



Headline comments

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The Cockburn resists strongly the idea that the gardens should be developed as a venue for events. The gardens provide an oasis for residents and visitors alike and act as a respite or counterpoint to the hubris of The Festival City. It is not a Music Venue nor an exhibition or sports arena. It is a Public Park.

The Cockburn Position

The Cockburn Association welcomes this consultation. However, we have serious concerns about its impartiality and scope. It is more of an information-giving exercise, with leading questions and a lack of alternatives for consultees to consider. It seeks to justify decisions taken by the City Council.

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, sustaining it for the enjoyment of citizens and visitors from all over the world.

In separate consultation exercises conducted in 2017 and in 2001, the most frequently admired elements are the green space, tranquillity, peace and quiet. First and foremost, West Princes Street Gardens is a public space. Any diminution of these qualities is unwelcome.

Our Principle Position

The gardens are an asset for the public and should be managed as such. Their benefits are intangible and non-monetary and include not only amenity and visual benefits but psychological and well-being ones as well. We do not rule out commercial activity in the gardens, but any events should be in sympathy with the overall public and amenity purpose of the gardens, and not conflict with it. Access closures should be permitted for safety purposes, but not for commercial exclusivity purposes.

Any proposals should be designed to enhance the enjoyment of local people and visitors using the gardens. The Cockburn resists strongly the idea that the gardens should be developed as a venue for events which are commercially promoted, rely on attracting an external audience and require significant restrictions to access/screening.

What sort of place should the Gardens be?

This fundamental question should have been at the heart of the 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 opportunity to explore this has been missed.

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 adverse impacts of the strong growth in tourism that the Council and others have promoted successfully.

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Resourcing

Much is made in the consultation and in the wider public arena of the funding challenges of the Council and the need for RDT to have clear opportunity for funding and wider fiscal management (in part, pointing to the lack of investment by the Council as justification for this). The Association does not believe that this argument holds water. Firstly, the consultation makes it clear that the site will remain in the ownership of the City Council. As such, ultimate fiduciary duty remains with the Council and once any development is completed, ownership remains with the Council. In addition, whilst the consultation exercise does not make this clear, the existing revenue expenditure of garden maintenance will remain with the Council. It does not appear as if any fundamental cost savings will be made. The long-term responsibility remains with the public authority.

Scale and Scope of events

The proposals for a “self-financing” organisation may or may not be in the wider interests of Edinburgh. We do not believe that this can be assessed without a better understanding proposed business operations. It is not unlikely that there will be pressure to increase turnover due to a number of factors (over-optimist income projections, increased costs, etc) and the main means of addressing this would be the intensification of use. This, in turn, could work against both access to the park and to the qualities which are most appreciated.

The recent issue with hoardings and access closures for the Edinburgh Summer Session concerts is a benchmark from which commercial exclusivity vs public accessibility can be assessed. In this case, there is no question that commercial objectives came first, and that these were knowingly entered into by the Council as a contracting party.

The consultation itself is unclear, with the press release suggesting hundreds of events, whereas only one question addresses this, and asks if how many major activities it should support with an apparently arbitrary 5 being a threshold. In many ways, it may not be the number events or activities but the commercial aspirations/requirements behind them.

The definition of an event or activity is also unclear. For example, should the Edinburgh Summer Sessions be counted as five separate events, or one? If a programme of concerts ran on consecutive evenings, it might be reasonable to see it as a single entity. If, however, it runs over a period of weeks and requires further restrictions to facilitate set-up and breakdown, than it is not. This illustrates the lack of information provided in this consultation exercise.

Elements

The Cockburn Association does believe that some improvements are required but does so from a position that the gardens are well-managed by the Council’s Parks Department from a horticultural and landscape perspective. Improvements to access is required. A visitor centre could be positive, but we see no reason why the existing Gardener’s Cottage could not be used for this purpose. We are less convinced about the need to improve/redevelopment the blazes area (with the exception of improved drainage) nor the existing café (which we accept is not of high quality). We would like to see proposals, if for no other reason for comparison, for the refurbishment of the existing bandstand.

In terms of performance venues, Edinburgh needs a facility for the 7-10,000 person concert/event market. The Tattoo had a maximum capacity of 8,400 and the current Ross Bandstand was c.2,000. WPSG is not the place for such a venue.

An ALEO?

The consultation implies that only an ALEO structure will be capable of securing investment for the Gardens. We point to the recently improved Saughton Park which was led by the Council and secured HLF funding to this end. Although this specific funding programme has ended, there is no reason why the Council could not seek external funds.

It has been suggested that the ALEO would be responsible for commercial development and management of the facilities, 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.

An ALEO will have its own legal personality. Although membership may come from a wide range of stakeholders, their legal duty is to the ALEO first and foremost. So, if it is in the interests of the ALEO to increase revenue but promoting more and more exclusive events, it is for it to do so. One of the criticisms of ALEO is their lack of transparency and accountability.

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 Freedom of Information 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; licensing of use may be acceptable, but this must be stipulated before any agreement can be entered;
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 against agreed 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."

7 September 2018

Comments submitted to the public consultation exercise conducted by the City of Edinburgh Council.