

Transport and Environment Committee

10am, Tuesday, 2 June 2015

Review of Tables and Chairs Summer Festival Trial in George Street

Item number	7.5
Report number	
Executive/routine	
Wards	11 – City Centre

Executive summary

On 3 June 2014, the Transport and Environment Committee approved a month-long trial to extend the operating hours of the current tables and chairs permit system, for premises located on George Street, for the duration of the Edinburgh Festival Fringe. Provided that businesses had successfully applied for the appropriate license, the trial enabled them to apply for permission to use tables and chairs outdoors until midnight instead of 10pm.

A report to Committee on 13 January 2015, outlined that the trial had been a success, resulting in an improved economic impact for traders, a positive atmosphere for locals and visitors, and no recorded noise complaints, public disorder or arrests on the street.

The report also recommended consulting with key stakeholders, on extending the operating hours of the current tables and chairs permit system, on a similar trial basis, to other areas of the city centre, beyond George Street, during the Edinburgh Festival Fringe in 2015. That included premises within the City Centre Ward located within 150 metres of an official Festival or Fringe venue, and Fringe venues at the Pleasance, Bristo Square and George Square. This report outlines the consultation that has taken place on the proposal to extend the trial to other areas of the city centre.

Links

Coalition pledges	P24 , P28 , P31
Council outcomes	CO19 , CO20
Single Outcome Agreement	SO1 , SO4

Report

Review of Tables and Chairs Summer Festival Trial in George Street

Recommendations

- 1.1 It is recommended that the Transport and Environment Committee:
 - 1.1.1 agrees that, in the light of the satisfactory outcomes from previous years' trials, and to support work to promote the West End as a destination, the operating hours for tables and chairs permits in George Street and the West End Community Council area will be extended to midnight for premises in these areas, during the advertised operating period of the Edinburgh Festival Fringe in 2015 and in future years;
 - 1.1.2 agrees that, during the advertised operating period of the Edinburgh Festival Fringe, businesses on George Street and those located within the West End Community Council area may apply for permission to use tables and chairs until midnight instead of 10pm (noting that it is the responsibility of businesses to apply for, and obtain the appropriate License and that this report does not seek to fetter the discretion of the Licensing Board or Regulatory Committee);
 - 1.1.3 agrees to consult further with key stakeholders in the New Town and Old Town Community Council areas of the city centre, on the impact on residential amenity that may arise from any extension of the operating hours of the current tables and chairs permit system and to receive a report on the outcome of the consultation.

Background

- 2.1 On 3 June 2014, the Transport and Environment Committee approved a month-long trial to extend the operating hours of the current tables and chairs permit system, for premises located on George Street. This trial ran for the duration of the Edinburgh Festival Fringe. The trial enabled businesses to apply for permission to use tables and chairs outdoors until midnight instead of 10pm, provided they had successfully applied for the appropriate License.

- 2.2 The 3 June 2014 report required the Council to liaise with Police Scotland to report on the outcomes of the trial. Concerns had been expressed that later operating hours may lead to an increase in complaints about noise, or an increase in arrests and public disorder. Police Scotland was asked to provide information on numbers of arrests on George Street during the hours of 10pm until midnight during the trial period.
- 2.3 Police Scotland reported that there were no arrests or complaints relating to noise or any other disturbance from patrons using the outdoor tables and chairs facilities on George Street during the Edinburgh Festival Fringe in 2014. There were no complaints made to City of Edinburgh Council services about noise or behaviour within the outdoor dining areas during the hours of 10pm to midnight.
- 2.4 The extended operating hours contributed to very positive customer feedback about George Street during the Festival. During the 2014 Edinburgh Festival Fringe period, 200 interviews were conducted. Around 90% of respondents said that the introduction of café culture on George Street has improved their experience of the street.
- 2.5 Given that there were no arrests and no recorded complaints about noise or other behaviour relating to the patrons in the outdoor tables and chairs areas on George Street during this trial month, Committee approval was given on 13 January 2015 that the same arrangement (permitting tables and chairs use outdoors until midnight instead of 10pm) should be allowed on George Street during the advertised, and recognised operating period, of the Edinburgh Festival Fringe in 2015 and future years.
- 2.6 The 13 January 2015 Committee report also recommended that a consultation with key stakeholders should take place on extending the operating hours of the current tables and chairs permit system on a similar trial basis to premises in City Centre Ward located within 150 metres of an official Festival or Fringe venue, and to premises attached to Fringe venues at the Pleasance, George Square and Bristo Square during the Edinburgh Festival Fringe in 2015.
- 2.7 Following the approval of that report in January 2015, the Council undertook to consult with local Community Councils, Festival venue operators, Police Scotland and local businesses. This consultation took place in February and March 2015. This report outlines the key findings arising from that consultation.

Main report

- 3.1 Council officials met with, and consulted with, the following groups in February and March 2015:
- West End Community Council;
 - New Town & Broughton Community Council;

- Old Town Community Council;
- Salt & Sauce Productions (which has operated the Spiegel Tent and Spiegel Terrace on George Street and St Andrew Square Gardens during recent Festivals);
- Underbelly (which provides many of the attractions during the Winter Festivals); as well as
- local hospitality providers and representatives from local business improvement districts.

3.2 In discussing the potential impact of extending tables and chairs operating hours during the summer Festival, three key considerations have been discussed. These are: residential amenity; providing parity for local hospitality operators during the Festival period; and improving Edinburgh's Festival offering, given the importance of the Festival to the local economy.

Residential Amenity

3.3 The potential impact (if any) on residential amenity is of paramount importance. It has been recognised that this impact will vary from area to area, and from premises to premises. There was no recorded negative impact arising from the trial on George Street in 2014, and Police Scotland has indicated that later operating hours for outdoor tables and chairs during the summer Festival is an assistance in crowd control terms. However, some parts of town (such as George Street and the West End) have relatively few tables and chairs permits located near residential properties, whereas others (such as the Grassmarket and parts of the New Town) have considerably more. An area-by-area approach is therefore recommended, with residential amenity the key consideration.

Parity for local businesses

3.4 A second important consideration is being able to provide a level playing field and parity of operating hours and trading conditions for local hospitality businesses. A number of short-term pop-up bars are established by Festival and Fringe venues, purely to operate during the August Festival period. In recent years, pop-up bars on George Street, such as the Spiegel Terrace outside the Assembly Rooms, have been granted operating hours that stretched to midnight, well beyond the operating hours of neighbouring George Street bars and restaurants' outdoor tables and chairs.

3.5 This situation arose because a Temporary Traffic Regulation Order (TTRO) was put in place to enable temporary Fringe venues to be located on the highway or footpath. Once a TTRO is in place, the site is technically no longer a roadway. The later operating hours granted to the Spiegel Terrace and other similar pop-up venues in recent years were not granted as a tables and chairs permits. They were granted under an occasional licence that were issued for the later period because the TTRO roads consent had provided permission for the entire

venue (including tables and chairs) to be present on the roadway for the duration of the Fringe. A key outcome from the consultation with Festival operators was that the proposal to extend tables and chairs permits to midnight (or to retain the present limit of 10pm) would not affect pop-up venues, as they do not apply for tables and chairs permits.

- 3.6 Local hospitality providers are potentially disadvantaged by this. Instead, local operators point out that local premises operate using a tables and chairs permit throughout the year, and contribute more to the local economy and Council revenues by providing local employment and paying business rates all year round (not just in August). Their concern is that it does not seem fair to limit the outdoor service hours in local establishments to 10pm during the busiest month of the year when a pop-up operator nearby can operate for two further hours (or more in some cases).
- 3.7 The key issue for this report is therefore not about limiting or extending the ability of Festival venues to operate. Nor does this report seek to change the existing licensing arrangements for the Festival period, which work very effectively, helping to facilitate the operation of the World's biggest and most popular arts festival. Instead, the focus of this report is about ensuring there is no detrimental impact on residential amenity while providing parity of operating conditions between existing local businesses, which operate year-round and short-term pop-up operators during August which benefit from operating hours that extend beyond 10pm.
- 3.8 Consequently, this stage of the consultation has reached the following conclusions:
- The extended operating hours for tables and chairs permits (to extend to midnight instead of 10pm) that are already approved for George Street should also be implemented in the West End Community Council area during the summer Festival in 2015 on a trial basis.
 - This is because, in the West End Community Council area, there is a smaller number of existing premises with tables and chairs permits (which could take up the opportunity); there is a smaller number of pop-up venues (reducing the instances where a local business will not have parity of operating conditions with neighbours); and there are very few existing tables and chairs operators located next to residential properties when compared to elsewhere in the city centre.
 - As a reassurance for residents within the West End Community Council area, any premises seeking to extend the operating hours of their existing tables and chairs permits would be required, as a matter of normal procedure, to advertise that fact, and residents will have the opportunity to object to an application by any individual premises. This report only establishes the principle that premises may apply for later operating hours for outdoor tables and chairs during the Festival period within the West

End Community Council area. It is the responsibility of businesses to then apply for an extension, and it is the responsibility of businesses to apply for and obtain the appropriate License. This report does not seek to fetter the discretion of the Licensing Board or Regulatory Committee, and residents will have the opportunity to object to an application by any individual premises.

- 3.9 The New Town & Broughton and the Old Town Community Council areas require further rounds of consultation to take place, if the delicate balance is to be successfully achieved of providing parity of operating conditions to local hospitality operators while ensuring there is no detrimental impact on residential amenity. The situation in these areas is different from that in the West End.
- 3.10 In the Old Town and the New Town, there are a much larger number of existing premises with tables and chairs permits, which could take up the opportunity, many of which are located in close proximity to residential properties. The greatest concentration of pop-up venues is located within these two Community Council areas, which increases the instances where a local operator will reasonably wish to seek parity with a neighbouring pop-up operator. An audit of existing permits and their locations will be the basis for discussion with these two Community Councils.
- 3.11 This discussion will also examine where pop-up operators have operated in recent years (particularly those whose operating hours extend beyond 10pm). In those cases there may be an argument that the presence of a later-operating pop-up event has already impacted residential amenity during the month of August, and the provision of parity of operating hours and conditions may then be reasonable on the basis that it would not impact any further while providing parity for the local trader.
- 3.12 The importance of making evidence-based decisions has been highlighted by both Community Councils. Establishing the extent of existing tables and chairs permits, and the location of pop-up events with later operating hours (based on information from recent Festivals), will be crucial in assessing in which areas there will be an impact on residential amenity, and in which areas there is a need to provide parity of operating conditions to traders.
- 3.13 A report will be submitted to Committee on the outcome of the consultation with the New Town and Old Town Community Councils, on whether to change the existing 10pm limit on tables and chairs in those areas for future Festivals. The report will also consider the potential to carry out similar trials in other areas of the city.

Measures of success

- 4.1 The introduction of these measures during all future Festival periods on George Street will result in a more attractive city centre environment for those travelling

to, living in, working and visiting the area during the Edinburgh Festivals, and bring parity to businesses in the street.

- 4.2 For premises in the West End, the outcomes of the trial during the Festival in 2015 will be reported back to Committee. That report will make recommendations on the suitability or otherwise of extending the hours of tables and chairs permissions in other areas beyond George Street and across the wider city during future Festivals.

Financial impact

- 5.1 The cost for reviewing the impact of the proposal will be contained within the Services for Communities budget.
- 5.2 Revenue from tables and chairs permits may increase, as any businesses seeking to extend the hours of their tables and chairs permit would be charged for the additional hours on a pro rata basis.

Risk, policy, compliance and governance impact

- 6.1 The proposals are consistent with the outcomes identified in a report to the Transport and Environment Committee on 29 October 2013 “Building a Vision for the City Centre - Consultation Outcome”.
- 6.2 It is the responsibility of businesses to apply for and obtain the appropriate License. This report does not seek to fetter the discretion of the Licensing Board or Regulatory Committee.
- 6.3 A report will be brought to Transport and Environment Committee outlining the results of the consultation with the Old Town and New Town Community Councils, and will provide an analysis of the impact in George Street and the West End of the extended operating hours during the Festival in 2015. It will make recommendations to either retain the existing tables and chairs policy position or to make recommended changes based on the trial outcomes on a case by case basis.

Equalities impact

- 7.1 An Equalities and Rights Impact Assessment (ERIA) has been carried out and is ongoing for the duration of the wider George Street Experimental Traffic Regulation Order (ETRO) project, which will run until September 2015.
- 7.2 The layout of the street has been influenced by consultation feedback from a wide variety of equalities groups, to ensure ease of access could be maintained for all equalities groups, including by ramp access onto any outdoor seating

areas. This was previously reported to Committee on 29 October 2013 and 29 April 2014.

- 7.3 Crime and air quality levels on George Street and surrounding streets are being monitored as part of the research package which will run for a year alongside the proposed George Street trial. Local residents' groups have been included in specifying the research package, to help ensure the right information is captured, recorded and analysed.

Sustainability impact

- 8.1 The delivery of improvements in the city centre will help improve pedestrian and cycling activity in the area. In addition to introducing a café culture, the wider George Street trial should reduce carbon emissions in the street. Sustainability impacts, including air quality and traffic movement in the street and the surrounding area, will be assessed as part of the evaluation of the trial project.

Consultation and engagement

- 9.1 An extensive round of consultation on permits for tables and chairs last took place in 2007, being reported to the City of Edinburgh Council on 20 December 2007. This evidenced that a majority of members of the public supported extensions of permit times, and a significant majority (90%) of permit holders supported an extension.
- 9.2 A consultation is underway and will continue to take place with key stakeholders on the proposal to allow the extension of operating hours for table and chairs permits on a trial basis during the 2015 Edinburgh Festival Fringe for premises in the Old Town and New Town & Broughton Community Council areas, for premises that are within 150 metres of a Fringe venue. The Council's City Centre Programme Manager will continue to meet with local Community Councils and Business Improvement Districts to identify any areas with existing tables and chairs permits in City Centre Ward where an extension of operating hours during the Festival period may impact on residential amenity, and where there is an issue of parity of operating conditions for local hospitality traders.
- 9.3 The views of local Elected Members were captured directly and within Community Council meetings that discussed this report. Local Members expressed particular interest in ensuring that residential amenity is maintained in the areas of the city (Old Town and New Town) where there is the greatest concentration of tables and chairs permits. They were supportive of the recommendation to continue dialogue with these two community councils, to ensure that local hospitality providers have parity of operating conditions while ensuring that residential amenity is maintained.

- 9.4 If the outcome of any trials support a change the existing 10pm limit on tables and chairs permits during future Fringe Festivals then there will be a requirement for a full public consultation before any such change could be progressed.

Background reading/external references

[City of Edinburgh Council – Local Transport Strategy 2014 - 2019](#)

[Building a Vision for the City Centre, Transport and Environment Committee, 19 March 2013](#)

[Building a Vision for the City Centre- Consultation Outcome, Transport and Environment Committee, 29 October 2013](#)

[A Review of Permits for Tables and Chairs, The City of Edinburgh Council, 20 December 2007](#)

[Tables and Chairs Summer Festival Trial in George Street, 3 June 2014](#)

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Links

Coalition pledges	<p>P24 – Maintain and embrace support for our world-famous festivals and events.</p> <p>P28 – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.</p> <p>P31 - Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.</p>
Council outcomes	<p>C19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p> <p>C20 – Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens.</p>

Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all. SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.
Appendices	None