

Culture and Communities Committee

10.00am, Tuesday, 28 January 2020

Development of a Public Space Management Plan

Executive/routine	Executive
Wards	All, particularly City Centre
Council Commitments	43

1. Recommendations

- 1.1 The Culture and Communities Committee is asked to:
 - 1.1.1 note the initial findings of a review of the Edinburgh Parks Events Manifesto (EPEM) and the Public Spaces Protocol (PSP);
 - 1.1.2 note that it is intended to use these findings, alongside the motions from Committee and Council to develop a single Public Space Management Plan (PSMP) to be supported by a single set of processes, criteria and procedures when applications are received in the future;
 - 1.1.3 approve the principles for the PSMP as set out in paragraph 4.8; and
 - 1.1.4 note that it is intended to present the draft PSMP to Committee in March 2020, with consultation to begin in April 2020 and the final document presented to Committee in June 2020 for approval.

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Development of a Public Space Management Plan

2. Executive Summary

- 2.1 This report updates Committee on the progress with reviewing the Edinburgh Parks Events Manifesto (EPEM) and Public Spaces Protocol (PSP) to ensure that the approach to the management of public spaces in the city is co-ordinated and that simplified, transparent processes are in place to support the use of these spaces.

3. Background

- 3.1 The EPEM sets out a strategic and proactive approach to the planning and managing of events within Edinburgh's parks and greenspaces. It provides a framework through which a balanced and sustainable events programme can be achieved, whilst ensuring that the quality of the environment is maintained to the highest standard possible. It limits the number of events held in each individual park, the length of time an event is permitted on site, the ideal "rest period" required between events and gives guidance on specific site factors and, as such, indicates the most appropriate type of event for the park. This was approved by the Transport and Environment Committee on [26 August 2014](#) and this responsibility has now transferred to the Culture and Communities Committee.
- 3.2 The Planning Committee on 16 December 2016 approved an Open Space Strategy for Edinburgh. [Open Space 2021](#) establishes principles guiding the continued protection, management and expansion of the city's green network over the next five years. The key challenges were referenced as the delivery of new parks and active travel connections as the city expands; creating inspiring places for new communities to socialise, grow food, play, keep active and experience nature; and which are resource efficient and climate-change ready. In addition to sustaining the quality of existing green spaces, there are opportunities for people to come together to create community gardens and allotments, to re-naturalise our 'living landscape' and to enhance the city's historic cemeteries and burial grounds.
- 3.3 Transport and Environment Committee on [9 March 2018](#) agreed to adopt the PSP. This provides a framework by which the Council and partners can better balance the use of public spaces in Edinburgh, particularly in high demand spaces within the

central area of the city. The Committee agreed to review the protocol one year after implementation.

- 3.4 A number of motions have been approved since November 2018 (as outlined in Appendix 1) which concern the use of the city's parks, open spaces and some streets. It is intended that the actions to address these motions will be progressed through a new PSMP and associated policies, criteria and procedures as set out below.

4. Main report

- 4.1 The use of parks, green and public spaces in the city are managed through a variety of policies and procedures. The EPEM and PSP both have the same goals: to protect, maintain and enhance both the built and natural environment, while also balancing the desire for events and activities with the need for the city to function for the wide range of people who live, work and visit the city.
- 4.2 Alongside these, a range of Council services are involved in planning, organising and licensing activities which take place in these spaces.
- 4.3 Late in 2019, Council officers discussed the current management plans, policies and procedures and to consider how these could be improved to provide a more comprehensive, joined up approach, particularly given the significant elected Member and public concern on these matters.
- 4.4 Officers concluded that:
- 4.4.1 The current arrangements for most of the city's parks (as set out in the EPEM) are broadly appropriate, however further clarity and transparency is required;
 - 4.4.2 The current PSP provides clear and helpful information on the process for applying to use public spaces, however these spaces and their uses are not clearly defined;
 - 4.4.3 The PSP does not cover the wider street network of the City Centre, or the city as a whole for that matter. Whilst the use of the prescribed public spaces is defined, there is ambiguity around the use of other streets for entertainment or events, and the potential adverse impact that this can, on occasion, have;
 - 4.4.4 There is a need to provide a clear definition of a major event and clear articulation of the number of event days permitted;
 - 4.4.5 The EPEM does not currently incorporate commercial activity in parks which has not been classified as an event e.g. the summer attraction (big wheel);
 - 4.4.6 Improvements should be made to the process of elected Member and resident engagement;
 - 4.4.7 There are occasions where applications for events are approved prior to the approval of other regulatory permissions (e.g. liquor licensing) and this can

sometimes lead to contradictions between what is permitted by one department and what is permitted in licence conditions;

4.4.8 Consideration could be given to the Council curating/procuring more events directly, thereby reducing the number of ad-hoc applications and allowing the Council to set out clearer controls on site layouts and usage in specifications as opposed to reacting to applicant requests (often at relatively short notice); and

4.4.9 The documents do not make sufficient reference to the 11 major festivals that take place across the year. Whilst there is a strong partnership between Festivals Edinburgh and the Council, there needs to be closer links between both parties on core operational management issues.

4.5 On 22 November 2018 Council approved two motions which directly relate to the use of parks for events. The full details of the approved motions are included in Appendix 1 however these are summarised as follows:

4.5.1 To review the arrangements for constructing the Christmas market and attractions to maintain a dignified cordon around the Garden of Remembrance and to investigate if these constructions could begin after the Armistice Day. For 2019 these were investigated and the no-work cordon was maintained around the Garden of Remembrance however it was not possible to delay the construction works until after Armistice Day. As part of the creation of the PSMP, this will be revisited; and

4.5.2 To carry out a review of policies and procedures for events in parks and greenspaces, to simplify and combine these where possible. The review should include evaluating the number and duration of events, to reduce the impact of any commercial events in terms of the access for members of the general public to public parks and green spaces and to ensure that appropriate protections are maintained for trees.

4.6 Since then, there have been additional motions which have covered matters which will be included within the proposed PSMP. These are summarised below (with the detail in Appendix 1):

4.6.1 On 22 August 2019, a request to consider the powers available to the Council, and effective measures that could be adopted, to control the amplification of sound in public spaces when appropriate;

4.6.2 Also, on 22 August 2019, recognising the concerns expressed about the use of Princes Street Gardens for large private events; and

4.6.3 On 19 September 2019, officers were asked to develop a good practice guide for reusing plastic cups/glasses and operating a cup/glass deposit scheme; investigate the possibility of hardwired power in public spaces to allow pop-up venues to use energy from renewable sources instead of having to opt for gas power; and increase recycling provision in public spaces, particularly during the summer festivals. This motion also requested that the Council develop proposals to encourage car sharing schemes during

the summer festivals. (Although this action is not directly related to the PSMP, it will be progressed as part of this wider work and reported to Committee accordingly.)

- 4.7 It was agreed, in approving the PSP, that a review would reconsider condition 10 - the noise created by generators and whether it was necessary to use diesel generators, and condition 14 – the requirement for recycling to be enforced as part of waste management arrangements. It is reasonable to also consider both of these issues for the EPEM as well.
- 4.8 Taking account of the current documents in place, the issues which have been identified and the motions which have been considered by Council, it is intended to create a single PSMP with a clear set of policies and procedures incorporated within this document. The following principles are suggested as a foundation for the PSMP:
 - 4.8.1 Parks, public spaces and our streets are critically important for supporting residents and businesses, as well as providing public health, social, economic and environmental benefits. The use of these spaces for events must not undermine this primary purpose;
 - 4.8.2 Many public spaces which are desirable for events and activities are in close proximity to residential areas and the impact on residents should be considered in determining the suitability of any requests for events or activities, as well as additional controls that should be put in place if the request is approved.
 - 4.8.3 Edinburgh is a world festival city. Animating public spaces is an important feature of that status. However, impact on the city must always be a factor in decision making processes, and appropriate mitigations agreed in advance;
 - 4.8.4 The long term protection of the city's public space assets is paramount – issues such as reinstatement must be taken into account and planned for when public spaces are utilised;
 - 4.8.5 The amount of utilisation of parks and public spaces is broadly currently appropriate, and neither significant reduction or expansion is justified;
 - 4.8.6 Events are an important source of income to help in the maintenance of parks and open spaces. Community events in these spaces should be encouraged and competitive rates should be set in the case of commercial events where other criteria for use have been met;
 - 4.8.7 Geographic dispersal is important in the decision making process, trying to ensure events are distributed appropriately across the city, whilst recognising that every location has site specific issues;
 - 4.8.8 Events, attractions and concessions must be good quality, well managed, in line with regulatory requirements (e.g. noise, licensing etc), and legally applicable enforcement arrangements should be set out to ensure that citizens can have confidence that breaches of these regulatory requirements are properly enforced, either through legal powers or contractual penalties;

- 4.8.9 Simplicity and transparency are important in policy and practise. Ambiguity should be removed; and
- 4.8.10 Controls should be put in place to ensure that any events or activities do not adversely impact on the local environment or our natural assets. These controls should cover issues such as energy generation (particularly use of petrol or diesel generators and identification of hardwired power supplies where possible), noise pollution, litter, damage to trees, obstruction of footways, nuisance parking and damage to road surfaces or street furniture.
- 4.9 The new PSMP will combine public spaces and parks into one document and will set out a strategy for how each of the city's public spaces can be used. In addition, the PSMP will provide:
 - 4.9.1 A comprehensive list of the spaces available across the city, providing clarity on the types of events/attractions, duration and rest periods which will be set for each space; and
 - 4.9.2 Definitions for major events and other terms within the plan.
- 4.10 The plan will be supported by a small number of guides for each type of event, a single place for all relevant policies and procedures (these will be combined where appropriate) and a streamlined approach to applications.
- 4.11 To support the new approach, it is also proposed to investigate existing web-based platforms which are utilised by other local authorities to improve the processes for managing event applications, allowing greater transparency for residents and businesses and to follow up on feedback following events.
- 4.12 The utilisation of a web-based system could link to up to date information about planned events and roadworks to enable event organisers to know what other activities are planned at the time of their events, and to ensure that conflicts between events and other activities are minimised.

5. Next Steps

- 5.1 If Committee approve the principles set out in paragraph 4.8, a draft plan will be refined and consultation will begin in April 2020. It will be shared on the Council's consultation hub as well as being shared with key stakeholders (including Friends of Parks Groups, Community Councils, and Festivals Edinburgh) and business group representatives.
- 5.2 The plan will be revised to take account of feedback received and the final draft PSMP will be presented to Committee in June 2020 for approval.
- 5.3 It is intended to review the standard terms and conditions for use of public spaces, to prepare a single procedures document which explains the full process in applying to use public spaces and to investigate the possibility of using a single web-based platform where applications can be submitted. If this is not possible, the process for applying will be streamlined. The new documentation will be clear on the roles and

responsibilities of both applicants, those responsible for managing some public spaces and the Council.

- 5.4 Discussions with partners and stakeholders on proposals to work more closely to co-ordinate activities and begin planning for events as early as possible.
- 5.5 A review of the charging structure will also be undertaken to ensure clarity and consistency.
- 5.6 A review of the potential to move to a curative approach in our larger parks will be considered. This will investigate the potential for the Council to set out clear specifications for the types of events that will be considered, the footprint which they can occupy and any operating conditions.
- 5.7 A review of the Park Management Rules will also be undertaken. This could include details of the measures in place to manage the amplification of noise. It is expected that this review will take longer than the consultation on the PSMP and it will therefore be reported separately to Committee. The existing rules are due to expire in 2023 but could be revoked and replaced if the review recommends that. A thorough legal process would need to be followed to do so.
- 5.8 The potential to expand these Parks Management Rules to cover all public spaces and become Public Space Management Rules will be investigated. The overarching power to create Open Space Management Rules is set out in s.112 of the Civic Government (Scotland) Act 1982, but further legal opinion is required to determine whether such a use is appropriate and legal.

6. Financial impact

- 6.1 The cost of developing the new management plan will be met from within the Place directorate's existing revenue budget.
- 6.2 Any costs associated with a web platform and improving processes and procedures will be identified as part of finalising the plan.

7. Stakeholder/Community Impact

- 7.1 Extensive consultation will be carried out on the draft strategy to ensure that the final document reflects stakeholder and community feedback.

8. Background reading/external references

- 8.1 [Edinburgh Parks Events Manifesto Update](#) – Transport & Environment Committee 20 June 2019
- 8.2 Culture Edinburgh website '[Plan my Event](#)'

9. Appendices

9.1 Appendix 1 - Motions from Council since November 2018

Council Approved Motions – 22 November 2018

Princes Street Gardens Christmas Market (originally submitted by Councillor Doggart)

Council:

Asks Officers to investigate and report back to the Transport and Environment Committee how the work to construct the Princes Street Gardens Christmas Market and attractions could be programmed so that:

- 1) a dignified no-work cordon is maintained round the Garden of Remembrance, and
- 2) the erection of high structures are delayed till after Armistice Day and Remembrance Sunday from 2019 on?

Events and Attractions in Parks (originally submitted by Councillor Miller)

Council:

Notes existing council policies and procedures for events and attractions in parks, which allow commercial events to take place, authorised by the Executive Director of Place under delegated authority, with comments from elected members and advice from relevant council departments;

Notes that Edinburgh's Christmas has again erected structures in East Princes Street Gardens and St Andrew Square Garden over areas of tree roots which are known to require protection, which is evidenced respectively by the planning condition in relation to the National Galleries of Scotland development specifying that roots of retained tree in East Princes Street Gardens are to be treated as "sacrosanct", and the St Andrew Square Garden tree report commissioned by Essential Edinburgh and carried out by Potter Tree Consultancy regarding tree root compaction;

Notes that the Summer Sessions concerts held at the Ross Bandstand in West Princes Street Gardens closed the gardens to general public access and blocked views of the garden and castle from Princes Street;

Recognises public feedback on a) the need for a clearer, transparent council policy, and b) a review of the appropriate number of commercial events and attractions in public parks and green spaces;

Requests the Executive Director of Place to coordinate a review of policies and procedures to simplify and combine these policies where possible, including evaluation of the number and duration of events, in order to reduce the impact of any commercial events in terms of the access for members of the general public to public parks and green spaces, and to report this to Transport and Environment Committee and Culture and Communities Committee within 2 cycles;

Notes that the scope of this motion excludes small-scale community events, typically short in duration, and low in impact

Council Approved Motions – 22 August 2019

Amplification of Noise in Public Spaces (originally submitted by Councillor Neil Ross)

To recognise the concerns of residents, businesses and visitors, in particular in the city centre, about the negative City of Edinburgh Council - 22 August 2019 Page 7 of 19 auditory impact of amplified sound from buskers, street entertainers and others in public spaces.

To note that there was a limitation on the amplification of sound in the standard conditions of the Council's Public Entertainment Licence.

To accept the legitimate amplification of sound at licensed venues and events, when appropriate.

To request a report to the Transport and Environment Committee within two cycles on the powers available to the Council, and effective measures that could be adopted, to control the amplification of sound in public spaces when appropriate.

Summertime Streets Programme (originally submitted by Councillor Mowat) extract below:

Notes, in addition to the Summertime Streets programme:

That festival-related advertising can detract from this council's aims of safety and reduction of street clutter, and therefore asks for a review of policy which allows structures to be introduced and placed during the festival for the purposes of advertising, to be brought to Transport and Environment Committee.

Concerns continue to be expressed about the use of Princes Street Gardens for large private events, including safety concerns and loss of access to common good park space, and welcomes the forthcoming review of the use of the Edinburgh Parks Events Manifesto and the Public Spaces Protocol, anticipated at Culture and Communities Committee in January 2020.

Council Approved Motion – 19 September 2019

Greening the Fringe (Originally submitted by Councillor Rae):

To note that though the city's festivals had been focussing on reducing the environmental damage they could exacerbate several specific environmental issues including the use of single-use plastics, using gas fuel at pop-up venues, increased vehicle use and a lack of recycling facilities in public spaces.

To note that some venues were unaware that it was entirely legal and safe for them to refill a customer's personal, reusable pint glass or equivalent as long as taps did not touch the glass.

To call on the Convener of the Culture and Communities Committee to write to the relevant Scottish Government ministers to encourage the introduction of a charge on single-use plastic cups similar to the plastic bag charge. The letter to the Scottish

Government should include a request to investigate production of a good practice guide for licensed premises explaining how they could incorporate personal reusable cups/glasses and deposit schemes into their operation, so Scotland could lead the way in reduction of global plastic waste.

To produce a good practice guide for licensed premises explaining how they could incorporate personal reusable cups/glasses and deposit schemes into their operation.

To call for officers to investigate the possibility of hardwired power in public spaces to allow pop-up venues to use energy from renewable sources instead of having to opt for gas power and report back to the Transport and Environment Committee within three cycles.

To ask waste services to reconsider the level of recycling provision in public spaces, during festival season in particular.

To call for a report on how the council could encourage car sharing schemes during the primary festival season in August to return to the Transport and Environment Committee within three cycles