

Report author:

Tel:

Report of: *Bookings & Licensing Team, Parks and Countryside*

Report to: *Chief Officer, Parks and Countryside*

Date: 11/04/2017

Subject: *Request to waive contract procedure rules in respect of the procurement of power and distribution services at the Leeds Reggae and Carnival events.*

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of ward(s):		
Chapel Allerton and Gipton & 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

Summary of main issues

1. Leeds City Council has hosted the Leeds Reggae and West Indian Carnival events over the August Bank Holiday for over 30 years. Approximately 20,000 people attend the Leeds Reggae event, and in excess of 100,000 come to watch the West Indian Carnival, all from different ethnic backgrounds.
2. Events of this size require rigorous partnership planning between the Council, emergency services, and the local community. Power and distribution services are required and are a part of this planning.
3. Leeds City Council has worked with FTS Event Power Ltd for a number of years to provide power and distribution services for these events, and have found the company to successfully handle all electrical issues and provide a robust strategy. Officers are therefore keen to continue working with FTS Event Power Ltd to ensure the future success of these events.

Recommendations

4. The Chief Parks and Countryside Officer is recommended to approve the invocation of the following Contracts Procedure Rule:

Contracts procedure rules no 8.1 and 8.2 – Intermediate value procurements

5. The Chief Parks and Countryside Officer is recommended to award a contract to FTS Event Power Ltd for the combined sum of £22,730 for the Leeds Reggae & Leeds West Indian Carnival Events. The contract shall run for the 2017 events over August Bank Holiday.

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 power and distribution services at the Leeds Reggae and Carnival events.

2 Background information

- 2.1 For over 30 years Leeds City Council has hosted the Leeds Reggae and West Indian Carnival events which are held over the August Bank Holiday in the Chapeltown and Harehills districts of Leeds.
- 2.2 The Leeds Reggae event takes place in Potternewton Park attracting local and international reggae musicians. Approximately 20,000 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, for three and a half miles, through the streets of Chapeltown and Harehills. Vehicle floats with mounted sound systems support a procession of over 40 dance troops attracting crowds in excess of 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. Due to the vast amount of infrastructure involved we require power and distribution services at both of these events which consists of:
- Power and distribution of 3 x stages, 70 x concessions on site, 13 x carnival floats, all backstage and production areas.
 - Health and safety compliance for these services
 - On site engineers present throughout event to ensure continuity of power feed
 - An effective presence for floats during the carnival route
 - On call for out of hours J'ouvert morning procession
- 2.5 For a number of years the Council has used FTS Event Power Ltd to provide power and distribution services for the events. A combined quotation has been received from FTS Event Power Ltd of £22,730.00 for both events.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 FTS Event Power Ltd has successfully handled power and distribution issues during these events for a number of years and have aided in the preparation of the event safety plan. Therefore we wish to continue using a company which has significant operational knowledge and local insight into the event, which in turn has resulted in previous years running extremely smoothly. FTS Event Power Ltd employ operatives who have earned the respect of the community stall holders, 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 power and distribution provider is essential to the successful running of these events in a manner which would maintain community cohesion and harmony.

3.2 For the above reasons it is considered that it would be extremely difficult to procure an alternative power and distribution provider of the same caliber, expertise and experience which earned the respect of the local stall holders and community. Additionally by using a supplier we have successfully utilised in the past, we can ensure Leeds City Council will receive a tried and tested service, with expertise in delivering power and distribution for large scale 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 through inexperience and lack of local knowledge as we believe it would be extremely difficult to procure effective alternative power and distribution services that have the trust and confidence of ourselves and community partners.

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 For a number of years the Council has used FTS Event Power Ltd to provide power and distribution services for the event. Given the long-term experience the Council has of working with FTS Event Power Ltd on this event and the fact that they have always delivered the services procured, no further consultation is required.

4.2 Equality and diversity / cohesion and integration

4.2.1 FTS Event Power Ltd employs operatives who have earned the respect of the local stall holders and community partners; 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 power and distribution provider is essential to the successful running of these events.

4.2.2 FTS Event Power Ltd have proved their ability to consider, and have due regard to, the needs of diverse groups when delivering their service in the past, in order to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community.

4.3 Council policies and best council plan

4.3.1 The use of FTS Event Power Ltd services complements the Best Council Plan to “spend money wisely”. For the reasons outlined in this report we believe that FTS Event Power Ltd is the organisation of Best Value for the services required. Through the use of FTS Event Power Ltd we are therefore able to work with and support communities at a unique event which in turn promotes the Vision for Leeds to be “Best Council, Best City”

4.4 Resources and value for money

4.4.1 Due to the vast amount of infrastructure and community stalls at these events, LCC requires power and distribution services. FTS Event Power Ltd is a company which has significant operational knowledge and local insight into the events and therefore LCC feels that they are the most suitable and cost-effective choice. FTS Event Power Ltd have held their fees for a number of years, however the overall cost of power and distribution services is higher because year on year the event increases in popularity and so an increase in infrastructure is needed to maintain adequate levels of provisions on site.

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 FTS Event Power Ltd in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, 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 The Chief Parks and Countryside Officer has considered this 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 The standard contractual approach between the Council and FTS Event Power Ltd is for payment to be made after the event and so there is no risk to LCC of paying out monies and not receiving the required services.

5 Conclusions

5.1 After working with FTS Event Power Ltd for several event series it is apparent that they provide a suitable and reliable power and distribution service in keeping with LCC event requirements for the Leeds Reggae and Carnival Events.

5.2 It is therefore suitable for the CPR no. 8.1 and 8.2 to be waived in this case.

6 Recommendations

- 6.1 The Chief Parks and Countryside Officer is recommended to approve the invocation of the following Contracts Procedure Rule:

Contracts procedure rules no 8.1 and 8.2 – Intermediate value procurements

- 6.2 The Chief Parks and Countryside Officer is recommended to award a contract to FTS Event Power Ltd for the combined sum of £22,730 for both the Leeds Reggae Event and Leeds West Indian Carnival. The contract shall run for the 2017 events over August Bank Holiday.

7 Background documents¹

- 7.1 This document was completed with the aid of LCC waiver report guidelines specified by PPPU.

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.