

CITY OF EDINBURGH COUNCIL
GOVERNANCE, RISK AND BEST VALUE COMMITTEE

Item No 3

10 AUGUST 2021

DEPUTATION REQUESTS

Subject	Deputation
3.1 In relation to Item 8.1 – Internal Audit Annual Opinion for the year ended 31 March 2021	South West Edinburgh in Motion (written submission only)



SWEM

South West Edinburgh in Motion

6 August 2021

Deputation by South West Edinburgh in Motion (SWEM) to the Governance, Risk & Best Value Committee, Tuesday 10 August 2021

Agenda item 8.1: Internal Audit Annual Opinion for Year Ended 31 March 2021

Thank you Convenor and committee members for reading this written deputation.

South West Edinburgh in Motion is a community group set up in November 2020, following CEC voting to implement the Spaces for People scheme in Lanark Road and Longstone in spite of strong public concern evidenced by a petition of over 1,300 signatures, and 300 email objections (in comparison with 19 supportive and 10 neutral)..

Our purpose is to push for proper community consultation for any changes to local streets for the benefit of local residents and businesses as well as visitors and customers, to achieve equality and evidenced safety.

We believe our purpose aligns with that of this committee. Robust community consultation supports good governance, minimises risks in many areas and can ensure best value to meet council objectives.

We are reassured that an internal audit was carried out for Spaces for People as part of the annual audit programme. We note there are several areas of concern raised, some which may have been addressed and some that remain outstanding.

We note that the audit was for the period ending October 2020.

Since SWEM formed in November 2020, we have uncovered a catalogue of issues relating to Spaces for People that we believe will be of concern to this committee.

We therefore request that the committee approves further audits or logging of risks in these areas as a matter of urgency.

1. Misleading Integrated Impact Assessment
2. Consultation approach failing to meet council's own quality standards
3. Consultation data protection breach
4. Reliance on flawed market research introducing new risk
5. Supplier conflicts of interest
 - 5.1. Research carried out by organisations that stand to benefit if the research has a positive response.
 - 5.2. Road safety audits carried out by the same company designing the scheme in effect marking their own work.
6. Collision data missing from Road Safety Audit briefing process
7. Failure to log near miss or accident data
8. Failure to manage complaints in line with SPSO guidelines for local authorities
9. Questionable process for recommending and prioritising schemes
10. Lack of data to justify scheme designs or requirement for schemes

These points are expanded below.

1. Misleading Integrated Impact Assessment

The published [Integrated Impact Assessment for Lanark Road and Longstone](#) was signed off by a Head of Service on 12 January 2021, long after the initial high-pressure emergency pandemic response in April and May 2020.

It contains a number of untrue and misleading statements, as well as using out-of-date data. There are far too many to list here, but one example relates to Impacts on disabled people. The document states in the section for positive impacts that the “*Street will have more space so will be easier to navigate*” then lists affected populations as “*All, particularly relevant for people with disabilities and mobility challenges, older people, partially sighted or blind people and people with pushchairs.*”

However there are no areas in the design providing any benefit to people from these groups at all. **In fact, the design has had a significant negative impact for these groups.** The council was aware of this as this was made clear in response to the Stakeholder Notification in September by organisations representing the disability sector and the council dismissed their concerns.

In her ruling on the Streetspace scheme in Bishopsgate London, Justice Lang highlighted concerns that the Equality Impact Assessments were seen as “tick box exercises”. The example above goes beyond that as it includes information the council knows to be untrue.

According to CEC’s own [Equality and Diversity Framework 2021 - 2025](#), 32% of Edinburgh’s population are living with a disability.

The risk to the council here is clear - both legally, reputationally and ethically. Edinburgh Access Panel, RNIB and Guide Dogs have already made a deputation to the Transport and Environment Committee on 17 June 2021, asking for an independent third-party national review of Spaces for People.

We request an urgent review (and correction) of the IIA for Lanark Road and Longstone and the process through which it was created, approved and published. It may also be relevant to do this for all other SFP schemes in Edinburgh. The urgency of the request is in the context of the proposal to retain the Lanark Road and Longstone schemes through an ETRO and with proposed design adjustments released by the council last week failing to address any concerns about impacts on disabled people.

The deeper concern is that the council’s approach to IIAs – at least as far as Spaces for People is concerned – has been that of a “tick-box” exercise, with a single template being tweaked, rather than the impacts of each scheme being assessed on their own merits.

2. Consultation approach failing to meet council’s own quality standards

At the Policy & Sustainability Committee on Tuesday 20 April 2021, there was a report into the [Covid-19 Engagement and Consultation Approach](#) as item 7c under the Best Value Assurance Audit Response.

It stated that “**2.4 The policy formalises the Council’s existing consultation framework; seeks to build skills and capacity of colleagues undertaking consultation and engagement; and establishes a process of signoff for key / significant consultations. This would be managed by an officer group but, where needed, signoff would be escalated to CLT.**”

To the general public reading this, it seems to say quite clearly that this is simply formalising what is in place already, with process and training adjustments. There is no reason to believe that the fairly common-sense quality standards included within this, in relation to consultation, would not be routine already.

[SWEM delivered a deputation](#) (from p5 on this link) highlighting how the SFP consultation running at the time did not meet the stated measures for many of the quality standards, and gave several examples of failings with this under the headings of:

- Genuine - Measures:
 - Consultations are open for a minimum of 12 weeks to allow adequate time for consideration and response (unless there is an overriding licence or other regulatory or statutory requirement).
- Inclusive & Accessible - Measures:
 - Supporting documents and multimedia are not overly lengthy or detailed,
 - Physical and language barriers to participation have been minimised.
 - People are given a variety of methods and opportunities to provide their views.
- Informative - Measures:
 - Enough information is given to ensure participants understand issues, can consider proposals and give informed responses;
 - There is clarity about what participants can and cannot influence through the consultation process;
 - Timescales for the process are clear

No action was taken to halt or change the approach. Over £60,000 of taxpayer money has been spent on this consultation and 17,600 people have spent on average half-an-hour providing a submission. Once the results were in, showing opposition across the board, it appeared to the public that the council ignored this opposition and made its policy decisions on SFP without even considering the comments that respondents had taken the time to provide.

The council prepared a report prior to analysing the comments from the consultation.

It is noted from the internal audit report that something similar happened with the Commonplace tool where the full comments had not been analysed 4 months after the survey closed as it says in point 6 of the observations on p4 of the internal audit report: *“Given time taken to analyse responses, the full population of responses received had not been cross referenced to ongoing SfP initiatives and incorporated (where appropriate) into the prioritisation process prior to completion of the audit (October 2020). It is acknowledged that work was in progress to summarise key themes and map them against initiatives for subsequent Transport and Economy Committee paper.”*

Returning to the Spaces for People consultation, the council decided to base decisions more strongly on the independent market research which was presented as providing a more positive response and being more statistically significant. However this research is seriously flawed (see below).

This hasn't just created a possible reputational risk for the council. **This has seriously damaged the council's reputation in the eyes of thousands of Edinburgh citizens and creates a new risk of lack of engagement in future consultations, which will reduce the effectiveness of the council over the longer term.**

Best value is not being provided by the taxpayer, as survey data is not fully analysed within a reasonable time before decision making occurs. Below we also highlight how these surveys are commissioned even though the council already has a wealth of public

correspondence which it has not even categorised, responded to or perhaps even read. In this context, it is hard to see how extra spend on consultations, surveys and research is justified.

In the internal audit document on p6 under Finding 3 for Financial and Budget Management, in the Management Comments section, there is no hint of the issues above (and below) where it says: *"In January 2021 Transport and Environment Committee approved taking forward a consultation on next steps for Spaces for People programme. The outcome of this was reported in June 2021."*

We request an urgent review into how the council is conducting and using consultations.

3. Consultation data protection breach

The responses of 17,600 people in the consultation were published, fortunately without comments, emails or names, but over 1,000 had full postcodes published, along with personal data which could identify individuals. **This was handled quickly by the council, but only because SWEM alerted the council to the data breach after the data had been live for several days.** It is a concern that the council now wants to routinely capture email addresses and postcodes for consultations and the public will have no trust in this.

We request that additional data capture in this context is logged as a risk.

4. Reliance on flawed market research introducing new risk

At the full council meeting on 24 June 2021, [Keep Edinburgh Moving \(of which SWEM is part\) made a deputation highlighting serious concerns with the independent market research costing nearly £12,000.](#) (See from p69 on this link.)

There are too many issues to highlight here, but they included limited sample size (583 respondents) for the huge number of schemes (80+) being assessed, spam entries, limited representation of people with disabilities, technical problems, content problems with people being asked their opinion of schemes that didn't exist, high levels of self-contradictory responses etc.

This has serious issues for governance and risk as it led to:

- **Governance risk.** Factually incorrect statements being included in a council report to committee which was voted on for approval.
- **Equalities risk.** Incorrect information in the Integrated Impact Assessment for the proposed retention of schemes. The assessment refers to the market research findings as 'evidence of unmet need' and quotes, as certainties, numbers that we now know to be invalid. This document is critical to the process that ensures the council meets its obligations under equalities legislation and therefore must be accurate.
- **Financial risk.** To be eligible for Places for Everyone funding, Sustrans most recent Design Guidelines state a requirement to "develop ideas collaboratively and in partnership with communities". Their "Spaces for People Route Map to Permanence" states that six key actions must be evidenced to support recommendations and inform politicians. The first two of these are: "Update or undertake a project-specific Equality Impact Assessment" and "Carry out meaningful engagement and consultation". **The flawed research and dismissal of the public consultation mean the first two actions have not been achieved, so it is hard to see how funding could be legitimately justified.**

Residents will progress through the council formal complaints process in relation to this market research and expect to escalate to the Market Research Society due to apparent breaches in the code of conduct. Ultimately it may be appropriate to escalate to the Scottish Government procurement team who approved the agencies for inclusion on the framework of suppliers. However it may turn out that the issues are more with what the council asked of the agencies, rather than what the agencies did.

Regardless of outcome, this will take time and the decisions informed by the research will soon lead to implementation leading to increased risk. Full council voted for 'no action' on this matter on 24 June, but an urgent investigation is needed if the same mistakes are not to be repeated.

5. Supplier conflicts of interest

We note two types of conflict of interest which have been apparent during Spaces for People

5.1 Research carried out by organisations that stand to benefit if the research has a positive response.

- Aecom was commissioned to carry out research in East Craigs when they would be awarded the contract for design work if the scheme went ahead. This led to significant damage to levels of public trust with the council, and the community had to crowd-fund their own more robust independent research.
- The internal audit report talks positively about Sustrans Commonplace survey, suggesting that the main risk is losing access to the data. However the internal audit does not highlight how ultimately Sustrans, awarded funding by the Scottish Government to work with local authorities to implement active travel, will find it in its interests to deliver research outcomes showing positive support for measures it wishes to introduce. For example in the Commonplace survey, respondents were prompted to select Sustrans-suggested solutions. It was also impossible to tell how many individuals participated. It is not clear whether internal auditors are aware that individuals could submit multiple and unlimited responses, so 4,000 responses could in theory be made by relatively few individuals. Like the East Craigs community, SWEM had to commission independent research with over 1,000 responses as there were only around 30 responses out of the 4,000 on Commonplace relating to the area covered by the 4.4 miles of carriageway of the Lanark Road and Longstone scheme. SWEM fears the benefits of this survey as evidence of community consultation have been overstated in the internal audit report. Only a handful of schemes seem to have been informed by it in any way and most, if not all did not begin installation as a pandemic response until January 2021, in spite of the survey being run in June 2020. Schemes like Lanark Road were implemented many months after the Commonplace survey even though the Commonplace survey did not suggest any scheme was required in this location. In the example of Lanark Road and Longstone, we do not agree with Finding 1 around Prioritisation and Approval of SFP initiatives in the internal audit report on p3 that states: *“ From July 2020, Commonplace feedback was incorporated into the Scheme proposals which were submitted to CIMT for approval and instructions were issued to the design team to enable them to access the Commonplace feedback and to take this into account when designing/refining schemes.”*

5.2 Road safety audits carried out by the same company designing the scheme in effect marking their own work.

- For example, for Lanark Road and Longstone, SWECO appear to have assumed responsibility for the design at some point, and they contributed to

the designers' response to the Stage 3 Road Safety Audit which was undertaken by other colleagues at SWECO.

- There are several other examples of this within SFP. **Regardless of whether it is considered acceptable in the industry, it is not perceived to be acceptable or independent by members of the public and creates reputational risk for the suppliers and the council.**
- There are perhaps parallels here with CEC handling of safety checks on PFI schools in Edinburgh following death of pupil at Liberty High School "...officials had allowed the private company that built the schools under a private finance initiative (PFI) deal to "self-certify" its work without independent scrutiny." <https://www.thetimes.co.uk/article/council-did-not-carry-out-safety-checks-on-schools-77hkzfwj>
- And previous problems at Oxfords Primary School <https://amp.theguardian.com/uk-news/2017/feb/09/damning-report-slams-firms-who-built-fault-ridden-scottish-schools>
- "There was an over-reliance on the part of the council, without adequate evidence, that others in the project structure, including those building the schools, would comprehensively fulfil this essential role,"
- Andrew Kerr, Edinburgh council's chief executive, said: "The report pulls no punches and makes clear what went wrong, the reasons for it and where responsibility lay. Clearly there are lessons for the council and I will now be drawing up an action plan to take our recommendations forward to ensure everyone can have confidence in the safety of all of our buildings."

6. Collision data missing from Road Safety Audit briefing process

In the case of Lanark Road and Longstone (as with other SFP schemes) there was no independent Stage 1 or Stage 2 Road Safety Audit pre-installation. This was made possible by the use of TTROs. TTROs are usually used for very short-term or simple road changes, such as temporary traffic lights, road closures for events or utility companies drilling for cables and pipes.

However within SFP, a TTRO was used to implement an extremely complex scheme on Lanark Road and Longstone covering 4.4 miles of carriageway, with several hundred houses with thousands of residents directly impacted, and over 30 businesses including child-centred businesses serving over 1,000 families a week.

Residents asked for a Stage 2 safety audit to be done at an estimated cost of £2,000 in advance of the scheme being installed but were declined. They also asked to provide local knowledge and information for the brief to the auditor doing the Stage 3 safety audit post-installation. This was declined on the basis that the audit process is 'independent' so should not be "influenced" by anyone else. We are unclear how providing written local information to a professional safety auditor, asking them to check specific elements at specific times, could be seen as inappropriate influencing.

In the end two serious accidents happened prior to the Road Safety Audit taking place on 14th June with another site visit on 16th June.

However the Road Safety Audit brief had already been done nearly five months previous on 20 January (even before the scheme installation had begun on 26 January). The brief was not updated with any pre or post-scheme collision data. The resulting audit feels very light and is nearly exclusively cycling focused, with minimal mention of other road user groups. **Consequently, residents have no confidence in the rigour or robustness of the process.**

A separate complaint will be made about this but as we highlight below, the complaints process in relation to SFP cannot be trusted. In the meantime, we request an urgent investigation into the Road Safety Audit briefing and review process in relation to Spaces for People and the Lanark Road/Longstone scheme in particular.

7. Failure to log near miss or accident data

In spite of the council using TTROs in a way that bypassed the standard Road Safety Audit process, and having received at least five personal injury claims in relation to Spaces for People, there is no process for capturing or logging health and safety issues that have been reported.

However council officers have prepared a report recommending retention of schemes and this has been presented to full council without apparently having this data available. Here is a very concerning extract of a response to a Freedom of Information request in relation to this.

Disclosure log reference number 32278

The amount of reported health and safety incidents involving the Spaces for People infrastructure including any reported near misses.

We do not record this information in a way in which it can be reported on.

Therefore, unfortunately, we are unable to provide you with the information you requested as this would fall into the category of a “manifestly unreasonable” request.

The Spaces for People programme has received over 11,780 emails, there have also been reports submitted through customer care and through Confirm.

These emails and systems would need to be interrogated to identify if health and safety incidents and near misses have been mentioned.

An officer would be required to locate and examine the 11,780 emails in order to identify if they relate to reported health and safety incidents involving the Spaces for People infrastructure including any reported near misses.

At an estimated 5 minutes to assess each email and extract and collate the information, this process would take 981 hours to complete.

The number of insurance claims made against the council for injury caused by the Spaces for People infrastructure.

There have been 5 public liability claims against the council which are still open regarding the Spaces for People programme.

This response uncovers a serious issue, because it reveals that there is no proper process in place for maintaining a register of issues raised by the public. Even if these issues were unrelated to safety, it would be good practice to collate and managed information received in a way that would enhance the council’s operational efficiency; **however, it is far more concerning that safety concerns are not being recorded in a way that allows them to be acted on.**

We request that a process is developed that captures, reviews and takes action on critical information submitted by the public through the council’s complaint process or in general correspondence.

8. Failure to manage complaints in line with SPSO guidelines for local authorities

It does not appear that complaints are being managed in line with the council's own procedures or with the Scottish Public Service Ombudsman model complaints handling procedures for local authorities. <https://www.spsso.org.uk/the-model-complaints-handling-procedures>

In response to Freedom of Information requests, the council has reported very low levels of complaints and very low levels of complaints escalating to Stage 2.

This does not fit with the FOI response above for the team having received over 11,000 emails, as well as others through Customer Care and Confirm.

Local residents have reported:

- No response at all to some complaints
- Failure to treat complaints as complaints
- Failure to provide complainants with escalation to Stage 2 as an option
- Failure to escalate to Stage 2 when requested

The following recent response to an FOI request for the number of complaints in relation to Lanark Road is a concern, as a report was already prepared by council officers to retain the scheme, yet the council is proposing to charge a member of the public over £6,000 to find out how many complaints relate to the scheme. It is hard to understand how a recommendation to retain the scheme has been possible to prepare without understanding the correspondence they have in relation to it. **It also raises the question of why the council spent money on consultations and research when a lot of information from the public is already in council inboxes.**

Our ref: 33224

Environmental Information (Scotland) Regulations - Manifestly Unreasonable

Subject: Lanark Road Spaces for People scheme

Thank you for your request for information of 08/07/2021 where you asked the following:

Q1. How many complaints have been received by the City of Edinburgh Council / City of Edinburgh councillors that objected to the:

- (a) installation or continuation of the Lanark Road Spaces for People scheme?
(b) proposed removal of the Lanark Road Spaces for People scheme?*

Q2. How many other items of correspondence not classified as complaints have been received by the City of Edinburgh Council / City of Edinburgh councillors that objected to the:

- (a) installation or continuation of the Lanark Road Spaces for People scheme?
(b) proposed removal of the Lanark Road Spaces for People scheme?*

Unfortunately, we are not going to provide you with confirmation of the information because your request falls into the category of a "manifestly unreasonable" request under regulation 10(4)(b) of the Environmental Information (Scotland) Regulations and we are not obliged to respond. The time and expense involved in complying with this request would be regarded as excessive by any reasonable person.

We consider the request to be manifestly unreasonable because there are over 4,907 items of correspondence that would need to be checked and categorised to answer the questions. At approximately 5 minutes to check the contents of each piece of correspondence, this will

take 24,535 minutes (408.9 hours). At a rate of £15 per hour for the cost of staff conducting these actions (which is the highest amount we can charge), this comes to £6,133.75.

$4,907 \text{ emails} \times 5 \text{ minutes per email} = 24,535 \text{ minutes}$
 $24,535 \text{ minutes} / 60 = 408.9 \text{ hours}$
 $408.9 \text{ hours} \times £15 \text{ per hour} = £6,133.75.$

There is no definition of "manifestly unreasonable" in the EIRs, or in Directive 2003/4/EC from which they are derived; rather, it is to be judged on each individual request, bearing in mind all of the circumstances of the case as to whether a request may be regarded as "manifestly unreasonable". Factors that may be taken into consideration before concluding that environmental information can be withheld under regulation 10(4)(b) include whether complying with the request would cause a disproportionate burden in terms of the workload involved and also taking into consideration the size and resources of the public authority.

Providing the information could only be done by diverting a disproportionate quantity of the Council's resources away from other essential core operations, with a significant negative impact on the Council's ability to carry out its functions. This diversion of staff time would result in public resources that are required to be utilised for the benefit of all citizens in Edinburgh being diverted disproportionately to respond to the specific concerns of a single applicant. I have applied the public interest test to your request and I consider that this diversion of staff time would result in public resources that are required to be utilised for the benefit of all citizens in Edinburgh being diverted disproportionately to respond to the specific concerns of a single applicant. Therefore, in the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception. This request is consequently a 'manifestly unreasonable' request under regulation 10(4)(b) of the Environmental Information (Scotland) Regulations 2004.

The Council appreciates that you may not have been aware of the size and scope of the information that you requested the Council provide you with as a result of your request. It may be possible to provide you with a portion of the information that you are seeking. If you wish to discuss this option further, or have any other queries, please do not hesitate to contact me.

Please remember to quote the reference number above in any future communications.

For example, included in the 4,907 items of correspondence there are 88 Service Requests for Lanark Road raised through the Customer Contact Centre. These would also need to be checked to see if they are complaints, objections or other. At 5 minutes to check each request, this equates to 440 minutes (7.33 hours). At a rate of £15 per hour for the cost of staff conducting these actions (which is the highest amount we can charge), this comes to £110.00.

$88 \text{ service requests} \times 5 \text{ minutes per email} = 440 \text{ minutes}$
 $440 \text{ minutes} / 60 = 7.33 \text{ hours}$
 $7.33 \text{ hours} \times £15 \text{ per hour} = £110$

An urgent audit of the Spaces for People programme is needed in relation to complaints handling.

9. Questionable process for recommending and prioritising schemes

The internal audit report highlights that as the SFP programme was initiated at extremely short notice, with the majority of initial decisions made under considerable time pressure, a number of routine project management and governance arrangements were either not implemented or were implemented retrospectively.

In this context, what no one is looking for is extra work which could further increase risk, especially (as highlighted in the internal audit) the burden seemed to fall disproportionately on only two people for some responsibilities. The public would expect that all activity would focus on where there is a clear emergency issue.

It was therefore surprising to see FOI response 31217 in relation to the conception of the very complex Lanark Road scheme. This scheme did not appear in the extensive list of proposed schemes approved by the Policy and Sustainability committee in May 2020. In this location there was no immediate social distancing issue and available data did not evidence a social distancing issue leading to public health risk on the parallel Water of Leith walkway, so it had not been included in the extensive list of schemes already drawn up and approved.

At the point the Commonplace Survey was underway to capture the public view, a council officer appeared to initiate the scheme as follows: *"In working up the Slateford Road/ Longston project which provides a parallel route to the canal, I have extended the provision on Slateford Road out significantly South West on Lanark Road to at least Kingsknowe, but I could quite easily extend it further to Spylaw. There is lots of width, no bus lanes and no formal parking provision. I'd be keen to increase this scope to capture this, it also provides an important alternative to the WoL – which joins the canal downstream anyway."*

In being "keen to increase this scope", the phrase "I could quite easily extend it further" shows no awareness of the six figure cost implication, the extra risk and pressure and a complete lack of awareness of the complexity of the scheme. Yet residents have constantly been told that officers are over-burdened by work and unable to respond to queries, complaints at one meeting even being told at one meeting that there was "no time for the luxury of consultation" etc.

Therefore, point 1 of the Observations section on p4 of the internal audit report does not ring true for the Lanark Road and Longstone scheme: *"Initial Proposals - initial SfP initiatives considered for prioritisation were based on suggestions from a relatively small group of officers and external local community stakeholders. Management has advised that subsequent comparison between the programme and retrospective public consultation outcomes demonstrated a good degree of alignment."*

There is not a good degree of alignment with the Lanark Road and Longstone scheme and any retrospective public consultation outcomes and we would strongly suggest this is not true for a large number of schemes across Edinburgh.

We request an audit of the process of the conception of the Lanark Road scheme and justification of the scheme as an emergency response, given the new safety issues it created and the new problems for people with mobility issues during a pandemic. This is in the context of legal opinion showing it was unlawful as an emergency response (we can supply details on request).

10. Lack of data to justify scheme designs or requirement for schemes

Segregated cycle lanes (as opposed to non-segregated/advisory cycle lanes) are pushed through as being essential for safety, in spite of Edinburgh Access Panel stating that the 40km of segregated cycle lanes installed as part of SFP in Edinburgh represent 40km of exclusion for disabled people.

Statements are sometimes made that advisory cycle lanes increase danger to cyclists.

However, the following FOIs show:

- The council is not tracking and comparing accidents in Edinburgh between segregated and advisory lanes. However, rather than being interested in finding this information, they are suggesting charging a member of the public to build the report in response to an FOI request.
- There are 58km of non-segregated/advisory lanes in place and it is surprising that if they are more dangerous to cyclists than no lanes at all, that the council has not prioritised removing these first.
- There is minimal data on use of any lanes (or cycling in general) in spite of schemes being installed for several months and Spaces for People funding is permitted to be used for monitoring - fewer schemes could have been installed and monitored better.

Combined with all the risks highlighted throughout this document, it is hard to see how a report could be prepared recommending the retention of the vast majority of segregated cycle lanes through a series of ETROs, without hard evidence of the value they bring and hard evidence of issues caused by non-segregated lanes.

Our ref: 33214

Environmental Information (Scotland) Regulations 2004 - Release of Information

Subject: Cycle Lanes

Thank you for your request for information of 08/07/2021 where you asked for information specifically in a comparison with the Spaces for People (soft-segregated) cycle lanes.

Your request has been processed and considered under the Environmental Information (Scotland) Regulations 2004 (EIRs) and, unfortunately, we are only able to provide part of the information request and this is provided below.

Q1. How many km of soft-segregated cycle lanes are installed in Edinburgh as of 1 July 2021?

2.74 km of segregated cycle lanes.

As part of the Spaces for People (SfP) programme approximately 39km of segregated cycle lanes have been installed.

Q2. How many km of NON-segregated cycle lanes are installed in Edinburgh as of 1 July 2021?

58 km non-segregated cycle lanes.

As part of the SfP programme approximately 1.42km of NON-segregated cycle lanes have been installed.

Q3. Does the City of Edinburgh Council collect data on road traffic accidents resulting in injuries to cyclists?

The City of Edinburgh Council holds personal injury collision details, supplied by Police Scotland, for the local roads it is responsible for within the authority's boundary. This includes recorded personal injury collisions involving cyclists on the road network.

SfP record data on cyclist incidents if a claim form has been submitted.

Q4. If so, how many road traffic accidents resulting in injuries to cyclists took place in the last 12 months (or most recent data collection period) in:

(a) *soft-segregated cycle lanes*

(b) *NON-segregated cycle lanes*

In regard to the Spaces for People Scheme, this information is not split into segregated and non-segregated but there have been 3 accident claims submitted regarding cyclists and the Spaces for People measures.

137 personal injury collisions involving cyclists were recorded in the latest 12 months for which data is currently available (until the end of December 2020).

To determine if the personal injury collisions are recorded as occurring in segregated cycle lanes or non-segregated cycle lanes as requested, a report would need to be built and, once the data is retrieved, an officer would be required to review the detailed description of each record and collate the response.

Under regulation 8 of the EIRs, public authorities can make a charge for providing Information. We have calculated that in this case the total cost of complying with your request is £330.

This is calculated as follows:

Build and retrieve the report – 1 day (7.5 hours)

137 records @ 10 minutes -1370/60 = 22.8 hours

30 hours (rounded) @ £11 per hour = £330.

If you wish to proceed with this part of your information request, please confirm in writing to the address noted below or to informationrights@edinburgh.gov.uk, providing your postal address if you have not already done so. An invoice will then be issued to you and must be paid upon receipt. Alternatively, you may notify this office in writing that you no longer wish to proceed with the request.

33152 Spaces For People Cycle Lanes Please state the current usage for all Spaces for People cycle lanes; how many daily cyclists are using facilities?

We do not hold information on the current usage of all of the Spaces for People cycle lane measures but the information we do hold is published on the Council website at: <https://www.edinburgh.gov.uk/downloads/download/14837/spaces-for-people-downloads>

Please refer to 'Monitoring – cycle counters'

From this response, it is clear that considerable data exist already that could and should inform council decisions on SFP and wider active travel policy. An evidence-led approach would review the “137 personal injury collisions involving cyclists recorded in the latest 12 months” and use these to prioritise cycling interventions with the greatest potential to reduce accidents and casualties in the shortest possible time. It would also collate the locations of such incidents in an effort to understand the safety contributions (positive or negative) of any pre-existing cycling infrastructure.

11. Conclusions

The information we have presented relates exclusively to actions and behaviour of the council after October 2020, or actions and behaviour that occurred before that, but were not uncovered until more recently.

Several key themes are apparent:

- A “tick-box” approach to risk assessment, equality impact assessment and consultation.
- Cherry-picking of data (commonplace, SFP market research) leading to serious misrepresentation of the facts and providing a false basis for policy making.
- Erosion of confidence in the council, and specifically in active travel initiatives and other essential environmental interventions.
- An inability to identify conflicts of interest (Sustrans, Aecom, SWECO), that removes the ability to monitor and mitigate the outcome in cases where potential for conflicts of interest has been identified.
- A disorganised and casual approach to the handling of data, either personal data of the public or poor management of existing data as a resource for evidence-led policy making.

On the basis of the new information we have presented here, we believe the committee must consider urgently if further scrutiny is required in order to protect the council from ongoing reputational, financial and legal risk associated with the Spaces for People project.

A real concern is that people challenging the council’s approach to safety risks are accused of being “against safety measures”. For example, the Retaining Spaces for People report from the Executive Director of Place to full council stated that a public petition highlighting concerns including serious safety issues was a “petition against safety measures”. A formal complaint is now at Stage 2 in relation to this. Comments and language like this appear to be being used at senior levels as a tactic to shut down challenge and transparency in this area.

It is interesting that all local authorities in Scotland were impacted by the same pandemic, and they all also operated under the same Scottish Government guidance for implementing Spaces for People and under the terms of funding provided by Sustrans.

But CEC’s response appears to be disproportionate compared with other councils and it may be that this has disproportionately increased risk through poor governance and failed to provide best value across the board. It is expected that a pandemic situation will have led to some acceptable failings in governance, but if other councils did not act in a similar way it would suggest that reference to the pandemic is being used as an excuse for significant maladministration to a level that cannot be acceptable.

Prof. Derryck Reid
Chair, South West Edinburgh in Motion