

# Culture and Communities Committee

10.00am, Thursday, 8 August 2024

## Edinburgh's Winter Festivals

Executive/routine  
Wards

Routine  
All

### 1. Recommendations

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- 1.1 It is recommended that Culture and Communities Committee note the contract management measures, Terms and Conditions and Key Performance Indicators contained within the contract pack for the delivery of Edinburgh's Winter Festivals.

**Joan Parr**

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THE CITY OF EDINBURGH COUNCIL

## Edinburgh's Winter Festivals

### 2. Executive Summary

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- 2.1 This report provides an update in response to the [action](#) agreed by Committee on 10 August 2023 to provide a report prior to commencement of the Prime Contractor procurement (or within one cycle thereafter), on mechanisms (for) managing persistent and/or serious non-performance against Key Performance Indicators (KPIs), to include development of a remedial plan at the time, supported by termination rights if not duly delivered.

### 3. Background

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#### Edinburgh's Winter Festivals Contract Award

- 3.1 On 10 August 2023, Culture and Communities Committee agreed the [specification](#) for the delivery of Edinburgh's Winter Festivals; the KPIs; and a contract duration of three years with two optional 12-month extensions.
- 3.2 On 30 April 2024, Finance and Resources Committee agreed the [award of a contract](#) for Edinburgh's Winter Festivals to Unique Assembly Limited for a period of three years with two optional 12-month extensions. For 2024/25, Hogmanay will be delivered by Unique Events Limited (this is the final year of the previous contract).
- 3.3 The contract includes a break clause after years two and three should performance be unsatisfactory.

### 4. Main report

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- 4.1 At previous meetings of this Committee, Members have highlighted the need for robust contract management to ensure successful delivery of the Winter Festivals contract.
- 4.2 While the Council has enforcement powers through, for example, Planning and Licensing, these are mechanisms of ultimate resort and unsuitable for minor infringements. It was also recognised that earlier intervention could help identify, de-escalate or resolve any issues before they arose.

## **Contract Management**

- 4.3 On 10 August 2023, Committee highlighted the need for dedicated officer resource to manage this contract. As part of an organisational review in the Cultural Partnerships and Strategy team, the Senior Festivals and Events Officer role has been revised to provide dedicated support for the Winter Festivals. This will provide the necessary co-ordination and oversight for this contract, by working closely with internal stakeholders and the contractor.
- 4.4 The Contract Manager meets monthly with the contractor (weekly from September) with a standing meeting agenda:
- 4.4.1 Progress Update;
  - 4.4.2 Key Issues and Concerns;
  - 4.4.3 Budget/Finance Update;
  - 4.4.4 Permissions;
  - 4.4.5 Stakeholder and Community Engagement;
  - 4.4.6 Community Benefits;
  - 4.4.7 Marketing and PR/Announcements;
  - 4.4.8 Ticket Sales; and
  - 4.4.9 KPIs.
- 4.5 Any issues highlighted during these meetings are escalated to the appropriate service area and the Service Director for Culture and Wellbeing.

## **Operational Oversight**

- 4.6 Following the award of the contract, an operational oversight group with responsibility for supporting effective co-ordination and contract oversight has been formed. The group is chaired by the Service Director for Culture and Wellbeing, with nominated representatives from Council teams (including Cultural Events, Procurement, Parks, Legal, Finance, Events and Public Space Operations, Roads, Planning and Licensing). The contractor is also invited to attend. A first meeting of this group was held in June.
- 4.7 The group meets monthly from April to September, and then fortnightly from October – March. Additional meetings can also be arranged, if required. A standard agenda has been established, including: monitoring of delivery against agreed KPIs, permissions, reporting, contract management, and operational delivery.
- 4.8 A summary of the discussion and actions agreed by the group will be reported to the Festivals and Events All Party Oversight Group (APOG).

## **Default Notices**

- 4.9 With increased oversight and reporting it is hoped that issues can be averted or resolved before the need for formal action. However, in instances where this cannot be avoided, and remedial action is required, a new default notice will be issued by

the Council to the contractor. The notice states the issue to be resolved, the timescales for resolution and provides the contractor with an opportunity to resolve the default without resorting to termination. Should three default notices be issued in a 12-month period then the Council has the right to terminate the contract.

### **Termination**

- 4.10 As reported on 10 August 2023, the Council's standard terms and conditions include details of the circumstances under which a contract may be terminated and there are certain circumstances where the contract may be automatically terminated (e.g. failure to secure all necessary consents or permissions for land use and/or where the contractor delivers services at a level below the minimum stated in the KPIs).
- 4.11 A break clause is included at the end of year two of the contract should the Council consider any scope change to be significant. In addition, there is also an automatic break clause at the end of year three as this is the natural end of the original contract prior to any optional extension.
- 4.12 It should also be noted that the contract includes a standard clause allowing the Council to terminate the contract at any time with six months' notice.

## **5. Next Steps**

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- 5.1 The planning for both events is underway with regular contract management meetings, Event Planning and Operation Groups and updates to the Festivals and Events APOG. A regular update in the Business Bulletin for Committee will also be provided to ensure Members are kept informed of progress.

## **6. Financial impact**

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- 6.1 A budget of £812,456 is in place for Edinburgh's Winter Festivals. The Council has no further financial liabilities for Edinburgh's Winter Festivals beyond some additional public safety measures (e.g. Hostile Vehicle Measures), for which the Council receives a contribution from the event organiser.
- 6.2 The Council will receive a fixed fee rental income from the contractor for the delivery of this contract. In addition, rental income for parks and Cultural Venues is also expected.

## **7. Equality and Poverty Impact**

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- 7.1 Both Unique Assembly Limited and Unique Events Limited are accredited Real Living Wage employers and pay workers (including any agency or sub-contractor staff) the Real Living Wage.

- 7.2 While some barriers to economic accessibility remain, the contractor has put in place a number of initiatives to offer free tickets to communities and charities. A large programme of free community events is also included for both Christmas and Hogmanay. Both events raise significant amounts for charities in the city, especially those tackling homelessness.
- 7.3 In 2023/24, Santa Stories in St Andrew Square provided a number of relaxed performances; sensory kits were available at Edinburgh's Christmas along with accessible changing spaces.

## **8. Climate and Nature Emergency Implications**

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- 8.1 Both events have an environmental impact through use of generators and some green spaces. Impacts are mitigated through use of recycled products; reduction of waste; no single-use plastics; use of existing power supplies wherever possible; minimising use of green spaces; tree protection measures; plant-based menus; and use of local Contractors and workforce. Some diesel generators are used within the sites due to lack of available power sources. New power points have been installed in Princes Street Gardens which will allow a reduction in generator use in future years.
- 8.2 An environmental impact report will be submitted annually by the contractor.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 In 2021 the Council initiated an open public conversation about the future of these events, to listen to residents' views and to ensure that the future of the Winter Festivals achieves the right balance for those living and working in Edinburgh.
- 9.2 The consultation, which has informed the tender documentation, received responses from 8,614 individuals and 35 organisations.
- 9.3 Large events require consultation, advice and support from a large number of partners, including the emergency services. This process is managed through the Council's Event Planning Operations Group (EPOG) and the Festivals and Events APOG to ensure that the events will be managed and delivered safely with minimal disruption.
- 9.4 The events deliver a number of community benefits.

## **10. Background reading/external references**

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- 10.1 Award of Contracts for Winter Festivals – Finance and Resources Committee, [16 June 2022](#)

- 10.2 Edinburgh's Christmas – Emergency Contract Award - Finance and Resources Committee, 10 October 2022 (Private)
- 10.3 Response to Emergency Motion – Edinburgh's Christmas – Governance, Risk and Best Value Committee, [22 November 2022](#)
- 10.4 Procurement of Edinburgh's Christmas – Finance and Resources Committee, [26 January 2023](#)
- 10.5 Edinburgh's Christmas and Edinburgh's Hogmanay – Outcome Report – Culture and Communities Committee, [7 March 2023](#)
- 10.6 Edinburgh's Christmas and Edinburgh's Hogmanay – Outcome Report – Finance and Resources Committee, [10 March 2023](#)
- 10.7 Response to Motion by Councillor McVey – Edinburgh's Christmas – Culture and Communities Committee, [8 June 2023](#)
- 10.8 Edinburgh's Winter Festivals – Update on Procurement – Culture and Communities Committee, [10 August 2023](#)
- 10.9 Edinburgh's Christmas and Edinburgh's Hogmanay – Outcome Report – Culture and Communities Committee, [16 May 2024](#)

## **11. Appendices**

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None