

Participation Request Final Report – Eliburn Community Council

A participation request was submitted by Eliburn Community Council to West Lothian Council – **“to safeguard children, their siblings and parents or guardians attempting to get to and from the local Primary School. Additionally, that Police Scotland regularly monitor that vehicles accessing Aller & Garden Places comply with the legislation and take appropriate action against those who don’t.”**

The Community Council also stated that their anticipated outcome was the installation of Zebra type crossings in Aller Place and Garden Place adjacent to the dropped kerb crossing points and that these crossings comply with Section 25 of the Road Traffic Regulation Act 1984 and any subsequent amendments. As detailed later in this report, this part of the original request was considered by the panel to be a potential output of the improvement process rather than an outcome therefore the primary outcome considered by the panel was the **‘safeguarding of children, their parents or guardians attempting to get to and from the local primary school.’**

This report sets out the detail of the participation request, the outcome of the process, the extent to which the participation of the community council influenced the process and outcomes and how the community council will be kept informed. The report has been prepared after consultation with the community council. Their feedback is covered later in this report.

Background

Eliburn Community Council’s Participation Request was submitted due to concerns over the safety of children going to and from Peel Primary School in Eliburn, Livingston. Using the council’s existing policy and procedures in relation to road safety and accident prevention, a Stage 1-2 Road Safety Audit was undertaken in March 2021 followed by a Stage 3 audit in August 2022. No road safety concerns were raised as a result of the audit with regard to pedestrian crossing points therefore no action was required. The only road safety issue raised was that bollards should be made more conspicuous, to reduce the risk of a pedestrian colliding with a bollard especially in poor weather and lighting conditions, and for those with sight impairments.

As part of the participation request, the Community Council had requested that Police Scotland participate as an additional Public Service Authority.

The Community Council had also submitted a petition to West Lothian Council in March 2022.

Validation and Decision-Making Process

The participation request was submitted by the community council on 1 March 2023. The request was validated by a Panel consisting of the council’s Head of Planning, Economic Development and Regeneration (PEDR), Head of Operational Services, Governance Manager, Roads and Transportation Manager, Police Scotland representative, Peel Primary Head Teacher and the Community Planning Development Officer. The Validation Date was set as 6 March 2023.

The Chair and members of the assessment panel met on 17th April and agreed that it would be useful to have a meeting with the Community Council to have a more in-depth conversation about the application, and outline some of the considerations that the panel have had in relation to the content of the application. The Chair has asked that an extension to the decision date from the 8th May to the 22nd May 2023 was requested to allow this to happen. The Community Council agreed to the extension and a meeting was then held with the Community Council to discuss the Participation Request in more detail.

A Decision Notice was issued on 22 May 2023.

Decision

An Outcome Improvement Process was agreed, focusing on increasing communication between the Community Council and West Lothian Council to help increase understanding of key national and local policies in relation to Road Safety Audits and the Accident Investigation and Prevention Programme. As part of the panel evaluation of the request, a number of considerations were set out which were included in the decision notice. As outlined above, the panel highlighted that participation requests were primarily about improving outcomes and that there is an important differential between the outcome and outputs set out in the application. It was considered that the installation of zebra type crossings and the subsequent monitoring of activity and enforcement by Police Scotland were outputs that may result from achieving the desired outcome. This is an important distinction and is highlighted in the guidance on Participation Requests. The panel therefore considered the primary outcome to be the ***'safeguarding children, their parents or guardians attempting to get to and from the local primary school.'***

Police Scotland were involved in the participation request panel and therefore involved in discussions around the request. Given the nature of the Outcome Improvement Process outlined below, the opportunity to undertake additional enforcement activity would be limited. Police Scotland stated that they did not have the capacity to commit to continuous engagement on this issue given the implications this may have on other community council areas, however should circumstances change in relation to the current measures that are in place they would be happy to engage further.

Outcome Improvement Process

The following Outcome Improvement Process was agreed and implemented.

The Outcome Improvement Process focused on increasing communication between the Council and the Community Council, to improve the outcome identified in the application, that is, to *safeguard children, their parents or guardians attempting to get to and from the local primary school*, through the provision of information to help achieve a better understanding of established Council policies in practice and related processes at both national and local level. More specifically;

1. West Lothian Council will facilitate discussions between designated representatives of ECC and Operational Services to provide;
 - A detailed explanation of the Accident Investigation and Prevention Programme in West Lothian; the criteria that is used and how this is implemented and applied locally to prioritise sites.
 - A detailed explanation of the independent Road Safety Audit process which is based on national standards. Operational Services will undertake to process map the Road Safety Audit process and through engagement with colleagues will explore the suitability of the existing Council engagement processes.
2. Facilitate discussions on the role of the Community Council in the process of safeguarding children and their parents/guardians and how they can work in

partnership with the community to improve road safety and encourage behaviour change through implementing appropriate activities.

A meeting was held on the 27th July between representatives from the Community Council and the Council's Roads and Transportation Manager to discuss the Outcome Improvement Process in more detail. Discussions centred around the Council's Accident Investigation and Prevention process, and the national Road Safety Audit Standard and how the council uses these standards as a base for their own Road Safety Audit process. Discussions took place regarding the role of the community council and how they could influence and encourage road safety behaviours and change within the school. Discussion also took place on the council's proposal to introduce decriminalised parking enforcement and the key elements and outcomes that would be achieved. There were a number of actions arising from this meeting that the Roads and Transportation Manager agreed to take forward.

- clarification of Police Scotland enforcement responsibility for the School Keep Clear road markings in Garden Place;
- reinforcement of the message to Roads Operations staff regarding inconsiderate parking when carrying out council duties;
- checking the 'school' warning signage to determine if further signage was required coming out of Aller Place and Garden Place;
- reflective bands to be installed on the new bollards as recommended in the Road Safety Audit; and
- raising the verge parking issue (non-road safety item 3.2.1) highlighted in the Road Safety Audit with colleagues in the Police at the next liaison meeting and provide feedback to the Community Council.

It was agreed that these would be completed by the end of the calendar year due to meeting schedules *with external parties and this target date was achieved.*

What changed as a result of the participation request

As the Outcome Improvement process focused primarily on increasing communication between the Council and the Community Council through the provision of information to help increase understanding and raise awareness of council policies relating to road safety, the actions taken forward as a result of the Participation Request were largely in relation to clarifying issues raised by the community council and ensuring they had an informed understanding of the process as a whole, and were provided with the opportunity to raise issues and ask questions of the appropriate service. The service was required to apply the council's established policy, procedure and budgets as part of its consideration and discussion. Following the meeting on the 27th July, feedback was provided to the community council on the issues raised (summarised below)

- Confirmation that Police Scotland are responsible for the enforcement of the existing 'School Keep Clear' road markings and have carried out enforcement since the meeting on the 27 July 2023. They are aware of their enforcement responsibilities and have advised us that they have not seen any illegal parking requiring enforcement action when they have attended this school area.
- All Road staff are aware of their responsibilities to park council vehicles considerately when attending sites or carrying out works on the public road and footway network. This message is also conveyed to external contractors working on the council's behalf prior to starting works. A reminder will be sent to all Roads staff in the next staff communication newsletter.
- School signage was checked and the community council received the plan showing the existing signage that is in place. There are five 'School' signs (marked blue) and

one 'School' sign, with no sub-plate, sign (marked red) on the plan. This is considered by officers to be sufficient and no further signage is required.

- Appropriate reflective bands have been installed to the bollards previously, however larger reflective bands have also now been installed which are additional to the banding reflectivity required.
- Officers in Police Scotland have been made aware of the parking concerns raised. They have attended the area and have advised that there were no particular dangerous issues, however one car was parked out onto a junction and this was moved. The Police have scheduled school enforcement at known problem areas and they have also committed to doing spot checks at schools around opening and closing times. They will also highlight additional checks they will be carrying out across their social media channels to raise public awareness.

The community council provided the following feedback on the process:

- There was difficulty engaging with West Lothian Council prior to the application being submitted. *This was rectified at the start of the process once the Council were made aware. This was due to an error on the website and a mailbox access issue.*
- The community council felt that once the request was submitted, it was made clear to them not to have any preconceptions of desired outcomes however they felt that West Lothian Council had their views on the outcome pre-decided. The installation of zebra crossings was included in the original outcome the Community Council wanted to achieve. The legislation and statutory guidance are difficult to interpret in relation to outputs, outcomes and processes. *The council's Participation Request guidance does try to make it clear what an outcome is. Officers had to make the distinction when assessing the request. Work is underway to update the council's guidance help make the definition of an outcome clearer to ensure there is a consistent understanding of outcomes and outputs.*
- A recommendation from the Road Safety Audit was that reflective bands would be installed on bollards. This has recently been completed after the Community Council raised a formal complaint therefore they questioned the effectiveness of the participation request process in comparison to the complaint's procedure.
- They Community Council felt the process did come across as a box-ticking exercise for the Council. *There is a long list of statutory criteria to use to validate and assess a participation request. There is also a requirement to have a consistent approach to all participation requests. There is therefore a set of documents and forms that are used to document the process, which does literally require a certain amount of box-ticking. Nevertheless, officers do consider requests in the round through discussions, meetings and the decisions and reports produced. Officers will review the suite of documents used to see if improvements can be made to them*
- They did feel that the officers that they had dealings with were friendly and professional.
- Overall, the community council felt that the Participation Request aspect of the Community Empowerment Act is well meaning however in practice not meeting its objectives.

Ongoing Involvement

The Outcome Improvement Process has been completed. Communication has taken place between the Community Council and the Council to fulfill the requirements detailed in the Outcome Improvement Process. Any further involvement, should it be requested would be taken forward as part of a separate process.