

Minutes

Finance and Resources Committee

11.00am, Monday 10 October 2022

Present

Councillor Watt (Convener), Councillor Doggart, Councillor Griffiths, Councillor Hyslop, Councillor Macinnes, Councillor McVey (substituting for Councillor Nicolson) Councillor Mumford, Councillor Neil Ross, Councillor Staniforth, Councillor Whyte (substituting for Councillor Bruce), and Councillor Younie.

1. **Edinburgh's Christmas – Emergency Contract Award**

The Committee, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 8 and 9 of Part 1 of Schedule 7(A) of the Act.

The report provided an update to Committee on the circumstances surrounding the contract CT1043 for the delivery of Edinburgh's Christmas by Angels Event Experience Ltd (AEE), and sought approval to undergo emergency procurement procedures to approve the direct award of a contract to deliver Edinburgh's Christmas for one year (2022/23) with the option of an extension for one further year to Unique Assembly, a consortium formed by Unique Events Ltd and Assembly Festival Ltd.

Motion

- 1) To note that Angels Events Experience Ltd (AEE) had indicated that the contract CT1043 could not be delivered as awarded and had made clear that it did not intend to deliver the contract as awarded.
- 2) To approve the direct award of a contract under emergency procurement procedures to Unique Assembly for a period of one year with an optional one year extension.
- 3) To agree that any extension would be approved by the Culture and Communities Committee in early 2023 following submission of an outcome report on the 2022/23 event.
- 4) To present Committee with the following reports prior to any future tender process:
 - i. A Lessons Learned report analysing problems that arose from the tender process and what options there were for avoiding problems in the next tender process.
 - ii. A report on the proposed new tender process prior to it going ahead.

- iii. A report on the profit-share element of the contract and the work done to verify it.

- moved by Councillor Watt, seconded by Councillor Griffiths

Amendment 1

- 1) To note that Angels Events Experience Ltd (AEE) had indicated that the contract CT1043 could not be delivered as awarded and had made clear that it did not intend to deliver the contract as awarded.
 - 1.1) To regret that the tender process had failed to secure an appropriate and successful Christmas that reflected the more than 8,000 consultation responses.
 - 1.2) To regret that the Administration failed to honour the agreement at the Finance and Resources Committee of June 2022 to deliver regular briefings to spokespeople – showing contempt for Councillors, Committee and Council.
- 2) To approve the direct award of a contract under emergency procurement procedures to Unique Assembly for a period of one year with an optional one year extension.
- 3) To agree that any extension would be approved at Culture and Communities Committee and Finance and Resources Committee in early 2023 following submission of an outcome report on the 2022/23 event.
- 4) In the event that Angel Events withdrew from all involvement for any reason, officers were delegated to work with Unique Assembly to find alternative arrangements with Unique Assembly – prioritising those local stallholders who had already signed up to Angel Events.
- 5) To agree that whatever the makeup this year, these events needed to reflect the outcome of the consultation, and ensure that the stalls (both commercial and 3rd sector) reflected and promoted Edinburgh's local offer and put at the heart of the offer the affordability of events and attractions for local people.
- 6) To agree that the decision in relation to this report did not bar any further actions or motions being agreed in the next 6 months in relation to longer term Christmas planning or consideration of matters relating to scrutiny of what had created this situation.

- moved by Councillor Macinnes, seconded by Councillor McVey

Amendment 2

- 1) To note that Angels Events Experience Ltd (AEE) had indicated that the contract CT1043 could not be delivered as awarded and had made clear that it did not intend to deliver the contract as awarded.
- 2) To approve the direct award of a contract under emergency procurement procedures to Unique Assembly for a period of one year with an optional one year extension.

- 3) To agree that any extension would be approved at Culture and Communities Committee in early 2023 following submission of an outcome report on the 2022/23 event.
 - 4) To request a report in two cycles in respect of the procurement process for events, highlighting what alternative approaches were available, what was best practice and what changes would be made to the Council procedures in light of this experience.
 - 5) To forward the report to Culture and Communities Committee and Governance, Risk and Best Value for noting.
- moved by Councillor Doggart, seconded by Councillor Whyte

In accordance with Standing Order 22(12), Paragraphs 5 and 6 of Amendment 1 were accepted as an addendum to the motion by Councillor Watt. Paragraphs 4 and 5 of Amendment 2 were accepted as an addendum to the motion by Councillor Watt and to Amendment 1 by Councillor Macinnes.

Voting

The voting was as follows:

For the motion (as adjusted)	-	2 votes
For amendment 1 (as adjusted)	-	7 votes
For amendment 2	-	2 votes

(For the motion (as adjusted): Councillors Watt and Griffiths.

For amendment 1 (as adjusted): Councillors Hyslop, Macinnes, McVey, Mumford, Neil Ross, Staniforth and Younie.

For amendment 2: Councillors Doggart and Whyte.)

Decision

To approve the following adjusted amendment by Councillor Macinnes:

- 1) To note that Angels Events Experience Ltd (AEE) had indicated that the contract CT1043 could not be delivered as awarded and had made clear that it did not intend to deliver the contract as awarded.
 - 1.1) To regret that the tender process had failed to secure an appropriate and successful Christmas that reflected the more than 8,000 consultation responses.
 - 1.2) To regret that the Administration failed to honour the agreement at the Finance and Resources Committee of June 2022 to deliver regular briefings to spokespeople – showing contempt for Councillors, Committee and Council.
- 2) To approve the direct award of a contract under emergency procurement procedures to Unique Assembly for a period of one year with an optional one year extension.

- 3) To agree that any extension would be approved by the Culture and Communities Committee and Finance and Resources Committee in early 2023 following submission of an outcome report on the 2022/23 event.
- 4) In the event that Angel Events withdrew from all involvement for any reason, officers were delegated to work with Unique Assembly to find alternative arrangements with Unique Assembly – prioritising those local stallholders who had already signed up to Angel Events.
- 5) To agree that whatever the makeup this year, these events needed to reflect the outcome of the consultation, and ensure that the stalls (both commercial and 3rd sector) reflected and promoted Edinburgh's local offer and put at the heart of the offer the affordability of events and attractions for local people.
- 6) To agree that the decision in relation to this report did not bar any further actions or motions being agreed in the next 6 months in relation to longer term Christmas planning or consideration of matters relating to scrutiny of what had created this situation.
- 7) To request a report in two cycles in respect of the procurement process for events, highlighting what alternative approaches were available, what was best practice and what changes would be made to the Council procedures in light of this experience.
- 8) To forward the report to Culture and Communities Committee and Governance, Risk and Best Value for noting.

Note: full decision contained in the Confidential Schedule, as signed by the Convener with reference to this minute.

(Reference – report by the Executive Director of Place, submitted.)