

City of Edinburgh Council

10.00am, Thursday, 21 November 2019

Amendment to Scheme of Delegation to Officers for Traffic Orders

Executive/routine	Executive
Wards	All
Council Commitments	N/A

1. Recommendations

- 1.1 It is recommended that Council:
 - 1.1.1 Approves the proposed amendment to the Scheme of Delegation to Officers as set out in Section 4 of this report;
 - 1.1.2 Agrees that the amendment takes effect from 22 November 2019; and
 - 1.1.3 Notes that, except in exceptional circumstances, future changes to the Scheme of Delegation to Officers will come forward as part of a corporate report detailing proposed changes across the Council.

Paul Lawrence

Executive Director of Place

Contact: Ewan Kennedy, Senior Manager - Transport Networks

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

Amendment to Scheme of Delegation to Officers for Traffic Orders

2. Executive Summary

- 2.1 This report seeks approval to amend Part 86 of the 'Traffic' section in Appendix 5 of the [Scheme of Delegation to Officers](#). The proposed amendment will delegate powers to officers to make traffic orders covering several discrete locations where there have been no more than six material objections per location.

3. Background

- 3.1 Traffic orders such as Traffic Regulation Orders (TROs) govern what vehicles can do on streets and can include the closure of roads, the definition of parking and loading areas, and the setting of traffic speed limitations. Traffic orders are undertaken by local authorities through a process of technical assessment and public/stakeholder engagement. The [Road Traffic Regulation Act 1984](#) sets the legislative requirements around how traffic orders are made.
- 3.2 The timeous processing of traffic orders is crucial to the Council delivering programmed street improvements which meet identified needs and demands, either as part of major placemaking and active travel projects or where making more discrete localised changes.
- 3.3 On a wider note and in support of the aim to process traffic orders timeously, significant progress has been made by The City of Edinburgh Council in securing changes to the recently approved [Transport \(Scotland\) Bill](#). These changes will provide an opportunity to streamline the traffic order process further whilst maintaining an appropriate level of stakeholder and public scrutiny.

4. Main report

- 4.1 An adjusted Coalition Motion requesting an amendment to the Scheme of Delegation to Officers relating to traffic orders was approved by Full Council on 13 December 2018 (refer to Appendix 1 of this report).
- 4.2 The amendment gave officers delegated powers to make orders where there have been no more than six material objections to help streamline the process, whilst

ensuring an appropriate level of public scrutiny for the more contentious proposals. Where more than six objections are received, orders are referred to the Transport and Environment Committee for a decision.

- 4.3 In some cases, however, a single traffic order can cover several discrete locations, such as the delivery of multiple secure cycle parking hangers across the city. For projects such as this, flexibility is needed in the Scheme of Delegation to Officers to allow for the consideration of each location separately in relation to the number of objections received.
- 4.4 A further amendment to the Scheme of Delegation to Officers is therefore proposed. This change would affect Part 86 under the 'Traffic' section in Appendix 5 as follows (in red italics):
86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no more than six material objections received by the public. *Where an order under the above-noted sections of the Road Traffic Regulation Act 1984 covers locations in different streets, or contains no other proposals located within 100 metres in the same street, the order can be made under delegated powers where there have been no more than six material objections per location.*
- 4.5 The flexibility that this amendment would provide will support the efficient and timeous processing of traffic orders, ensuring that only the more contentious locations (where more than six objections have been received) are determined through the committee process.
- 4.6 The amendment would also avoid the need to make separate traffic orders for each discrete location, which would be resource intensive, costly (particularly because each traffic order must be advertised at a fee) and may result in significant delays to the delivery of these types of projects.

5 Next Steps

- 5.1 If Council approves the proposed amendment, the change to the Scheme of Delegation to Officers will take effect on 22 November 2019.
- 5.2 All future changes, except in exceptional circumstances, will be presented as part of a regular review of the Scheme of Delegation to Officers.

6 Financial impact

- 6.1 There are no financial implications arising from this change.

7 Stakeholder/Community Impact

- 7.1 An appropriate level of stakeholder and public scrutiny will be maintained as a result of this proposed amendment.

8 Background reading/external references

- 8.1 Current approved [Scheme of Delegation to Officers](#)

9 Appendices

- 9.1 Appendix 1 – Adjusted Coalition Motion, Full Council 13 December 2018.

Adjusted Coalition Motion, Approved at Full Council 13 December 2018

- 1) To approve the introduction of Grant Standing Orders and agree Appendix 1 to the report by the Chief Executive to take effect from 14 December 2018.
- 2) To repeal the Scheme of Delegation to Officers and approve in its place Appendix 2 to the report, such repeal and approval to take effect from 14 December 2018.
- 3) To request that an amendment be made to the Scheme of Delegation so that officers shall have delegated powers to make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 where there had been not more than 6 material objections
- 4) To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the documents set out in Appendices 1 and 2 to the report as may be necessary to implement the decision of the Council in relation to this report and to produce a finalised version of the documents.