From: [REDACTED]

Strategic Commercial Assets Division
4 October 2023

Cabinet Secretary for Wellbeing Economy, Fair Work and Energy

FERGUSON MARINE: CAPITAL INVESTMENT

Priority and Purpose

 Routine. This submission updates Ministers on the assessment of the capital investment request from Ferguson Marine (Port Glasgow) (FMPG) and describes the next steps in establishing a sustainable future for the yard.

Recommendation

2. The Cabinet Secretary is invited to note the conclusions of the report from Teneo about capital investment in FMPG and agree the proposed next steps.

Context and Issues

- In July 2022, Scottish Government commissioned a productivity study from First Marine International (FMI) to advise on the actions required to improve the competitiveness of FMPG.
- Based on a combination of the FMI report and its own analysis, FMPG bid for an injection of £25m capital [REDACTED]
 his request is central to FMPG's 5-year business plan and is fully endorsed by its Board.
- 5. The CapEx bid has been assessed with support from commercial advisers Teneo in terms of Value for Money and whether it would meet the Commercial Market Operator (CMO) test. This test assesses whether the proposed financial assistance is on similar terms to that which a commercial operator would provide and would therefore not be considered to be a subsidy that would breach subsidy control rules.

[REDACTED]

 On 18 August 2023, Teneo provided a revised report which included an evaluation of the updated business case. The report concludes that [REDACTE D]

[REDACTED]		
9. This advice means that the CMO test is used investment as proposed currently [REDAC	unlikely to be met for the £25m TED]	CapEx
10[REDACTED]		
Next steps		
11. [REDACTED]		
		EDAC ED]
		-
12.[REDACTED]		
	[REDACTED]	
[REDACTED]		
•		
	[REDACTED]	
Bute House Agreement Implications		
14. There are no Bute House Agreement imp	olications.	

Verity House Agreement Implications

15. There are no Verity House Agreement implications.

Financial and Legal Considerations

16 [REDACTED]

Sensitivities

- 17. FMPG continues to attract significant media and political interest and a handling strategy will be developed with input from FMPG and Scottish Government communications.
- 18. On 28 August 2023, we received a letter urging that the CapEx that FMPG have requested be provided. The letter had been organised by the GMB union and was signed by Neil Bibby MSP, Cllr Stephen McCabe (Inverclyde Council Leader), Stuart McMillan MSP and Graeme Simpson MSP.

19 [REDACTED]

Quality Assurance

20. This submission has been approved by the Director for Economic Development.

Conclusions and next Steps

21. Providing the £25m investment is highly challenging [REDACTED]

[REDACTED]

- 22. Subject to Ministerial agreement, the proposed next steps are:
- [REDACTED]
- Share the findings of the report about the current CapEx bid with FMPG in early course, and engage with the Chair, CEO and Board on future options[REDAC TED]
- Develop an appropriate media handling strategy.

[REDACTED]

Directorate of Economic Development – Strategic Commercial Assets Division REDACTED

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Cabinet Secretary for Wellbeing Economy, Fair Work and Energy First Minister Lord Advocate Solicitor General	X			X X X

Officials Copy List

Permanent Secretary
DG Economy
Director of Economic Development
Chief Financial Officer
[REDACTED]

| Kenny Hannaway [REDACTED]

Solicitor to the Scottish Government Legal Secretariat to the Lord Advocate Hilary Pearce REDACTED

[REDACTED]

Comms Wellbeing Economy, Fair Work, and Energy Callum McCaig Colin McAllister

ANNEX A

Key Findings from the Teneo draft report

[REDACTED]

ANNEX B [REDACTED]

¹ Section 2 ² UK Government has produced statutory guidance on the new subsidy control regime: <u>UK subsidy control statutory guidance - GOV.UK (www.gov.uk)</u>

[REDACTED]

[REDACTED]

[

From: [REDAC

To: Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

Subject: RE: ROUTINE - Ferguson Marine CapEx request update - for approval and information

Date: 04 October 2023 15:53:00

Hello,

Yes [REDACTED]

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 07917[REDAC

From: [REDACTED] @gov.scot> On Behalf Of Cabinet Secretary for Wellbeing Economy,

Fair Work & Energy

Sent: Wednesday, October 4, 2023 3:19 PM
To:[REDACTED] @gov.scot>

Subject: RE: ROUTINE - Ferguson Marine CapEx request update - for approval and information

H [REDAC

Could I have the password please

From: [REDACTED] @gov.scot>

Sent: Wednesday, October 4, 2023 3:03 PM **To:** Cabinet Secretary for Wellbeing Economy, Fair Wellbe

To: Cabinet Secretary for Wellbeing Economy, Fair Work & Energy < CabSecWEFWE@gov.scot > Cc: First Minister < FirstMinister@gov.scot >; Lord Advocate < LordAdvocate@gov.scot >; Solicitor

General < SolicitorGeneral@gov.scot >; Permanent Secretary < PermanentSecretary@gov.scot >; DG Economy < DGEconomy@gov.scot >; Director of Economic Development

<u>DirectorDED@gov.scot</u>>; Chief Financial Officer <<u>cfo@gov.scot</u>>; [REDACTED]

@gov.scot>; [REDACTED]
@gov.scot>; [REDACTED]
@gov.scot>; [REDACTED]

@gov.scot>; [REDACTED] @gov.scot>; [REDACTED

@gov.scot>; [REDACTED] @gov.scot>; Kenneth Hannaway < Kenneth.Hannaway@gov.scot>; [REDACTED] @gov.scot>: [REDACTE

@gov.scot>; [REDACTED] @gov.scot>; Solicitor to the Scottish

Government < solicitor@gov.scot >; Legal Secretariat to the Lord Advocate

<<u>DLPCEALSLA@gov.scot</u>>; Hilary Pearce <<u>Hilary.Pearce@gov.scot</u>>; [REDACTED]

@gov.scot>; [REDACTED]
@gov.scot>; [REDACTED]
@gov.scot>; Confimunications

Wellbeing Economy, Fair Work and Energy

<CommunicationsWellbeingEconomyFairWorkAndenergy@gov.scot>; Callum McCaig <<u>Callum.Mccaig@gov.scot</u>>; Colin McAllister <<u>Colin.McAllister@gov.scot</u>>

Subject: ROUTINE - Ferguson Marine CapEx request update - for approval and information

Good afternoon,

I have attached a submission in relation to Ferguson Marine's request for £25m CapEx. The submission is chiefly an update but also requests the Cabinet Secretary's approval of the proposed next steps. As it touches on sensitive topics, I have taken the decision to password protect it. Please get in touch if you require the password.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 07917[REDAC

From: <u>Director of Economic Development</u>

To: [REDAC

TED] [REDACTED]

Subject: RE: MinSub about FMPG CapEx request - for clearance - OS

Date: 28 September 2023 19:42:48

Attachments: FMPG CapEx update sub 11 September 2023 v2.docx

apologies for the delay. Please send

From: [REDACTED] @gov.scot>
Sent: Wednesday, September 27, 2023 11:13 AM

To: Director of Economic Development <DirectorDED@gov.scot>

Cc: [**REDACTED**] @gov.scot>; [**REDACTED**] @gov.scot>;

[REDACTED] @gov.scot>

Subject: RE: MinSub about FMPG CapEx request - for clearance - OS

Hello again Colin,

Thanks for the call. This is the latest version of the CapEx update sub. It is the version that you sent back to me. The attached email is the source of my confusion!

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[REDACT

From: [REDACTED

Sent: Tuesday, September 26, 2023 2:11 PM

To: Director of Economic Development < <u>DirectorDED@gov.scot</u>>

Cc [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

[REDACTED] @gov.scot>

Subject: MinSub about FMPG CapEx request - for clearance - OS

Good afternoon Colin,

Just wanted to follow up on this one. [REDACTED] [REDACTED]

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[R [REDA

From: [REDACTED

Sent: Wednesday, September 20, 2023 10:00 AM

To: Director of Economic Development < <u>DirectorDED@gov.scot</u>>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

[REDACTED] @gov.scot>

Subject: RE: FMPG CapEx request update sub v2 - routine - for clearance - OS

Good morning Colin,

I was wondering if you've had a chance to consider the final form of this submission? Thanks.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[REDACT

From: Director of Economic Development < <u>DirectorDED@gov.scot</u>>

Sent: Tuesday, September 12, 2023 1:17 PM **To:** [**REDACTED**] @gov.scot>

Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>;[REDACTED]@gov.scot>

Subject: RE: FMPG CapEx request update sub v2 - routine - for clearance - OS

please find an amended version. Hope its OK

From: [REDACTED] @gov.scot>
Sent: Tuesday, September 12, 2023 10:10 AM

To: Director of Economic Development < <u>DirectorDED@gov.scot</u>>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

[REDACTED] @gov.scot>

Subject: FMPG CapEx request update sub v2 - routine - for clearance - OS

Hello again Colin,

In light of the below, please could you clear the attached revised version of the sub? I'll make sure [RED] is sighted on the final version and that lines are coordinated.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[[REDACTED]

From: [REDACTED] @gov.scot > On Behalf Of DG Economy

Sent: Monday, September 11, 2023 4:03 PM

To: [REDACTED] @gov.scot>; DG Economy < DGEconomy@gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

Subject: RE: FMPG CapEx request update sub - routine - for clearance - OS

Hi [RED ACTE

Thank you for your work on this it's much appreciated. The briefing suggests that it has been cleared by Gregor, but you advised it was cleared by Colin. Where Colin has cleared that will suffice please amend that line to remove DG Economy.

Gregor has flagged a few other points as follows:

[REDACTED]

Grateful if you could consider these comments and revise the briefing. In particular though for the meeting on Wednesday you will want to pick up with [RE] should [R] briefing require revisions on lines to take should this come up.

Thanks

[RED ACTE

From: [REDACTED] @gov.scot>
Sent: Monday, September 11, 2023 2:38 PM
To: DG Economy <DGEconomy@gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

Subject: RE: FMPG CapEx request update sub - routine - for clearance - OS

Hi,

Apologies, here it is.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 0791[REDACT

From: [REDACTED] @gov.scot > On Behalf Of DG Economy

Sent: Monday, September 11, 2023 2:28 PM

To: [REDACTED] @gov.scot>; DG Economy < DGEconomy@gov.scot>

Cc [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

Subject: RE: FMPG CapEx request update sub - routine - for clearance - OS

[REDA – before I put this to Gregor can you send me a clean copy without tracks please?

Many thanks

From: [REDACTED] @gov.scot>

Sent: Monday, September 11, 2023 1:47 PM **To:** DG Economy < DGEconomy@gov.scot >

Cc [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

gov.scot>

Subject: FMPG CapEx request update sub - routine - for clearance - OS

Good afternoon DG Economy,

Please could you clear the attached update to Ministers on the £25m CapEx request from Ferguson Marine? Colin Cook has cleared. Thanks in advance.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[REDACT

From: [REDACT on behalf of DG Economy

To: [REDACT; DG Economy

Cc: <u>Director of Economic Development;</u> [REDAC Subject: RE: FMPG CapEx request - submission - for clearance

Date: 02 October 2023 20:56:52

Thanks [REDA – Gregor has reviewed and thinks the sub is fine but has a couple of thoughts;

[REDACTED]

[REDAC:

[REDACTED]

Grateful if you could factor this in and then happy for the sub to proceed to Ministers – please copy DGE office in as normal.

Thanks,

[REDACTED] | Head of Strategic Support and Office | DG Economy Office | Scottish Government | Mobile: 07**[REDACT** |

Responsibility for filing key documents and communications on the record, including those sent to DG Economy, rests with relevant policy and operational areas within Directorates. The DG Office Team does not keep official records of such e-mails or attachments.

From: [REDACTED] @gov.scot>

Sent: Monday, October 2, 2023 11:10 AM **To:** DG Economy <DGEconomy@gov.scot>

Cc: Director of Economic Development < Director DED@gov.scot>; [REDACTED

@gov.scot>

Subject: FMPG CapEx request - submission - for clearance

DG Economy

We have revised this submission on the back of Gregor's comments below. Colin

has cleared the revised version.

Please let me know whether you're content for it to go to Ministers and I'll add a date to the submission accordingly.

Thanks [REDA

From: [REDACTED] @gov.scot > On Behalf Of DG Economy

Sent: Monday, September 11, 2023 4:03 PM

To: [REDACTED] gov.scot>; DG Economy < DGEconomy@gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

Subject: RE: FMPG CapEx request update sub - routine - for clearance - OS

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[REDACTED]

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From: [REDACTED] @gov.scot>
Sent: Monday, September 11, 2023 2:38 PM

To: DG Economy < DGEconomy@gov.scot >

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

Subject: RE: FMPG CapEx request update sub - routine - for clearance - OS

Hi.

Apologies, here it is.

Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

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From: [REDACTED] @gov.scot > On Behalf Of DG Economy

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To: [REDACTED] @gov.scot>; DG Economy < DGEconomy@gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

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@gov.scot>

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TEDI

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[RED ACTE

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Sent: Monday, September 11, 2023 1:47 PM
To: DG Economy <DGEconomy@gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>;

Director of Economic Development < <u>DirectorDED@gov.scot</u>>; [REDACTED]

@gov.scot>

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Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[REDACT

From: [REDA] on behalf of Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

Sent: 13 October 2023 10:39

To: [REDACTED] ; Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

Cc: Director of Economic Development; Hilary Pearce; [REDACTED

Subject: RE: ROUTINE - Ferguson Marine CapEx request update - for approval and information

Hi [REDA

Cab Sec also thinks that a meeting would be beneficial.

We have availability on Tuesday 31st October at 14:10 – 14:30, would this be suitable?

Many thanks,

[REDACT

Deputy Private Secretary to Cabinet Secretary for Wellbeing Economy, Fair Work and Energy – Neil Gray MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

Email: CabSecWEFWE@gov.scot

From: [REDACTED] @gov.scot>

Sent: Thursday, October 12, 2023 1:47 PM

To: Cabinet Secretary for Wellbeing Economy, Fair Work & Energy <CabSecWEFWE@gov.scot>

Cc: Director of Economic Development <DirectorDED@gov.scot>; Hilary Pearce <Hilary.Pearce@gov.scot>; [RED ACTE

@gov.scot>

Subject: RE: ROUTINE - Ferguson Marine CapEx request update - for approval and information

[RE DA

Thanks for the feedback.

We think a discussion with Cab Sec would be useful to go through the points raised below.

Would it be possible for you to liaise with Colin's office on a suitable date from 24 October onwards (owing to leave on our side, apologies)? Ideally with those in copy and myself invited.

Thanks

[REDACTE

From: [REDACTED] @gov.scot > On Behalf Of Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

Sent: Friday, October 6, 2023 9:56 AM

To: [REDACTED] @gov.scot>; Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

<CabSecWEFWE@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; Solicitor General

<SolicitorGeneral@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Economy

< <u>DGEconomy@gov.scot</u>>; Director of Economic Development < <u>DirectorDED@gov.scot</u>>; Chief Financial Officer

<cfo@gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; [RED

@gov.scot>; [REDACTED] @gov.scot>; [R

@gov.scot>; [REDACTED]

@gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; Solicitor

to the Scottish Government <<u>solicitor@gov.scot</u>>; Legal Secretariat to the Lord Advocate <<u>DLPCEALSLA@gov.scot</u>>; Hilary Pearce <<u>Hilary.Pearce@gov.scot</u>>; [REDACTED] @gov.scot>; [REDACTED]

@gov.scot>; [REDACTED] @gov.scot>;

Communications Wellbeing Economy, Fair Work and Energy

< <u>CommunicationsWellbeingEconomyFairWorkAndenergy@gov.scot</u>>; Callum McCaig < <u>Callum.Mccaig@gov.scot</u>>; Colin McAllister < Colin.McAllister@gov.scot>

Subject: RE: ROUTINE - Ferguson Marine CapEx request update - for approval and information

Hi [REDA , [REDACTED]

[REDACTED]

[REDACTED]

Many thanks,

[REDACT

Deputy Private Secretary to Cabinet Secretary for Wellbeing Economy, Fair Work and Energy – Neil Gray MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

Email: CabSecWEFWE@gov.scot

From: [REDACTED] @gov.scot>
Sent: Wednesday, October 4, 2023 3:03 PM

To: Cabinet Secretary for Wellbeing Economy, Fair Work & Energy < CabSecWEFWE@gov.scot >

Cc: First Minister < FirstMinister@gov.scot >; Lord Advocate < LordAdvocate@gov.scot >; Solicitor General

<SolicitorGeneral@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Economy

<<u>DGEconomy@gov.scot</u>>; Director of Economic Development <<u>DirectorDED@gov.scot</u>>; Chief Financial Officer

<cfo@gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; [REDACTED] ACTE

@gov.scot>;[REDACTED] @gov.scot>; [REDACTED] ACTE
@gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; [REDACTED]

[REDACTED] @gov.scot>: [REDACTED]

@gov.scot>; [REDACTED]

@gov.scot>; Solicitor

 $to the Scottish Government < \underline{solicitor@gov.scot} >; Legal Secretariat to the Lord Advocate < \underline{DLPCEALSLA@gov.scot} >; \\$

Hilary Pearce < Hilary.Pearce@gov.scot >; [REDACTED]

@gov.scot>;[REDACTED]

@gov.scot>; [REDACTED]

@gov.scot>; [REDACTED]

@gov.scot>;

Communications Wellbeing Economy, Fair Work and Energy

< <u>CommunicationsWellbeingEconomyFairWorkAndenergy@gov.scot</u>>; Callum McCaig < <u>Callum.Mccaig@gov.scot</u>>; Colin McAllister < Colin.McAllister@gov.scot>

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Kind regards

[REDACTED]

Benefits Realisation and Futures Unit Strategic Commercial Assets Division Directorate of Economic Development Scottish Government

Mobile: 079[REDACT