

Notice of meeting and agenda

Policy and Sustainability Committee

10.00 am Thursday, 14th May, 2020

Virtual Meeting - via Skype

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

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1. Order of Business

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

2. Declaration of Interests

- 2.1 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

- 3.1 If any

4. Minutes

- | | | |
|-----|--|---------|
| 4.1 | Minute of Policy and Sustainability Committee of 23 February 2020 – submitted for approval as a correct record | 7 - 26 |
| 4.2 | Minute of Leadership Advisory Panel of 23 April 2020 – submitted for approval as a correct record | 27 - 36 |

5. Forward Planning

- | | | |
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| 5.1 | Policy and Sustainability Committee – Work Programme | 37 - 42 |
| 5.2 | Policy and Sustainability Committee – Rolling Actions Log | 43 - 66 |

6. Reports

6.1	Local Police Plan 2020-2023 – Report by the Chief Executive	67 - 88
6.2	Covid 19 – Update – Presentation by the Chief Executive	Verbal Report
6.3	Community Asset Transfer – Former Public Convenience, 531 Lanark Road, Juniper Green, EH14 5DJ – Report by the Executive Director of Resources	89 - 94
6.4	Extension to Construction Professional Services Framework – Report by the Executive Director of Resources	95 - 100
6.5	Housing Options Protocol for Care Leavers – Report by the Executive Director for Communities and Families	101 - 114
6.6	Domestic Abuse Housing Policy – Report by the Executive Director for Communities and Families	115 - 130
6.7	City Centre West to East Cycle Link and Street Improvements Project – Statutory Orders and Progress Update – Report by the Executive Director of Place	131 - 182
6.8	Creating Safe Spaces for Walking and Cycling – Report by the Executive Director of Place	183 - 216

7. Motions

7.1 If any

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillor Adam McVey (Convener), Councillor Cammy Day (Vice-Convener), Councillor Robert Aldridge, Councillor Jim Campbell, Councillor Kate Campbell, Councillor Neil Gardiner, Councillor Gillian Gloyer, Councillor Graham Hutchison, Councillor Lesley Macinnes, Councillor John McLellan, Councillor Melanie Main, Councillor Ian Perry, Councillor Alasdair Rankin, Councillor Alex Staniforth, Councillor Susan Webber, Councillor Donald Wilson and Councillor Iain Whyte

Information about the Policy and Sustainability Committee

The Policy and Sustainability Committee consists of 17 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Skype and will be webcast live for viewing by members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4264, email jamie.macrae@edinburgh.gov.uk / louise.p.williamson@edinburgh.gov.uk.

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Minutes

Policy and Sustainability Committee

10.00 am, Tuesday 25 February 2020

Present

Councillors McVey (Convener), Day (Vice-Convener), Aldridge, Jim Campbell, Kate Campbell, Gardiner, Gloyer, Gordon (substituting for Councillor Rankin), Macinnes, McLellan, Main, Mowat (substituting for Councillor Hutchison for items 1 to 13), Perry, Rose (substituting for Councillor Hutchison for items 15 to 26), Staniforth, Webber, Whyte, Wilson and Work.

1. Minutes

Decision

- a) To approve the minute of the Policy and Sustainability Committee of 26 November 2019 as a correct record.
- b) To approve the minute of the Policy and Sustainability Committee of 21 January 2020 as a correct record.

2. Policy and Sustainability Committee Work Programme February 2020

The Policy and Sustainability Committee Work Programme for February 2020 was presented.

Decision

To note the work programme.

(Reference – Work Programme February 2020, submitted.)

3. Policy and Sustainability Committee Rolling Actions Log

Details were provided of the outstanding actions arising from decisions taken by the Committee.

Decision

- 1) To agree to close the following actions:
 - Action 2(2)** – Full Cost Charges in Care Homes for Older People Managed by the Council
 - Action 8(2)** – City Strategic Investment Fund
 - Action 9** – Edinburgh Tourism Strategy Update
 - Action 10** – Tourism – Policy Statement

Action 13(2) – Tourism Strategy

Action 15 – CEC Motion by Councillor Bird – Respectful Political Debate

Action 17 – Climate Commission

Action 19 – Tourism Strategy Development Update

2) To otherwise note the Rolling Actions Log.

(Reference – Rolling Actions Log, submitted.)

4. Policy and Sustainability Committee Business Bulletin

The Policy and Sustainability Committee Business Bulletin was presented.

Decision

To note the Business Bulletin.

(Reference – Policy and Sustainability Committee Business Bulletin, submitted.)

5. Edinburgh Poverty Commission Progress Update

An update was provided on the progress of the Edinburgh Poverty Commission in the period since its formal launch in November 2018. A proposed approach to governance and development of a work programme with the adoption of a new Poverty All Party Oversight Group was presented.

Motion

- 1) To note the work carried out by the Edinburgh Poverty Commission to date and plans for publication of final recommendations at the end of March 2020.
- 2) To agree to the development of a cross-council work programme to take forward the implementation of Edinburgh Poverty Commission recommendations to be considered by Committee by June 2020.
- 3) To agree to the establishment of the Poverty All Party Oversight Group and its proposed remit.
- 4) To include the Convener/Vice Convener of the Housing, Homelessness and Fair Work Committee in the membership of the All Party Oversight Group.
- 5) To note the development of existing officer and cross partner working groups to support this work programme.

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To note the work carried out by the Edinburgh Poverty Commission to date and plans for publication of final recommendations at the end of March 2020.
- 2) To agree to the development of a cross-council work programme to take forward the implementation of Edinburgh Poverty Commission recommendations to be considered by Committee by June 2020.

- 3) To note the development of existing officer and cross partner working groups to support this work programme.
- 4) To agree not to establish an All Party Oversight Group instead requiring reporting of actions and performance measurement to a Council Committee in future to ensure appropriate scrutiny and decision making in public and to report on the result of partnership actions in order to determine the Council's approach to improvement and scrutiny addressed through the Edinburgh Partnership.

- moved by Councillor Whyte, seconded by Councillor Mowat

Voting

The voting was as follows:

For the motion - 10 votes
For the amendment - 7 votes

(For the motion: Councillors McVey (Convener), Day, Kate Campbell, Gardiner, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.)

For the amendment: Councillors Aldridge, Jim Campbell, Gloyer, McLellan, Mowat, Webber and Whyte.)

Decision

To approve the motion by Councillor McVey:

(Reference – report by the Chief Executive, submitted.)

6. Police Scotland – City of Edinburgh Division Update

An update was provided on Police Scotland's City of Edinburgh Division city-wide plans, policies and performance.

Decision

To note the report.

(Reference – report by the Chief Executive, submitted.)

7. Local Fire and Rescue Plan – Review 2020

The Scottish Fire and Rescue Service was required to prepare Local Fire and Rescue Plans for each local authority in Scotland. The publication of a new Strategic Plan 2019-22 in October 2019 now instigated a requirement to carry out mandatory review of all Local Fire and Rescue Plans and the committee were asked to participate in a short survey on local service provision.

Decision

To note the report and agree to feed into the survey.

(Reference – report by the Chief Executive, submitted.)

8. Review of Event Management Operations in Edinburgh – Edinburgh’s Christmas

The Committee had agreed to receive a report on revised governance arrangements for event planning. Details were provided on a number of areas for improvement which had been identified following a major review of how major events were managed in Edinburgh. A series of actions to address the areas raised in the review were outlined.

Motion

- 1) To note the improvements in event management operations following the review by the Chief Executive.
- 2) To agree to the establishment of the Festival and Events All Party Oversight Group as outlined in appendix two of the report by the Chief Executive.
- 3) To note that, subject to formal approval by the Governance Risk and Best Value Committee, Internal Audit proposed to undertake an audit of event planning as part of their draft 20/21 Audit Plan.
- 4) To note that the Culture and Communities Committee had agreed a process for engaging residents in the future shape of Edinburgh’s Winter festivals.
- 5) To further note there was an outstanding planning application relevant for the delivery of the current contract.
- 6) To agree that following the outcome of the Development Management Sub-Committee, the Executive Director of Place brings forward a paper to the newly formed APOG for discussion on changes that could take place from the previous year’s set up to meet residents’ concerns, working with the operator, and that this be approved by the Culture and Communities Committee at the next available committee.
- 7) To agree that if the process in point 6 failed to reach a conclusion, the Executive Director of Place would seek Committee approval at the earliest possible date to provide options for the City’s Winter festivals 2020/21.
- 8) To note the outstanding action from Councillor Jim Campbell’s Council motion of November 2019 regarding Councillors’ access to open book information and note this would be submitted to Council by the end of March 2020 for consideration at June 2020 Policy and Sustainability Committee.

- moved by Councillor McVey, seconded by Councillor Day

Amendment 1

- 1) To note the suggested improvements in event management operations following the review by the Chief Executive and agree to implement the management actions outlined as an interim measure.
- 2) To agree not to establish an All Party Oversight Group but to require appropriate reporting to a Council Committee to ensure scrutiny and decision making in public.

- 3) To agree to review the purpose and scope of the Strategic Events Partnership in light of the proposed major events steering group as the former had clearly failed in bringing cross Council oversight through the Chairmanship of the Chief Executive given the lack of co-ordination of Council involvement in events described at paragraphs 4.8 to 4.16 of the report by the Chief Executive.
- 4) To commission the Council's external auditors to provide an external review of the Council decision making process leading to Edinburgh's Christmas 2019, including why the actions required by any previous motions to Council had been ignored or held in abeyance including the motion of 1 February 2018, and make comprehensive recommendations about event planning for the future.
- 5) To commission a further report from the Chief Executive exploring with Underbelly Ltd the possibility of providing an alternative, locally themed Christmas Market involving local businesses in the traditional market areas of the Old Town and/or elsewhere, along with any additional costs involved in any contract variation involved, in order to remove the necessity of taking large areas of East Princes Street Gardens out of public use for six months of the year.
- 6) To agree that the review of the contract for Edinburgh's Christmas and Hogmanay should recognise that the implementation of this contract cuts across many Council functions and services and should be considered at the Policy and Sustainability Committee.
- 7) To instruct the Chief Executive to explore the use of technology to help improve oversight and cross-council working which also presented an audit trail for all events.

- moved by Councillor Whyte, seconded by Councillor Mowat

Amendment 2

- 1) To note the improvements in event management operations following the review by the Chief Executive.
- 2) To agree to the establishment of the Festival and Events All Party Oversight Group as outlined in appendix two of the report by the Chief Executive.
- 3) The review of the Members Officer Protocol would consider, for all major events, whether there was a robust formal process for keeping local members informed and discussing in advance politically sensitive issues before decisions were taken or referred to committee for decision.
- 4) To ensure transparent community and stakeholder engagement, formal meetings, including relevant community councils and parks groups, would be set up for major events as part of the event management process, chaired by the named officer, and clarified in the contract where necessary.
- 5) In developing a Public Space Manifesto and Protocol, all year-round public amenity and use of public spaces, and producing carbon neutral events contributing to Net Zero Edinburgh 2030, would be considered and reflected in all contracts.

- 6) To note that, subject to formal approval by Governance Risk and Best Value Committee (GRBV), Internal Audit proposed to undertake an audit of the event planning as part of their draft 20/21 Audit Plan.

- moved by Councillor Main, seconded by Councillor Staniforth

In accordance with Standing Order 21(12)), Paragraphs 6 and 7 of Amendment 1 and all of Amendment 2 were accepted as addendums to the motion.

Voting

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Councillors McVey (Convener), Aldridge, Day, Kate Campbell, Gardiner, Gloyer, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.

For the amendment: Councillors Jim Campbell, McLellan, Mowat, Webber and Whyte.)

Decision

To approve the following adjusted motion by Councillor McVey:

- 1) To note the improvements in event management operations following the review by the Chief Executive.
- 2) To agree to the establishment of the Festival and Events All Party Oversight Group as outlined in appendix two of the report by the Chief Executive.
- 3) The review of the Members Officer Protocol would consider, for all major events, whether there was a robust formal process for keeping local members informed and discussing in advance politically sensitive issues before decisions were taken or referred to committee for decision.
- 4) To ensure transparent community and stakeholder engagement, formal meetings, including relevant community councils and parks groups, would be set up for major events as part of the event management process, chaired by the named officer, and clarified in the contract where necessary.
- 5) In developing a Public Space Manifesto and Protocol, all year-round public amenity and use of public spaces, and producing carbon neutral events contributing to Net Zero Edinburgh 2030, would be considered and reflected in all contracts.
- 6) To note that, subject to formal approval by the Governance Risk and Best Value Committee, Internal Audit proposed to undertake an audit of the event planning as part of their draft 20/21 Audit Plan.
- 7) To note that the Culture and Communities Committee had agreed a process for engaging residents in the future shape of Edinburgh's Winter festivals.
- 8) To further note there was an outstanding planning application relevant for the delivery of the current contract.

- 9) To agree that following the outcome of the Development Management Sub-Committee, the Executive Director of Place brings forward a paper to the newly formed APOG for discussion on changes that could take place from the previous year's set up to meet residents' concerns, working with the operator, and that this be approved by the Culture and Communities Committee at the next available committee.
- 10) To agree that if the process in point 6 failed to reach a conclusion, the Executive Director of Place would seek Committee approval at the earliest possible date to provide options for the City's Winter festivals 2020/21.
- 11) To note the outstanding action from Councillor Jim Campbell's Council motion of November 2019 regarding Councillors' access to open book information and note this would be submitted to Council by the end of March 2020 for consideration at June 2020 Policy and Sustainability Committee.
- 12) To agree that the review of the contract for Edinburgh's Christmas and Hogmanay should recognise that the implementation of this contract cuts across many Council functions and services and should be considered at the Policy and Sustainability Committee.
- 13) To instruct the Chief Executive to explore the use of technology to help improve oversight and cross-council working which also presented an audit trail for all events.

(References – Policy and Sustainability Committee 26 November 2019 (item 16); report by the Chief Executive, circulated).

9. Arm's Length External Organisations – Reporting to Committee

Details were provided on the Council's reporting arrangements for its arm's length external organisations (ALEOs).

Motion

- 1) To approve the reporting approach as set out in Paragraphs 4.10 to 4.13 of the report by the Chief Executive.
- 2) To note that the Chief Executive would be undertaking a wider review on how the Council worked with its Arm's Length External Organisations.
- 3) To note the expectation that annual reporting would be included as part of the scrutiny of financial reporting of ALEOs to the Governance, Risk and Best Value Committee

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To approve the reporting approach as set out in Paragraphs 4.10 to 4.13 of the report by the Chief Executive.
- 2) To note that the Chief Executive would be undertaking a wider review on how the Council worked with its Arm's Length External Organisations.

- 3) To note the expectation that annual reporting would be included as part of the scrutiny of financial reporting of ALEOs to the Governance, Risk and Best Value Committee.
- 4) To further agree that executive committee members should not be involved in the scrutiny of a company when they were board directors and should absent themselves for any such items.

- moved by Councillor Whyte, seconded by Councillor Jim Campbell

Voting

The voting was as follows:

For the motion	-	12 votes
For the amendment	-	5 votes

(For the motion: Councillors McVey (Convener), Aldridge, Day, Kate Campbell, Gardiner, Gloyer, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.

For the amendment: Councillors Jim Campbell, McLellan, Mowat, Webber and Whyte.)

Decision

To approve the motion by Councillor McVey:

(Reference – report by the Chief Executive, submitted.)

Declaration of Interests

The following members declared a non-financial interest in the above item:

Councillor Kate Campbell as Chair of CEC Holdings Ltd and Marketing Edinburgh.

Councillor Gordon as Chair of the EICC.

Councillor Macinnes as Chair of Transport for Edinburgh.

Councillor Staniforth as a member of Edinburgh Leisure.

Councillor Wilson as a member of Capital City Theatres Trust.

10. Sustainability Programme Progress Update

A summary of ongoing activity being undertaken across the Council as part of the corporate sustainable programme activity was provided.

Motion

- 1) To note the sustainability programme update and the programme plan for delivery of the City Sustainability Strategy 2030.
- 2) To note the appointment of the Climate Commission Chair and the confirmed Commission membership.
- 3) To note the update on the Edinburgh Conference.
- 4) To note the resource arrangements to support the programme.
- 5) To note the update on the Sustainable Energy Action Plan and the positive progress made on current city emissions target.

- 6) To agree that moving forward any continuing SEAP projects were brought into the wider Sustainability Programme and future reporting on city emissions would reflect the new council target for 2030.

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To note the sustainability programme update and the programme plan for delivery of the City Sustainability Strategy 2030.
- 2) To note the appointment of the Climate Commission Chair and the confirmed Commission membership.
- 3) To note the update on the Edinburgh Conference.
- 4) To note the resource arrangements to support the programme.
- 5) To note the update on the Sustainable Energy Action Plan and the positive progress made on current city emissions target.
- 6) To agree that moving forward any continuing SEAP projects were brought into the wider Sustainability Programme and future reporting on city emissions would reflect the new council target for 2030.
- 7) To agree that the Commission's work will in future be reported directly to this Committee rather than via an APOG.

- moved by Councillor Aldridge, seconded by Councillor Gloyer

Voting

The voting was as follows:

For the motion	-	10 votes
For the amendment	-	7 votes

(For the motion: Councillors McVey (Convener), Day, Kate Campbell, Gardiner, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.

For the amendment: Councillors Aldridge, Jim Campbell, Gloyer, McLellan, Mowat, Webber and Whyte.)

Decision

To approve the motion by Councillor McVey.

(Reference – report by the Chief Executive, submitted.)

11. Draft Edinburgh Food Growing Strategy for Consultation

Details were provided on the proposed public consultation on the Edinburgh Draft Food Growing Strategy which would run for a six week period in March and early April on the Council's consultation hub.

Decision

To approve the draft Edinburgh Food Growing Strategy for consultation as detailed in Appendix I of the report by the Chief Executive.

(Reference – report by the Chief Executive, submitted.)

Declaration of Interests

Councillor Gordon declared a non-financial interest in the above item as Chair of Edible Edinburgh.

12. Edible Edinburgh Sustainable Food Cities Co-ordinator

Details were provided on a proposal to make the post of Co-ordinator of Edible Edinburgh's Sustainable Food Cities full-time to cover the time period until March 2022.

Decision

- 1) To approve the allocation of £32,370 from the Sustainable Edinburgh 2020 budget to fund the employment of Edible Edinburgh partnership's Sustainable Food Cities Co-ordinator for a two year period from April 2020 to March 2022, moving from a part to full time post.
- 2) To note the discussions underway with NHS Lothian and Edinburgh Community Food on contributing funding towards this post.

(Reference - report by the Executive Director of Place, submitted.)

Declaration of Interests

Councillor Gordon declared a non-financial interest in the above item as Chair of Edible Edinburgh.

13. City Strategic Investment Strategic Programme

An update was provided on the City Strategic Investment Fund balance following the decision taken in October 2019 to restructure the fund. Details were also provided on allocations being made to BioQuarter and Powderhall Stables projects.

Decision

- 1) To note that on 21 November 2019, Council agreed to the restructuring of the City Strategic Investment Fund (CSIF).
- 2) To note that from the £2.15m available to support delivery of the Council's strategic regeneration priorities:
 - (a) £500,000 will be allocated to BioQuarter to fund the procurement and establishment of a joint venture vehicle (subject to the agreement of report elsewhere on agenda);
 - (b) To note that £604,658 from the £2.15m available to support delivery of the Council's strategic regeneration priorities was allocated to the Granton Waterfront regeneration programme by the Finance and Resources Committee on 6 December 2019;

- (c) To note allocations of up to £300,000 for City Centre Transformation, £200,000 for Data Driven Innovation and £500,000 for West Edinburgh respectively;
- 3) To note that the allocation of £500,000 to leverage in grant funding for the Powderhall Stables project is the subject of a separate report.
- 4) To note the City Strategic Investment Fund cash flow projection as shown in Appendix 1 of the report by the Executive Director of Place.

(Reference – report by the Executive Director of Place, submitted.)

14 BioQuarter Strategic Business Case

Approval was sought to progress with the next stage of the BioQuarter project including £500,000 of funding as the Council's contribution towards the development of the business case and procurement exercise.

Decision

- 1) To agree the Strategic Business Case as set out in Appendix 1 of the report by the Executive Director of Place.
- 2) To agree to contribute up to £500,000 to fund the further development of the business case and run the related procurement process.
- 3) To note that a Prior Information Notice (PIN) would be posted in the Official Journal of the European Union (OJEU) in April/May 2020 setting out the intention to proceed with the procurement of a commercial development partner and seeking market feedback.
- 4) To note that a further report would be brought to Committee in June 2020 providing an update on progress, seeking approval of the outline business case, approval to enter into a new legal entity (TopCo) and seeking agreement to start the formal procurement process with greater detail over costings.

(Reference – report by the Executive Director of Place, submitted.)

15 City Strategic Investment Fund – Powderhall Stables

Approval was sought for the allocation of up to £790,000 from the City Strategic Investment Fund to the Powderhall Stables project from 1 April 2020, subject to it securing a grant of £1.21m from the Scottish Government's Regeneration Capital Grant Fund (RCGF). £500,000 of this would be on a non-repayable basis, while up to £290,000 would be a repayable loan.

Decision

- 1) To note that the current available balance of the City Strategic Investment Fund (CSIF) included £500,000 which could be used for match funding grant applications on a non-repayable basis.
- 2) To allocate £500,000 towards the Powderhall Stables project (should it proceed) from 1 April 2020 on a non-repayable basis.

- 3) To note that the current available balance of the City Strategic Investment Fund (CSIF) included £145,000 which could be loaned to projects and that this was due to rise to £290,000 in 2020/21.
- 4) To agree to lend up to £290,000 to the Powderhall Stables project (should it proceed) from 1 April 2020 on the terms set out in the report by the Executive Director of Place subject to final approval from the Head of Finance.
- 5) To refer the report to the City of Edinburgh Council for approval.

(Reference – report by the Executive Director of Place, submitted.)

16. Granton Waterfront – Leading the Way in Sustainable Development: Programme Delivery Plan

Details were provided on the key elements of the Programme Delivery Plan for the regeneration of Granton Waterfront which was centred around a Council led, infrastructure first approach to development, supporting the Scottish Government's ambition for Scotland to be a global leader in transitioning to net zero carbon, creating outstanding places and achieving inclusive economic growth.

Motion

- 1) To note the progress with delivering the regeneration of Granton Waterfront.
- 2) To note the intention for Granton to become a leading example in sustainable development; supporting the transition to net zero carbon, creating an outstanding place and achieving inclusive growth.
- 3) To note the Programme Delivery Plan (PDP) and agree that officers proceed to develop an Outline Business Case (OBC) for approval by Committee prior to development of detailed business cases.

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To note progress with delivering the regeneration of Granton Waterfront.
- 2) To reaffirm the objective to create a truly mixed development in Granton Waterfront that reflected the diversity of Edinburgh as a whole in terms of housing type and tenure.
- 3) To recognise the desires of the existing communities that the new Granton Waterfront increased local employment opportunities in the long term, and not just as a consequence of the work required to deliver the development.
- 4) To note the intention for Granton to become a leading example in sustainable development; supporting the transition to net zero carbon, creating an outstanding place and achieving inclusive growth.
- 5) To instruct a dedicated study on the technical options for the new Granton Waterfront to achieve carbon neutrality during construction, and on an ongoing basis.

- 6) To note the Programme Delivery Plan (PDP) and agree that officers proceed to develop an Outline Business Case (OBC) for approval by Committee prior to development of detailed business cases.
- 7) To agree as part of the Outline Business Case, a full transport appraisal of North Edinburgh would be undertaken, taking account of all the new developments in the north and west of the city, as well as any implications from other transport initiatives in Edinburgh, which would explicitly include consideration of movements that did not start or end in the city centre.
- 8) To recognise the importance of Granton Harbour and the area to the north of West Harbour Road in creating a new city destination in Granton.

- moved by Councillor Jim Campbell, seconded by Councillor Whyte.

Voting

The voting was as follows:

For the motion	-	10 votes
For the amendment	-	7 votes

(For the motion: Councillors McVey (Convener), Day, Kate Campbell, Gardiner, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.

For the amendment: Councillors Aldridge, Jim Campbell, Gloyer, McLellan, Rose, Webber and Whyte.)

Decision

To approve the motion by Councillor McVey.

(Reference – report by the Executive Director of Place, submitted.)

17. Response to the Gender Recognition Reform (Scotland) Bill Consultation

The Scottish Government were consulting on the Gender Recognition Reform (Scotland) Bill which would amend the way in which transgender people could obtain a Gender Recognition Certificate.

The Council's proposed response, which supported transgender people's rights and the rights of children and young people, was presented.

Motion

- 1) To note the closing date for responses was 17 March 2020.
- 2) To agree the proposed Council response to the consultation as detailed in Appendix 1 to the report by the Executive Director of Resources.

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To note the closing date for responses was 17 March 2020.
- 2) To agree the proposed Council response to the consultation as detailed in Appendix 1 to the report by the Executive Director of Resources subject to the deletion of paragraph two in response to question 1, and paragraph three in response to question 3.

- moved by Councillor Webber, seconded by Councillor Whyte

Amendment 2

To delete recommendation 1.2 and replace with:

To agree the proposed Council response to the consultation as detailed in Appendix 1 to the report by the Executive Director of Resources with the addition of the sentence, "Consideration should be given to the recognition of non-binary identities." to paragraph 2 of our response to question 4.

In accordance with Standing Order 21(12), Amendment 2 was accepted as an amendment to the motion.

Voting

The voting was as follows:

For the Motion (as adjusted)	-	12 votes
For Amendment 1	-	5 votes

(For the motion (as adjusted): Councillors McVey (Convener), Aldridge, Day, Kate Campbell, Gardiner, Gloyer, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.

For the amendment: Councillors Jim Campbell, McLellan, Rose, Webber and Whyte.)

Decision

To approve the following adjusted motion by Councillor McVey:

- 1) To note the closing date for responses was 17 March 2020.
- 2) To agree the proposed Council response to the consultation as detailed in Appendix 1 to the report by the Executive Director of Resources with the addition of the sentence, "Consideration should be given to the recognition of non-binary identities." to paragraph 2 of our response to question 4.

(Reference –report by the Executive Director of Resources, submitted.)

18. Edinburgh Integration Joint Board Progress Report

An update was provided on the work of the Edinburgh Integration Joint Board and delivery of its strategic plan.

Motion

To note the report by the Chief Officer, Edinburgh Health and Social Care Partnership.

- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To note with concern that the transformation programme was only now being initiated.
- 2) To note the comments and progress in the 6 monthly report and request the Edinburgh Integration Joint Board consider and report back to this Committee regarding the following:

1. Three Conversations Model:

Notes that there are discrepancies across the city as to the availability of providers and in the south west, in particular, private providers are heavily relied on.

As such the communication with patients and families is key if they are to arrange much of the care themselves.

Instructs the Chief Officer of the HCSP to report and develop within one cycle an information pack for the HCPs carrying out the 3 conversations which will facilitate and ensure the information needed by the families and individuals needing care can make decisions quickly and Independently?

2. Home First Approach

Instructs the Chief officer of the HCSP to report and develop a report within 1 cycle providing full scope and role of the Home first navigators and Discharge to Assess.

That provides further assurance that the initial decisions and assessments carried out by HCPs are not being overlooked in an effort to expedite discharge.

3. Enablement

Recognises that as patients return home it is very much hoped that their health improves

As health improves and patients are reenabled it is key that care packages can be reviewed and adapted appropriately

Recognises that re-assessment following discharge is equally critical as tackling initial assessments

- 3) To instruct the Chief Officer of the Health and Social Care Partnership to report and develop to the Edinburgh Integration Joint Board a review of directions to fulfil the requirement of the amendment
- 4) To recognise that such prudent reassessment would have a positive impact on both the financial position of the Edinburgh Integration Joint Board and the sense of independence and re-enablement of the individual.

- moved by Councillor Webber, seconded by Councillor Whyte

Voting

The voting was as follows:

For the motion - 12 votes
For the amendment - 5 votes

(For the motion: Councillors McVey (Convener), Aldridge, Day, Kate Campbell, Gardiner, Gloyer, Gordon, Macinnes, Main, Perry, Staniforth and Wilson.)

For the amendment: Councillors Jim Campbell, McLellan, Rose, Webber and Whyte.)

Decision

To approve the motion by Councillor McVey.

(Reference – report by the Chief Officer, Edinburgh Health and Social Care Partnership, submitted.)

Declaration of Interests

Councillors Aldridge, Gordon and Main declared a non-financial interest in the above item as members of the Edinburgh Integration Joint Board.

19. Filming in Edinburgh 2019

Details were provided on filming in Edinburgh in 2019 together with details on the impacts and benefits as well as information on the income generated for the Council from filming.

Decision

- 1) To note the overall summary of filming in Edinburgh, the recorded impacts and benefits and income to the Council from film production in 2019.
- 2) To discharge the motion from Council on 24 October 2019 on the Film Charter and Principles.
- 3) To agree to a further report being submitted to the Committee to include costs as well as income in a full scrutiny of processes comparing Edinburgh's results with cities that charged for the use of public space for filming in order to make recommendations on future Council policy in this area.
- 4) To share the report by the Executive Director of Place with Governance, Risk and Best Value Committee in response to the request for information about the income generated to the Council from film.

(Reference – report by the Executive Director of Place, submitted.)

Declaration of Interests

Councillor McLellan declared a non-financial interest in the above item as a member of the Advertising Standards Authority.

20. Refugee Resettlement

Approval was sought for the Council's continued participation in managed refugee resettlement.

Decision

- 1) To agree to the continued participation of the City of Edinburgh in managed refugee resettlement with a commitment of resettling one hundred refugees per year.
- 2) To note that should the UK Government policy on resettlement be subject to significant change in the future (ie numbers to be resettled or funding that supports resettlement) that change would be reported to the committee and further approval sought.

(Reference – report by the Executive Director for Communities and Families, submitted.)

21. Pay Policy

Details were provided on the Council's pay processes and systems. Significant improvements in the production of transaction data and analysis had highlighted the requirement for a specific pay policy to strengthen controls and working practices.

Decision

To approve the pay policy.

(Reference – report by the Executive Director of Resources, submitted.)

22. Audit Scotland Briefing: Preparing for Withdrawal from the European Union

Details were provided on Audit Scotland's published report Preparing for Withdrawal from the European Union which highlighted key messages and illustrations of the impact that preparing for withdrawal from the European Union had had on public bodies. The main focus was on the financial implications together with some issues that might need to be addressed regarding ongoing preparations for EU withdrawal.

Decision

- 1) To note the report from Audit Scotland and the continuing work across the Council to plan for and mitigate risks associated with the UK withdrawal from the European Union.
- 2) To refer the report to the Governance, Risk and Best Value Committee as part of its work programme.

(Reference – report by the Chief Executive, submitted.)

23. Housing Sustainability – referral from the Housing, Homelessness and Fair Work Committee

The Housing, Homelessness and Fair Work Committee had referred a report on housing sustainability to the Policy and Sustainability Committee for information.

Decision

To note the report.

(References – Housing, Homelessness and Fair Work Committee, 20 January 2020 (item 12); referral from the Housing, Homelessness and Fair Work Committee, submitted.)

24. Contact Centre Performance – October – December 2019

The Contact Centre performance for the period October to December 2019 was presented together with information on associated service improvement activities.

Decision

- 1) To note current performance trends within the Contact Centre.
- 2) To note ongoing improvement activities to ensure that Council services were accessible, and citizen queries and complaints were dealt with effectively.

(Reference – report by the Executive Director of Resources, submitted.)

25. Welfare Reform Update

An update was provided on the Council's ongoing welfare reform activities which included the implementation of Universal Credit.

Decision

- 1) To note the work that was ongoing to support Universal Credit and Welfare Reform in Edinburgh.
- 2) To note the current spend projections for Discretionary Housing Payments, Council Tax Reduction Scheme and the Scottish Welfare Fund.

(Reference – report by the Executive Director of Resources, submitted.)

26. Place and Communities and Families Organisational Review

The Council, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7(A) of the Act.

Details were provided on the principal drivers for change and work undertaken to review a number of service activities which were currently delivered within the Communities and Families and Place directorates

Decision

Detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – joint report by the Executive Directors for Communities and Families and Place, submitted.)

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Minutes

Leadership Advisory Panel

10.00am, Thursday 23 April 2020

Present

Councillors McVey (Convener), Aldridge, Day, Main and Whyte.

1. Minutes

Decision

To approve the minute of the Leadership Advisory Panel of 31 March 2020 as a correct record, subject to replacing the reference for item 10: Lothian Pension Fund Administration Strategy with the following wording - "Reference – report by the Executive Director of Resources, submitted)".

2. Leadership Advisory Panel Rolling Actions Log

The Leadership Advisory Panel Rolling Actions Log for April 2020 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 1 - COVID – 19 – Verbal Update
 - Action 4 – Decisions taken under urgency provisions
 - Action 5 – Service Payment to Edinburgh Leisure – 2020/21
- 2) To note that the Executive Director of Place would circulate a briefing note to members on Action 2 – Haulage of Waste to Disposal Outlets.
- 3) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

3. COVID-19 – Verbal update

The Chief Executive provided a verbal update on the Covid-19 outbreak.

The Panel were advised that the Council had moved to a hub system for the care of school children of essential workers and that this was working well. Service levels were being monitored daily to determine whether any services that had been affected or halted by the Covid-19 outbreak could be reinstated where possible.

An agreement had been established with the Edinburgh Voluntary Organisations' Council (EVOC) and Volunteer Edinburgh for both volunteering and the distribution of food parcels. The Council was also in contact with the Scottish Council for Voluntary Organisations (SCVO) to ensure that all organisations were in communication and able to access the required aid.

The Chief Executive advised that work on the Government's Shielding Initiative was still progressing. A letter was due to be sent out by the First Minister offering further assistance with this scheme.

Work had been done to consider the Council's recovery plan following the Covid-19 outbreak and how to progress into a recovery phase. The Scottish Government's National Framework was being published on the day of the meeting which would provide guidance and timescales for how to approach this with a draft recovery plan to be submitted to the Policy and Sustainability Committee pending agreement of the Interim Political Management Arrangements.

The Panel were assured that there was now much greater interaction across the city, involving Edinburgh's communities, businesses and organisations to ensure an integrated approach to recovery was being put in place.

The Corporate Incident Management Team were meeting daily in order to make the necessary decisions that were required. Any decisions taken outwith the committee structure were taken by the Chief Executive in consultation with the Leader and Depute Leader of the Council.

Decision

- 1) To note the verbal update.
- 2) To note that the Executive Director of Resources had offered to provide a briefing to members on the advice and guidance provided by the Council to those applicants whose applications for business support grants had been rejected.
- 3) To note that the Executive Director of Resources would provide an update to members on priority access to supermarket delivery slots for shielded individuals.
- 4) To note that the Executive Director of Place had issued a members' briefing on the reinstatement of the kerbside glass recycling collection from 28 April and that a further briefing would be issued to members by 29 April providing information on the wider waste services function.

4. Interim Political Management Arrangements 2020

On 19 March 2020 the Chief Executive, under urgency provisions and in response to the Covid-19 emergency, had extended recess from 20 March 2020 to 27 April 2020. The Council's Leadership Advisory Panel had been established and had met twice in this period.

Since this decision was taken, a partial lockdown had been implemented in the UK and the Council was fully engaged in responding to the emergency. Recess was due to end imminently and new arrangements were required to be agreed.

The interim political management arrangements to carry out Council business for the period 1 May 2020 to 1 September 2020 were set out.

Motion

- 1) To resume the Policy and Sustainability Committee with its new terms of reference from 1 May 2020 to 1 September 2020 whereupon the remit of the committee would revert back to its current terms.
- 2) To resume the Development Management Sub-Committee to consider major applications from 1 May 2020.
- 3) To resume the Governance, Risk and Best Value Committee from 9 June 2020.
- 4) To immediately suspend all other committee meetings (with the exception of the Pensions Committee) until 1 September 2020 at the latest with the option of reconvening committees earlier if practicable starting with the Finance and Resources Committee if the Chief Executive in consultation with Leader and Deputy Leader agreed that capacity could allow for this.
- 5) To suspend Procedural Standing Orders until 31 August 2020 and to agree the interim Standing Orders outlined in appendix two of the report, subject to the following adjustments:
 - i) To retain from existing standing orders SO 9 (Order of Business) and SO 26 (Suspension of Standing Orders).
 - ii) To remove SO 20.7 from the Interim Procedural Standing Orders Ringing of Division Bell and to ensure that all meetings, agendas and reports (unless they were ruled private) were open to the public to access and observe.
- 6) To agree that the functions reserved to Council in the Committee Terms of Reference and Delegated Functions would be carried out by the Policy and Sustainability Committee until such time as the Council could meet.
- 7) To agree to delegate authority to the Chief Executive to set meeting dates for the reinstated committees in consultation with their conveners.
- 8) To agree that the political management arrangements should be reviewed by the Policy and Sustainability Committee in August 2020.
- 9) To agree that Conveners of Executive Committees which had been suspended during this interim period were permitted to serve on the membership of the Governance, Risk and Best Value Committee.
- 10) To agree that the arrangements to delegate functions of the Development Management Sub-Committee and the Licensing Sub-Committee as agreed at the Leadership Advisory Panel of 31 March 2020 would be extended until 1 September 2020.

- 11) To request that a report on the operational arrangements for the Governance, Risk and Best Value Committee during this interim period be brought to the first meeting of the Policy and Sustainability Committee in May.
 - 12) To note that the Chief Executive would report to the first meeting of the Policy and Sustainability Committee in May 2020 on potential options for holding meetings of Full Council.
- moved by Councillor McVey, seconded by Councillor Day

Amendment

- 1) To resume the Policy and Sustainability Committee with its new terms of reference from 1 May 2020 to 1 September 2020 whereupon the remit of the committee would revert back to its current terms.
- 2) To resume the Development Management Sub-Committee to consider major applications from 1 May 2020.
- 3) To resume the Governance, Risk and Best Value Committee from 9 June 2020.
- 4) To immediately suspend all other committee meetings until 1 September 2020.
- 5) To suspend Procedural Standing Orders until 31 August 2020 and to agree the interim Standing Orders outlined in appendix two, subject to the following adjustments:
 - i) To retain from existing standing orders SO 9 (Order of Business) and SO 26 (Suspension of Standing Orders).
 - ii) To remove SO 20.7 from the Interim PSO's Ringing of Division Bell and to ensure that all meetings, agendas and reports (unless they were ruled private) were open to the public to access and observe.
- 6) To agree that the functions reserved to Council in the Committee Terms of Reference and Delegated Functions would be carried out by the Policy and Sustainability Committee until such time as the Council can meet.
- 7) To recognise that the interim arrangement would give the power to the Committee to consider all business that would usually be that of Council and thus to alter the composition of the Committee during this period to reflect this by:
 - i) Creating an 18 Member Committee.
 - ii) Adding the Lord Provost as a member of the Committee to act as Convener and to bring greater input on the civic and community aspects of the recovery from the emergency situation.
 - iii) Implementing proportionality of places on the Committee to reflect the make-up of Council in line with Council's agreed democratic and governance principles. For the purposes of proportionality, the Lord Provost would be counted as part of any political Group of which they were a member.

- iv) Noting that this would result in a Committee with the following membership: 5 Conservative, 5 SNP, 3 Labour, 2 Green, 2 Liberal Democrat, 1 Edinburgh Party of Independent Councillors.
 - 8) To agree to delegate authority to the Chief Executive to set meeting dates for the reinstated committees in consultation with their conveners.
 - 9) To agree that the political management arrangements should be reviewed by the Policy and Sustainability Committee in August 2020.
 - 10) To agree that the arrangements to delegate functions of the Development Management Sub-Committee and the Licensing Sub-Committee as agreed at the Leadership Advisory Panel of 31 March 2020 would be extended until 1 September 2020.
 - 11) To request that a report outlining whether the membership of the Governance, Risk and Best Value Committee could be altered to include Conveners of Executive Committees which had been suspended during this interim period would be brought to the first meeting of the Policy and Sustainability Committee in May.
 - 12) To note that the Chief Executive would report to the first meeting of the Policy and Sustainability Committee in May 2020 on potential options for holding meetings of Full Council and that this should include contact with the Houses of Parliament to determine what security and practical considerations they had followed to allow the House of Commons to meet using Zoom and the House of Lords using Microsoft Teams given the potential inclusion of up to 150 MPs at a time in this process and the Council comprising only 63 members.
- moved by Councillor Whyte, seconded by Councillor Aldridge

Voting

For the motion - 3 votes
 For the amendment - 2 votes

(For the motion: Councillors Day, Main and McVey.

For the amendment: Councillors Aldridge and Whyte.)

Decision

To approve the following adjusted motion by Councillor McVey:

- 1) To resume the Policy and Sustainability Committee with its new terms of reference from 1 May 2020 to 1 September 2020 whereupon the remit of the committee would revert back to its current terms.
- 2) To resume the Development Management Sub-Committee to consider major applications from 1 May 2020.
- 3) To resume the Governance, Risk and Best Value Committee from 9 June 2020.

- 4) To immediately suspend all other committee meetings until 1 September 2020 at the latest with the option of reconvening committees earlier if practicable starting with the Finance and Resources Committee if the Chief Executive in consultation with Leader and Deputy Leader agreed that capacity could allow for this with the exception of the Pensions Committee.
- 5) To suspend Procedural Standing Orders until 31 August 2020 and to agree the interim Standing Orders outlined in appendix two, subject to the following adjustments:
 - i) To retain from existing standing orders SO 9 (Order of Business) and SO 26 (Suspension of Standing Orders).
 - ii) To remove SO 20.7 from the Interim PSO's Ringing of Division Bell and to ensure that all meetings, agendas and reports (unless they were ruled private) were open to the public to access and observe.
- 6) To agree that the functions reserved to Council in the Committee Terms of Reference and Delegated Functions would be carried out by the Policy and Sustainability Committee until such time as the Council could meet.
- 7) To agree to delegate authority to the Chief Executive to set meeting dates for the reinstated committees in consultation with their conveners.
- 8) To agree that the political management arrangements should be reviewed by the Policy and Sustainability Committee in August 2020.
- 9) To agree that Conveners of Executive Committees which had been suspended during this interim period were permitted to serve on the membership of the Governance, Risk and Best Value Committee.
- 10) To agree that the arrangements to delegate functions of the Development Management Sub-Committee and the Licensing Sub-Committee as agreed at the Leadership Advisory Panel of 31 March 2020 would be extended until 1 September 2020.
- 11) To request that a report on the operational arrangements for the Governance, Risk and Best Value Committee during this interim period be brought to the first meeting of the Policy and Sustainability Committee in May.
- 12) To note that the Chief Executive would report to the first meeting of the Policy and Sustainability Committee in May 2020 on potential options for holding meetings of Full Council.

(Reference – report by the Chief Executive, submitted.)

5. Consultation Planning Report

Details were provided of all open and planned consultations and surveys and processes were proposed to manage consultation and engagement activity. The public and most key stakeholders were focused on dealing with and responding to the current circumstances surrounding Covid-19. Any consultation and engagement activity taking place would be required to be sensitive to the crisis context.

In addition, any consultation currently happening or taken forward in this context would have to be aware that this would risk the consultation being more vulnerable to challenge. This was because it would be difficult to demonstrate that all people had had an equal opportunity to take part in a consultation during a national emergency consisting of a lockdown and social isolation policy. As such, it was proposed that the Council extend the deadline for all consultations currently live by two months.

It was also proposed to suspend all planned consultation and engagement activity, except:

- Those required by Statute.
- Those which were related to COVID-19.
- Following recent guidance and emergency legislation for Planning, a review was currently underway on how these changes could be implemented to allow Planning consultations to be continued. This guidance could also apply to Transport. The Council's proposed approach to these was outlined in Appendix 2 of the report.

Decision

- 1) To agree that all current and planned consultation deadlines were extended by at least two months, where that had not already happened, unless otherwise agreed.
- 2) To pause all new consultation and engagement exercises that did not have statutory or COVID related requirements until further notice.
- 3) To agree to follow recent Scottish Government guidance and emergency legislation for determining the progress of both Planning and Transport consultations and processes as outlined in appendix 2 of the report.
- 4) To note the new planning guidance, however to agree to continue the Halmyre consultation and to extend the period by a further month instead of suspending.
- 5) To note that a further report would be provided setting out the forward plan for consultations in due course.
- 6) To note the significant fall in consultation responses during the current COVID-19 restrictions and to recognise the need for as many voices to be heard as possible on the future shape of winter festivals.
- 7) To further note the Festival and Events All Party Oversight Group (APOG) had not yet met as meetings were cancelled due to the current restrictions. Therefore, to agree to engage with elected members through the APOG as soon as practicable to allow the consultation to proceed at the earliest opportunity. This would be brought back to the appropriate committee for approval before being published.
- 8) To agree that the consultation should go ahead in a timescale that allowed feedback to be taken into account in the future programme.
- 9) To further agree that the next Policy and Sustainability Committee would receive an update on process and timeline of the consultation.

- 10) To agree that the APOG on Festivals and Events should meet remotely in advance of the Policy and Sustainability Committee in order that Party Spokespersons could discuss the matter and influence the report.
- 11) To recognise that COVID-19 was likely to have lasting impacts on the use of the City Centre and to request that the APOG consider how to invite contributions from residents, businesses and stakeholders to inform a wider consultation on events and use of public spaces in the City Centre and beyond with an early outline being given in the report to Policy and Sustainability Committee.

(Reference – report by the Chief Executive, submitted.)

6. Decisions Taken Under Emergency Powers

Decisions taken by the Chief Executive, in consultation with the Leader and Depute Leader, under emergency provisions in response to the Covid-19 emergency were detailed.

Decision

- 1) To note the report.
- 2) To note that the Executive Director of Place would circulate a briefing to members on the closure of Nicolson Square and St Patrick's Square gardens.

(Reference – report by the Chief Executive, submitted.)

7. Waiver report for Edinburgh and Midlothian Offender Recovery Service (EMORS)

Approval was sought for a waiver of Contract Standing Orders to allow the direct award of a contract to CGL to deliver the Edinburgh and Midlothian Offender Recovery Service (EMORS). The contract would enable the service, which supported people in the justice system, to continue uninterrupted from 1 October 2020 to 31 March 2021, pending the finalising of tendering arrangements for a new contract commencing on 1 April 2021.

Decision

- 1) To approve the direct award of a six-month contract to Change Grow Live (CGL) for the continued delivery of the EMORS for the period 1 October 2020 to 31 March 2021.
- 2) To note that the Executive Director for Communities and Families would brief political groups at the redesign stage to enable elected member input to the process.

(Reference – report by the Executive Director for Communities and Families, submitted.)

8. Resolution to Consider in Private

The Panel, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, were requested to exclude the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 6 and 9 of Part 1 of Schedule 7(A) of the Act.

Motion

- 1) To note that item 11.1 'Revenue Budget 2020-21 Update listed on the publicly available agenda for the meeting was recommended to be held in private, excluding the public from the meeting and that the related papers had not been published.
 - 2) To note that in these very difficult times during the Covid-19 Pandemic, it was crucial that Edinburgh Council was as transparent in its discussions and decision making as possible, and that public discussion of the financial implications was in the public interest.
 - 3) To therefore resolve to take this item in public in as far as it related to discussion of Council financial information, and thereafter to discuss in private, confidential information relating to other organisations.
 - 4) To request that the Chief Executive publish a version of the report excluding any private and confidential information relating to other organisations, and any other exempt information as committee agreed, under the under Section 50(A)(4) of the Local Government (Scotland) Act 1973.
- moved by Councillor Main, seconded by Councillor Aldridge

Decision

To approve the motion.

9. Revenue Budget 2020/21 Update

Following approval by Council on 20 February 2020 of the revenue budget for 2020/21, progress and further actions were outlined in respect of management of service pressures and development of savings implementation plans for the approved proposals comprising the budget framework.

Decision

- 1) To note the progress to date in delivery of the approved savings and assumed management of residual pressures underpinning the 2020/21 budget.
- 2) To note the significant estimated expenditure and income impacts of the Covid-19 pandemic on the Council and its Arms Length External Organisations' (ALEOs) activities and the potential sources of offsetting funding identified to date.
- 3) To note that the Council would submit regular updates to COSLA on these expenditure and income estimates with a view to informing negotiations with both the UK and Scottish Governments.

- 4) To note that further regular updates would be provided to elected members as greater certainty was obtained in these areas.
- 5) To note that the content of the revenue and capital budget frameworks could be subject to change as part of a wider review of relative Council priorities once the on-going impacts of current disruption became clearer.
- 6) To approve the payment of an uplift of 3.3% to contract hourly rates to allow all voluntary and independent social care providers to ensure that all social care support workers would have their pay increased to at least the Living Wage Foundation rate of £9.30 an hour from 1 April 2020.
- 7) To thank the Council Leader for writing to the Cabinet Secretary for Finance and to call for his original ask of the Cabinet Secretary and the outcome of this dialogue to be shared with members of the Leadership Advisory Panel.
- 8) To note that the Executive Director of Resources would continue to keep political group finance spokespersons updated on the evolving financial position.

(References – Act of Council No 2. of 20 February 2020; joint report by the Chief Executive and the Executive Director of Resources, submitted.)

Work Programme – Upcoming Reports

Policy and Sustainability Committee

14 May 2020

Report Title	Directorate	Lead Officer
28 MAY 2020		
Covid-19 Recovery Programme Planning	CE	
City Vision	CE	
Tram Traffic Regulation Order	Place	
Winter Festivals Consultation Update	Place	
Deferring Edinburgh's Summer Sessions from 2020 to 2021	Place	
Award of Contract - CCG Pre-contract Design Services - Western Villages	Place	
Award of Contract - QS &ES Services - Western Villages	Place	

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Agenda Item 5.1

Report Title	Directorate	Lead Officer
Roseburn to Union Canal Active Travel Route and Greenspace Improvements	Place	
Consultancy Support for Edinburgh Street Design Guidance - Contract Award	Place	
Provision of Fire and Security Repair and Maintenance Works – Contract Extension	Place	
2020-23 Communities and Families Grants to Third Parties	C&F	
Public Realm CCTV Continuation of Service Report	C&F	
Review of Appointments to Committees, Board and Joint Boards 2020-21	CE	
Governance, Risk and Best Value Committee Arrangements	CE	
Council Meeting Arrangements	CE	
Revenue Budget Update, 2020/21	Resources	
Extension to Security Services Contract	Resources	

Report Title	Directorate	Lead Officer
11 JUNE 2020		
Covid-19 Response Reporting	CE	
Review of Working Groups	CE	
Operational Governance Framework	CE	
Cumulative IIA	CE	
Health and Social Care Contracting Update	EHSCP	
25 JUNE 2020		
Covid-19 Response Reporting	CE	
City Region Deal Net Zero Carbon	CE	
Local Development Plan (TBC)	Place	
Disciplinary Policy	Resources	

Report Title	Directorate	Lead Officer
Revenue Budget Update, 2020/21	Resources	
Unaudited Accounts, 2019/20	Resources	
Capital Budget Update 2020/21	Resources	
9 JULY 2020		
Covid-19 Response Reporting	CE	
23 JULY 2020		
Covid-19 Response Reporting	CE	
Revenue Budget Update, 2020/21	Resources	
6 AUGUST 2020		
Covid-19 Response Reporting	CE	
Review of Political Management Arrangements	CE	

Report Title	Directorate	Lead Officer
Matter of Interest Report on the EIJB	EHSCP	
20 AUGUST 2020		
Covid-19 Response Reporting	CE	
Revenue Budget Update, 2020/21	Resources	
Revenue Monitoring Outturn, 2019/20	Resources	
Capital Monitoring Outturn, 2019/20	Resources	
Finance Policies Assurance, 2020/21	Resources	
Capital Budget Update 2020/21	Resources	
Treasury Management Annual Report	Resources	

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Rolling Actions Log

Policy and Sustainability Committee

14 May 2020

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	04.10.16	Business Case for the Management Transfer of Secondary School Sports Facilities to Edinburgh Leisure – Progress Report	That an update report be submitted to Committee in 6 months.	Executive Director for Communities and Families	March 2020		The report will be submitted to Culture and Communities Committee in January 2020 and Education Children and Families Committee in March 2020.
2	01.02.18	City of Edinburgh Council Motion by Councillor Mowat – Edinburgh’s Christmas and Hogmanay 2017/18 (Agenda for 1 February 2018)	Council requests that the review of the contract for Edinburgh’s Christmas and Hogmanay should recognise that the implementation of this contract cuts across many council functions and services and should be considered at the Corporate Policy and Strategy Committee.	Executive Director of Place	Spring 2021		This contract is in place until Winter Festival 2022. The review of the contract will be presented to Policy and Sustainability Committee.

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Agenda Item 5.2

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	15.05.18	Sustainable Energy Action Plan Annual Progress Report 2017/18	Calls for a report every two cycles until 2020 on how the SEAP can be progressed in order to meet its 2020 carbon reduction target, including what additional resources would be required.	Executive Director of Place	February 2020	February 2020	Recommended for Closure Report submitted to this Committee on 25 February 2020
4	07.08.18	Participation Requests	To agree to receive a report setting out proposals for the Council's policy on participation requests within two cycles of the conclusion of the Westbank Street Outcome Improvement Process as set out in paragraph 3.5 of the report by the Chief Executive.	Chief Executive	Ongoing		This report will be presented following the conclusion of the Westbank Street Outcome Improvement Process.
5	07.08.18	Managing Transition to Brexit in Edinburgh	To agree that the Brexit Working Group review actions currently in place and report on future options to provide support for Non-UK EU nationals within the Council workforce and the wider city population.	Chief Executive	Ongoing		The Brexit Working Group continues to meet and in May, an update on Brexit planning was provided to Elected Members using the Business Bulletin.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							<p>Planning around Brexit is also continuing, with new planning parameters from the UK Government and Scottish Government expected to be circulated to local authorities shortly.</p> <p>Although there is no report for Policy and Sustainability Committee currently scheduled, this may be deemed appropriate over the next few months, particularly in the event of a No Deal Brexit</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	23.08.18	City of Edinburgh Council Motion by Councillor Cameron – Equalities Working Group (Agenda for 23 August 2018)	A proposed workplan will be prepared by the Group before the end of December 2018 for submission to the Corporate Policy and Strategy Committee for consideration.	Chief Executive	June 2020		An update was provided in the Business Bulletin on 6 August 2019.
7 Page 46	21.03.19 (Housing and Economy Committee)	City Strategic Investment Fund	1) Requests that a further report is brought back to Committee in two cycles setting out an options appraisal for the Powderhall Stables project.	Executive Director of Place	January 2020	March 2020	Recommended for Closure Report to this Committee on 25 February 2020 and subsequent referral to the full Council on 12 March 2020.
			2) Agrees that it is now appropriate to undertake a wider review of the use of the fund, to ensure it is deployed to meet the priorities of the economy strategy, and wider city	Executive Director of Place	November 2019	November 2019	CLOSED Report to Policy and Sustainability Committee on 25 October 2019 and referred to Council on

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			development and regeneration aims including whether it is appropriate to increase the fund to help meet these objectives. A report on this review will come back to Housing and Economy Committee on 15 August 2019.				21 November 2019.
8 Page 47	06.06.19 (Housing and Economy Committee)	Edinburgh Economy Strategy – Annual Progress Report	<p>1) Calls for research and analysis on the current economy and the economic challenges for Edinburgh as a result of this target.</p> <p>2) Agrees that this research and analysis will inform a review of the Edinburgh Economy Strategy in order to develop an outcome based strategy for Edinburgh to meet these commitments, taking into account jobs</p>	Executive Director of Place	Policy and Sustainability Committee October 2020		Transferred from the Housing and Economy Committee

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
Page 48			that will emerge from the need to meet the net zero carbon target, sectoral analysis of carbon footprint and the support, collaboration and leadership that the council will need to provide to move us towards a more sustainable economy.				
	19.09.19	City of Edinburgh Council – Motion by Councillor Main – Council Welfare Accreditation (Minute for 19 September 2019)	Council agrees to receive a report to Policy and Sustainability Committee within 2 cycles laying out the current status, and options and timetable for receiving full accreditation for the Council under the Scottish Standards and thereafter refers the report to the Housing, Homelessness and Fair Work Committee.	Executive Director for Children and Families	February 2020	20 January 2020	Recommended for Closure Report submitted to the Housing, Homelessness and Fair Work Committee on 20 January 2020.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
10	01.10.19	West Edinburgh Progress Update	1) To note that this matter would be reported to Committee in spring 2020 providing a further update on progress and seeking any necessary authority to formalise partnership arrangements for delivery of the new link road	Executive Director of Place	October 2020		
			2) To agree that a report would be brought back to Committee on completion of the West Edinburgh study on inclusive and sustainable growth.	Executive Director of Place	October 2020		
11	25.10.19	Achieving Net Zero in the City of Edinburgh	Agrees officers will continue to work with P-CAN and Climate KIC to bring back analysis on the strategic and viable next actions for the Council to Committee in February 2020	Chief Executive	February 2020	February 2020	Recommended for Closure Report to this Committee on 25 February 2020

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
12	25.10.19	Update on Short Window Improvement Plan	To agree that a strategic communications plan would be developed as part of the Deep Demonstrator work once resources are in place and brought back to the Policy and Sustainability Committee for approval.	Chief Executive / Executive Director of Place	February 2020	February 2020	Recommended for Closure Report to this Committee on 25 February 2020.
13	21.11.19	City of Edinburgh Council - Motions by Councillors Staniforth and Gordon - Fireworks and Fireworks Legislation (Minute of 21 November 2019)	To agree for a report to Policy and Sustainability Committee in three cycles that addresses how the Council can: <ul style="list-style-type: none"> require all public firework displays within the city to be advertised locally in advance of the event, actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people ensure that fireworks are 	Chief Executive	June 2020		

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No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>only supplied to, and remain in the hands of, responsible adults.</p> <ul style="list-style-type: none"> encourage local suppliers of fireworks to stock 'quieter' fireworks for public display. 				
14	21.11.19	<p>City of Edinburgh Council – Motion by Councillor Jim Campbell – Edinburgh’s Winter Festivals</p> <p>(Minute of 21 November 2019)</p>	<p>(a) To arrange an open book audit for this year, and the previous four years, with the final report before the 2020 summer recess at the latest.</p> <p>(b) To review which, if any, contract terms or conditions might apply should a counterpart bring the Council into substantial public disrepute.</p> <p>(c) To identify if, or how, the contract made clear that all permissions must be in place in a timely way,</p>	Chief Executive/ Executive Director of Place	June 2020		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
Page 52			<p>removing any possible ambiguity between the Council acting as contract originator and as an authority with statutory powers.</p> <p>(d) To agree that (b) and (c) above should be reported to the Policy and Sustainability Committee in two cycles accepting that (a) may be an interim analysis at that time.</p>				
	15	21.11.19	<p>City of Edinburgh Council – Motion by Councillor Cameron – Small Business Saturday</p> <p>(Minute of 21 November 2019)</p>	<p>To call for a report to Policy and Sustainability Committee within 2 cycles setting out:</p> <p>i) The level of procurement by £ and by service area currently awarded to small business, including social enterprises, by the Council and its ALEOS;</p> <p>ii) What if any, barriers exist</p>	Executive Director of Resources	June 2020	

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
10			<p>to small business and social enterprises in terms of being eligible to bid to provide goods/services to the Council and its ALEOs;</p> <p>iii) What policy and procedural changes would be necessary to enable any barriers to be overcome?</p>				
	21.11.19	<p>City of Edinburgh Council – Motion by Councillor Lang – Use of Schools as Polling Places</p> <p>(Minute of 21 November 2019)</p>	<p>To request a report to the Policy and Sustainability Committee within three cycles for subsequent referral to the full Council, on the current use of schools as polling places as well as the opportunities to reduce or eliminate their use in time for the 2021 Scottish Parliament and 2022 local government elections.</p>	Chief Executive	August 2020		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
17	(a) 26.11.19	Edinburgh Poverty Commission Progress Update	To agree that a further report on full Council responses to the Edinburgh Poverty Commission would be considered by Committee following publication of final findings in March 2020.	Chief Executive	June 2020		
	(b) 25.02.20	Edinburgh Poverty Commission Progress Update	To agree to the development of a cross-council work programme to take forward the implementation of Edinburgh Poverty Commission recommendations to be considered by Committee by June 2020	Chief Executive	June 2020		
18	26.11.19	City Strategic Investment Fund - Powderhall Stables	To continue consideration of the matter to January 2020 to allow for further detail and clarity about funding.	Executive Director of Place	February 2020		Recommended for Closure Report to this Committee on 25 February 2020.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
19	26.11.19	Edinburgh Climate Commission and Council Engagement Update	To agree to a report assessing the options for formal processes for citizen engagement such as the citizens assembly and the citizens jury in the Spring.	Chief Executive	Spring 2020		
20	26.11.19	Edinburgh's Christmas – Motion by Councillor Mowat	<p>1) To note that the Chief Executive would report to the Policy and Sustainability Committee on 25 February 2020 outlining revised governance arrangements for event planning.</p> <p>2) To ask that the Chief Executive's February report also cover:</p> <p>a) What actions could be taken regarding the failure to comply with the Scheme of Delegation outlined in paragraph 4.16 and his recommendations regarding any such actions;</p>	Chief Executive	February 2020	February 2020	<p>Recommended for Closure</p> <p>Report to this Committee on 25 February 2020</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
Page 56			<p>b) If any failures by the Council in regard to statutory, or other requirements of not ensuring all terms of legislation were complied with in regard to Planning and Building Control; how the timescales for decision on these matters regarding the Christmas Market varied from normal processes; why any exceptions were considered acceptable and whether any other such exceptions were made;</p> <p>And requests that the 2020 review of the scheme of delegation cover:</p> <p>a) steps to alter the Scheme of Delegation so that politically controversial decisions were required to</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>be taken by Committee;</p> <p>b) The process of members briefings.</p>				
21	06.02.20	City of Edinburgh Council – Motion by Councillor Main – Recycling in Schools	<p>To request:</p> <p>a) All council services involved, including Schools, Estates: Facilities Services and Catering Service, and Waste Services work together to review and provide fit for purpose recycling services in each of our schools to be completed before the start of the 2020/21 academic year within policy and current budgets, and reporting any financial challenges in doing so to the report requested.</p> <p>b) A report to the Policy and Sustainability Committee outlining the service</p>	Executive Director of Resources / Executive Director of Place	August 2020		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			provided for each school at the start of the 2020/21 Academic Year and including plans for a Carbon Neutral Edinburgh 2030.				
22	25.02.20	Filming in Edinburgh 2019	To agree to a further report being submitted to the Committee to include costs as well as income in a full scrutiny of processes comparing Edinburgh's results with cities that charged for the use of public space for filming in order to make recommendations on future Council policy in this area.	Executive Director of Place	October 2020		
23	12.03.20	City of Edinburgh Council – Motion by Councillor Watt – International Women's Day	To agree that the equalities working group should: a) review the specific policies and equality impact assessments which the Council had put in place to prevent gender	Chief Executive	August 2020		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
24	Page 59		<p>inequalities and improve support for survivors of gender-based violence;</p> <p>b) consider how these policies could be further developed; and</p> <p>c) make any recommendations for change to the Policy and Sustainability Committee within three cycles.</p>				
		Leadership Advisory Panel - 31 March 2020	Haulage of Waste to Disposal Outlets	To agree that officers would feedback to procurement the concerns raised about the length of time it would take to carry out the procurement exercise and the need to accelerate it, and to agree that the details of the actions taken to speed up the process would be reported to the Leadership Advisory Panel.	Executive Director of Place Lead Officer: Lesley Sugden Contracts Manager 0131 469 5764 lesley.sugden@edinburgh.gov.uk	23.April 2020	24 April 2020

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
25	Leadership Advisory Panel - 31 March 2020	Neighbourhood Alliance - Grant Funding Payment	1) To agree that the SLA would be circulated to the members of the LAP.	Executive Director of Place Lead Officer: Elaine Scott, Housing Services Manager 0131 529 2277 elaine.scott@edinburgh.gov.uk	14 May 2020		
			2) To agree that a report would be taken to the Housing, Homelessness and Fair Work Committee detailing how long grant funding continue for and the exit strategy.		September 2020		
26	Leadership Advisory Panel - 31 March 2020	Decisions taken under urgency provisions	To note that the taxi licensing arrangements had been extended for 3 months, had been backdated to the 16 March 2020 and would be reviewed and reported in the next report on decisions taken under urgency provisions to the Leadership Advisory	Chief Executive Lead Officer: Gavin King 0131 529 4239 gavin.king@edinburgh.gov.uk	23 April 2020	23 April 2020	Recommended for closure. The Leadership Advisory Panel, on 23 April 2020, agreed that the arrangements to delegate functions of the Development

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No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			Panel.				Management Sub-Committee and the Licensing Sub-Committee as agreed by the Panel on 31 March 2020 would be extended until 1 September 2020.
27 Page 61	Leadership Advisory Panel - 23 April 2020	COVID-19 Verbal Update by the Chief Executive	<p>1) To note that the Executive Director of Resources had offered to provide a briefing to members on the advice and guidance provided by the Council to those applicants whose applications for business support grants had been rejected.</p> <p>2) To note that the Executive Director of Resources would provide an update to members</p>	<p>Executive Director of Resources Lead Officer: Stephen Moir 0131 529 4842 stephen.moir@edinburgh.gov.uk</p> <p>Executive Director of Resources Lead Officer:</p>	<p>As soon as possible</p> <p>As soon as possible</p>	<p>5 May 2020</p> <p>27 April 2020</p>	<p>1) Recommended for closure</p> <p>All Elected Member Briefings on Business Support Grants progress, including the number of rejected applications, have been circulated. The latest Briefing was issued on 5 May 2020.</p> <p>2) Recommended for closure</p> <p>The Executive</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			on priority access to supermarket delivery slots for shielded individuals.	Stephen Moir 0131 529 4842 stephen.moir@edinburgh.gov.uk			Director of Resources emailed Members with an update on 27 th April 2020.
Page 62			3) To note that the Executive Director of Place had issued a members' briefing on the reinstatement of the kerbside glass recycling collection from 28 April and that a further briefing would be issued to members by 29 April providing information on the wider waste services function.	Executive Director of Place Lead Officer: Paul Lawrence 0131 529 7325 paul.lawrence@edinburgh.gov.uk	29 April 2020	30 April 2020	Recommended for closure A briefing update was circulated to Members on 30 April 2020.
28	Leadership Advisory Panel - 23 April 2020	Interim Political Management Arrangements 2020	1) To request that a report on the operational arrangements for the Governance, Risk and Best Value Committee during this interim period be brought to the first meeting of the Policy and	Chief Executive Lead Officer: Gavin King 0131 529 4239 gavin.king@edinburgh.gov.uk	28 May 2020		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>Sustainability Committee in May.</p> <p>2) To note that the Chief Executive would report to the first meeting of the Policy and Sustainability Committee in May 2020 on potential options for holding meetings of Full Council.</p>	<p>Chief Executive Lead Officer: Gavin King 0131 529 4239</p>	28 May 2020		
Page 63	Leadership Advisory Panel - 23 April 2020	Consultation Planning Report	<p>1) To note that a further report would be provided setting out the forward plan for consultations in due course.</p> <p>2) To further note the Festival and Events All Party Oversight Group (APOG) had not yet met as meetings were cancelled due to the current restrictions. Therefore, to agree to</p>	<p>Chief Executive Lead Officer: Yvonne Gannon 0131 553 8334 yvonne.gannon@edinburgh.gov.uk</p> <p>Executive Director of Place Lead Officer: Paul Lawrence 0131 529 7325 paul.lawrence@edinburgh.gov.uk</p>	TBC	28 May 20	

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
Page 64			engage with elected members through the APOG as soon as practicable to allow the consultation to proceed at the earliest opportunity. This would be brought back to the appropriate committee for approval before being published.				
			3) To further agree that the next Policy and Sustainability Committee would receive an update on process and timeline for the consultation.	Executive Director of Place Lead Officer: David Waddell 0131 529 4929 david.waddell@edinburgh.gov.uk	14 May 2020		
			4) To agree that the APOG on Festivals and Events should meet remotely in advance of the Policy and Sustainability Committee in order that Party Spokespersons				A meeting of the APOG was held on 4 May 2020.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
Page 65			could discuss the matter and influence the report. 5) To recognise that COVID-19 was likely to have lasting impacts on the use of the City Centre and to request that the APOG consider how to invite contributions from residents, businesses and stakeholders to inform a wider consultation on events and use of public spaces in the City Centre and beyond with an early outline to be given in the report to Policy and Sustainability Committee.				
	30	Leadership Advisory Panel - 23 April 2020	Decisions Taken Under Emergency Powers	To note that the Executive Director of Place would circulate a briefing note to members on the closure of	Executive Director of Place Lead Officer: Paul Lawrence	23.04.20	23.04.20

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			Nicolson Square and St Patrick's Square gardens.	0131 529 7325 paul.lawrence@edinburgh.gov.uk			on 23 April 2020.
31	Leadership Advisory Panel - 23 April 2020	Waiver Report for Edinburgh and Midlothian Offender Recovery Service	To note that the Executive Director for Communities and Families would brief political groups at the redesign stage to enable elected member input to the process.	Executive Director for Communities and Families Lead Officer: Rona Fraser 0131 529 3517 rona.fraser@edinburgh.gov.uk	TBC		

Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

Local Police Plan 2020-2023

Executive/routine
Wards
Council Commitments

1. Recommendations

1.1 To approve the Local Police Plan 2020-2023.

Andrew Kerr

Chief Executive

Contact: Gavin King, Democracy, Governance and Resilience Senior Manager

E-mail: gavin.king@edinburgh.gov.uk | Tel: 0131 529 4239

Local Police Plan 2020-2023

2. Executive Summary

- 2.1 Police Scotland has submitted the Local Police Plan 2020-2023 for approval.

3. Background

- 3.1 The Police and Fire Reform (Scotland) Act 2012 requires Police Scotland to set out a local plan. The Local Plan should:
- 3.1.1 set out the main priorities and objectives for the policing of the local authority's area,
 - 3.1.2 explain the reasons for selecting each of those priorities and objectives,
 - 3.1.3 set out the proposed arrangements for the policing of the local authority's area (and how those arrangements are expected to achieve the main priorities and objectives),
 - 3.1.4 where reasonably practicable, identify outcomes by reference to which the achievement of those priorities and objectives may be measured,
 - 3.1.5 describe how those priorities, objectives and arrangements are expected to contribute to the delivery of any other relevant local outcomes which are identified by community planning, and
 - 3.1.6 include any other information connected with the policing of the local authority's area which the local commander considers relevant

4. Main report

- 4.1 The Plan outlines the priorities of Edinburgh City Division and aims to reflect local community concerns and Police Scotland's commitment to ensuring the safety and wellbeing of all citizens

5. Next Steps

- 5.1 N/A.

6. Financial impact

6.1 N/A

7. Stakeholder/Community Impact

7.1 N/A

8. Background reading/external references

8.1 The Police and Fire Reform (Scotland) Act 2012

9. Appendices

[Local Police Plan 2020-2023](#)

Local Police Plan 2020 - 23



Our commitment to the safety and wellbeing of the people and communities of Edinburgh City

Edinburgh City

Scottish Government
National Outcomes / Strategic Priorities

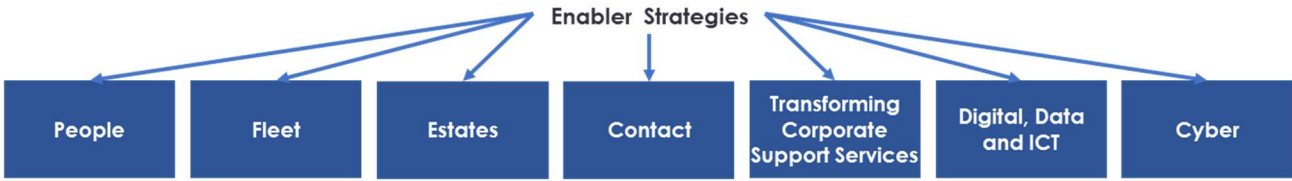


 **SPA/Police Scotland**
Strategic Outcomes



Long Term Policing Strategy
'A safe, protected and resilient Scotland'

Enabler Strategies



Implementation Plans including: Strategic Workforce Plan, Annual Police Plan, Local Police Plans, Local Outcome Improvement Plans, Financial Plans

The Chief Constable has responsibility for the policing of Scotland

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Foreword

This Local Police Plan outlines the policing priorities of Edinburgh City Division for 2020 – 2023.

The plan is a statutory requirement under the Police and Fire Reform (Scotland) Act 2012 and the priorities outlined reflect local community concerns and our commitment to ensuring the safety and wellbeing of all citizens.

Our plan is based on our priorities and strategic outcomes, those of our partners and the views of Edinburgh's communities on what matters to them.

We aim to provide sustained excellence in service and protection with the ultimate purpose of improving the safety and wellbeing of people, places and communities in Scotland's capital.

In delivering this plan, we will work collaboratively with the City of Edinburgh Council, NHS Lothian, Edinburgh's voluntary sector and other

key planning partners, delivering, where possible, a preventative approach to the challenges we collectively face and responding cohesively to emerging demands.

A key focus of our work with local communities will be delivery of Local Outcome Improvement and Locality Improvement Plans (LOIP and LIP) and the support of Community Improvement Partnerships (CIP).

Over the period of our plan, we will continue to maintain public trust and confidence in Police Scotland and our officers and staff will strive to deliver the best possible service to residents and visitors to the city. The service we deliver will be underpinned by our core values of human rights, integrity, fairness and respect, which will guide our decision making and behaviours.

Our plan remains a 'living document' and will continue to evolve, ensuring we adapt to the changing needs of the communities we serve.



A handwritten signature in black ink, appearing to read 'Sean Scott', written in a cursive style.

Chief Superintendent Sean Scott

Divisional Commander, Edinburgh City Division

The Edinburgh City context

Local policing arrangements

Edinburgh City Division covers a large geographic area from Leith in the north of the city to the Pentland Hills in the south, with a resident population of around 518,000 - swelling to almost double that during the summer months.

The Division has aligned with the City of Edinburgh Council's localities, with each of these having a dedicated Area Commander who has the responsibility for day-to-day policing.

South East locality covers the city centre and south of the city. Edinburgh's city centre faces a unique set of challenges and pressures as Scotland's capital. The city centre is home to the Scottish Parliament, Edinburgh Castle and many cultural attractions such as festivals, events, celebrations and, owing to its high profile, also attracts a significant number of protests and demonstrations.

It is the chosen destination for millions of visitors both national and international every year. The area has a vibrant and diverse population and houses major healthcare, academic, religious and cultural facilities spread across a broad range of socially diverse residential areas. It also boasts a significant number of small-scale commercial enterprises supporting the local community.

North West locality encompasses a broad range of communities from the historic villages of Cramond and South Queensferry in the semi-rural west to the residential areas of Corstorphine and Ravelston, and the wards of Almond,



Forth and Inverleith. Housing throughout is a mix of social and privately owned properties. The area boasts Scotland's busiest airport, two large shopping centres and also Murrayfield Stadium where the national rugby team plays.

North East locality contains an historic castle, parks and beaches. Various community projects and social housing schemes backed by local Government funding are rejuvenating some of the more socially deprived areas offering improved access to services and challenging inequalities to enhance community wellbeing. The area also accommodates the city's largest retail developments at Fort Kinnaird and Seafield, attracting commerce from across the region.

South West locality is a diverse area, comprising a range of residential housing as well as a mixture of commercial, light industrial, retail, leisure facilities and green spaces. It comprises both areas of relative affluence, with

higher levels of educational attainment and employment levels, and areas with significant levels of social need, relating to higher than average unemployment and poverty.

Edinburgh City Division has a unique events profile as Scotland's capital city, hosting the Palace of Holyrood House, the Scottish Parliament and several large sporting venues. In any given year, officers from across the Force support the Division in ensuring the safety of spectators and participants at over 1200 events and protests and undertake royalty and VIP protection duties.

A vibrant weekend night-time economy is catered for by Operation NightGuard. Police officers work in partnership with environmental wardens, taxi marshalls, licensing standards officers, Street Assist and Street Pastors to ensure people enjoy their weekend and get home safely.

Uniformed policing in the Division consists of Response officers, located at hubs throughout the city and the Community Policing Teams.

Family and Household Support officers work in partnership with City of Edinburgh Council to create preventative approaches to local community issues.

The Preventions, Interventions and Partnerships (PIP) team provide specialist support to the Division in respect of crime prevention, safer communities and transport and architectural liaison work. The PIP ensures delivery of the Divert and Deter strands of the Serious

Organised Crime Strategy and oversees local imbedding of the UK's Counter Terrorism Strategy known as Contest. Further to this, PIP lead equality and diversity matters and oversee hate crime investigation within the Division.

The VOW (Violent Offender Watch) project, located within the PIP, was established to reduce violent offending by encouraging repeat offenders to engage with support services. The remit of the project was expanded to accommodate those regularly involved in housebreaking-related offences.

Specialist departments within the Division include the Criminal Investigation Department (CID) and the Public Protection Unit (PPU), responsible for the investigation and oversight of serious crime, sexual crime and domestic abuse. The Community Investigation Unit is dedicated to the investigation of housebreakings along with intervention and preventative work around such crimes.

The local policing divisions are supported by national specialist divisions. The Specialist Crime Division (SCD) provides investigative and intelligence functions such as Major Crime investigation, Public Protection, Organised Crime, Counter Terrorism, Intelligence and Safer Communities.

The Operational Support Division (OSD) provides specialist support functions such as Road Policing, Firearms, Public Order, Air Support, Marine Policing, Dogs and Mounted Branch, as well as Emergency, Events and Resilience Planning.

Local Outcome Improvement Plan

Edinburgh City Division is committed to preventing and addressing the most challenging issues impacting on the safety and wellbeing of the communities that we serve.

Poverty, social inequality and deprivation remain long-standing and recurring concerns, the complexity of which means that neither police nor our partners can successfully tackle these matters in isolation.

We recognise the benefits of working with community planning partners, and our communities, to develop and deliver services that make a positive difference to the lives of those most in need of our support. From a practical perspective, this routinely involves sharing information, resources, skills and funds to achieve the best outcomes.

Developed in collaboration with partners and our communities, Edinburgh's 10 year Local Outcome Improvement Plan (LOIP) 2018-2028 focuses on delivering 3 key priorities:

- Enough money to live on
- Access to work, learning or training opportunities
- A good place to live

Working together for a common purpose is crucial in achieving long-term sustainable change as set out within the Local Outcome Improvement Plan.



The scope and nature of our collaboration takes many forms, but as examples, officers from Edinburgh City Division, across rank and function, actively work in partnership with community members, community councillors and voluntary sector representatives within settings such as Locality Community Planning Partnerships (LCPP), the LOIP Delivery Group and Community Improvement Partnerships (CIP).

The members of these forums have responsibility for shaping the Locality Improvement Plans (LIP), the combined programme of work focused on achieving the 3 LOIP priorities and agreeing joint solutions to shared issues.

Our Priorities

We engaged with the public on this Local Police Plan during November and December 2019, providing an opportunity for you to tell us what matters to you most for policing in Edinburgh. This reflected past consultation results and underlines that we continue to focus our efforts on areas of concern for the communities we serve. The priorities you identified were:

- Addressing violence
- Reducing drug harm and targeting supply
- Tackling housebreaking and acquisitive crime
- Dealing with disorder and antisocial behaviour
- Making our roads safer

While public consultation with the people of Edinburgh determines local priorities, national priorities are identified through our National Strategic Assessment, and these also feature in our Annual Police Plan. National priorities include:

- Protecting vulnerable people
- Tackling crime in the digital age
- Working with communities
- Support for operational policing

Together with the local priorities you identified and our shared partnership objectives, we will focus our efforts with equal commitment and determination to deliver positive outcomes for the communities we serve.

The documents which inform our priority setting are listed below:

- Results from the Local Policing Plan Public Consultation Survey conducted during November/December 2019
- Police Scotland National Strategic Assessment (2020/23)¹
- Police Scotland Annual Police Plan (2020/21)
- Police Scotland ten-year strategy: Serving a Changing Scotland
- Local Outcome Improvement Plan
- Locality Improvement Plans

We are listening - engage with us and let us know your views (contact options are provided on page 18).

Only by working together can we achieve the shared vision of an Edinburgh which has a positive, equitable and inclusive future.

¹ The information within this document provides a detailed analysis of risk and emerging threats and likely impact on communities, it contains sensitive information that cannot be shared in the public domain.



Local Police Plan: Edinburgh City

Our Vision | Policing for a safe, protected and resilient Scotland
Our Purpose | The purpose of policing is to improve the safety and wellbeing of people, places and communities in Scotland
Our Values | Fairness | Integrity | Respect | Human Rights

Police Scotland: Priorities for Policing

- Protecting vulnerable people
- Tackling crime in the digital age
- Working with communities
- Support for operational policing

Local Priorities

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- Addressing violence
- Reducing drug harm and targeting supply
- Tackling housebreaking and acquisitive crime
- Dealing with disorder and antisocial behaviour
- Making our roads safer

Shared Priorities

- Local Outcome Improvement Plan
- Locality Improvement Plan
- Locality Community Planning Partnership
- Community Improvement Partnership



Performance

The Police Scotland Performance Framework provides a platform to evidence our effectiveness and progress in respect of our strategic outcomes and objectives, whilst maintaining the flexibility to accommodate change at delivery level.

Governance

- Divisional Tasking and Coordinating meeting (daily)
- Divisional and National Tasking and Delivery meetings (monthly)
- Edinburgh Partnership Board
- Local Outcome Improvement Plan Delivery Group

Accountability

- Her Majesty's Inspectorate of Constabulary Scotland inspection regime
- Scottish Police Authority
- City of Edinburgh Council Policy and Sustainability Committee
- City of Edinburgh Council Culture and Communities Committee

Local Police Plan

Our plan on a page outlines the WHY, WHAT, HOW and SO WHAT of our approach to policing Scotland's capital.

Our WHY is our purpose - to improve the safety and wellbeing of people, places and communities in Edinburgh.

Our priorities are WHAT we will focus on.

HOW we will deliver our priorities will be guided by our vision of delivering policing for a safe, protected and resilient Edinburgh and values of human rights, integrity, fairness and respect.

Our strategic outcomes enable us to describe each element of our approach and how it will contribute to achieving positive outcomes for the communities we serve. These are examined in greater detail on pages 11 to 15.

At its core, our Local Police Plan is founded upon a truly integrated and collaborative approach with partners and stakeholders to achieve our shared outcomes.

The SO WHAT is crucial as it allows us to measure progress and adapt, develop and enhance our approach where necessary. This is achieved through a comprehensive Performance



Framework which considers both quantitative and qualitative information, providing an holistic picture of our effectiveness.

Governance and accountability are key to our legitimacy and internal and external structures are in place to ensure both the public and our partners can hold us to account.

As Police Scotland continues to evolve, Edinburgh City Division will play its part in delivering Police Scotland and the Scottish Police Authority's joint strategy, *Policing for a safe, protected and resilient Scotland*, to ensure we remain a sustainable and adaptable service capable of meeting the needs of Edinburgh's communities.

Strategic Outcome – Threats to public safety and wellbeing are resolved by a proactive and responsive police service

Objective	Activity
Use all available information and intelligence to address our policing priorities	Provide high quality intelligence support to deliver the strategic intelligence requirements and respond to priority crime, threats and harm
	Convene and coordinate case conferences to share information, develop intelligence and identify intervention opportunities to reduce the threat, risk and harm to victims and robustly target perpetrators of domestic abuse
	Monitor drug related non-fatal overdose incidents and share information regarding those at risk of harm to enable engagement and access to treatment and support
	Engage partners and stakeholders to ensure the effective sharing of information to enable assessment and response to emerging threats, risks and harms
Protect vulnerable people and victims of crime from harm	Work with partners to mitigate the risks posed to children and young people
	Improve our response to child protection making best use of the Equally Safe Multi-Agency Centre for children who have been abused or neglected
	Work cohesively with partners and stakeholders to support victims of domestic abuse, honour based violence and sexual crime
	Enhance our approach to Human Trafficking and those exploited by Serious and Organised Crime Groups in the drug supply chain (County Lines and Cuckooing), safeguarding victims and maximising investigative focus on bringing those involved in the coordination of such activities to justice
Engage and support those in mental health crisis using Mental Health Assessment Service and a collaborative partnership approach	

Strategic Outcome – The needs of local communities are addressed through effective service delivery

Objective	Activity
<p>Understand our communities and deliver the right mix of services to meet their needs</p>	<p>Address violence through preventative and enforcement measures directed and governed by divisional Violent Crime Board. Robust investigations delivered by Violence Reduction Unit, complemented by preventative and diversionary programmes including 'No knives better lives' and Violent Offender Watch engagement with repeat offenders</p>
	<p>Reduce drug harm by working in partnership with stakeholders to support individuals at risk whilst targeting those who exploit the vulnerable through drug supply utilising the Divert, Deter, Detect and Disrupt Serious and Organised Crime Strategy</p>
	<p>Tackle housebreaking and acquisitive crime through preventative and enforcement measures directed and governed by divisional Acquisitive Crime Board. Investigations and interventions delivered by the Community Investigation Unit supported by preventative approaches to 'design out crime' delivered through our Preventions, Interventions and Partnerships department</p>
	<p>Deal with disorder and antisocial behaviour through a comprehensive package of measures including police led and partnership activity. Operation NightGuard will continue to provide high visibility proactive policing of Edinburgh city centre's night-time economy in partnership with stakeholders</p>
<p>Support our communities through a blend of local and national expertise</p>	<p>Make our roads safer by positively influencing driver, cyclist and pedestrian behaviour through high visibility patrolling by specialist Road Policing officers. Support and contribute to the wider partnership including the Road Safety Partnership, and the 'Streets Ahead' Road Safety Steering Group. Deliver Edinburgh's Road Safety Plan in collaboration with the City of Edinburgh Council</p>

Strategic Outcome – The public, communities and partners are engaged, involved and have confidence in policing

Objective	Activity
Enhance public confidence and ensure our services are available by a range of accessible channels	Regular public engagement, including in support of our Local Police Plan
	Maximise engagement with Edinburgh's communities and affirm public confidence by highlighting successful operations and events, delivery of outcomes and promote good practice
	Engage business through our Preventions, Interventions and Partnerships and Licensing departments
	Ensure frequent liaison and discussion with community and elected representatives by Local Area Commanders and Community Policing officers
Embed the ethical and privacy considerations that are integral to policing and protection into every aspect of the service	Promote values based policing through participation in Ethics Advisory Panels
	Engage minority groups representative of Edinburgh's demographics
	Maintain overview of divisional performance and progress with respect to outcomes and represent Division at City of Edinburgh Council's Policy and Sustainability Committee
Work with local groups and public, third and private sector organisations to support our communities	Develop and support of Local Outcome Improvement and Locality Improvement Plans and Community Improvement Partnerships
	Engage third sector through Edinburgh Voluntary Organisations Council and directly with partners

Strategic Outcome – Our people are supported through a positive working environment, enabling them to serve the public

Objective	Activity
<p>Create a positive environment for our people to achieve their potential</p>	Effectively engage with and support our people through local delivery of our people strategy
	Embed and enhance the wellbeing programme as part of our people strategy to support a healthy working environment
	Ensure that workplace activities are carried out in such a manner that risks to the health and safety and welfare of staff and public are eliminated or reduced
	Develop an internal communications strategy promoting awareness of priorities and maximising opportunities for continuous improvement and learning
	Undertake regular and open communication with the Scottish Police Federation and Unison
<p>Support our people to be confident leaders, innovative, active contributors and influencers</p>	Support our people in terms of vertical and lateral development opportunities through various mechanisms including coaching and mentoring
	Develop and support our probationary constables and sergeants through a structured continuous professional development programme
	Ensure our workforce is representative of the communities it serves and undertake positive action recruitment within under-represented communities
	Ensure our people have the skills and knowledge to effectively investigate technology enabled and dependent crimes

Strategic Outcome – Police Scotland is sustainable, adaptable and prepared for future challenges

Objective	Activity
Ensure we are meeting and adapting to growing and changing demands on policing	Exercise effective management of our internal governance and strategic risks
	Embed environmental responsibility into current and future planning and estate management
	Ensure effective financial management and budgetary control
	Support the implementation of the digital data and ICT strategy including Mobile Working, national Core Operating System and Digital Evidence Sharing Capability
	Undertake threat, risk and harm horizon scanning in collaboration with statutory and third sector partners and commercial networks, ensuring responsive, adaptable and agile resilience planning to address emerging issues
Use innovative approaches to accelerate our capacity and capability for effective service delivery	Encourage innovation, problem solving and streamlining of structures and process
	Develop the 'Enhance Edinburgh' continuous improvement framework to drive improvement and development across the Division
	Develop strategic analysis about the demands on policing to inform our collaborative work with partners and stakeholders to enable the delivery of the right service at the right time
	Promote equality and diversity initiatives both externally and internally, striving to exceed the requirements of the Scottish Public Sector Equality Duty

Performance and accountability

Policing by consent is the bedrock of our approach. Public trust and confidence can only be maintained through the legitimacy engendered by effective governance, transparency and accountability.

Our Performance Framework links to our local and national plans enabling monitoring and measurement of progress on our priorities for policing and strategic outcomes.

Key to delivering excellence in service provision is working collaboratively to support the Community Planning Partnership and the Community Empowerment (Scotland) Act 2015.

Our Local Police Plan reflects the priorities that local communities, businesses and organisations have told us matter most to them. We will continue to work with our communities and partners to listen to concerns and ensure



we respond effectively to emerging issues.

An overview of divisional performance against our strategic outcomes and shared objectives is provided by the Divisional Commander at the City of Edinburgh Council's Policy and Sustainability Committee.

Local Area Commanders regularly liaise with and provide updates to the community and elected representatives at various forums and, to complement this, Community Policing officers provide local policing ward updates to community councils and residents' groups.

Equalities

Our work is underpinned by our commitment to equality and diversity, both in our dealings with the public we serve and our own staff. We promote the core policing values of human rights, integrity, fairness, and respect within our organisation and the communities we police.

We recognise that effective consent-based policing must reflect the needs and expectations of the individuals and local communities we serve. Our aim is to ensure that our service is fair, consistent and transparent and that we focus on our key objective of protecting the most vulnerable in our society.

The Code of Ethics for policing in Scotland sets out the standards of behaviour expected of all staff. It encapsulates Police Scotland's core values and statutory obligations under the Police and Fire Reform (Scotland) Act 2012. The Code sets out both what the public can expect from us and what we should expect from each other.

The Scottish Police Authority (SPA) Equality Outcomes (2017/21) sets out their commitment to not only comply with equality legislation, but to ensure that the implementation of their equality actions positively contributes to a fairer society through advancing equality and good relations in all that we do.

Local contact details

Edinburgh City Division Police Headquarters
St Leonard's Police Station
14 St Leonard's Street
Edinburgh
EH8 9QW

We are here to help

Dial 999 for an emergency that requires urgent police attention.

For non-emergency contact call the 24-hour non-emergency contact centre on 101.

If you have information about a crime in your area and wish to provide it anonymously, call Crimestoppers charity on 0800 555 111.

If you have any concerns or issues you wish to discuss, you can contact your local Community Policing Team by phoning 101.

You can also follow us on the following social media sites:



<https://twitter.com/EdinburghPolice>



<https://en-gb.facebook.com/EdinburghPoliceDivision/>

For more detailed information about your local community policing team and other services that Police Scotland provides, please visit our website at www.scotland.police.uk

If you would like this information in an alternative format or language, please phone us on 101 to discuss your needs.

Service users who are deaf or have a hearing impairment can contact Police Scotland via Next Generation Text (NGT) on 18001, 101 for non-emergency, or 18000 in an emergency.

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Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

Community Asset Transfer - Former Public Convenience, 531 Lanark Road, Juniper Green, EH14 5DJ

Executive/routine	Routine
Wards	2 Pentland Hills
Council Commitments	35 46

1. Recommendations

- 1.1 It is recommended that the Committee approves the disposal of the Former Public Conveniences located at 531 Lanark Road, Juniper Green to Pentland Community Space Scottish Charitable Incorporated Organisation (SCIO) on the terms outlined in the report and on such other terms and conditions to be agreed by Executive Director of Resources.

Stephen S. Moir

Executive Director of Resources

Contact: Brian Paton, Senior Surveyor,

Property and Facilities Management Division, Resources Directorate

E-mail: brian.paton@edinburgh.gov.uk | Tel: 0131 469 5228

Former Public Convenience, 531 Lanark Road, Juniper Green, EH14 5DJ – Community Asset Transfer

2. Executive Summary

- 2.1 This report seeks authority to dispose of the Former Public Convenience located at 531 Lanark Road, Juniper Green to Pentland Community Space on the terms outlined in the report. The proposed sale is a Community Asset Transfer under Part Five of the Community Empowerment (Scotland) Act 2015.

3. Background

- 3.1 The public convenience closed in 2015 and has since been the subject of community interest with proposals put forward for use of the site as a post office or bank before settling on the current proposal of a community hub with a residential flat above.
- 3.2 Pentland Community Space (PCS) applied for a Community Asset Transfer in order to establish a community hub (the Space Station) with a one-bedroom flat above. On completion of the transfer, it would allow PCS to demolish the existing toilets and build a new creative community hub for the wider area providing a welcoming space for people to come along either as individuals, part of a family or a community group to explore their creativity.
- 3.3 The property has the benefit of an existing planning permission (16/03972/FUL) allowing for the development as noted above together with a single bedroom flat above the adjacent shop, accessed by a shared staircase on the former toilet site.
- 3.4 Following a public meeting in 2016 a local resident, who is also a house builder, approached the group and offered to meet the labour costs of developing the site, giving PCS the keys to a ground and first floor building in a “move in” condition. He will install internal fixtures and fittings and provide basic decoration, with full services (electricity and water). PCS will be responsible for furnishing the space and raising the funds for the materials to construct the two-storey building. As part of the planning permission a second flat will be created above an existing shop owned by a third party. The development will enhance a corner of this conservation village. The local resident has also agreed to construct the flat above the adjacent shop at terms to be agreed with the existing shop owner.

4. Main report

- 4.1 PCS SCIO is a new organisation, formed by members of Juniper Green and Baberton Mains Community Council. The Community Council has a track record in organising successful community events including the local Farmer's Market, the Pentlands Book Festival and other sporting and cultural events.
- 4.2 PCS submitted a Community Asset Transfer (CAT) request under Part Five of the Community Empowerment (Scotland) Act 2015 to purchase the property. In accordance with Council policy on CAT's, a panel was convened to consider PCS's expression of interest. The panel's recommendation was for PCS to develop their stage 2 (Sustainable Business Case) submission, which involves submitting a business case, valuation, refurbishment plans, and evidencing need thorough community consultation.
- 4.3 The stage 2 application has been received and the proposal assessed by the Operational Estates Team using the CAT policy scoring matrix. The result was a strong to a very strong submission.
- 4.4 The Stage 2 application was due to be considered by the panel on 25 March 2020 but was cancelled due to the current Covid-19 restrictions. Consequently, officers have consulted with the Stage 2 panel (local members) who are keen for the application to proceed so that timescales can be met for submission to the current Scottish Land Fund for acquisition costs.
- 4.5 The terms provisionally agreed for the disposal of the property are as follows:
- | | |
|-----------------------|---|
| Purchaser: | Pentland Community Space SCIO |
| Price | £23,000 |
| Fees | The purchaser is to meet the Council's reasonable legal fees and Property and Facilities Management's administration fee |
| Development Agreement | Pentland Community Space SCIO are to enter into a development agreement with the Developer in terms acceptable to The City of Edinburgh Council |

5. Next Steps

- 5.1 Should Committee approve the transfer request, a decision notice will be issued in accordance with the terms of the Community Empowerment (Scotland) Act 2015, setting out the terms noted above and inviting PCS to offer to purchase the property on the agreed terms. The applicant is then afforded a minimum statutory period of at least six months in which to make their offer.

- 5.2 Should Committee be minded to reject the CAT, the applicant has a statutory right to have the decision reviewed by the Council and, should the review be unsuccessful, a subsequent right of appeal to Scottish Ministers.

6. Financial impact

- 6.1 A capital receipt of £23,000 will be received and the Council will be relieved of future maintenance costs. The receipt will be received in financial year 2020/2021.
- 6.2 The applicant obtained an opinion on market value of the property in the amount of £30,000. The market value figure has been verified by a Council registered valuer. It is considered that a sale price of £23,000 is justified in this instance, given the proposed scheme's alignment to Coalition Commitments, particularly:
35. Improve access to library services and community centres making them more digital, and delivering them in partnership with local communities;
46. Continue to support the city's major festivals which generate jobs and boost local businesses and increase the funding for local festivals and events. Support the creation of further work spaces for artists and craftspeople.
- 6.3 An asset transfer at less than market value is justified when additional benefits empower communities and align with local and national priorities to enable the delivery of Best Value across the public sector as a whole. The benefits should also contribute to the Authority's policy objectives and local priorities. The PCS Business Case evidences the range of Council Commitments that will be met, and these are noted above.
- 6.4 The proposed sale price has also been considered in relation to The Disposal of Land by Local Authorities (Scotland) Regulations 2010, which provides that where the disposal (or lease) is for a consideration less than the best that can reasonably be obtained, a Local Authority can dispose of the asset, provided it follows certain steps:
- It appraises and compares the costs and dis-benefits of the proposal with the benefits;
 - It satisfies itself the proposed consideration for the disposal in question is reasonable; and
 - It determines that the disposal is likely to contribute to the promotion or improvement of any one of: economic development or regeneration, health, social well-being, or environmental well-being, of the whole or any part of the area of the local authority or any person in the local authority area.
- 6.5 The proposals align with Council commitments and contributes to these criteria therefore the proposed sale price is considered justifiable.

7. Stakeholder/Community Impact

- 7.1 Consultation was undertaken through the CAT advisory panel. The panel consisted of various stakeholders, councillors and community groups which ensured broad analysis and guidance and eventual approval of the application.
- 7.2 As part of the CAT Stage 2 Business Case Submission, PCS have consulted widely in the community with regards to the future use of the former public convenience. Detail on the consultations undertaken can be found in the PCS Business Case which is available for reading using the link at 8.1 below.
- 7.3 The ward members have been informed of the recommendations contained within this report.
- 7.4 The impact on sustainability has been considered. There is no negative impact on the environment as the result of the proposed sale.

8. Background reading/external references

- 8.1 CAT Stage 2 Submission:
<https://www.edinburgh.gov.uk/downloads/download/14414/531-lanark-road-juniper-green>
- 8.2 Community Asset Transfer Policy:
<https://www.edinburgh.gov.uk/downloads/download/14374/community-asset-policy>

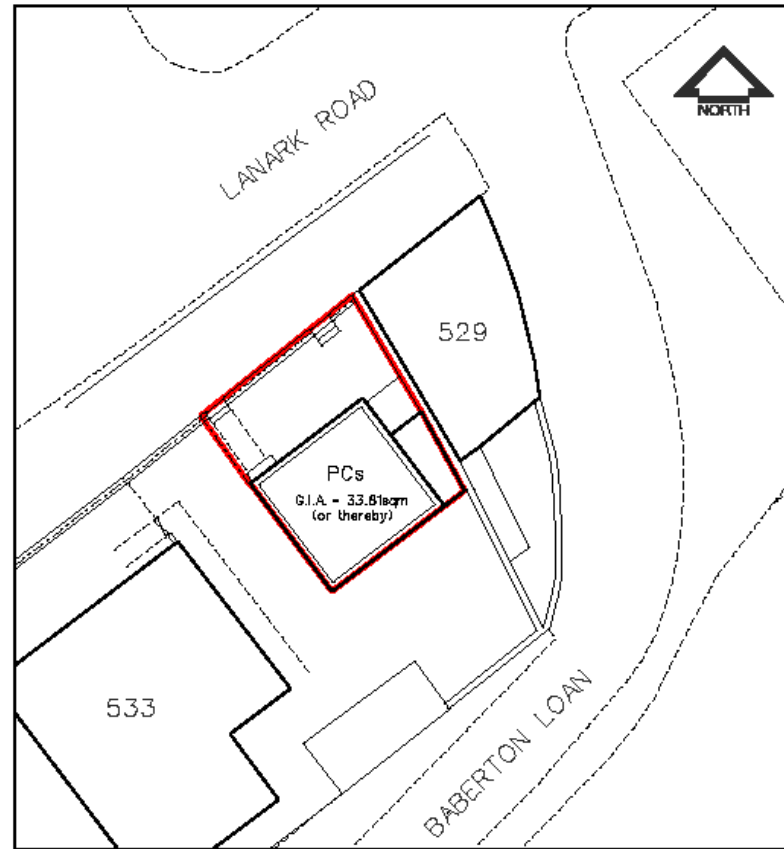
9. Appendices

- 9.1 Location Plan



LOCATION PLAN

SCALE 1:1250



SITE PLAN

SCALE 1:200

•EDINBURGH•
 THE CITY OF EDINBURGH COUNCIL
 PROPERTY AND FACILITIES MANAGEMENT
 RESOURCES

PUBLIC CONVENIENCE AT
 571 LANARK ROAD
 EDINBURGH
 AREA = 66.29sqm (or thereby)

DATE	26/3/20
SURVEYED BY	MB,NR
DRAWN BY	Mark Ballantyne
SCALE	1:200 A3 SIZE
REG. NO.	A3/1818 LANARK ROAD

THIS MAP IS REPRODUCED FROM ORDNANCE SURVEY MATERIAL WITH PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONARY OFFICE. UNAUTHORISED REPRODUCTION INFRINGES ORDNANCE SURVEY'S COPYRIGHT. LICENCE NUMBER 100024320. CITY OF EDINBURGH 2020 AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

Extension to Construction Professional Services Framework

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 That the Policy and Sustainability Committee approves the proposed extension to the Construction Professional Services Framework, by way of a waiver to the Council's Contract Standing Orders, for a period of up to 12 months, being up to 2nd March 2021, which framework which consists of the following Lots:
 - 1.1.1 Project Management Services, with the suppliers being Doig and Smith Ltd, Sweett (UK) Ltd and Thomas and Adamson Ltd, at an estimated contract value of £2,000,000 per annum;
 - 1.1.2 Building Surveying Services, with the suppliers being Faithful and Gould, Hardies and Summers Inman, at an estimated contract value of £2,000,000 per annum;
 - 1.1.3 Quantity Surveying Services, with the suppliers being Doig & Smith Ltd, Gardiner & Theobald Ltd and Sweett (UK) Ltd, at an estimated contract value of £3,000,000 per annum;
 - 1.1.4 Architectural Services, with the suppliers being Anderson Bell Christie Ltd, Collective Architecture and Holmes Miller Ltd, at an estimated contract value of £3,000,000 per annum;
 - 1.1.5 Structural Engineering Services, with the suppliers being Aecom Ltd, David Narro Associates and Will Rudd Davidson Ltd, at an estimated contract value of £2,250,000 per annum;
 - 1.1.6 Mechanical & Electrical Engineering Services, with the suppliers being Blackwood Partnership Ltd, Cundall Johnston and RSP Consulting, at an estimated contract value of £2,000,000 per annum;

- 1.1.7 Fire Engineering Services, with the suppliers being Aecom Ltd and Ramboll Ltd, at an estimated contract value of £500,000 per annum;
 - 1.1.8 Interior Design, Space Planning and Move Management Services, with the suppliers being Holmes Miller Ltd, Smith Scott Mullan Architects Ltd and Space Solutions Ltd, at an estimated contract value of £500,000 per annum;
 - 1.1.9 Multi-Discipline Design Team Services, with the suppliers being AHR Architects, Capita Property and Infrastructure Ltd and Gardiner & Theobald, at an estimated contract value of £2,500,000 per annum;
- 1.2 Notes that the current COVID-19 outbreak will delay the next stage of the ongoing tender exercise to replace this framework. Given this, and other revisions to the procurement timeline, this extension is necessary to enable the Council to still use this framework, where required during this intervening period.

Stephen S. Moir

Executive Director of Resources

Contact: Iain Strachan, Chief Procurement Officer

Finance Division, Resources Directorate

E-mail: iain.strachan@edinburgh.gov.uk | Tel: 0131 529 4930

Extension to Construction Professional Services Framework Agreement

2. Executive Summary

- 2.1 This report seeks the approval of the Policy and Sustainability Committee to approve the extension of the Construction Professional Services Framework, by a waiver of the Council's Contract Standing Orders, for a period of up to 12 months, being up to 2nd March 2021. The extension will be terminated once the tendering exercise to replace this framework is completed.

3. Background

- 3.1 The Council has limited in house professional design and project management resources to support its various programmes for property asset construction and investment and maintenance and repair, including General Fund, Housing Revenue Account and Capital Investment projects. This includes delivery of new schools, early years centres, sports facilities, asset management works and the Council's own house building programme.
- 3.2 To meet critical targets, the internal service often requires support from professional external consultants who can respond quickly to the service demands and provide professional insurances for the design work and advice they provide. This may be single discipline or require multi-discipline services depending on the nature of the projects and their complexity.
- 3.3 The current Construction Professional Services Framework has been in place since November 2015, being separated into Lots to reflect the key professional disciplines. It provides suitable support to internal services, and helps maximise economies of scale, improve contract management efficiencies and rationalisation of the portfolio of providers.
- 3.4 The Framework is used across the Council Directorates, in particular by Place Development and Property and Facilities Management.

4. Main report

- 4.1 Commercial and Procurement Services (CPS) have been working with key officers within the Resources and Place Directorates on a procurement process for the re-tendering of the Construction Professional Service Framework.
- 4.2 CPS placed a Contract Notice in the Official Journal of the European Union (OJEU) on 10th October 2019 inviting interested suppliers to submit a European Single Procurement Document (ESPD) to assess the bidders' financial capacity, business probity, capacity, experience and organisational policies for fair work and environmental practices.
- 4.3 186 bidders submitted 408 ESPD's across all 13 Lots and following evaluation 131 suppliers have been invited to tender for the opportunity. The invitation to tender was issued to the market on 18th March 2020.
- 4.4 The size and complexity of the project has led to slightly revised timescales. In addition, the mobilisation period required by the successful bidders will only become clear once final tenders are received.
- 4.5 Timescales have also been delayed as a result of the COVID-19 outbreak which has resulted in unprecedented disruption and delay to many aspects of the Council's services, and to those of all potential bidders. Additional time has been factored in for potential delay to the tendering process as a result of ongoing disruption.
- 4.6 Given the above, it is necessary to extend the Framework so that the Council is still able to use it, where required during this intervening period. There is no committed spend as a result of this proposed extension, but service areas still have a need to take forward certain design work on a number of Council projects at this time, including on the Early Years and new schools programme and the housing and non-housing capital programmes. In the absence of the framework officers would have to seek alternative routes through which to engage any necessary external support, which are likely to take more time, and could result in greater cost.
- 4.7 If approved, the proposed extension will be recorded as a waiver to the Council's Contract Standing Orders. The risk of challenge to the proposed extension is considered low as the procurement process is ongoing for the replacement framework and all of the current suppliers would be able to be used during this extension period.

5. Next Steps

- 5.1 The services will continue to be provided by the existing suppliers until the new framework is in place, should approval to extend be granted.
- 5.2 Subject to the ongoing effects of the COVID-19 outbreak, the current timeline envisages the procurement process being completed Summer 2020, and a report on the outcome of the process, seeking recommendation to award, is expected to be reported to the Finance and Resources Committee in Autumn 2020. It is expected that the extension for the recommended 1 year period will not be required in full, and the extension will be terminated once the new framework is in place. However, in the circumstances, it was felt preferable to seek this period to provide certainty of supply, given the risk around current timescales.

6. Financial impact

- 6.1 All costs will be contained within the existing budgets. As stated above, there is no committed spend as a result of this proposed extension,

7. Stakeholder/Community Impact

- 7.1 The current Framework mandates that the suppliers will provide a community benefit from the community benefit menu for every service order commissioned.

8. Background reading/external references

- 8.1 Report to Finance and Resources Committee 24 September 2015 – [Construction Professional Services Framework Agreement – Award of Contract](#)

9. Appendices

- 9.1 None.

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Policy and Sustainability Committee

10:00am, Thursday, 14 May 2020

Housing Options Protocol for Care Leavers

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Committee is asked to agree the proposed Housing Options Protocol for Care Leavers.

Alistair Gaw

Executive Director for Communities and Families

Contact: Nicky Brown, Homelessness and Housing Support Senior Manager

E-mail: nicky.brown@edinburgh.gov.uk | Tel: 0131 529 7589



Housing Options Protocol for Care Leavers

2. Executive Summary

- 2.1 All 32 Scottish local authorities have been asked by the Scottish Government and its partners on the Homeless Prevention and Strategy Group to implement a Housing Options Protocol for Care Leavers (the protocol).
- 2.2 The protocol's aim is to avoid care leavers having to go through the homeless route to secure accommodation, instead they will be supported and awarded Exceptional Housing Need priority, which will give them a reasonable preference when bidding for social rented accommodation.

3. Background

- 3.1 The protocol ensures that the Council meets its corporate parenting responsibilities to care leavers.
- 3.2 The primary responsibility for provision of accommodation rests with the Council's housing services, however, it is essential that a corporate and multi-agency approach be adopted to provide support and accommodation for care leavers.
- 3.3 This protocol is also informed by the National Care Standards for Leaving Care and Housing Support, regulated by the Care Inspectorate.

4. Main report

- 4.1 The Council is required to ensure effective discharge of Corporate Parenting responsibilities between housing and Children's Services by jointly addressing the diverse accommodation and support needs of young people leaving care.
- 4.2 Young people leaving care require appropriate accommodation which leads to a sustainable housing solution. To assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources, which will include the young person's looked after

children (LAC)/looked after and accommodated children (LAAC) review or pathway assessment.

- 4.3 The protocol provides clear processes to ensure young people leaving care will be assessed to meet their diverse housing support needs and that care leavers achieve a successful transition to independent living.
- 4.4 The protocol ensures that care leavers are given a priority status which reflects the responsibilities and duties placed on local authorities and other corporate parents outlined in parts 9-11 of the [Children and Young People \(Scotland\) Act 2014](#).
- 4.5 Care leavers who are the responsibility of another local authority, will remain the responsibility of that local authority if they arrive in Edinburgh. The Council will co-operate with the responsible local authority to ensure that an appropriate service is provided to the young person.
- 4.6 All young people will have a plan which will include detail of their accommodation needs and the level of support required to successfully maintain a tenancy.
- 4.7 In addition to this an identified person will be responsible for the housing and support planning of care leavers and individual outcomes will be monitored and evaluated at the young person's six-monthly review where appropriate.
- 4.8 The Council will award exceptional housing need priority to all care leavers on their 16th birthday. If the young person has chosen to remain in a continuing care placement, their application will remain open and they can be awarded priority if they decide they want to pursue social housing later.
- 4.9 Young people who access student accommodation in another authority can have their application remain open until they return and wish to pursue social housing.
- 4.10 The young person will continue to have exceptional housing need priority until they have been appropriately housed, in permanent accommodation.
- 4.11 An escalation process will be developed, to be aligned to the protocol, to allow the Council to review any issues related to the award of priority or support provided.
- 4.12 The protocol supports the Rapid Rehousing Transition Plan's strategy of avoiding homelessness where possible and prioritising a settled housing outcome with the provisions made to award young people leaving care exceptional housing need and ongoing support if required to maintain a home.
- 4.13 This protocol will be reviewed on a three-yearly basis unless legislative changes require a review within this cycle.

5. Next Steps

- 5.1 Following Committee's agreement, the Council will implement this protocol.
- 5.2 Unless required earlier, a three year review of this policy will be undertaken beginning in 2023, with a further report to Committee highlighting any changes required from this process.

6. Financial Impact

- 6.1 There should be no direct financial impact in implementing this protocol.

7. Stakeholder/Community Impact

- 7.1 There are no direct impacts from this report.

8. Background reading/external references

- 8.1 The Scottish Government sets out local authority's duties in Supporting Young People Leaving Care in Scotland; Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (www.scotland.gov.uk/Publications/2004/03/19113/34719).
- 8.2 Staying Put Scotland Providing care leavers with connectedness and belonging <http://www.gov.scot/Resource/0043/00435935.pdf>
- 8.3 Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers <http://www.gov.scot/Resource/0043/00435939.pdf>
- 8.4 Housing Support Duty to Those Found to be Homeless or Threatened with Homelessness – Amendment to Housing (Scotland) Act 1987 (Inserted by Housing (Scotland) Act 2010) <http://www.gov.scot/Resource/0042/00423606.pdf>

9. Appendices

- 9.1 Appendix 1 - Housing Option Protocol for Care Leavers

City of Edinburgh Council

Housing Options Protocol for
Care Leavers

Introduction

Aim of the protocol

Objectives

Eligibility

Service Outcome

Allocation Policy – Permanent Accommodation

Support

Financial Implications

Dispute Resolution

Review

Appendix 1 - Children and Young People Act 2014

Appendix 2 – Legislative Framework and Guidance

Introduction

This protocol will ensure that the City of Edinburgh Council meet their corporate parenting responsibilities and play a full role in providing the required resources and support to care leavers in terms of their need for accommodation.

While the primary responsibility for provision of accommodation rests with the Housing Department, it is essential that as corporate parents we take a multi-agency approach to provide support for care leavers.

This protocol is informed by the National Care Standards for Leaving Care and Housing Support, regulated by the Care Inspectorate.

1. Aim of the Protocol

1.1 To ensure the effective discharge of Corporate Parenting responsibilities between Housing and Children's Services by jointly addressing the diverse accommodation and support needs of young people leaving care. This protocol is informed by the Staying Put Scotland policy document, developed by local authorities and the Scottish Government in October 2013. This policy approach is further supported in legislation through the Children and Young People Act 2014 (C&YP(S) Act 2014).

1.2 To assist young people who are leaving care in accessing appropriate accommodation which leads on to a sustainable housing solution and ensure that they are regarded as a priority group.

To jointly assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources which will include; the young person's Looked After Child (LAC) Review or their Looked After and Accommodated Child (LAAC) review as well as Throughcare pathway planning processes.

1.3 Under the provisions of the Children (Scotland) Act 1995, 'Looked After Children' are defined as those in the care of their local authority. A child who is "looked after" by a local authority, is a child -

(a) for whom they are providing accommodation under section 25 of this Act;
or

(b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children's Hearings (Scotland) Act 2011);
or

(c) who is subject to an order in accordance with which, by regulations made under section 33(1) of this Act [or section 190 of the Children's Hearings (Scotland) Act 2011 (asp 1) (effect of Orders made out with Scotland)] 3, they have [responsibilities as respects the child] 4 [; or] 5;

or

(d) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect. Children may be looked after at home with birth parents or in a range of other settings cared for by foster or kinship carers, prospective adoptive carers, in residential care, school or secure provision.

2. Objectives

- 2.1 To jointly assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources which will include the young person's LAC/LAAC review or Pathway Assessment/Plan.
- 2.2 To ensure care leavers achieve a successful transition to independent living, through support and preparation, and the provision of suitable accommodation and support to enable them to live independently or move to living independently and to become successful and responsible citizen.
- 2.3 To ensure care leavers are given priority status which reflects the responsibilities and duties placed on Local Authorities and other Corporate Parents outlined in Parts 9-11 of the [Children and Young People \(Scotland\) Act 2014](#).
- 2.4 To jointly ensure that all staff are aware of the housing needs of young people leaving care and the obligations of each agency to address these needs.
- 2.5 To provide clear guidance on the management of tenancy issues, including multi-agency contingency arrangements.

3. Eligibility

- 3.1 From April 2015 eligibility for this support is for any looked after young person (regardless of their placement type or the legal route by which they became Looked After) who ceases to be "Looked After" on or after their 16th birthday is a "Care Leaver". This eligibility is set out in the Children and Young People (Scotland) Act 2014, and Guidance on the Looked After Children (Scotland) Regulations 2009.
- 3.2 Care leavers who are the responsibility of another local authority, will remain the responsibility of that local authority if they arrive in Edinburgh. City of Edinburgh Council will co-operate with the responsible local authority to ensure that an appropriate service is provided to the young person.

4. Service - Outcomes

- 4.1 The agencies will support each other, through the protocol, to meet national key performance indicators in respect of leaving care and housing services as defined by the Scottish Government.
- 4.2 There will be an identified person who will be responsible for the housing and support planning of care leavers.

- 4.3 Individual outcomes will be monitored and evaluated at the young person's six-monthly review (where applicable).
- 4.4 We will award exceptional housing need priority to all care leavers from their 16th Birthday.
- 4.5 We will monitor the number of; young people awarded Exceptional Housing Need priority and the number of young people with this priority who have secured permanent accommodation. We will also monitor and report on the ongoing work required to enable the young person to access and sustain appropriate housing, to ensure that we are responsive to their support needs.
- 4.6 We may also suspend the priority with the young person's agreement if they are no longer looking for secure permanent accommodation and reinstate priority at any time that the young person requests us to do so. This will enable and empower young people to remain in a positive care placement until they are ready to move on.

5. Allocation Policy – Permanent Accommodation

- 5.1 Corporate Parenting principles and duties should be the central driver in ensuring that care experienced young people are allocated accommodation to meet their needs and with the appropriate levels of support to ensure sustainability and success.

- 5.2 On completion of a housing application form -

Young people leaving care will automatically be provided with a Homeless Prevention and Housing Options interview. They will be advised that they are eligible for priority, under Exceptional Housing Need, an Edindex application will be completed and priority will be awarded if the young person is actively seeking to pursue moving into their own social housing/accommodation.

If the young person requires accommodation whilst waiting on allocation of housing through Edindex/Your Key to Choice, appropriate supported or temporary accommodation will be provided by the authority.

By awarding Exceptional Housing Need, we will no longer have young people leaving care and being at risk of homelessness and therefore they will not require to go through the traditional homeless route. Instead they will have their own priority group which will enable care leavers to make successful and sustainable transitions out of care into adulthood (in respect of housing and accommodation).

If the young person has chosen to remain in a Continuing Care placement their application will remain open and they can be awarded priority when they decide to pursue social housing.

Young people who access student accommodation in another authority can have their application remain open until they return and wish to pursue social housing.

- 5.3 Exceptional Housing Need status does not mean that the young person will be offered the next available property, but their application will be awarded additional priority that will then give reasonable preference to bid for accommodation through Edindex/Your Key To Choice.
- 5.4 Exceptional Housing Need will generally be allocated with the agreement of the young person and priority will increase due to the length of time the priority has been awarded.
- 5.5 If a young person requires accommodation whilst waiting allocation through Edindex/Your Key to Choice, consideration should be given to the type of accommodation that would best meet the young person's needs e.g. temporary, shared, or supported. The young person should be encouraged and supported to apply to the Through care After care (TcAc) Housing Support Panel.

Exceptional Housing Need will remain in operation until the young person has been appropriately housed in permanent accommodation.

- 5.6 The young person/tenant can access support from TcAc (up to the age of 26) and visiting tenancy support throughout the duration of their tenancy. Should the tenancy end or the tenant apply for a transfer, Exception Housing Need priority will not be applicable for future applications. Support and advice will however continue to be offered in accordance with corporate parenting duties.
- 5.7 Any formal young person assessment/planning will be coordinated by the appropriate department/agency and will include input from relevant partner agencies.
- 5.8 Registered Social Landlords (RSLs) have a statutory duty to assist the local authority in their duty to provide settled accommodation for homeless persons and that includes care leavers, with Exceptional Housing Need priority being awarded.

6. Support

- 6.1 The young person's plan should detail accommodation needs and the level of support and housing related support that the young person may require to successfully maintain a tenancy. Details should be shared with appropriate persons/department.
- 6.2 If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential, a review of the young persons needs should be undertaken and an action plan produced identifying how the young person will be supported through their crisis. Common difficulties in managing a tenancy may be; rent arrears, anti-social behaviour and noise complaints or any other breach of their tenancy. Success of tenancies will be monitored by relevant agencies.
- 6.3 Young people leaving care will have different levels of support needs. These may range from intensive support from a number of agencies, to minimum advice and guidance. Services will respond accordingly.

7. Financial Implications

- 7.1 Depending on the young person's individual needs consideration will be given to determine who is eligible for rent costs. A financial assessment should be carried out to identify the young person's income source with support offered to maximize their income.
- 7.2 Care leavers who are full-time students will need to complete a financial assessment under Part 10 of the Children and Young People (Scotland) Act 2014. Assessment of eligible needs for care experienced young people up to their 26th birthday should include assistance to maintain and sustain tenancies or other suitable accommodation commensurate with the assessed needs of the young person.

8. Dispute Resolution

- 8.1 Any difference of opinion over areas of responsibility and proposed action should initially be jointly dealt with by the allocated worker in each department. If the issue cannot be resolved at this level the matter should be referred jointly to the Team Leader in the Homelessness Prevention and Housing Options Team and TcAc.
- 8.2 Disagreements over policy and procedures should also be referred jointly in the first instance to the relevant Team Leaders. In the event that the parties cannot reach agreement, the matter will be referred and considered by the Managers of the TcAc, Young Persons Team and the Homelessness Service.

9. Review

- 9.1 This protocol will be reviewed at least three yearly and more often if required.

Appendix 1 - Children and Young People Act 2014

[Children and Young People \(Scotland\) Act 2014](#)

The Children and Young People (Scotland) Act 2014 places new statutory duties and responsibilities on local authorities and other specified corporate parents in regard to Corporate Parenting, Aftercare and Continuing Care.

Part 9: Corporate Parenting:

Corporate parenting responsibilities extend to every child who is looked after by the local authority and every young person under the age of 26 who was on their 16th birthday or at any subsequent time (but is no longer) looked after. This includes children looked after at home or in a range of care settings including disabled children who are looked after during short break provisions.

Part 10: Aftercare:

The Aftercare provisions of the 2014 Act came into force in April 2015. Aftercare is defined in section 29 of the Children (Scotland) Act 1995 (as amended by section 66 of the 2014 Act) and includes advice, guidance and assistance. This can include (but is not restricted to) helping a young person to secure accommodation, education and employment opportunities and financial support. The 2014 Act extends eligibility to aftercare services to care leavers aged 21 to 25 years.

Part 11: Continuing Care:

Continuing Care was introduced by the 2014 Act and creates a duty on local authorities to provide care leavers whose final placement was away from home to continue the kinds of supports they have received. The purpose of this provision is to provide young people with a more gradual transition to adult life consistent with the experience of young people who have not been looked after.

Appendix 2 – Legislative Framework and Guidance

The Children (Scotland) Act 1995, Regulation of Care (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003, are designed to ensure that local authority Children's Services and Housing Services work together. The aim is to ensure that the accommodation and housing support needs of care leavers are fully met.

The Scottish Government sets out local authority's duties in Supporting Young People Leaving Care in Scotland; Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (www.scotland.gov.uk/Publications/2004/03/19113/34719).

The publication of the 'Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers' (Scottish Government, 2013) and 'Staying Put, Scotland' Guidance (Scottish Government, 2013) set out key principles and practice approaches which should be adopted when supporting young people transition from care to interdependence. It states that looked after young people should be encouraged, enabled and empowered to remain in positive care placements until they are better equipped to make the graduated and extended transition to adulthood and interdependence. The Housing Options Protocols Guidance further aims to ensure that Care Leavers are regarded as a priority group by all corporate parents and their partners; and to promote practice that enables Care Leavers to make successful and sustainable transitions out of care and into adulthood in respect of housing and accommodation. These protocols explicitly inform and underpin City of Edinburgh Councils' approach to supporting looked after and care experienced young people and their journey to adulthood and interdependence.

Policy and Sustainability Committee

10am, Thursday, 14 May 2020

Domestic Abuse Housing Policy

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1. It is recommended that the Policy and Sustainability Committee adopts the Domestic Abuse Housing Policy to ensure a sensitive and equitable approach to finding suitable housing solutions for victims of domestic abuse.

Alistair Gaw

Executive Director of Families and Communities

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Domestic Abuse Housing Policy

2. Executive Summary

- 2.1 This report outlines the rationale for a Domestic Abuse Housing Policy, describes the process used to agree on the draft policy and provides recommendations for its implementation.

3. Background

- 3.1 Edinburgh's Domestic Abuse Strategy and Improvement Plan was agreed by the Edinburgh Partnership in June 2017.
- 3.2 At that time, those responding to the consultation highlighted "the importance of flexible housing options that are person-centred, rather than procedure-driven; and that safe spaces should be defined by the victim, not the service".
- 3.3 A "Housing and Homelessness" work stream was put in place to explore the issues faced by victims of domestic abuse with regard to housing and to establish a range of flexible housing options that are person centred, putting the victim's safety and well-being at the heart of the approach.

4. Main report

Context

- 4.1 During consultation prior to the agreement of Edinburgh's Domestic Abuse Strategy and Improvement Plan, it was identified that there were issues around the way in which victims were treated with regard to housing. At that time, it was established that housing options needed to be more flexible and person centred.
- 4.2 Until recently, it has been fairly standard practice that if someone was fleeing domestic abuse, they were encouraged to present as homeless. Presenting as homeless can be traumatic, which meant that many victims chose to stay in an abusive relationship, or put themselves in a position of uncertainty and potential separation from their existing support networks in order to leave the perpetrator.
- 4.3 Over the last five years, an average of 300 people per year have presented as homeless, stating that they were fleeing violence from a partner. This is out of a total of an average of 3,480 homeless presentations. This means that on average,

8.6% of homeless presentations are as a result of people fleeing violence from a partner. It is acknowledged that many people do not cite domestic abuse as a reason for presenting as homeless (sometimes citing relationship breakdown or other issues), and it is thought that the number of people effectively homeless due to domestic abuse is higher.

- 4.4 The City of Edinburgh Council (Planning and Partnership) commissions domestic abuse accommodation and housing support services. At present there are 51 refuge spaces across Edinburgh Women's Aid (EWA), Shakti and Key Moves. These refuge spaces are for women and children who have left domestic abuse situations.
- 4.5 Due to issues around housing options and potentially a lack of suitable move-on accommodation, many of the women within the refuge remain there for longer than they need to. Some women have been in the refuge for upwards of 18 months, when they may have been ready to leave (usually with outreach support) after around three months. Many women did need the refuge and support for longer, however, the majority of women are assessed as being ready for mainstream housing before they are able to access it.
- 4.6 This Policy supports the strategy set out in the Rapid Rehousing Transition Plan by focusing on preventing homelessness wherever possible and maximising other opportunities for victims of domestic abuse to access settled accommodation.

Domestic abuse and housing

- 4.7 In March 2017, a lead officer was appointed to take forward the Housing and Homelessness work stream identified in Edinburgh's Domestic Abuse Strategy and Improvement Plan. At that time, an initial multi-agency working group was established. This group comprised of members from the City of Edinburgh Council (Homelessness Services, Housing (Localities), Family and Household Support, Criminal Justice Social Work), Police Scotland and Edinburgh Women's Aid (EWA).
- 4.8 The remit of the multi-agency group was to:
 - 4.8.1 identify barriers for victims of domestic abuse with regard to homelessness and housing.
 - 4.8.2 develop a work plan to address these issues.
 - 4.8.3 agree on a multi-agency approach (and pathway) with regard to homelessness and housing for victims of domestic abuse.
- 4.9 Following the initial meeting of the multi-agency group, the following were identified as initial priorities for research and development:
 - 4.9.1 development of a domestic abuse housing policy.
 - 4.9.2 implementation of a Domestic Abuse Home Safety Initiative.
 - 4.9.3 development of specialist domestic abuse housing officers.
 - 4.9.4 investigation of options available to increase priority for those who are homeless due to domestic abuse.

- 4.9.5 consideration being given to procuring specific housing stock for victims of domestic abuse.
- 4.9.6 increased use of measures to remove the perpetrator from the family home.
- 4.10 The lead officer identified that Scottish Women's Aid (SWA) had recently undertaken a research project in conjunction with Fife Council, with regard to domestic abuse and housing. The report "Change, Justice, Fairness" identified many of the same issues that victims of domestic abuse in Edinburgh were facing. Meetings took place with Scottish Women's Aid, and Fife Council to explore this further, and to build on best practice already underway.
- 4.11 One of the main issues identified for victims of domestic abuse was that the default position to escape the abusive situation appeared to be going down the homeless route. The Change, Justice, Fairness report outlined that often, victims of domestic abuse wanted support to remain where they were.
- 4.12 The lead officer engaged with a range of partner agencies, including SWA, the Scottish Federation of Housing Associations (SFHA), the Chartered Institute of Housing (CIH) as well as local partners (Council colleagues (including Locality Housing, Homelessness Services, Planning and Partnership, Criminal Justice Social Work, Family and Household Support), Police Scotland, EWA, EdIndex partner landlords.
- 4.13 As Edinburgh operates a Common Housing Register (comprised of the Council and 19 partner Registered Social Landlords (RSLs), it was vital to develop the domestic abuse housing policy (the policy) collaboratively. The lead officer attended the EdIndex Management Board on 18 October 2017. It was agreed that the partner landlords could be contacted with regard to the development of the policy, practice and procedures with regard to domestic abuse.
- 4.14 An event was arranged on 19 January 2018 for the EdIndex partner landlords. Presentations were given by SWA, SFHA and Prospect Community Housing, to set the context regarding the issues faced by victims of domestic abuse, with a specific focus on housing. This session was well received, and following on from that, an EdIndex RSL working group was established to contribute to the development of Edinburgh's housing response to domestic abuse.
- 4.15 The multi-agency and RSL working groups met regularly to develop a draft domestic abuse policy, as well as procedures and guidance that underpin the policy. The draft policy was open for final consultation across partner agencies in January 2020 and was also discussed with service users through focus groups, individual sessions and questionnaires (undertaken in collaboration with EWA and Key Moves refuge).

The main aim of the policy is to offer victims of domestic abuse choice in how their own situation is progressed. This includes:

- 4.15.1 Housing options (assisting victims to make informed choices regarding their housing situation; consideration of alternative tenures e.g. mid-market rent,

private rented sector, or in case of emergency, access to refuge or temporary accommodation)

- 4.15.2 Prevention (enabling victims to put safety measures in place to enable them to stay where they are)
- 4.15.3 Moving home (moving to alternative accommodation through a management transfer (available to Council or social rented tenants only), accessing suitable emergency accommodation (through a housing pathway), and being supported to access move-on/permanent accommodation once assessed as ready)
- 4.16 One issue identified for further consideration is that due to current legislation, it is not possible to evict a perpetrator of domestic abuse, when the tenancy is joint, and held in both names. While certain measures can be applied for to prevent the perpetrator remaining in the family home (e.g. bail conditions, Non-Harassment Orders etc), it should be noted that the Housing (Scotland) Act 1987 as amended would need to be updated in order to allow Councils and RSLs to evict the perpetrator. This issue has been raised with Scottish Government by Scottish Women's Aid, however, to date, there has not been any proposed update to the Scottish Secure Tenancy Agreement.
- 4.17 The policy also outlines the need for a consistent systematic approach, commitment to domestic abuse training for all housing staff, regular oversight of the policy (with monitoring and evaluation) by a Domestic Abuse Housing Management Group.
- 4.18 In implementing the policy, the following outcomes are anticipated:
 - 4.18.1 Increased use of a range of housing options to ensure choice, and the best outcomes for victims of domestic abuse.
 - 4.18.2 A more sensitive and consistent approach to victims of domestic abuse, with regard to housing.
 - 4.18.3 Improved management of refuge spaces to ensure they are available for those in greatest need.

5. Next Steps

- 5.1 An implementation plan will be developed to ensure that the policy is embedded across Council housing and the EdIndex Partnership.
- 5.2 Further analysis will be undertaken with regard to scoping the demand for bespoke emergency accommodation options for victims of domestic abuse.
- 5.3 The policy will be reviewed on a six-monthly basis with regular reports being presented to the Violence Against Women Partnership

6. Financial impact

- 6.1 There are no direct costs arising from this report.

7. Stakeholder/Community Impact

- 7.1 The policy was created collaboratively with a variety of internal and external stakeholders, all of whom are in agreement with the planned implementation.
- 7.2 Service users were consulted and given the opportunity to comment on the content of the policy.
- 7.3 Implementation of the policy should lead to improved outcomes in terms of safety and well-being for victims of domestic abuse.

8. Background reading/external references

- 8.1 [Edinburgh's Domestic Abuse Strategy and Improvement Plan](#)
- 8.2 [Change, Justice, Fairness \(Scottish Women's Aid Report\)](#)

9. Appendices

- 9.2 Appendix 1 - Edinburgh's Domestic Abuse Housing Policy

Domestic Abuse Housing Policy

City of Edinburgh

1. Purpose

This policy sets out details of Edinburgh's pro-active housing response to preventing and addressing domestic abuse. This policy is in line with Edinburgh's Domestic Abuse Strategy and Improvement Plan (February 2017)¹.

It is evidenced that domestic abuse primarily affects women and children, however, this policy applies equally to all victims of domestic abuse.

The aim of this policy is to outline housing's contribution within the multi-agency domestic abuse arrangements, by:

- Providing a sensitive and supportive response to victims of domestic abuse
- Implementing an early intervention approach to domestic abuse, with a view to enabling victims to safely stay where they are
- Working collaboratively to enable victims to access a range of housing options, advice, information and support
- Working with perpetrators (in terms of accountability, ensuring the safety and well-being of victims and referring perpetrators for support as appropriate)

The Edinburgh Partnership² has adopted a broad definition of domestic abuse, which is gender based (i.e. that the violence is perpetrated against women and girls). It should be noted, however, that this policy equally applies to men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

2. Definition

This policy adopts the Scottish Government's definition of domestic abuse (also agreed by the Edinburgh Partnership) and takes in to account existing legislation, namely Domestic Abuse (Scotland) Act 2018:

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse withholding money and other types of controlling behaviour such as isolation from family or friends).³

¹

http://www.edinburgh.gov.uk/info/20110/domestic_abuse/1432/edinburgh_s_domestic_abuse_strategy_and_improvement_plan

² http://www.edinburgh.gov.uk/info/20133/community_planning/391/edinburgh_partnership

³ <http://www.gov.scot/Publications/2003/09/18185/26440>

Domestic abuse is a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, including sexual violence, by a partner or an ex-partner. It is common, but often concealed. In most cases, it is experienced by women and children and is perpetrated by men.⁴ Violence against women is a violation of human rights.⁵

This policy also applies to men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+) affected by domestic abuse.

It is also important to note that children who live with domestic abuse are, themselves, experiencing abuse⁶.

For the purposes of this policy, it is assumed that the domestic abuse is being perpetrated by a partner or ex-partner (i.e. intimate partners).

It is, however, acknowledged that in some communities wider family members become involved in the abuse. Any such abuse would be managed through the wider Antisocial Behaviour Policy⁷.

3. Scope

This policy statement has been agreed by the following partner agencies, who are committed to delivering a collaborative approach to finding housing solutions for people affected by domestic abuse (including victims, survivors and perpetrators).

Partner Agencies in delivering Edinburgh's multi-agency approach to housing and domestic abuse

- City of Edinburgh Council
 - Homelessness and Housing Support (Safer and Stronger Communities)
 - Housing Management (Housing and Regulatory Services, Place)
 - Family and Household Support (Safer and Stronger Communities)
 - Criminal Justice Social Work (Safer and Stronger Communities)
 - Children and Families
 - Health and Social Care
- Police Scotland
- EdIndex Partner Landlords (Appendix 1)
- Third sector partner agencies
- NHS Lothian
- Scottish Fire and Rescue Service

This policy supports the Collaborative Partnership developed through Edinburgh's Domestic Abuse and Violence Against Women Partnership.

⁴ http://womensaid.scot/wp-content/uploads/2017/09/Good-Practice-in-Commissioning-Specialist-Domestic-Abuse-Services_SWA_COSLA.pdf

⁵ <https://www.ohchr.org/en/issues/women/wrgs/pages/vaw.aspx>

⁶ <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/impact-on-children-and-young-people/>

⁷ http://www.edinburgh.gov.uk/directory_record/1011804/antisocial_behaviour_policy

4. Equalities and Human Rights

The policy has been subject of an Integrated Impact Assessment (this includes both equalities and human rights). This is to ensure that appropriate responses are in place to support the differing and intersecting needs of people with protected characteristics (e.g. physical disability, black and minority ethnic groups, LGBT+ etc) and that individuals' human rights are recognised and respected.

This policy is underpinned by the City of Edinburgh Council's Equality, Diversity and Rights Framework 2017-21, especially section 2.1 *"Interventions are early and effective, preventing domestic abuse, and maximising the safety and wellbeing of citizens, children, and young people affected by domestic abuse"*.⁸

5. Policy statement

Guiding principles for domestic abuse and housing

Edinburgh supports a zero tolerance approach to domestic abuse.

The main aim of this policy is to ensure that victims of domestic abuse are supported and given advice to make informed choices about their accommodation options. This includes sustaining their current accommodation, where possible and preventing the need to present as homeless. It is hoped that this early intervention approach will enable victims to avoid the potential trauma of emergency accommodation, living in an unfamiliar area (away from existing support networks), and reducing the likelihood of financial hardship associated with homelessness.

The research (Change, Justice Fairness⁹) conducted by Scottish Women's Aid in partnership with Fife Domestic and Sexual Abuse Partnership demonstrated that many improvements could be made to the ways in which victims of domestic abuse are treated, in terms of housing. The report concluded with a range of recommendations, which partner agencies in Edinburgh will implement as appropriate.

A Domestic Abuse Housing Management Group will oversee the implementation of this policy on an ongoing basis. The main principles of the policy are outlined below:

i. Housing options

Victims of domestic abuse will be offered a range of housing options and advice, based on their individual circumstances and assessed needs. These options will include:

- Supporting victims to remain in their own home
- Removing the perpetrator (where possible)
- Referring for management transfers where assessed as appropriate

⁸ <https://www.edinburgh.gov.uk/equalities>

⁹ <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

- Assisting through a housing pathway (including access to homelessness services where required), specifically developed for victims of domestic abuse
- Supporting victims with regard to permanent re-housing
- Supporting victims to access legal advice
- Enabling victims to access specialist domestic abuse support

ii. Prevention

Wherever possible, if a victim of domestic abuse wants to remain in their own home, they should be supported to do so. This may involve the following measures:

- An assessment of their home, in terms of safety (Police Scotland); this will include a home safety plan and recommendations on how to improve safety
- Recommendations to be shared with the landlord (if applicable) for safety measures to be put in place
- Arranging adaptations, equipment and/or advice (which can be prioritised through the Council/Registered Social Landlord (RSL), Police Scotland and/or the Scottish Fire and Rescue Service)

iii. Moving home

Where a victim of domestic abuse no longer feels safe in their existing home, three options exist, depending on whether they are at immediate risk of harm:

1. Accessing emergency accommodation (available to all victims of domestic abuse, regardless of tenure)

This involves:

- Presenting at a City of Edinburgh Council locality office to access the most suitable/available emergency accommodation based on assessed need and risk (during office hours only)
- Contacting the Out of Hours Service (after office hours or weekends)
- Accessing support
- Continuous review of the placement with a view to moving to more/less supported accommodation as appropriate
- Consideration of converting suitable temporary accommodation to a secure tenancy, with an alternative property being offered back to the Temporary Accommodation Service

2. Management transfer

This involves:

- Assessing the victim's existing tenancy to establish if criteria are met to put forward for a management transfer
- A request to EdIndex partner landlords for a management transfer (based on need and risk assessment)

3. Permanent re-housing

Victims of domestic abuse should be registered on EdIndex to maximise opportunities for re-housing.

Where a victim needs to be permanently re-housed this may be achieved by:

- Being nominated through the Refuge Exit Assistance Matching (REAM) process to EdIndex Partner landlords (including the Council) for direct allocation (according to housing need and personal circumstances)
- Bidding for suitable properties through Key to Choice
- Accessing alternative tenures e.g. private rented accommodation, mid market rent etc (although there is less security of tenure with this option)

6. Confidentiality

It is essential that the Domestic Abuse Housing Policy is underpinned by robust information sharing.

All information sharing will be done in compliance with the General Data Protection Regulation and the Data Protection Act 2018.

7. Support

It is vital that victims of domestic abuse are able to access appropriate levels of suitable support, aimed at ensuring the best possible outcomes.

Support may be provided directly through Council services (i.e. Family and Household Support), or through commissioned services.

Intensive support may be provided at the initial point of presentation (especially when the victim is living in refuge accommodation), however, ongoing outreach support should be made available at times of transition, and when move-on accommodation is identified. This will be prioritised and made available through commissioned domestic abuse services.

8. Consistent Systematic Approach

This policy will be delivered in accordance with agreed pathways and protocols.

This will be achieved by:

- Provision of Plain English information that outlines agreed processes, roles and responsibilities
- Offering domestic abuse training to all housing staff (Council and EdIndex partners) to ensure a consistent approach to domestic abuse across social housing providers
- Management and monitoring of the domestic abuse housing policy through the Domestic Abuse Housing Management Group

9. Training

In order to ensure delivery of a consistent systematic approach to domestic abuse and housing, a multi-agency training programme is available to all staff across the EdIndex Partnership. The training is called “Rethinking Domestic Abuse”. This training informs staff about domestic abuse, violence against women and issues relating to perpetrators.

The training enables staff to understand and provide appropriate responses to:

- Domestic abuse and violence against women (including different forms of abuse, how to identify women at risk and how to respond appropriately and confidently)
- Diversity, including disability, ethnicity, age and sexual orientation
- Accessing services and resources to meet assessed need

This training will be mandatory for Council housing officers and staff within homelessness services, and offered to all RSL staff. This will ensure that all housing staff have a consistent understanding of domestic abuse and how to support victims with regard to housing.

10. Collaborative/partnership working

In order to provide a robust response to victims of domestic abuse, Edinburgh has agreed to implement a co-ordinated community response. This was agreed by Corporate Policy and Strategy Committee on 19 January 2016.

The co-ordinated community response is based on the principle that no single agency or professional has a complete picture of the life of a domestic abuse victim, but many will have insights that are crucial to their safety. It is paramount that agencies in Edinburgh work together effectively and systematically to increase safety for victims of domestic abuse and hold perpetrators to account.

In working collaboratively, partners agree to:

- Share information as appropriate and in compliance with GDPR to ensure that victims’ information is shared appropriately, and proportionately, in order to access suitable housing and support
- Participate in multi-agency training, to ensure a consistent approach when working with victims of domestic abuse
- Implement the housing pathway to ensure that victims are able to access housing options and/or the accommodation and support most suited to their needs (whether that be emergency accommodation or permanent re-housing)

11. Information and advice

It is vitally important that victims of domestic abuse are able to access information and advice in a variety of formats.

Written information on domestic abuse is available in a variety of formats and written in Plain English. This includes both leaflets and on-line information.

12. Risk management

Staff across housing should be proficient in identifying, assessing and managing risk.

Risk assessment forms part of the Rethinking Domestic Abuse training, and staff can also access the Domestic Abuse Stalking and Harassment Risk Identification Checklist (Rethinking Domestic Abuse – Level 2) training as appropriate.

Housing staff will be trained to identify the signs of domestic abuse, and encouraged to explore this with individuals in a sensitive manner. This includes potential, perceived or real risks. As well as identifying risk, housing staff are expected to make timely referrals where appropriate for assistance with housing and/or support.

Council housing staff are proactive members of locality based Multi-Agency Risk Assessment Conferences and the city-wide Multi-Agency Tasking and Co-ordinating Group. This involves sharing information to allow robust risk management and safety plans to be put in place, identifying solutions for victims of domestic abuse, and sharing information that holds perpetrators to account.

EdIndex partner landlords are also supported to identify and assess risk relating to domestic abuse and should share any concerns they have with the Domestic Abuse Housing Management Group, for advice on how to proceed with each individual case.

The domestic abuse housing pathway also provides a clear process for housing staff to follow, when risk is identified, and the most appropriate way to deal with the risk, depending on the immediacy of the situation.

13. Responsibilities

The Domestic Abuse Housing Management Group is responsible for oversight of the delivery of the policy. Membership includes:

- Access to Housing and Support Services Lead Officer (Chair)
- Homelessness Services Manager
- Temporary Accommodation Manager
- 1 x Housing Operations Manager (locality)
- 1 x Family and Household Support Manager/Team Leader
- 1 x Partnership and Planning Officer
- 1 x Third Sector Representative
- 1 x RSL representative (EdIndex Management Board member)
- Police Scotland Representative
- Criminal Justice Social Work Representative

14. Monitoring and evaluation

This policy will be subject to regular review, in terms of its implementation, recording outcomes and supporting best practice.

Monitoring information and statistics will be provided by the Domestic Abuse Housing Management Group. This will be collated in a regular six monthly report and provided to the Violence Against Women Partnership.

Victims of domestic abuse will be invited to participate in evaluating their experience and the response of services involved, through anonymous surveys and focus groups. This is to ensure that their voices are heard in order to continuously improve service delivery and responses to domestic abuse.

15. Legislative context and associated documents

[Domestic Abuse \(Scotland\) Act 2011](#)

[Adult Support and Protection \(Scotland\) Act 2007](#)

[Children \(Scotland\) Act 1995](#)

[Children's Hearing \(Scotland\) Act 2011](#)

[Protection from Abuse \(Scotland\) Act 2001](#)

[Housing \(Scotland\) Act 1987](#)

[Housing \(Scotland\) Act 2001](#)

[Housing \(Scotland\) Act 2006](#)

[Housing \(Scotland\) Act 2014](#)

[Homelessness etc. \(Scotland\) Act 2003](#)

EdIndex Partner Landlords

Ark Housing Association Ltd	0131 447 9027
Barony Housing Association	0845 140 7777
Cairn Housing Association	0800 990 3405
City of Edinburgh Council	0131 529 5080
Blackwood Homes	0131 317 7227
Castle Rock Edinvar Housing Association	0131 657 0679
Dunedin Canmore Housing	0131 478 8888
Hanover (Scotland) Housing Association Ltd	0131 557 7404
Hillcrest Homes	0300 123 2640
Home Group	0131 335 6810
Hunters Hall Housing Co-operative Ltd	0131 657 3379
Link Housing Association Ltd	03451 400 100
Lister Housing Co-operative	0131 229 6176
Manor Estates Housing Association	0131 337 3222
Muirhouse Housing Association	0131 336 5282
Port of Leith Housing Association Ltd	0131 554 0403
Prospect Community Housing	0131 458 5480
Trust Housing Association Ltd	0131 444 1200
Viewpoint Housing Association Ltd	0131 668 4247
West Granton Housing Co-operative Ltd	0131 551 5035

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Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

City Centre West to East Cycle Link and Street Improvements Project – Statutory Orders and Progress Update

Executive/routine	Executive
Wards	6 – Corstorphine/Murrayfield; 11 – City Centre
Council Commitments	16 , 17 , 18 , 19 , 27 , 39

1. Recommendations

- 1.1 It is recommended that the Committee:
- 1.1.1 notes that the Reporter’s recommendation on the Traffic Regulation Order (TRO) for City Centre West East cycle link (CCWEL) Section One has now been received but decisions from the Scottish Ministers on confirmation of the Redetermination Orders (RSO) for Sections One and Two are still awaited;
 - 1.1.2 accepts the Reporter’s recommendation and gives approval to make those parts of the TRO that remain outstanding, subject to the Scottish Ministers decision on the associated RSO for Section One;
 - 1.1.3 notes that the appropriate Committee will be informed of the Scottish Ministers’ decisions on confirmation of the RSOs after these are received;
 - 1.1.4 notes that design proposals for South St David Street, the west side of St Andrew Square and North St David Street and South Charlotte Street, the east side of Charlotte Square and North Charlotte Street have been developed and will be subject to consultation with ward councillors and key stakeholders before commencing with relevant Statutory Orders;
 - 1.1.5 gives approval to commence the statutory procedures to make the additional TRO and RSO necessary to implement several minor changes within Section One and Section Two, that have been proposed since the original orders for these sections was promoted, as detailed within the report; and

1.1.6 notes the update on project progress regarding the completion of design and appointment of a contractor.

Paul Lawrence

Executive Director of Place

Contact: Ewan Kennedy, Service Manager – Transport Networks

E-mail: ewan.kennedy@edinburgh.gov.uk | Tel: 0131 469 3575

City Centre West to East Cycle Link and Street Improvements Project – Statutory Orders and Progress Update

2. Executive Summary

- 2.1 The Council promoted a Traffic Regulation Order (TRO) and Redetermination Order (RSO) for Section One of the City Centre West to East Link and Street Improvements (CCWEL) project which were subject to a statutory consultation in April and May 2018. This report updates Committee on the decision on the TRO and confirms that the decision on the RSO remains outstanding.
- 2.2 Several minor changes are now proposed within Section One, which have emerged since the original TRO was promoted. This report explains this in detail and requests Committee approval to progress with a new TRO for this and, as required by the statutory procedure under the Civic Government (Scotland) Act 1982, to establish the proposed taxi rank, and feeder rank at Haymarket Station.
- 2.3 This report also provides a brief update on project progress and sets out the next steps for this project which will include consultation with ward councillors and key stakeholders for the designs on South Charlotte Street, the east side of Charlotte Square and North Charlotte Street and North and South St David Street, proposed as part of Section Three in advance of statutory procedures.

3. Background

- 3.1 The CCWEL project consists of significant street improvements along a 4km route between Roseburn and Picardy Place, which will transform the nature and operation of these streets.
- 3.2 A TRO and RSO for Section Two of the project were subject to a statutory consultation in May and June 2019. Eight objections were received to the TRO and seven objections were received to the RSO. The eight TRO objections were set aside by the Transport and Environment Committee and the TRO was subsequently made in full. The seven objections to the RSO were referred for determination to the Scottish Ministers and their decision on confirmation of the RSO is still awaited. The appropriate Committee will be informed of this decision after it is received.

Section One

- 3.3 Section One runs from Roseburn to Haymarket along the A8 and involves the introduction of a two-way segregated cycleway on the north side of the street. The proposals for Section 1 were subject to a statutory consultation between 20 April 2018 and 18 May 2018. 31 objections were received to the TRO and 36 objections were received to the RSO.
- 3.4 A report on the TRO and RSO for this section was considered by the Transport and Environment Committee on [20 June 2018](#). The Committee decided to set aside the 18 TRO objections that did not relate to loading and unloading, to make the TRO in part and to refer the 36 RSO objections to Scottish Ministers for determination. A mandatory Public Hearing was required to consider the 13 objections to the TRO which related to loading and unloading. The RSO objections were also referred to Scottish Ministers on 3 August 2018 and the Ministers subsequently decided to also refer these objections to the Public Hearing.
- 3.5 The Public Hearing took place on 4 and 5 November 2019 and the Reporter's recommendations on the TRO were received by the Council on 4 March 2020.
- 3.6 The Reporter's recommendations on the RSO have been sent to Scottish Ministers and the Ministers' determination will be published in due course.

Section Two

- 3.7 Section Two runs from Haymarket to Charlotte Square, and also includes a spur from Melville Crescent to Rutland Street. It involves the introduction of one-way segregated cycleways on each side of Melville Street. The proposals for Section 2 were subject to a statutory consultation between 14 May 2019 and 11 June 2019. Eight Objections were received to the TRO and seven to the RSO.
- 3.8 A report on the TRO and RSO for this section was considered by the Transport and Environment Committee on 20 June 2019. The Committee decided to set aside the eight TRO objections, to make the TRO and to refer the seven RSO objections to Scottish Ministers for determination. The RSO objections were referred to Scottish Ministers on 2 July 2019 and the Ministers' determination will be published in due course.

Section Three

- 3.9 Section Three will connect Charlotte Square to Picardy Place, via George Street, and York Place. The CCWEL project does not involve delivering changes on George Street, which is being taken forward under a separate project. The proposals for this project aim to deliver cycling and walking facilities of an equivalent standard to those along the remainder of the CCWEL route.
- 3.10 However, changes to South Charlotte Street, the east side of Charlotte Square and North Charlotte Street and South St David Street, the west side of St Andrew Square and North St David Street are proposed as part of CCWEL, and it is

intended to deliver the Charlotte Square public realm scheme, which will feature dedicated cycling provision around Charlotte Square, alongside the CCWEL project.

- 3.11 The proposals for Section Three are split into three areas:
- 3.11.1 South Charlotte Street, the east side of Charlotte Square and North Charlotte Street;
 - 3.11.2 South St David Street, the west side of St Andrew Square and North St David Street; and
 - 3.11.3 Queen Street and York Place.
- 3.12 The statutory procedures for the RSO necessary to implement the changes proposed for Queen Street and York Place commenced in Autumn 2018, under Delegated Powers. No TRO was required for this section of the project. The proposals were subject to a statutory consultation between 5 October 2018 and 2 November 2018. No objections were received and the RSO has been made.

4. Main report

Section One: Public Hearing into TRO and RSO Objections

- 4.1 The Reporter reviewed all relevant documents, including the objections, and held a two-day Public Hearing on 4 and 5 November 2019. The Hearing was conducted as a formal discussion and was preceded by an unaccompanied site visit.
- 4.2 The Hearing was divided into several sessions for the TRO and RSO, as outlined below:
- TRO**
 - 4.2.1 changes to loading provisions at Roseburn Terrace;
 - 4.2.2 changes to loading provision at Murrayfield Place; and
 - 4.2.3 the Council's proposed modifications to the TRO.
 - RSO**
 - 4.2.4 the extent of cycle use along the Roseburn – Haymarket corridor now and the likely extent of any increase in cycling trips as a result of the implementation of the Order and the associated TRO;
 - 4.2.5 alternative future cycle routes for the Roseburn – Haymarket corridor – advantages and disadvantages;
 - 4.2.6 the lack of simulation of the proposed system, likely changes in journey times for the various transport modes, and potential impacts on congestion and air pollution; and
 - 4.2.7 user safety.
- 4.3 Objectors were advised that they could choose to be heard at the Public Hearing (in person or represented by another person), or they could submit further written submissions, or they could rest on their original objection. Four objectors elected to

attend and be heard at the Hearing. The objectors were also entitled to provide Written Statements to the Reporter, prior to the Hearing, and several did so.

- 4.4 The Council submitted a Written Statement prior to the Hearing, summarising its case.
- 4.5 The Written Statements from the Council and the objectors are available on the Planning and Environmental Appeals Division's (DPEA) website [here](#). The Council was represented at the Hearing by officials from the Council's CCWEL project team, supported by representatives of CMS Cameron McKenna LLP.
- 4.6 The Hearing was held at the City Chambers.

The Report of the Hearing to the City of Edinburgh Council

- 4.7 The Reporter's recommendation has now been received. The Report to the City of Edinburgh Council regarding the TRO for Section One can be found in Appendix 1.
- 4.8 In summary the report:
 - 4.8.1 notes the cases made by the Council and the objectors;
 - 4.8.2 notes the local, regional and national policy in support of the delivery of quality cycling infrastructure;
 - 4.8.3 notes the background of the CCWEL project and its role within the Council's Active Travel Action Plan;
 - 4.8.4 notes the work carried out to date in establishing the likely benefits of the CCWEL, and the proposed monitoring and evaluation to take place following its delivery;
 - 4.8.5 notes the significant consultation which has been carried out to date and the changes made to the design as part of this process;
 - 4.8.6 notes the Rejuvenating Roseburn engagement project which includes the delivery of various proposals from Murrayfield Community Council's Roseburn Action Plan;
 - 4.8.7 notes that the Council has complied with statutory requirements related to the Orders;
 - 4.8.8 notes that the Reporter carried out unaccompanied site visits on four separate occasions during 2019 and 2020;
 - 4.8.9 considers the cases put forward by both the Council and the objectors in regard to loading provision at Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street;
 - 4.8.10 concludes that the objections relating to loading on Roseburn Terrace are unfounded, that the loading provision on Murrayfield Place will be improved by the proposals, that the loss of loading on Haymarket Terrace will be acceptably mitigated on side streets, and that the removal of

loading on Morrison Street is justified by the improvements to the taxi arrangement at Haymarket Station;

4.8.11 recommends that the TRO is made as proposed by the Council; and

4.8.12 also notes that the reporter gives substantial, though not unqualified, support to the Council's view of the significant benefits that the CCWEL project will provide, in his report to the Scottish Ministers on the RSO.

Section One – Further Statutory Procedures

4.9 An additional TRO is necessary to implement several minor changes within Section One, that have been proposed since the original TRO for this section was promoted, including:

4.9.1 permitting right turns exiting the proposed taxi rank at Haymarket Station;

4.9.2 establishing a One-Way (northbound) plug at Magdala Crescent;

4.9.3 prohibiting vehicles from exiting Stanhope Street onto West Coates; and

4.9.4 introducing a 20mph speed limit on the A8, from Magdala Crescent to Murrayfield Gardens.

4.10 In addition, an Order under the Civic Government (Scotland) Act 1982 will be required to establish the proposed taxi rank, and feeder rank at Haymarket Station. Any objections arising from the statutory consultation for this process, which includes consultation with the taxi trade, will be reported to this Committee or the Regulatory Committee in due course.

Section Two – Scottish Ministers' Determination of RSO

4.11 Relevant documentation regarding the RSO for Section Two, including all objections, were sent to Scottish Ministers on 2 July 2019 and the Ministers' determination will be published in due course.

Section Two - Further Statutory Procedures

4.12 The connection between Melville Crescent and Rutland Square involves introducing an uncontrolled cycle crossing of the tram lines on Shandwick Place between Coates Crescent and Canning Street. During engagement regarding the designs with Edinburgh Trams and Sustrans Scotland it was decided that the original proposal did not offer a high enough level of safety to road users and an alternative arrangement was developed.

4.13 This arrangement involves closing Canning Street to all motor traffic between Rutland Square and Shandwick Place, installing a refuge island for cyclists and pedestrians between the tram lines on Shandwick Place and installing a segregated cycleway southbound at the end of Coates Crescent.

4.14 This layout is the result of intensive engagement with Edinburgh Trams and other key stakeholders which has included rigorous safety assessments.

- 4.15 Furthermore, at the junction of Melville Street and Queensferry Street the detailed design of the signal installations has produced a requirement to alter the proposed cycleway alignment slightly from the original RSO.
- 4.16 These changes will require a further TRO and RSO to be advertised and approval is sought from the Committee to proceed with the processes required to deliver this.

Section Three – Charlotte Square/North and South Charlotte Street

- 4.17 The CCWEL project will be routed through Charlotte Square between West Register House and George Street. It is intended that proposed improvements to the public realm in Charlotte Square, which have been under development for several years, will be delivered alongside the CCWEL project.
- 4.18 The required statutory orders to implement the public realm improvements, and the CCWEL alignment are in place around the north, west and south sides of Charlotte Square. However, in order to safely provide for cycle journeys between Charlotte Square and George Street it is required to alter the layout of South Charlotte Street, the east side of Charlotte Square and North Charlotte Street.
- 4.19 This will involve reducing the available running lanes from four to three (two northbound lanes, one southbound lane at the junction with George Street) in order to facilitate cycle and pedestrian crossing movements.
- 4.20 This layout has been subject to a detailed modelling assessment using a VISSIM microsimulation model (a flexible traffic simulation model). This has predicted no significant impact of this change on the surrounding road network based on current worst case traffic counts.
- 4.21 It is proposed to commence with consultation on this proposed design with ward councillors and key stakeholders without delay, in advance of the procedures to make the Statutory Orders necessary for the delivery of this design later this year.

Section Three – South St David Street, the west side of St Andrew Square and North St David Street: Temporary Layout

- 4.22 Making improvements to this street are critical to the success of CCWEL. However, developing a final design at the junction with George Street is dependent on:
- 4.22.1 the pending St Andrew Square public realm redesign; and
 - 4.22.2 anticipated future traffic reductions on South St David Street, the west side of St Andrew Square and North St David Street, arising from proposals for East Princes Street and Waverley Bridge as part of Edinburgh City Centre Transformation.
- 4.23 As such, it is not possible to deliver a final layout at this location as part of CCWEL, and it is therefore proposed to deliver an improved layout, using temporary materials, that can be further altered at a later date.
- 4.24 The proposed design will involve:
- 4.24.1 reduction in the number of carriageway lanes on North St David Street from four to three (one northbound, two southbound);

- 4.24.2 introduction of a bi-directional segregated cycleway on South St David Street, the west side of St Andrew Square and North St David Street; and
 - 4.24.3 introduction of dedicated cycle crossing facilities between George Street and the proposed segregated cycleway on South St David Street, the west side of St Andrew Square and North St David Street.
- 4.25 These proposals have been modelled using VISSIM Microsimulation traffic modelling software and the results suggest that there will be minimal impact on traffic due to these changes.
- 4.26 It is proposed to commence with consultation on this proposed design with ward councillors and key stakeholders without delay, in advance of the procedures to make the Statutory Orders necessary for the delivery of this design later this year.

Progress Update

- 4.27 The Council is in the process of procuring a contractor through the SCAPE Civil Engineering Framework Agreement. Detailed designs are currently with the framework contractor for costing and work is ongoing to develop a package of exploratory and enabling works to verify this costing exercise.
- 4.28 Subject to the acceptability of their proposed contract cost, approval will be sought from the appropriate Committee at the time, to appoint the framework contractor as the Principal Contractor for the project. It is expected that this will take place during Autumn 2020.

5. Next Steps

- 5.1 The outstanding Statutory Orders will be commenced at the earliest opportunity.
- 5.2 Provided appointment of the Principal Contractor is approved it is anticipated that work could commence on Section 1, Section 2 and Section 3 in early 2021. It is likely that the first sections to be underway will be West Coates – between Wester Coates Terrace and Magdala Crescent, and Melville Street, followed by York Place.
- 5.3 It is currently anticipated that construction of the CCWEL project will be complete by mid 2022.
- 5.4 These works will involve significant Temporary Traffic Management throughout various areas of the city centre. A City Centre Traffic Management Review Panel (TMRP) is being established to oversee temporary traffic management arrangements for various projects in the city centre, including the CCWEL.

6. Financial impact

- 6.1 The report seeks approval for concluding the outstanding statutory approvals required to implement the scheme. The cost of this is approximately £16,000 and can be met from the capital budget for active travel.

- 6.2 The estimated cost to take the project through to completion is approximately £17.7m, which is a significant increase to the initial estimate of £7.2m, which was provided in 2015.
- 6.3 The main reasons for this increase are as follows:
- 6.3.1 The designs have changed in order to provide far greater area of natural stone footway paving as per the Edinburgh Street Design Guidance. Natural Stone paving will be installed in footways in Roseburn, Haymarket, Randolph Place and York Place. Much of this was not included in the original 2015 costs as these pre-dated the relevant ESDG factsheet.
 - 6.3.2 Certain aspects of the design have seen increased complexity due to:
 - 6.3.2.1 The requirement to divert several underground utilities, especially at locations with proposed tree planting (including Roseburn, Haymarket and Randolph Place).
 - 6.3.2.2 The requirement for a retaining wall to support the raised cycleway on York Place, and associated utility diversions.
 - 6.3.2.3 The requirement to replace signalling equipment at various junctions along the route due to the difficulty with modifying existing units.
 - 6.3.2.4 Additional footway and carriageway resurfacing works including renewing footway paving on Melville Street, and renewing carriageway surface on Grosvenor Crescent.
 - 6.3.3 The current construction cost is based on the Feasibility Cost received from the proposed contractor through the SCAPE framework. This cost represents an 'Upper Bound' and includes a significant risk allocation. It can be expected that this cost will reduce before the contractor is appointed.
- 6.4 The cost of the project will be met from a combination of Sustrans and other third-party funding with match-funding being provided from the capital budget for active travel. It is important to note that, as Sustrans Scotland have confirmed they will accept a proportion of the investment made a Picardy Place, Leith Street and York Place by the Edinburgh St James Development as part of the required match funding pot, it is anticipated that the Council's direct contribution to the CCWEL project will be significantly below 50% of the capital costs.
- 6.5 A detailed funding package will be provided as part of the next stage, prior to the appointment of the principal contractor and included in the report to the relevant Committee, following the Summer.

7. Stakeholder/Community Impact

- 7.1 The project has involved significant stakeholder and public consultation and engagement, as detailed in this and earlier reports. The results of an initial

consultation exercise on the preliminary designs which was carried out during the Winter of 2015/16 have been published on the Council's consultation hub website.

- 7.2 These designs were updated prior to Statutory Orders commencing based on the input of the Stakeholder Working Group throughout 2016.
- 7.3 Stakeholder consultation which has taken place as part of each Statutory Order's process is detailed in previous reports to Committee.
- 7.4 Dedicated consultation and engagement projects for Roseburn, Melville Crescent and Randolph Place have been developed to progress designs for improved public realm within these areas, which will be delivered as part of the CCWEL project. The results of this activity are available online, links are available in Section 8 below.

8. Background reading/external references

- 8.1 Report to the Transport and Environment Committee on 9 March 2018; [Melville Crescent Public Realm Project - Updates](#).
- 8.2 Report to the Future Transport Working Group on 16 December 2016, 'City Centre West to East Cycle Link and Street Improvements Project'.
- 8.3 Report to the Transport and Environment Committee on 30 August 2016; '[City Centre West to East Cycle Link and Street Improvements Project: Consultation Results and Potential Project Amendments](#)'.
- 8.4 Report to the Transport and Environment Committee on 3 June 2014; '[Development of Major Cycling and Walking Projects](#)'.
- 8.5 [Melville Crescent Consultation and Engagement Report](#)
- 8.6 [Randolph Place Consultation and Engagement Report](#)
- 8.7 [Rejuvenating Roseburn Consultation Report](#)

9. Appendices

- 9.1 Appendix 1: Section 1 TRO Public Hearing Report

Planning and Environmental Appeals Division

Report to the City of Edinburgh Council



ROAD TRAFFIC REGULATION ACT 1984

Report by Mike Croft, a reporter appointed by the City of Edinburgh Council

- DPEA case reference: TRO-230-3.
- Council case reference: TRO/17/91.
- Site address: Roseburn Terrace, West Coates, Haymarket Terrace and adjoining roads, Edinburgh.
- Promoting authority: City of Edinburgh Council.
- The order sought: The City of Edinburgh Council (Various Streets) (Prohibition of Waiting) and (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) and (Various Roads, Edinburgh) (Prohibition of Waiting at Junctions) and (Greenways) and (Edinburgh Tram) (Prohibition of Entry, Motor Vehicles and Turning, One-Way Roads, Bus/Tram Priority Lanes and Weight Limit) and (Edinburgh Tram) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) (Variation No -) (Variation No -) Order 201- - TRO/17/91.
- Objectors: see appendix 2 below.
- Date case received by DPEA: 3 August 2018.
- Date of hearing session: 5 November 2019.
- Dates of site visits: 21 February 2019, 26 September 2019, 31 October 2019 and 14 January 2020 (unaccompanied).
- Reporter's recommendation: that the order be made with one modification.

Date of this report and recommendation: 4 March 2020

Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: TRO-230-3

Chief Executive
City of Edinburgh Council

Dear Sir

THE CITY OF EDINBURGH COUNCIL (VARIOUS STREETS) (PROHIBITION OF WAITING) AND (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) AND (VARIOUS ROADS, EDINBURGH) (PROHIBITION OF WAITING AT JUNCTIONS) AND (GREENWAYS) AND (EDINBURGH TRAM) (PROHIBITION OF ENTRY, MOTOR VEHICLES AND TURNING, ONE-WAY ROADS, BUS/TRAM PRIORITY LANES AND WEIGHT LIMIT) AND (EDINBURGH TRAM) (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) (VARIATION NO -) (VARIATION NO -) ORDER 201- - TRO/17/91

I refer to the above TRO and to the council's letter of 3 August 2018 referring the matter to DPEA. I also refer to the minute dated 22 February 2019 appointing me as the reporter into objections made against the TRO and not withdrawn, insofar as those objections relate to changes to loading and unloading on Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street, Edinburgh. I am a member of a panel of self-employed reporters who are allocated this category of work by DPEA.

The TRO is promoted by the City of Edinburgh Council under various powers including sections 1(1), 2(1) to 2(3), 4(2), 45, 46 and 49 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended by the Roads (Scotland) Act 1984. It relates to various roads between Roseburn and Haymarket in the city. The TRO, and a Redetermination Order associated with it, provide for works which form the western part of a wider project – the CCWEL project. This project consists of significant changes to a route of 4 km (2½ miles) along key streets between Roseburn in the west and Leith Walk in the east. The project is being delivered in a number of phases over several financial years.

The council advertised the TRO in April-May 2018, and objections to it were received. Its Transport and Environment Committee noted on 20 June 2018 that representations were received making objection to changes to loading and unloading facilities that were proposed as part of the advertised TRO and that the council was obliged to hold a public hearing if any of these representations were not subsequently withdrawn. Representations remained unwithdrawn, and my appointment as above followed.

In accordance with my minute of appointment, I held a public hearing on 5 November 2019. I also dealt with the matter by further written submissions from the parties, and I carried out unaccompanied site inspections on 21 February 2019, 26 September 2019, 31 October 2019 and 14 January 2020.

The council promoted the Redetermination Order, mentioned above, under the Roads (Scotland) Act 1984 at the same time. That deals with the redetermination of public rights of passage on the same roads as are covered by the TRO. I was appointed by Scottish Ministers to examine the evidence in connection with that Order and to report to them on that evidence. The administration of the two cases has been run very much in tandem (with, for instance, hearing sessions on the Redetermination Order on 4 and 5 November 2019). Ms Jane Robertson, a specialised caseworker in DPEA, was case officer for both cases, effectively programme officer for the TRO case. I am reporting to Scottish Ministers on the Redetermination Order at the same time as submitting this report to the council.

This report is directed towards whether the council should, or should not, make the TRO in the light of my consideration of the objections relating to changes to loading and unloading on Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street. My report provides

- a brief background to the TRO, as set out by the promoter (chapter 1);
- a commentary on procedural matters relating to the TRO and the objections to it (chapter 2);
- a summary of the objections, the council's responses to them, and my assessments (chapter 3) and
- my overall conclusions and recommendation (chapter 4).

I repeat paragraph 4.7 of my report here for convenience. I draw the council's attention to the following if it wishes to make the TRO. Regulation 16(3) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 specifies that no order shall be made after the expiry of two years beginning with the date on which a notice of proposals is first published under regulation 5. The regulation 5 notice was published on 20 April 2018, and so the time limit expires on 20 April 2020. However, the 1999 Regulations are amended by The Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2005 which specify that the time limit shall not apply where an application for an extension has been made by the authority to the Scottish Ministers and the limit is extended by them.

Yours sincerely

Mike Croft
Reporter

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Abbreviations		
CCWEL	City Centre West to East Cycle Link and Street Improvements project	
DPEA	Planning and Environmental Appeals Division	
NCR1	National Cycle Route 1	
TRO	Traffic Regulation Order	

CHAPTER 1. THE BACKGROUND TO THE TRO

Introduction

1.1 The roads affected by the [TRO](#) are roads which fall within the western part of the council's CCWEL project. The roads affected are shown on the [plans](#) which accompany the TRO (in Appendix 1 of the report to the council's Transport and Environment Committee on 20 June 2018). My minute of appointment limits my role to being concerned with objections to the TRO that relate to changes proposed for loading and unloading provision on Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street. Many of those changes arise from the wider nature of the CCWEL project which includes the installation of a segregated cycle track and an extensive programme of improvements intended to benefit pedestrians. So my role cannot be understood properly without knowledge of the background to the TRO as a whole, and indeed of the whole CCWEL project and how it has arisen. I set out that background in this chapter.

National and regional policy

1.2 Important elements of national and regional policy are referred to in the council's [hearing statement and written submissions \(21 August 2019\)](#).

1.3 Transport policy at national, regional and local level encourages sustainable and active travel, including the improvement of cycling facilities.

1.4 At national level, included in the transport vision that appears in the [National Transport Strategy \(2016\)](#) is "... a transport system that meets everyone's needs, respects our environment and contributes to health ...". Amongst the Strategy's high level objectives are "protect our environment and improve health by building and investing in public transport and other types of efficient and sustainable transport which minimise emissions and consumption of resources and energy" and "improve safety of journeys by reducing accidents and enhancing the personal safety of pedestrians, drivers, passengers and staff". Three key strategic outcomes set out in the Strategy are : "Improved journey times and connections, to tackle congestion and lack of integration and connections in transport ... Reduced emissions, to tackle climate change, air quality, health improvement ... and Improved quality, accessibility and affordability, to give choice of public transport, better quality services and value for money, or alternative to car."

1.5 The new [draft National Strategy \(2019\)](#) states that the Scottish Government will "reinforce the Sustainable Travel Hierarchy to promote and design our transport system so that walking, cycling and public and shared transport are promoted and take precedence ahead of private car use". It also highlights that active modes of travel (walking or cycling for everyday journeys) will reduce the social and economic impact of public health problems and that networks will encourage cycling. The draft Strategy points out that the distance travelled on Scotland's roads by cycles fell 6.5% between 2012 and 2017.

1.6 Transport Scotland's [Cycling Action Plan for Scotland 2017-2020 \(2017\)](#) sets out a vision for 10% of everyday journeys to be made by bike by 2020. The Plan also states that Transport Scotland "will continue to support local authorities in building community links to the highest standard, including re-allocation of road space in favour of cycling and walking".

1.7 The [council's letter](#) to DPEA on 3 August 2018 indicates that Scottish Ministers, through the Community Links funding programme, had paid approximately £350,000 to that date and had committed £424,000 of funding to the ongoing design of the CCWEL project

during that financial year. The letter says that an application for construction costs will follow once all relevant permissions have been obtained.

1.8 At regional level, the most recent version of the South East Scotland Transport Partnership's [Regional Transport Strategy 2015-2025 \(2015\)](#) states two of its main aspects as *“increased walking/cycling, which is considered to be a win/win scenario as motorised travel is reduced and there are health benefits”* and *“recognising that transport must play its part in the reduction of greenhouse gas emissions and improvement of local air quality.”* The Regional Strategy highlights that cycling has increased substantially for journeys to work in Edinburgh.

Local policy and developing practice

1.9 Important elements of the local policy background are contained or referred to in the council's [hearing statement and written submissions \(21 August 2019\)](#), its [Local Transport Strategy 2014-2019](#) and its [Active Travel Action Plan \(2016\)](#).

1.10 The council's Local Transport Strategy notes that Edinburgh is the only city in Scotland that has seen walking, cycling and public transport with a strengthened role between 2001 and 2011. A lower percentage of households owned a car in 2011 than in 2001. One of the Strategy's objectives for active travel is to *“ensure that cycling is an attractive, safe, secure option for all short and medium distance journeys”*. Cycling to work has shown a strong increase in recent years, from 1.8% of all work trips in 1991 to 4.1% in 2001, 4.8% in 2011 and 7.5% in 2016. The council is seeking to increase the percentage of residents cycling to work to 15% by 2020, as a milestone towards 15% of all journeys being made by bike.

1.11 Edinburgh has the highest cycling levels of all urban areas in Scotland, yet cycling in Edinburgh still only makes up around 2% of all trips as the main mode. Edinburgh is very well suited to active travel and there is great potential to increase cycling: the city is compact, with over 70,000 people living within a 20 minutes' walk of Princes Street. Around three quarters of all journeys in the city are of less than 5 km (3 miles), a distance ideal for walking and cycling. Furthermore, all public transport trips involve an active travel component.

1.12 However, although there is a strong cycling base in the city, demand is potentially suppressed due to safety fears. The [2017 edition of Bike Life](#) (produced by Sustrans and the council) reported from surveys that only 25% of people thought cycling safety in Edinburgh was good, and only 19% thought the safety of children's cycling was good. The survey also found that 22% of people do not currently ride a bike but would like to. The survey also showed that 80% of residents support building more protected cycle lanes, even where this can mean less room for other road traffic.

1.13 [Investing in cycling](#) can help solve various health, social and economic problems. [Walking and cycling](#) produce various economic benefits. In summary, active travel is seen to have a wide range of benefits, including:

- better health, by incorporating physical activity into daily life;
- better road safety;
- a better environment and economy, by reducing short car journeys with a

consequential reduction in congestion, air pollution, noise, the visual impact of traffic, and greenhouse gas emissions;

- benefits to businesses, with people travelling on foot or by bike tending to be healthier, absent from work less often and more productive; cyclists may well spend more than motorists when they stop to shop;
- social benefits, with people walking and cycling much more likely to meet and interact, creating community cohesion and social supervision; and
- an overall improved quality of life.

1.14 As about a quarter of domestic carbon dioxide and other greenhouse gas emissions in Scotland come from transport, it is intended in Edinburgh to continue to make significant investment in infrastructure for walkers and cyclists and to give priority to buses on the city's road network. The council has a range of actions aimed at encouraging both walking and cycling, and will be looking at ways in which funding for subsidised bus services can be increased. The already extensive 20 mph zones will be added to. It is the council's ambition to have a transport system that is one of the most environmentally friendly, healthy and accessible in northern Europe.

1.15 Important in reaching the council's targets for greater cycle use is the development of a network of cycle routes, known as QuietRoutes, to provide direct and convenient routes for everyday utility and leisure journeys. It is intended that these should feel attractive and safe to people of all ages and abilities. The network uses traffic-free paths, quiet roads and cycle paths separated from traffic. However, to provide essential continuity and reasonable directness, the network needs to negotiate some busy streets and junctions. The aim here is to retain a high standard of safety and convenience. This will generally mean using protected segregated cycle tracks, or potentially wide/mandatory cycle lanes complemented by parking and loading restrictions. Well defined routes through busy junctions are also essential. Sometimes other factors (generally involving provision for other road users) may mean that sub-optimal sections for cyclists need to be accepted.

1.16 Routes upgraded and signed since 2010 include QuietRoute 8 (Roseburn to Edinburgh Park) and QuietRoute 9 (Roseburn to the Gyle and Newbridge). NCR1 (from Roseburn to Queensferry) has also been improved.

The CCWEL project

1.17 The CCWEL project is identified in the Active Travel Action Plan as a key project to fill key gaps in the QuietRoutes network. Important documentation on the project is contained in

- the [report](#) to the council's Transport and Environment Committee, 27 October 2015, also containing the report Roseburn to Leith Walk Cycle Links Preliminary Justification Report (2014),
- a 2014 report on [route options feasibility and user impact](#),
- the [Roseburn to Leith Walk Cycle Route and Street Improvements Consultation Report \(2016\)](#),

- the report [City Centre West to East Cycle and Street Improvement Scheme, VISSIM traffic modelling \(2016\)](#),
- the [report](#) to the council's Transport and Environment Committee, 30 August 2016,
- the council's [statement of reasons](#) for the TRO, and
- its [hearing statement and written submissions \(21 August 2019\)](#).

1.18 The central argument for the project, made in paragraph 2.2 of the first document listed in paragraph 1.17 above is that it *“would join up a network of routes, which are suitable for people who are less confident riding a bike. In doing so it would be transformative in delivering access to and through the city centre by bike. It would also deliver significant improvements for pedestrians and in the wider street environment. Furthermore, it would transform the accessibility of Haymarket Station by bike ..”*. Amongst other things, it would provide a cycle link between the off-road cycle network at Roseburn and planned segregated facilities on Leith Walk in the east. In 2014 the council approved the appointment of consultancy services for the development of the CCWEL project.

1.19 One of the objectives of CCWEL is to increase cycling activity in accordance with national, regional and local policies. Policy decisions at all levels have therefore been made to encourage cycling activity and, flowing from that, the council has made a policy decision to improve east-west cycle connections across Edinburgh.

1.20 CCWEL has been designed as part of the QuietRoutes network. It consists of significant road, footway and cycle route improvements along a route of 4 km (2½ miles) along key streets between Roseburn and Leith Walk. The project is intended to transform the nature and operation of these streets, providing segregated cycle infrastructure on main roads and significant improvements to the pedestrian experience. The project is being delivered in a number of phases over several financial years.

1.21 The CCWEL project's potential cycle trip generation has been determined through a cycle demand model. That model was based on considerable [research](#) by Wardman, Tight and Page at the University of Leeds. It forecasts the increase in trips by considering the improvements in the attractiveness of cycling for trips of 12 km (7.5 miles) or less. Its use by the council's consultants accords with [Department for Transport advice](#). As input to the model, the council estimates that 1,675 existing one-way commuting trips¹ in the CCWEL route corridor would travel on the CCWEL route itself once it is operational. Put another way, its estimate is that 1,675 existing commuter cyclists would now be using CCWEL if the proposals had been implemented. In addition, the cycle demand model predicts that a further 1,467 commuters (equivalent to 88% of the existing cyclists) would change from other modes to cycle on the CCWEL route. That 88% figure is also applicable to non-commuting trips. This means that as well as 3,588 existing non-commuter cyclists (weekday and weekend) who would now be using CCWEL if the proposals had been implemented, a further 88%, ie 3,142 mode-changers, would use it.

¹ The figures in paragraphs 1.21 and 1.22 relate to the whole of the CCWEL project, of which the works consequent upon the TRO form the western part.

1.22 The economic case for CCWEL comprises the following (with the figures reflecting the output from the cycle demand model):

- a reduction in early mortality by increasing the number of people regularly exercising through cycling (a benefit of £13.2 millions over a 10 years scheme life; that is made up of a benefit of £7.8 millions for commuter cyclists and £5.4 millions for non-commuting cyclists);
- reduced absenteeism by healthier commuter cyclists (a benefit of £0.7 million);
- improved journey quality related to the segregated character of the route (a benefit of £3.3 millions);
- delivery of wider economic benefits in terms of supporting jobs and driving tourism (a benefit of £5.8 millions);
- modal shift from cars, with benefits in the form of decongestion, fewer car collisions, greenhouse gas, air quality, noise and indirect tax benefits (a benefit of £1.1 millions).

offset in part by

- increased cycle collisions (because there would be more cyclists) (a disbenefit of £3.2 millions, reduced in reality as a result of the segregated character of the cycle route).

1.23 The council indicated at the hearing I held that the implementation programme for the western part of the CCWEL project provides for a start on the ground in May 2020, with the whole project from Roseburn to Leith Walk intended to be operational in December 2021 (and parts to be open whenever possible before then).

1.24 The council has identified the Sustrans Community Link Programme and internal council funding programmes to finance the project.

1.25 An Equalities and Rights Impact Assessment for the CCWEL scheme commenced during the initial design phase and would be in effect throughout the delivery of the project. Positive impacts so far identified include safer conditions for young cyclists, an increase in road [crossing](#) points for those who cannot walk too far to find a safe crossing, and safer footways for those who use mobility aids. Negative impacts include additional sections of road space for disabled people to cross to reach bus stops, wider area impacts of traffic diverting away from the proposed cycle route, and greater difficulties accessing facilities in some streets for those dependent on the private car. The council has worked, and will continue to work, with stakeholder organisations who represent the interests of mobility- and visually-impaired users in the development of the three-dimensional designs to ensure that the needs of protected groups are met.

1.26 Thorough and comprehensive [monitoring](#) would take place to provide information on the outcome of the overall scheme. This monitoring and evaluation would assess rates of cycling, footfall and also vacancy rates in business premises, and would use alternative locations in Edinburgh as a control group. A report would be prepared after the western part of CCWEL has been in operation for 12 months, outlining lessons learned and

considering any adjustments to the scheme to better serve the interests of place-making, pedestrians and cyclists.

Section 1 of CCWEL: overview

1.27 Section 1 is the section of the route between Roseburn and Haymarket. The TRO, and the associated Redetermination Order relating to the same roads as the TRO, would allow the necessary works to proceed. A significant component of section 1 is the installation of a two-way, segregated cycle track on the north side of the A8 road (Roseburn Terrace, West Coates and Haymarket Terrace) between Roseburn and Rosebery Crescent. This facility would be physically separated from motor traffic by a 0.5 metre wide kerb, but with the separation width increasing next to parking and loading bays.

1.28 Section 1 also includes an extensive programme of other improvements: some would be facilitated by the TRO, others by the Redetermination Order. They include:

- upgrading the crossing over Roseburn Terrace by the Murrayfield Bar;
- improvements to crossing facilities over the junction of Murrayfield Avenue and Corstorphine Road;
- the introduction of a prohibition on motor vehicles exiting Roseburn Gardens to Roseburn Terrace;
- alterations to parking and loading facilities;
- improvements to footway surfaces;
- reducing carriageway widths and increasing footway widths;
- removing redundant street furniture and reducing street clutter to create a more attractive environment;
- public realm improvements in Roseburn and Haymarket;
- relocating the Haymarket taxi rank to immediately in front of Haymarket Station;
- introducing additional short-stay parking restrictions in Roseburn to support local shops;
- additional crossing points over the eastern part of Roseburn Terrace;
- additional and upgraded crossing points over West Coates; and
- the introduction of a prohibition on vehicles entering Coates Gardens and Rosebery Crescent from Haymarket Terrace.

1.29 Most of the roads affected by the TRO are within or adjoin conservation areas – the Coltbridge and Wester Coates Conservation Area in the west and the New Town Conservation Area and the West End Conservation Area in the east. In addition, the north side of Haymarket Terrace is within The Old and New Towns of Edinburgh World Heritage Site.

Section 1 of CCWEL: consultation

1.30 The council held stakeholder workshops in the Roseburn and Haymarket areas in March 2015, with attendees primarily from community councils and cycling / walking groups; local businesses were not represented, although they had been invited. A consultation process on the preliminary designs was held between November 2015 and February 2016. The Roseburn Terrace, West Coates and Haymarket Terrace sections of the route drew 74-75% support (21-24% opposing) from respondents to an online questionnaire (2,247 respondents overall). There were significant pockets of opposition within some communities along the route. A much smaller leaflet feedback (118 leaflets) indicated 32% support (67% opposing), perhaps because residents who received the leaflet live along the route and so would be directly affected by any changes. Petitions against and for the overall scheme attracted 3,500 and 817 signatures respectively. The former supported an alternative route along Roseburn Place and Russell Road and then following the existing NCR1 along Balbirnie Place and Haymarket Yards. That view was subsequently carried forward into objections to the Redetermination Order which I deal with in my separate report to Scottish Ministers.

1.31 After the consultation process a Stakeholder Working Group was established to develop improved designs to meet the needs of stakeholders, including affected businesses, community councils, and sustainable travel organisations. Several changes were made as part of this process.

1.32 Since July 2017 a dedicated Stakeholder Liaison Officer has been responsible for organising a number of consultation activities, responding to concerns and queries from members of the public, producing regular (roughly monthly) updates which are published online and distributed through a mailing list of over 2,200 addresses, and meeting stakeholders along the length of the route. The Officer has attended meetings of Murrayfield Community Council² since October 2017, and has ensured that the West End Community Council is kept up-to-date with the progress of the project.

1.33 In 2014, Murrayfield Community Council had created the [Roseburn Action Plan](#) which called for and sought to encourage various improvements to the Roseburn area. A dedicated consultation and engagement project, [Rejuvenating Roseburn \(2019\)](#), has been developed to progress designs and delivery of an improved public realm within the Roseburn area, [partly](#) through CCWEL.

The role of the TRO

1.34 A traffic authority, such as the city council, may make a traffic regulation order under section 1(1) of the Road Traffic Regulation Act 1984 where it appears to the authority that it is expedient to make it, on the basis of a number of possible reasons for so doing. The reasons which are most relevant here appear to be these (retaining the letter references of section 1(1)):

“(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

² I refer to Murrayfield Community Council by its full name in this report. References to “the council” are to the City of Edinburgh Council.

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or”

“(f) for preserving or improving the amenities of the area through which the road runs, or

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).”

1.35 These reasons are to be understood against the wider requirements of section 122 of the 1984 Act. This requires the council to exercise its functions conferred on it by the Act *“to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the road”*. This duty is a qualified duty in that the council must comply with it *“so far as practicable”*, having regard (in summary) to (retaining the letter references of section 122)

(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run,

(bb) the national air quality strategy,

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles, and

(d) any other matters appearing to the council to be relevant.

1.36 The council gave consideration to a wide range of matters arising from its engagement with the local community before it published the TRO. Changes to loading facilities were contentious and became the subject of formal objections. I deal with both sides of each argument in chapter 3 below.

1.37 The council considers that it has sought to secure the expeditious, convenient and safe movement of vehicular traffic, cyclists and pedestrians. It has also had regard to maintaining reasonable access to premises, the effect of CCWEL on the amenity of the area, air quality, facilitating and maintaining the passage of public transport and, among other things, the strong policy support for improving facilities for active and sustainable travel options. The council considers therefore that it has complied with its duty under section 122 of the 1984 Act. Subject to my consideration of objections below, I see no reason to disagree with that.

The council's conclusions on the TRO

1.38 Summarising from the council's [hearing statement and written submissions \(21 August 2019\)](#), the council considers that the following factors support the making of the TRO:

- There is strong policy support for it at national, regional and local level.

- Extensive consultation has been undertaken and changes have been made to take account of comments raised.
- Modelling predicts a minimal/modest impact on motor vehicle journey times on the A8, and while there are predicted to be some significant impacts on queuing/journey times in other locations, there are alternative routes available for those affected.
- It is predicted that there would be a reduction in air pollution, particularly as a result of the reduction in lanes for westbound traffic on the A8.
- Detailed consideration has been given to alternative routes and connections, and the council considers that the preferred route has been robustly justified.
- The council has undertaken a road safety audit on the final preliminary designs and made changes to take account of its conclusions. Further audits would also be undertaken.
- Where the number of loading bays has been reduced, the council has sought to mitigate the impact of this, for example by increasing the hours of operation of retained loading bays.
- Parking surveys demonstrate that the proposed parking provision should be sufficient. In Roseburn, where there is a clear demand for short-stay parking, the short-stay parking provision is substantially increased.
- While the council acknowledges that the changes to loading provision on Roseburn Terrace would make access to some premises there more difficult for disabled people with mobility issues, cycling can also be an important [mobility aid](#) for disabled people. The council has worked with charities who work to promote cycling as an important mobility aid for many disabled people. The proposed changes to the taxi rank at Haymarket Station would benefit the mobility-impaired.
- Research suggests that improved cycling infrastructure can bring economic benefits to an area.
- The design of CCWEL has been undertaken in accordance with [Cycling by Design \(2011\)](#) and the [Edinburgh Design Guidance \(2017\)](#).

CHAPTER 2. PROCEDURAL MATTERS

2.1 The [TRO](#) relates to a stretch of the A8 road extending for about 1.4 km (0.9 mile) between Roseburn and Haymarket and to short stretches of nearby roads. As shown on the [plans](#) that accompany it, it provides for bus stops, parking bays with specified restrictions, loading bays with or without restrictions, bus lanes with specified operating hours, domestic bin bays, segregated and on-street cycle lanes, various road markings including markings related to stopping, waiting and loading, City Car Club provision, and taxi bays.

2.2 The procedure for making such orders is contained in [The Local Authorities' Traffic Orders \(Procedure\) \(Scotland\) Regulations 1999](#). Regulations 4 and 6 specify consultation requirements. Regulation 5 requires publication of the proposals by (at least) notice in a local newspaper. Regulation 7 enables objections to be made in response to the regulation 5 notice. Regulation 8 provides that, before making an order, the authority may hold a hearing in connection with it and the authority shall hold such a hearing before making an order in certain specified cases. One of the cases for a mandatory hearing is where an order contains, as it does here, a provision "*which prohibits, or has the effect of prohibiting, the loading or unloading of vehicles in any road either at all times or for any period of time unless such period falls wholly between 0700 hours and 1000 hours or between 1600 hours and 1900 hours in any day*" and there is an unwithdrawn regulation 7 objection to that provision. Regulation 8 also requires hearings to be conducted by an independent person (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose. Regulation 9 specifies requirements for notice of the hearing, and regulation 10 specifies procedure at the hearing.

2.3 Where a hearing has taken place, regulation 12 requires the authority, before making the order, to consider the report and recommendation made by the reporter. Regulation 14 makes provision for the transmission of documents to Scottish Ministers if the authority decides to make the order in a form which includes any provision at variance with the recommendations of the reporter. Regulation 15 requires the authority to prepare and keep a map in connection with the order. Regulation 16 relates to the date of the order and specifies a time limit for making it³.

2.4 The council has [confirmed](#) that it carried out consultation as required by regulation 4 of the 1999 Regulations. In line with regulation 5, it [advertised](#) the TRO on 20 April 2018, seeking objections by 18 May. In addition to these particular statutory requirements, the council confirmed at the hearing I held that all of the statutory procedures related to the TRO had been complied with.

2.5 The formal consultation and advertisement steps for the TRO referred to in paragraph 2.4 above were associated with the delivery of just under 4,500 letters to businesses and residents along the CCWEL route and streets surrounding the area covered by the TRO. Public drop-in sessions, attended by over 190 people, were held at two venues in the locality on 17 and 19 April 2018.

2.6 The June 2018 committee [report](#) with [appendices](#) indicated that 31 representations that were received within the statutory deadline included at least one objection to the advertised TRO. The committee [decided](#) that those objections relating to the TRO that did not involve loading restrictions were to be set aside. The committee noted that

³ I refer again to this time limit at paragraph 4.7 below.

13 representations had been received objecting to changes to loading and unloading facilities included in the advertised TRO and that a public hearing needed to be held under the 1999 Regulations if any of these representations were not subsequently withdrawn. As they were entitled to do by regulation 18, the committee approved the advertised TRO in part, omitting the four areas (Morrison Street, Haymarket Terrace, Roseburn Terrace and Murrayfield Place) where there were unwithdrawn objections to the proposed changes to loading and unloading facilities. That provided authority for the council to make the TRO in part. The council confirmed at the hearing I held that at that time the TRO in part had not been formally made.

2.7 At the hearing, the council confirmed the extent of my remit: the red rectangles on the four drawings in [Appendix 10](#) of the June 2018 committee report are the areas that are to be excluded from the TRO in part, and my remit extends to those areas only; those areas enclose the sites of all the objections on loading and unloading provisions; my remit does not extend to objections on any matters other than loading and unloading even if they relate to land within the red rectangles.

2.8 In March 2019 I prepared a [composite document](#) containing all the objection letters to both the TRO and the Redetermination Order. My preparation of that document arose from the council's simultaneous promotion of the TRO and the Redetermination Order, for the same roads, with synchronised advertisements. The two orders represent the two strands, required by different legislative provisions, of a single scheme. The distinction between those two strands is not always clear to those with concerns about the scheme, and it follows that a single representation could, and did, contain (a) objections to the Redetermination Order that were within the remit of my separate appointment by Scottish Ministers, (b) objections to the TRO within the remit of my appointment by the council and properly the subject of this report, (c) objections that combined elements (a) and (b), and (d) other submissions including submissions objecting to elements of the TRO other than those in (b) or (c), and not before me in any capacity.

2.9 Given the difficulties referred to in paragraph 2.8 above, I considered it important that all parties were as clear as possible at the outset which submissions, and which parts of those submissions, fell within my TRO remit. The composite document referred to above therefore contained my preliminary allocation of the objections made to distinguish their content into the four categories (a) to (d). It included 13 submissions which in my view at that time contained objections to the TRO's loading provisions. In making my preliminary allocation, I was aware that in some instances it differed in detail from objectors' own allocation of their objections to one or other of the orders, and that it differed in some cases from the council's allocation as implied or indicated in [Appendices 8 and 9](#) of the June 2018 committee report. The composite document was sent to the council and all objectors on 15 March 2019 for comment.

2.10 In the light of comments received, I amended my preliminary allocation and produced a [second composite document](#) that included a revised allocation. Appendix 1 to this report summarises the requests that were made affecting my allocation of objections to the TRO and how I responded to those requests in my revised allocation. The revised allocation indicated that I considered it proper to bring one further objection within the ambit of the TRO loading provision objections, making a total of 14⁴. The objectors are listed in

⁴My preliminary allocation had excluded two objections (from Donaldson Area Amenity Association and Ms J Pickard) that were on the DPEA website as TRO loading/unloading objections, as I considered that these submissions contained no substantive objection to the relevant loading/unloading provisions. On the other hand in my preliminary allocation I considered that three submissions containing objections to the Redetermination Order which had not been included as containing TRO loading/unloading objections did contain objections of the latter sort (these were from Mr Frew, Ms Le Giang and Mr Welsh). I maintained those positions on those objections in

appendix 2 below. Although not the subject of this report, Redetermination Order objections were included in the second composite document (as in the first). The revised allocation was sent to the council and each objector on 30 April 2019 for information. The intention was that it would provide a clear guide for later stages of the process. However, it was not to be treated as sacrosanct, and any reference in my assessment of objections below to specific points in objections being within or beyond my remit supersedes any previous allocation to the contrary.

2.11 The TRO loading provision objectors were informed on 13 May 2019 as to the status of their objections⁵, via a [third composite document](#), with a hearing being mandatory in law. Again, although not the subject of this report, Redetermination Order objections were also included in that document.

2.12 At my request, on 19 June 2019, the council [wrote](#) to all the TRO loading and unloading objectors asking if they wished to participate in a hearing session. That was done by the council to meet the requirement in regulation 9(1) of the 1999 Regulations for the order-making authority to give notice to objectors about the opportunity to be heard in support of objections.

2.13 Hearing participants were determined on the basis of responses to the notice referred to in paragraph 2.12 above. Only four of the 14 TRO loading/unloading objectors (Mr Gregson, Ms Housley, Mr Rendall and Roseburn Traders) wished to participate in that way. The other 10 became “non-hearing objectors” and their objections became “non-hearing objections”. No-one has suggested, either in writing or when I gave the opportunity to do so at the hearing I held, that those 10 objectors should be treated in any other way.

2.14 DPEA sent my [guidance note](#) on the preparation of hearing statements to hearing participants (the council and the four objectors concerned) on 23 July 2019, for response by 20 August. No hearing statement was received from Roseburn Traders, so they were informed on 27 August that their objection would be considered on a written submissions basis only. Hearing statements were provided by the [council](#) (combined with its Redetermination Order hearing statement) and the other three objectors – [Mr Gregson](#), [Ms Housley](#) and [Mr Rendall](#).

2.15 It was clear to me that objectors who did not wish to participate in hearing sessions should have the opportunity of making further written submissions. A [guidance note](#) on further written submissions on non-hearing objections was therefore sent to the council and relevant objectors on 24 July 2019, for response by 21 August. The council responded (combined with its hearing statement referred to in paragraph 2.14 above), but none of the objectors did.

2.16 I reminded objectors in the guidance notes mentioned in paragraphs 2.14 and 2.15 above that if a modification of the Order was sought – by deleting a specified area or areas of road (so that it or they would continue to be used as at present), or by specifying a use for the road different from that proposed by the Order – it was important for the objector to make his or her position clear in submissions at that stage by indicating the precise area or areas of road to which that view relates (preferably on a plan). That request was seldom met.

my revised allocation, adding one further objection (from Ms Johnston) to the scope of the TRO loading objections at that stage (as indicated in paragraph 2.10 above).

⁵The same communication also included my view as to which Redetermination Order objections were suitable for consideration at hearing sessions.

2.17 The council and objectors were then given an opportunity (see [\(a\)](#), [\(b\)](#) and [\(c\)](#)) to comment on the others' statements, with a deadline of 9 September 2019. Such comments were received from the [council](#), [Mr T Glasby](#), [Mr Gregson](#) and [Ms Housley](#).

2.18 My [agendas](#) for the hearing sessions included Redetermination Order matters as the sessions were to include such matters in relation to my separate report to Scottish Ministers. DPEA [sent](#) these to the council and participating objectors on 4 October 2019. On 10 October the council sent the hearing agendas formally to all objectors, as required by regulation 9(2) of the 1999 Regulations. On 11 October, it published a [newspaper notice](#) of the hearing, as required by regulation 9(3).

2.19 The hearing session specifically on the TRO was held at the City Chambers, Edinburgh on 5 November 2019, with other sessions on the Redetermination Order on 4 and 5 November.

2.20 I carried out unaccompanied site inspections on 21 February, 26 September and 31 October 2019 and 14 January 2020.

CHAPTER 3. THE OBJECTIONS, THE COUNCIL'S RESPONSES, AND MY ASSESSMENTS

Introduction

3.1 Subject to the limitation of my remit as described in paragraph 2.7 above, my task is to examine the TRO in the light of the objections and to assess whether the making of the TRO is expedient in the circumstances. Taking account of environmental, social and economic factors as necessary, I assess whether the public benefits of the TRO in relation to the loading prohibitions as put forward by the council outweigh the public or private disbenefits alleged in the relevant objections.

3.2 I do this on a topic basis, with the following topics

- loading and unloading on Roseburn Terrace;
- loading and unloading on Murrayfield Place;
- loading and unloading on Haymarket Terrace;
- loading and unloading on Morrison Street; and
- other loading and unloading objections

3.3 Most topics have three sections: a summary of points made by objectors; the council's response; and my assessment.

3.4 Objectors' cases are derived mainly from their objections made during the advertisement period as compiled in my [second composite document](#) (see paragraph 2.10 above), hearing statements from [Mr Gregson](#), [Ms Housley](#) and [Mr Rendall](#), comments on the council's statement from [Mr T Glasby](#), [Mr Gregson](#) and [Ms Housley](#), and from discussions in hearing sessions. I also draw on relevant points made during the consultation period before the TRO was published.

3.5 The council's case is derived mainly from the [report](#) with [appendices](#) to its June 2018 committee, its [hearing statement and further written submissions](#), its [response](#) to objectors' submissions, from discussions in hearing sessions, and from post-hearing documentation (see paragraph 3.16 below).

3.6 The council has indicated that it wishes me to recommend one modification to the TRO (see paragraphs 3.62 and 3.67-68 below).

Loading and unloading on Roseburn Terrace

Summary of points made by objectors

3.7 Roseburn is a rather special place, supporting a wide range of businesses that are important to the local community and to people stopping en route to and from Edinburgh. Mr Gregson provides a [list](#) of the businesses. Over 30 businesses are open between 0700 and 2400 hours. These businesses survive because of the dual nature of Roseburn life. At peak hours, all four lanes of Roseburn Street are occupied by heavy traffic flows, with no parking on either side. But at other times, traffic flow is vastly reduced. People can park then on either side of the street to shop and load up; businesses can take deliveries, residents living on either side of the Terrace (there are around 120 flats here) can park their

cars or get furniture delivered. At these quieter times, Roseburn has more in common with a quiet village.

3.8 However, in the view of some objectors, a lot of the businesses on Roseburn Terrace can be described as “quite frail”. The council's proposed reduction in loading bay provision (as a result of its cycle track scheme), would be devastating, and most of the businesses would become uneconomic. Recent temporary road works with a loss of parking spaces resulted in some businesses here losing over 50% of their trade. The stopping areas here are essential for the survival of a number of the traders. The council's estimate of capacity based on spaces five metres long is not accepted, and existing capacity is regarded as space for 18 vehicles. The council's proposals would reduce that to 10 spaces. A reduction of 50% in parking capacity would represent a significant reduction in the availability for legitimate loading activities in the street. From a one-day [survey](#) on Monday 9 September 2019, that reduced capacity was exceeded in every hour between 1000 and 1400 hours, with 16, 17, 18 and 14 vehicles parked in successive hours. It was confirmed at the hearing that these figures include vehicles involved in loading/unloading **and** vehicles not involved in loading/unloading. Mr Rendall's [photographs](#) also indicate how much parking and loading take place at present on Roseburn Terrace.

3.9 Delivery drivers are under pressure to deliver without delay, and do not have time to park at a distance, walk along the Terrace, and then walk back again, particularly with items like large televisions or large pieces of glass. Removing the parking that supports the traders is not the way to rejuvenate Roseburn. Customers would simply go elsewhere, and many traders have stated they would have to move if sales drop. The local population (with more older people than the city average) needs the local shops.

3.10 The council has rejected the traders' bid for a scheme to compensate them if they suffer a loss of income because of the CCWEL project.

3.11 Some objectors say that disabled access to the businesses on Roseburn Terrace is at present possible at off-peak times, but that under the council's proposals those with disability would find that considerably more difficult. This includes access to healthcare and personal service businesses like the dentist, optician and hairdresser. Many disabled individuals in receipt of legitimately-assessed disability benefits cannot manage the 50 metres maximum distance from a parking or loading space available to a disabled person referred to by the council. Extending the hours of parking is fairly meaningless. Any benefit from the new crossing facilities would not be available to those disabled individuals because they would not be able to reach the crossing. It is an incorrect priority to sacrifice the needs of the disabled so that able-bodied and fit cyclists can move more easily. So the road here should be left as it is now with, in the words of one objector, “*the loading areas right along Roseburn Terrace*”. The council's view that cycling can also be an important mobility aid demonstrates its ignorance of the real impact that its proposals would have.

3.12 In addition, the congestion and delays caused by the limitation on loading bays would contribute to a worsening of air pollution in Roseburn Terrace. The point is made that nitrogen dioxide pollution is worse on the south side of the street than on the north side – above the legal limit and almost as bad as Scotland's most polluted street. At present, parked vehicles mean that traffic is pushed to the lanes in the middle of the street, allowing nitrogen dioxide to dilute before it reaches the footways and building facades. The problem is that the reduction in loading provision would move traffic (22,000 vehicles daily) closer to the south side footway, increasing pollution there. Parking/loading (which moving traffic has

to avoid) would be reduced under the council's proposals on both the north and south sides of the street. Parking/loading outside 13 to 41 Roseburn Terrace on the south side would disappear, bringing traffic closer to homes and raising nitrogen dioxide to dangerous levels. Petitions have been submitted to the council calling for an independent study on the likely impact of the CCWEL project on air pollution to be undertaken before the scheme is progressed further.

The council's response

3.13 The council has sought to ensure that loading facilities for businesses and residents are provided at suitable locations, with that provision balancing loading demand with impact on the cycle/pedestrian improvements and on other road users, particularly public transport passengers.

3.14 It is acknowledged that the existing loading provision on Roseburn Terrace cannot be retained with the proposed scheme. The loading bays on the north and south sides of Roseburn Terrace would be reduced in length and staggered, to enable appropriate vehicle movements. Loading and parking provision at Roseburn Terrace would be reduced from space for 22 normal cars (20 loading and two parking) to space for 12 normal cars (10 loading and two parking). However, the loading bay on the south side of Roseburn Terrace would be available at peak times as well as off-peak times: that is not currently the case. The council confirmed at the hearing that its capacity estimates are based on spaces five metres long.

3.15 However, the council's parking survey, carried out on Tuesday 24 February 2015 shows that 12 spaces should be sufficient to meet demand most of the time. This is the conclusion to be drawn from Table 1 of its [hearing statement](#) setting out the results of that survey. The number of parked vehicles only exceeded 12 between 1000 and 1100 hours. The council confirmed at the hearing that the figures in Table 1 relate to parking and loading within the red rectangle shown in Figure 1, that the parking column there comprises vehicles involved in loading **and** vehicles parking or waiting⁶, and that Figure 1 is cumulative, not relating to one instant in time⁷.

3.16 Separate survey figures for [loading only](#) were also provided after the hearing. These are from the council's 24 February 2015 survey referred to in paragraph 3.15 above, and indicate the maximum number of vehicles loading as only six, between 1000 and 1100 hours on that day.

3.17 Much of the pressure for loading space here results from inappropriate use of loading bays by visitors to the shops and by shopkeepers themselves, in breach of the current restrictions, either because they are using them during peak times (see Table 1 referred to in paragraph 3.15 above), or because they are using them for parking rather than loading (see Figure 1 referred to in paragraph 3.15 above).

3.18 The proposed loading bay on the south side of Roseburn Terrace would be available all day, a change from the present loading provision on the street which is only available off-peak. The council's initial proposals included the complete removal of the loading bay on

⁶ These definitions were used in the survey. "Parking": vehicle is parked with no ownership activity nearby. "Loading": vehicle is parked and there is a clear sign of loading activity, e.g. delivery driver could be present, vehicle is open or loading ramp etc is active / deployed. "Waiting": vehicle is parked with driver/owner nearby or sat in driving seat.

⁷ The number of vehicles shown in Figure 1 is smaller than the number shown in Table 1. The difference between the two results arises entirely from the fact that any vehicle parked during two or more successive periods would appear only once in Figure 1 but would be counted during all of the relevant periods in Table 1.

the north side of Roseburn Terrace, but pre-advertisement consultation led to a reduced length off-peak loading bay being retained there. This would allow space both for the segregated cycle track and for eastbound traffic to move past the right-turn filter lane on the approach to the junction with Roseburn Street. This layout represents an option which best balances the needs of all users.

3.19 It is accepted that there is a clear demand for short-stay parking: that would be helped by turning the existing two parking spaces on the south side of Roseburn Terrace into all-day spaces, and increasing the number of short-stay parking spaces in the surrounding streets (including Murrayfield Avenue, Murrayfield Place, Roseburn Street and Russell Road) from 12 to 49. That should ensure that visitors to the shops are able to find parking spaces without taking up space meant for loading.

3.20 It is acknowledged that the changes to loading on Roseburn Terrace would make access to some premises on Roseburn Terrace more difficult for disabled people with mobility issues. The maximum distance from a parking or loading space available to a disabled person on Roseburn Terrace after implementation of the project would be about 50 metres. The new crossing facilities which would be installed at Roseburn would provide a significant benefit for people with mobility impairments accessing the facilities on Roseburn Terrace.

3.21 Contrary to objectors' claims about businesses becoming unviable, [experience](#) elsewhere shows that the introduction of a segregated cycling facility can be a benefit for local businesses. Research suggests that such facilities have had a positive impact on retail spend where they have been introduced elsewhere. The [benefits](#) have been identified: retailers over-estimate the contribution of drivers and many studies find users of sustainable modes spend more per month; examples from North America show high-quality bicycle infrastructure does not harm business districts, and can have a positive impact on local shops; a New York City Department of Transport study (2014) found streets where protected cycle lanes were installed enjoying an increase in retail sales up to 24% greater than comparator sites without protected lanes; high street walking, cycling and public realm improvements can increase retail sales by up to 30%; people who walk and cycle take more trips to the high street over the course of a month. Research suggests that, although shoppers who come by bike spend less per trip than those who come by car, they often make more regular trips and thus spend more during a given period.

3.22 Delays resulting from temporary road works cannot be taken as a reliable guide to the impact of the council's proposals, as the traffic management associated with such works is very restrictive and does not replicate the proposals.

3.23 At the hearing, the council said temporary parking or loading provision could be made for extraordinary circumstances.

3.24 As to air pollution, Roseburn Terrace is within the Edinburgh Central Air Quality Management Area. The council also recognises that air quality has been a key concern for many within the local community there. It is recognised that Roseburn Terrace is a narrow, tenemented street posing a greater risk in relation to local air quality.

3.25 The council has carefully considered the potential air quality impacts of its proposals, using appropriate modelling techniques, and taking full account of a wide range of weather conditions. It is accepted that, to a degree, the air pollution predictions depend on a

process of feeding the results of one model into another. But it is also the case that average emissions per vehicle can be expected to continue to reduce as they have been doing for some time past.

3.26 Peak periods would see an overall reduction in vehicles per hour and a consequential overall reduction in emissions then. The proposals for Roseburn Terrace provide for two eastbound traffic lanes and one westbound lane. The length of the existing loading bay on the north side of the street would be reduced to make it easier for eastbound traffic to move past southbound traffic at the junction with Roseburn Street. The north side of the street would benefit through the installation of the cycle track there. Free-flowing westbound traffic would be closer to the footway and building facades on the south side of the eastern end of Roseburn Terrace, but the number of westbound vehicles, and the extent of westbound queuing, would be reduced as traffic would be held back on Russell Road (and to a lesser extent West Coates) by new crossings, and the westbound queue would be managed at the revised crossing at the western end of Roseburn Terrace. This would mean that queuing traffic would not extend beyond the buffer provided by the proposed all-day loading bay on the south side of the street. Therefore a reduction in emissions on Roseburn Terrace is predicted mainly because of reduced westbound traffic capacity at peak times.

3.27 Changes in air quality levels would be closely monitored following implementation of the scheme. Adjustments to signal phasings could be considered to offset unexpected adverse results.

My assessment

3.28 By my calculation loading provision on Roseburn Terrace would reduce under the council's proposals from a road length of 117 metres to 64½ metres. That is a loss of nearly a half. But 34½ of the 64½ metres would be available during peak hours in contrast to nil provision at peak hours now⁸.

3.29 I accept objectors' contention about the council's assumption of five metres for the length of a loading space to the extent that I regard five metres as somewhat tight. In turn, I therefore accept objectors' alternative view that existing capacity for loading at Roseburn Terrace amounts to space for 18 vehicles.

3.30 The survey data – from both the council and objectors - which combines loading vehicles with those merely parked or waiting cannot lead me to a conclusion. That is because my concern is limited to changes in loading provision. Although I need to reflect in that concern the needs of those engaged in legitimate loading or unloading activities I do not need to reflect the needs of those merely parking or waiting without any associated loading or unloading activity. Notwithstanding the limited provision at present for parking on Roseburn Terrace the dominance here of parking activity, as opposed to loading activity, is evident from Figure 1 of the council's [hearing statement](#). The combined loading and parking figures in Table 1 of that document do not take me very far. The same is true of the objector's [survey](#) as it has the same accepted limitation. The fact that the number of vehicles **parked** may substantially exceed the proposed **loading** capacity does not in any way demonstrate the inadequacy of that proposed capacity **for loading**.

⁸Total provision for loading on the adjacent parts of Roseburn Gardens and Roseburn Street would remain at 24-25 metres but, unlike now, over half of that would be available at peak hours.

3.31 It is the [separate data](#) on loading activity that goes to the heart of the matter. As indicated in paragraph 3.16 above, at no time on the day of the survey did the number of vehicles engaged in loading activity exceed six. That is well within the proposed capacity of 10. I would prefer to have had evidence for more than a single day, but the evidence that is before me points in a clear direction. That is that objectors' fears relating to the changes in loading provision at Roseburn Terrace that the TRO proposes are not well based.

3.32 I accept objectors' contention that Roseburn is something of a special place. Part of that derives from the wide variety of businesses there: during my site inspections I saw – within a total frontage of not much more than 200 metres split between the two sides of the road – a supermarket, a grocery shop, a pet supplies shop, electronic repairs and computer shops, estate agents, hairdressers, beauty shops and a make-up lounge, a sugar craft school, a key cutting and shoe repair business, a dental care establishment, a pharmacy, an optometrist, an art gallery, public houses, a fish and chip shop and other takeaways, a delicatessen, and a parliamentary constituency office. Some strength is to be derived from that variety. Given my remarks above, there is no proper reason to fear that Roseburn's special character, as defined by objectors, would be lost if the council's loading proposals are implemented.

3.33 The council's claim that experience in other cities of increased trade from pedestrians and cyclists would be likely to be replicated here may be right, but it is not a foregone conclusion. I take a cautious view about that experience because without full details I cannot be sure that circumstances are sufficiently comparable to give that evidence substantial weight. But I accept that the research elsewhere serves as a useful antidote to the fears about the impact of the council's specific proposals here. The specific local evidence does not substantiate those fears.

3.34 The objections stray into concerns about limitations on parking, ie parking that does not involve loading or unloading. But any problems of that kind cannot be properly resolved by providing loading spaces. They need to be resolved by the adequate provision of parking spaces, by making temporary provision to meet extraordinary circumstances, or by other measures, none of which fall within my remit. I note the council's view that, under its proposals, visitors to the shops should be able to find parking spaces.

3.35 I have particular sympathy with the concerns expressed about the difficulties faced by disabled people. As the council points out, for some disabled people 50 metres may not be an excessively remote distance for parking. It is also true that the proposed much improved pedestrian crossing facilities at both ends of Roseburn Terrace would help some disabled people as well as the able-bodied. I also accept that for other disabled people none, or only some, of these advantages would exist. However, more generally, as the council also points out, cycling (the promotion of which lies at the heart of its proposals) can benefit some disabled people. I also take account of the specific attention that the council is paying to the needs of vulnerable groups as I report at paragraph 1.25 above.

3.36 I have no remit to consider whether the council should implement any scheme for compensation for loss of traders' income.

3.37 It is not clear to me how the proposed reduction in loading capacity on Roseburn Terrace would cause severe congestion. The effects of recent temporary road works cannot properly be compared with the likely effects of a carefully considered scheme such

as the one I deal with here. As a further general point, which I consider in greater detail in my report to Scottish Ministers on the council's Redetermination Order, I am satisfied that the council's proposals for the western part of the CCWEL project, if implemented, would lead to some modal shift from car travel. That would mean fewer vehicles on the roads than would otherwise be the case, and that, combined with reducing emissions per vehicle, would lead to a general reduction in roads-based air pollution.

3.38 Important in considering air pollution is its effect not only on people using the road and the business premises at Roseburn Terrace but those occupying the residential units (up to four floors) above the business premises. The proposed loading bay within the northern side of the carriageway, when occupied (outside peak hours), would add to the effect of the proposed cycle track in keeping traffic away from the footway there. The objectors do not acknowledge this, but it is important to the overall assessment of the air quality impact of the council's proposals on Roseburn Terrace.

3.39 The objectors are right when they say that vehicular traffic would be pushed by the council's proposals, including the loading bay on the northern side of the road, towards the south side of Roseburn Terrace. The position on the south side as I see it is this. If the eastern end of the proposed loading bay on the south side were to be occupied, moving vehicles would probably move towards the middle of the road as they pass numbers 27 to 33. There would be an adverse air quality effect – compared with the circumstances now of a longer loading bay extending further east – on the footway and building facades from number 13 eastwards. As to the impact of westbound queuing vehicles, the council's point that queuing traffic would not extend beyond the buffer provided by the proposed all-day loading bay on the south side of the street is very important. I do not accept that more extensive queuing would never happen. But I see no reason to doubt the council's evidence on this point as an indicator of the general pattern that would occur, and it is clearly an element that can be managed by appropriate signal phasings. This is a point that objectors fail to acknowledge. A further point that objectors seemingly do not take into account is the fact that the existing loading bay on the south side of Roseburn Terrace is for off-peak loading only. The present loading space on the south side cannot be legitimately used for loading (or parking) at peak hours, so it cannot be legitimately be regarded as providing an air pollution buffer at peak hours now. The (admittedly shorter) loading bay proposed by the council would be available at both peak and off-peak hours, and so would provide extra air pollution buffer protection in that respect.

3.40 I have no doubt that the council has approached this matter in a proper professional manner. Its reports and conclusions have been open to scrutiny. I see no need for any further independent assessment.

3.41 My view, therefore, is that no modification should be made to the TRO in the light of these objections.

Loading and unloading on Murrayfield Place

Summary of points made by objectors

3.42 With parking and loading at Roseburn Terrace proposed to be reduced by 40%, the next place shoppers with cars would head for is Murrayfield Place. Therefore to reduce parking on Murrayfield Place by 35% makes no sense. Removing the parking there that supports the traders is not the way to rejuvenate Roseburn. In future it would be impossible to find any parking within easy walking distance of the shops, and customers would just go

elsewhere. Parking and loading arrangements there should remain unchanged, subject to parking being limited to one hour rather than two hours to allow more drivers to make use of the spaces.

The council's response

3.43 The council has sought to ensure that loading facilities for businesses and residents are provided at suitable locations. This provision would balance loading demand with impact on the cycle/pedestrian improvements and on other road users, particularly public transport passengers.

3.44 There is no space specifically reserved for loading on Murrayfield Place at present: loading may be carried out from the greenway parking bays on the south side of the road, but these are often full. The TRO proposals include an enhancement in the facilities for Roseburn businesses loading from Murrayfield Place: this would take the form of an all-day loading bay on the north side, with space for two normal cars. That is likely to be sufficient for the limited loading requirements here, given that there are only four small shops/cafes on the street. Although the number of parking spaces on this short section of the street would reduce from 13 to eight, the overall number of short-stay parking spaces in the area would increase significantly, including 16 new designated short-stay spaces within 50 metres of Murrayfield Place.

My assessment

3.45 The objections to the reduction in parking provision (ie provision for those not involved in loading) relate to a matter beyond my remit: I am unable to make any recommendation for changes to parking provision.

3.46 To the extent that the objections do relate to loading provision – and that matter is within my remit – I make two points. First, any concern about an overspill requirement resulting from the proposed reduction in loading provision on Roseburn Terrace nearby is not well founded. That is because of my analysis of that reduction, in relation to need, which appears at paragraphs 3.28-35 above. Secondly, there is no challenge to the council's view on the limited need for loading provision generated by the businesses on Murrayfield Place itself. I saw for myself that there are only four businesses here: in January 2020 they were a launderette and dry cleaner, a hairdresser, a jeweller, and a bistro and wine bar.

3.47 The most significant point is that, under the TRO proposals, loading provision would be improved on Murrayfield Place.

3.48 My view, therefore, is that no modification should be made to the TRO in the light of these objections.

Loading and unloading on Haymarket Terrace

Summary of points made by objectors

3.49 It is claimed that inadequate consideration has been given to “*the delivery and parking*” at shops in the Haymarket area. This area is extremely important to the local community, commuters and visitors. More specifically, one objector says it is very difficult to

receive or pick up goods at an art gallery and café premises on the north side of Haymarket Terrace, as the limited parking bays are always occupied.

3.50 Some objectors focus on what they regard as the inaccessibility of the proposed loading bays on Coates Gardens and Rosebery Crescent for deliveries to premises on Haymarket Terrace (resulting in loss of trade), as well as a reduction in amenity for local residents. One objector refers to “*convoluted and potentially dangerous diversions*” as a result of the closure of direct access from Haymarket Terrace to Coates Gardens and to Rosebery Crescent.

The council's response

3.51 The council has sought to ensure that loading facilities for businesses and residents are provided at suitable locations. That provision would balance loading demand with impact on the cycle/pedestrian improvements and on other road users, particularly public transport passengers.

3.52 There would be an increase in loading space in Haymarket from up to 17 vehicles now to up to 22 vehicles with the implementation of the TRO proposals, with loading bays on both the north and south sides of Haymarket Terrace and at the southern ends of Coates Gardens and Rosebery Crescent. The loading bay on the south side of Haymarket Terrace was added in response to the pre-advertisement consultation. In addition, although loading facilities on Haymarket Terrace are only available at present off-peak (ie Monday to Friday between 0930 and 1600 hours), all the proposed loading areas in Haymarket would be available all day (peak and off-peak). So the project would enhance the provision of loading facilities for businesses located along Haymarket Terrace.

3.53 The loading bays in Coates Gardens and Rosebery Crescent would be accessible for vehicles delivering to premises on Haymarket Terrace, even though vehicular journeys along other streets would be necessary.

My assessment

3.54 From my site inspections, and bearing in mind the existing loading bay provision, I can understand the objector's reference to the difficulty of receiving or picking up goods. In addition, from examination of the TRO plans, it is clear to me that future loading bay provision, with the council's proposals in place, would be slightly less than its figure of 22 vehicles. That view reflects my somewhat critical assessment of the council's standard estimate of five metres per vehicle for loading bay provision (see paragraph 3.29 above). The availability of loading provision all day, including at peak hours, is important, although from the TRO plans that would not apply to the proposed provision at the southern ends of Coates Gardens and Rosebery Crescent.

3.55 The proposed loading provision at the southern ends of Coates Gardens and Rosebery Crescent does suffer from some disadvantage in not being on Haymarket Terrace itself and not being directly accessible from Haymarket Terrace by vehicles. Having noted that, however, that disadvantage can be over-emphasised because local knowledge, including specific information on loading arrangements, can be readily given to drivers in advance. I do not accept that the “diversions” required are particularly “convoluted” and need be no more “potentially dangerous” than any other urban journey in a delivery vehicle. There is already parking provision at the southern ends of Coates Gardens and Rosebery Crescent and that no doubt has some amenity effect on the occupants of nearby residential

properties, so I foresee little additional adverse amenity effect from nearby loading activity. Nor would the relatively small numbers of additional delivery vehicles involved in “diversions” from Haymarket Terrace have a significant new adverse amenity effect on the occupants of residential properties further from the main road. So it is right that the loading bay proposals at the southern ends of Coates Gardens and Rosebery Crescent are seen as some mitigation for the loss of provision on Haymarket Terrace itself.

3.56 The objectors make no specific positive suggestions for my consideration. In addition, I see the difficulty, if not impossibility, of making loading provision on Haymarket Terrace over and above what the council already proposes in the TRO if, taking a wide view, the cycle track is to go ahead (which is a matter I deal with in my report to Scottish Ministers on the Redetermination Order) and if provision is to be made (as it clearly should be) for two-way vehicular traffic on Haymarket Terrace. Those wider considerations are crucial in relation to these particular objections.

3.57 My view, therefore, is that no modification should be made to the TRO in the light of these objections.

Loading and unloading on Morrison Street

Summary of points made by objector

3.58 The objector, with premises on the north side of Morrison Street, says it is wholly unacceptable to transform half the loading bay there, which has to serve West Maitland Street as well as Morrison Street, into a taxi rank. Introducing a loading bay on the south side of the road would result in dangerous and difficult crossing movements with heavy deliveries. The proposed taxi rank would add to the noise already caused by the Jolly Botanist Public House. There is space for a 3-vehicles taxi rank outside Ryries Public House.

The council's response

3.59 The council has sought to ensure that loading facilities for businesses and residents are provided at suitable locations. That provision would balance loading demand with impact on the cycle/pedestrian improvements and on other road users, particularly public transport passengers.

3.60 As it stands, the TRO proposes a reduction in the loading bay on the north side of Morrison Street from 64 metres with space for up to 12 vehicles to 38 metres with space for up to seven vehicles. The reduction is necessary to provide space for a feeder taxi rank: this would be a feeder to a proposed taxi rank in the lay-by in front of Haymarket Station, relocated from its present position on the north side of Haymarket Terrace west of Rosebery Crescent to make space for the proposed cycle track. That relocation would significantly enhance the convenience of the taxi rank at Haymarket Station. But the relocated taxi rank would have limited space, so it would be supported by a feeder rank on the north side of Morrison Street. The feeder rank would be linked to the main stance using a camera/screen system, which would alert drivers within the feeder rank as to when there is space within the main stance outside the station.

3.61 There is also planning permission for a development on the south side of Morrison Street which includes the provision of a 30 metres loading bay with space for around six vehicles. This could provide additional loading facilities for properties on the north side.

3.62 However, in the light of the objection, a revised design is now proposed for a bay of 45 metres with space for up to nine vehicles. The council therefore seeks a modification to the TRO to incorporate that. The council's proposed textual change to the TRO is [provided](#), together with a revised plan showing the modified proposal.

3.63 Related improvements to the junction layout at Haymarket would also improve connectivity between the north and south sides of Morrison Street.

My assessment

3.64 Although the stimulus to relocate the taxi rank from the north side of Haymarket Terrace to the opposite side of the road outside Haymarket Station may have been the council's cycle track proposal, that relocation is worthy of substantial support. This is because it would be much more convenient for train-taxi interchanges than the present arrangement. The need for a feeder rank on the north side of Morrison Street follows from that, requiring in turn a reduction in the length of the existing loading bay there. By my calculation that reduction amounts to 41% in the advertised TRO, not far short of the objector's claim of a loss of a half. The council's amended proposal which it seeks as a modification to the TRO would mean of reduction of 30% below the present loading bay length, so accepting the proposed modification would meet the objection in part. The objector presents no information on the volume of demand for loading and unloading facilities here, and that also limits the weight I give to his objection.

3.65 I am not provided with any evidence as to the certainty of a loading bay being provided on the south side of Morrison Street, nor is it clear to me exactly what improvements to the junction layout at Haymarket would improve connectivity. However, if a loading bay were to be provided on the south side of Morrison Street in line with the existing planning permission, its use by commercial premises on the north side, if demand were to necessitate that, should not be discounted, even though it would require man-handling goods across the road

3.66 As to the objection to the taxi rank itself on the basis of noise generation, this is a busy commercial area already with a substantial degree of noise. A taxi rank would make little difference. In addition, the objector provides no details of his alternative taxi rank outside Ryries Public House.

3.67 Overall, the balance of the argument supports taking forward the council's proposed modification, which would improve loading bay provision on Morrison Street over and above that provided for in the TRO as advertised.

3.68 If the TRO is to be made, therefore, I would support the modification referred to in paragraph 3.62 above. I make minor typographical corrections to the council's wording, as included in my recommendation below.

Other loading and unloading objections

Summary of points made by objectors

3.69 These objections contend as follows.

(a) Reference to the council's proposals as "improvements" prejudices the consultation process, and there is little evidence of improvements for most road users.

(b) There would be no access for local shops for delivery drop-offs.

(c) In order to improve traffic flow, parking and/or loading should be prohibited during peak commuter time in the Roseburn and Haymarket areas.

(d) Residents in the Kew Terrace area (east of the A8 – Balbirnie Place junction) would have essential stopping places outside their homes on the main road removed.

My assessment

3.70 I assess these objections as follows.

(a) Whether what is proposed amounts to an improvement or not is a matter for my assessment in this report. I am not swayed by any general title. I have assessed the proposals on their merits, as far as my remit goes, on a street-by-street basis. The objections on point (a) do not suggest any particular modification.

(b) This point is made without any reference to location. It has little or no force without that. Again, no particular modification arising from it is suggested by the objector.

(c) Although I included this point as a valid objection to the TRO during the allocation process that I refer to at paragraphs 2.8-10 above, on further consideration I now accept the council's point made at that time suggesting that this does not fall within the 1999 regulations as an objection against a provision which prohibits loading. I simply say, in passing, that the council has achieved a good balance between conflicting needs in circumstances where there is a heavy demand for road space from different kinds of user.

(d) Although I also included this point as a valid objection to the TRO at the allocation stage that I refer to at paragraphs 2.8-10 above, its location lies beyond the areas of my remit as described in paragraph 2.7 above.

3.71 I therefore recommend that no modification to the TRO is made in response to these objections.

CHAPTER 4. OVERALL CONCLUSIONS AND RECOMMENDATION

4.1 From chapter 1 above, it is crucial background to this case that transport policy at national, regional and local level encourages sustainable and active travel, including the improvement of cycling facilities. Active travel is seen to have a wide range of benefits.

4.2 In response to this the council is promoting its CCWEL project to provide, in its view, significant benefits, particularly for cyclists and pedestrians. The council's view on that fundamental point is challenged by a number of objectors to the Redetermination Order associated with the TRO, and as indicated above I am reporting (simultaneously with this report to the council) to Scottish Ministers on that. It is not for me to repeat the contents of that other report here. However, as a context for the council's consideration of this report, I can say two things:

- in reaching a conclusion on the TRO objections that are before me, I give substantial weight to the background to this case as referred to in paragraph 4.1 above and as described in chapter 1 of this report); and
- in my report to Scottish Ministers, I give substantial, although not unqualified, support to the council's view of the significant benefits that the CCWEL project would provide.

4.3 Nevertheless, the decision on the Redetermination Order remains a matter for Scottish Ministers in the light of the recommendation I make separately to them, and the decision on the TRO is a matter for the council in the light of my recommendation below. If the council decides to make the TRO, it may or may not be possible to implement the works provided for in the TRO. That may be dependent on Scottish Ministers' decision on the Redetermination Order and on any other procedures that may be necessary.

4.4 I summarise very briefly my analysis of the objections to the TRO's loading provisions as follows. I consider the objections on Roseburn Terrace to be unfounded. I say this on the basis of the limited survey data available on loading space demand as opposed to parking space demand. I see no justification for the view that Roseburn's special character would be lost as a result of the TRO's loading provisions. Nor am I satisfied by objectors' arguments on congestion and pollution stemming from the TRO loading proposals for Roseburn Terrace. I have considered the objections relating to loading provision on Murrayfield Place, but that provision would in fact be improved there. I understand the loading difficulties on Haymarket Terrace, but the TRO's proposed provision at the southern ends of Coates Gardens and Rosebery Crescent would be some mitigation for the loss of provision on Haymarket Terrace itself. In addition, there are wider considerations there – the need to accommodate the proposed cycle track and two-way vehicular traffic movements within Haymarket Terrace. The TRO's loading proposals for Morrison Street are intimately bound up with its proposals for the Haymarket taxi rank, which I support, and I accept the council's revised view incorporated in its proposed modification to the TRO. No other objections point to the need for a modification in my view.

4.5 None of the TRO's loading proposals or the objections to them is materially related to the character and appearance of The Old and New Towns of Edinburgh World Heritage Site or of the conservation areas I mention at paragraph 1.29 above.

4.6 Therefore the only modification to the TRO that I consider justified is the one put forward by the council which I deal with at paragraphs 3.62, 3.64 and 3.67-68 above. If the council proceeds as in my recommendation, I am reasonably satisfied that the scale of the change involved in this modification is sufficiently small to obviate the risk of prejudice to any third party. My recommendation below reflects these points.

4.7 I draw the council's attention to the following if it wishes to make the order. Regulation 16(3) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 specifies that no order shall be made after the expiry of two years beginning with the date on which a notice of proposals is first published under regulation 5. The regulation 5 notice was published on 20 April 2018, and so the time limit expires on 20 April 2020. However, the 1999 Regulations are amended by The Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2005 which specify that the time limit shall not apply where an application for an extension has been made by the authority to the Scottish Ministers and the limit is extended by them.

4.8 I **recommend** that

(a) the loading and unloading provisions on Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street in THE CITY OF EDINBURGH COUNCIL (VARIOUS STREETS) (PROHIBITION OF WAITING) AND (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) AND (VARIOUS ROADS, EDINBURGH) (PROHIBITION OF WAITING AT JUNCTIONS) AND (GREENWAYS) AND (EDINBURGH TRAM) (PROHIBITION OF ENTRY, MOTOR VEHICLES AND TURNING, ONE-WAY ROADS, BUS/TRAM PRIORITY LANES AND WEIGHT LIMIT) AND (EDINBURGH TRAM) (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) (VARIATION NO -) (VARIATION NO -) ORDER 201- - TRO/17/91 be modified as follows:

In Schedule 6, in respect of the amendments to Schedule 1 of The City of Edinburgh Council (Edinburgh Tram) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) Designation and Traffic Regulation Order 2010 (the "2010 Order"), the text "*In item Morrison Street North side (Excluding) for the word "80" there was substituted the word "41"*" shall be deleted and substituted with: "*In item Morrison Street North side (Excluding) for the word "80" there was substituted the word "45"*".

In Schedule 6, in respect of the amendments to Schedule 2 of the 2010 Order, the text "*In item Morrison Street North side for the words "105 metres thereby east of the east kerbline" there were substituted the words "66 metres or thereby west of the west kerbline"*" shall be deleted and substituted with the following wording: "*In item Morrison Street North side for the words "105 metres thereby east of the east kerbline" there were substituted the words "70 metres or thereby west of the west kerbline"*".

In Schedule 6, in respect of the amendments to Schedule 3 of the 2010 Order, the text "*In item Morrison Street North side for the words "80" there was substituted the word "41"*" shall be deleted and substituted with the following wording: "*In item Morrison Street North side for the words "80" there was substituted the word "45"*".

In Schedule 6, in respect of the amendments to Schedule 5 of the 2010 Order, the text "*In item 44 Morrison Street in column 2 for the word "65" there was substituted the word "41" and in column 3 for the word "5" there was substituted the word "3" respectively*" shall be deleted and substituted with the following wording: "*In item 44 Morrison Street in column 2 for the word "65" there was substituted the word "45" and in column 3 for the word "5" there was substituted the word "3" respectively*".

(b) the map prepared under Regulation 15 of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 be amended in accordance with recommendation (a) above; and

(c) the TRO so modified be made as drafted with regard to the loading and unloading provisions on Roseburn Terrace, Murrayfield Place, Haymarket Terrace and Morrison Street.

Mike Croft
Reporter

Appendix 1. Changes to my preliminary allocation of objections affecting my consideration of the TRO

Objector	Suggested change to allocation	My revised allocation
Ms Le Giang	Council suggested text allocated as TRO loading objection should be unallocated.	Allocation unchanged.
Mr D and Ms J Glasby	Council suggested text allocated as Redetermination Order objection should also be allocated as TRO loading objection.	Allocation changed in line with council suggestion.
Murrayfield Community Council	Objector sought unallocated text to be allocated as TRO loading objection. Request resisted by council.	Allocation unchanged.
Ms S Johnston	Council suggested text allocated as Redetermination Order objection should also be allocated as TRO loading objection.	Allocation changed partially in line with council suggestion.
Mr J Welsh	Council suggested text allocated as objection to both Orders should be allocated as Redetermination Order objection only.	Allocation unchanged.
Mr J Welsh	Council suggested text allocated as TRO loading objection should be unallocated.	Allocation unchanged.

Appendix 2. List of objectors

Name	Substantive objection to TRO ⁹
Mr B D Allingham	No
Ms A Anderson	No
Ms H Barbour	No
Mr J D Berry	Yes
Mr M Dawson	No
Donaldson Area Amenity Association	No
Ms E East	Yes
Mr A Easton	No
Mr M Findlay	No
Mr H D Frew	Yes
Ms T Le Giang	Yes
Mr D and Ms J Glasby	Yes
Mr T Glasby	Yes
Mr P Gregson	Yes
Ms J and Mr C Hardie	No
Mr E Housley	No
Ms P Housley	Yes
Ms S Ingham	No
Mr B Johnston	No
Ms S Johnston	Yes
Ms S Kelman	No
Mrs R Kennedy	No
Mr J McBrinn	No
Mr S McKenzie	No
Ms A Milne	Yes
Ms S Murray	Yes
Murrayfield Community Council	No
Ms L and Mr S Paterson	No
Ms J Pickard	No
Mr G Rendall	Yes
Roseburn Traders	Yes
Ms K Stephen	No
Mr V Le Sueur	No
Mr A Weatherston	No
Mr J Welsh	Yes
Dr J L G Wight	No
Mr J Yellowleas	No

⁹ As indicated in my allocations of objections.

Appendix 3. List of TRO hearing session participants, 5 November 2019

City of Edinburgh Council

Mr M McMurray	Partner, CMS Cameron McKenna Nabarro Olswang LLP
Mr E Kennedy	Transport Policy and Planning Manager, City of Edinburgh Council
Mr R McMeddes	Transport Officer, City of Edinburgh Council
Mr P Noble	Active Travel Team Leader, City of Edinburgh Council

Objectors

Mr P Gregson
Ms P Housley
Mr G Rendall

Others

Ms H Barbour	Secretary, Murrayfield Community Council
Mr R Smart	Member, Murrayfield Community Council

Appendix 4. City council's list of documents¹⁰

CEC 1. The City of Edinburgh Council (Roseburn to Haymarket Area, Edinburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order 201_ RSO/18/05 [<https://www.dpea.scotland.gov.uk/Document.aspx?id=564964>]

CEC 2. Statement of Reasons – RDO
[<https://www.dpea.scotland.gov.uk/Document.aspx?id=564965>]

CEC 3. RSO_18_05 Advert, The Scotsman, 20 April 2018

CEC 4. RSO_18_05 Advert, The Gazette, 20 April 2018

CEC 5. RSO-18-05 List of Consultees

CEC 6. The City of Edinburgh Council (Various Streets) (Prohibition of Waiting) and (Traffic Regulation: Restrictions on Waiting, Loading and Unloading, and Parking Places) and (Various Roads, Edinburgh) (Prohibition of Waiting at Junctions) and (Greenways) and (Edinburgh Tram) (Prohibition of Entry, Motor Vehicles and Turning, One-Way Roads, Bus/Tram Priority Lanes and Weight Limit) and (Edinburgh Tram) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) (Variation No -) (Variation No -) Order 201- - TRO/17/91
[<https://www.dpea.scotland.gov.uk/Document.aspx?id=568699>]

CEC 7. Statement of Reasons - TRO
[<https://www.dpea.scotland.gov.uk/Document.aspx?id=568701>]

CEC 8. TRO-17-91 List of Consultees

CEC 9. TRO_17_91 Advert, The Scotsman, 20 April 2018

CEC 10. Report - Development of Major Cycling and Walking Projects – Implementation Plan, The City of Edinburgh Council Transport and Environment Committee, 3 June 2014

CEC 11. Minutes - The City of Edinburgh Council Transport and Environment Committee, 3 June 2014

CEC 12. Business Bulletin – The City of Edinburgh Council Finance and Resources Committee, 30 September 2014

CEC 13. Report - Roseburn to Leith Walk Cycle Route and Street Improvement Project – Public Consultation for the Preliminary Design, The City of Edinburgh Council Transport and Environment Committee, 27 October 2015

CEC 14. Minutes - The City of Edinburgh Council Transport and Environment Committee, 27 October 2015

¹⁰ This is a combined list for the TRO and the Redetermination Order.

CEC 15. Report - City Centre West to East Cycle Link and Street Improvements: Consultation Results and Potential Project Amendments, The City of Edinburgh Council Transport and Environment Committee, 30 August 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601107\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601107)

CEC 16. Minutes - The City of Edinburgh Council Transport and Environment Committee, 30 August 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601106\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601106)

CEC 17. Report - City Centre West to East Cycle Link and Street Improvements Project, Report to The City of Edinburgh Council Future Transport Working Group, 16 December 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601101\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601101)

CEC 18. Decision - City Centre West to East Cycle Link and Street Improvements Project, The City of Edinburgh Council Future Transport Working Group, 16 December 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601102\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601102)

CEC 19. Report - Melville Crescent Public Realm Project - Update, The City of Edinburgh Council Transport and Environment Committee 1 March 2018

CEC 20. Minutes - The City of Edinburgh Council Transport and Environment Committee 9 March 2018

CEC 21. Report - City Centre West to East Cycle Link and Street Improvements Project – Section 1 (Roseburn Place/Murrayfield Avenue to Rosebery Crescent/Morrison Street) – Representations to Traffic Regulation Order and Redetermination Order, The City of Edinburgh Council Transport and Environment Committee, 20 June 2018
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=564791\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=564791)
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=572869\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=572869)

CEC 22. Minutes - The City of Edinburgh Council Transport and Environment Committee, 20 June 2018
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601106\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601106)

CEC 23. Scotland's National Transport Strategy, December 2006

CEC 24. National Transport Strategy, January 2016

CEC 25. National Transport Strategy 2 (NTS2) - Draft Strategy for Consultation, July 2019

CEC 26. Cycling Action Plan for Scotland 2017-2020, Transport Scotland, January 2017

CEC 27. Regional Transport Strategy 2015 – 2025 Refresh, SEStran, July 2015

CEC 28. Local Transport Strategy 2014 – 2019, The City of Edinburgh Council
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601108\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601108)

CEC 29. Active Travel Action Plan, The City of Edinburgh Council, 2016 Refresh
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601096\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601096)

CEC 30. Edinburgh City Centre Transformation Proposed Strategy for consultation, The City of Edinburgh Council, May 2019

CEC 31. Edinburgh Design Guidance, The City of Edinburgh Council, October 2017 – (Chapter 4. Designing streets: Edinburgh Street Design Guidance)
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601100\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601100)

CEC 32. Roseburn Action Plan, Murrayfield Community Council, October 2014

CEC 33. CCWEL and Roseburn Action Plan

CEC 34. Rejuvenating Roseburn, Delivering the Roseburn Action Plan, Public Consultation Summary Report, June 2019

CEC 35. Bike Life Edinburgh – 2017 – Sustrans and The City of Edinburgh Council

CEC 36. Roseburn to Leith Walk Cycle Study Edinburgh, Route Options Feasibility Assessment & User Impact Appraisal, WSP for The City of Edinburgh Council, March 2014
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=592430\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=592430)

CEC 37. City Centre West to East Cycle and Street Improvement Scheme, VISSIM traffic modelling, Jacobs Report for The City of Edinburgh Council, 12 December 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601099\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601099)

CEC 38. Stakeholder Group Registration Lists, Slides and Meeting Notes

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601115\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601115)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601114\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601114)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601105\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601105)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601104\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601104)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601117\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601117)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601116\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601116)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601119\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601119)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601118\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601118)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601121\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601121)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601120\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601120)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601110\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601110)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601111\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601111)

[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601109\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601109)

CEC 39. Outer House Decision - Elizabeth Fairley against Edinburgh Trams Limited and The City of Edinburgh Council; and Iain Lowdean against Transport Initiatives Edinburgh Limited and The City of Edinburgh Council – 28 June 2019

CEC 40. Proposed Monitoring Plan - City Centre West to East Cycle Link and Street Improvements Project (CCWEL)

CEC 41. Report - Benefits of Investing in Cycling by Dr Rachel Aldred for British Cycling

- CEC 42. TfL Report - Walking & Cycling - The Economic Benefits
- CEC 43. New York City Department of Transport (2014) Study - Protected Bicycle Lanes in NYC
- CEC 44. Cycling by Design 2010 (Revision 1, June 2011), Transport Scotland
- CEC 45. Designing Streets, A Policy Statement for Scotland, 2010
[\[https://www.gov.scot/publications/designing-streets-policy-statement-scotland/\]](https://www.gov.scot/publications/designing-streets-policy-statement-scotland/)
- CEC 46. A rolling walking stick - why do so many disabled people cycle in Cambridge - The Guardian, 2 January 2018
- CEC 47. Roseburn to Leith Walk Cycle Route and Street Improvements Consultation Report, The City of Edinburgh Council, Revised July 2016
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=601097\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=601097)
- CEC 48. Planning Application Ref: 19/02623/FUL Haymarket Edinburgh - Proposed Transport Strategy, Sweco UK Limited, 19 March 2019
- CEC 49. Parking Survey
CCWEL Parking Survey Results (Table)
CCWEL Parking Survey Results (Roseburn Area Infographic)
- CEC 50. Consumer Behavior and Travel Choices: A Focus on Cyclists and Pedestrians
- CEC 51. Bicyclists as Consumers, Article in Transportation Research Record Journal of the Transportation Research Board · December 2014
- CEC 52. Modifications to Redetermination Order in Response to Representations
- CEC 53. CCWEL Integrated Impact Assessment
- CEC 54. AECOM LinSig Outputs
- CEC 55. EnViver and ADMS Air Quality Reports
- CEC 56. Road Safety Audit Stage 1 & Council Design Response
- CEC 57. Seville: How a small Spanish city became a cycling hub for all
- CEC 58. Bike Life, Bristol 2017, Sustrans
- CEC 59. Council update on £6m cycling scheme which will 'improve connectivity' around Boots site, Nottinghamshire Post, April 2018
- CEC 60. Segregated Cycling Infrastructure – Understanding cycling levels, traffic impacts and public and business attitudes. City Planning, Transport for London

CEC 61. Cycling in London at record levels, new figures reveal, Evening Standard, 3 July 2019

CEC 62. Factors influencing the propensity to cycle to work, Wardman, Tight and Page Institute for Transport Studies, University of Leeds
[\[https://www.dpea.scotland.gov.uk/Document.aspx?id=604146\]](https://www.dpea.scotland.gov.uk/Document.aspx?id=604146)

CEC 63. Transport and Environment Committee, Business Bulletin for Thursday 16 May 2019 Meeting

CEC 64. Department for Transport, Transport Analysis Guidance, TAG Unit A5.1, Active Mode Appraisal, May 2018

CEC 65. Mail and Telegraph suggest Birmingham cycle lane has somehow caused congestion despite zero change to motor vehicle capacity, published by Road.cc on 14 June 2019 [\[https://road.cc/content/news/262237-mail-and-telegraphsuggest-birmingham-cycle-lane-has-somehow-caused-congestion\]](https://road.cc/content/news/262237-mail-and-telegraphsuggest-birmingham-cycle-lane-has-somehow-caused-congestion) accessed on 9 September 2019]

CEC 66. CCWEL - Roseburn Terrace, Air Quality Modelling Report - Aecom

CEC 67. City Centre West-East Link and Connections

CEC 68. Map showing areas from which bulk of modelled use of CCWEL western section originated

CEC 69. Current Extent of Cycle Use

CEC 70. Extract from Transport for London Programmes and Investment Committee - 30 November 2016

CEC 71. Traffic Count 24 October 2019

CEC 72. Roseburn Vision Survey of Autumn 2016 – Cycle growth forecast

CEC 73. Cycle use and climate comparisons

CEC 74. CCWEL-NCN1 Route Comparison

CEC 75. Option A - Connection to North

CEC 76. Traffic and NO2 Map

CEC 77. Modelled Options

CEC 78. Crossings on the A8

CEC 79. CCWEL Cycle Use Forecasting – Trip matrices and supplementary commentary

CEC 80. Cycle counts 8 to 13 November 2019

CEC 81. Roseburn Terrace - Parking Survey Results - Loading

Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

Creating Safe Spaces for Walking and Cycling

Executive/routine	Executive
Wards	All
Council Commitments	16

1. Recommendations

- 1.1 Policy and Sustainability Committee is asked to:
 - 1.1.1 recognise the changes which COVID 19 has made to people’s everyday lives and that many of the changes will remain in place for the foreseeable future;
 - 1.1.2 recognise the importance of transport to the development of plans for the city to adapt and renew in response to COVID 19 and note that schemes which enable people to be physically distant and safe when walking and cycling in the city will be central to this response;
 - 1.1.3 note the schemes which have been implemented in the city since 30 April 2020 including on Silverknowes Road, Braid Road, Links Gardens, Cammo Walk and Braidburn Terrace;
 - 1.1.4 note that the Scottish Government has announced £10m ‘Spaces for People’ funding for local authorities to deliver temporary improvements for walking and cycling, and agrees to submit an application from City of Edinburgh Council for funding to support the delivery of local schemes in the city;
 - 1.1.5 approve the criteria to be used to create temporary walking and cycling infrastructure schemes (as set out in paragraphs 3.7, 4.4 and Appendix 1) and note the intention to continue to discuss approaches and policies with Group Transport and Environment Spokespeople;
 - 1.1.6 Following notification to local ward Councillors on specific schemes, delegate authority to the Chief Executive in consultation with the Leader and Depute Leader of the Council, to implement temporary schemes based on the criteria approved at 1.1.5 and note that these will be reported to Policy and Sustainability Committee regularly;

- 1.1.7 approve the extension of the contract for Programme Management Office (PMO) support for the delivery of the Council's active travel programme. The maximum value will be £374,925 until the end of March 2021; and
- 1.1.8 approve the measures detailed in Appendix 3 on how traffic orders will be communicated to stakeholders during the ongoing COVID19 lockdown.

Paul Lawrence

Executive Director of Place

Contact: Ewan Kennedy, Transport Network Manager

E-mail: ewan.kennedy@edinburgh.gov.uk | Tel: 0131 469 3575

Creating Safe Spaces for Walking and Cycling

2. Executive Summary

- 2.1 The COVID 19 pandemic has significantly changed the way in which people work and live. Unprecedented measures to help people stay safe, with instructions to stay at home to prevent the spread of the infection, and to maintain physical distance when outside home (whether for work or exercise) have been in place since 23 March 2020 and some restrictions are expected to remain in place for a significant period of time to come.
- 2.2 During this period of restriction, we have seen an increase in cycling of 16% and walking levels on greenspace corridors has grown rapidly but congestion on walking and cycling routes, and at access points to green and open spaces, and important local services such as grocery shops and pharmacies is putting people at increased risk of infection, as physical distancing measures are compromised. As restrictions begin to be relaxed, supporting people to continue to be able to walk and cycle safely is an important policy objective.
- 2.3 Transport will play a central role in emerging plans for how the city will adapt and renew as COVID 19 restrictions change and are relaxed. This report sets out some early action taken by the Council to create safer spaces for walking and cycling, proposes criteria which will be used to develop further schemes (including changes to support the efficient operation of the city's bus network), and lists schemes that are now under development. It also explains the 'Spaces for People' programme announced by the Scottish Government under the to support the delivery of these schemes.
- 2.4 In addition, the report seeks approval to extend the current PMO contract which supports the Council's active travel programme to March 2021.
- 2.5 Finally, the report details the proposed changes to the processes for consulting upon, and advertising, traffic and other Orders promoted by the Council.

3. Background

- 3.1 The COVID 19 pandemic has significantly changed the way in which people work and live. The measures implemented in the UK to minimise the spread of infection

include instructions to stay at home where it is possible to do so, and to maintain physical distance of at least 2m from anyone from outwith your household when outside of your home (whether for work or exercise).

- 3.2 Although it is expected that there will be a phased relaxation of restrictions, it is envisaged that some level of restriction will remain in place until the spread of the virus is more effectively controlled and there are effective treatments in place. The timeframe for these measures is not yet known.
- 3.3 Since lockdown began, cycling levels recorded by counters across the city have grown by 16%, whilst walking levels have fallen overall. Parts of the city's off-road path network, such as the waterfront promenade at Silverknowes have seen approximately a fourfold increase in cyclist users. The greatest overall increase in users across the network is occurring at the weekends. Walking levels along greenspace corridors, such as the Water of Leith and Canal have also grown rapidly. This has led to reports of congestion on walking and cycling routes and at access points to green and open spaces, making physical distancing more difficult and in turn increasing the risk of the infection spreading.
- 3.4 The COVID 19 pandemic has led to a dramatic reduction in public transport patronage and car use. Most office workers have made the transition to working from home and more people are exercising outdoors, close to their home. Public transport is mainly being used by essential workers who still need to travel to work.
- 3.5 As the Council and strategic partners begin to develop plans for how the city will adapt and renew in response to the significant impacts of COVID 19, the importance of transport comes to the fore, especially in making it easier for pedestrians and cyclists to move around and on supporting the public transport network to recover.
- 3.6 It seems likely that people will want to travel into and around the city in new ways which could see the city sustain improvements in air quality and will contribute to meeting the city's target to be net carbon neutral by 2030. However, there is already evidence that social distancing guidance may lead to a significant increase in car use. This would lead the city in the opposite direction and lead to increases in congestion that would be hard to manage. This report sets out criteria and measures to create safe spaces for walking and cycling to encourage more people to choose active or public methods of travel.
- 3.7 Officers have been working with relevant key stakeholders and Police Scotland to also identify areas and streets which were not previously part of the existing active travel programme but which would ensure the safety of cyclists and pedestrians.

Spaces for People Programme

- 3.8 The Scottish Government's 'Spaces for People' programme was announced 28 March 2020. The programme's objectives are:

- 3.8.1 **Protecting public health:** Provide temporary walking and cycling infrastructure that helps to protect public health by enabling safe physical

distancing for essential journeys and exercise for everyone, in particular where there are space constraints or user safety concerns.

3.8.2 **Essential journeys:** projects should focus on essential journeys including:

3.8.2.1 Journeys to and from hospitals and health services.

3.8.2.2 Journeys to shops, pharmacies and schools for key workers.

3.8.2.3 Journeys for recommended exercise, for example neighbourhoods and local parks.

3.8.2.4 Immediate delivery: Projects should be delivered quickly and provide a visible improvement that has an immediate benefit.

Legal Framework for Traffic and other Orders

3.9 Where changes are required that would alter how our roads are used, the Council as Roads Authority operates under the terms of a range of legislation. That legislation determines the legal processes that have to be followed in order to bring about the proposed changes.

3.10 Whilst in normal circumstances the Council is able to comply fully with the appropriate legislative requirements, the current lockdown situation has made this either more difficult, or in some cases impossible, to comply with certain aspects of those requirements.

3.11 The Coronavirus (Scotland) Act 2020 recognises this and has created provisions that are designed to allow some aspects of these legal processes to continue under lockdown, albeit with certain stipulations.

Temporary Traffic Regulation Orders (TTROs)

3.12 Where temporary measures might necessitate prioritising mixed-use road space for walking or cycling, Councils may use temporary traffic regulation orders (TTRO) in the event there is a danger to the public. In this case, the immediate danger is the risk of the transmission of infection and the need mitigate that risk as a matter of urgency.

3.13 Section 14 (1) of the Road Traffic Regulation Act (RTRA) 1984 allows the Roads Authority to produce TTROs in certain circumstances. These can be in place for up to 18 months for a road or carriageway or six months for a footpath or cycleway. The relevant procedure regulations place a requirement on the Council to notify but unlike a TRO it cannot be objected to.

Active Travel Programme Management Office (PMO)

3.14 On [20 June 2019](#), Transport and Environment Committee approved an investment programme for active travel in people friendly streets.

3.15 To support the delivery of this programme, Turner and Townsend was initially commissioned (via Lot 7 (Project Management Services) of the Scotland (SXL) Engineering and Technical Consultancy Services Framework) to provide additional capability and capacity for a number of infrastructure programmes including Active

Travel, City Deal West Edinburgh Transport Improvements (CDWETI), Local Development Plan Action Programme (LDPAP) and Granton Waterfront Regeneration. They are supported on the active travel programme by Anturas Consulting.

- 3.16 The original contract was approved by Finance and Resources Committee on 23 May 2019, to be in place to end of December 2019. This arrangement was extended, with additional costs, to May 2020.

Other Initiatives to support behaviour change during adaptation and renewal

- 3.17 As the city adapts and renews after the lockdown there are likely to be significant changes in the ways people work, in other aspects of daily life and in resulting travel behaviour.
- 3.18 As in other recent years, approximately £0.5M of funding is available through Paths for All's [Smarter Choices, Smarter Places programme](#) (SCSP) to support initiatives which aim to reduce single- occupancy car use. Through this fund the Council is currently supporting a '[Bikes for Key workers](#)' programme. To further complement the physical measures outlined in this report, it is proposed to review the previously approved SCSP programme for 2020/21,

4. Main report

Immediate Measures Implemented

- 4.1 On 30 April 2020, the Council began implementing a number of changes to the road network to provide safe spaces for people to walk and cycle. The decision to implement these changes was made by the Chief Executive in consultation with the Council Leader and Depute Leader at the following initial locations:
- 4.1.1 Silverknowes Road (on 30 April 2020);
 - 4.1.2 Links Gardens (on 3 May 2020);
 - 4.1.3 Braid Road (on 3 May 2020), supplemented by additional measures on Braidburn Terrace (on 8 May 2020); and
 - 4.1.4 Cammo Walk (on 8 May 2020).
- 4.2 Each of these locations was chosen as they had been identified by Council Officers and/or Police Scotland as locations which were popular for both walking and cycling during the COVID 19 restrictions and where physical distancing was compromised. The measures on Braidburn Terrace were added following feedback from local residents.

Criteria and Arrangements for Future Schemes

- 4.3 It is proposed that the 'Spaces for People' programme objectives (as set out in paragraph 3.6) are used as the criteria for the Council to determine whether to

progress with further schemes, alongside two further principles and assessment criteria (detailed in Appendix 1), namely that:

4.3.1 Proposals should not undermine the long term viability of the public transport network; and

4.3.2 Wider measures supporting economic revival must still prioritise public safety.

4.4 Appendix 2 sets out a number of measures which are proposed to:

4.4.1 Make space for people to exercise.

4.4.2 Make space for people to travel safely around the city.

4.4.3 Reduce risk to people who use the carriageway for travel or exercise.

4.4.4 Make space for people in high streets and in the city centre.

4.5 Infrastructure to enable physical distancing for walking and cycling will include closing roads to motorised traffic (generally exempting buses) and reallocating carriageway space to walking and cycling on commuter routes, on routes to hospitals, in the city centre and local town centres, and to provide access to and around open and green spaces. In areas where particular pressure is expected on footway space, infrastructure changes will be focused on parking and loading areas adjacent to the footway to increase the space available for walking. The measures will also include providing alternative routes where pressure has been identified on existing routes such as the canal tow path and some other off-road walking and cycling routes.

4.6 Where road space needs to be prioritised to provide this additional capacity, TTROs will be used to comply with the regulatory requirements for notifying local people.

4.7 Local ward Councillors in areas affected by proposals will be notified prior to the publication of any proposals in their area. The publication of proposals will include notification to all of the normal statutory stakeholders.

Design and Delivery

4.8 Appendix 2 indicates the measure or measures considered likely to be appropriate for the street or neighbourhood concerned. However, all proposals are subject to a detailed design and risk assessment process being followed. This may result in an alternative approach or modified measures. The design process will consider all road users, including pedestrians, cyclists, public transport and particularly people with mobility or visual impairments, whilst maintaining appropriate access for residents and businesses.

4.9 The more complex and ambitious schemes will require significant quantities of materials to be procured before implementation can begin. The Council does not hold stocks of these materials therefore they will need to be procured and/or manufactured and therefore this will impact on the implementation timescales.

Details of the measures

Make space for people to exercise

- 4.10 As outlined previously, people are taking exercise on foot and, in increasing numbers, by bike. Large parts of the city's off-road path network are busy to the extent that it is difficult for people to practise physical distancing. Furthermore, in some places, access by car to parks and paths is exacerbating distancing issues and creating potential knock-on road safety issues.
- 4.11 In response to the above it is proposed to introduce measures that:
- 4.11.1 Close some roads to improve distancing opportunities and road safety on these roads.
 - 4.11.2 Restrict loading and parking in places where it is exacerbating issues by hindering physical distancing or encouraging too many visitors.
 - 4.11.3 Close further roads to provide spacious alternatives to paths and routes that are busy with pedestrians and cyclists, or to safely link together off-road walking and cycling routes.
 - 4.11.4 Reallocate carriageway space on some roads to facilitate safe and socially distanced walking and cycling.
- 4.12 Examples of the changes proposed under this measure are: installation of bus gates and segregated cycleways at Dundee Street, Fountainbridge and Viewforth; and closure of part of Braid Hills Road/Drive and introduction of a reduced speed limit on the remaining section.

Helping people to travel safely around the city

- 4.13 The minimal road traffic during the lockdown has provided unusually safe conditions for walking and especially cycling in the city. Public transport use has fallen drastically, and research suggests that as restrictions are relaxed, it is likely that many fewer people than usual will be able or willing to use buses and trams. In addition, normally, walking in the city regularly involves congregating in groups, for example waiting to cross roads at junctions.
- 4.14 It is expected therefore that people will seek to drive, or to walk or cycle, to enable them to maintain physical distancing. Even if total travel is lower, a significant shift from public transport use to car travel will result in traffic rising above normal, with increased delay and air pollution (which it has been suggested may prolong the recovery period for people who have contracted COVID 19).
- 4.15 A range of measures are proposed that seek to facilitate the safe movement of people by foot and cycle, whilst protecting and prioritising the city's bus and tram service and addressing the potential for COVID 19 to transmit on hard surfaces. These measures require further development but are likely to include:
- 4.15.1 Giving more priority to pedestrians at crossings, by removing the need to push a button to trigger the 'green man' at busier junctions with pedestrian

crossings and potentially changing traffic light settings to reduce pedestrians' waiting times (particularly at locations which are controlled by the Council's Urban Traffic Control (UTC) which controls 200 of the 600 signals in the city);

- 4.15.2 Helping give space for walking by accelerating the programme of guardrail removal;
 - 4.15.3 Increasing pedestrian space by setting aside road space next to selected pavements (see paras 4.22 to 4.27);
 - 4.15.4 Providing protected cycle lanes on key roads focussed in the city's suburbs, for example at Old Dalkeith Road and Crewe Road South;
 - 4.15.5 Strengthening bus lanes to provide all day bus priority, and relatively protected space for cycling, by strengthening some parking and loading restrictions, extending selected bus lanes through to traffic lights (they normally stop short) and extending the operating hours of most bus lanes (not those required to be suspended to widen footways); and
 - 4.15.6 Subject to funding availability and the Scottish Government making changes to the legal framework facilitated by the recent Transport Act, accelerating the delivery of a number of key existing active travel projects, as identified in the Active Travel Investment Programme.
- 4.16 Protecting the ability of bus services to operate reliably will be important to maintaining bus frequency and sustaining services that can deliver social distancing for passengers. For this reason, as well as the benefit that bus lanes can offer to people on bikes, it is proposed to take forward introduction of bus lanes on Queensferry Road and the A90.

Making space for people in the city centre and our high streets

- 4.17 Enabling physical distancing to be practised in the city centre, on local high streets and around neighbourhood shops is a major challenge, given that most pavements are less than 3m wide, and many are around 2m; sometimes less.
- 4.18 Creating more space for pedestrians at these locations is critical, both for meeting health objectives and giving people the confidence to return to their local shops and to the city centre.
- 4.19 As the COVID 19 restrictions change, there may also be an opportunity to create more public space around shops, cafés and restaurants to support business recovery.
- 4.20 The space required to widen pavements and to provide additional public areas is currently used for a mixture of loading, parking, bus or cycle lanes and general moving traffic, with this space often performing different functions at different times of day (e.g. bus lanes, but with loading and parking permitted off -peak).
- 4.21 This means that, at some locations, difficult choices will need to be made between:
 - 4.21.1 Enabling physical distancing for pedestrians;

4.21.2 Providing for safe and comfortable cycling and/or public space;

4.21.3 Keeping buses moving;

4.21.4 Providing for customer parking;

4.21.5 Providing for loading; and

4.21.6 Allowing general car traffic to use streets.

4.22 In making these choices officers will be guided by the principles set out in paragraphs 3.7, 4.4, the assessment process set out in Appendix 1 and by the Edinburgh Street Design Guidance.

Making space in the city centre

4.23 The issues outlined above apply in many streets across the city centre, with the presence of general traffic, especially cars, on through routes in the centre meaning that the road network normally operates at or near its full capacity.

4.24 To free up space for physical distancing, whilst not subjecting the bus network to significant extra delay, means focusing on reducing the overall amount of road traffic by closing selected cross-centre routes to through traffic.

4.25 The intention would be to accelerate a suite of proposals from the Edinburgh City Centre Transformation development plan on an emergency basis and to supplement these proposals by introducing restrictions on 'The Bridges'. The key strategic proposal is to close Bank Street, North Bridge (or potentially another point on the same route), East Market Street and East Princes Street to through car traffic. Consideration will also be given to further closures and supporting traffic management measures. In addition, it is proposed to bring forward other pedestrian priority schemes, eliminating through traffic and reducing parking provision on Victoria Street and Cockburn Street.

4.26 The resulting reduction in through traffic will enable reallocation of carriageway space to pedestrians on key high streets including South Bridge, Minto Street and George IV Bridge. On some streets it may also be possible to allocate some space for cycling.

4.27 The exact means for delineating the extra pedestrian space has yet to be resolved but will need to balance protecting pedestrians from traffic, minimising the risk of tripping and risks to cyclists, taking into account the needs of people with mobility difficulties, visual impairments or other relevant special needs.

Making space in other high streets

4.28 While it is essential to enable physical distancing, in many of the city's high streets it is not possible to eliminate through car traffic therefore these areas will require other measures e.g. implementing changes to parking and loading areas.

4.29 Further work is required to define proposals but there are two broad options:

4.29.1 Setting aside extra space for pedestrians and public space 24/7; and/or

4.29.2 Marking out flexible extra pedestrian space that can be used for loading and possibly some parking outside core shopping hours.

4.29 Examples of locations where footways could be widened, public space created and/or segregated cycle ways created in high street areas include: Morningside Road, Easter Road, Gorgie/Dalry, Great Junction Street and The Shore.

Reducing risk to pedestrians or cyclists who use the carriageway in the course of travel or exercise

4.30 The physical distancing guidance is encouraging people to walk in the carriageway far more than they would normally, to step into the carriageway to avoid passing too close to others and, in the case of cyclists seeking to keep their distance from people on the footway. Observations suggest that people are also choosing to walk and cycle along major roads in the suburbs in significantly higher numbers than pre COVID 19.

4.31 With low traffic levels these behaviours have not caused significant problems. However, as traffic levels increase the risks involved will also rise. With this in mind it is proposed to:

4.31.1 Bring forward the implementation of 30mph speed limits on all suburban main roads that currently have a 40mph limit; and

4.31.2 Urgently review streets with a 30mph limit where a 20mph limit would complement other measures being introduced.

Review of the Existing Active Travel Programme

4.32 To bring forward other schemes for implementation, officers are undertaking a review of the existing active travel programme to identify which routes could be brought forward to support the aims and measures set out in paragraphs 3.6, 4.4, 4.5 and Appendix 1.

PMO Support for the Active Travel Programme

4.33 The current active travel programme stretches over five years and has a value of £75 million.

4.34 The appointment of Turner and Townsend and Anturas Consulting was approved by Transport and Environment Committee on 20 June 2019. The two companies were commissioned to provide additional programme management capability and capacity for a number of infrastructure programmes including Active Travel, City Deal West Edinburgh Transport Improvements (CDWETI), Local Development Plan Action Programme (LDPAP) and Granton Waterfront Regeneration.

4.35 Given the importance of delivering safe schemes for walking and cycling in the short, medium and long-term to respond to COVID 19 and to ensure momentum is maintained on the wider active travel programme, Committee is asked to approve a waiver to the Council's Contract Standing Orders (CSOs) to extend this contract period to May 2021 to continue support for the active travel programme and to include the 'Spaces for People' schemes.

Legal Duties and Required Mitigation Measures in response to COVID 19

- 4.36 Appendix 3 outlines the impact of the current situation on the legal process for progressing traffic and other types of Order. It demonstrates how provisions within the Coronavirus (Scotland) Act 2020 (CSA) can be used to mitigate the current legal requirements. Broadly speaking, the CSA enables Councils to suspend some of the provisions that they might not currently be able to comply with.
- 4.37 This Appendix also shows the proposed measures that will replace existing statutory duties and requirements.

5. Next Steps

- 5.1 If the recommendations in this report are approved:
- 5.1.1 Officers will consult with local ward members and other public services to identify and prioritise routes and measures as set out in Appendix 2 for implementation;
 - 5.1.2 Officers will notify local ward Councillors when schemes are being developed in their local area, in advance of any formal notification. After formal notification is made, the Chief Executive will consult with the Council Leader and Depute in advance of scheme implementation. Committee will be updated as schemes are approved;
 - 5.1.3 The Council as roads authority, will adopt the approach outlined in Appendix 3 to all current and forthcoming legal processes;
 - 5.1.4 Officers will submit a bid to the Scottish Government for resources from the Spaces for People programme; and
 - 5.1.5 The contract with Turner and Townsend will be extended to March 2021 to support the delivery of these schemes and the wider active travel programme.

6. Financial Impact

- 6.1 It will only be possible to implement such a wide range of schemes if funding from the Scottish Government 'Spaces for People' programme is secured to cover the costs of the proposed schemes for making it safer for people to cycle and walk in the city.
- 6.2 Schemes will only be implemented where existing revenue or capital funding is in place or where Scottish Government funding is awarded. For Traffic Orders, this means ensuring that each programme budget includes provision for any additional advertising costs.
- 6.3 The value of the original appointment to Turner and Townsend (with Anturas Consulting) was £137,800 for active travel and the Local Development Plan Action

Programme. This was extended to £499,100 to the end of 2019 as approved by Finance and Resources Committee on [23 May 2019](#). The arrangement has been extended to May 2020 without any additional cost.

- 6.4 The further contract extension to Turner and Townsend and Anturas Consulting is expected to be £374,925 to 31 March 2021. This will be met from the active travel budget for financial year 2020/21 (which includes funding from the Council's capital programme as well as funding from Sustrans and Scottish Government).

7. Stakeholder/Community Impact

- 7.1 The changes being implemented and proposed in future will make it safer for people walking and cycling around the city and help sustain the city's bus network. It is also expected that this will lead to increases in the number of people choosing to walk or cycle and should lead to sustained improvements in air quality.
- 7.2 As part of the process for bringing forward the schemes in Appendix 2, it is intended to notify local ward Councillors when proposals are being developed within their ward.
- 7.3 Once schemes have been developed, the notification for TTROs will include all statutory stakeholders as well as local residents, businesses and places of worship who will be most significantly affected.
- 7.4 The risk of challenge on the direct award of a contract extension for PMO support for active travel is considered low due to the inherent developed knowledge of the individuals involved in relation to scoping the programme to date and understanding of the governance moving forward.
- 7.5 An integrated impact assessment has been prepared and is published on the Council website.

8. Background reading/external references

- 8.1 [City Mobility Plan](#).

9. Appendices

- 9.1 Appendix 1 - COVID 19 Cycling and Walking Emergency Response: Intervention Criteria
- 9.2 Appendix 2 – Summary of potential schemes
- 9.3 Appendix 3 - Legal duties and required mitigation measures in response to COVID-19

Appendix 1: Cycling and Walking Emergency Response (COVID 19)

Intervention Criteria

To enable people to safely make their essential journeys by foot and on bike and to take exercise by walking, cycling, wheeling or running, additional space is required. This space will have to come from the carriageways in the city's streets. Depending on the street in question, the carriageway at present may be:

- Used by residents to park their cars
- Used by customers visiting businesses to park their cars
- Used by motorised traffic, including buses
- Used by businesses to load goods in and out of their premises

Providing safe space for those walking, queueing to enter shops and cycling in the city by widening footways and providing protected cycle space on the carriageway will therefore have implications on these other uses. When deciding where in the city to make changes to our streets in response to this emergency, impacts on these other uses of the street have to be taken into account. The following points outline the underlying rationale for the Council's proposed approach:

1. Proposals should be consistent with the objectives of the Scottish Government/Sustrans 'Spaces for People' programme

For interventions to be considered under this programme of work, they will need to meet one or more of the funding criteria of the 'Spaces for People' programme. This funding programme will support work which mitigates the current public health risk by creating more space for people, so that they can maintain safe physical distancing whilst walking or cycling for exercise or essential journeys. These journeys may be to work (with a particular focus on key workers' destinations, such as healthcare centres), for food, or to greenspaces for exercise. All interventions must be implementable in a short timeframe.

2. Proposals should not undermine the long term viability of the public transport network.

- a. The existence of a comprehensive bus network, whilst currently affected, is critical in enabling Edinburgh's citizens, workers and visitors move around the city, access services and employment and thereby contribute to our economy.
- b. A good public transport network is also a core component in the city being able to achieve its 2030 Carbon Neutral goals. The long-term viability of the bus network must therefore be protected.

3. Wider measures supporting economic revival must still prioritise public safety

- a. As lockdown lifts, we want people to return to the city's high streets. Encouraging people to do so will play a part in supporting the city's economy recovery.
- b. For people to return to the high street, they must feel safe in doing so. This means providing adequate space for customers to queue outside businesses and for others to be able to pass them safely on the pavements.

- c. Providing the space for these wider pavements in high streets is likely to require the removal of parking on the carriageway in front of businesses and altered loading arrangements for those businesses.
- d. The loss of some customer parking for clientele will have some impacts and may be perceived by some businesses as making visits to the high street less appealing, at a time when the Council needs to economic recovery. However, ensuring the public can safely use the high street must be the Council's primary responsibility.

The above points will underpin the intervention assessment process. They will influence which delivery mechanisms are considered as an appropriate means to achieve the desired outcome: creating more space for people to travel and exercise whilst maintaining physical distance.

The following criteria have been generated in order to assess how effectively a proposed intervention will fulfil Sustrans objectives, whilst also ensuring other critical functions of the city's streets are maintained. This assessment process will allow the Council to prioritise inventions that will have the greatest benefit to public health and can be delivered in a short timeframe.

Projects with moderate to low risk mitigation will not be generally implemented if they are expected to have any significant negative impacts, particularly on public transport or emergency services.

Criteria		Assessment	
Covid-19 Risk mitigation	Very significant	Significant	Moderate to low
Benefit to pedestrians	high	medium	low
Benefit to people on bikes	high	medium	low
Impact on Public Transport	positive impact	neutral or minor negative impact	significant negative impact
Impact on emergency services routes	None or negligible	Minor	significant negative impact
Impact on people with Mobility difficulties or visual impairments	positive impact	neutral or minor negative impact	significant negative impact
Impact of diverting traffic	none to minor	moderate	significant
Impact on residential parking	none to minor	moderate	significant
Impact on public parking	none to minor	moderate	significant
Impact on business servicing	none to minor	moderate	significant
Cost	low	moderate	high
Ease of operation	easy	moderate operational burden	high operational burden

Appendix 2 – Proposed Schemes for Implementation

Note 1

This Appendix shows the measure or measures considered likely to be appropriate for the street or neighbourhood concerned. However, all proposals are subject to a detailed design and risk assessment process being followed. This may result in an alternative approach or modified measures. The design process will consider all road users, including pedestrians, cyclists, public transport and particularly people with mobility or visual impairments, whilst maintaining appropriate access for residents and businesses.

Note 2 - Expected timescales

This table includes indicative timescales for delivering proposed measures. However, the timescales for medium and longer term schemes may be extended as the design and implementation timescales are dependent on funding and/or availability of materials and contractors.

- (S) Short = by end May
- (M) Medium = by end June
- (L) Longer = July or later

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Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
SHORT-TERM PROPOSALS						
Space for exercise	Dundee Street at Fountainbridge and Viewforth	Installation of bus gates on Dundee St at	The Union Canal towpath is extremely busy. Dundee Street at Fountainbridge	Provide a very low traffic alternative to the Union Canal towpath.	Not in this form. Permanent	S

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
Travelling Safely		Fountainbridge and closure of Viewforth. Some temporary cycle segregation on Dundee Street.	provides an alternative route but is usually an unpleasant environment for cycling.		project for cycle segregation is at start of design process.	
Space for exercise	Braid Hills Drive/ Road	Investigating options to increase space for exercise in this area.	Hermitage of Braid is very busy with people walking and cycling. Braid Hills Drive/ Road is spacious and potentially a pleasant alternative to the Hermitage, but is unsuitable for exercise because traffic, though light, travels at higher speeds. For the majority of the road there is only a single, relatively narrow footway.	Increase available space for walking and cycling with the potential to reduce the speed limit to improve road safety.	AP	S
Space for exercise	East Fettes Avenue	Road Closure	This route is used by the surrounding community accessing Inverleith Park and for access to the Western General Hospital.	This will provide more space for pedestrians and cyclists to access Inverleith Park and the		S

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
			The footways on this road are narrow.	Western General Hospital.		
Space for exercise Travelling Safely	Stanley St/Hope Lane	Road closure at a specific point on the road.	Provide a quiet alternative to major roads.	Provide an alternative low traffic corridor for people to walk and cycle along, including when accessing nearby greenspaces (such as Figgate Park) for exercise	In Safer Routes to School programme	S
Space for exercise Travelling safely	Arboretum Place	Road closure at a specific point on the road.	This route is used by the surrounding community accessing Inverleith Park.	This will provide more space for pedestrians and cyclists to access Inverleith Park	No	S
Space for exercise	Curriehill Rd	Road Closure just north of Curriehill station car park	Water of Leith path is narrow but popular for exercise, making social distancing difficult.	This road closure could provide a good alternative to Water of Leith path for exercise. Currently it is not suitable because traffic, though light, travels at higher speeds along this road.	No	S
Space for exercise	Ravelston Dykes	Investigating options to improve access to	This road provides access to Corstorphine Hill from	Improve access to this area by pedestrians with	No	S/M

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
		Corstorphine Hill from the east	the east but footways are narrow.	the possibility of reducing traffic on this road.		
Space for exercise Travelling safely	Ravelston Terrace	Road closure at a specific point on the road.	Water of Leith has seen significant increase in usage, which, given the nature of the path, makes social distancing difficult.	Combined with Ravelston Dykes, this closure provides both a long alternative exercise stretch to water of Leith for local community, and low traffic access to Corstorphine hill.	No	S/M
Space for exercise	Warriston Road	Road closure north of the entrance to St Marks Park	This road has very narrow footways. The North Edinburgh Path Network can be accessed from here but through traffic on the road makes it a less popular route.	This would provide a virtually traffic free environment for exercise by closing this road.	No	S
Space for exercise	Cairnmuir Road	Road closure	This road provides access to Corstorphine Hill from the west but footways are narrow.	This closure would provide an almost traffic-free approach to Corstorphine Hill from Clerwood and East Craigs.	No	S
MEDIUM/LONGER TERM PROPOSALS, INCLUDING CITYWIDE OR EXAMPLE PROPOSALS						

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
Space for exercise	West Harbour Rd	Temporary cycle segregation	Safety concerns for people cycling between Granton/Trinity Promenade and Silverknowes Promenade	This would provide a traffic free cycle route between Granton/Trinity Promenade and Silverknowes Promenade	IP/AP	M
Space for exercise	Other	various	If other issues come to light then appropriate measures will be taken depending on local circumstances	See left	No	S/M/L
Space in the city centre	Bank Street	Installation of a Bus Gate	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return	Reduce through traffic and enable temporarily widened pavements on this street and/or elsewhere in the centre.	IP	L
Space in the city centre	North Bridge or alternative location on	Installation of a Bus Gate	Busy and narrow footways at this location mean physical distancing will be impossible as people return	Reduce through traffic and enable temporarily widened pavements on this street and elsewhere in the centre.	No	L
Space in the city centre	Market Street	Installation of a Bus Gate	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return	Reduce through traffic and introduce temporarily widened pavements on this street and elsewhere in the centre.	IP	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
			impossible as people return			
Space in the city centre	East Princes Street	Installation of a Bus Gate	Busy footways on this street and others leading to it will make physical distancing very difficult as people return	Reduce through traffic and introduce temporarily widened pavements on this street and/or elsewhere in the centre.	CCT	L
Space in the city centre	Waverley Bridge Closure	Road Closure/ bus gate	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return	Reduce through traffic and introduce temporarily widened pavements on this street and/or elsewhere in the centre.	CCT	L
Space in the city centre	Canongate	Installation of a Bus Gate or other restrictions	Busy footways on this street and others leading to it will make physical distancing very difficult as people return	Reduce through traffic and introduce temporarily widened pavements on this street and elsewhere in the centre.	CCT?	L
Space in the city centre	Minto St/Bridges Corridor	Temporary footway widening	Busy footways on this street and others leading to it will make physical distancing very difficult as people return	Widened footways to allow people to access shops, cafes and restaurants safely. Restrictions and alterations of parking and loading provision on the	No	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
				Street will likely be required.		
Space in the city centre	George IV bridge	Temporary footway widening and cycle-segregation	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return.	Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and loading provision on the Street will likely be required.	IP	L
Space in the city centre	Morrison Street (western/Haymarket section)	Temporary footway widening with parking and loading restrictions	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return.	Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and loading provision on the Street will likely be required.	IP	L
Space in the city centre	Other streets	Temporary footway widening with parking and loading restrictions	Busy and narrow footways will mean physical distancing will be impossible as people return.	Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and	IP	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
				loading provision will likely be required.		
Space in the city centre	Other streets eg:	Temporary cycle segregation	See Travelling Safely section - main roads			
Space in the city centre	Victoria St	Road Closure and reduced parking	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return	Enable people to use the full width of the street for walking. Restrictions and alterations of parking and loading provision on the Street would need to be investigated.	CCT	M/L
Space in the city centre	Cockburn Street	Road Closure and reduced parking	Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return	Enable people to use the full width of the street for walking. Restrictions and alterations of parking and loading provision on the Street would need to be investigated.	CCT	M/L
Space in high streets	A number of examples across the city, likely including: Morningside Road, Easter Road, Gorgie/Dalry,	Temporary footway widening or creating more space for businesses	Busy and narrow footways will mean physical distancing will be impossible as people return	Widened footways to allow people to access local streets safely. This would have to be facilitated by restrictions and alterations of parking and loading provision on the Street. Monitor	No	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
	Great Junction Street, The Shore			COVID 19 guidelines and consider creating additional public space around businesses if appropriate.		
Travelling safely	Citywide	Introduce automatic green-man phase at selected traffic lights	There is a risk of infection from people pressing the pedestrian call button at traffic signals	For the UTC controlled traffic signals (and other key junctions for pedestrians), reduce the need to press the call button by automating this (likely retain push button control 11pm to 7am due to noise issues).	No	M
Travelling safely	Citywide	Reduce pedestrian waiting times	People congregating in groups while waiting to cross the road	For the UTC controlled traffic signals (and other key junctions for pedestrians), reduce the waiting time at traffic lights for pedestrians. The impact on delays, especially to buses is likely to restrict the application of this measure.	AP (investigate)	M/L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
Travelling safely	Citywide, streets where other initiatives to re-allocate space are taking place	Remove pedestrian guardrails	Guardrails constrain people onto existing, often fairly narrow, footways	Enable people to step off footway, especially in places where these have been temporarily widened.	IP	L
Travelling safely	Old Dalkeith Road	Temporary cycle segregation	Commuters to Edinburgh Royal Infirmary encounter increasing traffic when socially distancing	Provide improved separation for cyclists from traffic by installing 'wands' or similar measures	IP	S/M
Travelling safely	Crewe Road South	Temporary cycle segregation	Commuters to Western General Hospital encounter increasing traffic when socially distancing	Provide improved separation for cyclists from traffic by installing 'wands' or similar measures	IP	M
Travelling safely	Crewe Rd South /Orchard Brae and Crewe Toll	Improve cycle measures at these roundabouts	Commuters to Western General Hospital encounter increasing traffic when socially distancing - roundabouts are difficult to negotiate on a bike	Provide safer conditions for cyclists by using some form of segregation	IP (part)	M
Travelling safely	Gilmerton Road	Low cost cycle segregation	"People cycling (including novice cyclists) encounter increasing traffic when socially distancing	Provide improved separation for cyclists from traffic by installing 'wands' or similar	IP (Main roads study)	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
				measures as part of planned Renewal project		
Travelling safely	Mount Vernon Road and Kingston Avenue	Road Closure	People seeking to connect to segregated cycling on Gilmerton Rd encounter rat-running traffic on narrow streets	Provide low traffic connections from Lasswade Rd and Old Dalkieth Rd to Gilmerton Rd	No	L
Travelling safely	Liberton Road, Craigmillar Park and Minto Street (i.e. between Lasswade Road to Salisbury Road)	Introducing a 24-hour bus lane with parking and loading restrictions	People cycling (including novice cyclists) encounter increasing traffic when socially distancing and can't avoid conflicts off-peak due to parked and loading vehicles	Provide better protection for cyclists while retaining bus priority	No	L
Travelling safely	West Coates from Wester Coates Road to Magdala Crescent	Temporary cycle segregation	"	Provide improved separation for cyclists from traffic by installing 'wands' or similar measures	IP	M
Travelling Safely	Locations where bus lanes provide particular benefit for protecting cyclists from other traffic, or where they will help	Consider introducing 24-hour bus lanes with parking and loading restrictions	As above in relation to cycling. There is also a very important consideration in relation to maintaining the viability of the city's bus service and enabling services to	Provide additional priority for buses and for cycling	No	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
	protect bus service frequency - needed for social distancing eg: Milton Rd, Queensferry Rd (new bus lanes)		operate at a speed, and therefore frequency, that will facilitate space and distancing on the buses.			
Travelling Safely	Bus stops citywide	Rationalisation	Need to maintain the viability of the city's bus service and enable services to operate at a speed, and therefore frequency, that will facilitate space and distancing on the buses.	Facilitate efficient operation of bus service and therefore availability of frequent enough service to help with distancing on the vehicles.	No	L
Travelling safely	Other main roads: e.g.: Milton Rd (sections without bus lanes) Seafield Rd, Portobello Rd, Telford Rd,	Temporary cycle segregation	People cycling (including novice cyclists) encounter increasing traffic when socially distancing	Depending on widths, parking/ loading issues etc, consider installing temporary segregation	IP	L

Theme(s)	Location	Type of intervention (subject to design process see note 1)	Issue	What intervention will do	Included in the Active Travel Investment Programme (IP) or ATAP (AP)	Likely Time scale (see note 2)
Travelling safely	Neighbourhoods across the city. Examples of live projects include East Craigs and Leith	Liveable neighbourhood. Road closures etc to reduce through traffic	People walking and cycling (including novice cyclists) encounter increasing traffic when socially distancing. Community driven project	Close selected roads to enable local trips to be made safely, especially to parks etc and schools	No	M/L

Appendix 3 – Legal duties and required mitigation measures in response to COVID-19

The management and control of the road network is one of the key responsibilities of the Council in its role as roads authority. Where the Council determines a need to make changes to the management or control of a road, there are legislative requirements not only in terms of what the Council can do, but there are also requirements in terms of the processes that must be followed to bring about those changes.

There are three main pieces of legislation that provide powers in terms of what changes are permitted:

- The Road Traffic Regulation Act 1984 (RTRA);
- The Roads (Scotland) Act 1984 (RSA); and
- The Town and Country Planning (Scotland) Act 1997 (TCPA).

These pieces of legislation cover the majority of different legal orders that the Council can promote in its role as Roads Authority, such as:

- Parking and yellow lines
- Moving traffic (bus lanes, banned turns, one-way streets, speed limits etc)
- Temporary Orders (for road works or where there is a danger to the public etc)
- Redeterminations; and
- Stopping Up orders.

The RTRA and RSA are further backed up with specific regulations that explain the legal processes that must be followed and the requirements that must be met in promoting related orders. The TCPA itself contains details of the processes that must be followed for orders promoted under this Act.

However, the processes that must be followed are, with the exception of the TCPA, contained in separate pieces of legislation. These processes are legal requirements, provided so that roads authorities can ensure that the road network operates as they intend it to, that road users are protected (both legally and physically) and that appropriate enforcement action can be taken when required.

For permanent traffic orders, experimental orders and speed limit orders, **The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999** set down the legal process that must be followed.

For Stopping Up and Redetermination Orders, the requirements are contained within **The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (procedure) (Scotland) Regulations 1986**.

Finally, for temporary restrictions, the processes are set down in **The Road Traffic (Temporary Restrictions) Procedure Regulations 1992**.

Within these three separate pieces of legislation are broadly similar requirements that determine what actions local authorities must take when proposing, advertising and making the different types of orders. Those requirements can be broadly summarised as follows:

- Consultation with statutory bodies.
- Consultation with other organisations representing those likely to be affected.
- Advertisements placed in the local press.
- Placing Notices on-street to advise of the proposed changes.
- Placing all documents related to the draft order on public deposit at the Council's offices.
- Considering any objections received and,
 - where it is within the local authority's power to do so, determine whether the advertised order should be made, either in whole or in part; or
 - where it is not within the local authority's power to determine the outcome, referring those objections to the Scottish Government.

Proposed Changes to Traffic Order Processes during COVID 19 restrictions

Under the current lockdown situation, compliance with some of the above requirements will no longer be possible. The provisions within the recently introduced Coronavirus (Scotland) Act 2020 do, however, make certain allowances that will enable local authorities to make alternative arrangements, where possible, so that legal processes can continue.

The following sub-sections detail the implications for the different requirements of the legislative processes, as well as suggesting alternative approaches where it is considered that such alternatives are practical.

1. Consultation with statutory bodies/ Consultation with other organisations representing those likely to be affected

Common practice to send notifications of all orders by email. The only current exception is the Scottish Ambulance Service, who have not provided a central contact email for correspondence. Letters can be sent as normal using the MyLetters automated printing and mailing service.

Recommendation: No action required. This aspect of the legal process can continue unaffected by the current lockdown.

2. Advertisements placed in the local press

Adverts placed in the local press tend to go into both the physical print version of the paper and the online version. While there may be some risk to the public of handling print newspapers, that risk is no greater than handling other purchased items.

The new Act does permit local authorities to dispense with requirements if they are of the view that doing so:

- (a) may give rise to a significant risk of the transmission of coronavirus, or

- (b) is likely to be ineffective or inappropriate due to action taken in order to control the incidence or transmission of coronavirus.

It is considered that publication in a local newspaper, especially where that publication includes an online version of the published notice, remains a valid means of highlighting the proposed measures and can reasonably be used to direct interested parties to other online facilities where further details of the proposal can be viewed.

Recommendation: No action required. This aspect of the legal process can continue unaffected by the current lockdown.

3. Placing Notices on-street to advise of the proposed changes

It is common practice to erect notices on-street for the majority of Orders processed by City of Edinburgh Council. Legally, such Notices are a statutory requirement for the following Order types:

- Stopping Up Orders
- Redetermination Orders
- Temporary Traffic Regulation Orders (including 5 day Notices)

Notices may, at the discretion of the roads authority, also be erected for permanent or experimental traffic regulation orders, parking orders and speed limit orders. However, they are not a legal requirement in such instances.

In the current lockdown situation, it is not considered appropriate to require Council staff, or others, to erect such Notices on-street. Such work would be contrary to current guidance and would put those carrying out that work at unnecessary risk of contracting or spreading Covid-19.

The provisions of the new Act effectively remove the duty to erect notices, but require that the authority give consideration to other measures that could be put in place of that duty.

The Council currently places full details of all Orders on our website as well as on the Scottish Government's site (www.tellmesotland.gov.uk). There are, however, further steps that could be taken to publicise proposals:

- Use social media, either through existing channels or through dedicated channels sets up specifically for the purposes of highlighting proposals
- Identify local notice boards, such as those found outside schools, libraries and community centres
- Utilise notice space in local shops or post offices
- Use radio ads to direct interested parties to the Council website

In the instances in the list above where it is proposed to utilise Notice Boards, it is suggested that this could simply be a means of generally advising where to find proposals for your area, i.e. no specific proposals would appear, nor would there be a need to maintain the information. It would be a one-off placement of information that would generally advise interested parties to visit the Council's website to view

any active proposals for their area. A similar approach could be used for shops and Post Offices, where a single, non-specific Notice could be posted with links to the Council's website.

In the case of temporary orders (TTROs), no information is currently placed onto the Council's website. If the duty to erect Notices for TTROs is to be replaced, then consideration must also be given to making details of every TTRO available online.

Recommendation: In order to comply with Government guidelines, to maintain social distancing and to prevent the transmission and spread of Covid-19, that the Council agree to temporarily suspend the use of on-street Notices to publicise current and forthcoming roads-related Orders of all types and that alternative means of publicising such orders will be adopted, with:

1) general information on where to find information relating to current consultations:

- Placed on local Notice boards
- Placed in shops and Post Offices where available
- By Radio Advertisement

2) Specific information on individual proposals on appropriate social media

4. Placing all documents related to the draft order on public deposit at the Council's offices

Documents are currently placed on deposit at Waverley Court. While the legislation is not specific, the requirement is that documents should be "available for inspection at the authority's offices during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine". With proposals regularly consulted upon across our authority area, Waverley Court is a central and accessible location at which to view documents.

With Waverley Court and other Council buildings closed to the public and government advice effectively restricting journeys to those for daily essentials and exercise, it is not considered that the public deposit of documents is possible at this time. For the avoidance of doubt, even if Council building were open, the public deposit of documents and their inspection by the public is a measure that is neither necessary or appropriate at this time.

If this duty is, under the terms of the new Act, to be suspended, then the Council has to consider what measures will replace that duty. With all of the documents that are currently placed on deposit, in compliance with the requirements of the procedure regulations, already being available to view on both the Council's website and on [Tell Me Scotland](#), it is not considered that any further measures are required.

Special reference will need to be made in all correspondence indicating that the public deposit element of advertising, making and/or confirming Orders has been temporarily suspended. That correspondence should also indicate the reasons for suspension, which would be to prevent the spread of Covid-19 and to avoid the

situation where members of the public were expected to make unnecessary journeys to view documents.

Recommendation: In order to comply with Government guidelines, to maintain social distancing and to prevent the transmission and spread of Covid-19, the public deposit element of advertising, making and confirming of Orders will be suspended and that the publication of the information required by the legislation on both the Council's website and on tellmescotland will effectively replace that duty.

Considering objections received

Objections received to any advertised or proposed Order fall into two distinct categories:

- Those where it is within the local authority's power to consider the objection and to determine whether the advertised order should be made, either in whole or in part; and
- Those where it is not within the local authority's power to consider the objection and determine the outcome

In the case of the latter scenario, any objections must be referred to the Scottish Government for their consideration. This typically results in the Scottish Government taking steps to arrange a public hearing.

The Council's legal obligations in terms of considering objections remains largely unaffected by the current lockdown. With officers now having the authority to determine the course of action where there are less than 6 objections per order or per individual street/location, decisions on such Orders can continue to be made at a senior management level.

For Orders with more than 6 objections, those Orders would need to be referred to a suitable Committee. This remains a practical solution under lockdown and the current setup of Policy and Sustainability Committees allows the Council to take the necessary decisions in such situations.

While the situation is more complicated for objections that need to be referred to the Scottish Government, those referrals remain possible in the current situation, although it is unlikely that any public hearings will be held until progress is made in containing Covid-19.

Recommendation: There are no immediate implications for the Council and no additional measures are required.

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