

## Members' Library Service Request Form

Date of Document	11/09/20
Originator	Tom Reid Head Of Infrastructure
Originator's Ref (if any)	
Document Title	The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020

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For Publication
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Additional information:

This report has been approved under Standing Order 15.4 - Additional Delegations in Conjunction with Councillors, by Alex McCrorie (Depute Chief Executive), Cllr Norman Hampshire (Labour), Cllr Lachlan Bruce (Conservative) and Cllr Stuart Currie (SNP).

Authorised By	Alex Mccrorie
Designation	Deputy Chief Executive
Date	Resources and People Services

For Office Use Only:	
Library Reference	101/20
Date Received	14/09/20
Bulletin	Sept20

**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Head of Infrastructure

**SUBJECT:** The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020

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## **1 PURPOSE**

- 1.1 To authorise the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020 in order to exclude the area shown on the plan attached to the Order from public rights of access in terms of the Land Reform (Scotland) Act 2003 for the duration of the Scottish Open Golf Tournament and three days of practice (8 days).
- 1.2 To authorise the making of an alternative The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020 in order to exclude the area shown on the plan attached to the Order from public rights of access in terms of the Land Reform (Scotland) Act 2003 for the duration of the Scottish Open Golf Tournament (5 days).

## **2 RECOMMENDATIONS**

- 2.1 That the terms of the Orders annexed hereto be approved and that the Legal Services Manager be authorised to sign the Orders and advertise the making of the Orders on the Council website and in the press.
- 2.2 That the Chief Executive in conjunction with cross-party Councillor representation as outlined in Standing Order 15.4- additional delegation in conjunction with Councillors- take immediate action with regard to this matter which ordinarily would be business for a meeting of Cabinet.

## **3 BACKGROUND**

- 3.1 In terms of the Land Reform (Scotland) Act 2003, members of the public have a right of responsible access over most land areas. Local Authorities have the power to exclude certain areas by Order for limited periods and specific purposes.

- 3.2 Golf courses are among the areas to which members of the public have access under the Act. It is standard practice for organisers of golf events to seek an Order from the Council under Section 11 of the 2003 Act to cover the duration of golf tournaments. The effect of the Order is that the rights of the general public to access the land forming the golf course is suspended for the duration of the event, with a view to protecting both the public and the players.
- 3.3 For an Order with a duration of less than six days, the Local Authority must give public notice of the order. If, however, an Order is in effect for a period of six or more days, then the Local Authority must consult the land owners, the Local Access Forum and any other persons they think appropriate inviting objections. The Order would also require confirmation by Scottish Ministers and any representations received must be included with the draft Order sent to them.
- 3.4 In normal times, applications for such orders are received in good time to enable the Order to be processed and promoted well in advanced of the event taking place. On this occasion, a combination of uncertainty as to whether the event would take place at all due to Covid-19 and a lack of communication regarding the final agreed dates has resulted in the request for the Order being made with very little notice. For that reason authorisation is sought under the Emergency Recess Procedure.
- 3.5 The organisers have been instructed that the event must conform to strict Covid-19 guidance. This includes maintaining an 'event bubble', which will ensure that players and the public will remain apart at all times. This has to include the three days of practice prior to the event, thus the requirement for an eight-day exclusion.
- 3.6 Under normal circumstances Scottish Ministers require at least six weeks to confirm the notice that covers a period of six or more days. We have been assured by the Scottish Government's Natural Environment Branch that they will try to confirm the Order within a week, but they cannot guarantee this.
- 3.7 For this reason, we have prepared a second Order, lasting for five days, which can be processed without the need for a consultation or confirmation by Scottish Ministers. This will be a back-up Order to be used only if we do not receive confirmation of the eight-day order from Scottish Ministers.
- 3.8 The Orders are in essentially the same terms as that granted for the same event in 2019, and over the same area footprint. The making of the Orders does require to be advertised.
- 3.9 The consultation for the eight-day order ends on Friday 11<sup>th</sup> September. To date we have received no objections from the public and support from three members of the Local Access Forum.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Orders will temporarily exclude the area of land shown on the plan from public access rights under the Land Reform (Scotland) Act 2003 for the duration of the Scottish Open- a period of up to eight days.

#### **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 East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020- for five days.  
7.2 Appendix 2. Proposed East Lothian Council (Scottish Open, the Renaissance Club) (Exemption) Order 2020- for eight days.  
7.3 Plan annexed to said Order.

<b>AUTHOR'S NAME</b>	Nick Morgan
<b>DESIGNATION</b>	Access Officer
<b>CONTACT INFO</b>	nmorgan@eastlothian.gov.uk
<b>DATE</b>	10.09.2020

**Appendix 1: Proposed Order to exempt land from access rights for the 2020 Scottish Open**

**EAST LoTHIAN COUNCIL**

**LAND REFORM (SCOTLAND) ACT 2003**

**THE EAST LoTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB)  
(EXEMPTION) ORDER 2020**

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, The Renaissance Club) (Exemption) Order 2020" and shall come into effect at 00.01 hours on 30 September 2020 and will expire at 23.59 hours on 4 October 2020, unless revoked earlier.
2. The effect of the Order is to exempt the area of land at The Renaissance Club, Dirleton, which area is shown hatched red 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 Alex McCrorie, 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 11th day of September TWO THOUSAND and TWENTY.

**Appendix 2: Proposed Order to exempt land from access rights for the 2020 Scottish Open**

**EAST LoTHIAN COUNCIL**

**LAND REFORM (SCOTLAND) ACT 2003**

**THE EAST LoTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB)  
(EXEMPTION) ORDER 2020**

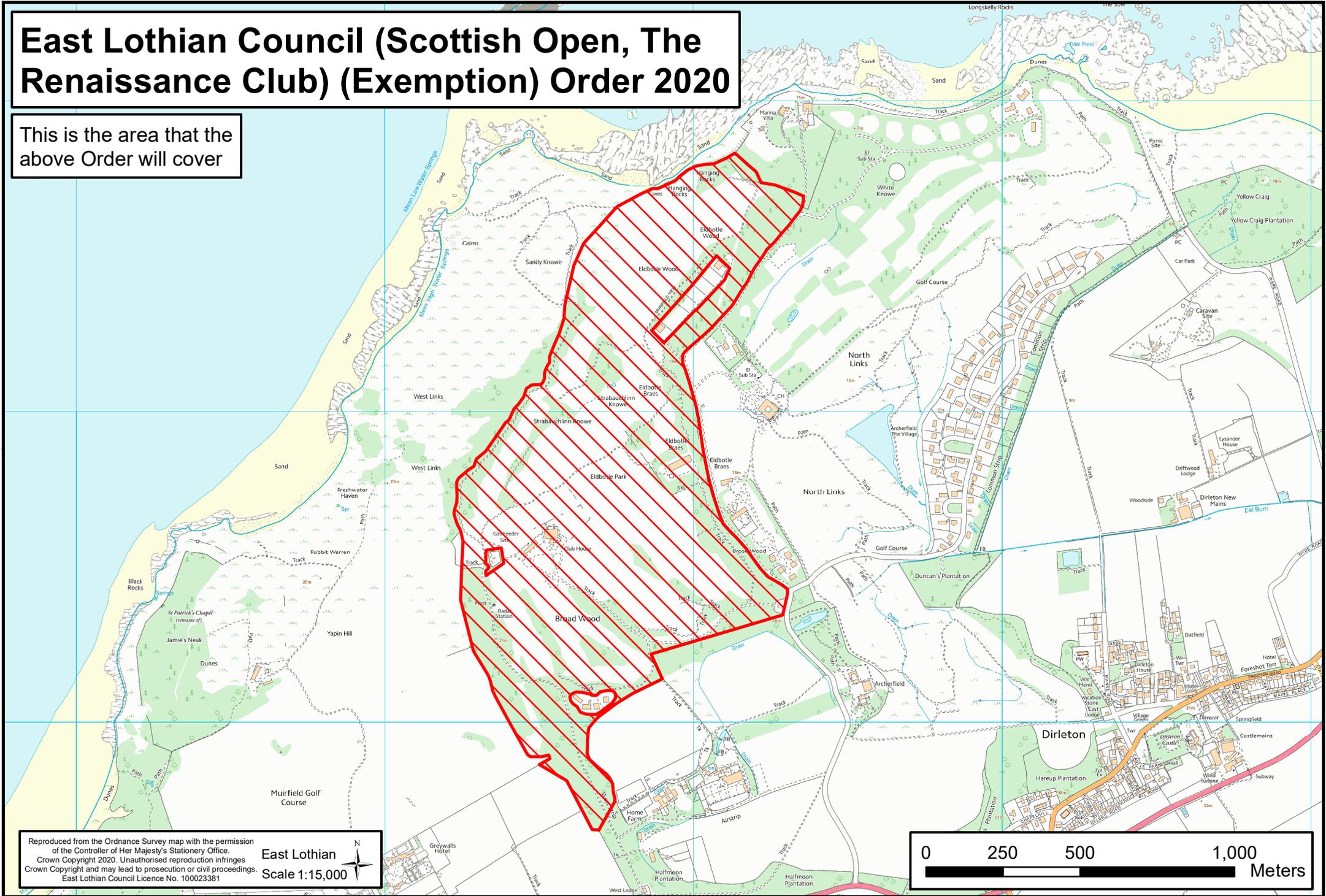
EAST LoTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, having consulted the owners of the land to which the order relates, and the local access forum, and any other person they consider appropriate, having given public notice of the intended purpose and effect of the order, and having considered any objections and representations made to them, all in accordance with section 11(2) of the Act, hereby make the following Order:-

1. The Order may be cited as "The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020" and shall come into operation at 00.01 hours on 27 September 2020 and will expire at 23.59 hours on 4 October 2020, unless revoked earlier.
2. The effect of the Order is to exempt the area of land at The Renaissance Club, Dirleton, which area is shown hatched red 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:
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# East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2020

This is the area that the above Order will cover



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East Lothian  
Scale 1:15,000

