

# Transport and Environment Committee

10.00am, Tuesday, 2 June 2015

## City Centre Public Spaces Manifesto Update

<b>Item number</b>	7.7
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	11 – City Centre

### Executive summary

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On 5 November 2013, the Corporate Policy and Strategy Committee approved a Review of Events Governance. One of the recommendations was that a report would be submitted to Committee, setting out a revised application and approval process for event organisers and to provide clarity about the process for other stakeholders. This process is already defined for the city's greenspaces in the Parks and Greenspaces Events Manifesto. This report concentrates on all other civic spaces in the city centre owned by the Council and others.

This report outlines work and discussions that have taken place to date with a range of stakeholders. It makes two recommendations. Firstly, a wide-ranging public consultation should be commenced to consider the use and management of all public spaces within the city centre. This consultation will directly inform a Public Spaces Manifesto, which will set out the Council's preferred uses of city centre civic spaces for the long-term future. There is widespread agreement amongst stakeholders that this is required. Secondly, the report recommends that Castle Street (and potentially, other areas within the city centre) become trial sites during the consultation period to test the effectiveness of a more prescriptive approach to the use and management of public spaces in the city.

### Links

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<b>Coalition pledges</b>	<a href="#">P24</a> , <a href="#">P28</a> , <a href="#">P31</a>
<b>Council outcomes</b>	<a href="#">CO19</a> , <a href="#">CO20</a>
<b>Single Outcome Agreement</b>	<a href="#">SO1</a> , <a href="#">SO4</a>

# Report

## Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 notes that a Public Spaces Manifesto (covering events and other uses) is required to provide clarity and certainty for event applicants, the Council and residents, businesses and other stakeholders, as a key part of the City Centre Vision and the long-term approach to management and use of civic spaces;
  - 1.1.2 recognises the balanced use of civic spaces in the West End, described in paragraphs 3.4 to 3.5 below, as an example of good practice in managing civic spaces with stakeholders;
  - 1.1.3 approves the launch of a public consultation on the use and management of all public spaces in the city centre to inform a Public Spaces Manifesto;
  - 1.1.4 agrees that trial arrangements for the use and management of Castle Street (as described in paragraph 3.7 and Appendix One) be adopted during the consultation period (specifically between June 2015 and September 2016);
  - 1.1.5 notes that the results of the trial in Castle Street and the findings of the public consultation will inform any other trial arrangements which may be required; and
  - 1.1.6 notes that a report on the findings and recommendations of this public consultation and Castle Street trial will be submitted to this Committee in the Autumn of 2016.

## Background

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- 2.1 On 5 November 2013 the Corporate Policy and Strategy Committee approved a Review of Events Governance. One of the recommendations was that a report would be submitted to Committee setting out a revised application and approval process for event organisers.

- 2.2 Discussions have taken place with a range of stakeholders, including Business Improvement Districts, the West End Community Council, New Town and Broughton Community Council, the Old Town Community Council, festival and events organisers, and Council services represented on the Events Management Group. These include Licensing, Roads, Parks and Greenspace, Culture and Sport (Public Safety and Events), City Centre and Leith Neighbourhood, Planning, Communications and the City Centre Programme Manager.

## Main report

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- 3.1 Stakeholders were unanimous in agreeing which issues need to be addressed. The key workstream required is a clear manifesto or policy statement of the Council's preferred uses for each civic space in the city centre. By "civic space" this report means all spaces that are open to the public, whether those spaces are owned by the Council or other organisations or individuals. This manifesto will provide a policy framework that offers greater clarity for applicants, neighbouring residents or businesses and the Council on appropriate event types, event frequency and the preferred uses of different spaces in the city. The proposed Public Spaces Manifesto will lead to a more effective use and management of civic spaces in the city centre.
- 3.2 Stakeholders also commented that the existing policy and procedural framework is effective, but has important gaps. These gaps are:
- 3.2.1 no clear statements by the Council on the preferred function or use of each particular civic space;
  - 3.2.2 as a result, a lack of clear and agreed criteria which the Council could use to select between several simultaneous applications competing for the same civic space; and
  - 3.2.3 no mechanism which the Council can use to protect a public space either from its over-use, or a single use monopolising the space (mono-use), or under-use (with the exception of greenspaces and parks owned by the Council, which are covered by the Parks and Greenspaces Events Manifesto).
- 3.3 Stakeholders also commented that without a single document setting out which uses are preferred for any given civic space, and clear guidelines on which uses are appropriate and welcome, the current policy framework is reactive to applications, and could appear to set precedents for future use. The proposed Public Spaces Manifesto will complement, not change, any existing policies and procedures. The Manifesto will provide certainty for applicants and stakeholders and more strategic and effective governance of the use of civic spaces. An example of good practice from the West End is provided in Appendix Five.

## **Major public consultation**

- 3.4 It is proposed that a major public consultation on the preferred uses of all civic spaces in the city centre be launched following Committee approval. This will be modelled on the consultation that was undertaken to develop the Open Spaces Strategy and Local Development Plan. The consultation will be conducted in three stages. In the first stage, the public, Neighbourhood Partnerships and all other stakeholders will be asked to identify issues concerning the use of civic spaces across the city centre. In stage two, the results will be analysed and compared with the results of an audit by the Council of how different spaces are currently used. This will identify citywide issues, issues which are specific to particular localities, and relevant stakeholders. In stage three of the consultation, the Council will bring together all the relevant parties to discuss the key issues, and determine the appropriate guidance for individual civic spaces. This will inform the proposed Public Spaces Manifesto – setting out the city’s aspirations for the use of civic spaces for a period of ten years. Further details are provided in Appendix Two.

## **Trial of guidance for Castle Street**

- 3.5 It is also proposed to trial interim guidance for Castle Street, for a period of 18 months. This trial guidance will be tested, analysed and reported back to Committee, and will be in place for the period that the public consultation on uses of civic spaces across the city centre is being undertaken. The trial guidance for Castle Street is attached as Appendix One, and is informed by the work undertaken to date in the West End. The trial will allow the Council to test the strengths and weaknesses of a more prescriptive approach to the use and management of key spaces in the city centre. This trial approach is consistent with the development of the long term City Centre Vision, and has been used successfully to test out other types of initiative, such as different transport and public realm layouts for George Street and Young Street.
- 3.6 Castle Street has been selected because it is a space which has benefitted from investment in public realm improvements and a new pedestrianised transport layout, but the resulting remodelled space has been under-used. It is a strong example highlighting the importance of a Public Spaces Manifesto to proactively manage such spaces and provide clarity for applicants, the Council and neighbouring residents and businesses. Public realm improvements or transport alterations on their own are not enough to create a strong and successful sense of place. The underuse of the reformed space on Castle Street suggests that clarity on the purpose, acceptable uses and management arrangements is central to the creation of an effective long term City Centre Vision for Edinburgh.

- 3.7 The development of the proposed Castle Street trial has involved input from a range of Council services represented on the Events Management Group as well as input from a range of external stakeholders, and has worked to identify where improvements are needed in working together to make the applications and permissions processes for events more efficient. Appendix One outlines the governance and consultation arrangements for the trial itself. Trials like the proposed one on Castle Street can be an effective way of testing and improving new ways of working. The consultation process will bring together Council officials with local communities and other stakeholders all round the city centre. That dialogue will present opportunities for other areas of the city centre to be identified as suitable spaces for trials in the period between June 2015 and September 2016.
- 3.8 The proposed trial on Castle Street and the wider public consultation on the use and management of city centre spaces will both explore and trial charging a ground rental for events taking place on civic space, where that space is owned by the Council (similar to arrangements already in place for hires of Festival Square).
- 3.9 Most civic spaces in Edinburgh city centre are owned by the Council or other public sector bodies. However, some spaces that are widely used for public events in the city centre are privately owned, such as St Andrew Square Gardens. Some other spaces are already run on the basis of a partnership approach, such as the Mound Precinct which is run in partnership between the Council and National Galleries of Scotland. In those types of cases, existing management arrangements will continue to apply. However, the consultation will provide opportunities for the public to comment on these spaces, for example around the types of event or their frequency in these spaces (including issues of over-use, mono-use or under-use) since events in these areas still require permissions from the Council's Licensing and Planning Services.
- 3.10 The commencement of a major public consultation on the use and management of civic spaces in the city centre, alongside the introduction of the trial on Castle Street (and potentially other city centre areas) over the next 18 months will help the Council to address matters such as guarding against the mono-use of spaces, introducing time-limits and effective management arrangements for different types of uses and events in key city centre spaces, ensuring the city continues to be able to support world class events, whilst nurturing the city centre's World Heritage Site status and creating a more attractive city centre environment for those living in, working in and visiting Edinburgh.

## Measures of success

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- 4.1 A consultation will take place from May 2015 to September 2016 engaging all stakeholders and seeking views on the use and management of all city centre public spaces.
- 4.2 A trial will take place on Castle Street, in line with Appendix One. This will test out how effective a more prescriptive approach is in improving clarity and certainty for applicants, officials, neighbouring residents and businesses when it comes to events governance in the city centre.
- 4.3 While Castle Street will be the first trial introduced by this report, the consultation process will present opportunities for other areas of the city centre to request the opportunity to run similar trials to the Castle Street trial. Any proposals that come forward for additional trials will be reported to Committee. There is no limit on the number of trials that could be requested. For a trial to be initiated there would need to be an identifiable issue that needs to be tested. This would be similar to the issues of underuse of space and the requirement for improved clarity and engagement with stakeholders, that have been identified as being issues in Castle Street. The outcomes of each trial reported to Committee in 2016.
- 4.4 A Public Spaces Manifesto will be produced, informed by the consultation and the trial or trials that take place between May 2015 and September 2016.
- 4.5 The Public Spaces Manifesto will provide greater clarity and certainty around the Events Governance process for all stakeholders, including applicants, officials, neighbouring residents and businesses.
- 4.6 The Council will trial charging land rental for events spaces. In consultation with Legal Services, the trial will explore what legal measures (for example, Redetermination Orders) may be required in different spaces to enable the Council to charge land rental for event spaces. The outcomes will be reported to Committee in 2016, along with appropriate recommendations.

## Financial impact

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- 5.1 The cost of the proposed consultation and Castle Street trial can be contained in the 2015/16 revenue budget of Services for Communities.

- 5.2 Revenue from events is expected to increase for the Council as a Public Spaces Manifesto will provide greater clarity and certainty for applicants, officials and neighbouring residents and businesses. This is likely to lead to more events being staged in the city, but in a way that is spread more evenly across the city, is less intensely centred on any one part of the city centre, and which encourages a broader range of activity, that is better managed, and which minimises disruption for neighbouring residents and businesses.
- 5.3 Revenue from events is expected to increase for the Council through charging a ground rent for event spaces. The consultation and trials will test out the issue of charging for spaces, in principle and in detail, and the outcomes will be reported to Committee in 2016.
- 5.4 Discussions to date have taken place with a range of key stakeholders, including local residents, Community Councils, Business Improvement Districts, officials from a range of Council departments, and festival and events organisers. All have identified there is a financial risk to the Council if a Public Spaces Manifesto is not pursued and implemented. There is unanimity that the key weakness in the current policy and procedural framework around events governance in Edinburgh is the lack of an overarching policy document which sets out the parameters for use of a given space. The existing permissions and events governance process needs to improve to maintain Edinburgh's ability to deliver world class events in the long run. The key action required is the development of a Public Spaces Manifesto that will provide clarity for all stakeholders, including residents, businesses, officials, and applicants.

## **Risk, policy, compliance and governance impact**

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- 6.1 This report has emerged from a Review of Events Governance, which was approved on 5 November 2013 by the Corporate Policy and Strategy Committee. The development of a Public Spaces Manifesto will minimise financial risk to the Council, as noted above, and will complement the existing Council policy framework in relation to civic spaces and events.

## **Equalities impact**

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- 7.1 An Equalities and Rights Impact Assessment (ERIA) has been carried out and is ongoing for the duration of the proposed consultation and trial period, up to September 2016.
- 7.2 There are no negative impacts on equalities as a result of this report. The impact assessment will be updated as part of the public consultation proposed in this report.

- 7.3 Equalities impacts will be monitored on Castle Street during the proposed trial period, and in any other areas that undertake similar trials on the use and management of space in their locality between now and September 2016. Any impacts will be taken into account during the drafting of the proposed Public Spaces Manifesto.

## Sustainability impact

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- 8.1 The delivery of improvements in the city centre, especially Castle Street, will help improve pedestrian and cycling activity in the area. 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. The Public Spaces Manifesto should enhance the city's sustainability in the wider sense of economic growth and thriving places and communities.

## Consultation and engagement

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- 9.1 The contents of this report have been discussed with a range of Council services, local community councils in the West End, New Town and Broughton, with festival and events organisers, and with Business Improvement Districts.
- 9.2 All stakeholders have welcomed the report, the consultation it proposed and the use of trials to ascertain the effectiveness of a more prescriptive approach to the use and management of space.
- 9.3 This report proposes instigating a major public consultation, allied to a simultaneous trial, and the outcomes of this consultation will be reported to Committee in Winter 2016 following the conclusion of the consultation and trials in September 2016.

## Background reading/external references

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[Review of Events Governance, Corporate Policy and Strategy Committee, 5 November 2013](#)

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## Links

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<b>Coalition pledges</b>	<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>
<b>Council outcomes</b>	<p>CO19 – 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>CO20 – 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>
<b>Single Outcome Agreement</b>	<p>SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all.</p> <p>SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.</p>
<b>Appendices</b>	<p>Appendix One – Castle Street: Proposed trial arrangements until September 2016</p> <p>Appendix Two – Proposed consultation plan for a city centre wide “Public Spaces Manifesto : the Use and Management of Civic Spaces in the City Centre”</p> <p>Appendix Three – West End Location Plan</p> <p>Appendix Four – Shandwick Place, comparing the public realm arrangements in June 2014 and June 2015</p> <p>Appendix Five – Example of good practice in the West End</p>

**Castle Street: Proposed Trial Arrangements for Use and Management of Space**

This proposes a change of approach, not a change of procedure.

- (i) There will be monthly meetings of stakeholders (“the group”).
- (ii) These will be public meetings, open to all stakeholders with an interest in Castle Street. Stakeholders will include residents, those with offices on Castle Street, retailers, hospitality operators, Heritage bodies, those requiring access to Castle Street (including the Emergency Services, haulage and loading operators and trade waste operators).
- (iii) The definition of stakeholders will also include those without a permanent presence on Castle Street, but with an interest in it, ranging from members of the public to transport groups, existing street traders and those who would seek to apply for permission to hold events or other uses in the space on south Castle Street. In short, all interested parties will be welcome to participate.
- (iv) Meetings will be chaired, facilitated and minuted by the Council.
- (v) The group will be asked to accept, as a starting point, that Castle Street is an identifiable event space that has been developed for the function of accommodating events (including, for example, having electricity supplies socketed into the public realm). It has been under-used since it has been repaved and partly pedestrianised.
- (vi) The group will be asked to accept that Castle Street is emblematic of most streets and most spaces within the city centre in Edinburgh. It is a civic space with a complex array of stakeholders, all with different needs. It includes homes, offices, shops, restaurants and bars and is used for a variety of other purposes (including visiting, tourism, events and commuting) by a wide variety of stakeholders.
- (vii) The purpose of the group will be to identify the existing permissions and procedural landscape (in particular the licensing framework), then to foster dialogue, to identify and understand issues that exist for different groups, relating to the use of Castle Street at different times of day, different times of the week, and relating to different types of uses of the civic and events space that has been created on Castle Street.

- (viii) Having undertaken an audit of these issues, and audited the types of use that have been applied for in the past on Castle Street, the group will then seek to produce a manifesto for the use and management of the event space on Castle Street. This manifesto will make clear for all stakeholders what is an acceptable use of the space and what is not acceptable; will describe quality thresholds; will introduce time limits for certain events and limit the frequency of some types of event. It will serve to trial different ways of accommodating different types of events, at different times of the week, in a way that minimises (and where possible avoids) disruption and inconvenience for stakeholders.
- (ix) The overriding aim of the group will be to approve and test guidance for the use and management of Castle Street that will give clarity and certainty to all stakeholders, including potential applicants, Council officials and all neighbours.
- (x) Council officers will bring the group together and facilitate the process of identifying stakeholders' issues and identifying where competing demands provide no unanimously acceptable solution amongst stakeholders. The Council will assist in the drawing up of a draft manifesto, in the light of all stakeholders' input, designed so that the impact of different event types or uses of the space in Castle Street may be mitigated for stakeholders as far as possible. The document would be reviewable on a monthly basis.
- (xi) Monthly meetings will be held throughout the trial period to provide stakeholders with comfort on two further points, which have been identified as being key concerns, namely precedents and critical issues.

Precedents:

- a) There is a fear of precedents being set by allowing any particular event to take place on Castle Street during the trial period. This risk of setting precedents will be removed in the trial by the group setting limits on the frequency and time limit and quality thresholds of any type of event taking place in Castle Street. The introduction of charging for rental of the space (see below) is also likely to assist in this regard. The trial aims to bring a consistency and regularity to the use of the space, that will seek to guard against under-use, over-use or any mono-use of the space, and which will take firmly into account the issues and inconveniences that will arise for stakeholders from any particular type of event being held in Castle Street, as well as taking into account the requirements of the existing permissions framework.

#### Critical issues:

- b) Any trialled arrangement which causes identifiable critical issues for any given stakeholder will be captured early and addressed. There will be opportunity at every monthly gathering of the group for individual participants to raise an issue or specific concern that can then be examined by the group. This approach is consistent with trials taking place on nearby streets in the city, where the Council has sought to examine critical issues on the basis of sound rationale and evidence-based decisions, to help determine between matters that are identifiable and actionable as critical issues and those better described as an inconvenience (and to react accordingly).
- c) Where a matter is evidenced to be a critical issue (such as has been the case with traffic patterns on Young Street or the type of marquee being used by hospitality businesses on George Street) then the Council has taken decisive steps to address the issue, then recommended or introduced changes, pursuing any changes through the appropriate existing legal and decision-making framework. For example, the Council pursued an Experimental Traffic Regulation Order to make changes on Young Street that had been agreed through public consultation with stakeholders.
- d) Where the evidence base suggests the matter represents an inconvenience but not a critical issue, such as traffic displacement arising from the George Street one way system, then a different discussion can take place within the group to explore potential options for mitigation (including a “take no action” option or an option to adapt existing approach, as happened with George Street and traffic monitoring).

#### **Charging for Space**

- (i) Legal Services will investigate if any changes or redeterminations are required in order to allow the Council to begin charging a ground rental for space used on Castle Street.
- (ii) A benchmarking process will be undertaken to set the appropriate charging structure.
- (iii) The procedure for charging for the space will follow existing Council practice at Festival Square, where a ground rental is charged.
- (iv) Operators will still be required to apply for (and pay for) any other permissions that their event may require, such as Planning permission, Tables and Chairs permit or the appropriate license. These would be charged in addition to the proposed ground rental.

## **Public Spaces Manifesto: Consultation Plan and Timetable**

June 2015: Transport and Environment Committee (CPS) approval sought to commence consultation.

### **Preliminary stage, May–July 2015:**

Desktop audit and analysis of publicly-accessible open spaces in the city centre.

### **Stage One, August – December 2015:**

Stakeholders will be invited during this stage to identify issues that relate to a specific space, or to identify issues that are prevalent across the city (or across a variety of spaces).

Members of the public, specific interest groups, and any other interested party, will be invited to submit their views during stage one (from August to December 2015).

The consultation will be advertised on the Council's website, in press releases and through other structures such as local Community Councils and the Civic Forum, who will receive presentations.

There will be presentations for particular interest groups, notably local residents, heritage bodies, relevant significant landowners (such as the National Galleries of Scotland), business groups, tourism bodies, transport bodies, festival organisers, other event, advertising and market operators.

It is expected that most responses will be submitted online, via the Council's Consultation Hub. However, public meetings and presentations will take place across the city centre and will provide opportunities for direct responses during stage one.

### **Stage Two, January–March 2016**

The responses from stage one will be collated. Any specific learning points from the proposed Castle Street trial (and other trial arrangements that may take place) will also be considered at this stage.

It is expected that consultation responses received during stage one will highlight three types of issue, some of which will require more in-depth work in stage three.

Firstly, the consultation may highlight some issues relating to specific locations that can be addressed quickly by facilitating dialogue between relevant stakeholders, where stakeholders all agree on the way forward.

Secondly, it is expected that a number of issues raised during stage one will relate to specific locations that are complex, where there is currently no agreement between stakeholders on the way forward. In those circumstances, the Council will facilitate a process of dialogue described in Stage Three (below).

Thirdly, it is likely that some issues will be raised that are city-wide.

**Stage Three, April–September 2016 (concluding with a report back to Committee in September 2016)**

The Council will bring together stakeholders to discuss the key issues, and determine the appropriate guidance for individual civic spaces. This will inform the proposed Public Spaces Manifesto – setting out the city’s aspirations for the use of civic spaces for a period of ten years.



Appendix Four :

The public realm arrangement at Shandwick Place in June 2014, and how it will look in June 2015.



## **Appendix Five : Good Practice Example - the West End**

Discussions have been taken forward in the West End with businesses from the proposed Business Improvement District and with the West End Community Council, to ascertain what balance of uses might be best for the area between Shandwick Place and Lothian Road. The plan in Appendix Three outlines this area.

The key gateway to the city centre from the West End is the south-facing public space at Hope Street. All parties agreed that this should be set aside purely for civic use. The local community, businesses and National Galleries of Scotland have all agreed that this space should be reserved for large scale public sculpture, and should not be animated by any commercial interest. However, there is a space directly opposite, on the north side of Shandwick Place, that is ideally suited to accommodating tables and chairs from its surrounding businesses. The Council has worked closely with those businesses to agree a layout that:

- provides fair and amicable allocations of space to the businesses with potentially competing frontages;
- provides adequate space for tables and chairs and sets out guidelines for the appearance and management of the space (eg quality and consistency of street furniture);
- provides a generous public footpath;
- guards against any over-use of the space; and
- creates a balance of uses, a sense of vibrancy and a strong sense of place.

This space on the north side of Shandwick Place is shown in Appendix Four, before and after the new layout was agreed. It shows the appearance of the space in June 2014 and how it will look in June 2015.