

Firrhill Community Council

'Nec Aspera Terrent'

(Undaunted by Adversity)

Minute of Ordinary Meeting of the Council on 26 August 2013
Held in Oxgangs Care Offices, Firrhill Neuk.

Members:

H Levy (Chair)
P Wright (Secretary)
L Linn
S Duffy
F Gosney
J Napier (Minutes Sec)

Ex-Officio Members:

E Aitken, Councillor, CEC
R Lewis, Councillor, CEC
J Rust, Councillor, CEC
D Crawford, LBP, Oxgangs Police Stn

Apologies:

L Linn, Cllr J Rust

Visitors:

J Burt, Resident; R Scott ONC Manager
N Tinlin, Fairmilehead CC

Non-attendance

Police Representative

The meeting started at 7pm. H Levy in the Chair.

Minutes of Previous Meeting:

The draft minutes for meeting held on 22 July 2013 were reviewed. There being no corrections the minutes were moved for approval by P Wright, seconded by S Duffy and agreed.

Action: Minutes Secretary to post the approved minute on website.

Matters Arising

Flood Defence Work: Request for Information.

Re the 1st action: JN referred to his report previously circulated with the business papers. To date, there has been no response to the revised request for information from the Authority but they have until 28th August to do so to be within the statutory 20 working day period.

Re the 2nd action: approximately 60 letters were posted to those residents in Colinton Mains Road/Drive/Green and Oxgangs Road North, whose properties border on to the flood defence works. This was done before the 31st July. The Secretary reported that 4 responses had been received but as the closing date was the 31st August, this might not be the final figure.

Action 1: Report noted

Action2: Deferred to next meeting. Secretary to provide a summary report of the responses.

The third action to seek a conclusion to the Braid Burn Path flooding problem has still to be progressed

Action 3: JN to progress

Publicity Drive for New Members

Posters: The Chair passed round a draft of the A3 poster she had been working on and asked for comments. She would circulate it after the meeting for members to view and comment prior to getting it printed out.

CEC Election Material: has been received from Eileen Hewitt, Community Council Liaison Officer and was handed out by the Secretary for members to distribute in churches, shops and other premises throughout the area. NT indicated that electronic material was also available. It was suggested this be obtained and a copy forwarded to Firrhill High School for their electronic news board.

FCC Flyers: To be distributed to members for posting through as many doors as possible over the coming weeks. The Chair and Min Sec to co-ordinate distribution and coverage.

Action: Chair to circulate draft poster for final comments prior to printing.

Action: Minutes Secretary to obtain electronic material for the website and send copy to Firrhill High School.

Action: Minutes Secretary to distribute Flyers to members with details of area to be covered

Amenity Notices

Part of the CEC's Planning Enforcement Charter, amenity notices can be served on landowners in regard to any property or area of land, the condition of which is considered to adversely affect the amenity of the area. At a previous meeting, it was proposed we seek to apply for a Notice to be issued on a property in the Oxgangs area but no action has been taken since.

Cllr Rust proposed that he would raise the issue with the landlord in the first instance to see if he was willing to take steps to resolve the matter.

Action: In the absence of Cllr Rust this matter is deferred.

NEP Projects

Nothing further to report on this item. Minute Secretary advised that this was a subject matter on the agenda for the SW Area Board he was attending tomorrow night. See also Cllr Aitken's report.

Action: Suspended till further notice.

Oxgangs Street: litter and illegal dumping

This matter was raised at the June meeting by J Burt who was seeking action to resolve the problem. Whilst it was discussed at this meeting, there was not clear action to be taken. As reference was made in the discussion, to the "City Council looking to identify sites for the placement of communal recycling containers " the question is posed - *would such a placement assist in resolving the problem?*.

Cllr Aitken advised that the City Council have already identified sites for the placement of communal recycling containers along Oxgangs Avenue.

Action: Matter closed.

Raised Garden at Police Station

This relates to the work carried out by an elderly resident living in the supported housing scheme at the police station. The Community Council through Cllr Aitken are seeking his reimbursement from the City Parks Dept for the money spent redeveloping the neglected communal garden. Cllr Aitken reported she had to send C Dunlop a copy of the receipt as he had lost the original.

Action: Ongoing, Cllr Aitken awaiting confirmation the monies have been paid.

Police Attendance and Reports

The Community Council are seeking clarification on the question of police attendance/reporting at future meetings. Cllr Aitken reported she had met with the Inspector, who was very keen to maintain community engagements and is looking to attend a future meeting of the community council but we were no further forward in regard to our query.

Concerns were expressed about reports in the local press of the new 'Scottish Police' reviewing the number of police stations. It is known that Oxfords Police Station has a previous history as being 'at risk' of closure. Concerns were also raised about special posts held by a number of local police officers who are in a position to retire soon. The Community Council would like assurance these posts will be filled.

Action: Cllr Aitken, as Chair, will raise this at the Community Safety Meeting.

Action: Secretary to write to (a) Sgt Mackenzie to ask about monthly reports, and (b) inspector Duthie to ask for a copy of the police profile for the local Firrhill ward.

Edinburgh Stair Cleaning Service

This matter was raised under 'Any Other Business' at previous meeting, where a member gave her opinion on the quality of service provided by the City Council in regard to its stair cleaning service. General discussion took place but the outcome was not clear.

Chair advised that DunedinCanmore were providing a similar service in their new properties at Firrhill, which will provide an opportunity to compare quality standards.

Action: matter closed.

Community Police Report:

No report available.

To pass on information about crime anonymously, call Crimestoppers on 0800 555 111 or fill out their secure, encrypted online [Giving Information Form](#).

Ward Councillors' Reports

Councillor Aitken

E Aitken advised that a new project was to be raised at this meeting for improvements to the path running from Oxfords Street to the bus stop half way up the hill part of Oxfords Road North. There was a hollow in the path, which became a large muddy patch during wet weather. The width of the paved path was much reduced due to overgrowing grass.

Received a report from the police on local issues they were dealing with, which included break-ins to garden sheds; stolen bikes; quad bikes and noisy parties. Monitoring large parties at Harelaw Reservoir.

Still receiving complaints about refuse collections and the attitude of the Council's workforce employed to carry out the work.

School break-in – stolen laptops

Pentland Community Centre – progress report

Firrhill Health Centre – architects have just spoken to the Council's planners and discovered that as the entrance road to the car park at Oxfords Primary School is a private road, the proposed access may need to be changed.

Action: EA asked to seek confirmation that a budget has been allocated for consultation purposes in regard to this project (proposed Firrhill Medical Centre) and the amount.

Councillor Lewis

Constituent Enquiries:

1. Enquiry regarding how few of the many monuments and public works of art spread throughout the city are depicting or dedicated to women. They found this troubling as there have been many women associated with Edinburgh who have achieved great things, but their contributions do not seem to have been honoured.

Agreed with sentiment but indicated the City Council rarely takes the lead in developing proposals for new statues or works of art. Forwarded a brief guide to how the Council can help develop a proposal for a monument or public work of art and invited consultation if constituent wishes to submit ideas.

2. Enquiry asking for help with an on-going matter with City of Edinburgh Council. Constituent has been trying to secure a piece of land next to his property in Oxbgangs since 2012. After various e-mails to the appropriate department, constituent advised that his matter was being dealt with, so no further action was required.

3. Enquiry on condition of garden in front of Colinton Mains Park Sports Pavilion. No weeding had been done. Action was taken and the whole garden was weeded. PW commented that whilst action had been taken, the weeds were back and the garden was looking neglected.

Other matters:

Colinton Mains Park: The Notices lying at the entrance to the park will be re-instated or removed as part of the snagging work for the pavilion. JN expressed the opinion that in view of the length of time the posts had lain neglected by the Park Department, their purpose was superfluous.

Colinton Mains Pavilion: Cllr Lewis reported that the pavilion has been closed since Friday, 31st May due to a problem concerning the cold water storage system. Since the pavilion opened in August 2012 there have been a number of issues, one of which is the consistently high temperature of the cold water storage. For some months now there has been temperatures well above 20 degrees C, which creates a major risk of legionella bacteria. This has been raised with the CEC Architects Dept who are liaising with the contractor to try and get these issues resolved.

Until such time as the problem is resolved Edinburgh Leisure cannot allow access to this facility. All teams scheduled to play at Colinton have been accommodated at other pitches for the time being.

Planning Applications Report

22 July 2013

Application 13/02638/FUL to construct a new dormer at 253 Colinton Mains Road, Edinburgh, EH13 9BT. No Decisions or Major Development Notices (PANs)

29 July 2013

No Applications, Decisions or Major Development Notices (PANs)

5 August 2013

Decision: Application 13/01728/FUL for the formation of a driveway at 8 Colinton Mains Loan, Edinburgh, EH13 9AJ has been refused. Reason for refusal - The proposal would not enable a vehicle to park within the property to the detriment of pedestrian safety contrary to the City Council's *Non-Statutory Guidelines for Householders*.

12 August 2013

No Applications, Decisions or Major Development Notices (PANs)

19 August 2013.

Application 13/03244/FUL for the erection of a conservatory to side of dwelling flat at GF2, 1 Oxfangs Street, Edinburgh, EH13 9JX

Decision: Application 13/02638/FUL for the construction of a new dormer at 253 Colinton Mains Road, Edinburgh, EH13 9BT has been granted.

Correspondence:

All members were provided with the correspondence list for the period to 23rd July prior to meeting. The list was update at meeting. (see App 2).

A.O.C.B:

David McLetchie, MSP

CLlr Aitken spoke on the recent death of David McLetchie and recounted some of her memories of his life and activities. He has been an MSP since 1999, serving as party leader for the first seven years of the Scottish Parliament and was recently awarded a CBE in the Queen's Birthday Honours.

Oxfangs Neighbourhood Centre

Robert Scott introduced himself as the new manager of the Centre and spoke on new groups that have started up. Gave notice that their annual general meeting will be held on 21st October at 7 pm and hoped the Community Council would send a representative.

Date and Time of Next Meeting: 23rd September at 7.00 pm.

Venue: Board Room in the Oxfangs Care Offices, 12 Firrhill Neuk.

This meeting ended at **09.00 pm.**

Flood Defence Work – FOI Issues

Report to Firrhill Community Council - 26 August 2013

This report covers our communications with the City of Edinburgh Council (CEC) and the Scottish Information Commissioner (OSIC) related to our request for information. It should be noted that OSIC have been copied in to all communications between the CEC and myself.

On 25 July, an email was received from Chris Peggie, the CEC Freedom of Information Review Officer, stating the information we provided to OSIC substantially narrowed the scope of our request and a discussion would assist the Council to refine the search and may overcome the cost barrier.

On 31 July, I responded to this invitation indicating a willingness to discuss the matter in order to find a resolution but contesting that the information sent to OSIC narrowed the scope of the request. OSIC had asked if we were aware of information that was missing and I responded by providing the bits of information we were aware of. We are not aware of communications not addressed to us or where we were not copied in. It is this information we are seeking.

Mr Peggie also stated we received previous offers of assistance in regard to this matter and this I disputed. We received no communication from the CEC until after we had lodged an appeal with OSIC and then we were offered a letter which would explain the issues to us on the proviso we withdrew our complaint. We were seeking evidence of action not an explanation.

I continue to remind the CEC that the request for information followed the attendance of two of their officers to a meeting of Firrhill Community Council and that the request was addressed to them. It is reasonable to assume the officers concerned were well aware of the issues on which we were now seeking information. I stated in my response - *this was not a request out of the blue - but borne out of frustration in dealing with the CEC over issues that should easily have been resolved if they had been acted on. Clearly they have not and if the officers concerned cannot identify the relevant information then there is little the Community Council can do to assist. Your allegations of assistance have never provided detailed information, which may have enabled us to be more specific.*

Mr Peggie, in a phone call, put his suggested revision of our request and whilst it seemed reasonable I asked for it in writing before agreeing. He also asked that our appeal to OSIC be withdrawn and I stated clearly I did not intend to take this action.

On 2 August, I received his suggested revised request which is written out below in full.

"The request you have submitted is for a large geographic area over a period of 10 years. I understand that the information you require relates to the areas of Braid Burn Path and Oxgangs Road North and applies to the period of time since the completion of the flood defence works to the present date.

I have drafted suggested wording that, if submitted as an EIR request to the Council, would result in information being provided to you.

- *Please provide the number of complaints received by telephone, letter or email relating to flooding on Braid Burn Path between the completion of the flood defence works and 31 July 2013.*
- *A copy of all communications between local Councillors and Council departments/sections, and between the departments/sections themselves in relation to flooding on Braid Burn Path and Oxgangs Road North following the completion of the flood defence works.*
- *Copies of reports following site visits to Braid Burn Path and properties on Oxgangs Road North to view, discuss or assess flooding issues resulting from complaints received since completion of the flood defence work.*

- *The investigation report referred to in the meeting of November 2012.*

As we have previously stated providing reports on individual properties may not be possible as a consequence of Data Protection legislation. However we will endeavour to be as helpful as possible in instances where this occurs and offer assistance and advice in resolving in any outstanding concerns that you may have.

Please would you confirm if you are willing to submit the above questions as a new request to City of Edinburgh Council, and withdraw your application to the Scottish Information Commissioner.

Please do not hesitate to contact me if I can be of further assistance."

My response is appended below:

"The request I submitted did not cover a large geographical area but only that area of the flood defence works where it passed through the EH13 postal district. It related only to those properties and amenities that were affected by those works. The period of 10 years was to enable statistical comparison had the information been recorded in that manner, which apparently it is not, thus presumably the information is not held in a useable format.

Your suggested wording may indeed provide us with the information we seek and overcome the cost barrier. I hope you will progress this as soon as possible.

I do not see that it is necessary for the Community Council to submit a new request. It is my understanding that public authorities have a duty to provide advice and assistance in these matters and whilst it has taken the Authority from 9 December 2012 to 2 August 2013 to do so, I am sure Firrhill Community Council will be willing to accept it as such. We acknowledge that where there are reports related to individual properties that they may be redacted, alternatively you could ask the individual to give their permission for the report to be released.

We are grateful that the public authority will now endeavour to be as helpful as possible but note also that there was no response to our request prior to our application to the Scottish Information Commissioner. Consequently I do not consider it appropriate to withdraw our application at this time. If the release of information is conditional on this action please advise."

On 6 August I received an acknowledgement from the CEC Records & Information Compliance Unit, for a new request for information (EDIR: 923) on the Braid Burn Flood defences and that it will be dealt with under the Environmental Information (Scotland) Regulations 2004. It appears the CEC have taken the unilateral decision to interpret this as a new request rather than a clarification of the original request. Consequently we are now back at the start of the process and the CEC have 20 working days from the 6 August in which to respond (28 August).

I asked OSIC for an opinion on this and was advised to leave the Council to respond. I accept that where there is a need to seek clarification of a request for information, then the clock would not start until that clarification had been received. The fact that it took so long for the CEC to seek clarification is a matter for OSIC to consider. The Commissioner has already ruled against the CEC in regard to their failure to respond. We are still awaiting the Commissioner's decision on whether our request was *manifestly unreasonable* or not.

Our letters to local residents directly affected by the flood defence work were all delivered before the end of July and the closing date for responses is the 31st August.

Jim Napier

Member, Firrhill Community Council

(date of report 15 August 2013)

Correspondence List

By e-mail: all messages forwarded to members with this facility; some transferred to website where appropriate.

- 1 D Bewsey: acknowledgement of Sec's e-mailed apology for EIT meeting, 29 July, and intimation of S Duffy's attendance instead.
- 2 Cllr Lewis re European Recognition for Online Edinburgh Projects 'Your Library Your Edinburgh', and 'Edinburgh Outdoors'.
- 3 A Clark re SW Communities Forum Meeting 4 Notes + map of CC areas across Edinburgh including organisations affected by proposed 'Edinburgh Garden District'.
- 4 C Peggie, Council's FOI Review Officer, re our request Ref 593590.
- 5 S Boyack MSP: July e-newsletter, including update on last summer's Legionnaires Disease outbreak and pledge to end blacklisting of known trade union and health & safety activists in the construction sector.
- 6 Cllr Lewis: project team appointed to draw up options for Meadowbank: £60k committed in Capital Coalition Budget to assess future of sports centre and stadium.
- 7 Cllr Lewis re Airport's proposed plans for practical support to athletes/teams if Edinburgh wins National Performance Centre for Sport bid.
- 8 J Napier re SW Area Board meeting on 27 August.
- 9 J Napier: copy of his response to C Peggie re Item 4, above.
- 10 C Beevers, Currie CC: Questions for Scottish Gov on planning issues re Green Belt/Space.
- 11 S Neill re Castle Furniture Project's RePaint initiative: recycling top quality paint @ £1 per litre for community groups/organisations. Tel 01592 770400 for details.
- 12 G Macdonald MSP's August newsletter: www.gordonmacdonaldmsp.info
- 13 C Peggie, FOI Review Officer: suggested revised info requests, after discussion with J Napier and his reply on 4 Aug (Item 9 above). [Note: a summary of these FOI communications has been compiled in a Report by J Napier – will be included in FCC Aug Minutes.]
- 14 FCC Website builder message re looking for local voluntary position possibly leading to work. [Sec replied with info on Oxfams Neighbourhood Centre's request for volunteers.]
- 15 Various e-mails, starting with a Website builder message, re a resident's perceived problems with neighbours & private parking: will attend Cllr Rust's surgery.
- 16 S McDonald, SW N'hood Office, re Cllr Rust's request for views from PNP members on dispensing with Business Meeting and holding all meetings in public (where appropriate).
- 17 S McDonald re launch of 'Get it Sorted ... Together' joint campaign between Evening News & CEC to support communities and improve local neighbourhoods and environment: groups encouraged to put forward ideas for work which they'll organise with Council support and funding. Application forms: sorted@edinburgh.gov.uk (1st set judged by panel on 12 Aug)
- 18 Julia Frew re our FOI Request to Council and interpretation of Council's view that our requests are 'manifestly unreasonable' to respond to.
- 19 S Neill: 'August Newsflash' re funding for community groups/organisations.

- 20 E Hewitt: reminder that nominations for Get Up & Go Awards closing date is 13 Sept. Details: www.edinburgh.gov.uk/getupandgo
- 21 E Hewitt re CC Elections publicity through flyers/posters/leaflets in media, libraries and community centres. Also, nomination forms for elected and nominated members available at www.edinburgh.gov.uk/communitycouncils
- 22 S McDonald re multi-agency domestic abuse draft policy for consultation by 30 Aug.
- 23 FCC Website Builder message from person moving into Firrhill re lack of facilities in Colinton Mains Park for children to use up energy, especially a small skatepark. [Sec. replied and forwarded his e-mail to our City Councillors.]
- 24 Various e-mails from PNP reps, including FCC Chair, agreeing to all meetings being held in public (item 16, above).
- 25 J Napier: proposed timetable for FCC's use of election material [put on our website].
- 26 E Hewitt: Planning Scotland's Seas Consultation 2013 (until 13 Nov): integrated marine planning, incl. Offshore Renewable Energy <http://www.scotland.gov.uk/marineconsultation>
- 27 E Hewitt: City Council's new Adult Education Programme: courses in many subjects, from 1 day's duration until Easter www.edinburgh.gov.uk/adultcourses ; Tel 556 7978
- 28 H Levy: Firrhill Medical Project Public Info Day, Sat 7 Sept, 11am-2pm, Oxfangs Library
- 29 H Levy: Al Anon meetings starting 30 Aug, Fridays at 7-8pm, Oxfangs N'hood Centre – an anonymous fellowship to help families/friends of alcoholics recover from this disease.
- 30 Oxfangs N'hood Centre's new classes: Mondays, 10am-1.30pm Computer Drop-in; 2-4pm Carpet Bowls; Tuesdays, 10am-12noon Parents & Tots Drop-in; 1-2.30pm Knit & Natter (needles & wool supplied). Café 10am-1.30pm weekdays. Tel: 441 7558.
- 31 H Levy: Hope Triangle Health Group meeting Thurs 29 Aug, 10 am, 12 Firrhill Neuk.
- 32 CEC: drainage works to take place on path between Howe Park & Tryst Park: 26-30 Aug.
33. E Hewitt: