

FOI Reference Number 56041 - RESPONSE

Following a review of communications issued by the City of Edinburgh Council (CEC) and its appointed representatives regarding Contract CT2978, specifically in relation to Temporary Traffic Regulation Order (TTRO) Parking Compensation Charges and Clause 37 enforcement, request for the following:

TTRO Parking Compensation Charges

Please confirm whether the Council has issued any invoices to Unique Assembly Ltd for Temporary Traffic Regulation Order (TTRO) parking compensation charges due under Contract CT2978. If so, please provide the total value invoiced and the dates of any such invoices.

[This information is not held. The premise of the request is mistaken: no such charges were due under the contract.](#)

Please provide copies of all internal correspondence, including emails, memos, meeting minutes, briefings, or notes, between Council officers, legal teams, and/or elected members relating to the enforceability, application, suspension, or waiver of Temporary Traffic Regulation Order (TTRO) parking compensation charges under Contract CT2978. This request covers the period from 1 October 2023 to the present date. Please ensure each item is clearly referenced for ease of review.

[The premise of the request is mistaken: no such charges were due under the contract.](#)

[Legal advice was provided when the possibility of such charges being due under the contract was raised in a complaint from a competitor of the contractor, and there has been consideration of such advice for the purposes of threatened litigation relating to this issue.](#)

[Accordingly, the Council relies on the exemption set out in s36\(1\) of FOISA on the basis that all information covered by this request is subject to legal privilege.](#)

Please provide the following information in relation to the Council's decision not to enforce Temporary Traffic Regulation Order (TTRO) parking compensation charges in Year 1 of Contract CT2978:

- The date(s) of any meeting(s) at which Council officers discussed the enforceability, application, or potential waiver of TTRO parking charges with elected members specific to this contract;
- A copy of any minutes, briefing papers, emails, or formal written record of those discussions;
- A copy of any record of discussions where the council's application of TTRO parking compensation charges may conflict with the tender process or terms of contract for CT2978.
- A copy of any instruction, approval, or authorisation issued by elected members that permitted officers to waive, suspend, or not apply TTRO parking compensation charges in Year 1 of the contract CT2978;
- If no such meeting, record, or authorisation exists, please confirm the delegated authority under which officers made this decision, and provide any supporting documentation, internal communications, or legal advice that records or justifies the decision not to apply

the charges.

This information is not held. The premise of the request is mistaken: no such charges were due under the contract.

Please provide a copy of any legal advice or interpretation sought or received by the Council regarding the enforceability or discretion surrounding TTRO parking compensation charges under CT2978.

The premise of the request is mistaken: no such charges were due under the contract.

Legal advice was nevertheless provided when the possibility of such charges being due under the contract was raised by a tenderer. The Council relies on the exemption set out in s36(1) of FOISA on the basis that all information covered by this request is subject to legal privilege.

Please provide the total value of parking compensation that the Council projected to receive under CT2978 for the 2024/25 Winter Festival delivery.

This information is not held.

Please provide a list of all events in Edinburgh between October 2024 and February 2026 where TTRO parking compensation charges were / or will be applied to organisers. For each, include:

- Event name;
- Organiser name;
- Estimated TTRO charge amount applied;
- Whether charges were waived, reduced or enforced

The release of information in this regard would, or would be likely to, prejudice substantially the commercial interests of the entities making payments in this regard.

Clause 37 – Non-Enforcement of Payment Breach

The Council has previously confirmed that no breach notice was issued and that the contractual remedies under Clause 37 were not applied. Can the Council confirm the rationale for this decision and identify who authorised the departure from the agreed contract terms?

The premise of the request is mistaken: there was no departure from the agreed terms of the contract. The information is not held

Please provide copies of all internal communications, reports, minutes, emails, legal advice, or correspondence relating to the application (or non-application) of Clause 37 of Contract CT2978 between Council officers, legal advisors (internal and external), and elected members discussing potential enforcement under Clause 37 of Contract CT2978 between 1 January 2025 and 30th June 2025.

In relation to legal advice and all exchanges relating to such advice, the Council relies on the exemption set out in s36(1) of FOISA on the basis that all such information is subject to legal advice privilege.

Please confirm whether elected members (Culture and Communities Committee, the F&R Committee, the GRBV committee or any other committee) were notified or consulted in respect of Unique Assembly's late or missed payments by the contracted date of 31st January 2025.

Members of the Culture and Communities Committee and GRBV Committee were provided with a legal briefing relating to payments.

In relation to legal advice and all exchanges relating to such advice, the Council relies on the exemption set out in s36(1) of FOISA on the basis that all such information is subject to legal advice privilege.

Please provide the following information relating to the City of Edinburgh Council's decision not to enforce the payment deadline under Clause 37 of Contract CT2978:

- The date(s) of any meeting(s) at which this matter was discussed between Council officers and elected members;
- A copy of any minutes, briefing papers, emails, or formal written record of those discussions;
- A copy of any instruction, decision, or authorisation issued by elected members permitting officers to waive, relax, defer, or otherwise not act on the payment default under Clause 37;
- If no such meetings, records, or instructions exist, please confirm the delegated authority under which officers made the decision not to enforce the contract, and provide any supporting documents, legal advice, or internal communications that record or justify this decision.

The premise of the request is mistaken: the Council has not taken any decision not to enforce the contract. The information is not held.

Governance and Oversight

Was any variation to the financial terms of Contract CT2978 presented to, or approved by elected members? If yes, provide committee minutes or briefing notes. If no, confirm whether officers acted under delegated authority, bearing in mind the limits that are applied to extent to which authority is delegated.

The premise of the request is mistaken: the Council has not taken any decision not to enforce the contract. The information is not held.

Please provide the Council's internal policy or guidance (if any) on when officers may waive, suspend, or fail to enforce financial terms within a live public contract.

The Council's Scheme of Delegation to Officers and the Contract Standing Orders are publicly available online at:

Scheme of Delegation:

<https://democracy.edinburgh.gov.uk/documents/s81224/SchemeofDelegationSeptember2024finalV2.pdf>

Contract Standing Orders:

<https://democracy.edinburgh.gov.uk/documents/s82606/09RevisedContractStandingOrders2025finalapproved.pdf>

Please confirm whether any officer raised concerns internally about the legality or transparency of the Council's actions in relation to either:

- The non-application of TTRO charges; or

This information is not held

- The failure to act under Clause 37.

The premise of the request is mistaken: the Council has not failed to act under the contract. The information is not held.

Please confirm whether any internal audit or legal review has been carried out regarding the management of Contract CT2978. If so, please provide the findings.

The management of the contract has been reviewed in the context of legal advice. In relation to legal advice and any discussions relating to such advice, the Council relies on the exemption set out in s36(1) of FOISA relating to legal privilege.

Please provide the date and summary title of any legal advice received by the Council from internal or external solicitors regarding the risk of non-enforcement of contract terms or unequal treatment of bidders under Contract CT2978.

Legal advice was provided in relation to this matter in response to concerns raised by a competitor of the contractor. In relation to the content of legal advice, which includes the title given to such advice, the Council relies on the exemption set out in s36(1) of FOISA relating to legal privilege.

Please provide a copy of the instructions to Brodies LLP relating to GC Live Ltd or the CT2978 procurement challenge

Instructions to legal advisors (internal or external) are subject to legal privilege.- Accordingly, the Council relies on the exemption set out in s36(1) of FOISA relating to legal privilege.

Please provide any declarations of interest made by officers or senior officers (including the Monitoring Officer) in connection with the appointment of Brodies LLP or decisions relating to enforcement under Contract CT2978.

The information is not held.