

Notice of Meeting and Agenda

The City of Edinburgh Council

Thursday, 10 March 2011 at 10 am
in the City Chambers, High Street, Edinburgh

1 Order of Business

Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2 Declaration of Interests

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3 Deputations

If any

4 Questions

- 4.1 **By Councillor Kate MacKenzie – Edinburgh’s Community Recycling Facilities** – for answer by the Convener of the Transport, Infrastructure and Environment Committee
- 4.2 **By Councillor Buchan – Fountain South Development** – for answer by the Convener of the Planning Committee
- 4.3 **By Councillor Ewan Aitken – Modernising Pay** – for answer by the Convener of the Finance and Resources Committee
- 4.4 **By Councillor Ewan Aitken – Statutory Notices – Contracts** – for answer by the Convener of the Finance and Resources Committee
- 4.5 **By Councillor Ewan Aitken – Statutory Notice Procedures – Emergency Scaffolding Contracts** – for answer by the Convener of the Finance and Resources Committee
- 4.6 **By Councillor Munro – Library and Information Service** – for answer by the Convener of the Culture and Leisure Committee

- 4.7 **By Councillor Munro – Craggs Centre** – for answer by the Convener of the Culture and Leisure Committee
- 4.8 **By Councillor Munro – Queensferry Recreation Centre** – for answer by the Convener of the Culture and Leisure Committee
- 4.9 **By Councillor Munro – Edinburgh’s Commonwealth Games Legacy Plan** – for answer by the Convener of the Culture and Leisure Committee
- 4.10 **By Councillor Child – General Refuse Collections** – for answer by the Convener of the Transport, Infrastructure and Environment Committee
- 4.11 **By Councillor Child – Public Toilets** – for answer by the Convener of the Transport, Infrastructure and Environment Committee
- 4.12 **By Councillor Child – Allotment Rents** – for answer by the Convener of the Transport, Infrastructure and Environment Committee
- 4.13 **By Councillor Godzik – Children and Families Budget** – for answer by the Convener of the Education, Children and Families Committee
- 4.14 **By Councillor Godzik – Scottish Parliament Public Audit Committee Report on The Gathering 2009** – for answer by the Leader of the Council
- 4.15 **By Councillor Henderson – No Compulsory Redundancy Policy in the Public Sector** – for answer by the Leader of the Council
- 4.16 **By Councillor Johnstone – Preservation and Replacement of Trees in the Meadows and Bruntsfield Links** – for answer by the Convener of the Transport, Infrastructure and Environment Committee

5 Minutes

- 5.1 **The City of Edinburgh Council** of 3 February 2011 (circulated) – submitted for approval as a correct record
- 5.2 **The City of Edinburgh Council** of 10 February 2011 (circulated) – submitted for approval as a correct record

6 Election Business

If any

7 Reports from Committees

- 7.1 **Leader’s Report** (circulated)
- 7.2 **Lothian Buses – Appointment of Non-Executive Chair** – report by the Recruitment Committee (circulated)

8 New Business

8.1 Nursery School Estate Review: Consultation on Proposals for Closure:

- (a) **Outcome of the Consultation Process for the Proposal to Close High School Yards Nursery School – Affecting Royal Mile Primary Nursery Class and St Leonard’s Nursery School** – report by the Director of Children and Families (circulated)
- (b) **Outcome of the Consultation Process for the Proposal to Close Princess Elizabeth Nursery School – Affecting Prestonfield Primary Nursery Class and Cameron House Nursery School** – report by the Director of Children and Families (circulated)

8.2 **The Gathering 2009 - Update** – report by the Chief Executive (circulated)

8.3 **Artwork to Commemorate Lord Provost Terms of Office** – report by the Director of Corporate Services (circulated)

8.4 **Consultation on Independent Monitoring of Prisons** – report by the Director of Corporate Services (to follow)

8.5 **Annual Treasury Strategy 2011/12** – report by the Director of Finance (circulated)

9 Notices of Motion for Debate at Council

9.1 **By Councillor Burns – Report of the Scottish Parliament Public Audit Committee into The Gathering 2009**

“Council notes the Scottish Parliament Public Audit Committee report into "The Gathering", published on Thursday 24th February 2011.

Council further notes that the above report specifically calls into question the credibility of Council witnesses and, in particular, those who presented oral evidence to the Committee.

Council finally notes that paragraph 188 of the above report concluded that: *"the Council handling of the clearing and issuing of the press release to be unacceptable. The Committee hopes that the Council will undertake an investigation into the circumstances leading to the contradictory evidence it provided."*

Council therefore agrees to instruct the Council's Audit Committee to:

- oversee such an investigation into the events that led to the News Release, of 15 October 2009, being approved

- and to also investigate the subsequent circumstances that led to contradictory evidence being presented to the Scottish Parliament Public Audit Committee.”

9.2 By Councillor Dawe – Report of the Scottish Parliament Public Audit Committee into The Gathering 2009

“Council notes that the representatives of the council, both officer and elected member, who gave oral evidence to the Scottish Parliament’s Public Audit Committee on 3 November 2010 stand by their evidence and express extreme disquiet at how the Committee has chosen to label their evidence to the detriment of both their own, and the Council’s, reputation.

Council notes that the officers and politicians concerned have sought legal advice and are investigating their right of reply to the Committee Report in line with the Scottish Parliament’s ‘Guidance on Committees’.

Council notes that the affected individuals have written to the Audit Committee expressing their concern that the Scottish Parliament Public Audit Committee’s recent report was in the hands of the press the day before its formal release and before any of the aggrieved individuals had been given the opportunity to see it; noting that members of the Public Audit Committee had made allegations regarding the integrity of the witnesses in Party political press releases; and seeking an explanation for the serious allegations in the Report and press releases.

Council notes that the Council Leader has consistently taken the unequivocal position that, whilst the Council sympathised with creditors of The Gathering, it had no legal responsibility for the debts and liabilities of the organisation.

Council refers members to the Chief Executive’s detailed report in response to the Auditor General for Scotland’s report on the Gathering 2009 which was considered by the Policy and Strategy Committee on 31 August 2010 and subsequently by Council on 16 September 2010. This report explains the role of the Council in attempting to assist the Scottish Government to resolve the difficulties encountered by the Gathering 2009 Ltd.

Council notes that the Council Leader has instructed the Chief Executive to review the Public Audit Committee’s report into The Gathering 2009, and the surrounding commentary, and to report back to Council. Council further notes that the Chief Executive has a preliminary report on today’s agenda.”

9.3 By Councillor Balfour – Report of the Scottish Parliament Public Audit Committee into The Gathering 2009

“Council notes the Scottish Parliament Audit Committee Report into the Gathering 2009 and in particular its serious concerns regarding the quality and credibility of oral evidence contributed by the Council Leader and Depute Leader.

Council therefore:

1. agrees that it has no confidence in the Council Leader and Depute Leader and;
2. instructs the Chief Executive to undertake a full investigation of the circumstances surrounding the process of approving the Council press release of 15 October 2009 issued by the Council on behalf of DEMA and report the findings back to the Audit Committee of 23 June 2011.”

9.4 By Councillor Perry – Odeon Site

“Council notes that the Odeon site has now been vacant for more than seven years and there would appear to be no likelihood of progress in the near future.

Council therefore calls for a report on the present state of the building and whether it needs to intervene to ensure it is 'wind and water' tight.

Council further agrees:

- To seek a meeting with the present developer to clarify their plans for the site.
- To offer assistance to the present developer to dispose of the building if a development solution cannot be agreed for the site.”

9.5 By Councillor Hinds - BlindCraft

“Council notes:

The continuing efforts of Trades Unions and Save BlindCraft to secure the future of BlindCraft.

That Community the Union is planning a march from the BlindCraft factory to the Scottish Parliament on 10 March 2011.

Council offers its support to the campaign and calls on the Scottish Government to respond positively.”

9.6 By Councillor Hinds – International Women’s Day – 100th Anniversary

“Council notes that this year marks the 100th anniversary of International Women's Day, a global day celebrating the economic, political and social achievements of women past, present and future.

Council further notes that almost 1,500 events - the largest amount ever - will be held around the world to mark the occasion, including talks, discussions, exhibitions, workshops and a range of local events. Council recognises the many achievements of women, past and present, in the City of Edinburgh.

Council calls for a working group, comprising representatives of interested groups and individuals, to identify ways of commemorating the achievements of women in and from Edinburgh.”

9.7 By Councillor Johnstone – Local High Streets

“That this Council:

Acknowledges the benefits of thriving local high streets to residents, the economy and the environment.

Recognises the competition faced by small independent shops from large chain stores.

Notes that planning permission has been granted for a retail unit from 358-364 Morningside Road.

Notes that this permission was granted by delegated decision on 23 December 2010, two days before Christmas and while Council was in recess.

Notes that, almost three months later, no information is available regarding the occupant of this unit.

Considers that such lack of detail prevents an open and transparent planning process.

Calls for a report investigating whether existing planning policies offer sufficient protection to small independent shops.”

9.8 By Councillor Johnstone – Local Traders - Recycling

“That this Council:

Recognises that all sectors of society have an important role to play in reducing waste.

Acknowledges that small businesses and shops can have difficulty procuring recycling contracts that make recycling an affordable alternative to trade waste contracts where waste goes directly to landfill.

Calls for a report exploring how the Council might best support local traders, investigating the possibility for example, of setting up recycling co-operatives within local traders groups and encouraging a more collective, organised approach to recycling collection within local areas.”

10 Notices of Motion for Remit to Committees

10.1 By Councillor Godzik – Road Safety - for remit to the Transport, Infrastructure and Environment Committee

“Committee

- recognises that improvements in road safety around South Morningside Primary are necessary; and congratulates South Morningside Primary Parent Council for their positive work on this matter.
- notes however the ongoing concern over the length of double yellow lines that have been introduced in the Craiglea and Plewlands area, and believes that in many cases the double yellow line restrictions are excessive.
- requests a report outlining what action can be taken to reduce double yellow restrictions in the area, while ensuring that children and parents have a safe route to school.”

10.2 By Councillor Ewan Aitken – No 12 Bus - for remit to the Transport, Infrastructure and Environment Committee

“Committee notes:

- the loss of the No 12 bus as the one public transport link for the north side of the Craigentiny area.
- That this cut to bus services has caused hardship for residents, for those going to Seafeld crematorium and for those going to Findlay House to visit relatives.
- That this cut to bus services has been the cause of a great deal of anger locally.

Committee agrees to investigate, in liaison with Lothian Buses, the cost of subsidising a limited service linking Craighentiny to Leith along Seafield past the Crematorium and to report back in two cycles.”

10.3 By Councillor Ewan Aitken – Lothian Woodlands Strategy/Edinburgh Woodland Action Plan - for remit to the Transport, Infrastructure and Environment Committee

“Council notes:

The high incidence of housing across the city with trees forming part of the streetscape.

The inherent tension between the need to preserve the trees and the problems that trees, often planted 80 to 100 years ago, can cause to buildings in close proximity, such as:

- Loss of light, in some cases requiring artificial light having to be used all year round
- Damage to building fabric either by constant wear and tear or storm damage
- The blocking of guttering and drains or causing additional leaf clearing for residents from gardens
- Damage by birds encouraged by the trees to reside close to buildings
- Damage to over head cables such as TV and telephone

Council further notes that a Woodland Strategy for the Lothians is being developed and is due for completion in late Spring.

Council therefore agrees:

In preparation for the publication of the Lothians Woodland Strategy, to review the number and types of complaints by residents with the appropriate departments that have been triggered by the proximity of trees to residential properties.

To feed this information into the development of the Edinburgh Woodland action plan, which will follow publication of the Lothians plan.”

Alastair Maclean
Head of Legal and Administrative Services

Notes:

- 1) If you have any questions about the agenda or meeting arrangements, please contact Carmel Riley, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh, EH1 1YJ; ☎ 0131 529 4830; e-mail carmel.riley@edinburgh.gov.uk.
- 2) A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.
- 3) The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol. Members and Officers of the Council can also view them by going to the Orb home page and clicking on Council papers online.



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