



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 13 MARCH 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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**Committee Members Present:**

Councillor S Akhtar  
Councillor J Goodfellow  
Councillor N Hampshire (Convener)  
Councillor J McMillan  
Councillor F O'Donnell

**Other Councillors Present:**

Councillor S Currie  
Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor J Henderson  
Councillor C McGinn  
Councillor B Small  
Councillor J Williamson

**Council Officials Present:**

Ms M Patterson, Depute Chief Executive – Partnerships and Community Services  
Mr A McCrorie, Depute Chief Executive – Resources and People Services  
Mr D Small, Director of East Lothian Health and Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr T Shearer, Head of Communities and Partnerships  
Ms F Robertson, Head of Education  
Mr D Proudfoot, Head of Development  
Mr D Oliver, Service Manager – Protective Services  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Mr B Davies, Group Service Manager – Planning and Performance  
Mr A Stubbs, Service Manager – Roads  
Mr P Ritchie, HR Business Partner  
Mr S Cooper, Team Manager – Communications

**Clerk:**

Ms A Smith

**Apologies:**

Councillor W Innes

**Declarations of Interest:**

None

**Order of Business**

*Prior to the commencement of business, the Convener announced an urgent item in connection with the recent severe weather. This would be considered as the final public item of business; there would be a 10 minute adjournment before presentation of this report.*

**1. MINUTES FOR APPROVAL – CABINET 16 JANUARY 2018**

The minutes of the meeting of the Cabinet of 16 January 2018 were approved.

**2. NON-RESIDENTIAL SOCIAL CARE CHARGING**

A report was submitted by the Director of the Health and Social Care Partnership seeking agreement to the proposed introduction of new non-residential social care charges.

Bryan Davies, Group Service Manager – Planning and Performance, gave a detailed presentation of the report. He referred to the well established charging group which had multi-stakeholder membership. He advised that the benchmarking exercise had confirmed that with the introduction of new charges the Council would be in the middle or lower half of the range of councils as a charging authority. He outlined the new charges proposed. He detailed the anticipated income from the introduction of these new charges. Mr Davies also gave details of consultation carried out and public meetings held at resource centres.

Mr Davies responded to a series of questions from Members. Regarding issues raised at the public meetings he clarified that there had been support for 'bundling' of charges, the multi-stakeholder group felt this would be beneficial for frequent attenders at day centres.

He confirmed there would be an annual review. He advised that charging would be part of the emerging benchmarking, adding that there were other charging models that could be looked at. He confirmed that the review would include monitoring of attendance. He clarified that this proposal did not target any one client group or age group.

Mr Davies confirmed that means testing was done; he said that CoSLA guidance was used as the basis for the charging policy, a right of appeal was also built in to the process. This appeal process was separate from the complaints process. Regarding client contributions and disregard of some benefits, he advised that there were a range of safeguards in place, a threshold was in place and a range of other disregards would be taken into account.

He gave details of what had been involved in the benchmarking exercise. He stated that the CoSLA website published the charging policies for all 32 local authorities.

Regarding supporting service users to receive benefit maximisation, Mr Davies advised that people were directed to the Council's Benefits Team, there was also an independent Advocacy Service and signposting was provided to other advice agencies.

Councillor Small stated that introducing these charges was obviously something the Council would rather not do but was unavoidable in the current climate. The impact assessment was key and he looked forward to receiving feedback in due course. He supported looking at other charging models.

Councillor O'Donnell thanked Mr Davies for his considerable and rigorous work. She stressed that for this Administration to ensure a sustainable social care service in East Lothian this was a necessary step. The benchmarking exercise had shown that the Council was one of the only local authorities not charging for these services. She also thanked the Charging Group; their input had shaped this policy. She was determined that introduction of these charges would not propel anyone into poverty; monitoring would take place.

Councillor Currie said that the figures proposed would have an impact, assessment was crucial. East Lothian's charges had been below the national average due to decisions taken by successive Administrations. Monitoring these services was crucial. He regretted introduction of these charges; people may disengage and some services may not be viable.

Councillor Akhtar paid tribute to the work carried out by Councillor O'Donnell. She praised the level of engagement with service users and community groups, which would continue.

The Convener stressed the difficult choices the Council faced, to increase charges and protect services or cut services; this action would protect services.

### **Decision**

The Cabinet agreed to approve the proposed new social care charges as outlined in the report relating to Resource and Day Centre attendance and use of transport.

## **3. EAST Lothian Safety Advisory Group Policy**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the East Lothian Safety Advisory Group Policy (ELSAG).

The Service Manager – Protective Services, Derek Oliver, presented the report, outlining the background. He drew attention to the recommendations of the CoSLA Safety at Public Events Working Group. He highlighted the steps the Working Group encouraged local authorities to take in order to formalise the SAG structure. The Council had developed existing processes and introduced the SAG process in late 2016. He gave details of the process and guidance issued to Event Organisers, which had been evolving since then. He stressed that the responsibility for an event, including communication, was for the Event Organiser. He acknowledged that Members had engagement with local communities and officers would be happy to deal with any issues, but outwith the SAG process.

Responding to Councillor Findlay's questions, Mr Oliver confirmed there were sufficient checks and balances in place for Event Organisers to meet health and safety requirements. He outlined the process an Event Organiser had to follow. Regarding feedback after an event, Mr Oliver stated that a debrief was required. Officers would also receive feedback from the Police and Fire services in respect of any adverse reports, which would be shared with the Event Organiser.

Councillor Currie, referring to charging for non-community events, asked if the Council sought to recover its costs. Mr Oliver indicated this was something officers were looking to implement; he referred to Appendix 1 to the SAG Policy, which gave details of event category and size, advising that there would be a charging structure based on the type of event and number of participants. Regarding queries about limiting the number of events, Mr Oliver stressed that the SAG process was for safety matters only; for local authorities to assess numbers and potentially limit the number of events was for another forum.

Councillor Henderson queried the powers of the SAG Policy, asking if an application could be refused if conditions had been breached previously. Mr Oliver stated that the SAG was not a statutory body but some members, i.e. the Police, did have statutory powers. The SAG

could for example refuse to grant a Traffic Regulation Order. He added that some events might not require a licence, or Roads Service's involvement or engagement with the Police. In these cases, Event Organisers would be asked to meet with officers to discuss the details of their event.

Councillor McMillan said that communication with Members, local residents and community councils was very important, he queried what details would be provided. Mr Oliver said that an events calendar, detailing the date/time of an event, route map and a general description would be provided, this would also be publically available. As regards full disclosure on a case by case basis he indicated this could be looked at but stressed that where there were specific security measures the implications of providing certain information had to be carefully considered.

Councillor O'Donnell asked about support provided to organisers of small events, usually volunteers. Mr Oliver stated that the Emergency Planning and Risk Manager had been meeting with community councils recently, highlighting the SAG process. Event organisers were invited to meet with officers and the process was explained; guidance documents were provided and would also be published. Regarding Councillor O'Donnell's question about notifying bus companies, Mr Oliver said that communication regarding any form of road closure was provided to the bus companies, it was up to them to disseminate this. Alan Stubbs, Service Manager – Roads, added that this process had been in place for a number of years. He reiterated that the bus companies had to ensure that the information was passed on to their drivers. The Council was taking all the reasonable steps it could.

Responding to questions from Councillor McGinn, Mr Oliver clarified that if an event was the second or more of its type, i.e. a Christmas lights application from a community council, then because the SAG process had been completed for the original application then provided nothing had changed and there had been no adverse reports, the conditions as applied previously would stand.

Councillor Small commended the report. He stressed the need to ensure that Event Organisers fulfilled their responsibilities. It should be widely communicated that the Council was doing all it could as a local authority. He appreciated that safety was the key concern.

Councillor Currie remarked that engagement with the community was key. Referring to the SAG Policy (page 33, para 5.5, last bullet point) he said that Members should be involved in the decision process, there needed to be a vehicle where input from Local Members was fed into the process.

Councillor Findlay echoed his colleagues' comments. Referring to Councillor Currie's points he said he would like to see a process where Ward Members were invited to SAG meetings.

Councillor McMillan highlighted the need to engage with local communities, to get the benefit of local knowledge. He welcomed this SAG Policy.

The Convener cautioned against Members getting involved in operational matters. He indicated that Mr Oliver had suggested an additional recommendation – that local Ward Members be informed of any event application that reaches the stage of the Event Organiser being invited to attend a SAG meeting. Secondly, Ward Members can request a meeting with the Event Organiser and relevant Council Officers to discuss areas of concern.

## **Decision**

The Cabinet agreed:

- i. to approve the East Lothian Safety Advisory Group Policy;

- ii. to note the content of this report, particularly the adoption of the recommendations made by the CoSLA Safety at Public Events Working Group as summarised in paragraph 3.4;
- iii. to note the significant work that had been undertaken to develop the process in conjunction with multi-agency partners; and
- iv. that local Ward Members be informed of any event application that reaches the stage of the Event Organiser being invited to attend a SAG meeting. Secondly, Ward Members can request a meeting with the Event Organiser and relevant Council Officers to discuss areas of concern.

#### **4. YEAR OF YOUNG PEOPLE AND INVESTORS IN YOUNG PEOPLE GOLD AWARD**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the plan to celebrate the Year of Young People in East Lothian and the success in the Council being awarded a “Gold” level award of Investors in Young People (IiYP).

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report. He informed Members that the aim of East Lothian’s Year of Young People was to benefit the lives of young people by ushering in lasting change. He outlined the objectives and key themes. He gave details of the extensive programme of activities and events planned for the year, highlighting the key milestones. He gave details of the assessment process involved in applying for an IiYP award, advising that young employees carried out the preparatory work.

Mr Vestri responded to a range of questions from Members. Regarding the benefits of achieving the Gold Award he stated it was more about the process than actually getting the award. It was about involving and engaging young people; there were relatively few young people working in the Council, measures to address this were ongoing. This process had helped; it took the Council forward to being a better employer for young people.

In relation to questions about steps taken to ensure that engagement with young people was inclusive and whether there was a connection to the UN Rights Respecting Initiative Mr Vestri stated that both points were addressed. East Lothian Works was heavily involved in supporting young people; the Education Service was also trying to engage more fully with young people. Considerable work was taking place across various Council service areas.

As regards the legacy from the Year of Young People, Mr Vestri referred to the many activities highlighted in the report stating these were not just single occurrences but would hopefully lead to further, long-term, engagement. Fiona Robertson, Head of Education, drew attention to the Youth Summit held last week, over 150 young people had attended; this had been an excellent event and a commitment had been given that their voice would be heard. In relation to encouraging further engagement in voting, Mr Vestri said that this was being done through the Youth Parliament. Regarding engaging young people more in local history, Mr Vestri advised that many initiatives were taking place; Museum and Library staff would, where possible, be putting an emphasis on the Year of Young People.

In connection with trying to recruit more young people, Mr Vestri reported that the Draft Workforce Plan would be coming forward soon; this would have an emphasis on young people. Referring to pathways for young people Ms Robertson informed Members of a session for staff on career progression for young people that had recently taken place, stating that staff would be taking this forward to all pupils.

In response to questions about engaging with the core group of hard to reach young people, Tom Shearer, Head of Communities and Partnerships, reported that the Champions Board was involved with this and was trying to reach out to all young people, as part of the overall programme of events taking place this year.

The Head of Development, Douglas Proudfoot, said that from an employability perspective succession planning was being looked at. Various bodies including Skills Development Scotland and Regional Skills Partnerships were being consulted, to ensure the greatest possible impact in term of opportunities for young people.

Councillor Henderson expressed enthusiasm for the numerous plans as part of the Year of Young People. The transition from child to adult, from education to work, could be challenging and the Council was trying to help people manage this transition. She highlighted the need to attract and recruit more young people to roles within the Council.

Councillor Currie said this was a welcome step although he felt that more could probably be done. Further mental health awareness was still required. He remarked that when young people engaged and contributed, decision making, at both local authority and national level, benefitted. He hoped the commitment to young people would continue.

Councillor McMillan referred to 'If I was Provost of East Lothian I would...' initiative, praising officers in the Communications Team for this suggestion. He also praised East Lothian Works. This was an excellent initiative and he congratulated all efforts across the Council. He agreed about the importance of involving young people in the history of the county, referring to the need for generational sharing of information.

Councillor Small expressed his support. The plans were exciting and he was looking forward to getting involved. He stressed the importance of having a Gold Award legacy.

Councillor McGinn referred to the numerous examples of good work being carried out by officers and community groups across the county. He specifically mentioned Recharge in Tranent, which carried out excellent work.

## **Decision**

The Cabinet agreed:

- i. to note the plans for East Lothian Year of Young People; and
- ii. to congratulate the Council's staff in achieving the 'Gold' level award of Investors in Young People.

## **5. BAD DEBT AND CREDIT BALANCE WRITE OFF POLICY**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval for a new Bad Debt and Credit Balance Write Off Policy.

The Head of Council Resources, Jim Lamond, presented the report. He informed Members that the existing Bad Debt Policy had been in place for many years and in accordance with commitments made in response to both internal and external audit reports, the policy had been reviewed and updated. He outlined the key revisions reflected within the proposed policy. He added that in accordance with good accounting practice, the Council maintained a formal provision for bad debt, which was reviewed and audited on an annual basis. He drew attention to an alteration to section 8 of the policy, to delete *which was reflected within the 2016/17 accounts*.

## Decision

The Cabinet agreed to approve the adoption of the new Bad Debt & Credit Balance Write Off Policy, as attached at Appendix 1, with the alteration as outlined.

### 6. URGENT ITEM – SEVERE WEATHER/RED WARNING

A report was submitted by the Depute Chief Executive (Resources and People Services) updating Cabinet on the Council's Adverse Weather Policy following the recent severe weather and Red Warning covering East Lothian.

Paul Ritchie, HR Business Partner, presented the report. This urgent item was brought to Cabinet at the request of the Administration to consider the impact of the recent severe weather and in particular the Red Warning, issued for the first time since its introduction. The Met Office had issued a Red Warning covering the period 3pm on Wednesday 28 February through until 10am on Thursday 1 March. The advice during this period from Police Scotland and the Minister for Transport was not to travel unless it was absolutely necessary to do so. The Council's Emergency Control Centre had been established and Business Continuity Plans instigated. The Council had reminded employees of the Adverse Weather Policy on Tuesday 27 February in advance of the severe weather and in subsequent updates over the following days. He detailed measures in the Adverse Weather Policy for employee absence.

Mr Ritchie informed Members that the Joint Trades Unions had made representation at the JCC on 7 March that staff should be paid if they were unable to attend their work due to the weather. Given that the Red Warning status was the first since introduction of the new warning system, Cabinet may wish to consider an exception to the Adverse Weather Policy for the period the Red Warning was in place, for those employees unable to attend work due to the severe weather.

Responding to questions from Councillor Findlay, Mr Ritchie clarified when notification of the Red Warning had been received, when information reminding employees of the Adverse Weather Policy had been issued and business continuity plans instigated.

Councillor Hampshire stated that the current Adverse Weather Policy did not cover all situations and proposed an amendment:

- The Red Weather Warning issued as part of the new classification system is not currently included in our Council Adverse Weather Policy. As this is the first time we have had a Red Warning and Scottish Government issued conflicting advice to our policy the Council Cabinet is proposing on this occasion an exception to the Council's Adverse Weather Policy. The Council will pay staff for any lost hours on the days the Red Warning was in place (Wednesday, Thursday). The Adverse Weather Policy as stands will apply for the Friday however, in very exceptional circumstances the Council will consider individual cases on the Friday.

Councillor Akhtar seconded this amendment. There was a need to deviate from the current Adverse Weather Policy. She also referred to the Council's duty of care to its staff.

Councillor Small stated that this had been an exceptional situation so exceptional arrangements had to be applied. There was a need to review the Adverse Weather Policy. The Conservative Group was pleased the Administration had brought this report forward and supported the amendment.

Councillor Currie referred to the exceptional event and to trades unions comments at the JCC. The proposed course of action was the right way forward.

The Cabinet voted on the amendment:

For: 5  
Against: 0  
Abstained: 0

**Decision**

The Cabinet agreed:

- i. to note the intention to review the Adverse Weather Policy in light of the recent severe weather experience, changes to the national weather warning classification system and Police Scotland advice;
- ii. that discussions take place with the Scottish Government to seek clarity on the practical implications stemming from their national travel advice;
- iii. to consider whether an exception to the Adverse Weather Policy should be made during the period of the Red Warning on this occasion, given this was the first Red Warning in Scotland using the new system; and
- iv. that the Council will pay staff for any lost hours on the days the Red Warning was in place. The Adverse Weather Policy as [it] stands will apply for the Friday however, in very exceptional circumstances the Council will consider individual cases [relating to] the Friday.

**SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

**Bad Debt Write Off**

A private report regarding Bad Debt Write Off was approved by the Cabinet.



**REPORT TO:** Cabinet

**MEETING DATE:** 8 May 2018

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Summary of Contracts Awarded by East Lothian Council,  
8 January – 25 April 2018

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**2**

**1 PURPOSE**

- 1.1 To advise Members of all contracts awarded by the Council from 8 January to 25 April 2018 with a value of over £150,000.

**2 RECOMMENDATIONS**

- 2.1 To note the award of contracts with a value of over £150,000 from 8 January to 25 April 2018, as listed in Appendix 1 to this report.

**3 BACKGROUND**

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.

- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

[http://www.eastlothian.gov.uk/site/scripts/meetings\\_committees.php?headerID=102](http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102)

**4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None.  
6.2 Personnel - None  
6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 None

|                      |  |
|----------------------|--|
| <b>AUTHOR'S NAME</b> | Lel Gillingwater                       |
| <b>DESIGNATION</b>   | Team Manager – Democratic& Licensing   |
| <b>CONTACT INFO</b>  | lgillingwater@eastlothian.gov.uk x7225 |
| <b>DATE</b>          | 25 April 2018                          |



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE  
FOR THE PERIOD 8 JANUARY – 25 APRIL 2018**

| <b>Originator</b>   | <b>Report Title/Project Summary</b>               | <b>Contract Awarded To</b> | <b>Contract Value</b> | <b>Members' Library Reference</b> |
|---|---|----------------------------|-----------------------|-----------------------------------|
| Depute Chief Executive<br>(Partnerships and Community Services) | Multi-material Kerbside Collection Services       | Biffa Municipal Ltd        | c. £3,750,000         | 47/18                             |
| Depute Chief Executive<br>(Partnerships and Community Services) | Procurement of Expansion of PPP Secondary Schools | Hub SE                     | c. £35,062,000        | 48/18                             |

25 April 2018



**REPORT TO:** Cabinet

**MEETING DATE:** 8 May 2018

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Updated Speed Limit Policy 2018

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**3**

## **1 PURPOSE**

- 1.1 To present an updated version of Speed Limit Policy for East Lothian Council (ELC).

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet approve the Updated Speed Limit Policy for ELC.

## **3 BACKGROUND**

- 3.1 The speed of vehicles is an important issue for communities that often generates intense local concern and debate, partly because the perception of what is an appropriate safe speed often differs greatly between, drivers, pedestrians and pedal cyclists, many of whom live and work in the community. It is important, therefore, that ELC clearly sets out its policy on how it will determine appropriate speed limits and ensure consistency of application, in line with current Government recommendations.
- 3.2 In August 2006 the Scottish Government published guidance on setting local speed limits (Circular 1/2006). As part of this guidance there was a requirement for all local authorities in Scotland to review the speed limits on all A and B class roads by 2011.
- 3.3 The key points of the guidance are that:
- Speed limits should be evidence led, self-explaining, and seek to reinforce people's assessment of what is a safe speed to travel. They should encourage self-compliance and not be seen by drivers as being a target speed at which to drive in all circumstances

- Roads Authorities set 'local speed limits' in situations where local needs and considerations deem it desirable for drivers to adopt a speed which is different from the national speed limit
  - The guidance is to be used for setting all local speed limits on single and dual carriageway roads, other than 20 mph limits, in both urban and rural areas
  - The guidance should also be used as the basis for future assessments of local speed limits and for developing route management strategies
- 3.4 In November 2010 a report was taken to cabinet which outlined ELC speed limit review. The report included amendments to speed limits on a number of A and B class roads and also included a new speed limit policy for ELC. This speed limit policy aligned with the national guidance and was approved by ELC. This has formed the basis of decision making and recommendations to members by Officers when they review or amend speed limits or assess new requests for speed limit reduction in East Lothian.
- 3.5 The current speed limit policy remains a 'living document' and in the period since the current speed limit policy was approved there has been additional guidance published. This includes "*The Good Practice Guide on 20 mph Speed Restrictions*" published by Transport Scotland in January 2015 and the Traffic Signs Regulations and General Directions (TSRGD) 2016. It is also recognised that speed limits form one distinct element of speed management and this should be considered alongside other speed management measures including engineering, enforcement and education. To reflect these changes Officers have updated the speed limit policy.
- 3.6 Police Scotland has reviewed this updated policy and support the principles contained within.
- 3.7 This report presented to Cabinet today retains the current approach to setting speed limits which has been in place since November 2010. This Updated Speed Limit Policy formalises the approach taken when determining speed limits in East Lothian and provides a framework to ensure there is a consistency of approach across the Council Area. Essentially this policy document brings together good practice previously used by the Council which has been refreshed by referencing recently published documents used at a national level.
- 3.8 The main changes to the updated policy are that it now reflects new guidance from Transport Scotland "*Good Practice Guide on 20 mph Speed Restrictions 2016*" and "*Traffic Signs Regulations and General Directions 2016*" (TSRGD).
- 3.9 The information in the Good Practice Guide 2016 is intended as guidance only. It is not meant to modify or override any of the provisions contained in the relevant road traffic legislation. The guidance should not be used in

isolation, but read in conjunction with the more comprehensive advice on these matters set out in the relevant legislation and guidance, including the Traffic Signs Regulations and General Directions 2016.

- 3.10 The Good Practice Guide on 20 mph Speed Restrictions aims to provide clarity to local authorities on the options available to them and aid greater consistency on the setting of 20 mph speed restrictions throughout Scotland. It also aims to encourage local authorities to set 20 mph speed restrictions, where appropriate.
- 3.11 The Traffic Signs Regulations and General Directions (TSRGD 16) sets out what traffic signs in the UK must look like, what they mean and how they may be placed and illuminated. TSRGD 16 brings together, with changes, provisions previously set out in a number of instruments. In doing so, they provide a traffic sign regime that is less prescriptive than its predecessor; allowing traffic authorities greater flexibility to develop signing schemes that meet local needs, whilst safe guarding national consistency. The lower level of prescription will bring benefits for traffic authorities in reduced costs and administrative requirements.

#### **4 POLICY IMPLICATIONS**

- 4.1 These proposals will contribute towards fulfilling the East Lothian Plan 2017-2027, in particular:
- Outcome 2.1: “East Lothian has strong resilient communities where people respect and support each other” and
  - action (k) “we will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - There will be financial implications related to the introduction/amendment of speed limits and any costs would require to be met from Road Services Budget. If the cost of a project exceeds the annual roads budget, approval from Council will be required before this can be progressed. If major improvements to the road network are required a standard road safety audit of the design will also be required.
- 6.2 Personnel - None
- 6.3 Other - None

## **7 BACKGROUND PAPERS**

### **7.1 Speed Limit Review and Proposed Speed Limit Policy 9<sup>th</sup> Nov 2010**

|                      |                                  |
|----------------------|----------------------------------|
| <b>AUTHOR'S NAME</b> | Alan Stubbs                      |
| <b>DESIGNATION</b>   | Service Manager- Roads           |
| <b>CONTACT INFO</b>  | Marshall Greenshields - Ext 7732 |
| <b>DATE</b>          | March 2018                       |



## **APPENDIX 1**

### **ELC - Revised Speed Limit Policy 2018**

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## 1.0 Introduction

- 1.1 This policy is an update from the previous policy approved by Cabinet in November 2010. At that time the Speed Limit Policy was prepared to reflect the Scottish Government's current guidance (Circular 1/2006), which sought a common national approach to the setting of speed limits.
- 1.2 Contained within Circular 1/2006 was a requirement for all Local Authorities to review formally the speed limits on all its Class A and B roads. This was completed and to ensure that all future speed limits are assessed consistently, in line with the review of A and B class roads, it was decided to update procedures and produce a formal Speed Limit Policy for East Lothian. A report was taken to Cabinet in November 2010 demonstrating the review and included the Speed Limit Policy for ELC.
- 1.3 The current policy remains a 'living document' and in the period since the current policy was approved there has been additional guidance published. This includes "*The Good Practice Guide on 20 mph Speed Restrictions*" published by Transport Scotland in 2015/16 and the Traffic Signs Regulations and General Directions (TSRGD) 2016. It also recognised that speed limits form one distinct element of speed management and this should be considered alongside other speed management measures including engineering, enforcement and education. To reflect these changes Officers have updated the speed limit policy.

## 2.0 Background

- 2.1 The setting of national speed limits for different road types, and the identification of which exceptions to the general limits can be applied, is the responsibility of the UK Government. The three national speed limits are:
  - The 30mph speed limit on restricted roads (in Scotland Class C or unclassified roads with street lighting).
  - The speed limit of 60mph on single carriageway roads.
  - The 70mph limit on dual carriageways and motorways.
- 2.2 These national limits are not, however, appropriate to all roads. The responsibility for determining local speed limits lies with Traffic Authorities having regard to guidance issued by the Scottish Government together with relevant advice from the Department for Transport.
- 2.3 In August 2006, the Scottish Executive published ETLLD Circular No.1/2006: Setting Local Speed Limits, which laid out recommendations on the setting of local speed limits. This superseded the recommendations given previously in the Setting of Local Speed Limits Circular No. 1/93. The recommendations apply to the setting of speed limits, other than 20 mph speed limits, on single or dual carriageway roads in both urban and rural areas.

2.4 The current guidance, to which this policy makes reference, is as follows:

- ETLLD Circular No 1/2006 – “Setting Local Speed Limits”
- ETLLD Circular No 1/2004 – “20 mph Speed Limits Around Schools on Roads with Speed Limits Higher Than 30 mph”
- DfT Traffic Advisory Leaflet 1/04 – “Village Speed Limits”
- SCOTS Additional Guidance – “Speed Limit Review, 2008”
- Transport Scotland - Good Practice Guide on 20 mph Speed Restrictions- 2015
- Transport Scotland - Good Practice Guide on 20 mph Speed Restrictions- June 2016
- Traffic Signs Regulations and General Directions 2016 (TSRGD)

### **3.0 Legislation and Regulations**

3.1 Speed limits are covered by legislation set out in Part VI of the Road Traffic Regulation Act 1984. Local speed limits are made by Roads Authorities, by order, under section 84 of this Act. Local authorities must ensure speed limits meet the legislative process and the requirements. In order to ensure compliance with a new lower limit, it is important the limit is signed correctly and consistently in accordance with section 85 of the Act and must comply with The Traffic Signs Regulations and General Directions 2016 (TSRGD). Any new limit should also be accompanied by publicity and, where appropriate, effective engineering changes to the road itself. Without such measures, the new limit is unlikely to achieve full compliance.

### **4.0 Policy Objectives**

4.1 The Scottish Government is responsible for determining speed limits on the trunk road and motorway network. ELC, as Roads Authority for East Lothian, is responsible for determining local speed limits on the local road network. The East Lothian road network needs to support a local transport system that promotes economic growth, is safe for all road users and improves the quality of life in our communities.

4.2 Effective speed management on the road network involves many components designed to encourage, help and require road users to adopt appropriate and safe speeds. Speed limits are a key source of information to road users and play a fundamental role in indicating the nature of, and risks posed by, a road to both motorised and non-motorised road users. Therefore, speed limits should be evidence led, self explaining and seek to reinforce peoples’ assessment of what is a safe speed at which to travel. They should also encourage self-compliance and not be seen by drivers as being a target speed at which to drive in all circumstances.

## **5.0 Underlying Principles**

5.1 The underlying principles of ELC's speed limit policy are as follows:

- ELC will consider all requests for speed reduction on its road network.
- ELC and Police Scotland will work in partnership in determining, or considering, any changes to speed limits.
- Alternative speed management options will always be considered before a new speed limit is introduced
- The underlying aim is to achieve a 'safe' distribution of speeds that reflects the function of the road and the impact on the local community. The needs of vulnerable road users will be fully taken into account
- What the road looks like to road users will be a key factor when setting a speed limit.
- Mean (average) speeds will be used to determine local speed limits.
- The minimum length of a speed limit will generally not be less than 600m to avoid too many changes of speed limit along the route.
- Speed limits will not be used to attempt to solve the problem of isolated hazards, for example a single road junction or reduced forward visibility on a bend.
- The desire to lower speed limits by residents will be acknowledged and considered, however, it is important to appreciate that a balance has to be struck between the needs of the community and the needs of motorists, particularly on those roads that are the main traffic routes in the County.

## **6.0 Enforcement**

6.1 Police Scotland is the agency responsible for the enforcement of speed limits on roads in the Council area. Enforcement can be carried out at specific locations by Police officers using hand held equipment, or along routes using in-vehicle detection equipment.

6.2 In-line with the guidance documents, 20mph speed limits and zones will be designed and introduced to be self-enforcing.

6.3 Before any new or altered speed limits are introduced, Police Scotland will be formally consulted to ensure they are supportive and agree that the proposals are valid and appropriate.

6.4 Police Scotland have confirmed any speed limits must be viable and sustainable. Any changes to speed limits must support a high level of self compliance and should not be reliant on Police enforcement.

- 6.5 It is expected that there will remain a type of driver that will continue to disregard speed limits suggested by the surrounding environment or imposed through regulation. It is expected that Police Scotland will target this group of drivers as part of their enforcement effort.

## **7.0 Speed Limits on our Roads**

### **7.1 Speed Limits on Urban Roads**

7.1.1 Urban roads by their nature are complex due to a need to satisfy a variety of functions and to provide a safe travel environment for pedestrians, cyclists and motorised traffic. The national speed limit in most urban areas is 30mph. A 40mph limit may be used where appropriate and, in exceptional circumstances, a 50 mph limit may be considered.

7.1.2 Typically, 30mph urban roads demonstrate a high degree of frontage development with pedestrian activity, driveways, junctions, traffic signals and crossings. 30mph roads generally are within town centres, precincts or residential areas and have street lighting.

7.1.3 Urban roads suitable for 40mph are generally higher quality suburban roads or those on the outskirts of urban areas where there is little frontage development. These roads should have good width and layout and wherever possible cater for the needs of non-motorised road users through segregation of road space or the provision of adequate footways and crossing points. Where such higher quality suburban roads, with little or no frontage development, pass through predominantly residential areas and there is significant vulnerable road user activity then a 30mph limit should be considered.

7.1.4 In exceptional circumstances a 50mph limit may be used on dual carriageways and higher quality roads where there is little or no roadside development and where there is also segregation of both junctions and vulnerable road user facilities.

7.1.5 20 mph limits will be covered in section 7.6 of this policy.

### **7.2 Speed limits on Rural Roads**

7.2.1 The national speed limit on the rural road network is 60mph on single carriageway roads and 70mph on dual carriageways.

7.2.2 In accordance with the guidance set out in Circular 1/2006, the rural road network in East Lothian has been divided into upper and lower tier roads depending on function. Upper tier roads are those with a primarily through function where mobility is important, typically A and B Class roads, whilst, lower tier roads are those with a primarily local or access function, typically Class C and Unclassified roads.

7.2.3 In East Lothian the national speed limits will be the norm on rural roads. However, where accident rates exceed the thresholds specified in Circular 1/2006 lower speed limits will be considered. The accident rates for upper and lower tier roads are as follows:

- Upper Tier – threshold of 35 injury accidents per 100 million vehicle kilometres.
- Lower Tier – threshold of 60 injury accidents per 100 million vehicle kilometres.

7.2.4 The accident rate is a trigger for intervention, indicating that speed management measures may be required on a particular section of road. In accordance with the guidelines, accident remedial measures and alternative speed management options will always be considered in detail before the introduction of a lower speed limit. Circular 1/2006 states quite clearly:

*“Speed limits should not be used to attempt to solve the problem of isolated hazards, such as a single road junction or reduced visibility such as a bend”.*

For both Upper and Lower tier roads, 30 mph will be the norm in villages.

### **7.3 Village Speed Limits**

7.3.1 In order to implement the government policy that, where appropriate, 30mph speed limit should be the norm in villages it is necessary to define a ‘village’. For the purpose of this speed limit strategy, ELC will adopt the general definition from Scottish Government Circular 01/2006. This definition is based on simple criteria relating to frontage development and distance. Both upper and lower tier roads will therefore be subject to a 30 mph speed limit through a village if the following criteria are met:

- 20 or more houses (on one or both sides of the road);
- a minimum density of 3 houses every 100m; and
- a minimum length of 600m.

7.3.2 The minimum length of 600m is recommended so as to avoid too many changes of speed limit along a given road and because many drivers are unlikely to reduce their speed to a new 30mph limit if it is over a very short distance, particularly if the end of the limit can be seen from the entry point.

7.3.3 Where the development density criteria are met over a much shorter distance the 30mph limit will be imposed over the length of the development (minimum length 300m), and in this case an intermediate (buffer) speed limit of 40mph may be implemented prior to the 30mph terminal signs at the entrance to a village to ensure a minimum ‘speed restricted’ length of 600m if considered appropriate. Ideally the 30mph signs will be positioned as close as practicable to the start of visual development.

- 7.3.4 Intermediate 40mph limits may also be considered where there are outlying houses beyond the village boundary, or roads with high approach speeds.
- 7.3.5 In situations where the above criteria for a village are not strictly met, and there are just fewer than 20 houses, extra allowances can be made for buildings such as schools or churches. In order to avoid ambiguity of this definition, a minimum of 80% of the required housing (16 houses) plus significant other building(s) is necessary for a 30mph limit. Housing density in the 50% to 80% range will be considered for a 40mph speed limit.
- 7.3.6 Ideally village speed limits will be signed to a standard layout to ensure consistency across East Lothian. Signing is discussed in a later section of this policy.
- 7.3.7 The majority of 30mph limits on Class C and unclassified roads are by virtue of the presence of street lighting. Any changes to existing limits, where required, will be made by Traffic Regulation Order.

#### **7.4 Not passing through settlements**

- 7.4.1 Drivers on routes that link larger settlements will expect to be able to make progress at reasonable speeds within the national speed limits. Restrictions on speed should therefore be considered carefully, with the economic and environmental effects taken into account. In some circumstances a reduction from the national limit would be appropriate such as where the collision rate is above the average for the type of road and specific measures to address the problems cannot be identified. Such limits should be set at a level appropriate to the geometric standard of the road and so that the need for it is self-evident to motorists, or signing is used indicating that it is for accident reduction purposes.

#### **7.5 Passing through settlements**

- 7.5.1 The risk of collision increases within settlements and the selected speed limit should be appropriate to the potential dangers. Likely areas of concern within settlements will include junctions, private accesses, local facilities (shops, post office, schools, PHs, etc.), pedestrian activity (crossing the road, walking on footways, walking on the carriageways). In general, as the size of the settlement increases so too do the numbers of potential hazards. The need for a lower speed limit is therefore self-evident and reducing speed accordingly is accepted by motorists. Moving traffic, particular at higher speeds, gives rise to severance and affects the quality of life in communities. A balance has to be struck between the needs of the community and the needs of motorists, particularly where roads are the main traffic routes in the County. In order not to confront drivers with too many changes in speed limits it is suggested that they should be of at least 800m in length, with reductions to 400m as buffer zones or if the settlement is too small and provided the exit terminal signs are not visible at the entry point.

## **7.6 20mph Speed Limits**

- 7.6.1 20mph speed limits are set in accordance with the Good Practice Guide on 20mph Speed Restrictions, June 2016.
- 7.6.2 Transport Scotland produced a good practice guide on 20mph speed restrictions which was published in January 2015 and then then refreshed in June 2016. This Guide is intended for use by Scottish Local Authorities and replaces all previous guidance on 20mph issued by the Scottish Executive including SODD Circular 13/1999; 2001 SEDD Circular No.6/2001; ETLLD Circular No. 1 /2004 (relating to schools) and Section 5.1 of ETLLD Circular No.1/2006. The guidance should not be used in isolation, but read in conjunction with the more comprehensive advice on these matters set out in the relevant legislation and guidance, including the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 7.6.3 ELC has a number of options at its disposal when considering introducing a 20mph speed restriction, including.

### **i 20mph speed limit zones**

This is where traffic calming measures are used, such as speed humps and road narrowing, to reduce the adverse impact of motor vehicles on built up areas. The key to a successful 20mph speed limit zone is to have in place speed reducing features in sufficient numbers and of appropriate design to reduce traffic speeds without the need for enforcement. 20mph speed limit zones need to comply with the Traffic Signs Regulations and General Directions 2016 (TSRGD).

### **ii Mandatory 20mph speed limits**

This is where mandatory 20mph limits are introduced and indicated by speed limit signs only with no supporting speed reducing features. These should not be introduced on roads where there is no realistic expectation they will achieve decreases in traffic speeds. Schemes should aim for compliance with the new speed limit and speeds should be monitored after introduction, especially on streets where higher speeds might be expected.

Clearly, one of the main advantages of introducing a 20mph limit, rather than a 20mph speed limit zone, is cost. However, without additional traffic calming, it is recommended that 20mph limits should primarily be considered where existing mean speeds are no greater than 24mph.

Where mean speeds are greater than 20mph, prior to the introduction of the limit, consideration should be given to whether it is appropriate to install additional engineering features, variable message signs or traffic calming measures to support the lower limit. 20mph limits also need to comply with TSRGD requirements



### **iii Variable/Part Time 20 mph Limits**

Variable speed limits are those which lower the limit to 20mph according to the time of day as specified in the speed limit order.

20mph should be the standard speed limit in the vicinity of schools. At schools where a 20mph limit or zone is not already in place a part-time speed limit can be used. Variable speed limits need to comply with TSRGD requirements

### **iv Advisory 20 mph limits**

Advisory maximum speeds were originally designed to be used in self-enclosed residential areas with little or no through traffic. Where local authorities have a desire to reduce speeds they should now be implementing mandatory limits or speed limit zones, as appropriate, in these areas rather than advisory ones. Local authorities who have previously introduced advisory limits can still use these where they have already been implemented.

### **v 20 mph limits – TSRGD requirements**

TSRGD 2016 removes the requirement for a minimum of one repeater sign to be placed within a 20 mph limit. It is for local authorities to decide how many repeater signs are needed and where they should be placed, taking cognisance of Chapter 3 of the Traffic Signs Manual ensuring there are sufficient repeater signs placed to inform road users of the speed limit in force.

## **7.6.4 Enforcement of 20 mph speed limits**

7.6.5 Any decision to lower the speed limit to 20mph should seek to avoid the need for extensive police enforcement, as 20mph limits will not be routinely enforced, unless it is absolutely necessary and in the interest of casualty reduction. The only exception to this is the enforcement of 20mph speed limits outside schools, which should take place on a regular basis.

7.6.6 Any changes should be monitored, and where compliance levels are not at an acceptable level, consideration should be given to the addition of traffic calming measures or reverting to a 30 mph limit, if necessary.

## 8.0 Signing

8.1 The design of speed limits signs in East Lothian will be in accordance with the Traffic Signs Regulations and General Directions (2016). Where possible, the speed limit signs and town/village nameplates will be brought together at a single location, and accompanied by an appropriate carriageway roundel, forming a 'gateway' feature.

## 9.0 ELC Speed Management Strategy

9.1 The current guidance recommends a minimum length of 600m for a single speed limit, with an allowable minimum of 400m. In situations where an appropriate limit is too short (for example in villages where the development criteria is met over a shorter length) then intermediate ('buffer') limits may be provided to create an overall speed limit of 600m or more as appropriate to the circumstances.

9.2 Where there are concerns over the effectiveness of a proposed new limit, or monitoring of vehicle speeds indicates poor compliance, then the use of intermediate limits on the approaches will also be considered. This is particularly relevant on the 'A' class roads where there can be relatively high approach speeds.

9.3 If at any time, measures are deemed necessary, to improve the effectiveness of a speed limit, consideration will be given to using additional speed management measures appropriate to each individual location.

9.4 In deciding upon a speed limit within ELC the following issues will be considered:

### 9.4.1 National Speed Limit Roads (60mph)

- No facilities - shops, schools etc.
- Only limited frontage development
- Individual houses/small group(s) not exceeding 400m overall length
- Roads of suitable standard

### 9.4.2 50mph Speed Limit

- Few facilities - shops, filling station, PH, etc.
- Predominantly frontage development exceeding 400m overall length
- Limited junctions
- Limited pedestrian/cycle activity
- Limited reasons to cross the road
- Roads of suitable standard for 50mph, particularly forward visibility

#### 9.4.3 40 mph Speed Limit

- Settlement has shop(s), school(s), PH, filling station etc.
- Significant development on both sides of road, but not necessarily continuous, with some development in depth, overall frontage exceeds 400m in length
- Junctions
- Some pedestrian/cycle activity throughout the day with possible peaks associated with schools etc.
- Some provision for pedestrians/cyclists or acknowledged need and possible warning signs
- Lengths of road that more closely fit the conditions for a 50 mph limit but where the standard of road/forward visibility is more appropriate to 40 mph

#### 9.4.4 30 mph Speed Limit

- Settlement has a clearly defined core – town centre shopping area, village green, etc.
- Numerous facilities generating pedestrian/ cycle activity - schools, shops, PH, play areas, etc.
- Almost continuous frontage development exceeding 400m in length
- Significant development in depth
- Numerous junctions
- Significant pedestrian activity throughout the day with provision of footways and or crossings

#### 9.4.5 20 mph Speed Limit

- 20mph speed limits should be set in accordance with the Good Practice Guide appropriate to the area and effective

#### 9.5.6 Part-time 20 mph Speed Limits - Outside Schools

- Consideration should be given to imposing 20mph restrictions at periods of high activity to avoid motorists being unnecessarily restricted.
- such advisory speed limits would be appropriate in school zone areas in conjunction with other measures to support safety for school journeys.

9.6 The basis of the ELC Speed Management Strategy is to set appropriate and effective speed limits and achieve a reasonable level of driver compliance within those limits. Each of the two aspects are relevant in deciding what action may be needed.

9.7 Potential or proposed changes to speed limits should be based on the following assessments:

- i. What is the function of the Road corridor and the surrounding environment? A balance needs to be struck between ‘movement’, ‘access’ and ‘place’ functions. Where the former predominates, the economic benefits of continued progress at a reasonable speed are priorities and a higher speed limit is likely to be more appropriate. Where ease of access or a sense of place are of greater importance, quality of life and social interaction may benefit from a lower speed limit.
  - ii. Casualty numbers. Are the accident rate and/or severity pattern higher than expected?. Lower standard rural routes and mixed use urban and village streets are typical areas where this may be the case. A lower speed limit or interventions to improve existing speed limit compliance may be appropriate.
  - iii. The need to increase walking and/or cycling and whether a lower speed limit would help encourage this. Whilst likely to apply in urban areas and in the vicinity of schools this may also warrant consideration in tourism based or National Park areas.
- 9.8 The aim of all speed limits should be to achieve good compliance. Where a speed limit is set too low and is ‘out of kilter’ with a drivers’ perceptions’ of reasonable, safe speed compliance is likely to be poor. If unrealistic low speed limits are widespread, this leads to a lack of respect and poor compliance with speed limits in general.
- 9.9 However, there will also be locations where drivers’ speeds are too high for the prevailing local environment and further intervention is required to achieve good compliance with the existing or a lower speed limit. In many cases the decision to introduce a new speed limit can be supported using the assessment principles above. For cases where the decision may be harder to evidence and there is strong community support to lower the speed limit even where this does not comply with the national guidance and ELCs speed limit policy and officer recommendation a report will be taken to committee for review.

## **10 Data Collection and Analysis**

- 10.1 The following is a list of data required when carrying out a speed limit assessment:
- Traffic flow data – should be Annual Average Daily Flow (AADF)
  - Traffic speed data – based on typical mean journey speeds along individual sections
  - Accident data – typically for a 5 year period (minimum 3 year), personal injury accidents are required when calculating the accident rate, but such non-injury accidents as are known may also be considered in any detailed investigation.

## APPENDIX 2

### National speed limits

| Type of vehicle  | Built up areas<br>mph(<br>km/h) | Single<br>carriageways<br>mph (km/h) | Dual<br>carriageways<br>mph (Km/h) | Motorways<br>mph (Km/h)                            |
|--|---------------------------------|--------------------------------------|------------------------------------|--|
| Cars, motorcycles, car-derived vans and dual-purpose vehicles                                  | 30 (48)                         | 60 (96)                              | 70 (112)                           | 70 (112)   |
| Cars, motorcycles, car-derived vans and dual-purpose vehicles when towing caravans or trailers | 30 (48)                         | 50 (80)                              | 60 (96)                            | 60 (96)  |
| Motor homes or motor caravans (not more than 3.05 tonnes maximum unladen weight)               | 30 (48)                         | 60 (96)                              | 70 (112)                           | 70 (112)   |
| Motor homes or motor caravans (more than 3.05 tonnes maximum unladen weight)                   | 30 (48)                         | 50 (80)                              | 60 (96)                            | 70 (112)   |
| Buses, coaches and minibuses ( not more than 12 m overall length)                              | 30 (48)                         | 50 (80)                              | 60 (96)                            | 70 (112)   |
| Buses, coaches and minibuses (more than 12 m overall length)                                   | 30 (48)                         | 50 (80)                              | 60 (96)                            | 60 (96)  |
| Good vehicles ( not more than 7.5 tonnes maximum laden weight)                                 | 30 (48)                         | 50 (80)                              | 60 (96)                            | 70 (11) 60 (96) if articulated or towing a trailer |
| Good vehicles ( more than 7.5 tonnes maximum laden weight) in England and Wales                | 30 (48)                         | 50 (80)                              | 60 (96)                            | 60 (96)  |
| Good vehicles ( more than 7.5 tonnes maximum laden weight) in Scotland                         | 30 (48)                         | 40 (64)                              | 50 (80)                            | 60 (96)  |



**REPORT TO:** Cabinet

**MEETING DATE:** 8 May 2018

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Various Roads – East Lothian, Introduction and amendments to Traffic Regulation Orders 2018

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**4**

## **1 PURPOSE**

- 1.1 To seek Cabinet approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and to ban and permit various types of vehicular traffic.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in Appendix A.

## **3 BACKGROUND**

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending Traffic Regulation Orders as necessary; to avert danger to road users; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property and to improve the amenity of the area.
- 3.2 Following the successful introduction of decriminalised parking enforcement and the consolidation of Traffic Regulation Orders a review of restrictions has highlighted several areas that require amendment / introduction. Details are provided in Appendix A.
- 3.3 Following representations from residents of Boggs Holdings it is proposed to reduce the speed limit from 60mph to 40mph. Details are provided in Appendix B.

- 3.4 It is proposed to introduce a cycle, pedestrian and horse rider friendly “Quiet Road” at West Fenton as part of the council’s Active Travel Plan. Quiet Roads are designated rural roads where traffic volumes and vehicle speeds are already low, and are aimed at encouraging people to travel by foot, by bike and on horseback. If successful additional “Quiet Roads” will be considered at a later date. Details are provided in Appendix C.
- 3.5 Residents of The Chalets, Shore Road, Belhaven expressed concerns about campervans parking overnight in the parking area adjacent. It is proposed to introduce a “No Overnight Parking” Traffic Order as campers and caravanners wishing to stay in their vehicles overnight should be checking into official camping and/or caravanning sites which cater for such vehicles. Details are provided in Appendix D.
- 3.6 Proposals have been made to amend a shop front to include a canopy and associated works all in accordance with Planning Application 17/01063/P. To accommodate the proposed canopy a section of footpath between High Street and Winton Place will have to be stopped up and removed from the list of roads. Details are provided in Appendix E.
- 3.7 Police Scotland will be fully consulted on the introduction of all of these proposals/regulations.

#### **4 POLICY IMPLICATIONS**

- 4.1 These proposals will contribute towards fulfilling the East Lothian Plan 2017-2027, in particular:
- Outcome 2.1: “East Lothian has strong resilient communities where people respect and support each other” and
  - action (k) “we will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Housing Strategy and Development project budget.
- 6.2 Personnel - None



6.3 Other – None

|                      |                                    |
|----------------------|------------------------------------|
| <b>AUTHOR'S NAME</b> | Peter Forsyth                      |
| <b>DESIGNATION</b>   | Roads Asset and Regulatory Manager |
| <b>CONTACT INFO</b>  | Keith Scott                        |
| <b>DATE</b>          | 27 April 2018                      |



| <b>Appendix A</b>   |                              |   |
|---|------------------------------|---|
| <b>The Amendments of the Prohibition and Restriction waiting, loading and unloading at Various Streets, Traffic Regulation Orders</b> |                              |   |
| <b>No.</b>  | <b>Location</b>              | <b>Description</b>  |
| 1   | High Street, Tranent         | Reduce length of Loading Bay o/s Bisset & Steedman  |
| 2   | Muirpark Area, Tranent       | Introduce no waiting, loading and unloading at junctions to prevent inconsiderate parking   |
| 3   | Well Wynd, Tranent           | Create new loading bay for businesses on the High Street unable to load / unload on High Street                                       |
| 4   | Various Locations, Tranent   | Change 60 mins limited waiting time to 90 mins to be consistent with other town centre waiting times                                  |
| 5   | Poldrate, Haddington         | Introduce waiting restrictions to control indiscriminate parking and free flow of traffic   |
| 6   | Inveresk Road, Musselburgh   | Introduce no waiting, loading and unloading opposite Musselburgh Grammer car park to prevent inconsiderate parking                    |
| 7   | Loretto Court, Musselburgh   | Introduce waiting restrictions at entrance to control indiscriminate parking and free flow of traffic                                 |
| 8   | Linkfield Road, Musselburgh  | Introduce waiting restrictions at entrances into Loretto Schools to control indiscriminate parking and improve sightlines             |
| 9   | Eskview Terrace, Musselburgh | Introduce no waiting, loading and unloading at junctions to prevent inconsiderate parking and create a loading bay in lay by at shops |

|    |   |  |
|----|---|--|
| 10 | 72 Millhill, Musselburgh                | Remove section of double yellow lines over private driveway  |
| 11 | St.Michaels Lane, Musselburgh           | Introduce waiting restrictions within lane to prevent vehicles from parking and causing obstructions to pedestrians accessing Primary Care Centre  |
| 12 | Linkfield Court, Musselburgh            | Extend existing no waiting, loading and unloading at exit to improve sightlines and remove section of no waiting, loading and unloading restriction on west side to create parking space |
| 13 | Windsor Gardens, Musselburgh            | Extend existing no waiting, loading and unloading to improve sightlines  |
| 14 | Bridge Street, Musselburgh              | Remove section of single yellow line at Brunton Hall, west of Taxi Rank and replace with 90 min limited waiting  |
| 15 | High Street, Musselburgh                | Outside Citizens Advice Bureau remove single yellow line and replace with Goods Vehicle Loading Only bay   |
| 16 | Station Road, North Berwick             | Extend no waiting, loading and unloading along frontage of Royal Apartments to control indiscriminate parking and improve free flow of traffic   |
| 17 | Forth Street, North Berwick             | Add an additional Blue Badge Holders parking space   |
| 18 | Old Abbey Road, North Berwick           | Remove section of no waiting restriction to provide additional on-street parking   |
| 19 | Law Road/Haddington Road, North Berwick | Extend existing no waiting restriction along frontage of school extension to control indiscriminate parking and improve free flow of traffic   |

|    |  |   |
|----|--|---|
| 20 | A198 Main Street, Longniddry   | Introduce no waiting, loading and unloading restrictions at newsagent and fast food shop to improve sightlines from Kitchener Crescent and improve free flow of traffic |
| 21 | Turrett Gardens, Prestonpans   | Introduce waiting restrictions at junction with Mayfield Crescent to control indiscriminate parking.  |
| 22 | B1377 Bridge end, East Linton  | Introduce waiting restrictions at west approach to bridge to control indiscriminate parking   |
| 23 | A6093 Main Street, Pencaitland at and opposite The Glebe             | Introduce waiting restrictions to control indiscriminate parking and assist School Crossing Guide carrying out duties   |
| 24 | Various Locations, Gullane   | Change 45 mins limited waiting time to 90 mins to be consistent with other town centre waiting times  |
| 25 | Beechwood Road, Station Road Junction, Haddington                    | Introduce waiting restrictions to control indiscriminate parking and assist School Crossing Guide carrying out duties   |
| 26 | Victoria Street near junction with High Street, Dunbar               | Introduce Loading Bay to assist with deliveries to Castle Hotel / Black Agnes pub   |
| 27 | High Street, Cockenzie at rear access into Cockenzie House           | Introduce waiting restrictions to control indiscriminate parking.   |
| 28 | Sandersons Wynd at Crookston Care Home, Tranent                      | Amend existing waiting restrictions from School peak hour times to 24 hour restrictions to control parking whilst football matches / training are taking place          |
| 29 | Hercus Loan, Musselburgh at rear access into M & F Funeral Directors | Introduce waiting restrictions to assist funeral cars accessing / egressing premises.   |
| 30 | Junctions accessing Pinkie Road, Musselburgh                         | Introduce waiting restrictions to control indiscriminate parking, especially at school times.   |

| <b>Appendix B</b>               |                      |   |
|---------------------------------|----------------------|---|
| <b>Speed Limit Restrictions</b> |                      |   |
| <b>No.</b>                      | <b>Location</b>      | <b>Description</b>  |
| 1                               | B6363 Boggs Holdings | Introduce a new 40mph speed limit through the settlement of Boggs Holdings in between the existing “welcome to” Gateway signs |

| <b>Appendix C</b>                       |   |   |
|---|---|---|
| <b>Active Travel Plan – Quiet Roads</b> |   |   |
| <b>No.</b>                              | <b>Location</b>   | <b>Description</b>  |
| 1                                       | C110 from A198 to C111 Fenton Barns and C111 from B1345 Fenton Barns to C108 Luffness | To introduce cycle, pedestrian and horse rider friendly roads whereby speed limits are reduced and new gateway signage installed to remind motorists of non-motorised users on the road |

| <b>Appendix D</b>  |                          |   |
|--|--------------------------|---|
| <b>No Overnight Parking Restrictions and No Waiting Restrictions</b> |                          |   |
| <b>No.</b>   | <b>Location</b>          | <b>Description</b>  |
| 1  | Shore Road, Belhaven Bay | To introduce a No Overnight Parking restriction between the hours of Midnight and 8am. To introduce waiting restrictions in the turning area to allow turning for larger vehicles |

| <b>Appendix E</b>   |                            |  |
|---|----------------------------|--|
| <b>To Stop up and remove from the Public Road network</b> |                            |  |
| <b>No.</b>  | <b>Location</b>            | <b>Description</b>   |
| 1   | Winton Place, Tranent      | To remove a section of publically maintained footpath as per Planning Ref No. 17/01063/P |
| 2   | 87 Abbots View, Haddington | To remove a section of publically maintained footpath which is considered unnecessary    |





**REPORT TO:** Cabinet

**MEETING DATE:** 8 May 2018

**BY:** Depute Chief Executive (Partnerships and Services for Communities)

**SUBJECT:** The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018 and the East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018

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## **1 PURPOSE**

- 1.1 For Cabinet to approve the making of two Orders under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Aberdeen Standard Investments Scottish Open 2018 Golf Championship and the Aberdeen Standard Investments Ladies Scottish Open 2018 Golf Championship, both to be held at Gullane Golf Course, Gullane Links, East Lothian.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the making of The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018.
- 2.2 That Cabinet approves the making of The East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018.

## **3 BACKGROUND**

- 3.1 The Aberdeen Standard Investments Scottish Open 2018 Golf Championship and the Aberdeen Standard Investments Ladies Scottish Open 2018 Golf Championship are both being held at Gullane Golf Course, Gullane Links, East Lothian in July 2018.
- 3.2 The Championship organisers European Tour and International Management Group have applied to East Lothian Council for two Orders under Section 11 of the Land Reform (Scotland) Act 2003 to exempt areas of Gullane Golf Course from the access rights which would otherwise be exercisable there.

- 3.3 **The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018:** The purpose of this Order is to enable the Scottish Open 2018 Golf Championship to be held, with the land being exempted temporarily from access rights (1) in the interests of the safety and security of players and the safety of the public during the Championship; and (2) to permit an entrance fee to be levied on spectators during the Championship.
- 3.4 It is proposed that this Order will take effect at 00.01 hours on Wednesday 11<sup>th</sup> July 2018 and will expire at 23.59 hours on Sunday 15<sup>th</sup> July 2018.
- 3.5 Consultation on this proposed Order has taken place with East Lothian Local Access Forum, Gullane Area Community Council, Scottish Natural Heritage, North Berwick Coastal Area Partnership, Hill Road Landowners (Gullane) and Aberlady Local Nature Reserve Advisory Group. No concerns have been raised by these organisations.
- 3.6 **The East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018:** The purpose of this Order is to enable the Ladies Scottish Open 2018 Golf Championship to be held, with the land being exempted temporarily from access rights (1) in the interests of the safety and security of players and the safety of the public during the Championship; and (2) to permit access only by ticket holders during the Championship.
- 3.7 It is proposed that this Order will take effect at 00.01 hours on Wednesday 25<sup>th</sup> July 2018 and will expire at 23.59 hours on Sunday 29<sup>th</sup> July 2018.
- 3.8 Consultation on this proposed Order has taken place with East Lothian Local Access Forum, Gullane Area Community Council, Scottish Natural Heritage, North Berwick Coastal Area Partnership, Hill Road Landowners (Gullane) and Aberlady Local Nature Reserve Advisory Group. No concerns have been raised by these organisations.

#### **4 POLICY IMPLICATIONS**

- 4.1 These Orders are consistent with the provisions of the Land Reform (Scotland) Act 2003, and with policy and good practice set out in the Scottish Government Guidance for Local Authorities and National Park Authorities on Part 1 Land Reform (Scotland) Act 2003.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None.
- 6.2 Personnel – None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 Appendix 1: Proposed Order to exempt land from access rights for the 2018 Scottish Open: “The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018”.
- 7.2 Appendix 2: Proposed Order to exempt land from access rights for the 2018 Ladies Scottish Open: “The East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018”.

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| <b>AUTHOR’S NAME</b> | Jennifer Lothian                           |
| <b>DESIGNATION</b>   | Outdoor Access Officer                     |
| <b>CONTACT INFO</b>  | jlothian@eastlothian.gov.uk ; 01620 827419 |
| <b>DATE</b>          | 28/03/2018                                 |



**Appendix 1: Proposed Order to exempt land from access rights for the 2018 Scottish Open**

**EAST LoTHIAN COUNCIL**

**LAND REFORM (SCOTLAND) ACT 2003**

**THE EAST LoTHIAN COUNCIL (SCOTTISH OPEN, GULLANE GOLF COURSE)  
(EXEMPTION) ORDER 2018**

EAST LoTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, HEREBY MAKE the following Order:-

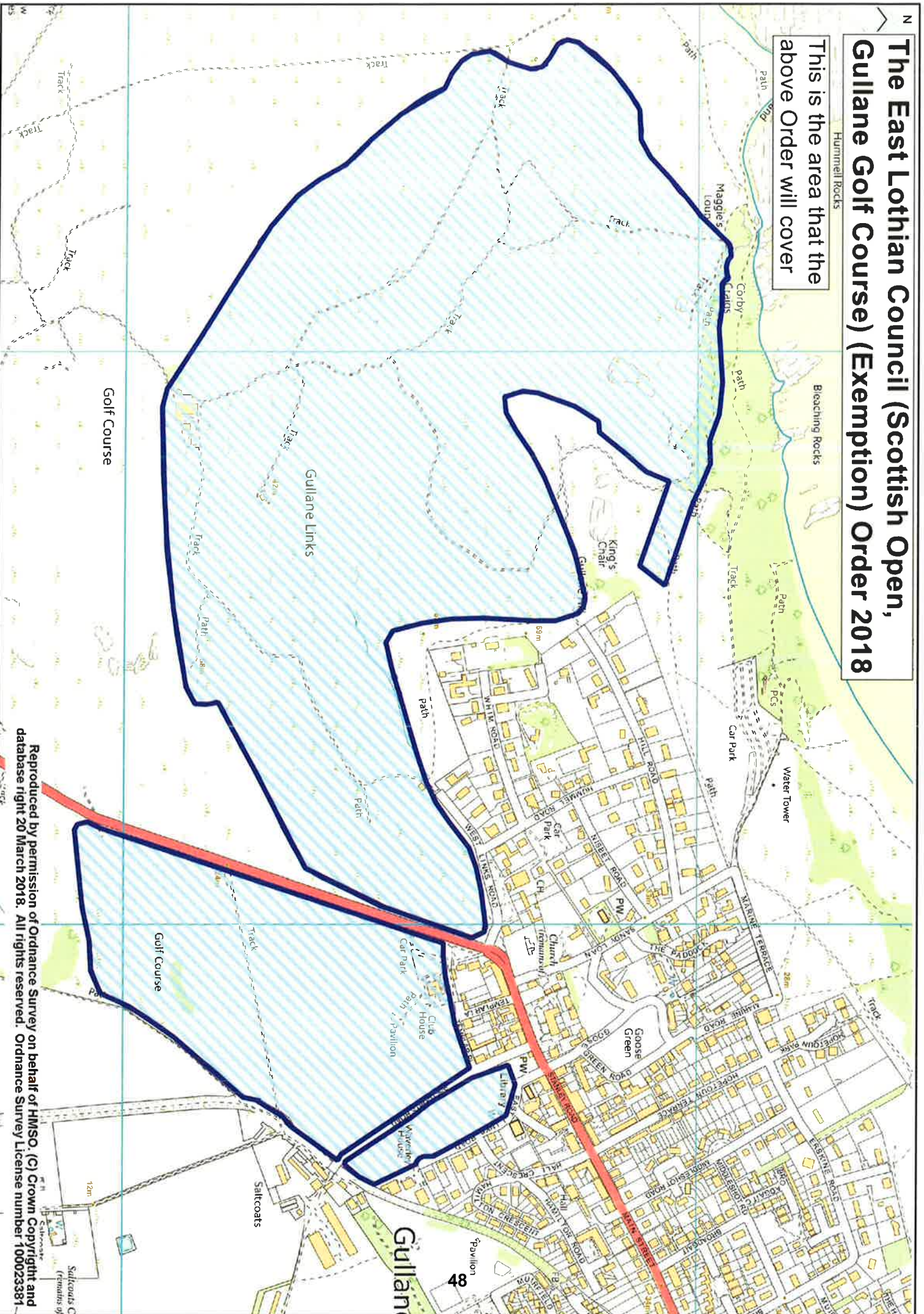
1. The Order may be cited as "The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018" and shall come into effect at 00.01 hours on 11 July 2018 and will expire at 23.59 hours on 15 July 2018, unless revoked earlier.
2. The effect of the Order is to exempt the areas of land at Gullane Golf Course, Gullane Links, which areas are shown hatched blue on the plan thereof annexed and executed as relative hereto, from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.
3. The purposes for which the Order are made are:
  - (a) to permit an entrance fee to be levied on spectators for admission to the Scottish Open Golf Championship; and
  - (b) to secure the safety and security of players and the safety of the public during the Championship.

The foregoing Order typewritten on this page is, together with the plan annexed hereto, sealed with the Common Seal of East Lothian Council and subscribed for and on their behalf by \_\_\_\_\_, an authorised signatory and as such a "Proper Officer" for the purposes of Section 194 of the Local Government (Scotland) Act 1973 as amended, at HADDINGTON on the \_\_\_\_\_ day of \_\_\_\_\_ TWO THOUSAND and EIGHTEEN.



# The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2018

This is the area that the above Order will cover



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**Appendix 2: Proposed Order to exempt land from access rights for the 2018 Ladies Scottish Open**

**EAST LoTHIAN COUNCIL**

**LAND REFORM (SCOTLAND) ACT 2003**

**THE EAST LoTHIAN COUNCIL (LADIES SCOTTISH OPEN, GULLANE GOLF COURSE) (EXEMPTION) ORDER 2018**

EAST LoTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, HEREBY MAKE the following Order:-

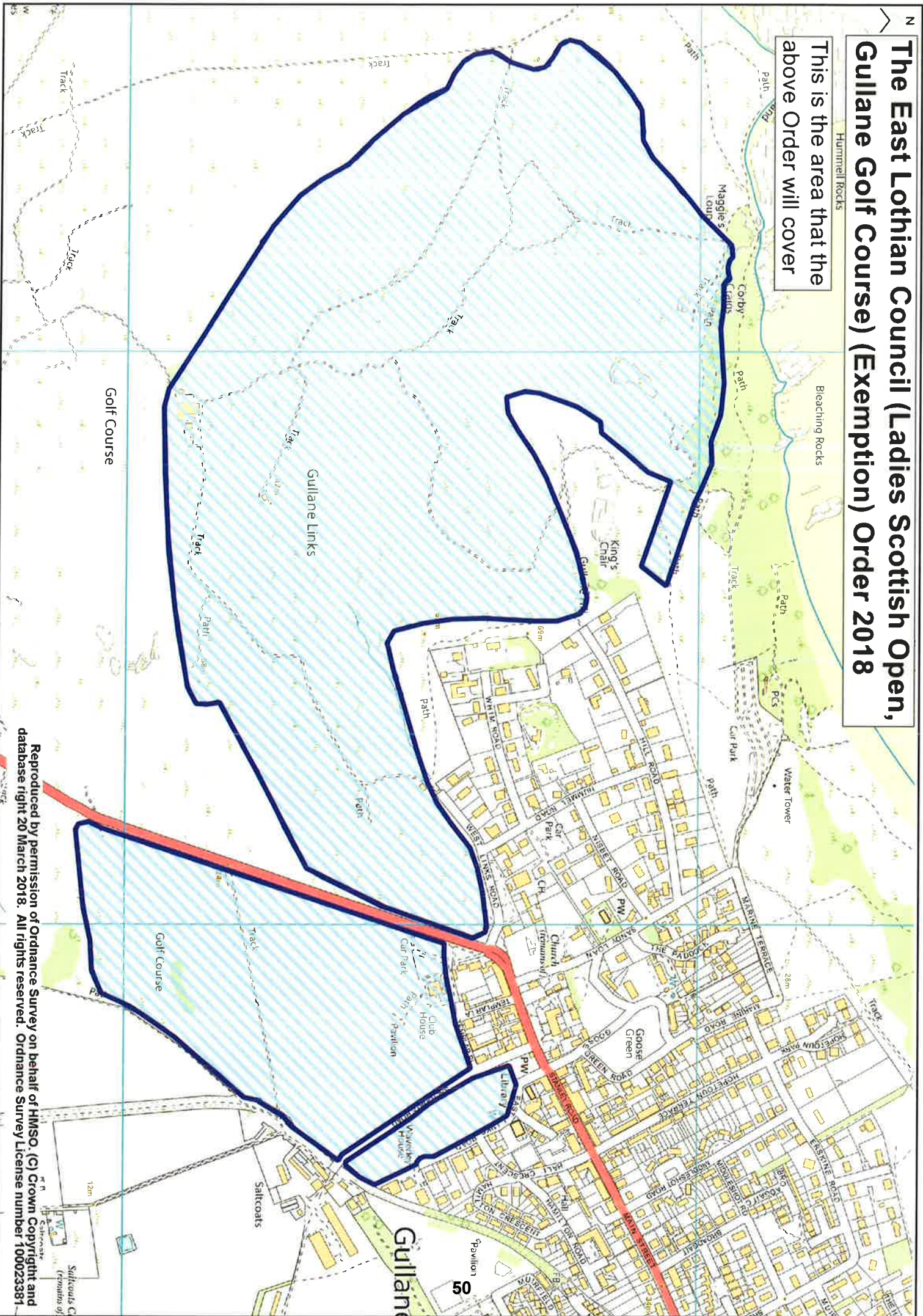
1. The Order may be cited as "The East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018" and shall come into effect at 00.01 hours on 25 July 2018 and will expire at 23.59 hours on 29 July 2018, unless revoked earlier.
2. The effect of the Order is to exempt the areas of land at Gullane Golf Course, Gullane Links, which areas are shown hatched blue on the plan thereof annexed and executed as relative hereto, from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.
3. The purposes for which the Order are made are:
  - (a) to permit admission only by ticket holders to the Ladies Scottish Open Golf Championship; and
  - (b) to secure the safety and security of players and the safety of the public during the Championship.

The foregoing Order typewritten on this page is, together with the plan annexed hereto, sealed with the Common Seal of East Lothian Council and subscribed for and on their behalf by \_\_\_\_\_, an authorised signatory and as such a "Proper Officer" for the purposes of Section 194 of the Local Government (Scotland) Act 1973 as amended, at HADDINGTON on the \_\_\_\_\_ day of \_\_\_\_\_ TWO THOUSAND and EIGHTEEN.



# The East Lothian Council (Ladies Scottish Open, Gullane Golf Course) (Exemption) Order 2018

This is the area that the above Order will cover



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