

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-0526 - Celebrate Aberdeen
Date: 24 April 2017 14:54:47
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Thank you for your information request of 30 March 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

1. Please provide the name of the contractor(s) who provided musical amplification, stage, sound, lighting, performance services for the Celebrate Aberdeen music events for each of 2013, 2014, 2015, 2016.

2013 – No musical amplification, stage, sound, lighting

2014 – D Events

2015 – D Events

2016 – D Events

2. Please for the same years advise how much was paid to each.

ACC is unable to provide you with information on **how much was paid to each** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests - of the FOISA.

In making this decision ACC considered the following points:

Do commercial interests exist in relation to the information?

Yes, commercial interests exist in the information. The information requested is costs in the context of commercial trading activity. Release of this information will identify details regarding the pricing structure of the contractor. Disclosure of this information is likely to weaken the contractor's business position in a limited, competitive environment by revealing sensitive information which competitors may find useful. It is important that ACC maintains good working relationships with reputable companies in order to obtain value for money and so releasing commercially sensitive information could potentially damage ACC's reputation with such third parties, dissuading the third parties from engaging with ACC.

Whose commercial interests will be damaged by the release of the information?

The pricing information engages the commercial interests of both the Council and our supplier.

What is the nature of those interests?

All information released under the Freedom of Information Act is considered information released into the public domain regardless of the intended recipient. Releasing these details would harm the contractor as commercially sensitive details will be shared with another commercial company and/or a potential market competitor. In turn, this information could be used by other bidders to inform future work and contracts and potentially compromise the Council's ability to deliver best value. The information will also be highly useful to competitors in looking to target other customers using this pricing information to help them undercut pricing with them too.

Please describe how disclosure of the requested information would cause the level of harm required for this exemption? In what way will this harm occur?

If the information is disclosed, the ability of the Council to drive out value for money in future tender exercises will be substantially prejudiced (because potential tenderers will price to beat the incumbent's pricing and not necessarily with their lowest bid). Additionally, our suppliers' commercial interests will be damaged as competitors will know their current pricing, so there will not be a level playing field on any re-tender. Additionally, if our suppliers' pricing with the Council is disclosed, their other customers may learn of it (as the information will enter the public domain) and they will not be able to maintain their prices with them if they know the prices agreed with the Council

How likely is it that this harm will happen?

Very likely. The Council's ability to conduct a re-tender which offers the optimal outcome in terms of competitive outcome will be irrevocably impaired and our suppliers' ability to compete on a level playing field will also be severely hampered because details of pricing will be in the public domain and known by competitors.

ACC recognises that there is a public interest in being open and transparent about its spending of public money. However, ACC is of the view that in this case, the public interest lies in withholding the information as disclosure would prejudice ACC's commercial relationships and future contractual negotiations with third parties.

There is a strong public interest in allowing normal market forces to operate in a competitive environment and engage in a fair and transparent process. On this basis, ACC is of the view that in all the circumstances of the case, the public interest is best met by applying Section 33(1)(b) – Commercial Interests – of the FOISA.

3. Please provide for the same years the financial balance sheets showing money paid to run the event, to what organisations were payments made, total cost of each year's event.

The total financial contribution by Aberdeen City Council to Celebrate Aberdeen is as follows:

- 2013 - No funding
- 2014 - £19,546.00
- 2015 - £19,830.05
- 2016 - £39,588.35

Breakdown of Organisations

2013	2014	2015	2016
None	D Events	D Events	D Events
	Aberdeen City Council	Aberdeen City Council	Aberdeen City Council
	British Red Cross	British Red Cross	British Red Cross
	Securigroup	Specialized Security	A – Line Audio Visual
	Nixon Hire	Heilan Loos	Showsec International
	John Brown Cater Hire	John Brown Cater Hire	Heilan Loos
			Nixon Hire
			John Brown Cater

			Hire
			Uppercrust
			NET
			46 Degrees

4. Please for the same years advise what bands were hired, whether they paid a fee or whether they performed for free.

No bands were hired by Aberdeen City Council during this period.

5. Was a tendering process used for choosing the contractor(s) who provided the services in paragraph one above, and if so please advise how many tenders were received for each of the years and what the bids were.

Tendering for the items listed in question one was through a Public Contracts Scotland Quick Quote process and the number of respondents was as follows:

2013 – Not Applicable

2014 - 3

2015 - 1

2016 - 2

If no bidding process was used, please supply correspondence in which the need to forgo tendering exercise was recorded and agreed.

Not applicable.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

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*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
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www.aberdeencity.gov.uk

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: REV-17-0526 - Celebrate Aberdeen
Date: 26 April 2017 09:06:14

Dear [REDACTED],

Thank you for your request for a review, received on 24 April 2017, to reconsider the information request [FOI-17-0526 – Celebrate Aberdeen](#) on the basis that information was refused under Section 33(1)(b) – Commercial Interests.

If required, a Review Panel will be convened by Aberdeen City Council (ACC) to give a fair and impartial decision. The Review Panel will consist of individuals who have not handled the original request and will consider the matter afresh.

We wish to advise you that 'D Events' is the name of the company as per our records. I have contacted one of our Events officers and they have advised me that the full name of the company is D Events Equipment Ltd. I apologise that this was not clear enough for you. Their address is:

Kairdson Business Centre
Hospital Road
Ellon
Aberdeenshire
AB41 9AW

Though I am further advised that for the last 12 months they have been based at:

Unit 3
Mains of Tertowie
Aberdeen
AB21 0TS

The outcome of the Review will be relayed to you on or before 23 May 2017.

Please do not hesitate to get in touch if you have any queries relating to the review.

Yours sincerely

Grant Webster
On behalf of Review Panel Clerk

FURTHER INFORMATION

If you are not satisfied with the outcome of your request for an internal review, you can apply directly to the Office of the Scottish Information Commissioner (OSIC) for a decision. Generally, OSIC cannot make a decision unless you have been through the ACC's review procedure. To make an application to OSIC, please write or email OSIC at:

The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
www.itspublicknowledge.info

An application to OSIC must be made in writing within six months of receipt of ACC's Review Decision Notice. When applying to OSIC for a decision you should give your name and address for correspondence. Please note that OSIC will not be able to investigate if you have not used your real name to make your information request. You must also specify:

- which request for information your requirement for review relates to
- the reason that you asked ACC to carry out a review of your request
- the reason why you are not satisfied with ACC's review outcome decision

The Commissioner will contact ACC and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of the decision has been issued.

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From: [Foi Enquiries](#)
To: [REDACTED]
Subject: REV-17-0526 - Celebrate Aberdeen
Date: 26 April 2017 15:50:36

Dear [REDACTED]

With regard to your review request which we received on 24 April 2017, officers in our Events team have been in contact with D Events Equipment Ltd in relation to their concerns about the information being released.

The Events team have advised me that they would be happy to release information in relation to 2014 and 2015. I have provided that information below. However, they remain concerned about releasing information regarding 2016 for the reasons previously provided to you.

2014 - £11,575.41

2015 - £11,413.34

Please let us know if you would like us to review our response in relation to 2016 only? Please note we will keep your request for review on file for 20 working days whilst we await your response.

Yours sincerely,

Grant Webster
Information Compliance Officer

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