

# **Edinburgh's Christmas – company which lost tender may withdraw legal action**

**An events company threatening legal action against The City of Edinburgh Council over its handling of the contract for this year's Christmas festival has said it will drop its court challenge if the process is re-run "properly" next year.**

GC Live, one of two companies which lodged tenders to run Edinburgh's Christmas from this winter onwards, accused the council of showing "bias" toward Unique Assembly, which won the bid, but said it did not wish to "damage the prospect of Christmas being delivered in Edinburgh this year".

The Bathgate-based firm's boss, Geoff Crow, told members of the scrutiny committee on Tuesday, 7 May that he had concerns about "irregularities, the probity, transparency and fairness of the process leading to the appointment of the preferred bidder".

After it emerged Unique Assembly were being backed to deliver the festive events and attractions for up to five more years – having already been in charge since stepping in as emergency contractors in 2022 – rival bidders GC Live wrote to councillors last month claiming officials did not follow their

own procurement rules – and was preparing to launch a legal action in the Court of Session.

Addressing councillors on Tuesday, Mr Crow proposed that GC Live would “drop the current legal challenge” on the basis the new contract length was reduced from a minimum of three years to one “and the process is re-run properly” for 2025.

He said: “What we do not want to do is damage the prospect of Christmas being delivered in Edinburgh this year.”

GC Live allege the council “have a bias” towards Unique Assembly and says this can be demonstrated by comparing “publicly available information” relating to itself and consortium Unique Assembly.

“Stage one assessments are designed within tender processes to prevent a bidder who would not pass the basic financial criteria to progress to later stages of the process to save them wasting considerable time and money in creating a detailed submission,” Mr Crow said. “We’re querying how it is actually possible for the preferred bidder to have managed to pass stage one of the process at the time of the stage one assessment.”

Mr Crow claimed that while his company’s credit rating at the time of the stage one assessment was in the category of ‘low risk’, the rating of the preferred bidder would have been ‘maximum risk’.

He added: “I believe one bidder was excluded from the process at that stage for not meeting set criteria. However we believe the preferred bidder also did not pass criteria but seemingly was allowed to continue.”

In a longer written deputation to councillors (copied below), GC Live questioned if criteria were “loosened” after the tender process was launched “which has appeared to favour the incumbent”.

Convener Cllr Kate Campbell said due to being in the middle of a “standstill period” between the tender’s approval last week and the award decision notice being issued that the committee had to be “mindful of the questions we ask”.

Members did not put questions to Mr Crow and agreed to refer the report to a later date “so we can have a much more in-depth discussion,” Cllr Campbell said.

The council has been contacted for comment.

Speaking to the Local Democracy Reporting Service afterwards, Mr Crow said he was frustrated at being “shut down within a matter of minutes” at the committee.

He said: “This is the committee put in place by the council to ensure probity and transparency. I can’t understand under what process council officers were able to shut down that discussion today.

“Surely this in the public interest that these concerns are raised and answered before contract is awarded?


“Essentially the council officers placed a gagging order on the councillors at that moment.”


He added: “We’ve had a session with legal counsel after this morning and we have another one tomorrow to firm up our position.”


A council spokesperson said councillors could have put questions to Mr Crow if they had voted to do so, adding that his written deputation was circulated to members beforehand covering the concerns raised.



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