City Development's report was not sufficient. More financial support was needed to alleviate the disruption caused to businesses by tram construction works.

The business community supported the airport to St Andrew Square route option and was looking for visionary schemes which would bring people into the centre of Edinburgh. The deputation urged the Council:

- to ensure that the tram project was delivered on time and within budget
- to introduce mitigation schemes for businesses which were commensurate with the disruption caused during the construction works
- to provide more resources for communication and involve the business community when planning construction works.

(Reference – e-mail dated 23 August 2011, submitted.)

(b) Unite the Union

The deputation said that Lothian Buses was the best bus company in the UK but was concerned about the potential impact on the company of the cost of funding the tram route from Haymarket to St Andrew Square and the possibility of reduced bus services and increased fares.

Unite had never been 'anti-tram' but they claimed the estimated cost to complete the route from Haymarket to St Andrew Square would equate to £450m or £150m per tram stop. The deputation was of the view that the figures in the Director of City Development's report were still not correct and should be scrutinised further.

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They reminded members of the Council's responsibility in terms of public accountability and the prudent use of public finances.

(Reference – e-mail dated 23 August 2011, submitted.)

Declaration of Interest

Councillor Cardownie declared a non-financial interest in relation to the above deputation as a member of Unite the Union.

(c) Federation of Small Businesses

The deputation spoke in support of 2,600 Federation members in Edinburgh. They supported the Council's 'Open for Business' initiative but the allocated amount of £210,000 would not be sufficient to fund the necessary initiatives to attract people to Edinburgh. They were also concerned that funding would not be available for other transport initiatives.

The deputation asked the Council:

- to lobby now for a business rate formula to be applied for those businesses in the qualifying area to offset the effects of tram construction works
- to engage with the business community on a range of compensation measures and marketing initiatives
- to support the tabled Labour amendment on the issue of rates relief, general business support and potential compensation.

(Reference – e-mail dated 24 August 2011, submitted.)

(d) UNISON, City of Edinburgh Branch

UNISON was concerned about the future financing of the tram project and the potential impact this could have on jobs and services. It could be said the Council had failed the public and its staff. Taking £15m out of budgets to service borrowing would exacerbate the position in relation to jobs and services and, unless alternative funding could be found, whole services could be lost. The deputation urged the Council to look at alternative funding streams, such as a tourist tax.

The deputation raised the issue of public and staff confidence in how the Council handled major projects when so many difficulties with the tram project had arisen. For example the Council would have to take decisions on privatising services. The deputation urged the Council:

- to consult the public on major projects

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- not to make a decision on the tram project without accurate figures and public consultation
- to carry out an Equalities Impact Assessment on the potential impact of future budget reductions.

(Reference – e-mail dated 24 August 2011, submitted.)

2 Treasury Management: Annual Report 2010/11

Treasury Management activity undertaken and the performance of the Council's Treasury function during 2010/11 were detailed.

Decision

- 1) To note the Annual Report on Treasury Management for 2010/11.
- 2) To refer the report by the Acting Director of Finance to the Finance and Resources Committee for scrutiny.

(Reference – report no CEC/25/11-12/F by the Acting Director of Finance, submitted.)

3 Edinburgh Tram Project

(a) Report by the Director of City Development

Recommendations were made on the future funding options and revised governance arrangements to deliver the Tram Project.

Information was also provided on revisions to the 'Open for Business' programme in particular focusing on how small and medium sized businesses could be better supported.

The Council had heard deputations on this matter from Essential Edinburgh, Unite the Union, the Federation of Small Businesses and UNISON (see item 1 above).

The Director of City Development's recommendations were detailed in paragraph 8.1 a)-g) of his report, as follows:

"8.1 That Council:

- (a) Agrees the funding proposals as set out in the report;

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- (b) Agrees that the Council's prudential funding limits be increased to take account of the funding proposals;
- (c) Notes the risks highlighted in the report;
- (d) Agrees the governance arrangements as set out in the report;
- (e) Notes the appointment of Turner & Townsend;
- (f) Notes that the Council will continue dialogue with the Scottish Government on a further contribution to the tram project and policy changes which could provide additional revenue resources to the Council; and
- (g) Notes the works to be undertaken as part of a refreshed 'Open for Business' programme, and the traffic management and related logistical works associated with the Princes Street Works."

(b) Motion by Councillor Balfour

The following motion on the use of the National Concessionary Travel Scheme on the Edinburgh trams had been submitted by Councillor Balfour in terms of Standing Order 28:

"Council:

- (i) notes with disappointment that Transport Scotland still have not made a final decision on whether the National Concessionary Travel Scheme can be used on the Edinburgh trams. The most recent Business Case projected that around 20% of tram passengers will be using the scheme and, without this patronage, the tram will likely make a substantial loss and adversely affect Lothian Buses and Council Budgets.
- (ii) due to the seriousness of this issue, Council instructs the Chief Executive to hold emergency talks with Transport Scotland and The Scottish Government to resolve this issue and to get written confirmation that the scheme will apply to the trams. Until this assurance is received in writing, no final agreement should be signed by the Council with the Contractor. The Chief Executive should report on progress to Full Council within one cycle."

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Motion

1) Scope and Funding

- (i) To delete recommendation 8.1(a) in the report by the Director of City Development and replace with:

"Council agrees that the comparison of Haymarket and St Andrew Square demonstrates that the option which provides the lowest net cost to the Council taxpayer is to complete the first phase of the Tram to St Andrew Square and that this option also provides the greatest benefit in terms of sustainable economic prosperity.

Council notes that the funding position outlined in the Director's report in Table 2 is for illustrative purposes. Council agrees it will fund the borrowing required out of current and future resources but that this decision does not bind the Council to raise or allocate the amounts from the sources as specified. In particular Council agrees that the decision on how to fund the borrowing required should be taken in consultation with Lothian Buses to ensure that it is consistent with commitments previously given in respect of service provision and fares."

- (ii) To agree recommendations 8.1(b) and (f) and to delegate to the Chief Executive, in consultation with the Council Group Leaders, authority to finalise the terms of the Settlement Agreement for the St Andrew Square option.

- (iii) To delete recommendation 8.1(c) and replace with:

"Council notes the risks highlighted in the report and instructs the Chief Executive to continue to pursue further mitigation of risk prior to settlement and beyond."

2) Governance

To agree recommendation 8.1(d) with the exception of the political scrutiny requirements described at para 3.64. Instead to revert to the proposal outlined in paragraph 3.63 of the Director's report. To agree that environmental and TRO matters relating to the Tram would remain within the remit of the Transport, Infrastructure and Environment Committee.

3) Project Management

To note that the Audit Scotland report in 2007 highlighted the major risk to the project associated with the utilities works and that the contract for those works was signed off under the previous Labour Administration.

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To agree that planning and preparation for that utilities contract under the previous Labour Administration had been shown to be woefully inadequate, that the contract substantially underestimated the scale of works required, that recent surveys had identified over 550 further utilities conflicts and that works associated with utilities remains the biggest risk for the project.

To agree that the project management arrangements put in place by the previous Labour Administration had failed and therefore to agree recommendation 8.1(e) that external project managers, Turner & Townsend, be brought in.

4) **Support for Business**

To welcome the refresh and review of 'Open for Business', resulting from the Liberal Democrat motion agreed by Council on 30 June 2011, note that there had subsequently been meetings between officers, elected members and business leaders as part of the preparation of the report. To agree recommendation 8.1(g) and add:

“(h) Council agrees to continue to work with the Tram Business Forum and other stakeholders on mitigation schemes to support businesses through 'Open for Business', including support to individual businesses and the use of new media and marketing initiatives.”

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

Amendment 1

- 1) **To again note** that this was a project which Audit Scotland had given a clean bill of health in June 2007. Since then it appeared to have totally unravelled.
- 2) **To note** that the earlier decision of 30 June 2011 to pursue the St Andrew Square/York Place option was subject to funding.
- 3) **To further note** the report's recommendations but not to agree them, with the exception of 8.1(d) on the project governance arrangements.
- 4) **Accordingly, to reject** the proposed funding package for the St Andrew Square/York Place option and agree that option had not been sufficiently de-risked.
- 5) **To note** that, as a result, the earlier decision of 30 June 2011 to pursue the St. Andrew Square/York Place option effectively fell away.

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- 6) **Therefore, to now agree** that the proposal with least risk was to build from the Airport to Haymarket as phase one of a longer-term, strategic plan.
- 7) **Therefore:**
- to instruct that a new Settlement Agreement reflecting paragraph 6 above should be negotiated and finalised by the Chief Executive after consultation with the political group leaders;
 - to authorise the Chief Executive to enter into a new Settlement Agreement substantially on the terms set out in the earlier 'settlement summary', with such amendments as may be necessary to reflect paragraph 6 above, following consultation with political group leaders, all prior to 31 August 2011 or any later date mutually agreed by the main parties; and
 - to instruct that the Council, as shareholder, gives Lothian Buses a primary role in preparing for operations as soon as possible to ensure maximum operational income and public transport service integration.
- 8) **Finally, to note** that there were ongoing and significant concerns within Edinburgh's business community about the specific issues of: rates relief; general business support; and potential compensation.
- 9) **Thus finally to instruct** the Chief Executive to bring a separate report on the issues referred to in paragraph 8 above to the next meeting of the Policy and Strategy Committee on 6 September 2011.

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

Amendment 2

To note that the Edinburgh Tram Draft Final Business Case was presented to Council on 21 December 2006 and the motion "to approve the Draft Business Case" was moved by the Labour Group.

On a roll call vote 56 Councillors from the Labour, Conservative and Liberal Democrat Groups voted in favour of the motion.

An alternative motion tabled by the SNP Group "to agree that the Business Case for the Edinburgh Tram Network had not been made" only secured one vote, the mover of the motion.

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To note that this Draft Final Business Case approved by the above parties contained the following paragraph:

“4.42 It also should be noted that current modelling assumes that the Edinburgh Tram Project will be covered by the Scottish Executive’s Transport Scotland’s national concessionary ticketing scheme. The relevant agreement has not yet been finalised although Transport Scotland have given support for this assumption in the preparation of the TEL Business Plan. As concessionary travellers make up roughly a quarter of all passengers, failure to include the trams in the national scheme could threaten TEL’s financial viability.”

Despite this risk all of the above parties approved the Draft Final Business case.

Also, to note that the SNP had tabled several motions demanding that the project be scrapped and one calling for a referendum, all of which were rejected by the other political groups on the Council.

The SNP Group on the Council notes the current alternatives presented regarding the Tram Project and recognises that this situation has materialised because of the failure of the Labour, Conservative and Liberal Democrat Groups to vote against the Draft Business case on 21 December 2006 and the failure of the above Groups plus the Greens to vote in favour of tabled SNP motions to terminate this project.

It is noted that the Labour, Conservative and Liberal Democrat Groups have had representation on the board of TIE which was formed to administer the project and that such Council appointed Directors have singularly failed to protect the public purse and to influence the policy direction of TIE which has now been totally discredited.

The SNP Group calls for a full Public Inquiry to be instigated at the earliest appropriate moment and that all aspects of this matter be scrutinised from the period prior to the publication of the Draft Business Case to the conclusion and consequences of this ill-conceived project.

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

Amendment 3

- 1) To note as a matter of public record that the Conservative Group had always sought to ensure best value for the taxpayer.
- 2) To note the figures in the report by the Director of City Development.
- 3) To note with concern the increased contribution anticipated from the Tram operator and its implication for Lothian Buses’ future viability.

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- 4) To note that the many uncertainties identified in the report included the Scottish Government's position on the extension of concessionary travel to the Edinburgh Tram Project.
- 5) Accordingly, to reject the proposed financial package and instruct the Chief Executive:
 - a) to negotiate a binding cost for termination of the existing contractual arrangements;
 - b) to conclude negotiations with the Scottish Government over application of the concessionary travel scheme and other government related funding mechanisms referenced in the report;
 - c) to develop an alternative funding package for future tram line construction following termination of the current contractual arrangements.
- 6) To note that the roles within the proposed new governance structure were not described in detail and to agree neither the new structure nor the appointment of Turner & Townsend until that detail had been reported and agreed.
- 7) To consider the works proposed within the refreshed 'Open for Business' programme to be inadequate and to instruct the Chief Executive and the Director of City Development to develop an improved package of support both in the short-term and for any future period of tram construction to be reported to Policy and Strategy Committee within two cycles.

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

Amendment 4

- 1) To reaffirm support for a fully integrated, publicly owned public transport system for the capital city of Scotland.
- 2) To note the report by the Director of City Development and that the cancellation of the tram project was likely to cost £161m in a single year which would be beyond Council means to finance.
- 3) However to also note the current estimated opportunity cost to the Council budget of financing the line to St Andrew Square through prudential borrowing and therefore a possible impact on delivery of other Council services in future.
- 4) To note that previous utility diversions had been a main cause of escalating costs and that this report stated there was further work ongoing

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to assess the cost of further utility diversions from Haymarket to St Andrew Square/York Place.

- 5) To note the proposed Green Group amendment on 30 June 2011 calling for greater certainty about risks and costs and that the current report went some way to meeting this request.
- 6) To express concern that there was still no fixed or maximum cost for the line to St Andrew Square and furthermore a lack of contingency should the project go even further over budget than current risk estimates allow.
- 7) To understand it would be entirely possible to negotiate further with contractors regarding the sign-off of the Settlement Agreement.
- 8) Therefore, not to agree recommendations 8.1(a) or (b) at this time but instead to call for ongoing work to continue in order to further reduce risks and fix costs for the line to St Andrew Square, and that these costs are presented at the earliest opportunity, but certainly by 22 September 2011.
- 9) To note the revised governance proposals and agree recommendation 8.1(d).
- 10) To note recommendations 8.1(f) and (g), and call for a further report, within two cycles, exploring the role of the planned redevelopment of Princes Street and other potential incentive schemes and initiatives to support the city centre's business and residential communities.

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

Voting

In terms of Standing Order 31 (1), the vote was taken by calling the roll.

First Vote

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

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For the motion:

Lord Provost Grubb; Councillors Aldridge, Coleman, Dawe, Dundas, Edie, Hawkins, Lang, Lowrie, Gordon Mackenzie, MacLaren, McKay, Peacock, Snowden, Thomas and Wheeler – 16 votes

For amendment 1:

Councillors Ewan Aitken, Barry, Blacklock, Burns, Child, Cook, Day, Godzik, Hart, Henderson, Hinds, Milligan, Munro, Perry and Wilson – 15 votes

For amendment 2:

Councillors Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Morris, Munn, Rankin, Tymkewycz and Work – 13 votes

For amendment 3:

Councillors Elaine Aitken, Balfour, Jackson, Kate MacKenzie, McInnes, Mowat, Paisley, Rose, Rust and Whyte – 10 votes

For amendment 4:

Councillors Burgess, Chapman and Johnstone – 3 votes

Second Vote

As there was no overall majority, amendment 4 which had received the fewest votes fell and, in a second vote, the voting between the motion and amendments 1, 2 and 3 was as follows:

For the motion:

Lord Provost Grubb; Councillors Aldridge, Coleman, Dawe, Dundas, Edie, Hawkins, Lang, Lowrie, Gordon Mackenzie, MacLaren, McKay, Peacock, Snowden, Thomas and Wheeler – 16 votes

For amendment 1:

Councillors Ewan Aitken, Barry, Blacklock, Burns, Child, Cook, Day, Godzik, Hart, Henderson, Hinds, Milligan, Munro, Perry and Wilson – 15 votes

For amendment 2:

Councillors Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Morris, Munn, Rankin, Tymkewycz and Work – 13 votes

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For amendment 3:

Councillors Elaine Aitken, Balfour, Jackson, Kate MacKenzie, McInnes, Mowat, Paisley, Rose, Rust and Whyte – 10 votes

Not voting – Councillors Burgess, Chapman and Johnstone – 3

Third Vote

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

For the motion:

Lord Provost Grubb, Councillors Aldridge, Burgess, Chapman, Coleman, Dawe, Dundas, Edie, Hawkins, Johnstone, Lang, Lowrie, Gordon Mackenzie, MacLaren, McKay, Peacock, Snowden, Thomas and Wheeler – 19 votes

For amendment 1:

Councillors Elaine Aitken, Ewan Aitken, Balfour, Barry, Blacklock, Burns, Child, Cook, Day, Godzik, Hart, Henderson, Hinds, Jackson, Kate MacKenzie, McInnes, Milligan, Mowat, Munro, Paisley, Perry, Rose, Rust, Whyte and Wilson – 25 votes

For amendment 2:

Councillors Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Morris, Munn, Rankin, Tymkewycz and Work – 13 votes

Fourth Vote

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

For the motion:

Lord Provost Grubb; Councillors Aldridge, Burgess, Chapman, Coleman, Dawe, Dundas, Edie, Hawkins, Johnstone, Lang, Lowrie, Gordon Mackenzie, MacLaren, McKay, Peacock, Snowden, Thomas and Wheeler – 19 votes

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For amendment 1:

Councillors Elaine Aitken, Ewan Aitken, Balfour, Barry, Blacklock, Burns, Child, Cook, Day, Godzik, Hart, Henderson, Hinds, Jackson, Kate MacKenzie, McInnes, Milligan, Mowat, Munro, Paisley, Perry, Rose, Rust, Whyte and Wilson – 25 votes

Not voting – Councillors Bridgman, Brock, Buchanan, Cairns, Cardownie, Elliott-Cannon, Keir, McIvor, Morris, Munn, Rankin, Tymkewycz and Work – 13

Decision

To approve amendment 1 by Councillor Hinds.

(References – Act of Council No 22 of 30 June 2011; Act of Council No 1 of 16 May 2011; report no CEC/39/11-12/CD by the Director of City Development, submitted.)

Declaration of Interests

Councillors Gordon Mackenzie and Wheeler declared a non-financial interest in the above item as Board members of **tie** and TEL.

Councillor Buchan declared a financial interest in the item as an employee of a firm providing engineering advice to **tie** and left the Chamber during the debate on the matter.

4 Questions

Questions put by members to this meeting, written answers and supplementary questions and answers are contained in Appendix 1 to this minute.

5 Minutes

Decision

To approve the minute of meeting of the Council of 30 June 2011 as a correct record.

6 By-Election – Ward 11 City Centre

Decision

To note that Alasdair Rankin had been elected as Councillor for No 11 City Centre Ward.

(Reference – report no CEC/38/11-12/RO by the Returning Officer, submitted.)

7 Appointments to Committees, Boards and Joint Boards 2011/12

The Council was invited to reconsider its appointments to Committees, Boards and Joint Boards as a result of issues which had arisen since it had made its annual appointments on 2 June 2011.

Decision

To appoint members to Committees, Boards and Joint Boards as detailed in Appendix 2 to this minute.

(References – Acts of Council No 4 of 2 June and No 5 of 30 June 2011; reports CEC/36/11-12/CS and CEC/40/11-12/CS by the Acting Director of Corporate Services, submitted.)

8 Leader's Report

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

- the death of a Red Arrows pilot at the Bournemouth Air Festival– letter of condolence from the Lord Provost on behalf of the Council
- congratulations to all involved for their contribution to the success of Edinburgh's summer festivals
- Edinburgh City Libraries – Guinness World Record attempt by Sighthill Library for longest reading chain
- congratulations to the Returning Officer and her staff for the success of the recent by-election arrangements

Alasdair Rankin was welcomed to the Council and tributes were paid to Christina Burnett who was retiring from the Council after 34 years service.

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The following questions/comments were raised:

- | | |
|----------------------|--|
| Councillor Burns | - By-election result – SLD policy in advance of local government elections |
| Councillor Balfour | - Edinburgh Tram Project – cross-party briefings |
| Councillor Buchan | - Green Flag Awards – omission of Craiglockhart Woods Group |
| Councillor Chapman | - By-election – ensuring higher voter turnout at next May's election |
| Councillor Buchanan | - By-election – campaign leaflets
- Alternative Business Models – staff transfer conditions |
| Councillor Henderson | - Alternative Business Models – staff transfer protection |

(Reference – report no CEC/37/11-12/L by the Leader, submitted.)

9 Pots, Pans and People – Proposed Community Based Archaeological Project

The Culture and Leisure Committee had referred recommendations to the Council, in terms of Standing Order 35, on joint working arrangements for a community-based archaeological project involving East Lothian and Scottish Borders Councils.

Decision

- 1) To note the report by the Head of Legal and Administrative Services.
- 2) To welcome the submission of the two-stage funding application to the Heritage Lottery Fund, as described in paragraph 5 of the appendix to the report by the Head of Legal and Administrative Services.
- 3) To approve involvement in the project as described in the appendix to the report by the Head of Legal and Administrative Services, provided Heritage Lottery Funding or alternative funding was secured.

(References – Culture and Leisure Committee 28 June 2011 (item 12); report no CEC/29/11-12/CL by the Head of Legal and Administrative Services, submitted.)

10 Modernising Planning – Schemes of Delegation

Decision

To approve the amendment to the Statutory Scheme of Delegation for Local Development, detailed in the report by the Director of Corporate Services, subject to the approval of the Scottish Ministers.

(References – Planning Committee 11 August 2011 (item 7); report no CEC/30/11-12/PC by the Head of Legal and Administrative Services, submitted.)

11 Commissioning Plan for Advice, Support and Accommodation Services to Prevent Homelessness 2011-2016: Summary of Consultation

The Health, Social Care and Housing Committee had referred recommendations, in terms of Standing Order 53, on proposed changes to the draft Commissioning Plan for Advice, Support and Accommodation Services to Prevent Homelessness 2011-2016 following the outcome of consultation.

Decision

- 1) To agree the consultation report and the proposed changes to the draft Commissioning Plan for Advice, Support and Accommodation Services to Prevent Homelessness.
- 2) To submit the final Commissioning Plan for Advice, Support and Accommodation Services to Prevent Homelessness to the Policy and Strategy Committee on 6 September 2011.

(References – Health, Social Care and Housing Committee 16 August 2011 (item 3); report no CEC/28/11-12/HSCH by the Head of Legal and Administrative Services, submitted.)

12 Director of Corporate Governance – Appointment

Decision

To withdraw the item in the absence of a report.

13 Edinburgh Partnership Single Outcome Agreement 2009-12 – Annual Report on Progress (2010/11)

An annual update on progress towards the delivery of the Edinburgh Partnership 2009-12 Single Outcome Agreement (SOA) was provided.

Decision

To note the positive progress made towards the delivery of the Edinburgh Partnership's SOA Local Outcomes as outlined in the report by the Acting Director of Corporate Services.

(Reference – report no CEC/33/11-12/CS by the Acting Director of Corporate Services, submitted.)

14 Annual Efficiency Statement, 2010/11

Approval was sought for the 2010/11 Annual Efficiency Statement.

Decision

- 1) To approve the content of the 2010/11 Annual Efficiency Statement and its onward submission to COSLA for collation of the Scotland-wide position.
- 2) To note that the total level of efficiencies delivered in 2010/11 exceeded the 2% target applicable to the Scottish public sector as a whole.
- 3) To note, nonetheless, the need to deliver the substantial additional levels of efficiency and other savings underpinning the two-year budget approved in February 2011 and the importance of robust monitoring of Savings Implementation Plans (SIPs) to this process.

(Reference – report no CEC/35/11-12/CE by the Chief Executive, submitted.)

15 Ministry of Defence Base Review

(a) Report by the Director of City Development

The Ministry of Defence had published its Defence Basing Review setting out a number of recommendations which included the closure of army bases at Redford, Dreghorn and Craigiehall and the establishment of a new army base at Kirknewton. The implications of these proposals for the city were detailed.

(b) Motion by Councillor Rust

The following motion on the planned closure of military bases in Edinburgh had been submitted by Councillor Rust in terms of Standing Order 28:

“Council:

- (i) notes with regret the planned closure of Dreghorn Barracks and Redford Cavalry and Infantry Army Barracks in Colinton and Craigiehall Army Headquarters near Cramond;
- (ii) recognises that while the Ministry of Defence has to make the most efficient use of its estate and that it is vital for armed services personnel to have suitable modern accommodation, the decision will have far reaching implications for the local community in Colinton, particularly in relation to local schools and businesses;
- (iii) further recognises that any decisions in development and planning terms require to be taken strategically given the size of the large military bases involve;
- (iv) therefore instructs the Chief Executive to initiate a Working Group or Task Force as soon as possible to consider the future for those bases and surrounding area; suggests such Group to include senior officers from the Children and Families, City Development and Health and Social Care Departments;
- (v) requests that local elected members, Almond and Pentlands Neighbourhood Partnerships, Colinton Amenity Association and Firrhill Community Council are regularly updated with developments as appropriate;
- (vi) calls on all elected members at Council, Holyrood and Westminster to work together constructively for the benefit of both the army and civilian communities in the areas affected by this decision and to maintain regular dialogue on a non-partisan basis.”

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Decision

- 1) To note the contents of the report by the Director of City Development.
- 2) To request the Director of City Development to continue to engage with the Ministry of Defence and Scottish Government to understand the timings and implications of the Defence Basing Review.
- 3) To request that officers form a cross service working group, led by the Head of Economic Development, to co-ordinate the Council response on these issues.
- 4) To recognise the potential impact on several Edinburgh communities and to request that all City of Edinburgh Council elected members, Almond and Pentlands Neighbourhood Partnerships, relevant local Community Councils and residents groups were regularly updated with developments as appropriate.
- 5) To call on all elected members at Council, Holyrood and Westminster to work together constructively for the benefit of both the army and civilian communities in the areas affected by this decision and to maintain regular dialogue on a non-partisan basis.

(Reference – report no CEC/31/11-12/CD by the Director of City Development, submitted.)

16 Improving Employability: Contract Extension for Priority 4 and 5 Grant Agreements

Following the Scottish Government's announcement of the end of discretionary funding of the Fairer Scotland Fund (FSF), funding for Employability Support priority 4 and 5 grant agreements would end on 30 September 2011.

Approval was sought for a six month extension to these agreements with the cost being met from transitional funding secured from the Scottish Government.

Decision

To extend priority 4 and 5 grant agreements to 31 March 2012 using the transitional funding supplied by Scottish Government to finance the extended programme.

(References – Act of Council No 4(b) of 10 February 2011; report no CEC/34/11-12/CD by the Director of City Development, submitted.)

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Declaration of Interests

Councillor Perry declared a non-financial interest in the above item as a Director of the John Connor Trust.

17 21st Century Homes – Proposed Compulsory Purchase Order, North Sighthill

Decision

To make The Edinburgh 7/1 and 9/5 Sighthill Bank, 40 Sighthill Green and 7/10 Sighthill Wynd Compulsory Purchase Order in terms of the draft annexed to the report by the Director of City Development.

(References – Planning Committee 11 August 2011 (item 11); report no CEC/32/11-12/CD by the Director of City Development, submitted.)

18 Edinburgh Prison Visiting Committee – Appointments

A recruitment exercise had been carried out to fill vacancies in the membership of the Edinburgh Prison Visiting Committee. Arrangements to fill two further vacancies were detailed.

Decision

- 1) To note the appointment of G McNie, M Scotney, J Warburton and F West as members of the Edinburgh Prison Visiting Committee.
- 2) To note that G Sneddon would be appointed to fill a further vacancy and that H M Tuiwaiwai, J Balfour and A Evans would be held as reserves in the event of further vacancies arising.
- 3) Subject to a satisfactory certificate from Disclosure Scotland, to appoint the nominee of the Scottish Borders Council to the second vacancy, or, if no nomination was made, to fill that vacancy from the reserve list.

(References – Act of Council No 11 of 2 June 2011; report no CEC/27/11-12/CS by the Acting Director of Corporate Services, submitted.)

Declaration of Interests

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

19 Pensions and Trusts Committee Remit – Proposed Change

Approval was sought to extend the remit of the Pensions and Trusts Committee to reflect the statutory requirement for separation of the pension fund accounts from those of the administering authority.

Decision

- 1) To approve the revised remit of the Pensions and Trusts Committee.
- 2) To refer the report to the Pensions and Trusts Committee.

(References – Pensions and Trusts Committee 21 March (item 6(b) and 28 June 2011 (item 9); report no CEC/26/11-12/CS by the Acting Director of Corporate Services, submitted.)

20 Control of Mink Across the City – Motion by Councillor McInnes

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

“Council calls for a report on the control of mink across the city.”

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

21 Denesting Service for Gulls and Pigeons – Motion by Councillor Buchan

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

“Council:

- (i) notes that many local authorities are concerned about the impact on residential amenity that nesting gulls/pigeons cause and notes that several offer a free denesting service.
- (ii) the impact of gulls/pigeons in the city is of grave concern to many in tenemental areas where there are environmental and safety issues prevalent.

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- (iii) calls for a report in three cycles that accurately reviews the actions of other UK local authorities, devolved government and other agencies on how the issue of nesting gulls/pigeons is treated in other parts of the UK and identifies a best practice solution for use in Edinburgh.”

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

22 Support for the Activities of Trade Union Officials – Motion by Councillor Buchan

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

“Council:

- (i) notes that a pressure group has suggested that the City of Edinburgh Council has seen £473,965 of taxpayers funds used to indirectly support the activities of trade union officials in the capital.
- (ii) Council instructs the Chief Executive to investigate this figure and to report back to Council within two cycles on its accuracy and to advise on what direct and indirect costs are incurred through union activity.”

Decision

To approve the motion by Councillor Buchan.

23 Leith Rules Golf Society – Motion by Councillor Munn

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

“Council:

- (i) notes that the first recorded rules of the game of golf were created by the golfers playing at Leith Links in 1744;
- (ii) notes the aim of The Leith Rules Golf Society to erect a statue of John Rattray, the leading golfer at Leith Links in 1744, to commemorate this historic event;
- (iii) notes the substantial local and community support for this proposal;

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- (iv) calls for a report, in one cycle, on the feasibility of erecting such a statue, with specific reference to legal or legislative requirements which may need addressed.”

Decision

To approve the motion by Councillor Munn.

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Appendix 1
(As referred to in Act of Council No 4 of 25 August 2011)

QUESTION NO 1

**By Councillor Hinds for answer by
the Convener of the Transport,
Infrastructure and Environment
Committee at a meeting of the
Council on 25 August 2011**

Question

How often has the Tram Sub Committee met since August 2009? Which Political Parties were represented at the meetings?

Answer

Meetings of the Tram Sub-Committee since August 2009 and the political parties represented at those meetings are detailed below:

Meeting Date	Political Parties Represented
10 August 2009	SLD, SNP, Conservative
22 March 2010	SLD, SNP, Conservative, Labour
28 March 2011	SLD, SNP, Conservative, Green

In addition there have been 15 substantive reports to Council Committees over this period. The breakdown is as follows:

Full Council	7 reports
Transport, Infrastructure and Environment Committee	5 reports
Policy and Strategy Committee	2 reports
Audit Committee	1 report

Supplementary Question

At the last Policy and Strategy Committee, the SNP decided not to send a representative. Do you understand the reasons for that?

Supplementary Answer

That is a matter for the SNP.

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QUESTION NO 2

By Councillor Hinds for answer by the Convener of the Transport, Infrastructure and Environment Committee at a meeting of the Council on 25 August 2011

Question

Who made the decision regarding a severance package to the former Chief Executive of **tie** Ltd when he left **tie** Ltd and when will this be reported to the Council? If other former employees of **tie** Ltd received payments when leaving the company, when will this be reported to the Council?

Answer

The settlement was decided by the Chair of **tie**.

In accordance with the Local Authority Accounts (Scotland) Amendment Regulations 2011, remuneration information covering senior officers and senior elected members of the authority and any local authority group subsidiary body will accompany the annual statutory accounts. The Council's 2011/12 unaudited statement of accounts will be presented to Council in June 2012 and will include information covering relevant **tie** employees who have left the company during the reporting period.

Supplementary Question

You will be aware there is a lot of concern about the public money and particularly to do with **tie** and it is quite a long time to find out, June next year, what money and resources have been given to people who have taken voluntary severance etc and I just wondered if those figures would be available before June next year for elected members.

Supplementary Answer

As far as I am aware it is not the intention to report separately on these. It would be done in the annual accounts as per usual.

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Appendix 2
(As referred to in Act of Council No 7 of 25 August 2011)

Appointments for 2011/12

Membership of Committees

Policy and Strategy Committee - 17 members – 5 Scottish Liberal Democrat, 4 Scottish National Party, 4 Labour, 3 Conservative, 1 Green

Leader of the SLD Group (Convener)	Convener of the Finance and Resources Committee
Leader of the SNP Group (Deputy Convener)	Convener of the Health, Social Care and Housing Committee
Leader of the Labour Group	Convener of the Transport, Infrastructure and Environment Committee
Leader of the Conservative Group	Councillor Blacklock
Councillor Burgess	Councillor Hinds
Convener of the Culture and Leisure Committee	Councillor Jackson
Convener of the Economic Development Committee	Councillor Mowat
Convener of the Education, Children and Families Committee	Councillor Munn
	Councillor Godzik

EXECUTIVE COMMITTEES

Culture and Leisure Committee – 13 members – 4 Scottish Liberal Democrat, 3 Scottish National Party, 3 Labour, 2 Conservative, 1 Green

Councillor Lang	Councillor Hart
Councillor Dundas	Councillor Munro
Councillor Snowden	Councillor Elaine Aitken
Councillor Thomas	Councillor Whyte
Councillor Bridgman	Councillor Johnstone
Councillor Brock	Leader (ex officio)
Councillor Cairns	Deputy Leader (ex officio)
Councillor Barry	

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Economic Development Committee – 13 members – 4 Scottish Liberal Democrat, 3 Scottish National Party, 3 Labour, 2 Conservative, 1 Green

Councillor Lowrie	Councillor Milligan
Councillor McKay	Councillor Hart
Councillor Snowden	Councillor Rose
Councillor Coleman	Councillor Rust
Councillor Munn	Councillor Chapman
Councillor Buchanan	Leader (ex officio)
Councillor Elliott-Cannon	Deputy Leader (ex officio)
Councillor Munro	

Education, Children and Families Committee – 17 members – 5 Scottish Liberal Democrat, 4 Scottish National Party, 4 Labour, 3 Conservative, 1 Green

Councillor Dundas	Councillor Day
Councillor Edie	Councillor Godzik
Councillor Lang	Councillor Milligan
Councillor Gordon Mackenzie	Councillor Balfour
Councillor MacLaren	Councillor Buchan
Councillor McIvor	Councillor Rose
Councillor Cairns	Councillor Johnstone
Councillor Morris	Leader (ex officio)
Councillor Brock	Deputy Leader (ex officio)
Councillor Blacklock	

Added Members for Education Matters

A Craig Duncan (Religious Representative)
Ted Brack (Religious Representative)
Robert Gould (Religious Representative)
Margaret Bryce-Stafford (Teacher Representative)
Raymond George Simpson (Teacher Representative)

Finance and Resources Committee – 13 members – 4 Scottish Liberal Democrat, 3 Scottish National Party, 3 Labour, 2 Conservative. 1 Green

Councillor Aldridge	Councillor Henderson
Councillor Snowden	Councillor Burns
Councillor McKay	Councillor Kate MacKenzie
Councillor Wheeler	Councillor Mowat
Councillor Buchanan	Councillor Chapman
Councillor Elliott-Cannon	Leader (ex officio)
Councillor Rankin	Deputy Leader (ex officio)
Councillor Child	

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Health, Social Care and Housing Committee – 17 members – 5 Scottish Liberal Democrat, 4 Scottish National Party, 4 Labour, 3 Conservative, 1 Green

Councillor Edie	Councillor Ewan Aitken
Councillor Hawkins	Councillor Child
Councillor Wheeler	Councillor Cook
Councillor Peacock	Councillor Elaine Aitken
Councillor Coleman	Councillor Kate MacKenzie
Councillor Elliott-Cannon	Councillor Buchan
Councillor Rankin	Councillor Chapman
Councillor Bridgman	Leader (ex officio)
Councillor Work	Deputy Leader (ex officio)
Councillor Day	

Transport, Infrastructure and Environment Committee – 17 members – 5 Scottish Liberal Democrat, 4 Scottish National Party, 4 Labour, 3 Conservative, 1 Green

Councillor Aldridge	Councillor Hinds
Councillor Dundas	Councillor Perry
Councillor Hawkins	Councillor Wilson
Councillor Peacock	Councillor Jackson
Councillor Gordon Mackenzie	Councillor McInnes
Councillor Buchanan	Councillor Mowat
Councillor Tymkewycz	Councillor Burgess
Councillor Elliott-Cannon	Leader (ex officio)
Councillor Morris	Deputy Leader (ex officio)
Councillor Barry	

OTHER COMMITTEES

Audit Committee – 13 members – 4 Scottish Liberal Democrat, 3 Scottish National Party, 3 Labour, 2 Conservative, 1 Green

Councillor Dundas	Councillor Burns
Lord Provost Grubb	Councillor Henderson
Councillor Thomas	Councillor Wilson
Councillor Coleman	Councillor Whyte
Councillor Morris	Councillor Jackson
Councillor Tymkewycz	Councillor Johnstone
Councillor Work	

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Planning Committee/Development Management Sub-Committee

15 members – 5 Scottish Liberal Democrat, 3 Scottish National Party, 3 Labour, 3 Conservative, 1 Green

Councillor Lowrie	Councillor Blacklock
Councillor McKay	Councillor Child
Councillor Coleman	Councillor Milligan
Councillor Peacock	Councillor Mowat
Councillor Thomas	Councillor Rose
Councillor Morris	Councillor Paisley
Councillor McIvor	Councillor Burgess
Councillor Munn	

Planning Local Review Body – All members of the Planning Committee comprising three panels as follows:

Panel 1

Councillor Child	Councillor McIvor
Councillor McKay	Councillor Rose
Councillor Lowrie	

Panel 2

Councillor Coleman	Councillor Mowat
Councillor Milligan	Councillor Munn
Councillor Morris	

Panel 3

Councillor Burgess	Councillor Peacock
Councillor Blacklock	Councillor Thomas
Councillor Paisley	

Regulatory Committee – 9 members – 3 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative

Councillor Lang	Councillor Henderson
Councillor Dundas (with effect from 16 September 2011)	Councillor Perry
Councillor Snowden	Councillor Kate MacKenzie
Councillor Munn	Councillor Mowat
Councillor Cairns	

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Vacation Committee – 11 members – 3 Scottish Liberal Democrat, 2 Scottish National Party, 3 Labour, 2 Conservative, 1 Green

Councillor Dawe	Councillor Hart
Councillor Aldridge	Councillor Perry
Councillor Edie	Councillor Balfour
Councillor Buchanan	Councillor Jackson
Councillor Brock	Councillor Johnstone
Councillor Burns	

Administration of Trust Funds

Pensions and Trusts Committee – 5 members – 1 Scottish Liberal Democrat, 1 Scottish National Party, 1 Labour, 1 Conservative, 1 Green

Councillor McKay	Councillor Rose
Councillor Elliott-Cannon	Councillor Chapman
Councillor Child	

Committee on the Jean F Watson Bequest – 8 members plus one nominee of Friends of the City Arts Centre and three nominees of Director of Corporate Services – 2 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative

Councillor Dawe	Councillor Munro
Councillor Thomas	Councillor Wilson
Councillor Brock	Councillor Elaine Aitken
Councillor McIvor	Councillor Buchan

Appeals etc

Committee on Discretionary Rating Relief Appeals – 5 members – 1 Scottish Liberal Democrat, 1 Scottish National Party, 1 Labour, 1 Conservative, 1 Green

Councillor Gordon Mackenzie	Councillor Paisley
Councillor Munn	Councillor Chapman
Councillor Perry	

Personnel Appeals Committee – 9 members – 2 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative, 1 Green

Councillor Coleman	Councillor Hart
Councillor Lowrie	Councillor Elaine Aitken
Councillor Cairns	Councillor Paisley
Councillor Elliott-Cannon	Councillor Burgess
Councillor Blacklock	

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Committee on Pupil and Student Support – 5 members and one religious representative – 1 Scottish Liberal Democrat, 1 Scottish National Party, 1 Labour, 1 Conservative, 1 Green

Councillor MacLaren
Councillor McIvor
Councillor Godzik

Councillor Rose
Councillor Johnstone
Robert Gould (religious representative)

Placing in Schools Appeals Committee – 3 persons drawn from three Panels as described in Standing Order 41

Panel 1 – All members of Council and religious and teacher representatives on the Education, Children and Families Committee

Social Work Complaints Review Committee – 3 persons drawn from a panel approved by the Council (does not include Councillors)

Recruitment

Recruitment Committee

Leader of Council (Convener), Deputy Leader of the Council, Convener of the Finance and Resources Committee and the appropriate Executive Committee Convener and relevant opposition spokespersons (or nominees)

Advisory Committees

Edinburgh Youth Issues Forum – 6 members – 1 Scottish Liberal Democrat, 2 Scottish national Party, 1 Labour, 1 Conservative, 1 Green

Councillor MacLaren
Councillor McIvor
Councillor Cairns

Councillor Godzik
Councillor Rust
Councillor Johnstone

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Joint Boards and the Licensing Board

Lothian and Borders Fire and Rescue Board – 9 members – 3 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative

Councillor Dawe	Councillor Hinds
Councillor Lang	Councillor Barry
Councillor Hawkins	Councillor Buchan
Councillor Bridgman (Convener)	Councillor Rust
Councillor McIvor	

Lothian and Borders Police Board – 9 members– 3 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative

Councillor Dawe	Councillor Cook
Councillor MacLaren	Councillor Milligan
Councillor Dundas	Councillor Whyte (Convener)
Councillor Cardownie	Councillor Mowat
Councillor Tymkewycz	

Lothian Valuation Joint Board/Lothian Electoral Joint Committee – 9 members – 3 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative)

Councillor Edie	Councillor Perry
Councillor Gordon Mackenzie	Councillor Burns
Councillor Wheeler	Councillor Buchan
Councillor Morris	Councillor Rust
Councillor Buchanan	

Forth Estuary Transport Authority – 4 members – 2 Scottish Liberal Democrat, 1 Scottish National Party, 1 Conservative

Lord Provost Grubb	Councillor Work
Councillor Wheeler	Councillor Kate MacKenzie

Licensing Board – 10 members – 4 Scottish Liberal Democrat, 2 Scottish National Party, 2 Labour, 2 Conservative

Councillor Thomas (Convener)	Councillor Bridgman
Councillor McKay	Councillor Barry
Councillor Coleman	Councillor Day
Councillor Hawkins	Councillor Balfour
Councillor Work	Councillor Paisley