

## CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

### PPAG RESPONSE TO THE CHARTERED INSTITUTE OF PUBLIC RELATIONS (CIPR) CONSULTATION AWARD TO THE CITY OF EDINBURGH COUNCIL FOR PRIVATE BILL CONSULTATION

We were surprised to hear that the City of Edinburgh Council paid to submit an entry for the Chartered Institute of Public Relations (Scotland Region) PRide Awards for the CIPR Scotland region and that it won a gold award for Community Relations.

We have examined the submission made and have a number of concerns about claims made that are exaggerated or erroneous and which are detailed below. We believe that this award is not a reliable measure of the adequacy of the consultation to meet the exacting standards of a consultation for legislation. A copy of the submission is enclosed for ease of reference.

Particular points that we dispute are listed in the order of the submission:

Under the heading “**Brief and objectives**” the objective stated is “to develop a consultation and engagement plan that would demonstrate clear public support for the Private Bill”, in other words, the Council admit that they set out to achieve a certain outcome in the consultation; to demonstrate support - not to ascertain public opinion - which is the true purpose of the consultation, going by the Scottish parliament’s guidelines.

The first two bullet points of this section are contradictory. The first says the consultation aimed to demonstrate clear public support for the bill and the second says to achieve more than 50% support locally and across Edinburgh. First, more than 50% is hardly “clear public support”. Secondly, nothing like this was achieved, as by the Council’s own admission, it was not a referendum and less than 2% of the population took part.

The fifth bullet point: “To put power in local hands by actively engaging the local community in the campaign” is inaccurate. There was no engagement with those opposing the building on the Park and no transfer of power to the community. The council had already decided in 2006 where they wanted to locate the new school. This consultation had no effect on that decision and was not concerned with the merits or otherwise of the private bill.

Under “**Strategy and Tactics**”, it is stated that the main campaign focus was the immediate local area. This is incorrect, as the main focus of the campaign was the school catchment area, as demonstrated by material submitted by us previously. Apart from green belt land at Brunstane, the distribution area for the leaflets followed more or less exactly the catchment area for Portobello High School. Moreover, distribution of consultation information was patchy, deficient and unacceptably late in some instances, especially in the area immediately surrounding the park.

The second paragraph in this section claims that “we would not normally have started a consultation in December, the timetable for the Private Bill meant we had no option”. This is patently untrue, as no timetable for the Private Bill had been set and even now is not certain. It is more accurate to say that they were driven by the expiry of planning permission for the school in February 2014 but to justify the decision to launch this consultation in the run-up to Christmas by saying they had no option is disingenuous as

they were in sole control of the process. It is true to say that the Council turned the December launch of the consultation process to its advantage, as it had a ready-made audience at which to promote the consultation at a number of school-based pre-Christmas events.

The Council has openly admitted that the consultation period was in effect only six weeks long because of the festive season falling in the middle of it, yet standard consultation periods are normally 12 weeks for private member bills. Given the contentious nature of the plan to build on the park, the consultation period should in fact have been of at least 12 weeks' duration. The guidelines for Private Bills clearly state that: "It will usually follow that the larger and more contentious a project is, the more extensive the pre-introduction consultation should be." Whilst this refers to the scope of the consultation, it is clear that a longer time period will inevitably allow more people to participate and this was not the case for the consultation carried out by the Council.

The paragraph commencing: "Due to the risk of a judicial review of the consultation process..." is surprising as at no time has PPAG mentioned a judicial review of the consultation process. Perhaps this is a recognition by the Council that the consultation exercise was deeply flawed and open to challenge.

In the same paragraph, the reliance on the use of social media to correct alleged inaccuracies is extremely worrying, as it excludes a large number of the population who do not regularly use social media or do not use it at all. This statement also introduces the claim that there were inaccuracies, without giving examples of such. We are also aware that the council, throughout the whole life of this project, was relying on elements within the community to promote the council's position through social media and other connections within the school community.

In the paragraph commencing "The campaign included", the first bullet point states that 14,500 leaflets were delivered door to door but makes no reference to the council's own admission that many of the households most affected did not receive leaflets until the second week of January 2013, which put them at a disadvantage. Any assumption that people knew about it automatically is misplaced as knowledge of the school project in the community did not equate to knowledge about the private bill.

Nothing in this paragraph informs the award committee of the deliberate targeting of the catchment area for the school when the consultation was supposed to be Edinburgh wide. Nor does it make clear that the information given was designed to elicit support, with positive points for the alternative school sites played down and the negative points emphasised in comparison to the Portobello Park site, with claims made about relative costs of the alternative sites, which provided no detail as to how these costs had been arrived at and unsubstantiated claims made that the park site was the quickest option.

The paragraph commencing "A key part of our strategy ..." makes the claim that the Council's strategy empowered the local community, when nothing could be further from the truth from our point of view. The council has always been obstructive in giving information to PPAG and has threatened to sue the group for expenses following the Outer House decision of the Court of Session. The Council is claiming credit for the efforts of the already active community groups. For example, the setting up of stalls in various locations was not suggested or facilitated by the Council for PPAG; it was done entirely on our own initiative. The majority of the activities listed in the bullet points were activities in

support of the private bill, so the Council's alleged involvement of local people was not equitable.

The third bullet point states that a "residents association" (sic) went door to door, without naming the association. This is inaccurate as no residents' association did this and the council is confusing the actions of an individual with that of an association.

The fourth bullet point admits that the consultation was actively promoted to the school community. It was not proactively promoted to any other group in this way therefore this activity was bound to produce a bias in the results.

The fifth bullet point emphasises a previous concern of the use of social media in that pro-school supporters' statements were used online so the council could step back. This begs the question as to how the council's position was communicated through the pro-school supporters.

Under the heading of "**Tangible benefits to the community**", the first bullet point is: "A new school with enhanced community facilities" (in effect enhanced by only one additional astroturf pitch) however, the consultation materials did not present the other site options for the new school in a balanced way, nor was there any opportunity for people to express their opinions on these other options, as required by the guidelines for private bills, and they were pejoratively described as representing a "significant compromise".

The second bullet point claims that the majority of the land lost will be replaced by a new park. This is not correct as only a maximum of 2.2 ha could be provided as a park on the existing site, however no commitment is made to this in the private bill proposal. The council then goes on to make the bold statement that the community could put forward their own suggestions for the new park, thereby influencing respondents to support the proposals, whilst making no firm commitment, as the park does not form part of the bill's provisions.

The second paragraph under the heading "**Outcomes and Outputs**" once again introduces a fear of the "real risk of further legal challenge". As previously stated, there is no basis for this assertion.

The claim is made that 12,000 responses were received but in fact only 10,000 of these were valid. The Council also claims that it was the highest response to any consultation since 1996 but other consultations have received comparable response rates, for example, the Next Generation Library Strategy 2012-2015 consultation, which received almost 10,000 responses. In addition, quantity does not necessarily equate to quality.

Lastly, we would contest the cost-effectiveness of this consultation, which does not include internal staff costs. The claim of extra costs of the alternative options is based on elemental costs, rather than a tendered price (which has already been negotiated upwards). In addition, the claim that an alternative school site would take eighteen months longer to deliver is entirely due to the council not pursuing alternative sites. This pales into insignificance in comparison to the four year delay caused by the council due to their mismanagement of the risk of a legal challenge. Moreover, it makes an assumption that the private bill will go through within a certain timescale.

We ask you to consider the council's award in the light of the above critique. It is noted that no one verified the council's claims in their submission.

Jack Aitken  
Chair, Portobello Park Action Group

21 November 2013

# **Community Relations Campaign**

The Portobello Park Private Bill Consultation  
The City of Edinburgh Council

## **Background**

Portobello High School is Edinburgh's largest secondary school and the one in greatest need of replacement. The current school is an eight storey towerblock from the 1960s with no outdoor sports facilities. After an extensive site search and statutory consultation, a nearby park, Portobello Park was chosen as the location for the new school. This was a highly contentious decision and led to legal action by a local community group, PPAG (Portobello Park Action Group).

The Court of Session ruled that the City of Edinburgh Council didn't currently have the legal power to build the school due to a gap in legislation and the Council decided the best way forward was to change the legislation through a Private Bill to the Scottish Parliament. Before any Private Bill can be taken forward, consultation must take place to demonstrate community support for the proposals.

## **Brief and Objectives**

- To develop a consultation and engagement campaign that would demonstrate clear public support for the Private Bill
- To achieve more than 50% support both locally and across Edinburgh
- To demonstrate support from all areas of the local community and address previous planning criticisms that those in areas of deprivation didn't participate
- To exceed the number of responses (700) received during the planning process for the new school
- To put the power in local hands by actively engaging the local community in the campaign
- To mitigate the risk of any further legal challenges

## **Strategy and Tactics**

Our main campaign focus was the immediate local area but to demonstrate citywide support we promoted our campaign wider through adverts, press releases, dedicated pages on the council website and twitter.

Consultation ran from 3 December 2012 to 31 January 2013. Although we would not normally have started a consultation in December, the timetable for the Private Bill meant we had no option. We turned this to our advantage by holding road show events at Christmas Fairs, Nativity Plays and a Pensioners Christmas Tea Dance which attracted many members of the local community.

Due to the risk of a judicial review of the consultation process we took the unusual step of clearing all consultation materials with our external legal team. This also influenced our campaign strategy which meant we would use social media to promote events and correct inaccuracies but wouldn't get actively involved in online debates.

The campaign included:

- Information leaflet delivered door to door to 14500 residents and copies available for local residents/groups to support local campaigning
- Promotional postcards, posters and adverts
- Dedicated web pages
- Online and printed questionnaires with drop-off boxes in local libraries
- 24 road show events
- Two public debates chaired by STV's political commentator
- A facts and myths twitter campaign
- Media promotion

A key part of our strategy was empowering the local community as they were the ones directly affected. This was crucial to the success of the campaign. Their involvement was incredibly powerful with those both in favour and against our proposals getting their own supporters out in numbers on the streets to promote the views. This included:

- The two main campaign groups, PPAG (Portobello Park Action Group) and PFANS (Portobello for a New School) setting up stands in local supermarkets and in the High Street at weekends
- PFANS organised their own media photocalls and both groups provided campaign quotes to local media
- A residents association went door to door in their neighbourhood (the one previously identified as having a poor response rate) encouraging support for the campaign
- School Parent Councils promoting the consultation to their own parents
- Local supporters actively promoted the consultation through social media – with the pro-school supporters responding online to any inaccuracies which meant the Council was able to step back from doing this
- Both campaign groups actively participated in the public debates

### **Tangible benefits to the community**

Our key messages set out the tangible benefits of the new school to the local community:

- A new school with enhanced community facilities
- A new park to replace the majority of the land lost

In addition, the local community felt empowered with a real voice in the way forward. Not only did they feedback their support or otherwise for the proposals but could also put forward their own suggestions for the new park.

### **Outcomes and Outputs**

Our involvement in the Portobello School project from the previous site consultation and planning process had allowed us to identify many of the key stakeholders in the project and which communications tools worked best for them. Although we identified a number of road show venues, by encouraging people to suggest other venues we were able to reach many more people directly.

Our planning process included building in time for legal clearances as there was a real risk of further legal challenge. This has not arisen and the Private Bill has now been introduced in the Scottish Parliament. This resulted in:

- The highest response to any public consultation since the Council was established in 1996
- Over 12,000 responses received
- 76% of the local community and 70% of the wider Edinburgh public supported the change of use of the park
- 1216 responses were received from the area where it had previously been difficult to get people to engage in any consultation exercise
- 650 people attended the public meetings
- A clear mandate for the Council to take the Private Bill to the Scottish Parliament

### **Budget and Cost Effectiveness**

- Consultation programme cost £13,500 including all printed materials, a consultant to run roadshows and independent chair for debates.
- All management, copywriting, media and design in-house
- If the Private Bill is successful, the Council will not need to progress the back-up options for the school which would cost a minimum of £5.8 million more and take at least eighteen months longer to complete

**Team:** Joyce Nisbet, Tina Sutherland, David Walker