

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	18th December 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	The Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023 - Implementation
REPORT NUMBER	CR&E/24/360
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Neale Burrows
TERMS OF REFERENCE	1

1. PURPOSE OF REPORT

- 1.1 This report provides Members with an update on the Council decision of 11 October 2024 relating to the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023 and seeks an alteration of that decision.
- 1.2 It has since been identified that the overall outcome for the city centre intended by the decision of 11th October 2024 – the measures being made permanent with the exception of the right hand turn ban from Union Terrace - may not be capable of being achieved in the precise way set out in that decision. An alternative process has been identified, as outlined in the recommendations, which mitigates the risk of future challenge.
- 1.3 The ETRO has a requirement to be made permanent by the end of January 2025 to achieve the 18 month timeframe required by legislation. An urgent decision is required on this matter to allow officers time to ensure this statutory deadline can be met. Officers will need to follow the procedure to make the order, as specified by the “The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999”

2. RECOMMENDATIONS

That Committee:

- 2.1 Notes that the overall outcome for the city centre intended by the Council decision of 11 October 2024 may not be capable of being achieved in the precise way set out in that decision;

- 2.2 Agrees to approve the making of The Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) Experimental Order 2023 as a permanent Order, with continued monitoring in terms of the ongoing City Centre Masterplan; and instructs the Chief Officer - Operations to implement the procedure for the Order to be made permanent;
- 2.3 Instructs the Chief Officer – Operations to commence a statutory consultation on potential removal of the ban on right turns from Union Terrace onto Rosemount Viaduct;
- 2.4 Instructs the Chief Officer – Operations, should there be no objections received during the statutory consultation period, to make an appropriate Traffic Regulation Order giving effect to the removal of the ban on right turns from Union Terrace onto Rosemount Viaduct or to report back to the Net Zero, Environment and Transport Committee if objections are received during the statutory consultation period; and
- 2.5 Agree that the costs of undertaking the physical works to remove the prohibition on the ground, if required and estimated to be approximately £3,000, will be funded from the General Fund Capital Programme contingency budget in 2024/25.

3. CURRENT SITUATION

3.1 At the meeting of Council on 11 October 2024, Council agreed to:

“(xii) *therefore, agree, subject to the removal of the ban on right turns from Union Terrace onto Rosemount Viaduct, to approve the making of The Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) Experimental Order 2023 as a permanent Order, with continued monitoring in terms of the ongoing City Centre Masterplan. The cost of undertaking these works is estimated to be approximately £3,000 and is to be funded from the General Fund Capital Programme contingency budget in 2024/25. Noting the Chief Officer - Finance’s advice above there is a risk of up to £8m of Bus Partnership Fund grant being reclaimed by Transport Scotland and agreeing if this has to be repaid (in part or whole) the capital grant will have to be replaced by borrowing at a cost to the General Fund Revenue Budget of up to approximately £480,000 per annum for the next 30 years, which will increase the budget gap in the Medium Term Financial Strategy from financial year 2025/26.*”

3.2 It has since been identified that the overall outcome for the city centre intended by the decision of 11th October 2024 – the measures being made permanent with the exception of the right hand turn ban from Union Terrace - may not be capable of being achieved in the precise way set out in that decision. An alternative process has been identified, as outlined in the recommendations, which mitigates the risk of future challenge.

- 3.3 Members will be aware that Standing Order 42.1 provides that *“It will not be competent for the Council, Committee or Sub-Committee to alter or reverse a previous decision within a period of six months”* (known as the 6-month rule). However SO 42.2 provides that the 6 month rule does not apply *“where the Council, Committee or Sub-Committee approves a recommendation contained in a report to alter or reverse a previous decision;...”*.

4. FINANCIAL IMPLICATIONS

- 4.1. The financial implications remain unchanged from the report that went to Council on 11th October 2024

5. LEGAL IMPLICATIONS

- 5.1. Aberdeen City Council made the Experimental Traffic Regulation Order in exercise of the powers conferred on them by sections 9 and 10 of the Road Traffic Regulation Act 1984 and of all other enabling powers and after consultation with the Chief Officer of Police Scotland in accordance with Part III of Schedule 9 to said Act and having complied with the statutory requirements of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (“the 1999 Regulations”), as amended.
- 5.2. The Experimental Traffic Regulation Order (ETRO) was brought into effect on 1 August 2023 and, in terms of the Road Traffic Regulation Act 1984, cannot continue in force for longer than 18 months.. The Council must, therefore, reach a conclusion on making the ETRO permanent to allow for the administrative lead time to make the ETRO permanent ahead of 1 February 2025. The administrative lead time encompasses the preparation of the permanent order and publication of a press notice specifying its making, thereby continuing indefinitely the provisions of the ETRO; the permanent Order coming into effect on or before 1 February 2025.
- 5.3. A modification in accordance with 20B of the 1999 Regulations cannot now be made to the Experimental Traffic Regulation Order.
- 5.4. The 1999 Regulations set out the procedure to be followed when making Traffic Regulation Orders. This includes the requirement for consultation on the proposals. In line with the Council’s Powers Delegated to Officers and Terms of Reference, should objections be received to any proposed Traffic Regulation Order, the matter would require to be reported to the Net Zero, Environment and Transport Committee for determination following full and fair consideration of any such objections.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The environmental implications remain unchanged from the report that went to Council on 11th October 2024

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	None	n/a		
Compliance	Implementation of the October Council decision could increase the risk of legal challenge.	The process proposed in the recommendations manages this risk.	M	Yes
Operational	The measures are in place and operational. Should any be removed, resources would have to be identified to undertake this work.	The report recommends that the measures are retained.	L	Yes
Financial	Should an appropriate Traffic Regulation Order as noted in Recommendation 2.4 be made, the cost of undertaking the removal of the right turn works is estimated to be approximately £3,000 and is to be funded from the General Fund Capital Programme contingency budget in 2024/25.	The report recommends that the measures are retained.	M	Yes
Reputational	There is reputational risk	The process proposed in the	M	Yes

	associated with potential legal challenge.	recommendations manages this risk.		
Environment / Climate	None.	n/a		

8. OUTCOMES

The recommendations in the report do not impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Previous Integrated Impact Assessment relating to City Centre Transport Improvements has been reviewed and no changes required
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

- 10.1 Report CR&E/24/169 to Net Zero, Environment and Transport Committee: The Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order (ETRO) 2023 – Statutory Public Consultation https://committees.aberdeencity.gov.uk/documents/s158378/ETRO2_BusPriorityMeasures_Report_CRE_21_1_69_Final.pdf
- 10.2 Report CR&E/24/287 to Council: City Centre Transport Measures - [241002 City Centre Transport Measures.pdf](#)

11. APPENDICES

None

12. REPORT AUTHOR CONTACT DETAILS

Name	Neale Burrows
Title	Interim Roads Infrastructure Manager
Email Address	nburrows@aberdeencity.gov.uk
Tel	03000 200 292