

SCOTTISH BORDERS COUNCIL PETITIONS AND DEPUTATIONS COMMITTEE

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 31 May, 2016 at 10.00 am

Present:- Councillors A. J. Nicol (Chairman), S. Bell, D. Parker, D. Paterson, J. Torrance and T. Weatherston

In Attendance:- Engineering Team Leader - Traffic and Road Safety, Clerk to the Council, Democratic Services Officer (F. Walling).

Petitioner:- Ms Christine Hamilton.

CHAIRMAN

The Chairman welcomed Ms Hamilton to the meeting and asked for a round of introductions.

1. **DECLARATIONS OF INTEREST**

Both the Chairman and Councillor Weatherston explained that although they had visited the nursery which was referred to in the petition they felt that this did not prejudice their ability to objectively consider the petition being presented and therefore did not declare an interest in terms of Section 5 of the Councillors Code of Conduct.

DECISION NOTED.

2. **MINUTE**

There had been circulated copies of the Minute of 1 March 2016.

DECISION APPROVED and signed by the Chairman.

3. **THE PETITIONS PROCEDURE**

There had been circulated copies of an extract from the Scottish Borders Council Petitions Procedure which set out the process to be followed at the meeting.

DECISION NOTED.

4. **ROAD SAFETY ON SPYLAW ROAD.**

- 4.1 There had been circulated copies of a petition, submitted to the Council on 29 March 2016, entitled 'Road Safety on Spylaw Road'. The form was accompanied by 126 signatures in total. There had also been circulated copies of a briefing note by the Depute Chief Executive (Place) which was in response to the petition. The Principal Petitioner, Seonaid Blackie, was the owner of Castlegate Nursery and out-of-school club on Spylaw Road in Kelso, and Ms Hamilton was in attendance to present the petition on her behalf.

In a statement accompanying the petition it was explained that there was concern about the speed of traffic driving past the nursery premises which were situated approximately half way along Spylaw Road. This was a wide, no-through road with a combination of commercial and private traffic to, for example, a Council depot, Border Concrete, an exercise gym and haulage yard. Parents' absolute best intention was always to keep their children with them at all times, but they had huge concerns that if their child got away from them the possibility of a resulting accident was greatly increased by the speed and sometimes poor driving of those passing. The nursery owner had previously asked for road signage to be considered but on review by the Council and Police Scotland this had been turned down. The owner understood that Castlegate was a private nursery but there was provision for approximately 130 families on a weekly basis. It was suggested that as the Council provided signage for schools and 20 mph limits at peak times it would seem arbitrary for the nursery not to be considered for similar measures. The statement referred to the previous advice from the Council that 'general guidance for school signage did not apply to nurseries where the children were almost exclusively escorted to and from the premises'. In response it was emphasised that parents often had more than one child with them and that very young children did not yet understand the danger of running away from their parent. It was suggested that the number of signatures with the petition clearly emphasised the concern of parents, staff and visitors to the premises.

4.2 In support of the statement Ms Hamilton explained that she had run the nursery business with her mother Seonaid Blackie for the past 23 years and they had been in the premises on Spylaw Road for the last 9-10 years. She gave further information about the key concerns of parents in relation to the speed of passing traffic, much of this being HGV traffic to commercial premises. She added that even when children were taken out wearing high visibility vests drivers failed to reduce their speed. Ms Hamilton asked why, when Council premises such as schools were provided with signage there was no such facility to keep children safe in the case of a nursery. With regard to the traffic monitoring carried out by the Council she believed the average of speeds recorded would not be a true reflection of the speed of traffic passing the nursery as the measurements had been taken outside the nursery premises where many cars would be stopping. In response to a Member's question Ms Hamilton believed that concern about the speed of traffic on Spylaw Road was an issue for the whole of the day but with particular sensitivity being related to the location of the nursery and the times of the day when children were arriving and departing.

4.3 The Council's response to the petition was presented by Philippa Gilhooly, Engineering Team Leader for Traffic and Road Safety. Ms Gilhooly advised that Council officers had visited the site on the afternoon of 18 April, the morning of 19 April and the morning of 10 May 2016 to monitor the volume and speed of traffic and number of pedestrians. Conditions were dry and sunny on all three days. Ms Gilhooly apologised for the fact that there was speed monitoring equipment malfunction on 19 April so there were no recorded speeds for that day. Results showed that the average speed of vehicles using Spylaw Road were 18.5mph and 21.3mph on the two days for which measurements were obtained, which was well below the 30mph speed limit. These were speeds the Council would welcome elsewhere. Pedestrian volumes were low and all children were accompanied. Further details of the volume, type and speed of vehicles and number of pedestrians were provided in an Appendix to the paper. Of most concern to the Council officer was the number of vehicles associated with the nursery that reversed on to the live carriageway. Ms Gilhooly advised that in view of these vehicle volumes and speeds the Council would not propose to make any physical changes to the road or signs. As previously explained to the nursery owner none of the signs regulated by the Traffic Signs Manual were appropriate for use outside a nursery. She explained that while Traffic Signs Regulations for the United Kingdom had recently been reviewed, in this case the situation was unchanged. Where the Council had installed part time 20mph schemes outside schools, as agreed by local Police Scotland representatives, these could only operate at main school run times and not at nursery times as the expectation was that all nursery children would be accompanied by a responsible adult. Any speed reducing measures

that were introduced needed to be justifiable, proportional and balanced, and in this instance officers did not believe any speed reducing measures were required. Ms Gilhooly believed that, as was the case in many other areas, the issue was one of perceived speed from the perspective of pedestrians. Should the occasional vehicle be travelling at excessive speed along Spylaw Road, the recommendation would be for the nursery to contact Police Scotland.

- 4.4 In answer to questions Ms Gilhooly confirmed that the Scottish Government no longer allowed Councils to put in place advisory 'twenty's plenty' schemes; the only option being to set up a mandatory scheme. Such a scheme would not be appropriate, nor considered necessary for Spylaw Road, being reserved for residential areas and needing the support of Police Scotland as well as the Council to enable this to be enforced. In this respect she advised that in terms of traffic speeds there were many other residential areas of the Borders where the need for a mandatory 20 mph scheme was greater than for Spylaw Road. She also highlighted that, from the average speeds revealed in the measurements made in Spylaw Road, a 20 mph limit would not have any effect. A Member suggested that the speed monitoring results would have been more accurate if the monitoring equipment had been placed halfway down the road rather than outside the nursery building. It was also pointed out that, in addition to average speeds, figures giving the spread of results or 85 percentile would have been useful. In response to a point made by Ms Hamilton that 40% of the children attending the nursery were Council funded, Ms Gilhooly advised that the regulations regarding signage applied to all nurseries in the Borders.
- 4.5 In the ensuing discussion Members expressed sympathy with the petitioner and the concern expressed by those associated with the nursery. It was clear that, if it were an option, Members would have supported the introduction of an advisory 20 mph zone for the whole of the industrial area and signs to encourage motorists to reduce their speed. However they accepted that these options were not possible under current regulations. In response to the petition it appeared that the only option that could be further investigated by the Council was the suggestion of painting a warning sign on the road. Members also encouraged Ms Hamilton to explore any private solutions which could be pursued to raise drivers' awareness of the location of the nursery in order to persuade them to reduce their speed. The Chairman thanked Ms Hamilton for her attendance and for presenting the petition.

DECISION

- (a) **NOTED** the petition.
- (b) **AGREED** to refer the petition to the Chief Officer Roads with the recommendation that officers explore:-
- (i) **the feasibility of painting a 'SLOW' road marking on Spylaw Road at the approach to Castlegate Nursery; and**
 - (ii) **any other option that may be available to the Council to persuade drivers along Spylaw Road to reduce their speed.**

The meeting concluded at 11.20 am