Transport and Environment Committee

10am, Thursday, 1 March 2018

Public Spaces Protocol

Item number	8.3
Report number	
Executive/routine	Executive
Wards	All, and in particular, Ward 11, City Centre.
Council Commitments	<u>11, 15, 46</u> .

Executive Summary

This report presents a Public Spaces Protocol, for adoption and implementation.

The Public Spaces Protocol provides a framework by which the Council and partners can better balance out the use of public spaces in Edinburgh; particularly in high demand spaces within the central area of the city.

The Protocol has been developed following extensive consultation with citizens, partner organisations and stakeholders, and careful testing and review involving a wide range of Council services.

The Protocol seeks to balance and respect the needs of residents, partner organisations and stakeholders, to ensure the city delivers the right 'things', taking place in the right spaces, and at the right time.

This report outlines how the protocol will work to deliver a more consistent approach to the use of public spaces, noting where further review and development may be required to support the implementation of a more coordinated approach to the use of key spaces in the city.



Public Spaces Protocol

1. Recommendations

- 1.1 Committee is asked to agree the following recommendations:
 - 1.1.1 to adopt the Public Spaces Protocol (Appendix 1 of this report) for implementation;
 - 1.1.2 to agree the review of the Public Spaces Protocol after a full year of use;
 - 1.1.3 the future review of the use of the Edinburgh Parks Events Manifesto and the Public Spaces Protocol, to align and deliver a more coordinated approach to events in Edinburgh;
 - 1.1.4 to note the planned review of management and licensing arrangements for Castle Street and High Street, taking into account the Public Spaces Protocol.

2. Background

- 2.1 Transport and Environment Committee, <u>on 2 June 2015</u>, agreed the development of a manifesto (protocol) to help achieve a balance in the use of public spaces in Edinburgh's City Centre, including the requirement "to bring greater clarity to the process of decision on the use of public spaces through preferred uses for spaces, and agreed criteria".
- 2.2 On <u>7 June 2016</u>, an update report to Transport and Environment Committee confirmed that work to develop the Protocol was underway, including:
 - 2.1.1 consultation with citizens and stakeholders to determine principles governing the use of public spaces;
 - 2.1.2 a review of a range of Council services and policies, in relation to public space; and
 - 2.1.3 summer trials of decision making criteria and processes that could form part of a public spaces protocol for George Street and testing of specific conditions for use of event space for the Grassmarket.

3. Main report

The need for a Public Spaces Protocol

3.1 Access to public space is of vital importance to a wide range of stakeholders, for quite varied purposes and uses. However, consultation across very diverse stakeholders has shown that all want to see 'the right things, in the right spaces,

and at the right time'. A balanced, agreed approach to how public space is used is therefore essential, to ensure spaces can deliver benefits and opportunities and quality of experience for all kinds of user groups and individuals.

3.2 The need for a protocol for public spaces was first articulated in 2014, in an internal review that identified the need to bring together key internal Council services and approaches to events, to provide a more coherent and universally understood approach. This need was reported to <u>2 June 2015</u> Transport and Environment Committee. However, the city's increasing appeal to visitors and forecast regional population growth further emphasise the need to balance the types and levels of activity in key public spaces, especially in the city centre.

Consultation and input from citizens

- 3.3 A structured consultation exercise began in May 2016, to understand the breadth of views of all stakeholders, and to determine issues and opportunities around the use of public space into the Protocol in a balanced and coherent way. A mixture of methodologies was utilised, including focus groups, an online public survey, a workshop session at a Neighbourhood Partnership meeting, and liaison with key stakeholders and services.
- 3.4 Nine independently recruited and facilitated focus groups were held in July 2016, to allow in depth input from a diverse set of key stakeholder groups, including groups of residents, equalities representatives, businesses, heritage bodies, event operators and festivals. Within the focus groups, discussion focussed on a draft set of principles was discussed, to help refine and guide the use of public space. The Focus Groups were delivered by Knowledge Partnership for the Council, and the report from the Focus Group Research is included at Appendix 2.
- 3.5 An online survey generated over 800 responses from citizens, who were able to share their views on draft principles, and share key issues that should be considered as part of any decision on the use of public space. Respondents also provided comments and suggestions on the types of activities that would be suited to key spaces in the city centre, and this input is reflected in the Protocol. The report from the online survey is included at Appendix 3.

How the Public Spaces Protocol will work

- 3.6 The Public Spaces Protocol (included with this report at Appendix 1) is structured to bring greater clarity to decision making, through the following key elements:
 - Guiding Principles, that are of equal importance.
 - Considerations for the use of any space
 - A decision-making process
 - Standard terms and conditions of use for all public spaces
 - Specific conditions for high demand, central public spaces, with information on the space, and an outline of the preferred use for each space
 - Single application form for use of a public space in Edinburgh.

3.7 The Public Spaces Protocol can be applied to any Council owned, managed or leased space, apart from Parks and Greenspaces which are covered by the Edinburgh Parks Events Manifesto.

Dealing with high demand, central public paces

- 3.8 Within central Edinburgh, a number of key spaces are in greater demand for a range of street activities, events, and by traders, as well as being important to local residents and workers as 'spaces' to enjoy or relax in.
- 3.9 Whilst the use of central spaces must conform to the Public Spaces Protocol's Standard Terms and Conditions of Use, consultees identified that for the key central spaces, use for events must also meet some additional site-specific requirements. Many spaces already set these site-specific terms out in either distinct policies, lease or management agreements, but for the use of either Grassmarket event space, or George Street, additional criteria were developed and tested prior to incorporating into the Public Spaces Protocol. A brief summary of the status of these site-specific guidelines is summarised below:

Public Space	Operational Guideline	Status, or action required
Castle Street – Pedestrian friendly area	Licencing Policy; 2010	Now requires review
St Andrew Square	Set out in terms of Lease Agreement	Ongoing agreement
Mound Precinct	Management Agreement	Ongoing agreement
George Street	Additional site-specific criteria for use of street as a temporary event area	Trialled during 2016/17 and now incorporated into Public Spaces Protocol
Grassmarket	Additional site-specific conditions for use of public events space	Trialled during 2016/17 and now incorporated into Public Spaces Protocol
Festival Square	Specific Licence Agreement conditions	Ongoing agreement
High Street	Licencing Policy; 2016	Now requires review

3.10 Castle Street operates in accordance with a Licensing Policy that was implemented in 2010 primarily to address a need for better managed, shorter and more suitable markets. In addition, the Council's contracted advertising partner, J.C. Decaux currently manages any bookings of the space for advertising or marketing activity. The need for an overall review of the Licensing Policy and all uses on Castle Street has been identified; a survey of over 200 residents and surrounding businesses in autumn 2016 has also indicated strong support for a wider range of cultural activities in the space, without an over dominance of market stalls. Licensing and Regulatory Services will commence a review in 2018,

acknowledging the space's role in the context of the Public Spaces Protocol, with the outcomes of the review reported to Regulatory Committee.

- 3.11 St Andrew Square Garden is privately owned, and since its jointly funded upgrade by the owners of the Garden and the Council, it's been leased by the Council for public use. A sublease to Essential Edinburgh is in place for maintenance and to facilitate bookings that are now fully consistent with the terms of the lease; this provides for short-term activities with minimal infrastructure or impact on the gardens, with the exception of winter time; in winter, public demand to sit and enjoy the garden is lower, and appropriate larger activity may be considered.
- 3.12 Since its refurbishment in 2009, the Grassmarket public events space has hosted a range of events or activities under various licences, but without an overall set of 'rules' to manage their overall impact. As part of a response to a motion to full Council on 4 February 2016, a trial protocol for the Grassmarket has been in operation since summer 2016, to help reduce some of the impacts from events on the surrounding community and businesses. The key elements of the trial protocol were refined to reflect feedback on the importance of notifying surrounding residents and businesses of any event related disruption, or loss of access, and are now included in the Protocol's site-specific conditions of use for high demand central spaces. Other good practice elements of the trial approach in the Grassmarket are incorporated into a new Standard set of Terms and Conditions of Use of Public Spaces presented within the Public Spaces Protocol.
- 3.13 George Street's potential to function as a temporary event space has been rigorously explored through various summer and winter festival activities since 2011. The street's adaptability and potential for more flexible use were further tested during the Experimental Traffic Regulation Order (ETRO) conducted along George Street during 2014/15. Since summer 2016, a new decision-making process, with specific criteria for the use of George Street, and the space that is available for use, has been tested. This has directly shaped the decision-making process within the Public Spaces Protocol. The criteria for George Street are now incorporated within the Protocol's site-specific conditions of use for high demand central spaces.
- 3.14 High Street operates under a Licensing Policy that was updated in October 2016. This focuses on a range of licensable activities present across the whole year, for example Street Trading. Recently, increasingly varied and complex uses of street environment have been noted, and Licensing and Regulatory Services has planned a review to help balance the uses of the street, with outcomes to be reported to the Regulatory Committee. (This does not interfere with the use of the High Street for the annual temporary Fringe street event).

Further review and development

3.15 It is proposed that the Public Spaces Protocol should operate for at least a full year of events and activities, prior to review. Also proposed is a parallel review of the Protocol and the Edinburgh Parks Events Manifesto, to determine areas for alignment. The review scope may include examination of the feasibility of potential

opportunities like a coherent policy for bonds, or the application of various charges or set contribution levels towards the range of costs associated with agreed uses of space, as well as effectiveness of both protocols. This is to be reported back to Committee following completion of the review.

4. Measures of success

- 4.1 A measure of success is the delivery of a new Public Spaces Protocol for Edinburgh, which will improve the experience of those wishing to apply to use public space by providing greater clarity around the requirements to use space.
- 4.2 The Protocol will help to deliver better managed events and maintenance of spaces, and thereby support policies that seek to ensure Edinburgh remains and grows as a great place to live, work, study, visit and invest

5. Financial impact

- 5.1 The implementation of the Public Spaces Protocol has no immediate associated cost impact for any area of Council service.
- 5.2 The costs for identified areas of review will be met within the existing allocated budgets contained within Place Directorate.

6. Risk, policy, compliance and governance impact

6.1 There are no direct risks arising from this report. The Protocol improves the alignment between key Council policy areas, in support of improved compliance and effective governance. The successful implementation of this Protocol will depend on consistent application across a range of Council functions that are coordinated within the Place Directorate, including Planning, Culture, Licensing, Transport and Environmental functions.

7. Equalities impact

- 7.1 The Public Spaces Protocol helps to ensure a mixture of cultural, sporting, seasonal or civic events that are accessible and inclusive are carried out in appropriate locations.
- 7.2 The Protocol seeks to mitigate, and minimise potential impacts on any group. An Equalities and Rights Impact Assessment (ERIA) process has been carried out through the consultation and drafting of the Protocol. Whilst no specific infringements on equalities groups or rights arising from the Protocol have been identified, the potential for limited negative impact due to minimal consultation input from certain groups with protected characteristics has been noted.

7.3 The Protocol's terms and conditions of use require third parties to ensure approved use of space provides for events that are inclusive, providing safe and accessible alternative temporary access, and that reasonable measures are undertaken to ensure events are accessible and inclusive. Event organisers are required to adhere to the Equalities Act 2010.

8. Sustainability impact

- 8.1 A better balance and use of public space across the city supports the enhancement of the city as a place to live and work.
- 8.2 It is a condition of use for space that providers of approved events undertake to minimise impact on the immediate environment, including limits on noise in some spaces, and by ensuring waste disposal and recycling facilities on site seek to minimise landfill.

9. Consultation and engagement

- 9.1 The Council has engaged with and consulted a wide range of stakeholders, including citizens and residents near key public spaces, festivals, heritage bodies, businesses, officers and elected members, to understand the wide range of perceptions, values and issues around the use and preservation of public space.
- 9.2 The outcomes of both focus group research (carried out independently) and an online survey, are included in Appendices 2 and 3.

10. Background reading/external references

- 10.1 <u>A New Events Strategy for Edinburgh</u>, reported to 31 May 2016, Culture and Sport Committee
- 10.2 <u>Thundering Hooves 2.0 Ten Year Strategy to Sustain the Success of Edinburgh's</u> <u>Festivals</u> reported to 18 August 2015, Culture and Sport Committee.
- 10.3 <u>Edinburgh Public Realm Strategy 2009</u> reported to 3 December 2009 Planning Committee.
- 10.4 <u>World Heritage Management Plan</u>. Draft plan reported to 30 March 2017 Planning Committee.
- 10.5 <u>Edinburgh Parks Events Manifesto</u>,2014. Update reported to 26 August 2014 Transport and Environment Committee, under the report Events in Edinburgh's Parks and Greenspaces.

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11. Appendices

- Appendix 1 Public Spaces Protocol
- Appendix 2 Public Spaces Protocol Report on focus group research
- Appendix 3 Public Spaces Protocol Report of online survey

Public Spaces Protocol

CITY OF EDINBURGH COUNCIL FINAL DRAFT AUGUST 2017

Public Spaces Protocol

Purpose

The purpose of the Public Spaces Protocol is to ensure that Edinburgh's public spaces are used in a way that enhances the city's cultural identity, reputation and quality of life.

The use of public spaces must be balanced appropriately, to function for the wide range of people who live, work and visit the city, throughout the year.

Introduction

People's experiences of any city are partly shaped and influenced by the way its public spaces are used.

Public spaces in Edinburgh support the day-to-day activities of the people who live and work in the city, as well as playing host to temporary or seasonal cultural, civic and festival events.

Edinburgh's regional population is growing, and at the same time the city is attracting increasing numbers of visitors. Numbers in the streets, strong festival and cultural sector growth, and changing consumer trends around leisure and recreation all add to the demands on Edinburgh's public spaces for basic access, and a wide range of uses, experiences and events.

Without a coherent framework for decisions, against agreed principles and criteria for use of space, public spaces may become overused, or identified for a single type of use. This can impact on people's quality of life and on the local environment.

This Protocol is designed to help balance demands on public spaces. Temporary events and activities that bring income and life to our city should not have an enduring impact on the quality of life for residents or businesses.

The Public Spaces Protocol can be applied to any existing or future public space in Edinburgh, which the Council owns, leases or manages. Parks and greenspaces are covered separately through the Edinburgh Parks Events Manifesto. Additional guidance is provided within the protocol for central spaces where demand is known to be higher.

Guiding Principles

In 2016, feedback from a very wide range of people and interests was gathered, and used to develop a set of guiding principles for the use of public spaces.

The following seven principles, which have equal weight and importance, provide the context for decisions on temporary uses of public spaces.

1. The use of space must balance the needs of different users

No exclusive use, or single type of event, will dominate any one space. Uses of public space must reflect the interests of a wide range of user groups, and reflect the city's ever-changing context. The Council supports a range of types events in public spaces; each of these is required to be well planned, deliver agreed outcomes and mitigate impacts on a wide range of different users.

The Council's consideration of proposed temporary events / activities must assess the needs of those who regularly access or interact with a public space (including residents and businesses) as well as providing opportunities for diverse attractions for the city's population.

The temporary use of public spaces for the provision of a bar only, or primarily bar focused facility is not considered to balance the needs of a wide range different users of a public space, and will not be supported.

2. The use of a space must support and reinforce the special 'place' quality of its surrounds

Temporary use of public spaces for events, activities or installations should support the qualities, characteristics, heritage considerations and functions of the surrounding built environment.

3. Each space must have periods of 'rest' when it is free from temporary events or activities

There must be periods of time when each public space is free from temporary events, to support the day to day, 'normal' activities associated with a sustainable, living city.

The length of time a space should be kept free from temporary events will vary, but will reflect the social, physical, historic, and economic context of the space, as well as the impact of previous events.

Temporary events should not transform a space beyond a single season or festival period. Sometimes, there is a request to extend a temporary event. Only one extension can be supported. The duration of the extension should be for less than the original agreed length of the event.

4. The use of spaces must reflect Edinburgh's unique city offering

Temporary uses of public spaces should actively promote Edinburgh's role and reputation as:

- the capital city of Scotland,
- a globally recognised Festival City,
- an historic city, (with Unesco World Heritage Site status),
- a cultural and sporting city,
- a great place to live, do business, visit or study.

The use of public spaces supports Edinburgh's 'Events Strategy', which aims to attract the best events to Edinburgh, as well as actively encouraging local and grassroots activities, and acknowledges the Council's partnership role reflected in 'Thundering Hooves 2.0', the strategy to strengthen Edinburgh's position as the world's leading Festival City. Key partners of the Council, that contribute to the city's unique offering, such as festivals, heritage bodies, cultural institutions and business improvement districts are well placed to help promote the principles of this Protocol in public spaces that they utilise or own.

5. The use of public space should encourage all people to access the city, throughout the year

Its important that people can have opportunities to experience or take part in social and cultural activities across the year. Temporary events, or activities bring seasonal animation to a space and add interest and opportunity for social interaction, in the city.

Uses of public spaces should encourage people outside in winter, and provide opportunities to respond to and experience key festivals.

6. The spread of activities to spaces across a wider area of the city will be encouraged.

It is increasingly necessary to manage the intensity of activity in concentrated central areas of the city, and spread economic benefits of additional footfall over a wider area. As part of a planned review of the use of this Protocol, the Council will consider options to encourage the use of a wider range of spaces for activities and events, such as the potential for structured contributions towards costs associated with using high footfall locations.

7. Temporary activities or events in public spaces must be well managed, and adhere to standard terms and conditions.

Standard 'terms and conditions of use' for Council-managed public spaces have been developed. These bring together various pre-existing requirements for the management of events. Previous management issues may now be taken into consideration by the Council, before further use of public space is agreed.

Central, higher demand sites have specific conditions that must also be met by event organisers in addition to standard terms and conditions. These are set out in Section 2 of this Protocol.

The Council may instruct additional conditions for *any* event, if required, at any stage before or during an event.

Organisers of larger events are required to support and facilitate Event Planning and Organising Group meetings, and will be instructed on event specific safety (or other) requirements. Organisers of events need to be aware that further roads consent, planning permissions or licensing conditions may be required.

How decisions on use of public spaces will be made

The assessment and decision-making process for events will be co-ordinated by the City of Edinburgh Council, through its Events Management Group (EMG), using the Public Spaces Protocol. The Council will consider proposals and enquiries for events in public spaces in a fair, timely, and reasonable way.

Stages in the decision-making process.

 Stage 1.
 APPLICATION BY EVENT ORGANISER

 A completed application form (appendix a) is received at <u>events@edinburgh.gov.uk</u>

Council will check availability of space and / or permission to occupy the public space before proceeding to Stage 2.

Applications for permits or licenses made at this stage will only be considered once an agreement in principle is given.

Stage 2.ASSESSMENT OF SUITABILITY - AGREEMENT IN PRINCIPLE TO USE OF SPACE
The suitability of event will be checked against agreed principles, as well as the
considerations for use. Considerations are outlined on the next page.

For larger events, or those considered to have wider impacts, there is a mechanism in place for consulting with relevant elected members at this stage.

At the end of this stage, an agreement in principle may be reached, and this will be communicated to the organiser, and a provisional booking will be taken.

If for any reason, an agreement in principle is not given, Council officers will explain why. In certain instances, Council may try to identify a suitable alternative.

Stage 3. APPLICATION FOR OTHER PERMITS, PERMISSIONS AND LICENSES This stage deals with statutory applications and processes. Other permits or licences should ideally only be applied for once agreement in principle has been obtained. An agreement in principle for use of a space does not guarantee that licenses or permits will be granted. Licence or permit applications will be considered if an agreement in principle to use a space is confirmed.

A permit or licence granted before agreement in principle to use a space has been given does not guarantee that the event will be allocated a space.

Stage 4.EVENT PLANNING AND ORGANISING GROUP (EPOG) MEETINGSOnce permits and licenses are obtained, the Council may require one or more EPOGmeetings to be held, where changes to elements of a proposal may be instructed, to
address issues of public safety, traffic management and access, timings or any other.

Process for making decisions, continued.

Stage 2: ASSESSMENT AND AGREEMENT IN PRINCIPLE TO USE OF SPACE BY COUNCIL

The process for assessing suitability, and making decisions on the use of public space.

Deciding what is or isn't appropriate for any public space requires sensible judgement and a wide understanding of current issues, and considerations.

Each individual proposal will be assessed on its own merits, as well as its fit with the city's role as a living, capital city, and pre-eminent festival city.

Not every activity will be suitable for every public space or proposed time, so decisions may be made to recommend changing these elements of a proposal. From time to time, proposed events may not be consented. The Council will be open about the reasons why this is the case.

In addition to ensuring proposed events meet with the guiding principles, there are a range of consideration that will inform a decision on the use of public spaces. This might include very local, one-off contexts or situations, so the following examples help to outline the kinds of questions that will be asked. The following is not an exhaustive, or absolute, list of considerations.

- Is the type of event compatible with the proposed space?
- Will the event support the quality of place of the surrounding area?
- Will the event reflect the social, physical, historic and/or economic context or profile of a space?
- What are the impacts of the event on surrounding residents or businesses?
- Is the scale of the event suitable for the proposed venue?
- Will the terms and conditions, and any site-specific conditions, be fully met?
- Does the event reduce access for, or exclude, any particular group(s) of people?
- Will the event encourage participation from local people, and how?
- Is the event funded by the Council or other partners?
- Have previous events of this nature been managed satisfactorily by the organisation?
- What other events are being hosted in the city at the same time?
- Has this site been used for other events recently?
- Is this the right moment or time for this event or activity?

It should be noted that for some public spaces, the Council may establish a management agreement with an appropriate third-party partner organisation (for example, a Business Improvement District body) to manage the space including decisions about its use. All decisions taken on behalf of the Council must adhere to the principles and considerations of the Public Spaces Protocol.



STANDARD TERMS AND CONDITIONS OF USE - PUBLIC SPACES

1	The Organiser shall ensure that the event is covered by Public Liability Insurance. The insurance cover must indemnify City of Edinburgh Council from and against all actions, claims, losses, and expenses whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of, or in any way attributable to, the act or default of the Organiser. Any such loss, damage, injury etc will be the responsibility of the Organiser. A copy of the Public Liability Insurance must be submitted to the Council prior to the date of the event.
2	The Organiser is responsible for producing a Medical Plan and completed Health & Safety risk assessment in line with the guidance laid out in the Guide to Health Safety & Welfare at Music and other events (The Purple Guide). Consultation with NHS Lothian and Scottish Ambulance Service is advisable (email for advice and further information)
4	The Organiser shall ensure that suitable arrangements are in place for managing any fire risk. This shall include, where necessary, a suitable and sufficient Fire Safety Risk Assessment, and may require approval by Scottish Fire and Rescue Service.
5	The Organiser shall ensure that, where necessary, a suitable Weather Management Plan is established and implemented to deal with inclement weather and high winds. This is particularly necessary where temporary structures are to be erected on site. (email publicsafety@edinburgh.gov.uk for advice and further information)
6	The Organiser shall be responsible for contacting the Police Scotland to advise them of the proposed event. Any costs for policing must be met by the event organiser.
7	The Organiser is responsible for all stewarding of the event and where requested, producing a suitable stewarding plan, to the satisfaction of Public Safety, Licensing, the Events Team, and/or Police Scotland.
8	The Organiser shall ensure that access for emergency service vehicles is kept clear at all times. (4 metres wide) The Organiser must ensure that measures are taken to minimise public congestion caused by the event.
9	The Organiser must ensure that no vehicles, other than those for which specific permission has been given, are taken into the agreed event areas. The speed limit in event areas is 5 mph.
10	All electrical equipment brought on site should be portable appliance tested and carry inspection stickers. The temporary electrical system must be planned, designed, installed and tested by a competent person and must comply with current legislation and BS 7671 and BS 7909. A certificate of inspection and testing, of the temporary electrical system must be provided prior to commencement of the event. Installation certification should also be available for all generators, which must be diesel driven and barriered to prevent public access to them. All sub contractors, traders and performers should be notified accordingly. Any equipment not in compliance with the foregoing is likely to be deemed inoperable and may require to be removed from the event site. Email tom.reynolds@edinburgh.gov.uk for advice and further information)
11	The Organiser must contact Public Safety should the event involve any temporary raised structures that are 600 mm or more above ground level. Structures that are intended to accommodate people that are 600mm or more above the ground will require a permit under Section 89 of the Civic Government (Scotland) Act 1982. (email <u>publicsafety@edinburgh.gov.uk</u> for advice and further information)
12	The Organiser must ensure that no equipment, e.g. fences, gates, bollards etc., are dismantled or removed without the prior permission of an authorised officer.

13	The Organiser shall reinstate any damage to the space resulting from their activities. Should the Organiser fail to
	satisfactorily reinstate the area, a charge for same shall be payable by the Organiser. Reinstatement of any space or infrastructure may be arranged by the council, with cost being payable by the Organiser. (For Festival Square, reinstatement will be carried out by the Council and charged to the event organiser).
14	The Organiser shall ensure that refuse does not accumulate on the site and that all refuse is removed from the site at the end of the use. Where necessary, the Organiser shall produce a Litter / Waste Management Plan to include times and methods of uplift of waste from the site. (Email <u>murray.black@edinburgh.gov.uk</u> and <u>karen.reeves@edinburgh.gov.uk</u> for further advice.)
15	Any refuse created, including leaflets/flyers, giveaway items or other, must be immediately collected.
16	The event must not be advertised by fly posting. Failure to comply with this condition may result in summary cancellation of the use. No refund of rent or fees would be provided.
17	The City of Edinburgh Council reserves the right to alter the set layout of your event at any time, should ground conditions or any other circumstance so warrant.
18	The City of Edinburgh Council reserves the right to cancel the event in the case of exceptional circumstances. In these
	circumstances, City of Edinburgh Council shall not be liable for any costs incurred by the organisers in respect of the cancellation. Event Organisers should consider cancellation insurance. No refund of rent or fees would be provided.
20	The Noise Council's Code of Practice on Environmental Noise at Concerts requires to be complied with in addition to any public entertainment licence conditions associated with the event. Where the event is not subject to a Public Entertainment Licence, the Organiser shall seek to minimise nuisance caused to any nearby sensitive premises, such as dwellings.
21	The Organiser is responsible for ensuring that all necessary Licenses, Orders and permits are obtained in relation to the event. This includes Public Entertainment Licence, Market Operator's Licence, Liquor Licence, Road Closure Order, Section 89 Permit, etc. (contact 0131 529 4208 for advice and further information)
22	Where the event is subject to Licenses required under the Civic Government Scotland Act, the organiser shall ensure that all conditions attached to any license are fully complied with. (Where the event has elements including noise emission, public toilet provision should be referred to Public Safety to be calculated in accordance with appropriate guidance and British standards.) (contact 0131 529 4208 or licensing@edinburgh.gov.uk for advice and further information)
25	The Organiser is responsible for contacting Road Events Team, where the event involves any traffic management including the closure of any road. Email <u>road.events@edinburgh.gov.uk</u> for advice and information.
26	The Organiser shall be responsible for obtaining any appropriate permissions are sought in terms of The Land Reform (Scotland) Act 2004 to exempt land from access rights, where necessary.
	(contact the Council's Estates Team 0131 529 5828 for advice and further information)

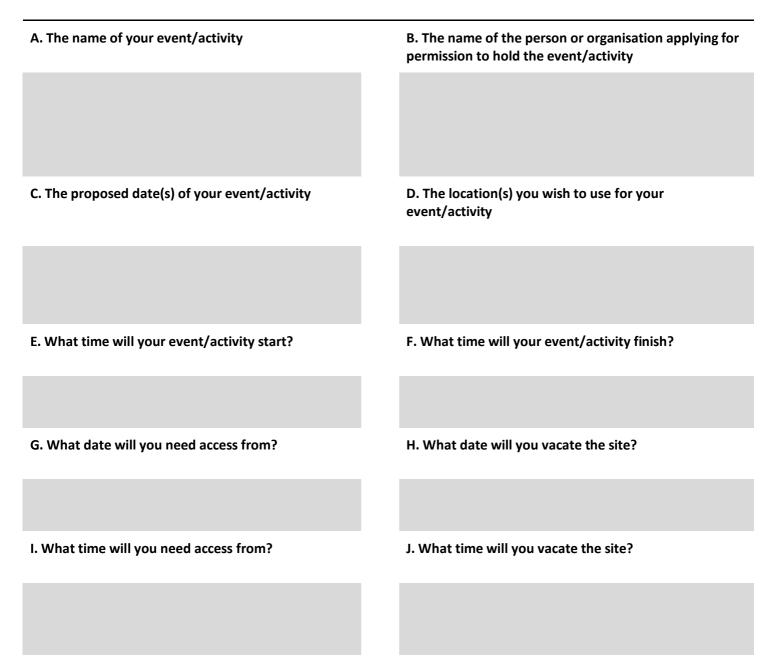


Application Ref: ______ Date Received: _____

Ward No: FOR OFFICIAL USE ONLY

Application Form: FOR USE OF A PUBLIC SPACE

PART 1: YOUR EVENT OR ACTIVITY



PART 2: YOUR CONTACT DETAILS

Please provide full details of individual(s) or organisation(s) responsible for management of the event/activity

Name:	Organisation:		
Phone number:	Post Code:		
Mobile number:	Postal Address:		
Email address:			
	Charity numbe	er (if Applicable):	

PART 3: MORE ABOUT YOUR EVENT OR ACTIVITY

A. Please indicate the nature of your event/activity:

B. Please provide us with a description of your event/activity, explaining all elements, and including and ticket/entry charges:

C. Please tick here if you wish us t	o promote your event on the	City of Edinburgh Council website
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PART 3: CONTINUED

D. Please estimate the maximum number of people likely to be at your event at any one time:

E. If you are organising a community event, please state all beneficiaries of any profits (please include profits from concessions, such as food stalls or retail units):

F. Please indicate if your event will include any of the following activities:

Retail	Animals	Fireworks/pyrotechnics	
Collections for charity/raffle	Food or drink	Alcohol	
Carnival	Cinema	Theatrical performance	
Procession	Market stalls	Music (live or recorded)	
Constructed stage	Fairground rides	Inflatables (including bouncy castles)	

You may be required to obtain a licence or permit if your event includes any of the above. It is your responsibility to contact The City of Edinburgh Council's Licensing Team on 0131 529 4208.

PART 4: CHECKLIST AND DECLARATION

Name:	Signature:	Date:	
B. You agree to inform us of any changes to th	e information specified in this notification	n form	
A. You have read and agree to abide by the Te	rms and Conditions of Use		
Please note that:			

Please return this form as soon as possible to events@edinburgh.gov.uk

Extra time is required to progress your event if you require a Temporary Traffic Regulation Order (TTRO), planning permission or a license or permit.

For more information on the use of parks please visit www.edinburgh.gov.uk/parks

The submission of this application form does not guarantee use of any public space controlled or otherwise by The City of Edinburgh Council

High Street Pedestrianised area	Castle Street Paved precinct	George Street	Grassmarket Public Events Space	Mound Precinct	St Andrew Square Garden	Festival Square
Profile of public	space					
Pedestrianised street Historic heart of the Old	Pedestrianised precinct with limited seating.	Street space available for temporary cultural uses.	Pedestrianised public space with trees and seating.	Open piazza style precinct	Formal garden with paths and cafe.	Piazza-style area - limited views.
Town, and procession route between Castle, Cathedral and Palace		Central axis of first New Town street grid.	Hard standing areas BID area	Flexible hard standing space, close to cultural institutions	Mostly soft landscaping with limited hard standing area.	Flexible hard standing space, close to cultura institutions.
8 mins to train 10 mins to tram 4 mins to bus Cycle parking	15 mins to train 6 mins to tram 2 mins to bus Cycle parking	15 mins to train 6 mins to tram 2 mins to bus Cycle parking	20 mins to train 20 mins to tram 1 min to bus Cycle parking	5 mins to train 6 mins to tram 2 mins to bus Cycle parking	5 mins to train 1 mins to tram 2 mins to bus Cycle parking	20 mins to train 10 mins to tram 2 mins to bus Cycle parking
Drainage Water	Drainage Water Electricity	Drainage Water	Drainage Water Electricity	Drainage Water	Drainage Water Electricity	Water
Residential area Mixed business: Shopfronts, tourism, cultural, hospitality, offices, Civic and religious.	Few residences Mixed business: High end retail and offices.	Few residences Mixed business: High end, independent retail, hospitality and offices	Residential area Mixed business: Independent retail, hospitality, offices.	No residences Cultural precinct	Few residences Mixed business: Executive offices, hospitality, accommodation.	Few residences Cultural precinct Mixed Business: Executive offices and hotels

High Street	Castle Street	George Street	Grassmarket	Mound Precinct	St Andrew Square	Festival Square
Pedestrianised area	Paved precinct		Public Events Space		Garden	
Preferred Uses	and Evanta					
Preferred events	Preferred events	Preferred events	Preferred events	Preferred events	Preferred events	Preferred events
Two Council supported	Programme of short	Short duration one-off	Three low impact,	Two large scape feature	One winter event	Higher profile single
'seasonal' festival	duration events,	sporting or cultural	occasional Council	festival events per year;	(alcohol restricted) may	events or mixed uses,
events per year;	throughout the year.	celebration events may	supported activities such	summer and winter.	be consented per year.	that compliment or
summer and winter.		be considered	as Science Festival		. ,	form part of other
	High quality markets		activities.	High profile 'exhibition'	A programme of low	festivals, in particular
Short duration Council	must be low impact, or	Two main Council		events outside of key	impact and/or short	during the winter
supported events	day duration, or	supported seasonal /	Low impact art	festival times.	duration, occasional	festival period.
touring / race events	occasional short stay	festival events in a year,	installations or public art.		events may be	
civic processions,	markets.	in summer and winter		Art installations or public	consented in spring,	Diverse elements can b
announcements,		can be considered	Maximum of two very	art.	summer and autumn.	accommodated,
ceremonial events.	Art installations or	where there are strong	short duration Council		Examples may include	including film, lighting,
	public art.	links to cultural festivals	supported events that may	Acceptable day to day	lighting installations,	temporary cultural
Other short-term		in the city	involve noise or impact on	uses	performances, film, art	venues and feature
events that promote	Acceptable day to day	-	amenity can be considered	A managed number of	installations, small scale	structures.
city's cultural life and	uses	Up to four additional	per year, such as touring	street trading stances,	exhibitions, or	
built heritage.	A managed number of	short term (seven day	or race events.	hot food sellers	photography.	Events that bring
	street trading stances,	each maximum) events				temporary greening or
Art installations or	hot food sellers and	per year.	Low profile processions.			dressing to the Square.
public art.	tables and chairs areas.				Acceptable day to day	
			Low impact seasonal /		uses	Time limited markets.
Acceptable day to day	Promotional activities.	Acceptable day to day	festive activities may be		Café and casual outdoor	
uses		uses	consented in summer or		seating.	Promotional events.
A managed number of		Tables and chairs on	winter.			
street trading stances,		pavement areas			Privately owned, formal	Art installations or
approved tables and		adjacent to premises	Low impact, high quality		garden. Leased by	public art.
chairs areas.			licensed markets.		Council for public access	
					to green space.	Acceptable day to day
			Acceptable day to day			uses
			uses			Marketing activities
			A managed number of			
			approved tables and chairs			
			areas and a food seller			
			stance.	<u> </u>		

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residents and Wind management businesses. Vind management required for structuo on Castle St. Comply with Licensing Policy for High Street Emergency vehicle		any disruption to access or	measures if required	areas under tree	Occupy, and sign
businesses. required for structu on Castle St. Comply with Licensing Policy for High Street Emergency vehicle	experience must be the	living amenity, and provide	by Council.	branches.	missive agreement with
Comply with Licensing Policy for High Street Emergency vehicle	plan predominant activity.	the out of hours contact			Council
Comply with Licensing Policy for High Street Emergency vehicle		details for a site / event	Comply with Mound		
Policy for High Street Emergency vehicle	If multiple blocks are used	manager.	Agreement.		
	an overall site manager				
route must be left	must be named.	Event structures must not			
		interfere with historic place			
available.	A contribution towards	markers or memorials.			
	lost parking revenue is				
Comply with Licens	ng required, with level set by	2m wide pedestrian access			
Policy for Castle Str	eet the Council.	to be maintained during			
		events.			
	Proposals must evidence				
	engagement with	Proposals must evidence			
	surrounding businesses,	engagement with			
	surrounding businesses,	surrounding residents and			
	and enhance the visual	Surrounding residents and			

CITY OF EDINBURGH COUNCIL GRASSMARKET EVENT MANAGEMENT RULES

Notification and communication with residents and businesses

For events that may cause disruption to residents or businesses (through changes to access, bus services, or increased noise) neighbours must be 'notified' in writing three weeks in advance, by door to door delivery, retaining a note of all undeliverable addresses, and following up notification to those properties via royal mail post. (<u>events@edinburgh.gov.uk</u> can advise on appropriate area). This should happen ideally between 3 and 2 weeks before your event.

Notification must include general event information, and a named out of hours contact and phone number provided, for urgent issues.

Noise management during events, and hours of operation

Careful sound management is required for this site given the physical properties of the street. Event organisers should aim to entertain crowds at street level only, using speakers that provide a focussed sound stage over the audience area only.

For music performances, PA and sound system set up and positioning should aim to minimise disturbance to local residents and offices above ground floor level, and be set to a minimum acceptable level for a music performance event during sound check. Noise levels should be periodically monitored by sound engineers, and adjustments made where appropriate, to minimise disturbance to residents. Be prepared to reduce the noise level if required by Police Scotland or Council officers.

The latest time noise can be made at this site is 9.00pm. The site should then remain silent until 7.00am the following day. This means no PA, machinery, heavy plant, crowds, waste removal, build up or dismantling of site infrastructure or other noisy activity.

Use available power supply, or use a 'Super Silent' generator.

If an event may not be able to meet these sound requirements organisers must tell <u>events@edinburgh.gov.uk</u> and the proposal may then be considered through further internal processes. In exceptional circumstances, it may still be that the proposal can proceed with agreed modifications.

Site management

Regular removal of litter, and appropriate removal from site of all recycling and waste caused by event without use of domestic waste bins or litter bins.

Portaloo numbers and placement should be planned according to needs.

A site plan should allow for safe and neat storage of equipment. Stewards must be on site to ensure emergency access, or access to Sheltered Housing or for elderly or infirm residents.

Events that may need some of the Tables and Chairs space will require permission from the Council before event is agreed.

No event structures may be placed in a way that interferes with any historic place markers or memorials, such as the Covenanter's memorial.

Traffic management, access, and placement of structures

Footways should be maintained during events to ensure continuous pedestrian movement through the Grassmarket. This includes allowing sufficient space for people entering and exiting communal stair properties. 1.5m minimum is normally advised, however in areas of heavy footfall 2m will be required.

An emergency vehicle access lane must be maintained at all times and not impeded by any event structures that can't be moved quickly in the case of an emergency. A 4m lane is a minimum requirement of Scottish Fire & Rescue Service (SFRS). Site layout plans should be agreed with SFRS in advance.

Any temporary changes that further restrict access to the time limited service road must be communicated to local businesses by the event organiser.

CITY OF EDINBURGH COUNCIL GEORGE STREET EVENT AND MANAGEMENT REQUIREMENTS

The Council will consider granting temporary road closures for events in George Street, that help deliver cultural and economic benefits of festivals to the New Town area, without detriment to the quality of the street.

Cultural offering must be the predominant activity

Event organisers must demonstrate in advance that the greatest part of any proposal is cultural offering, that helps encourage enjoyment of George Street as one of the city's iconic streets.

The proposed event should have a clear link to one of the festivals taking place in the city. Any involvement from adjacent businesses in the event area must contribute to the overall event feel, and avoid feeling disjointed.

Site management and licensing requirements

A named overall site coordinator must manage all activity in the event area. An out of hours contact and phone number must be provided to all surrounding businesses, for urgent issues. Stewards must be on site to ensure emergency access, facilitate servicing and loading, frequently check signage and barriers are correct and in place.

Licensing arrangements on this site are key. An overall Public Entertainment Licence (PEL), should be planned to be in effect over full boundary area(s). Any adjacent Liquor license holders must ensure they are able to operate within the overall area by seeking explicit permission from the PEL holder. Alcohol licenses and permits must, through satisfactory mechanism, ensure that they are time limited, and restricted to the event operation dates. The Council may seek evidence of a service level agreement, or other, between PEL holder/site manager, and individual liquor license holders, showing that the management of licenced areas will operate within the coordination of the TTRO / PEL area's overall management.

Regular removal of litter, and appropriate removal from site of all recycling and waste caused by event without use of existing litter bins.

Portaloo provision and placement should be planned according to an event's expected numbers and needs.

Site plans must show how pedestrians and crowds will operate within in the area (and space for queuing and circulating as well as through the event area..

Traffic management access for cycling, deliveries, and emergency services

Event organisers are required to maintain George Street's National Cycling Route 1 in both directions, throughout any event, build and de-rig, ensuring there is adequate signage for pedestrians and cyclists.

Adequate access must be provided for servicing and loading of the event and surrounding businesses during set, limited hours of the day, finishing before or at 10.00am each day. A minimum of 4m width is required for loading. Some space, outside the event arena at each end of the block, must be provided for any late deliveries.

provide approved access and working spaces for emergency services along the route and within events.

Support for the New Town

Proposals must demonstrate how the offering will support local business, and show evidence of consultation with local businesses and possibly offices in each block, on the overall proposal, and the specific elements of each block's proposed activities.

Proposals must set out how they will positively enhance the surrounding area and its visual amenity and appeal to shoppers.

Focus Group Research on the Public Spaces Protocol

Final Report

THE CITY OF EDINBURGH COUNCIL

November 2, 2016 Authored by: Alan Kennedy, Knowledge Partnership

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Introduction and key feedback

Background

Following an internal review of events governance within the Council, completed in January 2014, a report to Transport and Environment Committee on 2 June 2015 set out the rationale for the development of a manifesto, or protocol, for the use of public spaces in Edinburgh's city centre.

An initial series of discussions in 2015 sought to engage with key stakeholders on the proposed outline for the development of a Public Spaces Protocol (PSP). This process identified unanimous agreement on the need to develop a protocol for public spaces, including those owned by the Council and other organisations or individuals, with specific arrangements for key sites where the diverse needs of user groups require to be carefully balanced.

Research objectives

Knowledge Partnership was commissioned by the Council to deliver a piece of research which would invite a range of stakeholders to provide feedback that would assist the development of a set of principles guiding the use of public space.

Approach

The Council's preferred approach to facilitating this research was to use nine stakeholder focus groups comprising the following participants. Some organisations were able to allocate more attendees than others to a focus group depending on individual availability on the day.

Focus group composition (attendees)	Event date and venue
Business representatives (five)	Monday 25 th July, Edinburgh Council City Chambers
Tourism and events representatives (seven)	Monday 25 th July, Edinburgh Council City Chambers
Heritage and built environment representatives (nine)	Tuesday 26 th July, Edinburgh Council City Chambers
Access and equalities representatives (six)	Tuesday 26 th July, Edinburgh Council City Chambers
Arts, culture and festival representatives (ten)	Wednesday 27 th July, Edinburgh Council City Chambers
Community council representatives (New Town, Tollcross and West End Community Councils) (twelve)	Thursday 28 th July, Edinburgh Council City Chambers
Wider City of Edinburgh Residents (eight)	Monday 1 st August, Malmaison Hotel, Leith
Residents of Grassmarket (eight)	Tuesday 2 nd August, Novotel, Lauriston Place, Edinburgh
Grassmarket Residents' Association and Old Town Community Council (three)	Monday 3 rd October, City Chambers, Edinburgh

Table 1 – focus group composition¹

¹ In the case of the Grassmarket Residents' Association, three participants were able to attend a group held over until October 3rd. Recruitment to this group during July and August proved difficult in part because of summer holidays and therefore to meet the availability of members of this group the later event was held

To facilitate and aid the discussion during the focus groups of the Protocol, the Council prepared an initial set of six draft principles and accompanying descriptions in order test views, and to stimulate ideas and responses. These draft principles (which are discussed in detail in the feedback section of this report) were presented to the focus groups as initial ideas to prompt discussion. They were discussed on the basis that they were not 'final draft' principles but rather a framework set of ideas and concepts, designed to allow for the sharing of ideas within the focus group. In this way, the feedback from the nine focus group sessions was designed to help inform the development of a set of future principles which would be subject to further consideration by the Council and other stakeholders.

Key feedback

The detailed feedback given by focus group participants is set out in the 'focus group feedback' section of this report. In summary, the main issues highlighted for the future development of a set of guiding principles for the use of public space were as follows:

- ✓ Any principles and supporting descriptions need to be clear, carefully worded and meaningful.
- ✓ Consideration should be given to the final layout of the principles as this can imply a rank order.
- ✓ The principles need to be seen as achievable and realistic.
- ✓ The principles should be reasonable and fair.
- ✓ The principles need to be inclusive of a wide range of beneficiaries; this also includes paying careful attention to where in the ordering of the principles, different beneficiaries are listed.
- ✓ As well as having a spatial aspect, any principles that are intended to over-arch decisions about the use of public space need to contain a temporal dimension.
- ✓ There should be some element of legacy, or consideration of the medium to long term impact of the use of public space, and this should be referred to in the principles.

On balance, the six draft principles (or ideas for discussion) which were supplied by the Council as part of the nine focus groups were seen as being a reasonable starting point to begin the process of refining the final set of principles. On this basis, we would propose that the Council develops a set of principles based on the six discussed, whilst taking account of the issues highlighted above.

The initial six principles discussed were:

- Distribute benefits evenly across the city centre
- Benefit the communities of Edinburgh
- Provide Cultural Experience
- Compliment the immediate surroundings
- Be well managed
- Use of public space will be balanced with need to provide periods of respite from activity

In exploring ideas around principles that could support the Protocol, some additional concepts were suggested and these may be worthy of further exploration; these concepts are:

Equity; for example, the principle of ensuring equal access to public space for those with a disability or physical infirmity

- ✓ Well-being; suggesting that this would be a key outcome informing the decisions around the use of space
- ✓ Partnership; referring to the idea that achieving the principles in practice will require equal, respectful and meaningful partnership working across various stakeholders. Partnership with the Police as a key stakeholder may also be important to ensure effective event management
- ✓ Balance; identifying that one of the key aspects of decision making in the use of public space will be how the interests of different stakeholder groups are balanced
- Respect; similar to balance but highlighting that decisions will not detract from the lives of individuals, or the appearance of spaces. This principle should include respectful and appropriate consultation amongst those affected by the use of public space and encompass the effective management and enforcement of the principles and regulations that govern the use of that space
- Diversity; referring to how the use of public space by different groups will be managed, from the perspective of culture, heritage and identity, and recognising that diversity of scale should be welcomed i.e. small scale events are as important as large scale ones
- Corporate social responsibility; meaning that this type of behaviour will be encouraged by the protocol in decisions that affect the use of space. This could extend into the area of how commercial promotions are to be managed
- Efficient and effective; indicating that decisions about the use of public space will made in a timely and streamlined manner and will include effective and joined up working between all departments and organisations involved in deciding on the use of public space
- ✓ **Transparency**; in terms of who owns public spaces and what this means for decision making.

Focus group feedback

In the following section, we set out the focus group feedback for each discussion point (draft principle) by stakeholder group, starting with principle one, 'Distribute benefits evenly across the city centre'.

Draft Principle One: Distribute benefits evenly across the city centre

Description: Edinburgh will promote a better spread of activity across the city's available spaces, and avoid over use or under use of any one space. The use of our public spaces will be to the benefit of local economic activity in the surrounding street(s).

<u>Feedback</u>

As might be anticipated, **business representatives** were supportive of the broad idea of distributing benefits for the good of local economic activity. It was noted that at present, most of the business related economic benefit that can be attributed to the use of space e.g. additional footfall goes to firms located in the East end of the City. The business group additionally noted that distributing the benefits of the use of space needs to be thought of as *temporal* as well as spatial, i.e. events, activities and festivals should be taking place out-with the core Christmas and August periods to allow for a more even spread of economic benefit. There was recognised to be a significant challenge however in achieving a wider spatial distribution of the use of public space because of the lack of suitable, modern public space that is capable of hosting events, festivals and activities. To the extent that alternative public spaces exist for achieving a wider spatial distribution, these spaces are often restricted by considerations of access, ownership, size and regulation. Business representatives also fear that it could be costly to re-work new locations to accommodate a distributed event e.g. cost of road closures etc.

Although business representatives welcomed the prospect of a wider distribution of economic benefits to their members, this should not be seen as their only consideration in terms of this principle. One member noted that the principle needed to make reference to public well-being (and not just economic activity). Others noted that a distinction needed to be drawn when considering the cost implications of re-distribution based on whether the event or activity was commercial, or a free, community based activity i.e. it may be inappropriate for the costs associated with distributing events to fall equally on all types of festival or event related activities.

Community councillors expressed concerns over the distribution principle and its accompanying definition, in particular the reference to 'economic benefit' and 'promote...activity' which tended to suggest that the wider Protocol is being driven by economic considerations and the needs of tourism/business rather than those of residents (which in the view of community councillors is not necessarily a positive direction of travel). It was proposed that the benefit explained in this principle should be changed to something along the lines of 'benefit local community activity' rather than 'economic activity'. Community councillors were also concerned that the tone of this principle seemed to suggest that more public space events, festivals and activities could be expected in the future and that the Protocol (and this principle) were a response to this inevitability. It was argued that the starting point for the Protocol (and this principle) should be that there is currently too much event and festival based use of public space, and that the Protocol, in recognising this situation,

should be aimed at reducing the amount of activities that are taking place. Reservations were also expressed over whether the city had the capacity to accommodate more and distributed events/activities and the question was raised as to whether a detailed capacity study was being planned to sit alongside the work of developing the Protocol. Other concerns raised by community councillors in relation to this principle comprised:

- ✓ Is there an issue that many spaces such as St Andrew Square are in private ownership and therefore will not be subject to the principles of the Protocol?
- ✓ What has happened to the Council's Public Realm Strategy? There is a concern that the 'salami slicing' of public realm to become public space signals a strong economic imperative to the management of public space
- ✓ How does the Protocol and its principles fit with the World Heritage Site status e.g. any drive to move more events to the West End could be the thin edge of the wedge for the use of Charlotte Square
- ✓ There were requests for a wider consultation on this subject so that the views of the public are taken into account and for the Council to take account of and respond to this wider consultation.

In relation to principle one, representatives of **equalities groups** requested that when events, festivals and activities are being re-distributed, the needs of protected groups should be fully considered and consulted on e.g. the effect of road closures for people wishing to attend local lunch clubs, faith services etc. Equalities groups also recommended that any new sites chosen for events should be fully impact assessed to ensure equal access. In general, physical access to public space was the key consideration for the equalities groups' representatives which pervaded this principle and all of the other five principles and was debated both in terms of attending an event space, as well as moving around that space.

Aside from exploring the issue of how distributing benefits would accommodate issues of equitable use of space and equal access to any event taking place within that space, equalities groups also noted the emphasis within principle one on economic benefit. They argued that in cases where equalities groups were running events there was unlikely to be any local economic benefit, although there would be individual benefit for those attending e.g. for an event such as the Care Home Olympics, there would be individual health and socialisation benefits for attendees. The question was however, how would this square with the principle of providing local economic benefit as set out in the Protocol?

Commercial **Tourism and event** organisers whilst agreeing that principle one was 'admirable' expressed significant reservations, specifically in terms of whether it was realistic to expect organisers to move events to other parts of the city when their experience was that no alternative spaces actually existed. To some, principle one seemed artificial in its construction by seeking to move events and activities, almost in a centrally planned manner, when demand for activities and space is currently market led i.e. the decision over which public space to use for a festival, event or activity is a function not only of the space's size, accessibility, and equipment but also reflects where sponsors would like events to take place, and where there is likely to be public demand. It was noted also that principle one seems to be aimed at distributing benefits (economic benefit) to one stakeholder only, whilst

event, tourism or film companies could lose out under this principle if they are 'forced' to use spaces they do not wish to use. One event organiser also argued that as public funds for events, festivals etc were in decline and likely to continue to decline for the future, events needed to be more commercial and that this is likely to work against the principle of driving wider distribution of space into potentially non-commercial locations. Another noted that in order for under-used space to become attractive to commercial events, film – makers, and tourist companies, some investment would be required by the Council, or some form of incentive presented to make these spaces attractive. In general, concerns were expressed by this group as to whether this principle (and the wider Protocol) would act as a limit on their activities in which case it would work as disabling rather than enabling document for the use of public space. Toward the end of the discussion on principle one some participants thought that a change to the wording may help i.e. replacing 'distribute' with 'encourage' or a word like 'balance' to suggest that the aim is to facilitate a more balanced approach to how events are distributed so that as many stakeholders as possible are satisfied with an event.

Representatives of the **arts/culture and festivals** sector like those from tourism/events generally agreed with the aspiration of distributing benefits evenly but in practice it was considered very difficult to consider moving events or activities to spaces that were not likely to be attractive to visitors. It was noted that despite investment to create a new public space in Castle Street, this had not made this space attractive to users, and this experience may signal the challenge of artificially distributing space when there is no appetite from the public or event organisers to use that venue.

One participant argued that the issue that principle one was designed to address needed to be looked at differently i.e. there needs to be consideration of why some public spaces are being overused and why these spaces are seen as being particularly viable. And then there needs to be a conversation around why certain spaces are under-used and what support the Council will be offering if they feel there is a need to move events to other spaces. As it stands, principle one is tackling the issue of distribution from the over-use side only. In general, there was a call from participants in this group for the Council to take a greater role in supporting the use of under-used spaces as the Protocol seemed to suggest that responsibility for this lies solely with the event organisers/users of public space.

Participants suggested that parallel with principle one, if there were any related plans by the Council to move decision making on public space use to a longer cycle (beyond annually) then this would be welcomed, as the present the annual licensing system is convoluted and unclear (this speaks to the wider point that the Council departments that administer space requests – licensing, planning etc – will require improvement to meet the demand of any public space Protocol going forward).

As it currently stands, for some of those in this group, principle one seems to be about addressing the complaints of those citizens who complain that Edinburgh is only for the tourists, but contains no acknowledgement of the risk that event organisers or festival companies take in making use of public space, or the benefits they bring to the city. As a stakeholder, this group's contribution seems to be lacking from principle one and the Protocol more widely. It is argued that this is an area that needs to be addressed in the Protocol through making reference to the benefits that events and activities bring to the city.

Still referring to principle one, one stakeholder asked why the 'distribution benefit' was being limited to the city centre when instead the Council should be looking at incentivising or otherwise investing in

events/arts spaces outside the city centre, an approach it was noted that would link with the Council's focus on locally based service delivery.

Amongst heritage/built environment focus group participants, there was broad support for principle one as a means of achieving a change in the balance of the use of public spaces across the city centre, including tacking the over and under use of certain spaces as well as being a route for engaging residents outside the city centre in events and other activities going on within the city. Principle one was also seen as providing an opportunity to adopt a more creative approach to identifying alternative, additional spaces for events in the city centre. *'What's interesting about that first principle is not just constraining ourselves to talking about obvious spaces but what about the 'nook on the corner' - it might not [currently] be used or seen as an events space'.*

However, whilst welcoming the broad principle of distributing benefits, participants expressed discomfort with the focus in principle one on economic benefits and queried how this type of benefit is being delivered to the city (if at all). In common with some other stakeholder groups, there is a feeling that this principle needs to speak more to community benefits and not just come straight to economic benefit.

The **Grassmarket residents** group generally agreed with the direction of principle one, indicating that it would be good to spread activities around the city given that an area such as the Grassmarket is a small space which can sometimes feel like there is too much going on, in terms of events, festivals and activities (it is worthy of note that this area also has a large number of bars and restaurants which add to the feeling of a busy location). Some residents agreed that whilst distributing public space for events would be beneficial, there may be an issue with how far these are supported given that tourists may be unlikely to want to stray too far from the city centre. One participant thought for example that tourists would not want to visit an event being held in a public space in Fountainbridge because it was far away from the main tourist attractions. Another participant thought that moving events space out to the suburbs of Edinburgh may also be unworkable given the attraction of the city centre to residents and tourists alike as a space for events and activities.

The focus group comprising **general Edinburgh residents** thought that principle one made sense in so far as it would ensure a balance in the selection of where events, festivals and activities took place in Edinburgh. Some concerns were expressed in this group that the current festivals and events were heavily commercially driven and questions were raised about how any economic impact benefits residents who may live in the suburbs. With this thought in mind, it was suggested that the reference to 'economic benefit' in principle one should perhaps be more about 'not detracting' from the local economy, or protecting rather than promoting economic gain. Given the sense within the group that events and festivals were quite expensive and tended to be about profit generation, a suggestion was put forward that an aspect of the principle of distribution could be between commercial and non-commercial events i.e. using a given space for commercial activity for three months before reallocating to community, non-commercial events. One participant at this group, whilst agreeing with the principle, did query how practical it would be for event organisers to host events in other spaces on the basis of a request to do so by the Council. This point speaks to the concerns raised by the event, arts, festival companies themselves as to how realistic the achievement of principle one might be.

Attendees on behalf of the **Grassmarket Residents Association** and the **Old Town Community Council** (GRASS-OTC) agreed that the distribution principle was good in theory but wondered how practical it would be to achieve, considering that decisions by organisers about the use of public space would be largely determined by market demand i.e. there will be a tendency for operators to seek to use public spaces with a large footfall which may tend to draw them back to well used spaces. It was argued that only by active promotion by the Council of these alternative public spaces would operators be tempted to take up a previously little used public space.

There was some concern expressed around linking the distribution principle with that of economic benefit, and one participant said that distribution and economic benefit should be separated as principles. This participant was also a little concerned about the implication of singling out economic benefit as part of one of the principles:

'This is classic Council. Why are we always only focusing on economic benefits; what about amenity for example?'

Another participant noted that any economic benefit attributable to the re-distribution of the use of public space would not be felt evenly across all commercial sectors and the question was raised 'for who is this principle an economic benefit?' given that whilst food and drink retailers may gain from events, other retailers may suffer.

Draft Principle Two: Benefit the communities of Edinburgh

Description: Edinburgh will prioritise activities in our spaces that are for all ages and incomes and encourage positive social interaction between all groups and communities.

<u>Feedback</u>

The **business representatives** were unsure as to what this principle might mean in practice, and had some concerns that it could be interpreted in a limiting way. They asked, 'what does it mean to say that activities are 'for all ages and incomes' when some events or activities might be only intended for specific groups?' Would these 'non-compliant' events in terms of this principle be disallowed? It was suggested that this principle needed to include reference to accessibility although it was recognised that there might be issues in making all events protected groups accessible. One representative noted that free events would allow for the principle of having spaces 'for all incomes' but that even free, community events have a cost and therefore the Council would need to consider how it would meet this principle in practice: 'And the key to that is the economics of it, if you run, let's call it noncommercial events, it costs money to put events on, so if you are running free events it costs the organisers lots of money to put on a free event, so the Council will need to think closely about what that actually means because that can encapsulate all the festivals, but all the festivals cost money to go into'. It was proposed by this group that rather than the Council through this principle seeking to achieve use of space for all ages and incomes, it may be better to ensure that the organisation responsible for running the event has a diversity and equalities policy in place that means in principle they should be complying with the essence of this part of the Protocol.

Community Councillors agreed that this principle seemed fine in theory, but one attendee noted that this is not how the Council currently operates in practice when it comes to making decisions over

community events. It was proposed that this principle should say more about residents if not be weighted in favour of residents as a key part of the communities of Edinburgh. It was further proposed that in addition to Edinburgh prioritising activities for the benefit of the communities of Edinburgh, this principle should also refer to 'cessation or no activity' as an outcome from decisions around the use of public space that could also benefit communities.

The **equalities group** highlighted that this principle needed to be improved by including an explicit statement about accessibility: 'I think that needs to be re-written,...that could be re-worded so that it talks to spaces being accessible to disabled people, frail and elderly people as well because one of our big concerns is that it's not accessible for people'. Other members of this group wanted to see checks and balances introduced to this principle such that when decisions are being made on the use of public space, the priorities of alcohol and money making do not take precedence over the interest of minorities or other protected groups. In line with this idea, it was proposed that this principle (or another one) should include the idea of social capital benefit. It was also recognised that a phrase such as 'encourage positive social interaction between all groups and communities' was potentially dangerous depending on who was making the decision about what constitutes a positive or negative social interaction: 'Personally, I would hope that they would not use that principle to make judgements about undesirable groups/activities however much we might dislike them'

For commercial tourism and events companies, principle two seemed admirable but there was a question posed over how achievable this would be unless it was interpreted as applying over a whole calendar of events. In addition, concerns were expressed over who might be deciding on any balance between 'worthy and unworthy events' and who is determining 'positive social interaction'? - is this a political decision or an officer one and does it apply to every event, or is it measured over the course of a year of events etc? What will happen when an event or activity is deemed not to encourage social interaction, will this be deprived the use of space? As with principle one, there are some questions over the realism of setting out a guideline that may prioritises certain events, festivals and activities over others when events themselves are quite varied and fluid in their scope. A danger with this principle that the Council is trying engineer its festivals and activities which will be at the expense of activities (like the Fringe) that grew up by accident with no template to guide them. This group also proposed that like principle one, the language of principle two should steer away from words like 'prioritise' which sounds faintly like central control, and instead use words such as 'encourage, develop or welcome' which shows an empathy with the type of event but does not suggest directing the choice of events in a specific way. In general, this principle either needs to be totally loose (which allows any type of activity) or totally prescriptive so that there is no room for applicants to circumvent what is intended. At the moment, the principle as worded could be said to be delivering neither outcome.

Some participants suggested that a more useful way to interpret or apply principle two would be in terms of corporate social responsibility where the users of space will be required to give the communities affected by an event something back i.e. some form of legacy for the time an event spends in a location. So this changes principle two from being about the type of activity and whether it fits with certain guidelines to a form of investment in the community that after the event is finished will enhance that community. A possible wording for the alternative approach to interpreting principle two could be:

In decisions affecting the use of public spaces, we will seek to maximise [economic and social] gain for the benefit of the communities of Edinburgh [might include a CSR policy for the space affected-should this aspect be about the contribution the event will make in the area whether that's economic, social, etc.]

Participants from the arts/cultural and festivals sectors agreed that principle two 'sounds reasonable' but noted that for all communities to benefit, Council policies around transport, parking etc would need to link up with the Protocol to ensure that access did not become a barrier to achieving positive outcomes for all ages and communities. In general, the wider point here is that the entire Protocol needs to be proofed against all other associated Council policies. One participant stated that the Council should give some thought in relation to this principle to the balance it was looking for between commercial and community based events and activities, and how they would be dealt with under this principle (would the same standards apply?) Another participant argued that the person making the decision under principle two would need to ensure that they were seeing the entire picture around an event i.e. some parts of a cultural event may be commercial whilst others might be community focused. In so far as principle two could be said to favour community events, would it be the role of a commercial provider to facilitate these, and is this principle premised on any suggestion that the public is looking for more community and less commercial types of event? One of the challenges noted with achieving principle two in Edinburgh's suburbs comes back to the lack of public space in these areas, given that running events within the city centre is unlikely to provide benefit to these suburban communities.

For those attending the **heritage/built environment group**, all participants welcomed principle two. There was significant discussion about the value of greater use of public space by communities in Edinburgh and potential ways to increase the benefits for local communities. *'From my take, I think that's a very positive statement, the challenge is how it's translated but in terms of what we've got before us I would think that.... If you were not cynical you could read that and hope that something good would come out of it'. Some participants suggested changes to the emphasis of this principle and there was discussion about how 'community benefits' might be interpreted: <i>'I think it [the draft principle] might be improved if there was something about connectivity and access in it. Access in every sense of the word but you would want it to be spaces to have to meet a certain kind of standard in terms of accessibility to bus stops getting there on foot and by bike, in terms of external access and I would've thought there's something around what can happen in transport terms, in the wider sense, within that public space and for me it should just be a place for people on foot end of story, that you create that as a safe space for people and you make it easy for them to get there from different places in the city without having a car, on public transport or cycling or walking'.*

Other participants suggested that principle two could be supported by (i) asking commercial operators to open up their events and accommodate community participation; (ii) using some of the profit from commercial events to subsidise community events; (iii) taking a proactive approach to raise awareness among Edinburgh's communities that they are entitled to make use of public spaces and (iv) simple application processes: 'I think making sure they don't get lost down the list under the more economic benefits, and perhaps there's a two-tier system where you have commercially-orientated activities do pay a fee to use the space, that is redirected into ensuring that space is in a good condition, a better condition that it would be year-round but community events, volunteers run

with no budget, they're just trying to do something good is really positive for the city, and really enlivens, specially some of those spaces a bit further out of the city centre that are really not being used to their full potential and those events have a positive impact locally but there's a lot of barriers in place to people using these spaces'.

For **Grassmarket residents**, principle two seemed clear cut and reasonable particularly given that recent events in the area such as the Jazz Festival, the Vintage Weekend, and the 'Children's Day had all been free and brought people together, and so seemed to fit with this principle. No attendees from the Grassmarket group disagreed with this principle.

Amongst the **general residents of Edinburgh**, there was some more discussion over the meaning of this principle with some participants saying that they would not like its effect to be bland/safe 'PG' events and activities, with no room offered for 'challenging stuff'. However, some other participants thought this principle spoke to the issue of commercial events and the need for more community style activities in public spaces which would be broadly welcomed, especially if this was combined with more discounts for residents who wanted to attend commercial city centre events. One participant did note however, that there might be a challenge in arguing that suburban areas e.g. Niddrie were, as a community, likely to benefit from the hosting of any type of event in the city.

Representatives of **GRASS-OTC** felt that this draft principle was 'fine' but was very broad and therefore quite difficult to gain say. In the view of one attendee, whether an activity or event brought benefit to the community was largely a matter of how well it was organised and managed. This attendee cited the 2016 Jazz Festival which (in their view) was badly organised and therefore did not provide benefit to local people in the Grassmarket; this was contrasted with a film festival held in the same location some years ago which respected local residents, and was well managed and therefore met the criteria of benefiting the communities of Edinburgh.

Draft Principle Three: Provide Cultural Experience

Description: Our agreed uses of public space should promote a positive experience of culture, heritage or identity for those who attend

<u>Feedback</u>

Groups representing **business** felt that this principle whilst 'worthy' ran the risk of setting new boundaries that will define what type of events are culturally acceptable, which was deemed to be not helpful to the process of designing or operating a balance or mix of events activities. Indeed it was argued that a better principle should be seeking a balance of culture, heritage and other experiences, particularly given that a number of commercial events will not have any easily measurable association with culture: 'Again a lot of events won't meet any of those elements of the principle; they will be commercially run for people to have a good time, and you don't need to have culture, heritage and identity to have a good time'. One participant felt that this principle would be better to use the phrase 'memorable experience' rather than trying to set a measure of loose terms such as positive culture, positive identify etc.

Community councillors acknowledged that the merit to principle three was that it was aspirational but one person noted that this was hardly an exceptional aspiration and that it seemed 'blindingly

obvious' that the use of public space should promote some positive experience of culture, heritage etc for those that attended. As with principle two, there are some concerns over phrases like 'agreed use of public space' which leaves open the question of <u>who</u> is agreeing this use of public space, on what measure, over what time frame etc

The **equalities** group suggested that this principle was acceptable in so far as 'nobody would disagree with that' although in common with some other principles, the issue is really one of interpretation: 'what does that mean?' Given the scope for interpretation, does this principle dissuade events which are not promoting a positive cultural experience, e.g. an event which take a 'negative' view of 'Brexit' for example would this be permitted under this principle?

Amongst **commercial tourism and events** companies, principle three was viewed as being very open to interpretation and presenting the risk that certain non-cultural events could be prevented under the application of this principle. According to some attendees, why must it be even necessary for events to provide a cultural experience when other benefits may result e.g. '... is there any difference between Coca-Cola paying money to bring the Coca-Cola truck to Castle Street and give a free product that brings in money and people get a free product or an outdoor cinema showing films on Saint Andrew's Square. They are providing an experience and offering to people whether they have paid or whatever they are doing; I don't know about the cultural experience'.

[And] '... there's nothing cultural about Mercedes in Festival Square but it's nice to see Festival Square used but that doesn't fit in there'.

In some senses, any insistence on a principle of providing cultural experience seems quite exclusive, and likely to preclude a lot of existing events such as farmer's market, Edinburgh's Christmas which are not cultural in a narrow sense. So again, perhaps the emphasis needs to be on 'encouraging' rather than 'promoting' the experience of culture and identity, or taking a different tack, e.g. just 'Providing a Positive Experience' which allows the event to be narrow culture, or no culture so long as it brings a positive experience to attendees and those surrounding the event?

For **arts/culture**, **festival companies**, there was a 'Yes' to this principle so long as it was interpreted as engaging a diverse range of culture and potentially encompassing sport, leisure, and perhaps wellbeing, all of which could be incorporated into a wide definition of culture. During the discussion of this third principle, the question was raised about how any new application process would work i.e. across all the principles, would principles be weighted, would decisions be made by calendar year, by a certain date etc.

Amongst the **heritage/built environment group**, the discussion about principle three was the shortest part of the focus group; participants had little to say beyond general agreement with the idea and an acknowledgement that interpretations about culture are subjective. *'I think number three is interesting because you can see the value of it some of the time but is that for locals? Tourists? For people outside the city centre?' and 'Whose culture?*

For **Grassmarket residents**, principle three was considered reasonable but needed to incorporate the well-being of residents i.e. the phrase 'cultural experience of those who attend' could be thought of as focused somewhat on tourists.

In relation to **wider Edinburgh residents**, the question of what constitutes culture or heritage was seen as something that was open to interpretation; as was the idea of a positive cultural experience – very subjective and who decides what this is? Members of this group also noted the Mercedes event in Festival Square and acknowledged that whilst this probably did not fit with principle three, it was an activity that made use of a space and probably brought some revenue to the city, so should this type of event necessarily be excluded from a decision on the use of public space? Given the challenge of lending support to events under this principle, perhaps the Council should focus more on how events are managed rather than on seeking to influence the type of event that takes place?

Attendees representing **GRASS-OTC** felt that this was a well-intentioned principle but that it was somewhat vague and open to interpretation. On participant argued that by referring to '...those who attend' this was confirmation that the Council was focused on visitors and not looking at the needs of residents. This person said they felt the lack of emphasis on residents was evident 'right through these principles'. On attendee commented on a Ceilidh that took place in the High Street at New Year (2015-16) and indicated that as a cultural experience this event was not really intended for residents. It was also noted that ticket prices for this event were fairly high and that where events such as this were costly to attend and likely to inconvenience residents, tickets should be made available at discounted prices or free to local people as a way of compensating them for the noise and disturbance endured.

Draft Principle Four: Complement the immediate surroundings

Description: Any proposed use of public space should not detract from the visual amenity of the area in which they take place. It should respect those who live or work in the area.

Business stakeholders saw this principle as being similar to principles two and three, in that words like 'visual amenity', and whatever 'detracts' from it as being subjective and open to interpretation. Such a principle could perhaps be enhanced if it included reference to noise amenity, and possibly incorporated a temporal element i.e. recognising that for a set period the character and amenity of a street will change, and that accepting this should be part of the balance of using a public space for an event. One possible addition in terms of the temporal dimension would be to set limits on how long the detraction of an amenity would be permitted, although it was recognised that this level of detail would likely be covered by licensing.

Community councillors suggested that visual amenity could be extended to include visual, aural and other amenity. Again the issue of who is going to judge whether an activity detracts from visual amenity was raised. In general, and this applies to many of the other draft principles, the wording in principle four is seen as normative and should be more directive i.e. '*Any proposed use of public space* **MUST NOT'** detract', rather than 'should not'.

The **equalities group** referred to principle four in terms of accessibility and suggested that some phrasing around ensuring access to those with disability or impairment should form part of this principle.

The **commercial tourism and event companies** felt that this principle would likely be incorporated into the design of any event i.e. how it affects visual amenity, and its impact on residents would be considered at the planning stage as part of the determination of the suitability of any space. These

matters would also be covered by licensing so there is some worry that the adoption of this principle is placing another layer of bureaucracy on this element of the decision making process. As with principles two and three, there are likely to be issues here with who is deciding on visual amenity i.e. that person will have a significant amount of power, and there is also the matter of subjective interpretation.

The **arts/culture**, **festival companies**, wondered if this principle should be more aspirational i.e. that the use of public space should <u>enhance</u> the immediate surroundings rather than just aim to complement them. One participant asked what the time scale for measuring this principle was i.e. during the event, immediately after or the longer run, citing Christmas at St Andrew Square as having a positive short term impact on visual amenity but a negative one in the medium to longer term. Some queries were also explored about where events such as the Tattoo fitted here which does not exactly complement the visual amenity of the Esplanade (same could be said for the Christmas lights in the High Street) but which were nevertheless well attended public events. There were worries here from some stakeholders that the Council was in the realm of subjective decision making on the matter of visual amenity and in making these decisions might be asking more questions than it can answer. It was noted here also that the Council has a role to play in maintaining its public spaces and that this would extend to the amenity of any area.

Participants at the **heritage/built environment group**, welcomed principle four; as with other principles, there were discussions about the subjectivity of the term 'complement' and how this would be interpreted by those managing the event applications process. The conversation frequently crossed into issues associated with principle five - event management. Some participants highlighted events and structures they feel currently detract from the city's beauty; it was suggested that more work would be needed to develop a strategy that guides decision-making. 'For me, if you're saying nothing should detract then the wheel [in Princes Street Gardens] has to go [but] If you broaden that out to a wider sector of society, would you have people saying no I disagree, my kids love it so that's about how do you strike a balance?'

Amongst **Grassmarket residents**, there was a feeling that in practice, after an event, the Council (or other staff) had usually been quick to provide clean up works that returned the area to its previous state of visual amenity and that in general, events do not run into the night when this could disturb residents. The regular farmers market was not seen as something that damaged the visual amenity of the area. As far as the element of this principle that speaks to 'respecting those who live and work in the area' is concerned, the residents' main issue appeared to be ensuring advance notification of any event taking place, especially if this might cause issues of access to property. It is worthy of note that residents said that the major local problems with amenity come from guests of public houses and restaurants in the area, and the accompanying noise, and litter that they can sometimes bring.

For **general Edinburgh residents**, there was recognition that this principle carried a large degree of subjectivity but that the idea of preventing an eyesore caused by events and activities was to be welcomed e.g. the 'Big Wheel' and its proximity to the Scott Monument. It was acknowledged that there could be a time related element to this principle e.g. visual amenity could be damaged for one day but this may not be acceptable if it carries on over into several weeks. One participant asked whether small, pop up events would be covered by this principle.

GRASS-OTC representatives thought that this draft principle could be re-ordered to prioritise the needs of residents: '...surely it should be respects those who live and work in the area [then] and the visual amenity, rather than worrying about visual amenity first?' Another attendee said this principle should be phrased around '...should not detract from the quality of life of those who live in the area' as this chimed with the Council's strategic aims for the city and its residents. On the subject of visual amenity, it was noted that some events such as 'The Street of Lights' could be seen as not in keeping with this principle, and that the 'complement' principle should be capable of ensuring a certain level of quality across the events activity, and that an event quality standard might help ensure visual amenity was protected.

Draft Principle Five: Be well managed

Description: Any proposed use of public space must be carefully planned and managed to ensure safety, cleanliness, noise and regulatory requirements are met and overall appearance is of a high standard

This principle was seen as helpful by **business stakeholders** enabling the Council to prevent any future use of a space by applicants who failed to comply with this principle (it was also agreed that this principle could only work if it carried some consequences for those who did not effectively manage their space). Businesses also acknowledged that this principle would need to be managed on a commercial basis through the Council's charging rents that provided funding for spaces to be kept clean and safe during an event and for re-instatement after an event is completed.

Community councillors felt that this principle needed to be improved by the removal of passive voices – should say 'The Council will take responsibility' rather than '...must be carefully planned and managed' as this raises the question 'managed by whom?' Much of this part of the discussion focused on who was going to take responsibility for managing a space well, how this would be monitored, and how it would be funded. It was suggested that the Council should charge event organisers a bond to ensure that the costs of clean up could be recovered if necessary.

Equalities groups agreed this principle was very important to apply before, during and after any event. This group asked that the definition of 'well managed' include ensuring that staff managing an event are able to manage accessibility by providing assistance to people when needed i.e. their role is not just security or tidying up the area. This would include activities such as dealing with guide dogs and their requirements (this aspect may be an area requiring further investigation in relation to the Protocol).

The **commercial tourism and event companies** thought this principle was difficult not to accept, but suggested that much of what it contained was already covered by licensing and related orders. One participant suggested that the wording in this principle could be made stronger given that '*Be well managed*' was a fairly loose phrase.

Arts/culture, festival companies agreed that there was unlikely to be an issue with this principle as all of those around the table would say that they do this already in relation to their events. The main observation made here was the legacy of this principle i.e. an event might be well managed at the time but the legacy of the event may not be (and should be), so this draft principle needs to include a temporal element.

From the **heritage/built environment group**, there was support for principle five. Many identified sites that they believed were poorly managed spaces in Edinburgh at present and felt the principle could be used to drive improvements. 'So, if you had something where local people could say "ok I'm going to be disrupted but I know that when this is all dismantled someone will come along and wash the signs and streets and repair things", then you might say ok it's a price worth paying because for the rest of the year I live in this amazing environment [But] the reality is that doesn't happen, the place is filthy all the time and on top of that you've got this huge imposition of your activity to generate people to come to the city. So there's no win-win at the moment and again, there could be'

Amongst **Grassmarket residents** the main comment made here was 'security' should be added to this principle as it was acknowledged that the large crowds attending the Jazz Festival could have been better managed from a security perspective.

For **general Edinburgh residents**, it was acknowledged that principle five was important but that there should be some means of auditing its achievement when an event is completed. The costs associated with principle five should be borne by the companies running events or activities and not be placed on residents (through tax), many of whom will have only marginally benefited from the event. In light of the incident with the firm M&Ds it was agreed that safety was a particularly important aspect of this principle, and one where there should be clear lines of responsibility e.g. who is responsible for security at the Christmas markets?

Attendees on behalf of **GRASS-OTC** were strongly of the view that the principle relating to public space being well managed was a priority, more so perhaps than any other principle being discussed: 'If this was the first principle I would be happier. This should be the over-arching principle'. It was noted that the Protocol for events in the Grassmarket had been a success in terms of providing a framework for the effective management of the area and that this protocol could be a template for other residential areas such as the High Street. One attendee said that being well managed also encompassed 'well resourced' so that the planning for any events encompassed all necessary facilities such as public toilets; in addition all clean-up activities relating to the management of events/activities should be the responsibility of the commercial operators (with sanctions for those who do not comply). The introduction into the Grassmarket in 2016 of 'no-amplification' regulations was viewed as a benefit in terms of how the area was managed, and indeed, was felt to be an additional principle that could be included in the city wide Protocol, particularly in relation to residential areas.

Draft Principle Six: Use of public space will be balanced with need to provide periods of respite from activity

Description: Edinburgh's spaces will be well looked after, providing periods of rest or respite from activity for reflection, enjoyment and maintenance.

Business stakeholders considered this principle as beneficial to ensuring that events or activities do not occupy space for an inappropriate amount of time.

The **community councillor** representatives acknowledged that this was a relevant principle although one member did query the apparent underlying assumption that respite from events, festivals and activities in public space would appear to be the exception rather than the norm? Surely it was argued the normal state in residential areas should be one of peace and quiet with the occasional event added in? Some community councillors argued that for this principle to work, the 'well managed' principle would need to be delivered effectively i.e. there would be little point in seeking respite in St Andrew Square if it was a sea of mud two months after an event had departed.

Equalities representatives agreed with this principle but suggested that to work, in some cases, spaces would need to be made more 'respite friendly' e.g. the area outside the Usher Hall currently has no seating provision.

A key point highlighted by the **tourism and event companies** about principle six was that the notion of respite appeared to conflict with the Council's events strategy which is aiming to promote events throughout the year across the city, and especially during the so called shoulder months which might be a target for respite periods.

For **arts/festivals and culture companies**, principle six could only work if space use has been properly planned and resourced taking account of the use of alternative spaces and providing facilities for respite where required.

Within the **heritage/built environment group**, all participants welcomed principle six. Many described sites that they believe to be overused at present and felt the principle could be used to create space and change the pace of events in particular parts of the city. *You could say there are aspects around the whole of the city, in each of its quarters, where you could have something that was much more coordinated. Do you think that's why point six is in there? That event management...to provide periods of respite. Where will all these other places be when the gardens are having a rest or another public square is having a rest'.*

For **Grassmarket residents** respite seems to be an attractive principle and could be implemented locally for example by rotating the local farmers market with the one operating in Stockbridge meaning that the market locally would only be operational on a two week cycle. One participant did ask if it would be helpful to set a time element to the respite activity so that residents and other users of space would know how long the respite period will last.

For **general Edinburgh residents**, principle six was seen as important particularly for city centre residents living near frequently used public spaces.

Representatives of **GRASS-OTC** agreed that this was a good and necessary principle but argued that as with many aspects of the draft principles, how this concept was implemented would be key. In practice, for this principle to be realised, the Council and other agencies would need to enforce the space that was intended for respite against encroachment by commercial activities e.g. restaurants moving tables into public space that had been set aside for quiet reflection etc.

PUBLIC SPACES PROTOCOL

ONLINE PUBLIC SURVEY August - September 2016

REPORT OF FINDINGS

City of Edinburgh Council

Strategy and Insight

INTRODUCTION

The Council is developing a protocol for the use of public spaces in Edinburgh's city centre. This follows an internal review of events governance within the Council which identified the need for a clear policy statement on how these spaces are used.

Public spaces are all those that are open to the public, whether they are owned by the Council or other organisations or individuals. It has been acknowledged that having a protocol in place could help achieve a balance of use and bring greater transparency to decisions about the events and activities that take place in them.

Before starting to consider any potential future uses, it was the intention that the survey would:

- Establish a set of principles that will help guide the Council when evaluating proposed uses of public spaces in the city centre
- Gather the views of a wide range of stakeholders on key issues for the use of public spaces

Survey design and methodology

The survey was published on the Consultation Hub section on the main Council website. The survey compliments other forms of consultation, such as focus groups. Different methods were used to promote awareness of the survey including:

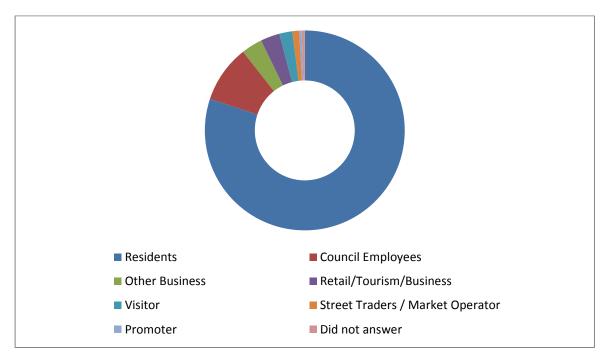
- A press release in the Evening News
- Posts on social media (twitter and facebook)
- Emails to wider stakeholder groups, including community and equalities groups, festivals, tourism, heritage, business sector, and relevant Council service areas.

Timescale

Survey ran from 01 August to 06 September on the main Council website.

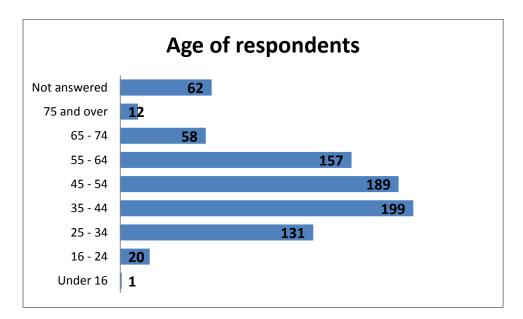
Responses

The survey received 829 responses, the majority of whom were residents of Edinburgh (80.2%).



RESPONDENTS BY INTEREST / SECTOR, AND BY AGE BAND

- 80.2% of respondents were residents
- 9.2% were Council employees
- 6.5% of respondents were from businesses
- 1.1% were street traders

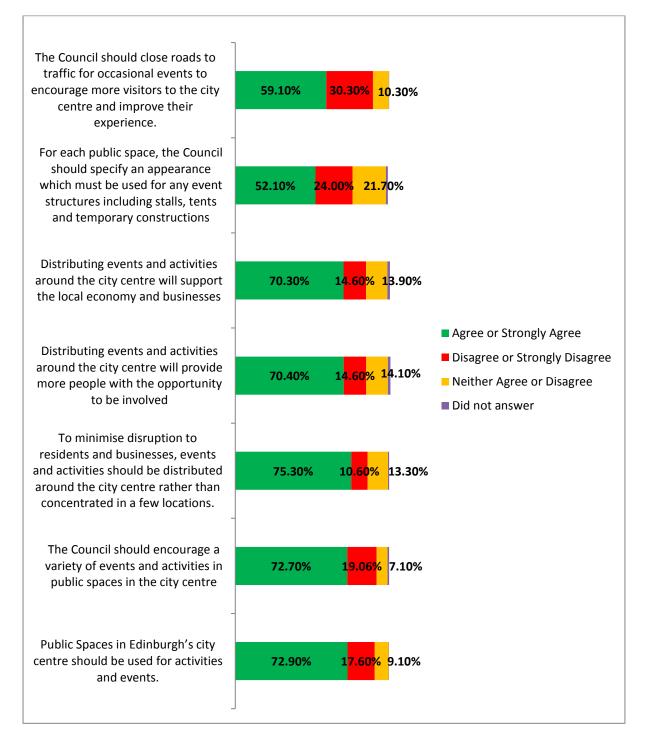


Due to the low number of respondents within age bands 'Under 16', '16-24' and '75 and over', further analysis of responses by age group to individual questions excludes these age bands.

QUESTION RESPONSES AND FEEDBACK

Question 3.

This set of statements sought to test views around potential principles to guide the use of public spaces.



Question 3a. Public spaces in Edinburgh's city centre should be used for activities and events.

The majority (72.9%) of the total number of respondents agreed or strongly agreed that activities and events should be held in city centre public spaces, with comments reflecting a view that events and activities are an important part of the city centre, and important to the city.

"The city must be used for events - especially out with August. It is part of what keeps the city alive." (Respondent)

 There were a number of comments that agreed that activities and events should be held in the city centre, with suggestions on how the impact on residents could be managed, for example several respondents specifically mentioned access for pedestrians and cyclists.

"They're generally a good idea and part of the Edinburgh's attraction/charm. The most important thing is to make sure events don't impinge on pedestrian streets, access and/or (depending on the scale of the event) traffic." (Respondent)

• However, 17.6% disagreed or strongly disagreed that Edinburgh's city centre should be used for activities and events, with several comments focussing on the effect that events can have on parks and green spaces.

"Too many events that damage the turf in parks (eg Christmas Market, Festival Fringe things in St Andrew Square) where the damage is not repaired for a long time afterwards: unless there is something else about to occupy the same space the organisers should be contractually obliged to repair the ground quickly afterwards. Need to leave some spaces for people to enjoy quietly." (Respondent)

• 87.0% of respondents within the age band 25-34 agreed or strongly agreed with this statement in comparison to 80.4% of those who are 35-44, 78.3% of respondents aged 45-54 and 65.6% aged 55-64.

Question 3b. The Council should encourage a variety of events and activities in public spaces in the city centre.

72.7% of respondents agreed that a greater variety of activities should be encouraged. Comments from some respondents suggested ways that existing events could be developed to increase variety.

"I would like to see a different market at Christmas, the German market has pretty much the same things every year. It would be good to have an international market or even another country for a change." (Respondent)

• Several were opposed to too many restrictions being introduced and felt that restrictions often limited creativity.

"I like the current laid back approach of the council towards street performance outside of festival season, especially freedom of impromptu performance and busking, and I hope that doesn't change. I like seeing a wide diversity of events all over the city at all times" (Respondent)

Question 3c. To minimise disruption to residents and businesses, events and activities should be distributed around the city centre rather than concentrated in a few locations.

The majority of respondents (75.3%) agreed with this statement, reflected in the comments which expressed concern regarding the disruption caused to those in surrounding areas, and congestion in the city centre during festival periods.

"During busy periods, such as the Festival, the pavements of many large streets....are very congested, but the old lanes running through the Old Town are rarely used. Better signage on these routes... could help reduce the congestion that causes such frustration for local residents during these busy times." (Respondent)

- It was suggested that there are areas that would be more suitable for events that are under utilised such as Festival Square, as well as comments recommending that more activities could take place in areas out with the city centre.
- Some comments suggested that this would combat the problem of congestion during festival periods. Issues relating to congestion that were mentioned included pedestrians walking on roads and affecting access for those with limited mobility.

Question 3d. Distributing events and activities around the city centre will provide more people with the opportunity to be involved.

This statement was widely supported, with 70.4% of respondents agreeing that events should be distributed around the city centre, and the wider city, so that more people had the opportunity to be involved.

"activity could be extended to underserved communities such as Leith and promoted to those from more diverse and underprivileged backgrounds" (Respondent)

• It was mentioned amongst responses that a large number of residents do not go into the city centre that often and so distributing events and activities would encourage more participation from residents.

Question 3e. Distributing events and activities around the city centre will support the local economy and businesses.

• 70.3% of respondents agreed with this statement;

- Age bands 25-34 and 35-44 contained the highest number of respondents who agreed with this statement (79.4% and 79.9% in comparison). Those aged between 55-64 were less in agreement (59.9%);
- Few commented on the benefits for local business and the economy of distributing events. However, it was felt by respondents, in particular by some of those in Edinburgh based businesses that the use of public space should be offered to local community groups, and local businesses and organisations should receive more support and should have priority especially during the festival periods.

"I would strongly suggest there needs to be a significant local quota of small businesses in Edinburgh that are allowed to work and do business...what tends to happen is that they get priced out and go elsewhere!" (Respondent)

"There are many redundant spaces in Edinburgh. They are brought into action for the festival, but are left unused for 11 months of the year. The atmosphere during August is amazing in the city, and frankly it generates a lot of money for the local economy...why limit that scope to August" (Respondent)

Question 3f. For each public space, the Council should specify an appearance which must be used for any event structures including stalls, tents and temporary constructions.

Although just over half (52.1%) of respondents agreed that the Council should specify an appearance for event structures, around one fifth (21.7%) neither agreed or disagreed with this statement.

• Respondents noted the importance of flexibility, and the impact that regulations could have to the diverse range of events that take place.

"I think more use of our public spaces should be encouraged but shouldn't stifle creativity with too much regulation." (Respondent)

Question 3g. The Council should close roads to traffic for occasional events to encourage more visitors to the city centre and improve their experience. (eg. George Street in summertime, Market Street for festive fairground attractions).

Whilst a majority agreed with this statement (59.1%), in comparison to other statements, a higher percentage (30.3%) disagreed or strongly disagreed.

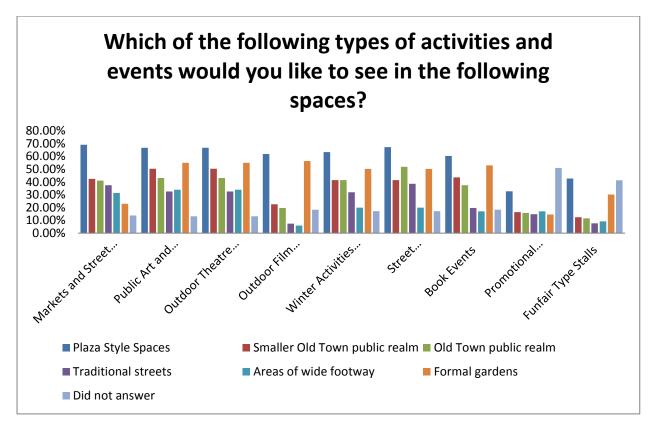
• However, respondents' comments illustrate that there is support for closing off streets for events, particularly in regards to making more areas pedestrian friendly with the introduction of tighter regulations for traffic;

"It is great that some areas are pedestrianised at times, it would be nice if we could have more areas free of cars regularly, not just when events are on."(Respondent)

• Some respondents emphasised the importance of maintaining pedestrian and cycle routes during public events and providing clear signage for any diversions.

"When George Street ... is closed for the festival or other activity, the cycle provision should be maintained, or rerouted with temporary segregated lanes elsewhere." (Respondent)

Question 4.



- Most respondents indicated a preference for plaza style spaces for holding all the suggested types of activity;
- For provision of 'markets and street trading', respondents indicated the least support for using formal gardens (22.9%), which reflects commentary from a large number of respondents regarding the overuse of formal gardens for activities that attract heavier footfall, such as markets;

"The gardens are perhaps overused currently, both to the detriment of the planting, and removing the options to have a haven from the bustle of the surrounding streets. Moving events into the plazas, etc would therefore be welcome." (Respondent)

- Many respondents commented that events such as markets should be held in hard surface spaces rather than green spaces to avoid the destruction of the grass;
- After 'plaza style spaces',' formal gardens' was the most popular space for public art and exhibitions, outdoor theatre space, outdoor film screenings, winter activities including a Christmas tree and book events to take place;

"Princes Street gardens is a great venue and well used during the Festival and Winter Christmas market, I would not want this to change." (Respondent)

- 'Areas of wide footway' was one of the least popular choices of spaces for all events. A number of respondents recommended that public footways should remain clear of events in order to avoid any risk to pedestrians, especially those whose mobility is impaired with many complaining that the pavements cannot cope with the number of people in the city centre during festival periods;
- A high number of respondents did not select any space as suitable for 'promotional events' (51.03%) or 'funfair style events' (41.74%). There were a number of respondents that commented on the use of spaces for both types of activities, particularly highlighting the visual impact and frequency of events.

"The funfairs and winter gardens are tacky and far too expensive for most of the ordinary folk of Edinburgh to enjoy. This whole thing needs to be looked at and modified so that it is more inclusive and is less harmful on a wider scale." (Respondent)

Question 5: Please use this space for any comments or suggestions about the use of public space in the City Centre

Diverse comments were provided within this section, including a wide range of comments, suggestions and concerns. The three main themes that emerged in the comments are as follows:-

- Residents and tourism
- Management of events
- Types of events

Residents and tourism theme

It is apparent that respondents make a connection between the use of public spaces and tourism. Although comments indicate tourism is welcomed, there were some concerns that events and activities had impacted on respondents' ability to make use of green spaces throughout the year.

"I feel the needs of business and tourism are given a higher priority than the needs of the citizens of Edinburgh. Green spaces in the city centre have an intrinsic value which seems to be over looked by the Council" (Respondent)

Some comments were made regarding the noise from events experienced by residents and businesses. More comments were received regarding the overuse of Edinburgh's green spaces particularly St Andrew's Square and Princes Street Gardens. These expressed concern regarding the condition of grass following large events, and some suggested that events that are potentially damaging to grass are moved to hard surface spaces.

Many commented on impacts from events on residents - namely access to green or garden spaces that they would like to use to enjoy and relax. However, a number did suggest the use of the Ross Band Stand in Princes Street Gardens for musical events, and more seating areas and facilities for picnics in green spaces such as the Meadows.

While Edinburgh is a wealthy city some felt that events and activities are not always available to all.

"I think any festival or activity that is held in a public space should be affordable for the people who live here. The last two years the Winter Festival has been much more upmarket and completely unaffordable for the average family. I would love to have taken our daughter this last year (2015) but 2014 was so out of reach we didn't even try. Edinburgh is not only racially and culturally diverse it is also socioeconomically diverse." (Respondent)

Residents and businesses are keen to be notified in advance of decisions on events, and would welcome more involvement and engagement of the local community.

Commercial activities in public space theme

Concern over the use of city centre spaces for commercial use was mentioned in several comments, particularly regarding having a balance between the needs of residents and businesses.

"There is too much commercial activity in public spaces across the city at great disruption to locals and which takes money away from local businesses." (Respondent)

The use of space by commercial organisations was also referenced in relation to the quality of events and products being sold, and the visual impact of stalls and advertising.

"... more of the local pop up food stalls and traders who work year-round should get spots in Christmas markets." (Respondent)

"... where the Council retains control, it should manage spaces better, eg. not let ... a multinational company, use public space to promote itself without charge!" (Respondent)

Commercial use of space was also linked with residents experiencing limited access to shops and an increase in noise.

"Proper balance should be struck between commercial use of public space and the interests of residents, such as denial of access to shops etc in George Street for those with limited mobility, and increased run-off noise and both vehicle and foot traffic late at night in residential areas after events." (Respondent)

"Less emphasis should be placed on commercial events in public spaces. It is essential that the Council utilise the wide variety of public spaces within Edinburgh to offer a range of experiences for tourists and residents alike and not just for commercial ends. Free events should take priority, rather than the expensive rides, stalls and events that currently proliferate." (Respondent)

Events that were not being organised for monetary gain such as sports events and community organised galas were viewed as a positive use of public space.

"Allow sport like park run, Edinburgh Marathon Festival and promote other sports more in public spaces to adults and children. Do not charge people to run sports in public realm if not for profit like park run." (Respondent)

There were several suggestions made that public space should not be used without payment and that market operators should pay a fee similar to those renting shops locally.

"Commercial use of public spaces should be tightly controlled – imposing fees to use public spaces to be carefully considered. Commercial contracts must always include strict conditions to return spaces to previous condition" (Respondent)

Management of spaces theme

The state and cleanliness of the city centre following events was a recurring concern. Many urged stricter regulations, so that operators are held responsible for cleaning up any litter and reconditioning the area, rather than the perceived pressure on Council services to clean up.

"It is really important that Edinburgh's public spaces are properly managed & maintained. Event management is one part of that - with thought given to waste management and accessibility. There are lots of problems in the city at the moment because of uncollected waste, overflowing bins, litter and badly placed posters/promotional flyers (sic) for Fringe." (Respondent)

A further recurring theme was the issue of access for pedestrians and cyclists.

"When closing streets for public events it is important to maintain cycle and pedestrian access where possible, with accurate signage and suitable provision for access. Contractors vehicles should be closely monitored in terms of dangerous parking during construction phases and ensure that they are kept away from the pedestrian and cycle access." (Respondent)

Many encouraged the idea of events taking place throughout the year rather than being unique to festival periods.

"I think Edinburgh should continuously use public spaces all year round for festivals, exhibitions and attractions...Spacing out the events over the year mean that tourists and residents get a good variety of options and means that the street may not get too jammed just in August. I love the buzz in August and New Year and won't mind it being more over the year." (Respondent)

Concerns over noise levels were raised by raised by some respondents, especially for areas such as the Grassmarket where there is a high concentration of residents. These respondents called for better policing of buskers and better regulation of amplifiers, and made particular complaints regarding the overuse of one area.

"I appreciate that the use of public spaces does create a lot of revenue for the city and can be very attractive, but at some points could be better controlled as working in the centre can be an absolute nightmare with all the crowds. Trying to do simple tasks at lunchtime takes double the length of time so if things were more spread out it might dissipate this problem." (Respondent)

Further themes

A few further themes have emerged, including historical city centre, diversity, music, art and theatre and events for children. Sample quotes have been provided under headings where these reflected the emerging theme.

Types of events

Throughout the comments there was general agreement that the city centre should be used for events and activities, with a range of helpful suggestions indicating the type of events and activities that respondents would like to see in the city centre.

"I applaud any proposals to use Edinburgh's public spaces for activities and events and not simply for traffic / vehicle movement. We need an economic analysis of the benefits of these events to local traders and residents to counter negativity towards them." (Respondent)

There was an emphasis placed on the appropriateness of an event in relation to the area or layout of space. For example, the Royal Mile was highlighted as being a suitable area for street artists, performers and less noisy events as it was mentioned by one office worker that noise levels can be excessive and impact upon their working day.

Historical city centre

- "We have a beautiful historic city centre and we should be preserving this I think we have to resist becoming a 'theme park'.... I recognise the value of visitors and actively want others to enjoy our beautiful city and the sites however let's make more of the indigenous sites and attractions rather than importing markets and fun fairs etc" (Respondent)
- "A priority should be given to events with local historic significance in order to celebrate the history of the City." (Respondent)

Diversity

- "There is a rich cultural mix in Edinburgh and we should be celebrating this....Lower key festivals could be organised to raise awareness about cultural diversity" (Respondent)
- "Please continue to encourage and support events such as Beltane and Samhuinn as they bring so much joy and culture to Edinburgh and its residents. Seasonal events where streets are closed for a few days to allow celebration and community are also wonderful, please continue to support this." (Respondent)
- "...It would be nice to see food markets that broadened horizons and tastes and encouraged small and specialist enterprises ...It would be nice to see events in the smaller public spaces that were coordinated with some of the local enterprises..." (Respondent)
- "The Farmer's Markets are excellent. Stalls selling high quality foods should be encouraged" (Respondent)

Music, Art and Theatre

- "The Royal Mile continues to be a great location for performance and street artists. Artists such as the sand sculpture guy and any of the visual artists should be allowed wherever as they are the least disruptive of the street artists. The council should support more music and dance in the capital, with more regular subsidised performances." (Respondent)
- *"Encourage and support local artists, musicians and groups to utilise public areas."* (Respondent)
- *"I'm keen on community and local groups using public spaces." (*Respondent*)*
- "More local artist temporary art events and installations." (Respondent)
- *"The Meadows Festival is a model event which feels very community oriented."* (Respondent)
- "It would be wonderful for the many talented local community organisations (bands, dancing schools/troupes, choirs) to be able to use places like the Ross bandstand..." (Respondent)
- "I think it's great to see a wide variety of areas being used for events. Leaving things less restrictive allows for more freedoms for smaller and local groups to do things to benefit the community as a whole." (Respondent)

Events for children

- "Games and events for children i.e. streets for people could have traditional playground games laid out for all the family, complete with book-bug type events, story corner and family oriented stalls." (Respondent)
- "More family inclusive/interactive entertainment in public parks etc on a regular basis not just festival or Christmas." (Respondent)

City of Edinburgh Council

Strategy and Insight

September 2016