

# Minutes

## Transport and Environment Committee

10.00am, Thursday 20 June 2024

### Present

Councillors Arthur (Convener), Aston, Bandel, Dijkstra-Downie, Dobbin, Faccenda, Hyslop, Lang, Munro, O'Neill, and Whyte.

### In attendance

Councillor Mitchell (as member with a special interest in respect of item 4).

## 1. Deputations

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### Cargo Bike Movement

(in relation to item 8 – People and Place 2024/25 and Cargo Bike Movement)

The deputation raised that the Cargo Bike Movement was in crisis with the organisation at risk of closing due to a lack of finance. The deputation requested that the committee assisted with funding to ensure the movement could continue. The deputation highlighted that if the organisation was to cease it would have an impact on businesses and individuals who relied on the cargo bikes.

## 2. Minutes

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### Decision

To approve the minute of the Transport and Environment Committee of 23 May 2024 as a correct record.

## 3. Work Programme

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The Transport and Environment Committee Work Programme was presented.

### Decision

To note the Work Programme.

(Reference – Work Programme 20 June 2024, submitted.)

## 4. Rolling Actions Log

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The Transport and Environment Committee Rolling Actions Log was presented.

### Decision

- 1) To agree to close the following actions:
  - Action 1 – Kirkliston and Queensferry Traffic and Active Travel Study
  - Action 15 – Motion by Councillor Hyslop – School Bicycle Storage

- Action 21 (2) – Motion by Councillor Meagher – Accidents in the ‘Joppa Triangle’
- Action 25 (2) – Maintenance of Footways and Cycleways
- Action 26 (2) – Response to Motion by Councillor Burgess – Sciennes Primary Playground on Sciennes Road
- Action 28 – Response to Motion by Councillor Bandel – Mobility Analysis
- Action 39 (2) – Traveling Safely Schemes
- Action 44 – Motion by Councillor Cowdy – Dog Fouling
- Action 54 (2) – Business Bulletin - Supported Bus Services
- Action 70 (2) – Business Bulletin – Supported Bus Services
- Action 71 (2&4) – Road Safety Delivery Plan 2024/25
- Action 84 (1&2) – Rolling Actions Log
- Action 85 (6) – Business Bulletin – Bus tracker update
- Action 96 – Urgent Motion by Councillor Bandel – Cargo Bike Movement Funding

2) To note the remaining outstanding actions.

(Reference – Rolling Actions Log, 20 June 2024, submitted)

## 5. Business Bulletin

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The Transport and Environment Committee Business Bulletin was submitted.

### Motion

To note the Business Bulletin.

- moved by Councillor Arthur, seconded by Councillor Faccenda

### Amendment

- 1) To note that Council regrets that the proposed plans for a footbridge over the Union Canal, connecting the Cala housing development with the soon to be opened Lost Shore Surf Resort with the Edinburgh International Climbing Arena, have ceased to be progressed due to technical difficulties.
- 2) To therefore, instruct council to bring a report back to committee in one cycle detailing:
  - What the technical difficulties are
  - How these technical difficulties could be overcome
  - Any financial contributions from Housing Developer (Cala)
  - Any financial contributions from Lost Shore Surf Resort
  - Estimated cost shortfall to complete the footbridge

- Total estimated cost to complete the footbridge
- 3) To request Council considers other sources of funding and detail these within the report.
- moved by Councillor Whyte, seconded by Councillor Munro

In accordance with Standing Order 22.13, the amendment was adjusted and accepted as an addendum to the motion.

## **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To note the Business Bulletin.
- 2) To note that Council regrets that the proposed plans for a footbridge over the Union Canal, connecting the Cala housing development with the soon to be opened Lost Shore Surf Resort with the Edinburgh International Climbing Arena, have ceased to be progressed due to technical difficulties.
- 3) To therefore, instruct council to provide an update via a Business Bulletin to committee in one cycle detailing:
  - What the technical difficulties are
  - How these technical difficulties could be overcome
  - Any financial contributions from Housing Developer (Cala)
  - Any financial contributions from Lost Shore Surf Resort
  - Estimated cost shortfall to complete the footbridge
  - Total estimated cost to complete the footbridge
- 4) To request Council considers other sources of funding and detail these within the update.

(Reference – Business Bulletin, 20 June 2024, submitted.)

## **6. Petition for Consideration – Petition for an Exemption to the Pavement Parking Ban in Bangholm Streets**

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### **(a) Petitioners**

The petitioners raised concerns for safety as there was currently a risk that emergency vehicles may not be able to drive down Bangholm Streets. It was further raised that due to minimal space cars have taken to driving on the pavement to avoid the parked cars causing safety risks to pedestrians. The speakers advised that they would be in favour of one side of the road being double yellow lines and lowering the speed limits.

### **(b) Petition for consideration: Petition for an Exemption to the Pavement Parking Ban in Bangholm Streets**

The committee was asked to consider a petition calling on the Council for an exemption from the pavement parking ban in the Bangholm streets so that residents could continue

to park next to their properties, which should help keep the carriageway clear and reduce hazards for pedestrians.

### **Decision**

- 1) To note the terms of the petition.
- 2) To request a report in the second half of 2024 outlining potential measures to improve safety and accessibility for those walking, wheeling and cycling in the streets of Bangholm.
- 3) To request that the report would also list the streets across the city where officers had identified that the pavement parking prohibition measures have resulted in issues (including road safety and disruptions to bin collections) which were still ongoing, and briefly detail what measures were being considered for each location.

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

## **7. Review of Parking and Loading within Elm Row and the Surrounding Area**

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A report sought approval to implement changes designed to improve safety, walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access within the Elm Row area using Trams to Newhaven Temporary Traffic Regulation Order (TTRO).

Additionally, the report sought approval to commence the necessary legal process to implement these changes permanently through a Traffic Regulation Order (TRO).

### **Motion**

- 1) To approve changes to Elm Row and Brunswick Street using the current Temporary Traffic Regulation Order in the short term to improve walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access.
  - 2) To note that the implementation of a Traffic Regulation Order is fundamental to both the design of the tram scheme and its operation.
  - 3) To approve the commencement of the statutory procedures for the TRO necessary to introduce permanent changes to Elm Row and Brunswick Street.
  - 4) To approve the commencement of the statutory procedures for the TRO necessary to introduce additional parking and loading on Leith Walk and necessary changes to the operation of junctions.
- moved by Councillor Arthur, seconded by Councillor Faccenda

### **Amendment 1**

- 1) To approve changes to Elm Row and Brunswick Street using the current Temporary Traffic Regulation Order in the short term to improve walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access.

- 2) To note that the implementation of a Traffic Regulation Order is fundamental to both the design of the tram scheme and its operation.
  - 3) To approve the commencement of the statutory procedures for the TRO necessary to introduce permanent changes to Elm Row and Brunswick Street.
  - 4) To approve the commencement of the statutory procedures for the TRO necessary to introduce additional parking and loading on Leith Walk and necessary changes to the operation of junctions.
  - 5) To approve, given the previous pedestrian safety issues at Brunswick Street, that the junction would be subject to close monitoring upon re-opening, and that steps would be taken to ensure that rapid reclosing of the opening to vehicles could be implemented if required.
- moved by Councillor Aston, seconded by Councillor Dobbin

### **Amendment 2**

- 1) To approve changes to Elm Row and Brunswick Street using the current Temporary Traffic Regulation Order in the short term to improve walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access.
  - 2) To note that the implementation of a Traffic Regulation Order is fundamental to both the design of the tram scheme and its operation.
  - 3) To approve the commencement of the statutory procedures for the TRO necessary to introduce permanent changes to Elm Row and Brunswick Street.
  - 4) To approve the commencement of the statutory procedures for the TRO necessary to introduce additional parking and loading on Leith Walk and necessary changes to the operation of junctions.
  - 5) To note concerns expressed by residents across Hillside, and therefore requests officers identify, where possible, appropriate cost-effective road safety/traffic calming measures on Brunswick Street by utilising any underspend detailed in paragraph 6.1 of the report by the Service Director - Operational Services, or sourced funding.
- moved by Councillor Dijkstra-Downie, seconded by Councillor Lang

### **Amendment 3**

- 1) To approve changes to Elm Row using the current Temporary Traffic Regulation Order in the short term to improve walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access.
- 2) To note that the implementation of a Traffic Regulation Order is fundamental to both the design of the tram scheme and its operation.
- 3) To approve the commencement of the statutory procedures for the TRO necessary to introduce permanent changes to Elm Row.

- 4) To approve the commencement of the statutory procedures for the TRO necessary to introduce additional parking and loading on Leith Walk and necessary changes to the operation of junctions.

- moved by Councillor Bandel, seconded by Councillor O'Neill

In accordance with Standing Order 22.13, Amendment 1 and Amendment 2, were accepted as addenda to the motion.

### **Voting**

The voting was as follows:

|                              |   |         |
|------------------------------|---|---------|
| For the motion (as adjusted) | – | 9 votes |
| For Amendment 3              | – | 2 votes |

(For the motion (as adjusted) – Councillors Arthur, Aston, Dobbin, Dijkstra-Downie, Hyslop, Faccenda, Lang, Munro and Whyte.

For Amendment 3 – Councillors Bandel and O'Neill.)

### **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To approve changes to Elm Row and Brunswick Street using the current Temporary Traffic Regulation Order (TTRO) in the short term to improve walking, wheeling and active travel provision while supporting businesses in the area with increased loading provision and access.
- 2) To note that the implementation of a Traffic Regulation Order (TRO) is fundamental to both the design of the tram scheme and its operation.
- 3) To approve the commencement of the statutory procedures for the TRO necessary to introduce permanent changes to Elm Row and Brunswick Street.
- 4) To approve the commencement of the statutory procedures for the TRO necessary to introduce additional parking and loading on Leith Walk and necessary changes to the operation of junctions.
- 5) To approve, given the previous pedestrian safety issues at Brunswick Street, that the junction would be subject to close monitoring upon re-opening, and that steps would be taken to ensure that rapid reclosing of the opening to vehicles could be implemented if required.
- 6) To note concerns expressed by residents across Hillside, and therefore to request officers identify, where possible, appropriate cost-effective road safety/traffic calming measures on Brunswick Street by utilising any underspend detailed in paragraph 6.1 to the report by the Service Director - Operational Services, or sourced funding.

(Reference – report by the Service Director - Operational Services, submitted.)

## **8. People and Place 20204/25 and Cargo Bike Movement**

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A report set out a proposal for grant funding in 2024/25 for the People and Place programme, which was funded by Transport Scotland and administered by the South

East Scotland Transport Partnership. The report also updated Committee on discussions with Cargo Bike Movement (CBM) and presented options for financial support in 2024/25.

### **Motion**

- 1) To agree the proposed allocations for People and Place funding 2024/25.
  - 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
  - 3) To note options for supporting Cargo Bike Movement set out in paragraphs 4.9 to 4.16 of the report. This would be provided under the conditions of the Council's Grant Standing Orders.
  - 4) To note that officers intend to work with the organisation to explore routes to a reduced reliance on grant funding.
- moved by Councillor Arthur, seconded by Councillor Faccenda

### **Amendment 1**

- 1) To agree the proposed allocations for People and Place funding 2024/25.
  - 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
  - 3) To note options for supporting Cargo Bike Movement set out in paragraphs 4.9 to 4.16 of the report. This would be provided under the conditions of the Council's Grant Standing Orders. Agrees that the recommendation from this Committee for the source of the £42,600 remainder sum for Cargo Bike Movement will be the cycling revenue budget in the first instance but, given that this is expected to be a single year allocation, that it should come from unallocated reserves to replenish the cycling revenue budget, and refers to Finance and Resources Committee and then Full Council accordingly.
  - 4) To note that officers intend to work with the organisation to explore routes to a reduced reliance on grant funding.
- moved by Councillor Aston, seconded by Councillor Dobbin

### **Amendment 2**

- 1) To agree the proposed allocations for People and Place funding 2024/25.
  - 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
  - 3) To approve the proposed support for Cargo Bike Movement as set out in paragraphs 4.9 to 4.15 of the report under the conditions of the Council's Grant Standing Orders, and on the understanding that this is a one-off contribution.
  - 4) To request that officers work with the organisation to explore routes to a reduced reliance on grant funding and greater financial stability.
- moved by Councillor Dijkstra-Downie, seconded by Councillor Lang

### **Amendment 3**

- 1) To agree the proposed allocations for People and Place funding 2024/25.
- 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
- 3) To note options for supporting Cargo Bike Movement set out in paragraphs 4.9 to 4.16 of the report. This would be provided under the conditions of the Council's Grant Standing Orders.
- 4) To note that officers intend to work with the organisation to explore routes to a reduced reliance on grant funding.
- 5) To note and celebrate the work of Cargo Bike Movement and their important contribution to supporting an equitable shift towards sustainable modes of transporting goods and people as well as the zero waste hierarchy.
- 6) To note that the City Mobility Plan and Edinburgh City Centre Transformation set out to encourage and support the movement of freight and goods using zero and low emission vehicles such as cargo bikes.
- 7) To note that much of the Council's progress on this action to date has been achieved through awarding funding to Cargo Bike Movement.
- 8) To express concern about the loss of progress on shifting to zero carbon vehicles for the transportation of goods and people if the organisation should be forced to wind up operations, and the implications for Council projects relying on a modal shift in the delivery of goods this would have.
- 9) To note that Cargo Bike Movement's strategy for the year ahead sets out steps to improve their financial sustainability, including becoming a SCIO, generating revenue from cargo bike hire, working with more businesses, and reducing their running costs.
- 10) To agree to award £50k of match-funding to Cargo Bike Movement and requests officers to work with the organisation to develop a long-term sustainable business model.

- moved by Councillor Bandel, seconded by Councillor O'Neill

### **Amendment 4**

- 1) To agree the proposed allocations for People and Place funding 2024/25.
- 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
- 3) To note that the information provided at paragraphs 4.8 to 4.15 would introduce considerable uncertainty to the cycling budget in 2024/25 and has considerable opportunity costs. Therefore, agrees that officers should work with the Cargo Bike Movement to explore routes to removing the need for grant funding and for charitable incorporation but that no funding is provided at this time.

- moved by Councillor Whyte, seconded by Councillor Munro



In accordance with Standing Order 22.13, Amendment 2 and Amendment 3 were accepted as addenda to the motion.

### **Voting**

The voting was as follows:

|                              |   |         |
|------------------------------|---|---------|
| For the motion (as adjusted) | – | 6 votes |
| For Amendment 1              | – | 3 votes |
| For Amendment 4              | – | 2 votes |

(For the motion (as adjusted) – Councillors Arthur, Bandel, Dijkstra-Downie, Faccenda, Lang and O'Neill.

For Amendment 1 – Councillors Aston, Dobbin and Hyslop.

For Amendment 4 – Councillors Munro and Whyte.)

### **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To agree the proposed allocations for People and Place funding 2024/25.
- 2) To approve proposed grants outlined in paragraph 4.6 of the report by the Service Director - Operational Services.
- 3) To approve the proposed support for Cargo Bike Movement as set out in paragraphs 4.9 to 4.15 of the report under the conditions of the Council's Grant Standing Orders, and on the understanding that this is a one-off contribution.
- 4) To request that officers work with the organisation to explore routes to a reduced reliance on grant funding and greater financial stability.
- 5) To note and celebrate the work of Cargo Bike Movement and their important contribution to supporting an equitable shift towards sustainable modes of transporting goods and people as well as the zero waste hierarchy.
- 6) To note that the City Mobility Plan and Edinburgh City Centre Transformation set out to encourage and support the movement of freight and goods using zero and low emission vehicles such as cargo bikes.
- 7) To note that much of the Council's progress on this action to date had been achieved through awarding funding to Cargo Bike Movement.
- 8) To express concern about the loss of progress on shifting to zero carbon vehicles for the transportation of goods and people if the organisation should be forced to wind up operations, and the implications for Council projects relying on a modal shift in the delivery of goods this would have.
- 9) To note that Cargo Bike Movement's strategy for the year ahead set out steps to improve their financial sustainability, including becoming a SCIO, generating revenue from cargo bike hire, working with more businesses, and reducing their running costs.
- 10) To agree to award £50k of match-funding to Cargo Bike Movement and to request officers work with the organisation to develop a long-term sustainable business model.

(Reference – report by the Service Director - Operational Services, submitted.)

## **9. Dog Fouling Enforcement**

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A report responded to an adjusted motion by Councillor Cowdy on 16 November 2023 and considered the practicality of establishing a dog fouling DNA register, improving enforcement and the use of Fix Penalty Notices (FPN) as a means to control dog fouling.

### **Motion**

To note the report.

- moved by Councillor Arthur, seconded by Councillor Faccenda

### **Amendment 1**

- 1) To note the report.
  - 2) To agree that a further report be provided on how officers across the Council, who undertake roles in public areas, could be trained to assist the Street enforcement team in tackling the issues they address so that a far greater number of Council officers can enforce good standards of street cleanliness and, in the case of dog fouling, can issue FPNs in line with the process envisaged in the Dog Fouling (Scotland) Act 2003.
- moved by Councillor Whyte, seconded by Councillor Munro

In accordance with Standing Order 22.13, Amendment 1 was adjusted and accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To note the report.
- 2) To agree to include information in the next Street Cleansing Performance report on how officers across the Council, who undertook roles in public areas, could be trained to assist the Street enforcement team in tackling the issues they addressed so that a far greater number of Council officers could enforce good standards of street cleanliness and, in the case of dog fouling, could issue FPNs in line with the process envisaged in the Dog Fouling (Scotland) Act 2003.
- 3) To agree to include consideration of reintroducing pavement stencilling in the report.

(Reference – report by the Service Director - Operational Services, submitted.)

## **10. Ending the Use of Fossil-Fuel Powered Leaf Blowers**

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The report outlined the Council's intention to replace all of its petrol fuelled leaf blowers and its approach to third parties who deliver services, using leaf blowers, on behalf of the Council.

### **Decision**

- 1) To note the intention to procure electric leaf blowers over the course of 2024/25 and to remove all petrol fuelled leaf blowers from use.

- 2) To note that all future specifications for contracts for services involving leaf blowers would require contractors to operate electric versions and not to use fossil-fuelled versions.
- 3) To note that there was currently no legal power which would allow the Council to ban the use of fossil-fuelled leaf blowers across the city.

(Reference – report by the Service Director - Operational Services, submitted.)

## **11. Street Cleansing Performance Report**

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The regular six-monthly update on street cleanliness across the city provided information on progress in respect of the actions agreed by Committee on 6 October 2022.

### **Motion**

- 1) To note the current street cleaning performances levels.
  - 2) To note the action being progressed following Committee in October 2022.
  - 3) To note the proposed action for removal of a problematic recycling point and the reasoning.
  - 4) To note the breakdown of how the additional funding for 2024/25 would be allocated in order to deliver improvements in the performance of the cleaning service.
- moved by Councillor Arthur, seconded by Councillor Faccenda

### **Amendment 1**

- 1) To note the current street cleaning performances levels.
  - 2) To note the action being progressed following Committee in October 2022.
  - 3) To note the proposed action for removal of a problematic recycling point and the reasoning.
  - 4) To note the breakdown of how the additional funding for 2024/25 would be allocated in order to deliver improvements in the performance of the cleaning service.
  - 5) To note that significant numbers of streets, particularly in the most deprived areas of SIMD, have significant weed growth, sustained by detritus that acts as a growing medium.
  - 6) To request a report in one cycle in respect of:
    - Actions to be taken to clean and improve the appearance of our streetscapes by removal of weeds and associated detritus; and
    - Ongoing maintenance programme to prevent future build-up of weeds as currently experienced.
- moved by Councillor Dobbin, seconded by Councillor Aston

### **Amendment 2**

- 1) To note the current street cleaning performances levels.

- 2) To note the action being progressed following Committee in October 2022.
- 3) To agree to not to proceed with the removal of the recycling site in Silverknowes.  
- moved by Councillor Lang, seconded by Councillor Dijkstra-Downie

### **Amendment 3**

- 1) To note the current street cleaning performances levels.
- 2) To note the action being progressed following Committee in October 2022.
- 3) To note the proposed action for removal of a problematic recycling point and the reasoning.
- 4) To note that, despite indications otherwise in paragraph 3.5 of the report by the Service Director - Operational Services, the report gives no indication of how the £892k provided for a “Scrub my Streets” initiative will be deployed nor does it detail how this can be aligned to the purpose envisaged in the approved Conservative amendment to the Budget motion at February Council. Therefore, agrees that a specific report be provided to the August meeting of the Committee detailing the proposal and how it will be rolled out across the City.  
- moved by Councillor Whyte, seconded by Councillor Munro

In accordance with Standing Order 22.13, Amendment 1, Amendment 2 and Amendment 3 were adjusted and accepted as addenda to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To note the current street cleaning performances levels.
- 2) To note the action being progressed following Committee in October 2022.
- 3) To agree to not to proceed with the removal of the recycling site in Silverknowes. Officers to manage the site at an operational level to try reduce the anti-social issues, reporting progress via a Business Bulletin prior to the end of the year.
- 4) To note the breakdown of how the additional funding for 2024/25 would be allocated in order to deliver improvements in the performance of the cleaning service.
- 5) To note that significant numbers of streets, particularly in the most deprived areas of SIMD, had significant weed growth, sustained by detritus that acted as a growing medium.
- 6) To request a Business Bulletin update in one cycle in respect of:
  - Actions to be taken to clean and improve the appearance of our streetscapes by removal of weeds and associated detritus
  - Ongoing maintenance programme to prevent future build-up of weeds as currently experienced.
- 7) To note that, despite indications otherwise in paragraph 3.5 of the report by the Service Director - Operational Services, the report gave no indication of how the

£892k provided for a “Scrub my Streets” initiative would be deployed nor did it detail how this could be aligned to the purpose envisaged in the approved Conservative amendment to the Budget motion at February Council. Therefore, to agree that a Business Bulletin update be provided to the August meeting of the Committee detailing the proposal and how it would be rolled out across the City.

(Reference – report by the Service Director - Operational Services, submitted.)

## **12. Safety of Council Heavy Operated Vehicles – referral from the Governance, Risk and Best Value Committee**

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The Governance, Risk and Best Value Committee had referred a report on safety of council operated heavy vehicles to the Transport and Environment Committee for information.

### **Motion**

To note the report.

- moved by Councillor Arthur, seconded by Councillor Faccenda

### **Amendment**

- 1) To note the report.
- 2) To request a business bulletin update at the committee’s first meeting of 2025 to:
  - a) confirm the progress made in ensuring the entire refuse fleet is fitted with AEBS technology and
  - b) provide information on the other areas being explored as described in 4.14 and 4.18 of the report.

- moved by Councillor Lang, seconded by Councillor Dijkstra-Downie

In accordance with Standing Order 22.13, the amendment was accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Arthur:

- 1) To note the report.
- 2) To request a business bulletin update at the committee’s first meeting of 2025 to:
  - a) confirm the progress made in ensuring the entire refuse fleet was fitted with AEBS technology; and
  - b) provide information on the other areas being explored as described in paragraphs 4.14 and 4.18 of the report by the Executive Director of Place.

(References – Governance, Risk and Best Value Committee of 4 June 2024 (item 8); report by the Executive Director of Corporate Services, submitted.)

## **13. Motion by Councillor Bandel – Tables and Chairs Permit – minimum clear zones**

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The following motion by Councillor Bandel was submitted in terms of Standing Order 17:

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
  - 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
  - 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
  - 4) To requests officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
    - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;
    - 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
    - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
- moved by Councillor Bandel, seconded by Councillor O'Neill

### **Amendment 1**

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
- 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
- 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
- 4) To requests officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:

- 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;
  - 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
  - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
  - 4.4) Notes that the URL for 'the City of Edinburgh Council's Tables and Chairs Applying for a Permit: Consent Guidelines and Terms and Conditions, April 2016' contained in the Edinburgh Street Design Guidance factsheet P3 Footways is a dead link and requests that this is rectified.
- 5) To note that tables and chairs licence holders pay a license application fee which covers the costs of the process and that these are regulated; and notes further that this is in contrast to some retailers, particularly in the city centre, who obstruct pavements with product display stands and other street clutter, without paying for or applying for a licence to do so and which therefore has an unregulated nature.
  - 6) To request therefore that the report also covers measures which can be pursued to reduce this nuisance.
- moved by Councillor Aston, seconded by Councillor Dobbin

## **Amendment 2**

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
- 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
- 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
- 4) To requests officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
  - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;

- 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
  - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
- 5) To agree to refer this motion to the Regulatory Committee for information given its role in determining applications where there is a recommendation for refusal by the Director of Place requesting that gives due consideration to the terms of this motion.
  - 6) To agree to refer this to the Planning Committee given that the Edinburgh Street Design Guidance requires to be incorporated into the Edinburgh Design Guidance which is determined by the Planning Committee noting the request that factsheet P3 is reviewed.
- moved by Councillor Whye, seconded by Councillor Munro

In accordance with Standing Order 22.13, Amendment 1 and Amendment 3, as adjusted were accepted as addenda to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Bandel:

- 1) To note that the Council afforded businesses that sold food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
- 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) set out minimum clear zones where tables and chairs permits were requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
- 3) To note that some recent applications for a tables and chairs permit had been approved with only 1.4 metres of the pavement clear.
- 4) To request officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
  - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this fell below the preferred or absolute minimums, the reason for this.
  - 4.2) A map, or list of roads as appropriate, which were considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m.



- 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure were respecting the transport hierarchy, were providing adequate space for disabled people, those with limited mobility and those with buggies, and which were consistent.
- 4.4) Notes that the URL for 'the City of Edinburgh Council's Tables and Chairs Applying for a Permit: Consent Guidelines and Terms and Conditions, April 2016' contained in the Edinburgh Street Design Guidance factsheet P3 Footways was a dead link and to request that this be rectified.
- 5) To note that tables and chairs licence holders paid a license application fee which covered the costs of the process and that these were regulated; and to note further that this was in contrast to some retailers, particularly in the city centre, who obstructed pavements with product display stands and other street clutter, without paying for or applying for a licence to do so and which therefore had an unregulated nature.
- 6) To request therefore that the report also covers measures which could be pursued to reduce this nuisance.
- 7) To agree to refer the motion to the Regulatory Committee for information given its role in determining applications where there is a recommendation for refusal by the Director of Place requesting that gives due consideration to the terms of this motion.

#### **14. Internal Audit Update Report: June 2024 – Referral from the Governance, Risk and Best Value Committee**

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The Governance, Risk and Best Value Committee had referred an internal audit update report to the Transport and Environment Committee for information.

##### **Decision**

- 1) To consider the significant concerns that the Governance, Risk and Best Value Committee had for service delivery implications within the Transport and Environment Committee's area of responsibility were a cyber-attack or other incident affecting business continuity to take place.
- 2) To note a follow-up report would also be referred at a later date.

(References – Governance, Risk and Best Value Committee of 4 June 2024 (item 5); report by the Executive Director of Corporate Services, submitted.)