

Emergency Motion – Conservative Group

Governance Risk and Best Value Committee

Edinburgh's Christmas

Committee

Notes with concern the increase in scale and change of layout of the build for Edinburgh's Christmas this year and that the permission to extend the contract with Underbelly over 2 years was agreed under urgency arrangements and reported to the Culture and Communities Committee on 18th June. Whilst an increase in infrastructure was noted, the scale of said increase was not reported to Committee. The Council's Scheme of Delegation says:

2.1 *Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("Material Decision") that will have or is likely to have:*

- (a) *a significant effect on financial, reputational or operational risk; and/or*
- (b) *a significant impact on service delivery or performance;*

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.

Local Members

2.2 *Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).*

Given that this comes at a time of heightened concern from the public regarding Princes Street Gardens East following the removal of trees to facilitate the extension to the National Gallery of Scotland:

Committee calls for a report detailing:

1. how the decisions taken by officers and detailed in the briefing note sent to Councillors on 28th October 2019 (and attached to this motion at Appendix 1) conform to the scheme of delegation;
2. when plans detailing the increase in size and scale were seen by senior Council Officers i.e. Head of Service or above;
3. whether officers identified that the change in layout and increase in infrastructure was a politically sensitive decision;
4. if this was identified was this communicated to National Galleries of Scotland and Underbelly;
5. whether the new plans conform to the Council's aims as set out in para 3.1.1 in the report presented to Culture and Communities Committee on Edinburgh's Christmas and

Hogmanay (item 8.4) on 10th September 2019;
6. how and when were key decisions consulted on with Councillors.

The report should be sent to City of Edinburgh Council meeting on 21st November 2019

Appendix 1.

Members briefing: 601 – Edinburgh’s Christmas and Hogmanay

Background

As at April 2019, the Council was in year three of a three-year contract with Underbelly to deliver Edinburgh’s Christmas and Hogmanay, with an option to extend for up to three further years, subject to agreed performance indicators.

The redevelopment of the Scottish National Gallery and the landscaping changes to East Princes Street Gardens required a solution to deliver the Christmas Market and to protect the new landscaping. Underbelly proposed a significant capital investment in a scaffold structure to protect the new landscaping in the gardens, significantly increase circulation space after concerns from previous years, and create a deliverable layout. The new structure also serves to increase the accessibility of the Christmas markets with more ramps and flat sections for those with a mobility or sensory impairment.

Underbelly agreed to meet these capital costs but sought the agreement of a two-year extension to the contract to allow them time to recover the capital investment. The Executive Director of Place, in consultation with the Convener and Vice-Convener of Culture and Communities Committee, agreed to a two-year extension under delegated authority due to time constraints. This decision was then reported to Culture and Communities Committee on 18 June 2019. It is acknowledged that the detailed design was not included in the Committee report.

From June onwards, the Council’s engineers assessed the structure to be built in Princes Street Gardens. This was to double-check the calculations and proposals made by Underbelly’s own engineers and to ensure that the structure was safe and would not cause any significant or structural damage to the new landscaping in the gardens. This process was completed on 12 October 2019.

The redevelopment of the Gardens by National Galleries of Scotland has faced several delays. This has resulted in some areas being incomplete when the Gardens were due to be occupied by Underbelly for Christmas. One of the worst affected areas was a steep bank close to the top path in the Gardens.

Due to the lack of completion of some sections of the works, Underbelly requested to move a section of the market from this steeper area to the area of the Gardens south of the railway line. This would allow this section a full growing season, the best chance to establish and increase crowd flow across the site as a whole.

After consultation with the Convener and Vice-Convener of Culture & Communities Committee, it was agreed to move elements of the market that were to be sited in this steepest section to an area on the south of the railway. This area had been used in previous years but only for storing generators and other plant.

The overall number of stalls has increased in the Gardens with the move to the south section. However, the area of useable, open circulation space has increased significantly, allowing

visitors a more comfortable experience during busier periods.

Planning Permission and Building Warrants

Underbelly met with officers from Planning and Building Standards on 30 August to discuss permissions required for the structures and their respective layout in East Princes Street Gardens. A determination of what was warrantable was reached and accepted by all parties. Underbelly agreed to submit a Building Warrant application for all warrantable works within the Christmas Markets.

Planning permission was also discussed at that meeting as the existing permission had expired. Underbelly were told that they needed to apply for this. Underbelly stated that they would be making an application but would not be able to meet the timescales required for a full application to be in place before commencing their build on 18 October because, at that stage, there was no final layout plan as engineers from the Council and Underbelly were still concluding their final assessments of the scaffolding structure and any necessary amendments. This was concluded on 12 October and a planning application is now expected. The application will be assessed in line with the Planning Acts.

It is therefore appropriate to request a retrospective planning application. Underbelly have contacted the Council's Planning Service to update on progress. In the meantime, an enforcement file has been opened by officers, who will monitor the situation.

Waverley Bridge

The Christmas Market has been a very popular attraction and getting busier every year; weekend attendance to the market regularly exceeds 100,000 per day (highest attendance last year was c. 124,000).

As a result of this popularity, special measures (additional stewards) had to be put in place at the crossing at the top of Waverley Bridge to manage the crowds at weekends last year to stop the public coming into conflict with live traffic.

Ongoing discussions are taking place between the Council, Underbelly and other partners over how best to ensure public safety whilst minimising disruption. This matter will be discussed with City Centre Councillors later this week.

Old Town/High Street – Edinburgh's Hogmanay

There have been some issues with wider communications from Underbelly regarding the use of the Old Town and residents' access. Underbelly have been reminded of the need for early and clear communication. For clarity, the High Street and Royal Mile are not being used for Hogmanay; it is only West Parliament Square, outside St Giles' Cathedral. The High Street will remain open throughout and no residents or businesses on the Royal Mile will require passes to access their properties. There is a well-established protocol for access to property within the street party arena and Underbelly will be contacting those properties very shortly.

Moved by Cllr Joanna Mowat

Seconded by Cllr Phil Doggart