

Council meeting 22 September 2011



The council today approved the appointment of Balfour Beatty as preferred contractor for the planned new Portobello High School. They agreed to spend £200,000 on preparatory works, but nothing else can really happen until the latest legal challenge by the group opposed to building the new school in the park, [PAAG](#), is first of all dealt with. PAAG entered a written representation in lieu of a deputation appearing at the meeting today.

There were two deputations this morning at the full council meeting, one from Tower Bank Primary School and one from the parent council of Portobello High School. The main item to be discussed today was the appointment of a contractor to build the planned new High School at Portobello. The recommendation to the council was that the preferred contractor, Balfour Beatty, should be engaged although a formal contract will not be entered into until the legal challenge to the council has been dealt with in December.

Several Tower Bank pupils spoke to the council meeting and were warmly complimented by the Provost on not taking up too much of the council's time. Usually deputations overrun the five minute allocation, but these youngsters were clear, concise and impassioned. They all expressed the view that they would love to have a new school to attend in the near future.

Emma Woods from Portobello High School Parent council then spoke very eloquently about the risk that the council would run by appointing a contractor today to build the new school, notwithstanding the petition for judicial review which has been raised by PPAG. Woods said that she was anxious the press

did not over-emphasise the poor conditions in the school, which might demoralise existing pupils, but added:-“Teachers are battling adversity to deliver a good education.”

She continued that the conditions are unacceptable and that the new school looks wonderful by comparison. She claimed:-“We should all feel a great shame that it is so bad.”

Mrs Woods explained that a film had been made about the school some time back and copies were still available to show to the councillors. “The proposal to build a new school has been talked about for seven years and conditions are now worse. We desperately want a new school now. Moving in January however would be wrong and any move should be in summer. We must go ahead with the building now.”

Mrs Wood recognised that the council have been served with notice of the petition for judicial review lodged by PAAG in the Court of Session about building the school on common good land, but advised the councillors:-“If a school is “fit for purpose” then that is also for the common good, so there is no risk to you. Show the young people of Portobello real leadership.”

The council solicitor agreed on questioning that he could ask the court to move the date for the judicial review forward, on the grounds that this is so important to the public, and that he will do so.

In response to a question from Councillor Burgess, the solicitor also confirmed that if the council does not enter into a contract with Balfour Beatty then the contractor could possibly seek costs for delay. He continued:- “There is also a risk if we go ahead too, even with senior counsel’s opinion, if we abort the contract at a later date. We have an opinion from senior counsel using words like “robustly defend” so it is clear that the council should be in a good position legally. But there is much more than legal argument here. It

is unclear as to what could be done to avoid court action, as the time to talk was well before now.”

Councillor Johnstone then proposed an addendum to the recommendation when she said:-“This morning is incredibly frustrating. We have legal opinion but have not taken any steps to have a declarator from the court ourselves. We do not have to be in this position of risk today.”

Councillor McLaren spoke confidently about the proposal saying:-“The case for us going ahead and building the school is robust. Why should we then, having spent all of this money and with good legal advice, go to the courts, at further cost to the council, to ascertain whether we can build the school in the park when we already know the answer. We have had all the arguments about green space but this is the time to draw a line in the sand and we just want to get ahead with building this iconic beautiful school for the children of Portobello. We are not uncertain. It is a matter of historical record that this administration have done everything possible to build this school. This is a high priority for this council. There is nothing more that council officers could have done here. They consulted with the wider community and the action group. The action group have been content to see the council spending £1.5m on design fees whilst they sat back, and then delayed taking action to the last minute.”

Councillor Johnstone agreed that the school needs to be built. But continued:-“Our recommendation is that this council should seek to improve its performance in the future. We want to put on record that we regret that we have been put in this position of uncertainty.”

The Green addendum was later defeated.

Councillor Stephen Hawkins regretted that he had to speak again about a matter of legal opinion. “This is a running sore in the community. It has been very nasty indeed. It now

saddens me that we are trying to blame others about the position that we find ourselves in.”

Council Leader, Jenny Dawe then spoke to her Leader’s Report. She expressed the view that the tram diversions are going well so far.

She mentioned the Scottish Government announcement from John Swinney in his spending review yesterday which will “have to be looked at by our Finance Department closely.” although she conceded that there had been “no real surprises” in his announcement yesterday.

Councillor Cameron Rose questioned the leader about the signage for the tram diversions. He said:- “I was cycling down Lord Russell Place the other day and the sign said ‘Princes St closed’. This is echoed around the city. Could we get a more constructive form of words to assist business in the city.”

The Council Leader agreed that she will make enquiries about rephrasing signs.

The other matter to which councillors devoted a large amount of time was the SESplan Proposed Strategic Development Plan, a document of some 80 pages, and which Councillor Jim Lowrie urged the council to adopt.

This document has been produced after a full consultation process with bodies such as community councils. After a proposal by the Green party to amend the wording in the report, mainly by introducing the word sustainable where it refers to economic growth, which was not adopted, the report was ratified by the council. The matter will eventually come back to the planning committee for further ratification.

This is part of a larger plan for the Edinburgh and South East Scotland area for the next 20 years, involving other local authorities too. It is intended, for example, to provide

a framework for Local Development Plans in each area, and will be reviewed every five years. Councillor Lowrie explained that there is a need for 3000 new homes in Edinburgh, some of which may have to be built within the greenbelt, although he confirmed that they are trying to preserve as much of that important area as possible.

Councillor Lowrie also explained that the report necessarily has to refer to the possibility of a tram to Newhaven as it is entirely possible that this might happen over the next two decades. It was emphasised that this was not in any way misleading, simply one thing which might happen and which would affect future development.

The Council meeting adjourned just before one o'clock when the councillors were to be served lunch.