

CITY OF EDINBURGH COUNCIL
POLICY AND SUSTAINABILITY COMMITTEE

Item No 3

20 August 2020

DEPUTATION REQUESTS

Subject	Deputation
3.1 In relation to Item 6.11 on the agenda - Spaces for People – Programme Update – Report by the Executive Director of Place	Craigmount-East Craigs-North Gyle-Drumbrae Residents group
3.2 In relation to Item 6.12 on the agenda - Coronavirus (COVID-19): Deferral of Licensing Fees – Report by the Executive Director of Place	Central Taxis
3.3 In relation to Item 6.12 on the agenda - Coronavirus (COVID-19): Deferral of Licensing Fees – Report by the Executive Director of Place	Unite the Union Edinburgh Cab Branch
3.4 In relation to Item 6.13 on the agenda - Update on Edinburgh's Christmas and Edinburgh's Hogmanay 2020/2021 – Report by the Executive Director of Place	New Town Community Council & Broughton Community Council, Old Town Community Council, Southside Community Council, West End Community Council, Tollcross Community Council and the Cockburn Association

To: City of Edinburgh Council Policy & Sustainability Committee (committee.services@edinburgh.gov.uk)

Date: 19/08/20

**RE: OBJECTION TO SPACES FOR PEOPLE / LOW TRAFFIC NEIGHBOURHOOD PROPOSALS FOR CRAIGS ROAD & SURROUNDING AREA
– Policy & Sustainability Committee meeting (20/08/20) agenda item 6.11**

I wish to make clear my unambiguous objection to the planned undemocratic changes to the road network in East Craigs and Craigmount outlined in the Spaces for People / Low Traffic Neighbourhood initiative. This represents a clear and shocking abuse of power by the elected officials of this city and must be stopped, at the very least to allow a full consultation with directly affected residents:

The changes are unfair and undemocratic

The Council only wrote to residents to notify them after the decision was made – the majority were completely unaware of the plans until after the – 6 day! - notification period passed. This is clearly underhand and unfair. Yet in this incredibly short window, 1,300 local residents signed the petition, with 407 objections received via the Spaces for People email address. This represents an overwhelming demonstration of democratic will by the local community. Your own documents state that you received only 3 comments in favour, plus one group (a cycling lobbyist). Against that, 407 individual objections (99.3% of responses), plus all local councillors, the local MSP and several community groups. It is disgraceful that the Council has ignored this overwhelming display of residents' opinion.

Particularly, East Craigs and surrounding area residents are not being treated fairly compared to other areas of the city. For example, the Leith Low Traffic Neighbourhood proposal is not being implemented by the Council at this time because it requires further consultation – which is central to what East Craigs residents have asked for.

For clarity: this is an objection

The Council's summary of feedback on the responses to the notification period, and Council Leader Adam McVey's comments, suggested that the majority of the 407 responses 'are not objections'. The argument made was that the hundreds of direct objections and 1,300 petition signatories called for a halt to the scheme while a full consultation is undertaken, that these are in some way invalid because a consultation is not required. This is a ridiculous misrepresentation of the facts. There is a strong case that the Council is misusing Covid emergency powers to avoid a consultation where these proposals are clearly (by the Council's written admission) not driven by Covid, but by WEL. In addition, calling for a consultation demonstrates a willingness of residents to engage, however for complete clarity please understand that I strongly object to the proposals. To suggest otherwise is both disrespectful and undemocratic.

These are not temporary measures

The Council's letter states that 'it is planned that the scheme will eventually be proposed for permanent implementation'. The Council's intention is clear from the outset that this should be a permanent change, and so to use temporary 'emergency' powers as a trojan horse to implement permanent measures represents a misuse of those powers.

You state that making the changes permanent would be subject to a formal consultation. I do not see in the plans any budgetary provision for reversal of the measures in the event of an unsuccessful consultation. If the measures don't include funding to be reversed, then they cannot be temporary. If they are not temporary, then temporary 'emergency' powers cannot be used to implement them.

These are not Covid emergency measures and so should be subject to consultation

The Council's letter confirms clearly and unambiguously that the 'need' for these measures comes from consultation feedback received during the West Edinburgh Link (WEL) project. This project, its consultation and feedback, all predated the Covid crisis. As such, the Council is misusing Covid emergency powers to introduce a scheme that is planned to be permanent, and is neither an emergency nor related to Covid. It is a smokescreen to avoid a consultation on these clearly pre-planned initiatives.

This misuse is quite possibly inconsistent with the law.

Furthermore, Craigs Road closures were not included in the WEL plans that were consulted on – and so it is irrelevant as a reference point or justification. The vague expressions of support last year were for a very different remit than those only now brought forward by the Council, and have been massively outnumbered by the objections to the current plans.

The Temporary Traffic Regulation Order (TTRO) is not justified by Covid

The procedure for a TTRO is contained in the Road Traffic Regulation Act 1984 S.14. Before using a TTRO the local authority must be satisfied that one of the relevant justifications for a TTRO exists. The relevant justification which I understand which is being relied on in this case is "because of the likelihood of danger to the public".

Extensive documentation has been published explaining the reasoning behind these proposals - these can be placed into two categories: 1) justifications seeking to switch residents from driving motorized vehicles to active travel; and 2) justifications to allow social distancing due to the Covid-19 epidemic.

The justifications for 1) do not *prima facie* appear relevant considerations for stopping the transmission of Covid-19 and therefore do not appear to be rational reasons to address a likelihood of danger to the public, as required to justify a TTRO.

In addition to this NHS Inform, Scotland's national health information service, advises us to "travel by foot, bike or car if you can" (<https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-physical-distancing>). This is reflective of other guidance and common sense which suggests drivers in private vehicles are not at any risk of catching or spreading the virus – indeed could be at less risk than those walking or cycling.

As for the second point; according to the WHO (World Health Organization) "Streets and sidewalks are not considered as routes of infection for COVID-19". This would seem to be consistent with current social distancing guidelines which suggest the disease will most likely be spread indoors and or where people congregate and interact for a period of time. Your suggestion that two people passing each other momentarily on the sidewalk presents any significant risk of virus transmission is not consistent with WHO research or national guidelines. Obviously this impacts on whether there is a likelihood of danger to the public required to justify a TTRO. On what basis has the Council determined that the WHO is wrong?

Scotland moved to Phase 3 of the route map for coming out of lockdown on the 10 July 2020. This is defined as "Virus has been suppressed. Continued focus on containing sporadic outbreaks". There are no sporadic outbreaks in Edinburgh at present. The Road Traffic Regulation Act 1984 (14) requires the measures in the TTRO to be "necessary". Now that we are well into Phase 3 (let alone moving towards phase 4) of reducing lockdown restrictions why is it necessary to alter the infrastructure temporarily to allow social distancing for a virus which is considered to be suppressed? Does the Council intend to continue with the TTRO and retain its measures implemented in response to the danger from Covid-19 once Phase 4 has been reached and the virus is no longer considered a significant threat to the public?

Proposal is ill-considered, unsafe, & will lead to more congestion, pollution and accidents

- The residents do not recognise excessive traffic along Craigs Road (CR), or problems for cyclists and pedestrians – the road is generally quiet, and any speed issues could be addressed by effective traffic calming measures
- The proposals reduce CR connections with local arterial routes from five to one – the junction with Drum Brae South (DBS). This will 'kettle' all traffic from the area to the CR/DBS junction and Drum Brae roundabout, creating congestion and increasing emissions.
- Specifically, forcing several hundred residents to now undertake a right hand turn across DBS to access Tesco, the Gyle and Corstorphine - across two lanes of traffic - is inherently a less safe manoeuvre than a left turn (eg onto Maybury or Glasgow Road as at present).
- What modelling has the Council done on the effect at Craigmount View/DBS and CR /DBS with particular reference to right turning exiting traffic? Craigmount Approach will see a huge increase in traffic.
- Has a safety audit been undertaken plus an assessment of collisions? Encouraging right turning traffic across Drum Brae South is not conducive to cycle or pedestrian safety, or safety in general.
- This also flies in the face of the Scottish Government placemaking and street guidance 'Designing Street', which generally advises against the formation of *cul de sacs* and majors on providing traffic calmed permeability – these plans would turn CR into a de facto *cul de sac*.
- Journey times will increase – for example by 70% for the journey from Craigmount to Morrisons at the Gyle for the weekly shop. Traffic modelling for a similar LTN scheme planned for West Ealing South reveals that traffic mileage in the area will increase by an average of 52%.
- Safety for pedestrians, cyclists and schoolchildren will be reduced as CR becomes a 'turning circle' at the start and end of the school day – likewise bin lorries, delivery vans etc will have to reverse and turn in side roads along North Gyle Road, Craigs Gardens and so on. This is particularly important as part of the justification for the emergency powers is safety at schools.
- The entire East Craigs / Bughtlin estate will be forced to/from Maybury or Barnton at rush hour as its sole exit / entry route to the rest of the city – hugely increasing congestion, emissions and journey times at major junctions that are already at breaking point. For example, a parent of children attending the local Fox Covert Catholic primary school would have to drive via Maybury, then Drum Brae, at rush hour.
- The changes disproportionately disadvantage the elderly, disabled and infirm
- When Taylor Wimpey was consented for the West Craigs Development the traffic proposal was a 4 way signalised junction at the Craigs Road /Maybury junction. This would have improved residents' access, not curtailed it, as a right turn toward Barnton was proposed. Many residents did not object to West Craigs or Cammo developments for this reason. If the Council are saying the development causes impact on Craigs Road why was this not considered a part of the assessment? The planning portal shows detailed discussion with the applicant regarding the signal timings of that junction.

Engagement and alternatives

The objectors and petition signatories have reasonably called for a halt to the plans so they can be properly subject to full consultation – they object to the plans, but are willing to engage with the Council to explore alternatives. There are many options, such as improved (or any) bus connectivity with eg the Gyle at commuting times; replacement of the completely ineffective and half-baked traffic calming measures with the 'full width' measures that work effectively on North Gyle Road. Many alternative measures that could be discussed in consultation, but you won't know unless you consult.

I strongly urge you not to dismiss the overwhelming and rapidly growing number of objections to these proposals, or to underestimate the strength of feeling among a large number of residents. I also urge you to put the plans on hold, consult and engage with us openly and fairly – you ignore local democracy and underestimate the huge strength of feeling in the area at your peril.

Yours faithfully,

David Hunter

Dear Councillor,

I write on behalf of Central Taxis regarding agenda item 6.12 deferral of licence fees.

As you will be aware the Taxi trade has suffered significant hardship as a consequence of Covid-19 and we would urge you to support a further deferral of fees.

The report seems to indicate this revenue will be lost if a deferral is granted which is very unlikely to be the case. With a surplus of 1.1 million sitting in the Taxi Licence Reserve its clear cash flow shouldn't be a problem.

There is growing frustration within the trade that the fees being incurred for testing are unsustainable and consideration should be given to utilising the existing network of VOSA approved MOT testing stations.

The sums set aside for a new Taxi Examination Centre (TEC) should be reviewed and alternate solutions identified that present less of a burden to Licensed Taxi & PHC trade.

Kind Regards

Murray Fleming – Company Secretary

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CENTRAL TAXIS

EDINBURGH'S LARGEST, MOST RELIABLE TAXI FLEET



Deputation for the policy and sustainability committee 20/08/2020

Unite the Union Edinburgh Cab Branch

Item 6.12 Coronavirus (COVID-19)- deferral of licensing fees.

We would like to thank council for deferring our test fees since March 2020 due to the Taxi Examination Center being closed, this has helped our members and non-members financially, with one less thing to worry about, in these very trying times.

We would like to address committee regarding this report that has been put to you, that we have asked for another 3 months deferment, we contacted licensing on the 29/05/2020 asking for a continuation of the deferral as the Test Centre had still not opened at this time and the original 3 months was almost up, we have had no reply to our request of this until this report in front of you today.

The taxi examination centre has now reopened and drivers are paying for their test, it seems that a deferral now would be a waste of time as it will only be until 16th of September 2020, what we would like to ask for is a reduction in the test fee as some drivers are unable to work until their taxi has passed its test, so they are struggling to finance this and with no facility for licensing to accept a credit card payments, drivers are feeling overwhelmed and are considering their future within the trade.

The report states that licensing would have a significant loss of £469,000. We would like clarity on this because our understanding would be that, whilst they have not been collecting fees from the trade, all these monies will be fully paid in full over the next few months. We would appreciate some comments on this and we would also like to call for a reduction in our fees due to the current financial climate.

At the present moment the taxi examination centre is under enormous pressure to clear a 4 month backlog of taxis and PHC's and

not just from within Edinburgh council's licensing area, we are hearing stories of drivers getting 48 hours notice of their test which is causing some drivers difficulties in getting appointments to get their engine bay and undercarriage steam cleaned which is a stipulation of the test.

Concerns have been raised by members and non-members that no compliance certificate is being issued, which insurance companies require for our insurance policies, this is not really acceptable and needs addressed urgently.

What also would be beneficial to owners is a compliance check list so they know the standard that is required which would increase the percentage of first time passes and prevent more unnecessary financial pressure as the retest fee is £57 which is in excess of a full class 4 MOT, time off the road and clearing up time for more vehicles to be tested.

Getting this sent to taxi garages would also help in the process of taxis getting through their test swiftly.

Our branch will be looking to work with council in regards to the Cab office and Taxi Examination centre, what we envision is proactive dedicated enforcement police officers, that will patrol our City, enforcing licensing conditions which would modernise the current Cab office setup.

Thank you for your time today.



OLD TOWN
COMMUNITY COUNCIL



TOLLCROSS
COMMUNITY
COUNCIL

West
End
COMMUNITY
COUNCIL



Joint Statement on the City of Edinburgh Council's Policy and Sustainability Committee (Thursday 20th August 2020), Agenda item 6.13: Update on Edinburgh's Christmas and Edinburgh's Hogmanay 2020/2021.

As agreed by the New Town & Broughton Community Council, Old Town Community Council, Southside Community Council, Tollcross Community Council, West End Community Council and The Cockburn Association.

The five City-Centre Community Councils and the Cockburn Association welcome the opportunity to comment on this important issue.

Overall, we support the direction of travel away from the arrangements that caused so much damage to East Princes Street Gardens and distress to residents in 2019/20. We remain of the view that the gardens are not appropriate for the Ferris Wheel, Star Flyer and market stalls, next to the Scott Monument.

We recognise that the serious impact of the Covid-19 pandemic in terms of public health and economic uncertainty mean that the Council needs to be extra cautious and fully transparent in considering how the city chooses to celebrate Christmas and Hogmanay this winter safely. Recent experience from Scotland and elsewhere strongly associates the transmission of Covid-19 with food and drink establishments and it is not clear from the report, how this will be managed especially given that this has been a major element of past offerings by the Christmas market.

We offer a short analysis and some propositions for consideration by the Committee.

Analysis and Comment

Failure must be designed out of all plans for the Christmas Market and Hogmanay. Therefore, **an effective risk management process** must be hard wired into all stages.

The absence of an assessment of the risks in agenda item 6.13 suggests the present risk assessment may not be sufficiently robust. We suggest that, at the very least, there needs to be an explicit and public statement of key risks, how they will be managed and by whom.

We note the paper is silent on multi-agency plans that would be in place, to enhance public health and minimize financial uncertainty to the city. We strongly recommend that the committee robustly assures itself with respect to the appropriateness of plans for business continuity, disaster planning and inter-agency risk management with respect to Covid-19, terrorism, security, design, layout, location, authenticity and more. To this end, we encourage councillors to refresh their understanding of the Local Government Association's guidance, "*Festive cheer, the local impact of Christmas Markets*" (pages 12 to 16) and associated guidance.

<https://www.local.gov.uk/sites/default/files/documents/10.13%20Christmas%20Markets.pdf>

At this point we would identify three risks, though doubtless there are others:

- A local lockdown being imposed as a result of a spike in cases in Edinburgh;
- Lack of an effective test and trace system, combined with identification of an outlet market area showing up as the locus of a number of cases;
- Quarantine restrictions on international vendors, performers and visitors.

An **enhanced** (and not just “adequate”) **security and people management** for all aspects of the Winter Festivals is an absolute priority with respect to public protection (para 4.8). It is our view that the Christmas Market, Hogmanay and associated events should be outwith East Princes Street Gardens. Although there is restricted access to EPSG (para 4.14), other dispersed elements of the Winter Festivals should have the same level of management to prevent overcrowding, protect health and ensure social distancing. Even with pre-booked tickets and virtual queuing software, it is inevitable that physical arrangements will need to be put in place. This should be built into any approval process. The paper is silent about people who are unable to download queuing software. We are concerned this would result in some individuals and groups being excluded from the Christmas Markets and Hogmanay altogether. This needs to be addressed especially given the emphasis placed on the residents in the proposals.

No loss of public circulation space should result from measures put in place for these events. For the avoidance of doubt, such management and social distancing measures must not be a Trojan horse for increased commodification of public spaces including streets.

We welcome the restricted use of East Princes Street Gardens, noting the Old Town Community Council’s *Lest We Forget* and the Cockburn Association’s *Keep off the Grass* campaigns. We welcome the indication that there will be a full Environmental Impact Assessment for the Big Wheel and Star Flyer although we retain our reservations noted above as to the location of these attractions. The report, however, stops short of explaining how the planned events will contribute to **Edinburgh’s carbon reduction targets**. It makes no reference to ISO 20121 on sustainable events.

It is vital that absolute priority is given to **supporting existing local businesses** and micro-businesses including local social enterprises (Edinburgh Social Enterprise is the most appropriate source of assistance) through all aspects of the events. The aim to create an Edinburgh Christmas Makers’ Market is welcome but silent on important details. This needs to be addressed.

Since public protection will be best served by scaling down the market, at which 67% of outlets in 2019 were non-local, it seems clear that reductions are needed for 2020 in the number, as well as the proportion, of non-local exhibitors. In particular, there should be **no pop-up bars** and food outlets, especially as these create direct competition, not additionality, to local all-year round businesses such as bars and cafes. We also feel that that pop-up bars would be particular problematic to the effectiveness of any test and trace system.

Locating market stalls on streets will clearly have an impact on local residents for more than two months. We therefore ask that **residents on all affected streets are consulted** for a period of at least two weeks, before a decision is taken about where the market stalls will be located on the City Trail.

In furtherance of the points raised above, we note that the proposed dispersal of operations across the city centre does not equate to a scaled-down version of the Winter Festivals. It is unclear if the intention is to maintain the volume of stalls and leases to ensure financial viability. This vagueness permeates the entire paper.

It is our view that the Christmas Market, Hogmanay and associated events should be outwith East Princes Street Gardens. To that end, we welcome the commitment in paragraph 4.18. If the Council decides to allow some activity in East Princes Street Gardens, the integrity of the planning system in the city must be reinforced after the debacle of the last two Christmas markets, which seriously damaged the trust of many residents in both the Council and Underbelly. All necessary planning applications must be submitted, with sufficient time to allow for consultations with statutory bodies and the general public. We recognise that consent would be required for the large rides in East Princes Street Gardens but believe that the whole of the market, along the top path of the Gardens and the Mound Precinct, requires planning consent, and so should be included in the scope for the Environment Impact Assessment, noted in paragraph 4.11. We are concerned that the report is silent on the possible need for planning consents for dispersed activities. For example, the ice rink on George Street (as suggested) might require consent, if it were fixed in place for 28 days or more. The same applies for the family fun fair and its associated rides.

The **Christmas City Centre Trail** (paragraph 4.9) implies various locations for markets which could bring additional benefits to those areas. Again, the vagueness of the paper makes it impossible to tell if the intention is also to include existing markets, such as those in Stockbridge, Castle Terrace Car Park and the Grassmarket, as part of this trail.

Finally, we ask for the Policy & Sustainability Committee to make a firm commitment to an early and comprehensive public review of the Winter Festivals. Indeed, given public statements made recently by VisitScotland and the various Directors of the Festivals on the need to scale back the various events, for which they have responsibility, a wider public review would be welcome.

Recommendations

We propose that the following amendments be considered by the Committee:

1. The Council affirms that in planning and delivering these events, absolute priority will be given to public health and safety. This will require a thorough and open risk analysis, covering *inter alia* ensuring sufficient security at all venues, as well as means by which the Council and other agencies will monitor the levels and effectiveness of such measures.
2. A more ambitious target of 60% is set for the representation of local businesses, micro-businesses and social enterprises in the market, which will also be downsized from the scale of 2019.
3. Outlets and stalls in the dispersed market should complement rather than compete with nearby local businesses, most notably in the food and drink sector.
4. Approval of the *Update on Edinburgh's Christmas and Edinburgh's Hogmanay 2020/2021* report should not have any influence on the Council's consideration of any planning or licensing applications.
5. Underbelly as contractors will be required to comply with ISO20121 and demonstrate that the events are consistent with Edinburgh's carbon reduction targets.

Carol Nimmo, Chair, New Town & Broughton Community Council
Samuel Piacentini, Chair, Old Town Community Council
Tim Pogson, Chair, Southside Community Council
Laura Hehir, Chair, Tollcross Community Council
Gordon Wyllie WS, Chair, West End Community Council
Professor Cliff Hague OBE, Chair, The Cockburn Association

Edinburgh, 19th August 2020.