

Report of: Bookings and Licensing Officer

Report to: Chief Officer Parks and Countryside

Date: 27th July 2016

Subject: Request to waive contract procedure rules in respect of the procurement of security services at the Leeds Black Music Festival and Carnival events.

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Chapel Allerton, Gipton and Harehills		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Leeds City Council has hosted the Leeds Black Music Festival and West Indian Carnival over the August Bank Holiday for nearly 50 years. Approximately 10,000 people attend the music event, and around 100,000 come to watch the West Indian Carnival, from a broad range of ethnic backgrounds.
2. Events of this size require rigorous partnership planning between the council, emergency services, and the local community, and security arrangements are an important part of this process.
3. Leeds City Council has worked with Darkside Security for a number of years to provide services for these events, and have found that the company is able to successfully handle these issues with due cultural sensitivity.
4. The Council's Contract Procedure Rules set out the processes for acquiring goods or services via preferred choices or competitive tendering. In exceptional circumstances these rules can be waived, for example; where the area of work sought is of such a specification that there is very limited specialist expertise available.
5. This report requests such a waiver with respect to the procurement of security services for the Leeds Black Music Festival and Carnival held over the August Bank Holiday weekend, in order to ensure that the events are managed safely in the interests of the local and wider community.

Recommendations

6. The Chief Parks and Countryside Officer is recommended to approve the invocation of contracts procedure rules number 8.1 and 8.2 – intermediate value procurements.
7. The Chief Parks and Countryside Officer is recommended to engage Darkside Security for the sum of £22,250 for the Leeds Black Music Festival and £15,300 for the Leeds West Indian Carnival.

1 Purpose of this report

- 1.1 This report seeks approval to waive Contract Procedure Rule no. 8.1 and 8.2 with regard to selecting the most appropriate company to provide security at the Leeds Black Music Festival and Leeds West Indian Carnival.

2 Background information

- 2.1 For nearly 50 years Leeds has hosted these events which are held over the August bank holiday in the Chapeltown and Harehills districts of Leeds.
- 2.2 The music event takes place in Potternewton Park attracting local and international musicians. Approximately 10,000 people attend the free production and it is held on the last Sunday in August from lunchtime until approximately 8pm.
- 2.3 Leeds West Indian Carnival is a free event which allows people from all ethnic backgrounds to join a parade through the streets of Chapeltown and Harehills. Vehicle floats with mounted sound systems support a procession of over 40 dance troops attracting crowds of around 100,000 people from the early morning start on the last Monday in August (bank holiday) until evening.
- 2.4 Rigorous partnership planning is required between council officers, the emergency services and the local community to continue to make these events a success. Due to the large number of people involved security is required at both of these events as follows:
- Security of the event infrastructure;
 - Stewarding, ensuring crowd control and health and safety compliance;
 - Marshalling of the public to and from the different event sites;
 - Implementation of traffic control measures including road blocks;
 - An effective security presence during the event.
- 2.5 For a number of years the council has used Darkside Security to provide security services for the events. A quotation has been received from Darkside Security of £22,250 for the Leeds Black Music event and £15,300 for the Leeds West Indian Carnival.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 Darkside Security has successfully handled security issues during these events for over 20 years and has been integral in the preparation of the security strategy. They have developed significant operational knowledge and local insight into the event, which in turn has resulted in the events running smoothly in previous years. Darkside Security employ operatives who command the respect of the local community, this being an important consideration for the management of these events which attract at times a boisterous and energetic audience. The selection of the appropriate security provider is essential to the successful running of these events in a manner which would maintain community cohesion and harmony, while ensuring that discipline is managed within the crowds.

- 3.2 For the above reasons it is considered that it would be extremely difficult to procure an alternative security provider of the same calibre, expertise and experience which command the respect of the local community. Additionally the council gains assurance by using a supplier successfully utilised in the past with a tried and tested service and expertise in maintaining robust control of events.

Consequences if the proposed action is not approved

- 3.3 If the above action is not approved the event is at significant risk of disruption, civil disorder, or potential cancellation as it would be extremely difficult to procure effective alternative security services that have the trust and confidence of the community.

Advertising

- 3.4 No advertising of this requirement has taken place due to the specialist and unique nature of the requirement.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 A multi-agency approach is taken to the delivery of these events with partners involving West Yorkshire Police, Yorkshire Fire and Rescue, Yorkshire Ambulance Service and council functions such as highways, resilience, in addition to staff in Parks and Countryside. The role that Darkside Security plays is recognised as important to the safe and successful running of the event.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An equality, diversity, cohesion and integration screening has been undertaken and the decision is relevant to how service provision is arranged and impact on fostering good relations. The key finding is that if the decision is not implemented then the event is at significant risk of disruption, civil disorder, or potential cancellation as it would be extremely difficult to procure effective alternative security services that have the trust and confidence of the community. An action is identified to therefore implement the decision to engage Darkside Security.

4.3 Council policies and best council plan

- 4.3.1 The use of Darkside Security to ensure successful and sustainable events supports the council breakthrough projects to 'host world class events' and strong communities benefiting from a strong city'. In terms of the 2016/17 council plan priorities the events support 'economic growth and access to economic opportunities', 'supporting communities, raising aspirations', and 'a resilient, inclusive, cultural and creative sector'. They support the outcomes to 'enjoy greater access to green spaces, leisure and the arts' and 'be safe and feel safe'.

4.4 Resources and value for money

- 4.4.1 Darkside Security is a company which has significant operational knowledge and local insight into the events and provide a suitable and cost-effective solution. Fees have been held for a number of years, only increasing proportionally to the scale of the events.

4.5 Legal Implications, access to information and call In

- 4.5.1 This is a significant operational decision and there are no grounds for keeping the contents of the report confidential under the Access to Information Rules.
- 4.5.2 Awarding the new contract direct to Darkside Security in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, and that it has not been wholly transparent. In terms of transparency it should be noted that case law suggests that the council should always consider whether contracts of this value would be of interest to providers in other Member States and, if it would, subject the matter to a degree of European wide advertising. It is up to the council to decide what degree of advertising would be appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.
- 4.5.3 This has been considered and due to the matters set out at paragraphs 3.3 and 4.2.1 above, and the fact that the services have to be physically provided in Leeds, is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states and the risk of challenge from any other potential providers is considered to be extremely low.
- 4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPRs 8.1 and 8.2, the above comments should be noted. In making their final decision, the Chief Parks and Countryside Officer should be satisfied that the course of action chosen represents best value for the council

4.6 Risk management

- 4.6.1 If the recommendations in this report are not approved the event is at significant risk of disruption, civil disorder, or potential cancellation as it would be extremely difficult to procure effective alternative security services that have the trust and confidence of the community.

5 Conclusions

- 5.1 Events of this size require rigorous partnership planning between the council, emergency services, and the local community, and security arrangements are an important part of this process. Leeds City Council has worked with Darkside Security for a number of years to provide services for these events, and have found that the company is able to successfully handle these issues with due cultural sensitivity. The Council's Contract Procedure Rules set out the processes for acquiring goods or services via preferred choices or competitive tendering. In exceptional circumstances these rules can be waived, for example; where the area of work sought is of such a specification that there is very limited specialist expertise available. A waiver is necessary with respect to the procurement of security services for the Leeds Black Music Festival and Carnival held over the August Bank Holiday weekend, in order to ensure that the events are managed safely in the interests of the local and wider community.

6 Recommendations

- 6.1 The Chief Parks and Countryside Officer is recommended to approve the invocation of contracts procedure rules no 8.1 and 8.2 – Intermediate value procurements.
- 6.2 The Chief Parks and Countryside Officer is recommended to engage Darkside Security for the sum of £22,250 for the Leeds Black Music Festival and £15,300 for the Leeds West Indian Carnival.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.