



- 1a. All information about or relating to the contractual arrangements between Wigan Metropolitan Borough Council and Reed Talent Solutions Limited ("Consultancy+"), including a copy of each and all contract documents and all correspondence relating thereto, whether pursuant to The Public Procurement Regulations 2015.

The Council confirms that it holds this information which was a contract from Framework. However the Council is refusing to disclose this information as it believes the information is exempt under s43 of the Freedom of information Act 2000. This provides that information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the authority, holding the information. The contract discloses terms of engagement, contractual provisions and payment arrangements all of which are considered to be commercially sensitive.

The council has considered the public interest test and balanced the need for transparency and openness against and with the need to maintain commercial contracts, negotiation and appropriate terms. On balance the authority believes that to disclose the contractual terms of third parties and the Council would affect its ability to negotiate and enter into contracts with appropriate terms that ultimately affects the tax paying public.

- 1b. All notes, emails and all other documentation, including notes and minutes of meetings and attendance notes relating to the above, and including emails exchanged between Wigan Borough Council and/or any Councillor or member of staff of the Council relating to the above.

The Council relies on the exemption and reason cited in 1A above to withhold the information.

- 1c. A copy of the framework agreement between the Council and the said Consultancy+ relating to the appointment of AI and AI (Multiverse Pictures Limited) as creative directors of the Haigh Hall Project.

The Council confirms that it holds this information. However the Council is refusing to disclose this information as it believes the information is exempt under s43 of the Freedom of information Act 2000. This provides that information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the authority, holding the information. The contract discloses terms of engagement, contractual provisions and payment arrangements all of which are considered to be commercially sensitive.

The council has considered the public interest test and balanced the need for transparency and openness against and with the need to maintain commercial contracts, negotiation and appropriate terms. On balance the authority believes that to disclose the contractual terms of third parties and the Council would affect its ability to negotiate and enter into contracts with appropriate terms that ultimately affects the tax paying public.

- 1d. A schedule of the dates upon which any contract mentioned above was signed and of the signatories thereof.

The contract was signed by all parties following a delay whilst Al and Al sought legal advice on 21<sup>st</sup> February 2024. Please note that this does not affect the start date of the contract nor its terms and conditions

- 1e. Details of the delegated authority of the signatories of the said agreement regarding the entering into any contract with Consultancy+ and, in particular, the framework agreement dated the 1st of October 2023 between Consultancy+ and Multiverse Pictures Limited (Co Number 08065070).

The Council's constitution provides that a Chief officer has the delegated authority, contained within the Council's Constitution; provides that decisions relating to the business of the Council relevant to the officer's area of responsibility and all operational decisions to ensure the smooth running of the Council's business incurring expenditure up to £500k

- 1f. Information on the negotiation of the terms of the said contract including all correspondence of whatever form between the Council and any officer or Councillor of the said Council. (g) Copies of all legal advice received by the Council and/or Reed Consultancy received in respect of the above contract.

Information relating to the negotiation of the terms is withheld for the reasons given in 1B. It is noted that the information is the same material. Legal advice provided to the council is exempt from disclosure under s42 Of FOIA 2000. As it is legally privileged information. The Council has considered the public interest test and balanced the need for transparency and openness against and with the need to receive independent legal advice. On balance the authority believes that to disclose advice received on the negotiation of the contractual

- 2a. Please provide any and all contracts entered into between Al and Al and the Council between January 2021 and October 2024 relating to Haigh Hall and their role as Creative Directors of the project. If any such contracts were signed, a signed copy should be provided. Please include sub-contracts under which Al and Al were engaged as Creative Directors or in any similar or comparable role.

The Council views disclosure of any contracts between al and Al and the Council as exempt information for the same reasons as 1A, 1B and 1C.

- 2b. Insofar as any agreement(s) between the Council and Al and Al relating to their joint role as Creative Directors were not reduced into writing, please provide all documents, notes, minutes of meetings, attendance notes, emails and texts in which the contractual arrangements between the Council and Al and Al were mentioned, alluded to or discussed

The agreement referred to in 1A was the sole agreement. Meetings with A and A were held when the contract was discussed on 1<sup>st</sup> October but no minutes exist.

- 2c. Please provide the minutes and records of any meeting of the Cabinet of Wigan Council or any committee sub-committee or other group of the Council, whether formal or informal, at which the above arrangements were discussed.

The Council confirms that no such meetings of Cabinet or any Committee took place.

- 2d. Please provide details of all legal advice received by the Council and/or any officer thereof and/or any Councillor relating to the above, whether the same was provided in writing or otherwise, and any and all attendance notes made in the course of such advice being given.

Legal advice provided to the council is exempt from disclosure under s42 Of FOIA 2000. As it is legally privileged information. The Council has considered the public interest test and balanced the need for transparency and openness against and with the need to receive independent legal advice. On balance the authority believes that to disclose advice received on the negotiation of the contractual terms will prejudice its affairs and should not be disclosed

- 3a. Please provide all information in whatever form, including but not limited to documents, emails, and texts to be held by and/or created by any officer and/or Councillor in the course of their official duties concerning the decision not to renew the contract dated the 1st of October 2023.

No such information exists

- 3b. Please provide all information, including but not limited to documents, emails, texts, attendance notes, minutes and/or recordings of any meeting or conversation involving any officer and/or any Councillor of the Council regarding the Consultancy+ agreement dated the 1st of October 2023 and of the decision not to renew that contract on its termination.

No such information exists

- 3c. Please provide all details of the person who took the decision not to renew the said contract and all documentation regarding the said decision.

The decision not to renew the contract was made by James Winterbottom, Director for Strategy and innovation. The decision was made under the Officer's powers under the Council's scheme of Delegation

- 3d. Please provide all information regarding the decision of the Council to propose the said Consultancy+ agreement and who made that decision or directed the said decision to be made.

The Council made the decision to procure the contract from contract Framework in accordance with the Contract Procedure Rules of the Council and Procurement legislation. The information relating to this is being withheld on the same basis as 1A ie that it is commercially sensitive

- 3e. Please provide information on the delegated authority of the person or persons who made that decision.

See attached and response to 1E and 3C

3f. Please give full information on when the decision was made not to renew the contract between Multiverse Pictures Limited and the Council.

The decision was made in week commencing 23<sup>rd</sup> September following a series of meetings and exchanges with AI and AL . minutes of the meetings do not exist and information contained within any written exchange is withheld on s43 (please above).

3g. Please give full information on any and every person, whether an officer of the Council or a Councillor thereof who directed any other officer of the Council to decline to renew the Contract dated the 1st of October 2023 and the dates of any such direction or order.

Please see answer to question 3C. No direction was given by any officer or elected member

4a. Please provide all information on the contractual procedures that were followed in respect of the Framework Agreement between Consultancy+ and Multiverse Pictures Limited and in the preceding (prior to February 2024) contractual arrangements and the regulations that were followed such as the Public Procurement Regulations 2015.

4b. Please provide information as to any tender process or any framework agreement and the management thereof relating to the Haigh Hall Project whether pursuant of Regulation 33 of the PPR 2015 or otherwise.

4c. Please provide details of all procedures that were followed for the procurement of AI and AI as Creative Directors of Haigh Hall.

4a, 4b and 4c - this has been answered above

5a. Please provide information on all and any legal advice and/or opinion provided to the Council and/or to any officer and/or Councillor thereof in respect of any or all of the matters set out above in Requests 1 to 4 above and any related matter.

The Council is withholding all legal advice as per response to 2D

## Record of Individual Executive Decision made by an Officer

Decision Maker	Decision Type	Date
Director - Strategy and Innovation	Individual Officer Decision	5 <sup>th</sup> March 2024

### Appointment of Multiverse Pictures Ltd

**Decision(s):**

That the Director of Strategy and Innovation authorises:

- (1) the award of the contract for the appointment of a creative consultant for Haigh Hall to the contractor outlined in the report; and
- (2) the Assistant Director – Legal, Governance & Elections to enter into any legal agreement necessary to facilitate (1) above.

**Reasons for decision(s):**

To ensure continuity and pace of the Levelling up Funding and National Lottery Heritage Funding programmes alongside the transformation programme. This item is not included in the Capital Programme.

**Alternative options considered:**

There is no alternative, any changes to this course of action would have an immediate detrimental affect on the capability of the delivery of the LUF and Lottery funded programmes.

**Exempt/Confidential report:** Yes

**Key Decision:** No

**Decision made pursuant to:**

General Delegation 4 of the Council's Scheme of Delegation

**Signed (Officer):**



**Date:** 5<sup>th</sup> March 2024