

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

**Report to:** *Chief Officer, Parks and Countryside*

**Date:** 03/08/2017

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

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Chapel Allerton and Gipton &amp; Harehills</b>		
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 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 this year with it being the 50<sup>th</sup> Anniversary crowds in excess of 200,000 are anticipated 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. Security services are required and are a part of this planning.
3. Leeds City Council has worked with Darkside Security for a number of years to provide security services for these events, and have found the company to successfully handle security issues and provide a security strategy. Officers are therefore keen to continue working with Darkside Security to ensure the future success of these events.

## **Recommendations**

4. The Chief Parks and Countryside Officer is recommended to approve the waiver of contract procedure rules 8.1 and 8.2.
5. The Chief Parks and Countryside Officer is recommended to award a contract to Darkside Security for the sum of £24,450 for the Leeds Reggae Event and £36,700 for the Leeds West Indian Carnival. 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 security 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 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. This year with it being the 50<sup>th</sup> Anniversary there will be 21 vehicle floats with mounted sound systems supporting a procession of over 80 dance troops expecting to attract crowds in excess of 200,000 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 large number of people involved we require security at both of these events which consists of:
- Round the clock security of the event infrastructure;
  - Stewarding, ensuring crowd control and health and safety compliance;
  - Marshalling of the public to and from the different events sites, and 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 £24,450.00 for the Leeds Reggae Event and £36,700.00 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 have aided in the preparation of the security strategy. 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. 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 caliber, expertise and experience which command the respect of the local 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 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, civic disorder, or potential cancellation as we believe 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 has taken place due to the specialist and unique nature of this requirement.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 For a number of years the Council has used Darkside Security to provide security services for the event. Given the long-term experience the Council has of working with Darkside Security 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 Darkside Security employs 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
- 4.2.2 Darkside security 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 Darkside Security services complements the Best Council Plan to “spend money wisely”. For the reasons outlined in this report we believe that Darkside Security is the organisation of Best Value for the services required. Through the use of Darkside Security 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 large number of people who attend these events, LCC requires security services. Darkside Security 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. Darkside have held their fees for a number of years, however the overall cost of security is higher because the event increases in popularity and more people attend year on year which leads to the need of an increase in the cover of security to maintain an adequate level of security 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 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, 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 Darkside Security is for payment in advance. There is therefore the risk that the Council may pay out monies for services that are not provided. However, given the long-term experience the Council has of working with Darkside on this event and the fact that they have always delivered the services procured, this is considered to be a low risk.

#### **5 Conclusions**

- 5.1 After working with Darkside Security for several event series it is apparent that they provide a suitable and reliable security 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 waiver of contract procedure rules 8.1 and 8.2.
- 6.2 The Chief Parks and Countryside Officer is recommended to award a contract to Darkside Security for the sum of £24,450 for the Leeds Reggae Event and £36,700 for the Leeds West Indian Carnival. The contract shall run for the 2017 events over August Bank Holiday.

#### **7 Background documents<sup>1</sup>**

- 7.1 None.

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<sup>1</sup> 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.