

Policy and Sustainability Committee

10:00am, Tuesday, 25 February 2020

Review of Event Management Operations in Edinburgh - Edinburgh's Christmas

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note the improvements in event management operations following the review by the Chief Executive.
- 1.2 To establish the Festival and Events All Party Oversight Group as outlined in appendix two of this report.
- 1.3 To note that, subject to formal approval by Governance Risk and Best Value Committee (GRBV), Internal Audit propose to undertake an audit of the event planning as part of their draft 20/21 Audit Plan.

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Report

Review of Event Management Operations in Edinburgh - Edinburgh's Christmas

2. Executive Summary

- 2.1 Following a review by the Chief Executive, a number of areas for improvement were identified regarding how major events were managed in Edinburgh. The report outlines a series of actions to address the areas raised in the review.

3. Background

- 3.1 Following a motion by Councillor Mowat, a report on the decision-making surrounding Edinburgh's Christmas was reported to the Policy and Sustainability Committee on 26 November 2019. In it the Chief Executive explained that the Council was looking at how the governance and strategic and operational management of significant events including this event could be strengthened and that this would be reported to the Policy and Sustainability Committee on 25 February 2020.
- 3.2 The Committee on 26 November 2019 also asked that the report cover:
- 3.2.1 what actions could be taken regarding the failure to comply with the Scheme of Delegation outlined in paragraph 4.16 and his recommendations regarding any such actions; and
- 3.2.2 If any failures by the Council took place in regard to statutory, or other requirements of not ensuring all terms of legislation were complied with in regard to Planning and Building Control; how the timescales for decision on these matters regarding the Christmas Market vary from normal processes; why any exceptions are considered acceptable and whether any other such exceptions are made.

4. Main report

- 4.1 This report seeks to address the questions raised at the Policy and Sustainability Committee in November 2019 but will not repeat the findings of that report. The focus of this report is on how the Council can improve the management of major

events in the City and address key issues that arose in December and early January.

- 4.2 The previous report looked at planning permission and the need for a building warrant. This report is not seeking to duplicate information and there is no further information on the building warrant. However, further information was requested at committee regarding the planning permission for Edinburgh's Christmas.
- 4.3 As detailed in the November 2019 report, officials met Underbelly on 30 August 2019 to discuss the permissions required for the market and informed Underbelly that planning permission was required for the 2019 market. 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 2019 as there was no final layout plan. A question was raised at committee in November 2019 as to why Planning Permission in Principle was not advised by the Council when it became clear that there was insufficient time for a full planning application to be determined. Planning Permission in Principle can be a longer process, as once granted the applicant would need to submit an application for approval of any matters specified in the conditions of the planning approval. In addition, a Proposal of Application Notice involving a twelve-week consultation was still required whether it was a full planning application or Planning Permission in Principle. As a result, Planning Permission in Principle was not a viable alternative to going through the normal planning process.
- 4.4 A question was also raised as to whether there was any consultation with elected members on taking enforcement action. The decision as to whether to take enforcement action is one for the relevant committee but it is delegated to officers as to whether they wish to recommend such action to the committee. As detailed in the November 2019 report, given that the Christmas Market has been in place for a number of years, officers did not consider it appropriate to instruct Underbelly not to proceed in the absence of planning permission.
- 4.5 The Planning service has followed the Council's processes and policies in relation to Edinburgh's Christmas. The actions taken have been proportionate and reflective of the circumstances, relating to the previous planning permission, and there is no suggestion of any differing approach outside that which would normally be taken for an event of this size and importance.
- 4.6 The key area where improvement is required is that the Council requires early engagement to meet any statutory timescales, be that for licensing, road permissions or planning. This engagement will help any applicant gain an understanding of the issues and assist with decision making timescales. Such engagement will also inform meaningful consultation and engagement that is required as a result. The provision of sufficient information at an early stage in the planning of an event is key to the Council being able to manage the event effectively.
- 4.7 The review of how the Council manages its major events has identified a number of areas for improvement. This report will outline key actions with particular reference

to Edinburgh's Christmas and Hogmanay around coordination of events, co-ordination of information, a consistent Council approach, Elected member oversight, resident and stakeholder communications, delegated decisions and parks and green space management.

Key areas of improvement in the Council Management of Events

- 4.8 **Event Co-ordination and Information Management.** The organisation of a major event in the city, especially one that impacts on multiple Council services, requires careful co-ordination. At an operational level, this is achieved by the Events Planning and Operations Group (EPOG). The EPOG is an advisory, multi-agency team made up of all relevant Council services and partner agencies, including the emergency services, in conjunction with venue owners, managers and event organisers. Information and engagement across the Council is needed much earlier in the process than is currently given to the EPOG by event organisers. In addition, the main focus of the EPOG is on public safety and thus does not cover all the relevant issues for the Council entailed in coordination of large-scale events, particularly some of the high-level strategic objectives.
- 4.9 The provision of information is not always effectively communicated between Council services. An event organiser will often assume that contact made with the Council and information provided will be shared across all services, but in a large complex organisation this is not always the case. Individual officers in different services may not be aware of the impact of a proposal on a different service area e.g. closure of a park affecting income from concessions contained within; dual licensing where activity displaces year-round street trading.
- 4.10 The division of responsibility between different Council services may be operationally necessary but can result in a lack of a central point of control with oversight of all the Council's interactions and permissions required. For the majority of events this would not be required but is necessary for any event of scale.
- 4.11 **Key action:** The Council should establish a Council major events steering group, consisting of senior officers from all relevant service areas which would ensure there was an adequate flow of information between Council services and early identification and sight of any necessary permissions or approvals. This would consider events well in advance of them taking place so as to ensure early engagement with event organisers and the Council. The group would enable the Council to take a co-ordinated and consistent approach to events and manage its own activities and dependencies across different directorates and how they interact with the event organiser. This group would support and oversee the Council's operational groups that manage and run individual events.
- 4.12 **Key Action:** Officers are currently examining all statutory, legal and access requirements that apply to events and are looking at how the Council can ensure these are being complied with. This will be considered by the major events steering group before being submitted to the All-Party Oversight Group.

- 4.13 **Key Action:** EPOGs should commence earlier in the planning cycle of any events. Attendance of all relevant Council directorates at EPOGs should be prioritised as this is essential to ensure information is shared across the Council.
- 4.14 **Consistent Council Approach** - Event organisers such as Underbelly have several points of contact within the Council. However, more contentious decisions are often taken straight to elected members or senior officers rather than being escalated through an appropriate operational level of lead contact. This can lead to a convoluted process of decision making that does not allow those tasked with operational delivery of services or those in a regulatory role to fulfil their roles in an appropriate manner. This can lead to inconsistent messaging to event organisers which adds complexity to the management of any event.
- 4.15 **Key action:** There should be a named officer who will be responsible for each major event. This will enable a consistent approach by the Council and clarity of accountability to ensure consistent engagement from the Council with the event organiser. This will also provide a clear process of escalation for Council staff from different directorates.
- 4.16 **Key Action:** All named officers should undertake relevant training in order to effectively discharge their duties and responsibilities for the event(s).
- 4.17 **Elected member oversight** – Although many of the decisions around event management are operational and thus must be taken by officers, major events have a reputational impact on the city and would benefit from additional elected member oversight. A more robust / established process for keeping members informed would also limit the opportunity for confusion should an escalation in decision making be needed.
- 4.18 **Key action:** The Council created a strategic group (Strategic Events Partnership) of representatives of the City's key stakeholders to leverage city wide delivery and support for events in Edinburgh. The group reviews proposed events, assesses potential commitment by member organisations and allows the City to compete effectively to secure major events. The Chief Executive of the Council chairs this group, but it is proposed that an elected member is also appointed to the group to allow political input at this level.
- 4.19 **Key action:** It is proposed that a Festival and Events All Party Oversight Group is established to ensure greater elected member oversight of the major events development and delivery. A proposed membership and remit is outlined at appendix two of the report.
- 4.20 **Resident and stakeholder communications** Events bring major benefits to residents and visitors, but largescale events will bring a degree of disruption. Communications and engagement with residents are therefore a core component of any event management process. The Council should be engaging with citizens so as to understand and, where possible, mitigate any negative impacts. There should be absolute transparency and a shared understanding between the Council and event organisers as to the roles, responsibilities and approval of communications to the public. Where necessary this should be clarified in the contract also.

Communications plans should be timeous and proactive rather than at the later stages of the event planning process.

- 4.21 **Key Action:** The Council should ensure that for future events there is provision in any contract regarding communications which sets out the responsibilities and any involvement the Council may require. The optimum solution would be to have a communications officer working alongside the Council's partners on major events. This would allow a close working relationship, ensuring both parties were aware and content with the event's messages.
- 4.22 **Delegated decision – making** - As outlined in the report in November 2019, the decision to extend the market to the south of the railway line was not taken fully in accordance with the rules set out in the Scheme of Delegation to Officers. Although there was extensive consultation, the consultation did not include all local ward members. There is no suggestion that this occurred because of any wish to wilfully not comply with the Scheme of Delegation. Discussion has taken place within the Corporate Leadership Team on the need for all officers to understand their duties when carrying out actions under the Scheme of Delegation and this is being communicated through management teams. No further action is thought necessary.
- 4.23 The Committee also asked that the review of the Scheme of Delegation to Officers in 2020 takes account of politically controversial decisions and member briefings.
- 4.24 **Key action:** hold briefings with both elected members and officers on the Scheme which subsequently will be reported to the Council in June 2020.
- 4.25 **Parks and Green Spaces** – A revised and improved Edinburgh Parks Events Manifesto was approved by Council in 2014. This policy provides a framework for a balanced and sustainable events programme within the city's eight most popular venues and ensures that the quality of the land 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.
- 4.26 The City's parks and greenspaces fulfil a variety of roles to residents and visitors and while many enjoy the Christmas celebrations and other large events, others prefer to use the parks as an area of peace and quiet in the city centre. Striking a balance between the two is essential.
- 4.27 Recently officers have taken the decision not to extend the contract for the summer attraction (big wheel) in Princes Street Gardens. This decision was taken due to the upcoming consultation on the Public Space Management Plan (PSMP) and due to the maturity of the trees and the likelihood that there would be damage to these trees in the future.
- 4.28 **Key Action:** A review is being undertaken of the Edinburgh Parks Events Manifesto and Public Spaces Protocol 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. The aim is to develop a single PSMP to be supported by a single set of processes, criteria and procedures when applications are received in the future; 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. The draft PSMP is expected to be presented to the

Culture and Communities Committee in March 2020 with consultation beginning in April 2020 and a final document considered in June 2020.

- 4.29 **Key action:** Irrespective of the approach adopted, the Council, like other agencies, must produce a clear and unambiguous high-level strategy as early as possible in the planning phase of an event, signed off by (the) relevant senior officer(s) to inform all Council departments and functions of the objectives and targets to be attained for the event.

Edinburgh's Christmas and Hogmanay –issues arising

- 4.30 **The Norwegian Tree and Nativity scene** were removed in the days between Christmas and Hogmanay to allow for the screen on Mound Place, which is necessary for the Hogmanay Street Party and for safety announcements. The removal of the Tree was undertaken with the knowledge and consent of the Council and the Norwegian Consulate; and the removal of the Nativity scene with the knowledge and consent of the Council.
- 4.31 The Mound Christmas tree had been in place since 16 November; its removal from the Mound took place on the same date as in the two previous years. The Nativity scene was relocated in 2019 from St Andrew Square where it has been located previously.
- 4.32 **Edinburgh's Christmas – Reinstatement of Princes Street Gardens** - Every year, the Council appoints a contractor to reinstate East Princes Street Gardens following the departure of the Christmas market. The reinstatement is overseen by the Council's Parks Team, delivered by a third-party contractor, and paid for entirely by Underbelly.
- 4.33 This year, work to reinstate the gardens has started earlier than usual. The reinstatement works are weather dependent and a target of Easter for full reopening is usually set. However, with good weather it is hoped that this can be several weeks earlier this year.
- 4.34 The redevelopment works by the National Galleries of Scotland were delayed and incomplete by the time Underbelly took occupation of East Princes Street Gardens. In recognition of this, a financial contribution towards the completion of the works has been agreed between the Council and National Galleries of Scotland. This work will be delivered alongside the Christmas market reinstatement works.
- 4.35 **Edinburgh's Hogmanay – Resident and Business Access Passes** - Residents and their guests are not prevented from accessing their own homes during Hogmanay. The process of asking residents to inform the event organiser of how many passes they require for their property is a long-standing process.
- 4.36 The Street Party attracts over 60,000 people into Edinburgh city centre. A secure arena is erected to control numbers accessing the street, a recommendation which originated from a review of the 1997 street party, and to ensure the safety of those attending. To assist residents and businesses within the arena, a system for access passes was established in the late 1990s. In 2019, tickets were replaced with wristbands to allow quicker and smoother access through security to resident and business properties. In 2019, 45 residences submitted requests for more than 6 wristbands compared to 24 in 2018. All of these requests were accommodated, and

no access to those requesting bands was restricted or refused. Given the requirement to balance access against safety and security, the pass system is considered by all agencies to be the best solution. It is acknowledged that the communication of this and the engagement with residents could be improved and this is addressed in the key improvement actions

- 4.37 **Edinburgh's Hogmanay – Loony Dook** - The South Queensferry Loony Dook has been part of Edinburgh's Hogmanay for some years now and is part of Edinburgh's Hogmanay at the request of the community as a result of the popularity of the event. It is still run in collaboration with some of the founders of the Loony Dook in South Queensferry.
- 4.38 For safety reasons, primarily due to the narrow access route on a set of stairs and the size of the beach, there is a limit on the number of participants taking part at the Loony Dook in South Queensferry. The number, 1,100, is agreed jointly with the local community, the Council and safety advisors. It represents the maximum number of people that can safely use the narrow steps onto the beach and safely stay on the foreshore.
- 4.39 The price of the Loony Dook was set at £10 including a donation to the RNLI by the previous contractor, Unique Events, in 2016. Underbelly set the price at £12, including a £1 donation to the RLNI in 2017 and it has remained the same price since. Underbelly operates the event at a loss to itself of over £7,000 with the Christmas Market subsidising this event. The income after VAT and the donation to the RNLI is £9,912 and the costs – stewarding, policing, safety and production – are over £17,000.

5. Next Steps

- 5.1 Work will be undertaken to implement the operational improvements to event management outlined in the report.
- 5.2 The Festival and Events All Party Oversight Group will be established and diary dates for meetings scheduled.
- 5.3 Subject to formal approval by Governance Risk and Best Value Committee (GRBV) Internal Audit propose to undertake an audit of the event planning as part of their draft 20/21 Audit Plan.

6. Financial impact

- 6.1 The creation of an All-Party Oversight Group can be contained within existing resources. Additional resources will be necessary to provide a tighter grip of major events.

7. Stakeholder/Community Impact

- 7.1 The improvements to the event management process looks to address risks and issues that may arise from significant events in the City.
- 7.2 A public consultation on Edinburgh's Christmas will take place later in 2020.

8. Background reading/external references

- 8.1 Culture and Communities Committee 28 January 2020 [Motion by Councillor Osler – Winter Festival Consultation](#)
- 8.2 Policy and Sustainability Committee 26 November 2019 – [Edinburgh's Christmas – Motion by Councillor Mowat](#)

9. Appendices

Appendix one – Timeline regarding 2019 Christmas and Hogmanay Events

Appendix two – Membership and Remit of the Festival and Events All Party Oversight Group

Appendix three – Private Agenda only (Restricted under Local Government Act 1973 Schedule 7A paragraph 9)

Appendix One - Timeline Regarding 2019 Christmas and Hogmanay Events

7 March

The Council receive a letter from Underbelly in response to concerns that the full area of East Princes Street Gardens may not be available for Edinburgh's Christmas 2019 due to the National Galleries' redevelopment works.

Mid-April, an on-site meeting between The Council and the National Galleries of Scotland (NGS) Project Manager, is held where the Council is advised by NGS of delays to their works. They advised that the Mound Precinct works would be finished in time for occupation by The Fringe (1 August 2019). Gardens works completion dates were not able to be confirmed at that time but a later statement on 24 April by NGS states that the Gardens will be ready before 'the Festival 2019'.

26 April, officers from Culture met with Underbelly who presented options for a structure in East Princes Street Gardens and how it could be financed. A further meeting with Underbelly and the Council is held to discuss the proposals. Underbelly request an agreement in principle within 2 weeks.

29 April

Underbelly formally submit proposals and costings to the Council. Underbelly request a three-year extension, use of the south of the Gardens, and agreement to halt activities on George Street and Festival Square, which lose money.

Early May – discussions with the Leader, Depute Leader and key conveners.

3 May

A letter is sent from the Council to Underbelly stating:

- An immediate one-year extension to both contracts (terminating after 2020/21);
- Agreement that the loss-making activities on George Street and at Festival Square will no longer take place;
- As provided for in their tender submission, agreement that approximately 70% of the shaded area is to be used if such a reduction is required;
- Any works to the infrastructure of the Gardens to be agreed by the Council and Underbelly to provide a guarantee to the NGS in connection with their 5-year planning obligation to maintain/replace the plant stock.

10 May

The Council receives a response from Underbelly to the letter of 3 May. Underbelly requests a 2-year extension, not one, and agreement to proposals for use of the East Gardens (but not south side).

Mid-May, advice is sought from Procurement and Democracy, Governance & Resilience on whether an extension would need to go back to Committee or if this was contained within the original contract report to the Finance and Resources Committee. The advice received was that it did not need to go back to committee.

Based on this advice, a proposed report to Culture and Communities Committee on Hogmanay and Christmas KPI's and a contract extension for June was delayed.

Later in May, Underbelly requested early resolution as they needed to secure a headliner for Hogmanay.

Following discussions with Underbelly and NGS, it is proposed by Underbelly that Will Rudd Davidson provide an engineering assessment to the Council to demonstrate that the proposed structure is safe and does not cause significant or structural damage to the new landscaping. In order to remove any suspected conflicts of interest (WRD are Underbelly's engineers) it is suggested that the Council's own engineers double check the assessment made by WRD. Initial timescales for this piece of work are 6-8 weeks.

At the end of May, The Council request a full set of structural drawings and method statements from NGS.

6 June

Underbelly request an urgent decision on their proposed use of East Princes Street Gardens to allow Hogmanay artists to be secured. The Executive Director of Place states that councillors will require briefed if the decision cannot wait to Committee on 18 June and needs to be taken under delegated authority.

10 June

A briefing is held with Councillors McNeese-Mechan, Wilson, Rankin, Osler and Mitchell. Councillors Doran, Miller and Mowat could not attend the meeting but subsequent conversations were had with these elected members.

A letter is issued to Underbelly offering them the two-year extension with several conditions including payment of all outstanding sums and demonstration that the structure does not cause significant or structural damage to the new banks in East Princes Street Gardens.

17 June

A full set of structural drawings and method statements from NGS are eventually supplied (requested end of May). During this period, it became clear that the Council was not in receipt of any of the structural plans/drawings for the landscaping and redevelopment.

Delay in provision of correct documentation impacts on this assessment process. In order to satisfy the Council's Engineers as to the safety of the proposals, documentation is requested from Underbelly/NGS.

18 June

An Emergency Motion is tabled on the extension of Edinburgh's Christmas and Hogmanay at the Culture and Communities Committee, which is agreed.

During July and August, a number of surveys are undertaken by Underbelly in East Princes Street Gardens and work continues on the engineering assessment.

8 August

The Council meet with NGS. NGS project was running over schedule by this point.

Parks are informed by Planning that planning permission expired in January 2018, that none was in place for last year's event and a new application will need to be made.

A meeting is held later that day between the Council and Underbelly on plans for Christmas. Underbelly are advised that planning permission has expired.

9 August

The first Christmas briefing from Underbelly to EPOG/stakeholders takes place. This shows a 2D overview of the scaffolding structure on north side of East Princes Street Gardens but no activity on the south side.

Mid-August - officers raise concerns over the condition of EPSG and the high likelihood that the Gardens won't be complete by date of occupation by Underbelly.

End of August - Building Standards contact Underbelly raising the need for building warrants for some structures and advising that planning permission has expired.

30 August

A meeting is held to discuss the need for building warrants. Underbelly advise that they will not have time to make a full planning application before they start building and that the scaffold structure and layout has yet to be formally agreed between the Council and Underbelly (subject to engineering safety checks).

2 September

Underbelly write to the Council with a new site layout and to ask to use the south section of EPSG due to poor condition of some banks on north side. This is caused by delays to NGS works.

4 September

Written briefing to the Leader, Depute Leader and Conveners and Vice Conveners of Transport and Environment and Culture and Communities Committees.

16 September

The SNP group is briefed on the delay to the National Galleries' landscaping works and the impact on the Christmas market.

12 October

The Council approves Underbelly's scaffolding structure, demonstrating that it will not cause structural damage to the new landscape in East Princes Street Gardens.

26 November

A report to the Policy and Sustainability Committee outlines the decision-making processes during this period and their broad compliance with the Council's governance.

Appendix Two

Festival and Events All Party Oversight Group

1. Membership

- i. Convener and Vice-Convener of the Corporate Policy and Strategy Committee
- ii. Convener and Vice-Convener of the Culture and Communities Committee
- iii. 1 Representative from Conservative Group
- iv. 1 Representative from Green Group
- v. 1 Representative from Liberal Democrat Group
- vi. City Centre Councillors

2. Convener/Chair

The chair will be the convener or vice convener of the Policy and Sustainability Committee and if they are not present then the Convener/Vice Convener of the Culture and Communities Committee will assume the chair for that meeting.

3. Substitutes

Substitutes are permitted from the same political group.

4. Officers

Officers will attend to support meetings.

5. Remit

- i. Provide scrutiny and oversight of the delivery of festivals in Edinburgh.
- ii. Facilitate and engage with key stakeholders including representatives from local communities.
- iii. Ensure a co-ordinated Council wide approach to festivals and events.

6. Meeting Frequency

The APOG will meet on an eight-week cycle but may meet more frequently if determined necessary by the Chair.