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Message to Members of the City of Edinburgh Council

West Princes Street Gardens and the Ross Bandstand Project: Governance, management and development issues

Dear Councillors

As you will know, your Culture and Communities Committee decided not to approve the establishment of an Arms Length External Organisation (ALEO) to take over management and control of West Princes Street Garden (WPSG) at its meeting of 20 March 2018. This was largely due to concerns regarding insufficient information to make a considered decision.

The Cockburn Association was alarmed that this far-reaching proposal was put forward for agreement with no input or involvement from civic society. We only became aware that a decision was imminent through a press article in the Scotsman on 17 March 2018. In this, we learned of the proposal to create a new ALEO to take forward not only the Ross Development Trust's (RDT) proposals, but the wider management of a significant portion of WPSG.

We ask that the proposal to establish an ALEO not be considered until such time as a full and proper consultation with the people of Edinburgh has taken place. Information about the purposes, objectives, operation and accountability of the ALEO should be included to aid consultation. In August 2017, I wrote in The Scotsman that there should be "a debate" about the future of WPSG. This is what we now urge the Council to initiate, not least because the process and its outcome will be more robust than a decision perceived to be reached "behind closed doors".

A Consultative Approach

The Cockburn acknowledges the generous work undertaken by the Ross Development Trust, particularly the refurbishment of the Ross Fountain. We also acknowledge the long-standing horticultural excellence of staff in the Council's Parks and Gardens team, who have maintained and nurtured WPSG over a considerable period of time, sustaining it for the enjoyment of citizens and visitors from all over the world.

However, there has been little public engagement concerning the proposed changes in the care and management of WPSG. The public exhibition for the architectural competition to replace the Ross Bandstand was helpful, but limited in its scope and objectives. Crucially, there is a relationship between any design solution, its capital and revenue costs, and the agency and operation for managing a public space.

What people like about West Princes Street Gardens

Information collected in relation to the 2017 architectural competition concluded that the most popular use of WPSG was for relaxation and enjoyment of the green space. The most frequently admired elements are the green space, tranquillity, peace and quiet.

This confirmed the finding from a visitor survey in 2001, undertaken as part of a management planning exercise. The quiet ambiance of the Gardens was their prime attraction. Consultants preparing the Conservation Plan in 2003 concluded that any developments should therefore add to the current appeal of the Gardens, rather than subsume or rival it. This forms one of the principal tenants of the current Princes Street Gardens Management Plan.

Both the 2001 survey and the 2017 survey suggest to the Cockburn that there is evidence of a public desire to see a future for WPSG that prioritises these qualities, and the operational management to deliver them. There should be an opportunity to see how the proposed ALEO or alternatives might address these concerns, and for the people of the city – and visitors – to have a say.

A Benchmark Standard

The Cockburn looks to the Council to initiate such a process. We commend the way consultation was done on the George Street Experimental Traffic Order, and see this as a possible model. Key features which might be replicated were:

- The appointment of independent researchers.
- A stakeholder group open to all who wished to attend and meeting quarterly, with both the project manager & research manager attending.
- A Steering Group (of circa 8 people), appointed by the stakeholder group, that developed the questionnaire independently of the Council (albeit the Council's project manager chaired the meeting).
- The Steering Group included representatives of the local Community Council, the Cockburn Association, Edinburgh World Heritage Trust, Essential Edinburgh, the Chamber of Commerce, CEC Planning/Transport Departments – who alternated - and the CEC project manager as chair

The questions, and the final report, can be viewed on this link:

http://www.edinburgh.gov.uk/download/meetings/id/50922/item_84_-_george_street_etro_concluding_report_and_design_principles

The questionnaire itself is found between pages 115-124 of that report, and included demographic detail (age / reason for being in that location that day / time spent / where are you from, etc.) but also more qualitative analysis. More than 1000 people were interviewed, which is consistent with achieving statistically reliable conclusions.

The process at George Street was rigorous, and steered by an independent panel. It brought together the Council, Civic Edinburgh, Heritage bodies, businesses and other relevant organisations. It led to an outcome that stakeholders could respect and adhere to, and gathered kudos for the Council.

What sort of place should the Gardens be?

This fundamental question should be at the heart of any consultative exercise. Should they be for all citizens and visitors alike to enjoy for free a tranquil green space with unique views in the very heart of Edinburgh? Or do they represent an underused asset that we want to see used more intensively and more frequently to generate revenue and commercial benefit? Is some combination feasible, and if so, what is it, and how might it operate in the longer term?

The Cockburn is aware of the current challenges in managing green open spaces in the City. Austerity has impacted significantly on budgets, and difficult decisions on priorities need to be made. However, the Association is also conscious that there is mounting concern – not just from our members but across the city – about commercialisation of public spaces, and some adverse impacts of the strong growth in tourism that the Council and others have promoted successfully.

We are also aware of excellent work led by the Council and its Parks and Gardens Team in improving Saughton Park, assisted by investment from the Heritage Lottery Fund. We are also mindful that Newcastle-upon-Tyne city council undertook an extensive public consultation exercise on the long-term future of public spaces across the whole city, and that this resulted in a decision to set up an independent charitable trust to run all of the city's parks and allotments. In short, the future of Edinburgh's public open spaces is multi-faceted and alternative models and solutions need to be fully explored, so that a sound decision is reached. A quick decision is less important than one reached inclusively and by consensus.

Therefore, we strongly advocate a consultation exercise based on the presentation of clear scenarios, and embracing not just the functions in the Gardens, but the risks and how they would be managed. The vision proposed by RDT must be one of these. We reiterate our appreciation of the work done by the Trust to date. Speculating, we can identify four main scenarios to the future management of West Princes Street gardens:

1. **The Ross Development Trust proposal(s)** – we understand that this has been scaled back significantly since the architectural competition, so the most recent thinking should be put forward;
2. **Refurbishment of the existing Ross Bandstand** – This approach, for example following the conservation model of Kelvingrove Bandstand in Glasgow, has not been explored, and the charitable purposes of the RDT would appear to exclude this option. Refurbishment might include proposals to restore some of the historic features of the park, repair other structures like the various shelters, and to improve access for those with disabilities.
3. **The Horticultural Option** – This would include the removal of the bandstand and the restoration of ground to present an “urban forest” or expanded planting scheme aimed at enhancing the green space and tranquillity, and improving interpretation.
4. **The Event Hub** – at the opposite end of option 3, the overt use of WPSG as a major new event space, extending the current uses in East Princes Street Gardens to a year-round centre of activity, as a means of boosting tourism and attracting more footfall to the city centre.

How should it be managed?

The proposed ALEO model, developed through discussions between Council officials and the RDT, shows a clear management and governance preference. If it is a suitable approach, it begs the question, “why just West Princes Street Gardens” and why should the public pay the costs of horticultural management when the potential commercial benefits go to another body (as is proposed)? The scale and scope of the ALEO should also be subject to the same consultative approach as the development proposals. The gardens are held as Common Goods for the well-being of citizens, and how they are managed is a public issue. As such, there may well be an expectation that the public authority should be responsible for public assets.

We therefore recommend that, as part of the consultative exercise advocated above, people are also asked for their input into management and governance arrangements as well. In our mind, there are three main approaches:

1. **Status Quo** – continued management by the Council, supported by RDT and others where necessary.
2. **WPSG ALEO** – as proposed by Council officials in their report to the Cultural & Communities Committee. Within this, there are two sub-options – 1) as suggested, with CEC Parks & Gardens remaining responsible for horticultural management; and 2) the new ALEO responsible for all aspects.
3. **City-wide Parks and Gardens ALEO** – if an ALEO is the right approach for WPSG, then why isn't right for all of the City's greenspaces? This is the model that Newcastle City Council have opted for following a public consultation exercise.

There are other options, which might be explored also.

Summary

We appreciate the decision on 20 March 2018 to seek more information before taking a decision that will have inter-generational impacts.

West Princes Street Gardens is a key part of Edinburgh's identity. It is crucial as an open space and formal gardens, and is as important to the international image of the city as the Castle. What happens here may well influence what happens to all of Edinburgh's green spaces. Whilst the philanthropic gift vis a vis the Ross Development Trust is welcome and in the best tradition of the City, it should not preclude proper public consideration about the future of this iconic part of Edinburgh that visually makes the transition from the Old Town to the New Town, and exists to serve the public good.

The Cockburn Association asks for a full and open consultation with the people of Edinburgh BEFORE the decision is taken on whether to establish an ALEO. At the same time, public opinion on the development proposals and the alternative scenarios should also be sought.

The decisions taken now will be with us for a very long time. Careful consideration is therefore essential.

Yours sincerely

Professor CLIFF HAGUE OBE
Chair, The Cockburn Association

11 May 2018

Appendix One: Criteria for an ALEO – comments to Culture and Communities Committee

APPENDIX ONE: Arms Length External Organisation

The following are comments were submitted by the Cockburn Association to the 20 March meeting of the Culture and Communities Committee.

“An ALEO?”

The proposals for a “self-financing” organisation which may not be in the wider interests of Edinburgh or your constituents is a hugely important issue, and one which cannot be assessed without a better understanding of purpose of the proposed ALEO. We therefore ask that full details be made available as part of any consultative exercise.

The proposal outlined in the Culture and Communities Paper suggests that the ALEO would be responsible for commercial development and management but the Council would remain responsible for maintenance of the gardens themselves. If an object of the exercise is to reduce costs for the city, then the retention of on-going maintenance costs seems odd. There may be good reasons for this, but they are not explained. Options should therefore be explored, and form part of the decision-making process.

If there is to be an ALEO, the Cockburn recommends that the following criteria be applied to the new body.

1. Fundamentally, the body must act as if it were a public body, fully accountable to the city and residents, and run in an open and transparent manner. As currently proposed, it would be a private charitable company where Trustees are solely responsible to the charity and its purposes, which have yet to be defined;
2. All Memorandum of Articles, constitutions, business plans, strategies and development proposals must be made public and held in the public domain for scrutiny;
3. All contracts, sub-contracts and management agreements are made available for public study and scrutiny, with set guidelines on what can be excluded on the grounds of “commercial confidentiality” aimed at limiting the number of exclusions from said public study;
4. No limitations on FOI requests can be acceptable. The ALEO must operate as a public body with full and open accessibility to information on a similar basis to the local authority.
5. No transfer of assets out of the Common Goods Fund is acceptable; other vehicles including licensing may be acceptable but this must be stipulated before any agreement can be entered into;
6. No limitations to public access, or any further limitations over and above those that exist today can be acceptable. The one exception might be the bandstand but this should be restricted to the current footprint only. The land transferred to the new ALEO must, first and foremost, be operated as a public park and gardens for the Citizens of Edinburgh.
7. Strict performance criteria should be set, including horticultural, access and public engagement. Specialist Advisory Committees should be established as part of the governance arrangements. These must be required to present annual independent assessments of compliance against agreed guidelines.
8. A strict regime of penalties and sanctions against failure to deliver or conform to performance management guidelines should be in place, with clear frameworks and sanctions. This should include conditions which would result in termination of contract (e.g. 3 consecutive failures to deliver horticultural guidelines);
9. A “sunset” clause be included so that the arrangement ends contractually after a reasonable period (5 years) thereby triggering a full review of performance and governance. There should be no assumption of continuance.”